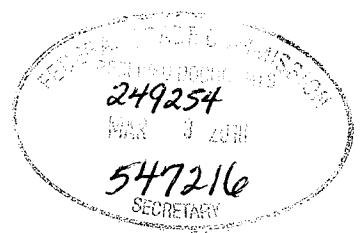


ORIGINAL



UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of  
INTEL CORPORATION,  
a corporation

PUBLIC  
DOCKET NO. 9341

NON-PARTIES ACER AMERICA CORPORATION'S AND GATEWAY, INC.'S JOINT  
UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO MOVE TO QUASH OR  
LIMIT THE FEDERAL TRADE COMMISSION'S  
SUBPOENAS *DUCES TECUM* TO NON-PARTIES ACER AMERICA  
CORPORATION AND GATEWAY, INC.

Non-Parties Acer America Corporation and Gateway, Inc. ("Non-Parties") file this motion to extend the time permitted for the Non-Parties to move to quash or limit the Federal Trade Commission's ("FTC") two (2) Subpoenas *Duces Tecum*, received by Non-Parties' agent for service of process on March 1, 2010 ("Subpoenas").

Complaint Counsel caused the Subpoenas to be delivered via Federal Express to Non-Parties' agents for service of process on March 1, 21010. Pursuant to 16 C.F.R. § 3.34(c), Non-Parties' time to file a motion to quash or limit the Subpoenas is March 11, 2010.

Non-Parties' Counsel and Complaint Counsel are in the process of negotiating in an attempt to resolve the Non-Parties' serious concerns regarding the scope and overwhelming burden created by the Subpoenas. Given the scope of the FTC's document requests, and the complexity of the underlying issues, more time will be required for the Non-Parties and the FTC to effectively complete their negotiations.

Complaint Counsel and counsel for the Non-Parties have agreed to an initial extension of time for the Non-Parties to file a motion to quash or limited the Subpoenas to March 22, 2010.

Accordingly, the Non-Parties respectfully request that this motion be granted and that Non-Parties be given until March 22, 2010<sup>1</sup> to file motion to quash or limit the Subpoenas.

Dated: March 1, 2010

Respectfully Submitted,



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Attorneys for Non-Parties Acer  
America Corporation and Gateway, Inc.

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<sup>1</sup> Non-Parties are working diligently to meet and confer a mutually acceptable resolution to the issues created by the Subpoenas but may need to request additional time in the future. Non-Parties hereby reserve all of their rights and remedies.



**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

<b>In the Matter of</b>	)	
	)	<b>PUBLIC</b>
<b>INTEL CORPORATION,</b>	)	
<b>a corporation</b>	)	<b>DOCKET NO. 9341</b>
	)	

**CERTIFICATE OF SERVICE AND ACCURACY OF ELECTRONIC COPY**

I, Pamela L. Kelly, hereby certify that on March 2, 2010, pursuant to 16 C.F.R. §

4.4(b), I served a copy of the following documents:

- **NON-PARTIES ACER AMERICA CORPORATION'S AND GATEWAY, INC.'S JOINT UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT THE FEDERAL TRADE COMMISSION'S SUBPOENAS DUCES TECUM TO NON-PARTIES ACER AMERICA CORPORATION AND GATEWAY, INC.;**
  
- **[PROPOSED] ORDER GRANTING NON-PARTIES ACER AMERICA CORPORATION'S AND GATEWAY, INC.'S JOINT UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT THE FEDERAL TRADE COMMISSION'S SUBPOENAS DUCES TECUM TO NON-PARTIES ACER AMERICA CORPORATION AND GATEWAY, INC.;**
  
- **NOTICE OF WITHDRAWAL OF NON-PARTIES ACER, INC.'S, ACER AMERICA CORPORATION'S, AND GATEWAY, INC.'S JOINT MOTION TO QUASH SUBPOENA *DUCES TECUM* OR IN THE ALTERNATIVE TO LIMIT SUBPOENA *DUCES TECUM* [FEDERAL TRADE COMMISSION RULE 3.34(c), 16 C.F.R. § 3.34(c)]**
  
- **STATEMENT REQUIRED BY 16 C.F.R. § 4.2 (C)(3)(III); and**
  
- **This CERTIFICATE OF SERVICE AND ACCURACY OF ELECTRONIC COPY**

via U.S. Mail on Respondent Intel Corporation's counsel at the following addresses:

James C. Burling  
Eric Mahr  
Wendy A. Terry  
WILMER CUTLER PICKERING HALE & DORR  
1875 Pennsylvania Ave., N.W.  
Washington, DC 20006

Robert E. Cooper  
Joseph Kattan  
Daniel Floyd  
GIBSON DUNN & CRUTCHER  
1050 Connecticut Ave., N.W.  
Washington, DC 20036

Darren B. Bernhard  
Thomas J. Dillickrath  
HOWREY LLP  
1299 Pennsylvania Ave., NW  
Washington, DC 20004

Pursuant to 16 C.F.R. § 4.2, I also certify that a true and correct copy of the signed paper originals of the above-listed documents is being sent to the Secretary of the Commission by email to [secretary@ftc.gov](mailto:secretary@ftc.gov) and [dclark@ftc.gov](mailto:dclark@ftc.gov) and to The Honorable D. Michael Chappell, Chief Administrative Law Judge, by email at [oalj@ftc.gov](mailto:oalj@ftc.gov).

I further certify that a true and correct copy of the signed paper originals of the above listed documents is being sent to Complaint and Respondent's counsels by electronic mail to J. Robert Robertson ([rrobertson@ftc.gov](mailto:rrobertson@ftc.gov)), Kyle D. Andeer ([kandeer@ftc.gov](mailto:kandeer@ftc.gov)), Thomas H. Brock ([tbrock@ftc.gov](mailto:tbrock@ftc.gov)), Melanie Sabo ([msabo@ftc.gov](mailto:msabo@ftc.gov)), Teresa Martin ([tmartin@ftc.gov](mailto:tmartin@ftc.gov)), James C. Burling ([james.burling@wilmerhale.com](mailto:james.burling@wilmerhale.com)), Eric Mahr ([eric.mahr@wilmerhale.com](mailto:eric.mahr@wilmerhale.com)), Wendy A. Terry ([wendy.terry@wilmerhale.com](mailto:wendy.terry@wilmerhale.com)), Robert E. Cooper ([rcooper@gibsondunn.com](mailto:rcooper@gibsondunn.com)); Joseph Kattan PC ([jkattan@gibsondunn.com](mailto:jkattan@gibsondunn.com)), Daniel Floyd

(dfloyd@gibsondunn.com), Darren B. Bernhard (berhardd@howrey.com), and Thomas J. Dillickrath (dillickratht@howrey.com).

I further certify that on March 3, 2010, one (1) original and twelve (12) copies of the above-listed documents will be filed via hand delivery with:

Office of the Secretary  
FEDERAL TRADE COMMISSION  
600 Pennsylvania Ave., NW  
Room H-135  
Washington, DC 20580

I further certify that on March 3, 2010, one (1) Compact Disc ("CD") containing a true and correct copy of the paper originals of the above-listed documents (excluding the signed copy of this Certificate) will be filed concurrently with the one (1) original and twelve (12) copies of the above-listed documents.

I further certify that on March 3, 2010, two (2) courtesy copies of the above-listed documents will be served via hand delivery on:

The Honorable D. Michael Chappell  
Chief Administrative Law Judge  
FEDERAL TRADE COMMISSION  
600 Pennsylvania Ave., NW  
Room H-113  
Washington, DC 20580

I further certify that on March 3, 2010, one copy of the above-listed documents will be served via hand delivery on:

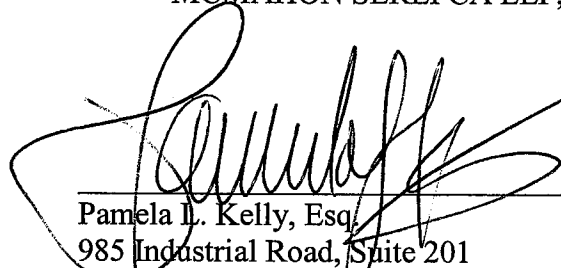
J. Robert Robertson  
FEDERAL TRADE COMMISSION  
600 Pennsylvania Ave., NW  
Room H-380  
Washington, DC 20580

I further certify that on March 3, 2010, one copy each of the above-listed documents will be served on Kyle D. Andeer, Thomas H. Brock, Melanie Sabo, and Teresa Martin via hand delivery on:

Teresa Martin  
FEDERAL TRADE COMMISSION  
601 New Jersey Avenue, NW  
Room NJ-7147  
Washington, DC 20001

March 2, 2010

MCMAHON SEREPCA LLP,



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Attorneys for Non-Parties Acer, Inc., Acer  
America Corporation, and Gateway, Inc.