

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)	PUBLIC
)	
INTEL CORPORATION,)	DOCKET NO. 9341
a corporation.)	
)	

**COMPLAINT COUNSEL’S ANSWERS AND OBJECTIONS TO RESPONDENT’S
SECOND SET OF REQUESTS FOR ADMISSION (10-100)**

Pursuant to Rule 3.32 of the Federal Trade Commission’s Rules of Practice, Complaint Counsel hereby responds to Respondent Intel Corporation’s (“Intel’s”) Second Set of Requests for Admission. Complaint Counsel reserves the right to supplement its responses to Intel’s Second Set of Requests for Admission. Intel has only recently certified substantial compliance to Complaint Counsel’s First Set of Requests for Production and has yet to produce any documents responsive to Complaint Counsel’s Third Set of Requests for Production. Nevertheless, Complaint Counsel has endeavored to offer a good faith response to each of Intel’s Second Set of Requests for Admission despite Intel’s delay in complying with discovery in this matter. In addition, many of Intel’s Second Requests for Admissions seek admissions relating to information in the possession of third parties. Complaint Counsel has sought to respond to those requests where possible but reserves the right to amend those responses as third party discovery is still ongoing in this matter.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST NO. 10: *Admit that Intel had no obligation to inform Nvidia that it no longer intended to use the common systems interface (“CSI”) bus to connect chipsets to its mainstream microprocessors until it made the decision to no longer use the CSI bus to connect chipsets to its mainstream microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel also incorporates its Specific Objections with

respect to the definition and use of the words “decision” and “obligation,” which are vague and ambiguous. Complaint Counsel denies this Request for Admission.

REQUEST NO. 11: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 12: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 13: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 14: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits this Request for Admission.

REQUEST NO. 15: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 16: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 17:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 18:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 19:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 20:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 21: *Admit that since November 2004, the majority of Nvidia's chipset sales have been chipsets for use with AMD microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 22: *Admit that Nvidia is no longer designing chipsets for use with AMD microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 23: *Admit that Nvidia continues to make chipsets for use with AMD microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits this Request for Admission.

REQUEST NO. 24: *Admit that the Lenovo IdeaPad S12-Ion was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that Lenovo's website lists a Lenovo IdeaPad S12-Ion with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether Lenovo actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of Lenovo.

REQUEST NO. 25: *Admit that the Samsung N510 was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that Samsung marketed a Samsung N510 product. Complaint Counsel is unable to admit or deny whether Samsung has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of Samsung.

REQUEST NO. 26: *Admit that the ASUS EeePC 1201N was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that ASUS' website lists an ASUS EeePC 1201N with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether ASUS has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of ASUS.

REQUEST NO. 27: *Admit that the ASUS EeePC 1201NL was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that ASUS' website lists an ASUS EeePC 1201NL with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether ASUS has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of ASUS.

REQUEST NO. 28: *Admit that the HP Mini 311 was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that HP's website lists an HP Mini 311 with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether HP has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of HP.

REQUEST NO. 29: *Admit that the Acer AspireRevo 1600 was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that Acer's website lists an AspireRevo 1600 with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether ASUS has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of Acer.

REQUEST NO. 30: *Admit that the Acer AspireRevo 3610 was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that Acer's website lists an AspireRevo 3610 with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether Acer has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of Acer.

REQUEST NO. 31: *Admit that the Asus EeeTop ET2002 was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that ASUS' website lists an ASUS ET2002 with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether ASUS has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of ASUS.

REQUEST NO. 32: *Admit that the ASUS EeeBox PC EB1501 was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that ASUS' website lists an EeeBox PC EB1501 with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether ASUS has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of ASUS.

REQUEST NO. 33: *Admit that the ASUS EeeBox PC EB1012 was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that ASUS' website lists an ASUS EeeBox PC EB1012 with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether ASUS has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of ASUS.

REQUEST NO. 34: *Admit that the Lenovo IdeaCentre Q110 was or is built and sold with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that Lenovo's website lists an IdeaCentre Q110 with an Intel Atom microprocessor and an Nvidia chipset with integrated Nvidia Ion graphics. Complaint Counsel is unable to admit or deny whether Lenovo has actually sold any of these products. In order to obtain the information it seeks, Respondent Counsel should subpoena the records of Lenovo.

REQUEST NO. 35: *Admit that Intel did not encrypt the DMI bus.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to the Request for Admission.

REDACTED

REQUEST NO. 36:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REQUEST NO. 37: *Admit that despite Intel's requests to the FTC for information about its allegation of a 2009 PCIe slowdown, as of June 1, 2010, the FTC has declined to provide any information about this allegation beyond the description contained in its response to Intel's Interrogatory No. 4 dated March 4, 2010.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel is under no obligation to respond to Intel's contention interrogatories prior to three days before the beginning of the final pretrial conference in this matter. *See FTC Rule 3.35(b)2.* Complaint Counsel admits this Request for Admission.

REQUEST NO. 38: *Admit that multiple original equipment manufacturers have built and sold computer systems containing both Intel's "Arrandale" microprocessors and Nvidia discrete GPUs.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits this Request for Admission.

REQUEST NO. 39: *Admit that Complaint Counsel has no evidence that Nvidia has ever been denied a design win for its discrete GPUs because Intel's Arrandale microprocessors incorporate Generation 1, rather than Generation 2, speed for the PCIe bus.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel also incorporates its Specific Objection with respect to the definition and use of the term "design win," which is vague and ambiguous. Complaint Counsel denies this Request for Admission.

REQUEST NO. 40: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 41: *Admit that Intel's enabling of Generation 1 speed for the PCIe bus on Intel's Arrandale microprocessors did not render any Nvidia discrete GPU incompatible with Intel's microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel also objects to the definition and use of the term "incompatible," as vague and ambiguous. Intel's decision to limit Arrandale to Generation 1 speeds, rather than the Generation 2 speeds for which Arrandale is capable of operating, limits the capabilities of Nvidia discrete GPUs. To the extent that any discrete GPU can send and receive data over a PCIe bus operating at Generation 1 speeds, Complaint Counsel admits that Nvidia discrete GPUs can also send and receive data over the PCIe bus operating at Generation 1 speeds on Arrandale based computer systems. To the extent that Request No. 41 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 42: *Admit that Nvidia has never sold chipsets for use with Intel microprocessors for use in servers.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits this Request for Admission.

REQUEST NO. 43: *Admit that by 2007, AMD stopped designing chipsets for use with Intel's microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits this Request for Admission.

REQUEST NO. 44: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 45:

REDACTED

RESPONSE. Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

To the extent that Request No. 45 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 46: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 47: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 48: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 49: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REQUEST NO. 50:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 51:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 52: *Admit that the Commission's allegations that Intel unlawfully refused to license Nvidia concern only a license to connect Nvidia's chipsets to Intel microprocessors that have an integrated memory controller using a DMI bus.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel specifically objects to this Request for Admission to the extent that it assumes a legal conclusion that Nvidia's license does not cover Intel's DMI bus. Complaint Counsel denies this Request for Admission.

REQUEST NO. 53: *Admit that Nvidia's discrete graphics products are compatible with all x86 microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that certain Nvidia graphics products function on x86-based computer systems. To the extent that Request No. 53 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 54: *Admit that the Commission does not contend that any of the conduct alleged in its Complaint affected Nvidia's right to sell chipsets compatible with Intel's pre-Nehalem processors or microprocessors sold by AMD, VIA, Nvidia, or any other party.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Intel's conduct affected Nvidia's ability to sell chipsets compatible with Intel's pre-Nehalem processors or microprocessors sold by AMD, VIA, Nvidia, or any other party. Intel's Nehalem and post-Nehalem processors will soon represent the vast majority of the market. The inability to sell chipsets compatible with those CPUs will significantly undermine Nvidia's incentive and ability to develop new chipsets. Complaint Counsel denies this Request for Admission.

REQUEST NO. 55: *Admit that AMD recognized the industry movement towards “integrat[ed] microprocessors and graphics processors” in 2006, when it acquired ATI and issued a press release stating that “AMD's acquisition of ATI will position the new company to deliver innovations that fulfill the increasing demand for more integrated solutions in key market segments” [See Press Release, AMD, AMD and ATI to Create Processing Powerhouse (July 24, 2006), available at http://www.amd.com/us-eniCorporate/VirtualPressRoom/O,,51_104_543~110899,00.html].*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies Request 55 to the extent Intel is seeking to solicit an admission that the quotes from the press release are evidence of the truth of the matter asserted. Complaint Counsel admits that the AMD press release cited in Request 55 includes the quoted passages. To the extent that Request No. 55 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 56: *Admit that AMD integrated the memory controller into its x86 microprocessors in 2003, before Intel integrated the memory controller into x86 microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits this Request for Admission.

REQUEST NO. 57: *Admit that Nvidia has acknowledged that as Intel and AMD pursue platform solutions, including integrating CPUs and GPUs onto the same chip, Nvidia “may not be able to successfully compete and [Nvidia’s] business would be negatively impacted.” [2010 Nvidia 10-K, at 16].*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies Request for Admission 57 to the extent Intel is seeking to solicit an admission that the quote is evidence of the truth of the matter asserted. Complaint Counsel admits that one of the twenty-six “Business Risks” identified by Nvidia in its 2010 10-K reads: “*As Intel and AMD continue to pursue platform solutions, we may not be able to successfully compete and our business would be negatively impacted.* We expect substantial competition from both Intel’s and AMD’s strategy of selling platform solutions, such as the success Intel achieved with its Centrino platform solution. AMD has also announced a platform solution. Additionally, Intel and AMD have each announced its intention to integrate a central processing unit, or CPU, and a GPU on the same chip or same package, as evidenced by AMD’s announcement of its Fusion processor project and Intel’s announcement of its multichip packaged solution codenamed Arrandale. If AMD and Intel continue to pursue platform solutions, we may not be able to successfully compete and our business would be negatively impacted.” To the extent that Request No. 57 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 58:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

To the extent that Request No. 58 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 59: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel is unable to admit or deny this request, as it does not have information sufficient to answer this Request for Admission. Respondent Counsel should subpoena Nvidia documents related to the information it seeks in this Request for Admission.

REQUEST NO. 60: *Admit that Nvidia is the only discrete GPU manufacturer in the United States that does not own and/or is not owned by an entity that is currently supplying x86-based microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel admits that Nvidia is the only discrete GPU manufacturer in the United States, as there are others outside of the United States. To the extent that this Request is intended to suggest that there are no discrete GPU manufacturers that are not owned by an entity that is currently supplying x86 processors, which manufacturers sell into the United States, the Request is denied.

REQUEST NO. 61: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 62: *Admit that any multi-core or many-core processor is capable of performing parallel computations.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel also incorporates its Specific Objection with respect to the definition and use of the term “processor,” in that it is ambiguous and unclear whether the term encompasses processors used in servers, desktops, notebooks, or netbooks, which are the subject of this litigation. Complaint Counsel also does not understand Respondent Counsel’s distinction between “multi-core” and “many-core” processors. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have the information to sufficiently answer this request for admission.

REQUEST NO. 63: *Admit that Nvidia did not produce or have produced on its behalf a sufficient number of GPUs to meet demand for its GPUs during 2009. [2010 Nvidia 10-K, at 12.]*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 64: *Admit that Nvidia has announced that it will not be able to produce or have produced on its behalf a sufficient number of GPUs to meet demand for its GPUs in 2010. [2010 Nvidia 10-K, at 12.]*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 65: *Admit that claims of product defects in various Nvidia graphics products have forced Nvidia to allocate hundreds of millions of dollars to cover anticipated warranty, repair, return, replacement, and other costs and expenses, and given rise to product defect and securities class action suits. [http://www.nvidia.com/object/io_1215037160521.html; 2010 Nvidia 10-K.]*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies Request for Admission 65 to the extent Intel is seeking to solicit an admission that the material cited in Request for Admission 65 is evidence of the truth of the matter asserted. Complaint Counsel admits that Nvidia stated in the July 2008 press release cited in Request for Admission 65 that “NVIDIA plans to take a one-time charge from \$150 million to \$200 million against cost of revenue for the second quarter to cover anticipated warranty, repair, return, replacement and other costs and expenses, arising from a weak die/package material set in certain versions of its previous generation GPU and MCP products used in notebook systems. Certain notebook configurations with GPUs and MCPs manufactured with a certain die/package material set are failing in the field at higher than normal rates. To date, abnormal failure rates with systems other than certain notebook systems have not been seen. NVIDIA has initiated discussions with its supply chain regarding this material set issue and the Company will also seek to access insurance coverage for this matter.” Press Release: Nvidia Second Quarter Fiscal 2009 Business Update (July 9, 2008) *available at* http://www.nvidia.com/object/io_1215037160521.html. Complaint Counsel further admits that the issue is discussed in Nvidia’s 2010 Form 10-K at pages 21 and 22. To the extent that Request

No. 65 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 66: *Admit that Nvidia claims to achieve performance improvements for its GPUs through Nvidia software, including CUDA, that does not provide performance improvements for any non-Nvidia hardware products.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel objects to the use of the term “performance improvements” as vague and ambiguous. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission. Complaint Counsel suggests that Respondent Counsel subpoena documents from Nvidia to obtain the information it seeks from Request for Admission 66.

REQUEST NO. 67: *Admit that Nvidia has stated in filings with the Securities and Exchange Commission that it considers its proprietary software, including CUDA, to be a part of its GPU “solution.”*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies Request for Admission 67 to the extent Intel is seeking to solicit an admission that such statements are evidence of the truth of the matter asserted. Complaint Counsel admits that Nvidia has referred to CUDA as part of its GPU “solution.”

REQUEST NO. 68: *Admit that Nvidia’s proprietary programming tools and interfaces, including CUDA, support only Nvidia GPUs or integrated graphics chips and do not work on any other company’s GPU or integrated graphics chip.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission. Complaint Counsel suggests that Respondent Counsel subpoena documents from Nvidia to obtain the information it seeks from this Request for Admission.

REQUEST NO. 69: *Admit that Nvidia advises CUDA software developers to use 5,000 concurrent threads to make efficient use of its GPUs.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission. Complaint Counsel suggests that Respondent Counsel subpoena documents from Nvidia to obtain the information it seeks from this Request for Admission.

REQUEST NO. 70: *Admit that the performance of a CUDA-enabled graphics product in executing CUDA-enabled applications is proportional to the number of available CUDA cores in the graphics product.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel objects to the use of the terms “performance” and “proportional” as vague and ambiguous. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission. Complaint Counsel suggests that Respondent Counsel subpoena documents from Nvidia to obtain the information it seeks from this Request for Admission.

REQUEST NO. 71: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 72: *Admit that as of January 28, 2007, Nvidia had 2,668 full-time employees engaged in research and development. [2008 Nvidia 10-K, at 8]*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies Request for Admission number 72 to the extent Intel is seeking to solicit an admission that the quote is evidence of the truth of the matter asserted. Complaint Counsel admits that the 2008 Nvidia 10-K, at 9 states that “We substantially increased our engineering and technical resources in fiscal year 2008, and have 3,255 full-time employees engaged in research and development as of January 27, 2008, compared to 2,668 employees as of January 28, 2007.”

REQUEST NO. 73: *Admit that Nvidia substantially increased its engineering and technical resources in its fiscal year 2008 (covering the period of January 29, 2007 to January 27, 2008). [2008 Nvidia 10-K, at 9.]*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies Request for Admission number 73 to the extent Intel is seeking to solicit an admission that the quote is evidence of the truth of the matter asserted. Complaint Counsel admits that the 2008 Nvidia 10-K, at 9 states that “We substantially increased our engineering and technical resources in fiscal year 2008, and have 3,255 full-time employees engaged in research and development as of January 27, 2008, compared to 2,668 employees as of January 28, 2007.” To the extent that Request No. 73 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 74: *Admit that as of January 27, 2008, Nvidia had 3,255 full-time employees engaged in research and development. [2008 Nvidia 10-K, at 9.]*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies Request for Admission number 74 to the extent Intel is seeking to solicit an admission that the quote is evidence of the truth of the matter asserted. Complaint Counsel admits that the 2008 Nvidia 10-K, at 9 states that “We substantially increased our engineering and technical resources in fiscal year 2008, and have 3,255 full-time employees engaged in research and development as of January 27, 2008, compared to 2,668 employees as of January 28, 2007.” Complaint Counsel admits that the 2008 Nvidia 10-K, at 9 states that “We substantially increased our engineering and technical resources in fiscal year 2008, and have 3,255 full-time employees engaged in research and development as of January 27, 2008, compared to 2,668 employees as of January 28, 2007.”

REQUEST NO. 75: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 76: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission including the document referenced in the Request.

REQUEST NO. 77: REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 78: *Admit that AMD lacked sufficient manufacturing capacity to meet demand for its microprocessors in some or all of 2003.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 79: *Admit that AMD lacked sufficient manufacturing capacity to meet demand for its microprocessors in some or all of 2004.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 80: *Admit that AMD lacked sufficient manufacturing capacity to meet demand for its microprocessors in some or all of 2005.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 81: *Admit that AMD lacked sufficient manufacturing capacity to meet demand for its microprocessors in some or all of 2006.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 82: *Admit that AMD did not have sufficient substrates to satisfy demand for its microprocessors in some or all of 2006.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 83: *Admit that AMD did not have sufficient substrates to satisfy demand for its microprocessors in some or all of the first half of 2007.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 84: *Admit that AMD has disseminated benchmark results that understated the actual performance of Intel microprocessors and overstated the actual performance of AMD microprocessors.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel also incorporates its Specific Objections on the basis that this Request for Admission is vague as to time, and also with respect to the definition and use of the term “actual performance,” which is vague and ambiguous. Complaint Counsel is unaware of any instance when AMD disseminated benchmarks in which the same features available on both Intel and AMD processors had been disabled on only the Intel processors. Complaint Counsel is unable to admit or deny this Request for Admission, as the information sought by Respondent is not yet known by Complaint Counsel.

REQUEST NO. 85: *Admit that Nvidia has disseminated benchmark results that overstated the actual performance of Nvidia GPUs.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel also incorporates its Specific Objections on the basis that this Request for Admission is vague as to time, and also with respect to the definition and use of the term “actual performance,” which is vague and ambiguous. Complaint Counsel is unaware of any instance when Nvidia disseminated benchmarks in which the same features

available on both Intel and Nvidia GPUs had been disabled on only the Intel GPUs. Complaint Counsel is unable to admit or deny this Request for Admission, as the information sought by Respondent is not yet known by Complaint Counsel.

REQUEST NO. 86:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 87:

REDACTED

RESPONSE: Complaint Counsel admits this Request for Admission.

REQUEST NO. 88:

REDACTED

RESPONSE: Complaint Counsel admits this Request for Admission.

REQUEST NO. 89:

REDACTED

RESPONSE: Complaint Counsel admits this Request for Admission.

REQUEST NO. 90:

REDACTED

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission.

REDACTED

REQUEST NO. 91: REDACTED

RESPONSE: Complaint Counsel admits this Request for Admission.

REQUEST NO. 92: REDACTED

RESPONSE: Complaint Counsel admits this Request for Admission.

REQUEST NO. 93: REDACTED

RESPONSE: Complaint Counsel admits this Request for Admission.

REQUEST NO. 94: *Admit that Complaint Counsel will not assert any monopolization, attempted monopolization, or other claim under Section 2 of the Sherman Act (through the Federal Trade Commission Act) or any unfair method of competition or unfair or deceptive act or practice claim under Section 5 of the Federal Trade Commission Act with respect to any type of chipset market other than “GPUs integrated onto chipsets” (Para. 37a of the Complaint).*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. The Complaint in this matter identifies “GPUs (including all graphics processors, or chipsets with graphics processors regardless of industry nomenclature) for use in desktop, notebook, netbook (or nettop) computers, servers, and narrower relevant markets contained therein, including without limitation (a) GPUs integrated onto chipsets, and (b) Discrete GPUs.” The definition of Discrete GPUs in the Complaint includes any chipset with a graphics processor regardless of nomenclature. Complaint Counsel thus denies this Request for Admission.

REQUEST NO. 95: *Admit that Complaint Counsel will assert a monopolization, attempted monopolization, or other claim under Section 2 of the Sherman Act (through the Federal Trade Commission Act) or a unfair method of competition or unfair or deceptive act or practice claim under Section 5 of the Federal Trade Commission Act with respect to a chipset market other than “GPUs integrated onto chipsets” (Para. 37a of the Complaint).*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. The Complaint in this matter identifies “GPUs (including all graphics processors, or chipsets with graphics processors regardless of industry nomenclature) for use in

desktop, notebook, netbook (or nettop) computers, servers, and narrower relevant markets contained therein, including without limitation (a) GPUs integrated onto chipsets, and (b) Discrete GPUs.” The definition of Discrete GPUs in the Complaint includes any chipset with a graphics processor regardless of nomenclature. Complaint Counsel thus admits this Request for Admission.

REQUEST NO. 96: *Admit that the only contracts, transactions, or agreements between Intel and any customer Complaint Counsel challenges in this case as violating Section 5 of the Federal Trade Commission Act or Section 2 of the Sherman Act (through Section 5 of the Federal Trade Commission Act) are those set out in Complaint Counsel's Response to Interrogatories 7 and 8.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 97: *Admit that the SATA specifications published by the SATA-IO organization do not require the use of an ABCI-compliant host controller to implement the specifications.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel denies this Request for Admission.

REQUEST NO. 98: *Admit that Microsoft has the sole authority to determine the requirements for Windows Hardware Quality Labs testing and requirements to obtain Microsoft certification logos.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel also incorporates its Specific Objection with respect to the definition and use of the term “authority,” which is vague and ambiguous, and to the extent that it assumes a legal conclusion. Complaint Counsel admits this Request for Admission.

REQUEST NO. 99: *Admit that the USB 3.0 specification does not require the use of an xHCI-compliant host controller to implement the specification.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel also objects to the use of the terms “USB 3.0 specification” and “implement” as vague and ambiguous. Complaint Counsel admits that the USB 3.0 bus specification published by the USB Implementers Forum does not require the use of an xHCI-compliant host controller to implement the specification. The xHCI specification is the only host controller that has been developed for USB 3.0. Intel encouraged the industry to support only Intel’s xHCI specification. To the extent that Request No. 99 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

REQUEST NO. 100: *Admit that Intel allowed any interested party to sign the Azalia Developer’s Agreement.*

RESPONSE: Complaint Counsel incorporates its General Objections in its response to this Request for Admission. Complaint Counsel objects to the definition and use of the term “interested party” which is vague and ambiguous. Intel, on numerous occasions, failed to respond to requests for information regarding how to obtain the Developer’s Agreement so that it could be signed and Intel delayed providing the Developer’s Agreement for a significant time period. Complaint Counsel admits that Intel eventually allowed any interested party to sign the Azalia Developer’s Agreement. To the extent that Request No. 100 is intended to mean anything other than the foregoing, Complaint Counsel is unable to admit or deny this Request for Admission, as it does not have information to sufficiently answer this Request for Admission.

General Objections

The following General Objections apply to all of Respondent’s Requests for Admission and are incorporated by reference into each response. The assertion of the same, similar, or additional objections or the provision of partial answers in response to an individual interrogatory does not waive any of Complaint Counsel’s general objections as to the other requests for admission.

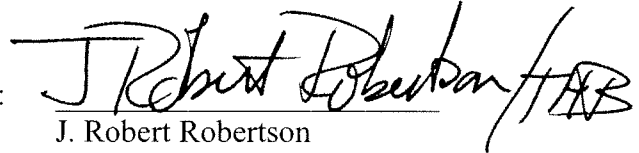
1. Complaint Counsel objects to Respondent’s requests for admission to the extent they seek information that relates to issues that may be the subject of expert testimony in this case.
2. Complaint Counsel objects to Respondent’s requests for admission to the extent they are overly broad, vague, ambiguous, unduly burdensome, oppressive, and are not reasonably calculated to lead to the discovery of admissible evidence.
3. Complaint Counsel objects to Respondent’s requests for admission to the extent that they call for information previously provided to Respondent or information that may be less onerously obtained through other means.
4. Complaint Counsel objects to Respondent’s requests for admission to the extent that they seek information protected by deliberative process privilege, law enforcement investigative privilege, informant’s privilege, or attorney work product doctrine.

5. Complaint Counsel objects to Respondent's requests for admission to the extent they do not relate to statements or opinions of fact or of the application of law to fact, and thereby exceed the scope of Rule 3.32, governing admission.
6. Complaint Counsel objects to Respondent's requests for admission to the extent that any Request quotes from a document or references a statement and solicits an admission that the quote or statement is evidence of the truth of the matter asserted.
7. Complaint Counsel reserves all of its evidentiary objections or other objections to the introduction or use of any response at the hearing in this action and does not, by any response to any request for information, waive any objection to that request for admission, stated or unstated.
8. Complaint Counsel does not, by any response to any Request, admit to the validity of any legal or factual contention asserted or assumed in the text of any Request.
9. Complaint Counsel's discovery and investigation in this matter are continuing.
Complaint Counsel reserves the right to assert additional objections to Respondent's First Set of Requests for Admission, and to amend or supplement these objections and its responses as necessary.
10. Complaint Counsel objects to Respondent Intel Corporation's First Set of Requests for Admissions to the extent they are directed to the Federal Trade Commission rather than Complaint Counsel.

Respectfully submitted,

June 18, 2010

By:

A handwritten signature in black ink, appearing to read "J. Robert Robertson" with a stylized flourish at the end.

J. Robert Robertson
Federal Trade Commission
Bureau of Competition
600 Pennsylvania Avenue, NW (H-374)
Washington, DC 20580
Telephone: (202) 326-2008
Facsimile: (202) 326-2884

CERTIFICATE OF SERVICE

I certify that I filed via hand and electronic mail delivery an original and two copies of the foregoing document with:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-159
Washington, DC 20580

I also certify that I delivered via electronic and hand delivery a copy of the foregoing document to:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

I also certify that I delivered via electronic mail a copy of the foregoing document to:

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*Counsel for Defendant
Intel Corporation*

June 18, 2010

By:



Terri Martin
Federal Trade Commission
Bureau of Competition