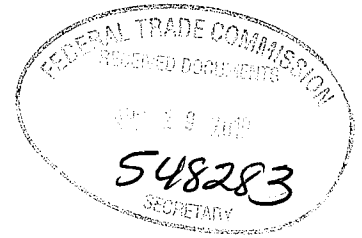


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION



\_\_\_\_\_  
In the Matter of )  
 )  
INTEL CORPORATION, )  
 )  
Respondent. )  
\_\_\_\_\_ )

**PUBLIC**

Docket No. 9341

**JOINT MOTION TO AMEND SCHEDULING ORDER**

By this motion, Complaint Counsel and Respondent Intel Corporation jointly move the Court for an order amending the Scheduling Order dated January 14, 2010. This is the first amendment to the Scheduling Order the parties have sought. If approved, the changes would not affect the date for the Commencement of the Hearing on September 15, 2010.

The parties jointly propose two categories of changes to the current schedule.

**1. EXTENDING DEADLINE FOR SERVICE OF WRITTEN DISCOVERY REQUESTS**

The parties respectfully ask the Court to change the due dates for the service of written discovery requests (other than discovery relating to the authenticity and admissibility of exhibits). At present, the parties must serve these written discovery requests on or before May 4, 2010.

Each party believes that it will benefit significantly if it is permitted to serve interrogatories, document requests, and subpoenas *duces tecum* on or before May 12, 2010, and its requests for admissions on or before June 1, 2010. If these proposed changes are approved by the Court, all responses to the written discovery requests would still be due on or before the

discovery cut-off date of June 15, 2010. Further, these changes would not affect the schedule now set for the period after the cut-off of fact discovery.

**2. DEADLINES FOR EXPERT REPORTS AND DEPOSITIONS AND MOTIONS *IN LIMINE* RELATING TO EXPERTS**

The parties also ask the Court to amend the Scheduling Order to revise the due dates and deadlines for their expert reports, expert depositions, and motions *in limine* relating to the experts. In general, the parties believe these changes are necessitated by the schedule the parties in good faith have been able to establish for the parties' production of documents and the schedule for the party depositions in the case.

Under our proposal, the deadlines or due dates relating to expert reports and depositions would be extended by approximately two weeks. Thus, Complaint Counsel would serve its expert reports by June 29, 2010; the due date for Intel's expert reports would be July 27, 2010 and the due date for Complaint Counsel's rebuttal expert reports would be August 16, 2010. Also, under our proposal, expert depositions would have to be completed by August 24, 2010.<sup>1</sup>

The parties believe that the only way these proposed changes would affect the Court's schedule is that the Court would receive the courtesy copies of the expert reports at these later dates and the deadline for completion of briefing *in limine* motions relating to experts would necessarily change from August 17, 2010, until August 30, 2010, six days after the close of expert depositions.<sup>2</sup> The parties hope that this would not be a significant inconvenience to the Court, and we would ask for this change only because we are convinced that it would

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<sup>1</sup> Currently, Complaint Counsel must serve its expert reports June 15, 2010; Intel must serve its expert reports by July 13, 2010; Complaint Counsel must serve its rebuttal expert reports by July 30, 2010; and expert depositions must be completed by August 9, 2010.


significantly improve the parties' ability to prepare for and to present their cases at trial.

The parties are prepared to discuss this joint motion with the Court at its request.

A proposed order is attached.

Respectfully submitted,

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Attorneys for Intel Corporation

*Complaint Counsel*

Dated: April 29, 2010

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<sup>2</sup> In the proposed amended schedule, the parties would still be required to file any other motions *in limine* on August 17, 2010, which is the due date under the current schedule.

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

In the Matter of ) INTEL CORPORATION, ) Respondent. )	Docket No. 9341
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**(PROPOSED) AMENDMENT TO SCHEDULING ORDER**

On April 29, 2010, Complaint Counsel and Respondent Intel Corporation (“Respondent”) submitted a joint motion to revise the Scheduling Order dated January 14, 2010. The parties agree that the following revisions to the current schedule are necessary and that it will not require a change to the Commencement of the Hearing set for September 15, 2010.

Based on the foregoing, the parties’ Joint Motion to Amend Scheduling Order is GRANTED, and it is hereby ORDERED that the Scheduling Order dated January 14, 2010, is amended and the following due dates and deadlines shall be established:

- |               |   |
|---------------|---|
| May 12, 2010  | Deadline for issuing document requests, interrogatories, and subpoenas <i>duces tecum</i> except for discovery for purposes of authenticity and admissibility of exhibits.  |
| June 1, 2010  | Deadline for issuing requests for admissions except for discovery for purposes of authenticity and admissibility of exhibits.   |
| June 15, 2010 | Close of Discovery, other than discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.<br><br>Counsel provides a courtesy copy to the ALJ of each party’s answers to interrogatories and responses to requests for admissions. |
| June 29, 2010 | Deadline for Complaint Counsel to provide Respondent’s Counsel with Complaint Counsel’s expert witness reports. Complaint Counsel to provide a courtesy copy to the ALJ.  |
| July 20, 2010 | Complaint Counsel provides to Respondent’s Counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition, copies of all exhibits (except for demonstrative, illustrative or  |

summary exhibits and expert related exhibits), Complaint Counsel's basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.

Complaint Counsel serves a courtesy copy on the ALJ of its final proposed witness and exhibit lists, its basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness. In addition, Complaint Counsel serves a courtesy copy of testimony designated to be submitted by deposition.

July 27, 2010

Deadline for Respondent's Counsel to provide Complaint Counsel with Respondent's expert witness reports. Respondent's Counsel to provide a courtesy copy to the ALJ.

July 27, 2010

Respondent's Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition, and copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), Respondent's basis for admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.

Respondent's Counsel serves a courtesy copy on the ALJ its final proposed witness and exhibit lists, its basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness. In addition, Respondent's Counsel serves a courtesy copy of testimony designated to be submitted by deposition.

July 27, 2010

Parties that intend to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).

August 3, 2010

Parties exchange deposition transcript counter-designations and serve courtesy copies of counter-designated deposition testimony on the ALJ.

August 10, 2010

Deadline for filing motions *in limine* (except as to experts).

August 10, 2010

Deadline for filing motions for *in camera* treatment of proposed trial exhibits

- August 16, 2010 Complaint Counsel to identify rebuttal expert(s) and provide rebuttal expert report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondent's expert reports. If material outside the scope of fair rebuttal is presented, Respondents will have the right to seek appropriate relief (such as filing a motion in limine to preclude all or part of Complaint Counsel's rebuttal expert report or seeking leave to submit sur-rebuttal expert reports on behalf of Respondent.
- August 17, 2010 Deadline for filing responses to motions *in limine* (except as to experts).
- August 17, 2010 Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- August 20, 2010 Complaint Counsel files pretrial brief supported by legal authority.
- August 24, 2010 Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.
- August 25, 2010 Deadline for filing motions *in limine* as to experts
- August 30, 2010 Deadline for filing responses to motions *in limine* as to experts
- August 30, 2010 Parties exchange and serve courtesy copies on the ALJ of objections to final proposed witness lists and exhibit lists and objections to the designated testimony and counter designated testimony to be presented by deposition.

Except as specified by this Order, all provisions of the January 14, 2010, Scheduling Order shall remain the same.

ORDERED:

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that I filed via hand and electronic mail delivery an original and two copies of the foregoing Joint Motion to Amend Scheduling Order 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 Joint Motion to Amend Scheduling Order 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 Joint Motion to Amend Scheduling Order to:

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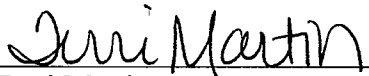
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*Counsel for Defendant  
Intel Corporation*

April 29, 2010

By:



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Federal Trade Commission  
Bureau of Competition