



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

October 29, 2010

Agner Fog, Ph.D.
Copenhagen, Denmark

Re: *In the Matter of Intel Corporation, Docket No. 9341*

Dear Dr. Fog:

Thank you for your comments regarding the Proposed Consent Order accepted by the Federal Trade Commission for public comment in the above-captioned matter. Your comment reflects concern about whether VII.B and VII.C cover libraries in addition to compilers; it does. Specifically, because the definition of "Compiler" used in the Proposed Consent Order includes the associated libraries, Intel would not be able to avoid the Proposed Consent Order by simply moving the locus of deceptive conduct from the compiler to the libraries.

Your comment also reflects concern that the Proposed Consent Order requires Intel to disclose whether its compilers optimize for Intel CPUs, but stops short of preventing Intel from optimizing for only its CPUs. Section VII of the Consent Order requires Intel to disclose when its compilers may optimize features on Intel CPUs, but not enable the same features on non-Intel CPUs. In some instances there can be legitimate reasons for a compiler to use CPU ID check. The Complaint alleged that Intel's deceptive acts and practices with respect to compilers misled consumers and the public. By requiring Intel to take steps to undo the impact of its previous deception, and prohibiting Intel from engaging in that deception in the future, the Commission believes that consumers of Intel's compilers will be able to make an informed decision as to whether to use Intel compilers, or other compilers that do not discriminate between Intel and non-Intel CPUs. The Consent Order also notifies consumers that they should closely scrutinize the significance and reliability of benchmark results that are based on software compiled with Intel compilers.

The Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without the modifications you suggest. A copy of the final Decision and Order is enclosed for your information. Relevant materials also are available from the Commission's website at <http://www.ftc.gov>.

It helps the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues, and we appreciate your interest in this matter.

By direction of the Commission, Commissioner Kovacic recused.

Donald S. Clark
Secretary