

Intel Statement on European Court of First Instance Ruling on Interim Measures

(January 27, 2009) The Court of First Instance has rejected Intel's October 2008 appeal of a European Commission decision not to seek documents from Advanced Micro Devices (AMD) that rebut allegations made by AMD.

While Intel is disappointed with today's ruling on interim measures the decision has no bearing on the merits of this case. Certain AMD documents were made part of the record in the European proceeding and Intel sought to demonstrate that those documents indicated that other highly relevant documents existed. Intel asked the Commission to order AMD to provide those documents and the Commission refused. Intel respectfully disagreed, and asked the Court of First Instance to order that the documents be made available to Intel on an "interim" basis, before any further actions are taken by the Commission.

The Court said Intel's application was premature, and that any harm to Intel from the Commission's failure to seek these documents could be considered by the Court in the event the EC finds against Intel, and Intel appeals. The Court also said it is up to the EC to determine whether Intel will now be allowed to file a response to the Supplemental Statement of Objections (SSO) issued in July of 2008. Thus, although Intel's rights of defense "may" have been infringed, the actions are not final, and, thus, cannot be appealed at this time.

The Court noted that "it is perfectly possible that, following Intel's reply to the SSO and the hearing, the Commission will consider it necessary to request the production of all or some AMD documents not yet obtained and grant Intel additional time to submit its observations, or even abandon the procedure in respect of Intel."

At this point Intel plans to contact the Commission for further proceedings in this matter.