

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of
INTEL CORPORATION,
Respondent.

PUBLIC

Docket No. 9341

**MICROSOFT CORPORATION'S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO RESPOND TO SUBPOENAS *DUCES TECUM***

Non-party Microsoft Corporation ("Microsoft") files this unopposed Motion for Extension of Time to Respond to Subpoenas *Duces Tecum* received by Microsoft's agent for service of process from Intel Corporation ("Intel") on March 22, 2010, Complaint Counsel on April 7, 2010, and Complaint Counsel on April 26, 2010 ("the Subpoenas").

Microsoft previously received an extension of time until June 4, 2010 to move to limit or quash the Subpoenas in order for negotiations regarding the scope and burden of the Subpoenas to continue effectively.¹

Microsoft has continued to make rolling productions of documents responsive to the Subpoenas. Moreover, by June 4, 2010 Microsoft anticipates it will have nearly completed its production of materials responsive to the Subpoenas, as modified pursuant to criteria agreed to by Complaint Counsel and Intel's counsel. The additional extension is necessary to complete decryption of a subset of encrypted documents and to prepare for production any documents in that subset meeting the criteria agreed to by Complaint Counsel and Intel's counsel. Microsoft's

¹ See Orders Granting Unopposed Motions of Non-Party Microsoft Corporation for Extension of Time to Move to Limit or Quash Subpoenas *Duces Tecum*, March 31, April 15, April 30, and May 17, 2010.

Counsel, Intel's counsel, and Complaint Counsel have agreed that Microsoft shall have until June 21, 2010 to complete compliance with the Subpoenas.

Accordingly, Microsoft respectfully requests that this unopposed motion be granted and that Microsoft have until June 21, 2010 to respond to the Subpoenas.²

Undersigned counsel represents that they have conferred with both Complaint Counsel and Intel's counsel and that neither Complaint Counsel nor Intel's counsel objects to the proposed extension.

Date: June 3, 2010



Jonathan S. Kanter

Amy W. Ray

CADWALADER, WICKERSHAM & TAFT LLP

700 Sixth Street NW

Washington, DC 20001

Telephone: (202) 862-2200

Facsimile: (202) 862-2400

Counsel for Microsoft Corporation

² Microsoft reserves all of its rights and remedies.

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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF NON-PARTY
MICROSOFT CORPORATION FOR EXTENSION OF TIME TO RESPOND TO
SUBPOENAS *DUCES TECUM***

On June 3, 2010, non-party Microsoft Corporation (“Microsoft”) submitted an unopposed motion for extension of time to respond to Subpoenas *Duces Tecum* received from: Respondent Intel Corporation on March 22, 2010; Complaint Counsel on April 7, 2010; and Complaint Counsel on April 26, 2010 (“the Subpoenas”).¹

Microsoft states that it has made rolling productions and it anticipates its production of information responsive to the Subpoenas will be nearly complete by June 4, 2010. Microsoft further states that an extension is necessary to decrypt a subset of documents potentially responsive to the Subpoenas and to produce any decrypted documents that meet the production criteria agreed to by Complaint Counsel and Intel’s counsel. Microsoft requests an extension until June 21, 2010 to comply with the Subpoenas. Microsoft states that Complaint Counsel and Intel’s counsel have agreed to the extension.

Based on the foregoing, Microsoft’s Unopposed Motion for Extension of Time to Respond to Subpoenas *Duces Tecum* is GRANTED, and it is hereby ORDERED that Microsoft shall have until June 21, 2010 to respond to the Subpoenas.

ORDERED:

Honorable D. Michael Chappell
Chief Administrative Law Judge

Date: _____

¹ Pursuant to earlier unopposed motions, Microsoft received extensions of time to limit or quash the Subpoenas through June 4, 2010. See Orders Granting Unopposed Motions of Non-party Microsoft Corporation for Extension of Time to Move to Limit or Quash the Subpoenas *Duces Tecum* dated March 31, April 15, April 30, and May 17, 2010.

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**PROOF OF SERVICE OF PUBLIC FILING AND CERTIFICATION
PURSUANT TO 16 C.F.R. § 4.2**

I, Amy W. Ray, hereby certify that on June 3, 2010, I served a copy of each of the documents listed below *by hand* on the following: The Office of the Secretary of the Federal Trade Commission (original and two copies) and the Honorable D. Michael Chappell (two copies); and *by electronic mail* on the following: The Honorable D. Michael Chappell (oyalj@ftc.gov), J. Robert Robertson (rrobertson@ftc.gov), Kyle D. Andeer (kandeer@ftc.gov), Thomas H. Brock (tbrock@ftc.gov), Melanie Sabo (msabo@ftc.gov), Teresa Martin (tmartin@ftc.gov), James C. Burling (james.burling@wilmerhale.com), Eric Mahr (eric.mahr@wilmerhale.com), Wendy A. Terry (wendy.terry@wilmerhale.com), Robert E. Cooper (rcooper@gibsondunn.com), Joseph Kattan PC (jkattan@gibsondunn.com), Daniel Floyd (dfloyd@gibsondunn.com), Darren B. Bernhard (bernhardd@howrey.com), and Thomas J. Dillickrath (dillickratht@howrey.com):

- MICROSOFT CORPORATION'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO SUBPOENAS *DUCES TECUM*;
- [PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF NON-PARTY MICROSOFT CORPORATION FOR EXTENSION OF TIME TO RESPOND TO SUBPOENAS *DUCES TECUM*; and
- this Proof of Service.

Pursuant to 16 C.F.R. § 4.2, I hereby certify that a paper copy of each of these documents with an original signature is being filed with the Secretary of the Commission today by hand, and a true and correct electronic copy of the signed paper originals of these documents is being sent to the Secretary by email to secretary@ftc.gov and dclark@ftc.gov.

Date: June 3, 2010



Amy W. Ray
CADWALADER, WICKERSHAM & TAFT LLP
700 Sixth Street NW
Washington, DC 20001
Telephone: (202) 862-2200
Facsimile: (202) 862-2400

Counsel for Microsoft Corporation