



Office of the Secretary

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

October 29, 2010

Yuhong Bao
State of Washington

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

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 suggested that the Commission should require Intel to provide a specific number of PCIe lanes, and that the Commission should prohibit Intel from implementing in its compilers optimizations that use a CPU ID check.

As to the number of PCIe lanes, Section II of the Consent Order requires Intel to maintain an open PCIe bus and prohibits Intel from limiting the performance of the PCIe bus in a manner that would hamper graphics performance or GP-GPU compute functionality of discrete GPUs. The Commission believes this provision offers third parties greater access to Intel platforms than they otherwise would have had without the settlement agreement, while allowing Intel the flexibility it needs to continue developing innovative new products.

As to Intel's use of CPU ID check, 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 informed decisions as to whether to use Intel compilers, or other compilers that do not discriminate between Intel and non-Intel CPUs.

In light of these considerations, 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