

ORIGINAL
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 FILE MOTION TO LIMIT OR QUASH SUBPOENAS *DUCES TECUM***

Non-party Microsoft Corporation ("Microsoft") files this unopposed Motion for Extension of Time to File Motion to Limit or Quash 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 May 17, 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 made an initial production and has continued to work diligently with Intel's Counsel and Complaint Counsel to discuss the scope and burden of the Subpoenas and propose various modifications to the Subpoenas. Microsoft's Counsel, Intel's Counsel, and Complaint Counsel have agreed that Microsoft shall have until June 4, 2010 to file a motion to limit or quash the Subpocnas. Although Microsoft's Counsel, Intel's Counsel, and Complaint

¹ See Order Granting Unopposed Motion of Non-Party Microsoft Corporation for Extension of Time to Move to Limit or Quash Subpoenas *Duces Tecum*, April 30, 2010.

Counsel have made significant progress in their negotiations and have taken steps to facilitate Microsoft's production of documents and information, the additional extension is necessary to complete these negotiations effectively and to allow Microsoft to provide additional information in response to the Subpoenas.

Accordingly, Microsoft respectfully requests that this unopposed motion be granted and that Microsoft have until June 4, 2010 to file a motion to limit or quash the Subpoenas.² Further, during such time, Microsoft's obligations to otherwise respond to the Subpoenas shall be tolled, although Microsoft anticipates that it will continue negotiations as well as rolling productions of documents in the interim.

Undersigned counsel represents that they have conferred with both Intel's Counsel and Complaint Counsel and that both Intel's Counsel and Complaint Counsel do not object to the proposed extension.

Date: May 14, 2010



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Counsel for Microsoft Corporation

² Microsoft continues to work diligently to meet and confer to resolve the concerns arising from the Subpoenas but may need to request additional time in the future. Microsoft, therefore, reserves all of its rights and remedies.

UNITED STATES OF AMERICA
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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF NON-PARTY
MICROSOFT CORPORATION FOR EXTENSION OF TIME TO MOVE
TO LIMIT OR QUASH SUBPOENAS *DUCES TECUM***

On May 14, 2010, non-party Microsoft Corporation (“Microsoft”) submitted an unopposed motion for extension of time to move to limit or quash 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”). Microsoft previously received an extension of time until May 17, 2010 to move to limit or quash the Subpoenas.

Microsoft states that it has made an initial production and has continued to work diligently with Complaint Counsel and Intel’s counsel to discuss the scope and burden of the Subpoenas. Microsoft further states that the parties have made significant progress in their negotiations and that Microsoft has taken steps to facilitate its production of documents and information in response to the Subpoenas. Microsoft requests an extension until June 4, 2010 and further requests that Microsoft’s obligations to otherwise respond to the Subpoenas be tolled during the period of extension. Microsoft states that Complaint Counsel and Intel’s counsel do not oppose the request for an extension.

Based on the foregoing, Microsoft’s Unopposed Motion for Extension of Time to File Motion to Limit or Quash Subpocnas *Duces Tecum* is GRANTED, and it is hereby ORDERED that Microsoft shall have until June 4, 2010 to file a motion to limit or quash the Subpoenas, and that Microsoft’s obligations to otherwise respond to the Subpoenas shall be tolled during the period of the extension.

ORDERED:

Honorable D. Michael Chappell
Chief Administrative Law Judge

Date: _____

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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 May 14, 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 (bernaridd@howrey.com), and Thomas J. Dillickrath (dillickrath@howrey.com):

- MICROSOFT CORPORATION'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE MOTION TO LIMIT OR QUASH SUBPOENAS *DUCES TECUM*;
- [PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF NON-PARTY MICROSOFT CORPORATION FOR EXTENSION OF TIME TO MOVE TO LIMIT OR QUASH 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: May 14, 2010



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