

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of)
)
INTEL CORPORATION,)
)
Respondent.)

Docket No. 9341

PUBLIC

COMPLAINT COUNSEL'S SECOND SET OF
REQUESTS FOR ADMISSION (24-62)

Pursuant to Rule 3.32 of the Federal Trade Commission's Rules of Practice, Complaint Counsel hereby requests that Respondent Intel admit the truth of the following statements or opinions of fact within 10 days from the date of service thereof.

- 24. Admit that the DMI bus could be used as an interface between CPUs and third party CHIPSETS.
- 25. Admit that Intel's worldwide unit share of the overall CLIENT CHIPSET market was less than 50% in 1999.
- 26. Admit that Intel's worldwide unit share of the overall CLIENT CHIPSET market was greater than 65% in 2004.
- 27. Admit that Intel's worldwide unit share of the overall CLIENT CHIPSET market was greater than 80% in 2009.
- 28. Admit that Intel's worldwide unit share of CPUs used in servers has exceeded 60% for each year since 1999.
- 29. Admit that Intel's worldwide unit share of CPUs used in commercial/enterprise desktops has exceeded 70% for each year since 1999.
- 30. Admit that Intel's worldwide unit share of CPUs used in commercial/enterprise notebooks has exceeded 70% for each year since 1999.
- 31. Admit that Intel did not submit pricing data to Mercury Research for any year between 1999 and 2008.
- 32. Admit that Intel has not licensed any third party to make, have made, use, sell or import CHIPSETS compatible with Intel's Nehalem or Westmere family of

CPUs.

33. Admit that Intel has sold CPUs at times since 1999 that read on intellectual property owned by AMD.
34. Admit that Intel has sold CHIPSETS with integrated GRAPHICS since 2005 that read on intellectual property owned by Nvidia.
35. Admit that Intel has used the intellectual property it licensed from Nvidia to develop GRAPHICS products.
36. Admit that Intel's worldwide unit share of GRAPHICS sales was less than 30% in 1999.
37. Admit that Intel's worldwide unit share of GRAPHICS sales was less than 50% in 2004.
38. Admit that Intel's worldwide unit share of GRAPHICS sales was greater than 70% in 2009.
39. Admit that Intel offered OEMs a price of an Atom CPU and Intel Chipset as a kit, in which the OEM purchased an Atom CPU and Intel chipset for one price.
40. Admit that Intel offered OEMs a kit or bundled price of an Atom CPU and Intel Chipset that was contingent on the OEMs shipping computers that contained the Atom CPU and Intel Chipset
41. Admit that Intel offered OEMs a kit or bundled price of an Atom CPU and Intel Chipset for use in computers within certain guidelines (e.g., screen size or type of computer operating system).
42. Admit that for some sales to OEMs of Atom CPUs and Intel Chipsets for use within certain guidelines (e.g., screen size or type of computer operating system), Intel offered a kit price of the Atom CPUs and Intel Chipset that was less than the price of the standalone Atom CPUs for use within the same guidelines.
43. Admit that Intel was the sole supplier of CPUs used in commercial desktops sold by Hewlett-Packard Company ("HP") between 1999 and May 3, 2002 when HP merged with Compaq Computer Corporation ("Compaq").
44. Admit that Intel was the sole supplier of CPUs used in commercial desktops sold by Compaq between 1999 and May 3, 2002 when Compaq merged with HP on May 3, 2002.
45. Admit that Intel provided 95% or more of the CPUs used in commercial desktops sold by HP between July 14, 2002 and May 2005.

46. Admit that a condition of HPA1 (found at 70191DOC0000039) was that HP would purchase 95% or more of its CPUs used in commercial desktops from Intel.
47. Admit that a condition of HPA2 (found at 66506DOC0000231) was that HP would purchase 95% or more of its CPUs used in commercial desktops from Intel.
48. Admit that a condition of HPA3 (found at 66036DOC5000074) was that HP would purchase 95% or more of its CPUs used in commercial desktops from Intel.
49. Admit that HP was not required to purchase from Intel any minimum volume of CPUs used in commercial desktops in order to receive the credits listed in HPA1 (found at 70191DOC0000039).
50. Admit that HP was not required to purchase from Intel any minimum volume of CPUs used in commercial desktops in order to receive the credits listed in HPA2 (found at 66506DOC0000231).
51. Admit that Intel provided 95% or more of the microprocessor used in commercial notebooks sold by HP between May 2005 and April 2006.
52. Admit that a condition of MMCP1 (found at 66470DOC5000002) was that HP would purchase 95% or more of its CPUs used in commercial notebooks from Intel.
53. Admit that Intel was the sole supplier of x86 CPUs used in servers sold by Compaq between 1999 and May 3, 2002 when Compaq merged with HP.
54. Admit that Intel was the sole supplier of x86 CPUs used in servers sold by HP between 1999 and January 2004.
55. Admit that Intel did not provide any rebates, discounts, or ECAPs for Intel x86 CPUs used in x86 servers sold by HP between February 2004 and March 2005.
56. Admit that Intel disseminated or caused to be disseminated advertisements, including product labeling and other promotional materials, promoting its systems' performance under various benchmarks to induce consumers to purchase computers with Intel CPUs.
57. Admit that Intel made representations to consumers of personal computers regarding CPU performance as measured by BAPCO's Sysmark and Mobilemark benchmarks, Linpack benchmarks, Cinebench benchmarks, TPC benchmarks, SAP benchmarks, SPEC, or Futuremark PC Mark and PCMark Vantage benchmarks.

58. Admit that Intel made representations to OEMs regarding CPU performance as measured by BAPCO's Sysmark and Mobilemark benchmarks, Linpack benchmarks, Cinebench benchmarks, TPC benchmarks, SAP benchmarks, SPEC, or Futuremark PC Mark and PCMark Vantage benchmarks..
59. Admit that Intel made representations to ISVs regarding CPU performance as measured by BAPCO's Sysmark and Mobilemark benchmarks, Linpack benchmarks, Cinebench benchmarks, TPC benchmarks, SAP benchmarks, SPEC, or Futuremark PC Mark and PCMark Vantage benchmarks..
60. Admit that there is no objective measure to support the claim that SYSmark 2007 benchmark reflects a typical user experience. .
61. Admit that there is no objective measure to support the claim that SYSmark 2007 benchmark reliably measures user productivity.
62. Admit that there is no objective measure to support the claim that BAPCo MobileMark 2007 benchmark and later versions reflects a performance evaluation of typical day-to-day computer use by business users.

DEFINITIONS

1. "CHIPSET" shall mean and refer to all computer chips used on a computer system's motherboard, whether individually or as part of a set, that are compatible with any CPU.
2. "CLIENT" shall mean and refer to desktop and notebook personal computers.
3. "GRAPHICS" shall mean and refer to specialized integrated circuits or processors that offloads 3D GRAPHICS rendering or parallel intensive computational tasks from the MICROPROCESSOR. "GRAPHICS" includes a standalone, discrete processor or a processor integrated onto a CHIPSET.
4. "INTEL," "COMPANY," "YOU," and "YOUR" shall each mean and refer to Respondent Intel Corporation including without limitation all of its corporate locations, and all predecessors, subsidiaries, Intel Kabushiki Kaisha, parents, and affiliates, and all past or present officers, directors, agents, representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership relationships with defendants, and others acting on their behalf.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Requests for Admission has been prepared by me or under my personal supervision from records of Intel Corporation, and is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

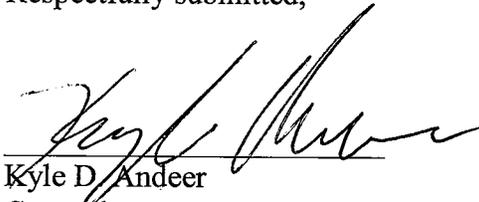
(Typed Name of Above Official)

(Office Telephone)

Respectfully submitted,

May 20, 2010

By:

A handwritten signature in black ink, appearing to read "Kyle D. Andeer", written over a horizontal line.

Kyle D. Andeer

Counsel Supporting the Complaint

Bureau of Competition

Federal Trade Commission

Washington, D.C. 20580

(202) 326-2916

CERTIFICATE OF SERVICE

I certify that I filed via hand and electronic mail delivery an original and two copies of Complaint Counsel's Second Set of Requests for Admission (24-62) with:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-159
Washington, DC 20580

I also certify that I delivered via electronic and hand delivery a copy of Complaint Counsel's Second Set of Requests for Admission (24-62) to:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

I also certify that I delivered via electronic mail a copy of Complaint Counsel's Second Set of Requests for Admission (24-62) to:

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*Counsel for Defendant
Intel Corporation*

May 20, 2010

By:


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Federal Trade Commission
Bureau of Competition