### ORIGINAL



#### UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

INTEL CORPORATION, a corporation

Public

Docket No. 9341

NON-PARTY VIA TECHNOLOGIES, INC'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT INTEL CORPORATIONS SUBPOENAS *DUCES TECUM* TO NON-PARTY VIA TECHNOLOGIES, INC.

Non-party Via Technologies, Inc. ("Via") moves to extend the time for it to file a motion to quash or limit Intel Corporation's ("Intel") Subpoena *Duces Tecum*, served on Via's counsel by mail on March 15, 2010 (the "Subpoena"). Under 16 C.F.R. § 3.34(c) and 16 C.F.R. § 4.3(c), the time to file a motion to quash or limit the Subpoena would be March 29, 2010.

Via and Intel are still in the process of negotiating in an attempt to resolve Via's concerns regarding the scope and burden of the Subpoena and other issues regarding the Subpoena. Due to the complexity of the issues and the scope of the Subpoena, which contains fifty-seven specifications and seven pages of definitions, Via and Intel have not yet completed their negotiations.

Via and Intel have agreed to an extension of time to file a motion to quash or limit the Subpoena to April 9, 2010. The extension is sought to allow for potential resolution of this discovery dispute without litigation. Counsel for Intel and the Federal Trade Commission do not oppose this extension.

Accordingly, Via requests that this motion be granted and that it be given until April 9, 2010 to file a motion to quash or limit the Subpoena, without prejudice to seek a further extension of this deadline.

Dated: March 29, 2010

Respectfully submitted,

Daniel P. Culley

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INTEL CORPORATION, a corporation

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Docket No. 9341

[PROPOSED] ORDER GRANTING NON-PARTY VIA TECHNOLOGIES, INC'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT INTEL CORPORATIONS SUBPOENAS *DUCES TECUM* TO NON-PARTY <u>VIA TECHNOLOGIES</u>, INC.

Upon consideration of the Unopposed Motion for Extension of Time to Quash or Limit Subpoena filed in the above-captioned matter on March 29, 2010 by Non-Party Via Technologies, Inc. ("Via"), it is hereby ordered that Via shall be given until April 9, 2010, to file a motion to quash or limit Intel Corporation's ("Intel") Subpoena *Duces Tecum*, served on March 15, 2010 ("Subpoena").

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Honorable D. Michael Chappell Chief Administrative Law Judge FEDERAL TRADE COMMISSION

Dated: April \_\_\_\_, 2010

In the Matter of

INTEL CORPORATION, a corporation

**Public** 

Docket No. 9341

#### **PROOF OF SERVICE**

- I, Daniel P. Culley, hereby certify that on this 29th day of March, 2010 I caused a copy of the documents listed below:
  - (1) NON-PARTY VIA TECHNOLOGIES, INC'S UNOPPOSED MOTION FOR
    AN EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT INTEL
    CORPORATIONS SUBPOENAS *DUCES TECUM* TO NON-PARTY VIA
    TECHNOLOGIES, INC.
  - (2) [PROPOSED] ORDER GRANTING NON-PARTY VIA TECHNOLOGIES, INC'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT INTEL CORPORATIONS SUBPOENAS DUCES TECUM TO NON-PARTY VIA TECHNOLOGIES, INC.
  - (3) NOTICE OF APPEARANCE OF DAVID I. GELFAND
  - (4) NOTICE OF APPEARANCE OF PATRICIA MCDERMOTT
  - (5) NOTICE OF APPEARANCE OF DANIEL P. CULLEY

to be served by hand and via email on the following:

The Honorable D. Michael Chappell (two copies via hand delivery) Administrative Law Judge Federal Trade Commission 600 Pennsylvania Avenue, NW, Rm H-113 Washington, DC 20580 oalj@ftc.gov

and to be served by email and US mail, first-class, postage-prepaid on the following:

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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 these documents is being sent to the Secretary by email to <a href="mailto:secretary@ftc.gov">secretary@ftc.gov</a> and <a href="mailto:dclark@ftc.gov">dclark@ftc.gov</a>.

Daniel P. Culley
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### ORIGINAL

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VASHINGTON, D.C. 20580 NOTICE OF	APPEARANCE	100
CASE NAME	FILE/DOCKET NUMBER	LEUE RECEIVED DOCUM
In the Matter of Intel Corporation	FTC Docket No. 9341	MAR 2 9 20
Pursuant to Section 4.1 of the Commission's Rul the appearance of	·	
<ul> <li>counsel or representative for the respondent</li> <li>counsel supporting the complaint (Complete</li> </ul>		
1. COUNSEL OR REPRESENTATIVE	2. RESPONDENTS	
iclude name, address and telephone of each	Include address and telephone numbers of all person corporations, or associations	s, partnerships,
	Non-Party:	
David I. Gelfand Cleary Gottlieb Steen & Hamilton LLP 2000 Pennsylvania Avenue, N.W. Washington, DC 20006 (202) 974-1690	VIA Technologies 533 Chung-Cheng Road, 8 <sup>th</sup> Floor Hsin-Tien Taipei 231 Taiwan	
Patricia M. McDermott Cleary Gottlieb Steen & Hamilton LLP 2000 Pennsylvania Avenue, N.W. Washington, DC 20006 (202) 974-1546	-	
Daniel P. Culley Cleary Gottlieb Steen & Hamilton LLP 2000 Pennsylvania Avenue, N.W. Washington, DC 20006 (202) 974-1593		
· · · · · · · · · · · · · · · · · · ·		
ASSOCIATE/ASSISTANT DIRECTOR		· · · · · · · · · · · · · · · · · · ·
. SIGNATURE OF SENIOR COUNTED	5. DATE SIGNED	
Some Melf	March 29, 2010	
Return this form to: H-135 Federal Trade 600 Pennsylv Washington, I	ania Ave. NW	

In the Matter of

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Docket No. 9341

#### STATEMENT OF GOOD STANDING PURSUANT TO 16 C.F.R. § 4.1

In connection with the Notice of Appearance filed March 29, 2010, and pursuant to 16. C.F.R. §§ 4.1(a)(1)(i), 4.1(d), I state that I am eligible to practice before the Commission as a member of the Bar of the State of Maryland (Bar No. 04591) and the Bar of the District of Columbia (Bar No. 416596). As required by 16 C.F.R. § 4.1(d), I further state that I am a member of good standing within the legal profession.

David I. Gelfand

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dgelfand@cgsh.com

Dated: March 29, 2010

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#### STATEMENT OF GOOD STANDING PURSUANT TO 16 C.F.R. § 4.1

In connection with the Notice of Appearance filed March 29, 2010, and pursuant to 16. C.F.R. §§ 4.1(a)(1)(i), 4.1(d), I state that I am eligible to practice before the Commission as a member of the Bar of the Commonwealth of Virginia (Bar No. 41700) and the Bar of the District of Columbia (Bar No. 429776). As required by 16 C.F.R. § 4.1(d), I further state that I am a member of good standing within the legal profession.

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Dated: March 29, 2010

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#### STATEMENT OF GOOD STANDING PURSUANT TO 16 C.F.R. § 4.1

In connection with the Notice of Appearance filed March 29, 2010, and pursuant to 16. C.F.R. §§ 4.1(a)(1)(i), 4.1(d), I state that I am eligible to practice before the Commission as a member of the Bar of the Commonwealth of Virginia (Bar No. 76637) and the Bar of the District of Columbia (Bar No. 988557). As required by 16 C.F.R. § 4.1(d), I further state that I am a member of good standing within the legal profession.

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Dated: March 29, 2010