

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

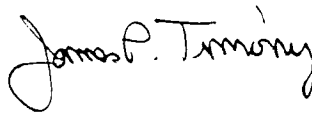
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In the Matter of))
))
INTEL CORPORATION,) DOCKET NO. 9288
a corporation.))
_____))

ORDER DENYING RESPONDENT INTEL CORPORATION'S
MOTION TO COMPEL COMPLAINT COUNSEL
TO RESPOND TO INTERROGATORY

WHEREAS Respondent Intel Corporation has submitted a Motion to Compel Complaint Counsel to Respond to Interrogatory, and accompanying memorandum of law, seeking an order compelling complaint counsel to provide descriptions of certain intra-agency communications relating to an ongoing investigation of Intel that is separate from this proceeding; and

WHEREAS complaint counsel has submitted an Opposition to Intel's Motion to Compel Complaint Counsel to Respond to Interrogatory, representing that it has fully answered Intel's interrogatory, subject to appropriate objections¹:

NOW THEREFORE, it is ordered that Respondent Intel Corporation's Motion to Compel Complaint Counsel to Respond to Interrogatory is DENIED.



James P. Timony
Administrative Law Judge

Date December 21, 1998

¹ Complaint counsel answered Respondent's interrogatory by stating that there has been no ex parte communication between any Commissioner and any member of the Bureau of Competition staff that is improper (outside of Rule 4.7). This unequivocal averral adequately disclosed complaint counsel's involvement in the second Intel investigation. Respondent, having the burden of proof on this issue, was obliged to offer evidence contradicting the statement of complaint counsel or to point out the inadequacy or inconsistency of the statement before a further answer to the interrogatory would be required. Grolier Inc. v. FTC, 615 F.2d 1215, 1222 (9th Cir. 1980).