

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 MOTION OF RESPONDENT INTEL CORPORATION TO STRIKE  
COMPLAINT COUNSEL'S DESIGNATION OF SAIYED ATIQ RAZA AS A WITNESS  
AND TO COMPEL THE PRODUCTION OF DOCUMENTS BY COMPLAINT COUNSEL

Respondent Intel Corporation ("Intel") moves to strike complaint counsel's designation of Saiyed Atiq Raza, Executive Vice President of Advanced Micro Devices (AMD), as a potential witness. Complaint counsel identified Raza as a potential witness when they filed their supplemental witness list on November 13, 1998. Intel also moves to compel the production of all documents produced by AMD to the Bureau of Competition that have been withheld from Intel or produced to Intel in redacted form.

Complaint counsel interviewed Raza on June 4, 1998, in an investigational hearing conducted in anticipation of litigation. Intel's First Request for Production of Documents, served on June 12, 1998, requested production of "[a]ll transcripts of all depositions or investigational hearings, including exhibits thereto, taken by the FTC or Third Parties relating to Intel, [or] the Intel Matter." Complaint counsel withheld from Intel the transcript of investigational interview of Raza ("the Raza transcript") on the grounds that it was a privileged document, immune from discovery.

The parties exchanged expert reports on January 6, 1999. Complaint counsel's expert, Dr. Scherer, listed the Raza transcript as a document upon which he relied in formulating his report. Complaint counsel provided Intel with the Raza transcript on January 12, 1999, only after Intel specifically requested it.

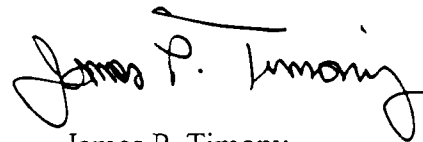
Transcripts of investigational hearings are privileged attorney work product. *In re Seropian*, No. 9248, 1991 FTC LEXIS 445 at \*1-2 (Oct. 18, 1991); *In re College Football Ass'n*, No. 9242, 1991 FTC LEXIS 119 at \*5 (April 16, 1991). Accordingly, complaint counsel was not

obligated to produce the Raza transcript until they produced documents relied upon by their expert.

Intel also objects to the scope of the testimony Raza may offer at trial. Consistent with my Order Denying Intel's Motion to Exclude Evidence, February 5, 1999, specific objections to testimony of Raza that is irrelevant or offered in violation of the stipulation will be entertained at trial.

For the above stated reasons, Intel's motion to strike complaint counsel's designation of Saiyed Atiq Raza as a witness is DENIED.

Intel also moves to compel the production of all documents produced by AMD to the Bureau of Competition that have been withheld from Intel or produced to Intel in redacted form. Complaint counsel assert there are no other AMD-related documents within their possession, custody, or control that have not been produced to Intel. Accordingly, Intel's motion to compel production of documents is DENIED as moot.

A handwritten signature in black ink, appearing to read "James P. Timony". The signature is fluid and cursive, with a long horizontal stroke at the top.

James P. Timony  
Administrative Law Judge

Dated: February 5, 1999