

AMD V. INTEL and U.S. Antitrust Law Fact Sheet

The Sherman Antitrust Act and the Clayton Act comprise the main body of federal law governing antitrust in the United States. AMD has filed a private lawsuit against Intel in the United States under Section 2 of the Sherman Antitrust Act, which prevents the abuse of monopoly power, and Sections 4 and 16 of the Clayton Act, which regulates general practices that potentially may be detrimental to fair competition, as well as the California Business and Professions Code, which entitle parties to damages resulting from monopoly abuse and unfair business practices.

IMPORTANT U.S. LEGAL TERMS:

Litigation: The legal process by which courts test the merits of claims that are raised in a lawsuit.

Plaintiff (AMD): The party that has commenced a lawsuit, typically by filing a document known as a complaint, against another party claiming harm.

Defendant (Intel): The party that has been accused of causing harm to the plaintiff.

Complaint: The formal document filed by the plaintiff which outlines their case against the defendant. In this case, AMD filed a 48-page complaint against Intel in U.S. Federal District Court in the district of Delaware.

Answer: The formal document filed by the defendant in response to the plaintiff's complaint, which either admits to or denies the allegations made in the complaint. Intel filed a 63-page answer to AMD's complaint.

Discovery: The process by which evidence is collected and information is exchanged before a trial. During the discovery period, AMD and Intel will serve subpoenas to relevant parties and take depositions (sworn videotaped testimony) of witnesses. This period could last at least 12-18 months. U.S. law requires that parties to a lawsuit must disclose all relevant facts and information to all other parties concerned before the case goes to trial.

Subpoena: The method by which AMD and Intel will obtain evidence from other companies and individuals that are not involved in the litigation during the discovery phase. This is a formal judicial request for the recipient to provide information and documents relevant to the case. A party not complying can be held in contempt of court and punished accordingly.

Document preservation subpoena: A judicial order that third parties not destroy certain documents and records in their possession relevant to the case.

Document production subpoena: A judicial order that a company or individual actually produce documents to the party requesting them that relate to the facts and events involved in the case – documents which may be used to support AMD's claims in its lawsuit against Intel, or by Intel to support its defenses.

Deposition: A pre-trial interview, typically videotaped and stenographically recorded, where the witness answers questions regarding subjects relevant to the litigation. The witness is under oath, which means he or she swears to tell the truth and may be punished by the court for failing to do so. This testimony may be used in court at a later date. Depositions are usually taken after subpoenas are served and attorneys question witnesses about the information in the subpoenaed documents.

Protective order: A document which places limits on who is allowed to review the information or documents is produced by responding companies pursuant to subpoena (or, in the case of parties, a request).. The purpose of the protective order is to protect trade secrets and confidential business information that is revealed during the course of discovery and at trial by preventing its public disclosure. Often, the media will ask that protective treatment be limited to actual trade secrets so that they can fulfill their function and exercise the public's right to know about judicial proceedings. The terms of the *AMD v. Intel* protective order are currently under discussion.

Summary judgment: After the discovery period, the point at which the judge decides if a jury trial is necessary based on the facts revealed in discovery.

WHAT'S NEXT?

If the judge rules that a trial is required, the case will be decided by a jury in a federal district court In the U.S., a jury in federal court consists of six citizens who are selected to apply the law, as stated by the judge, to the facts of a [case](#) and render a decision, called the verdict. A trial would likely take several months. Once the case is decided, either party can appeal the verdict. Appeals can take up to a year or more to complete.

Note: Information relevant to AMD v. Intel, including court documents, are available at <http://www.amd.com/breakfree>