

Microsoft subpoenaed by AMD in Intel suit

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Microsoft is the latest company to be subpoenaed by chip maker Advanced Micro Devices for its antitrust lawsuit against rival Intel Corp.

AMD filed the suit Monday with the U.S. District Court in Delaware which instructs the PC company to produce unlimited documents necessary for its claim that Intel has bullied companies as part of its business practices.

Microsoft has until May 15 to hand over the requested hardcopy and electronic documents which also includes e-mail, instant messages, shared network files, and databases dating as far back as January 2000.

"Microsoft was on the original list of those third parties who would be subpoenaed," said AMD spokesperson Drew Prairie. "Therefore, this is not a surprise to them."

The documents in question, according to the subpoena, reflect or discuss issues including Microsoft's decision to develop software for AMD's or Intel's 64-bit microprocessors as well as development, protocols, schedule and timing for its deployment and release.

It also requests documents on Microsoft's and AMD's collaboration in advertising and promotion of AMD, AMD microprocessors and computer systems containing AMD microprocessors as well as Intel's reaction to Microsoft's collaboration and promotion of AMD products.

Also, singled out are correspondences of Microsoft with any third party involving capitalization, financing, valuation, or financial viability of AMD as well as any assessments or evaluations of such financial issues, the subpoena said.

Moreover, requested were documents that compared Intel and AMD products from a price, quality and performance standpoint.

Microsoft is one of some 30 plus companies that the Sunnyvale, Calif.-based AMD has subpoenaed, seeking evidence for its on-going case against Intel which initially began back in June 2005.

Among those companies that have been subpoenaed since last summer include a slew of big names in the technology industry such as Sony, Sun Microsystems and Gateway, as well as retail giants Best Buy, Circuit City, and CompUSA.

AMD has used past investigations by the Fair Trade Commission of Japan, Fair Trade Commission of Korea, and the European Union into Intel's sphere of influence to further support their on-going lawsuits against Intel.

The 48-page complaint filed in the Delaware federal court in June

asserts that Intel intimidated industry customers in order to secure a monopoly.

AMD also alleges that Intel was forcing customers like Dell, Sony, and Toshiba into Intel-exclusive deals in return for outright cash payments and discriminatory pricing, as well as conditioning rebates and giving allowances and market development funds on customer's agreeing to limit or forego entire purchases from AMD.

In addition, the complaint also said that Intel had required retailers to overwhelmingly overstock Intel computers and forced tech partners to boycott AMD product launches or promotions.

According to Prairie, legal counsel for AMD and Intel will meet on April 20 in the Delaware courtroom with Judge Joseph J. Farnan, Jr. to preside over the Initial Status Conference.

Both company units in Japan will also meet on April 21, in the Tokyo District Court for the next hearing in a separate lawsuit, in which AMD Japan is seeking some \$50 million in damages, claiming Intel K.K. violated Japan's antitrust laws.

A spokesperson from Intel was unable to be reached by press time.

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