

## Intel Seeks Dismissal Of Claims In Antitrust Suit

WILMINGTON, Del. (AP) — Attorneys for Intel Corp. asked a federal judge in a hearing in Delaware Thursday to dismiss several claims in an antitrust lawsuit filed against the computer chip maker by New York state's attorney general.

The lawsuit, filed in November 2009, alleges that Intel paid billions of dollars in kickbacks to computer makers in order to dominate the market for microprocessors, and that it retaliated against manufacturers who did too much business with its competitors, particularly Advanced Micro Devices Inc.

The lawsuit alleges that the scheme weakened AMD and allowed Intel to charge more for its chips than it could have otherwise, and those higher prices were passed on to computer purchasers.

On Thursday, lawyers for Intel asked U.S. District Judge Leonard Stark to dismiss claims the attorney general's office made on behalf of individuals and some 4,000 public entities other than the state, arguing that it can't bring such claims.

Intel also asked Stark to toss claims involving purchases before November 2006, arguing that Delaware's three-year time restriction, not New York's longer statute of limitations, should apply.

Stark told attorneys he would consider the arguments but didn't say when he would rule.

A trial in the case is set to begin Feb. 14.

New York filed its claims on behalf of consumers under a New York law that allows the awarding of triple damages and under common law doctrine allowing the state to act in a "parental" role on behalf of consumers.

Intel attorneys contend that the New York law allows the state to seek only injunctions and civil penalties. And they said the state can sue on behalf of a public entities only when they ask it to and it provided no evidence they did.

"Silence does not equal requests," said Intel attorney Donn Pickett.

Richard Schwartz, a deputy attorney general, told Stark authorities are in the process of collecting requests.

Schwartz also said New York should not be subjected to Delaware's shorter statute of limitations because it filed its state law claims along with claims under the federal Sherman Act in Delaware for reasons of "efficiency."

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