Redacted   **Total Sent and Received Items**

Month	Value
Oct-05	969
Nov-05	1353
Dec-05	1196
Jan-06	1554
Feb-06	1403
Mar-06	1480
Apr-06	1823
May-06	1287
Jun-06	1624
Jul-06	1267
Aug-06	1841
Sep-06	1504
Oct-06	1955
Nov-06	1204
Dec-06	1580
Jan-07	1919
Feb-07	2018
Mar-07	1735

■ Sent and Received Produced by Custodian

Redacted   **Total Sent Items**

Month	Sent Produced by Custodian
Oct-05	271
Nov-05	412
Dec-05	329
Jan-06	421
Feb-06	475
Mar-06	473
Apr-06	467
May-06	293
Jun-06	425
Jul-06	413
Aug-06	607
Sep-06	372
Oct-06	634
Nov-06	383
Dec-06	449
Jan-07	506
Feb-07	451
Mar-07	526

■ Sent Produced by Custodian

Total Received Items

Month	Received Produced by Custodian
Oct-05	698
Nov-05	941
Dec-05	867
Jan-06	1133
Feb-06	928
Mar-06	1007
Apr-06	1356
May-06	994
Jun-06	1199
Jul-06	854
Aug-06	1234
Sep-06	1132
Oct-06	1321
Nov-06	821
Dec-06	1131
Jan-07	1413
Feb-07	1567
Mar-07	1209

■ Received Produced by Custodian

EXHIBIT J

O

O'MELVENY & MYERS LLP

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WASHINGTON, D.C.

OUR FILE NUMBER
8,346-163

WRITER'S DIRECT DIAL
(213) 430-6340

WRITER'S E-MAIL ADDRESS
msamuels@omm.com

December 19, 2008

BY E-MAIL & U.S. MAIL

Donn Pickett, Esq.
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA 94111-4067

Re: *AMD v. Intel*

Dear Mr. Pickett:

This letter is intended to initiate meet and confer discussions regarding Intel's draft Rule 30(b)(6) Deposition Notice delivered to us on Tuesday, December 16.

Let me make several preliminary comments.

First, on its face, Intel's deposition notice, a copy of which is attached, goes well beyond anything conceivably reasonable. It contains 16 proposed topics and more than 50 subtopics, virtually all of which are aimed at, or at least touch upon, privileged and work product areas.

Second, this notice seeks to expand discovery well beyond the issues set forth in the Court's chart. This is inappropriate. Special Master Poppiti has repeatedly admonished that the Court's chart defines the parameters of discovery. Thus, among others, Intel's proposals to delve into "anticipation of litigation" (Proposed Topic No. 4), a broad range of harvesting information (Proposed Topic No. 6), back up tape issues (Proposed Topic No. 10), non-designated custodian data (Proposed Topic No. 12), and "audits and investigations" (Proposed Topic No. 16) are outside the scope of what the Special Master has authorized.

Third, informal discovery was meant to narrow, not expand, the need for deposition discovery. After Intel has spent approximately 15 hours interrogating AMD and FCS personnel through a battery of lawyers and consultants, we would have expected a draft deposition notice consistent with the representation you made to the Court that "the informal disclosure process has been productive and useful," your acknowledgement that its purpose was to enable the parties to "tailor the formal discovery," and your promise that, after informal discovery concluded, the parties would *"then proceed to what I think of as confirmatory discovery."* (*See* November 7, 2008 hearing transcript at p. 7, 30 and 32.) We see no indiction that you have

tailored Intel's proposed deposition topics to account for the extensive information AMD produced during informal discovery. It strikes us that after AMD has produced the witnesses Intel requested for extensive interviews, responded to Intel's histograms, and provided other, significant informal discovery, the issues in the Court's chart have largely been mined to the fullest extent appropriate. What little remains can be provided to you, and the facts adduced at the interviews can be confirmed under oath, as you indicated was the appropriate course.

We now turn to the specifics of Intel's proposed deposition topics.

Intel's Proposed Deposition Topics

Proposed Deposition Topic Nos. 1 and 2: Proposed Deposition Topic No. 1 seeks information about the Enterprise Vault and contains 7 subtopics, while Topic No. 2 concerns AMD's journaling system and also has 7 subtopics. At the hearing on December 12, you stated that Intel had "received some detailed information regarding the journaling and archiving," "a good amount of data with respect to it," and that the parties had made "good progress." (*See* December 12, 2008 hearing transcript at p. 24.) You also confirmed that the issue of .pst migration has been resolved. (*Id.* at 30-31.) AMD agrees; all of the issues listed in Intel's draft deposition notice on these topics have been comprehensively covered in the informal interview process. As such, it seems to us that what you are proposing with respect to these deposition topics is paradigmatic "confirmatory discovery."

We suggest that Intel prepare a list of the specific facts derived from the witness interviews which it would like AMD now to confirm. Assuming that Intel does so accurately, AMD is prepared to affirm them, under oath. This will give Intel the formal record it wants and obviate the need for deposition testimony on these topics.

Proposed Deposition Topic No. 3: This proposed deposition topic seeks information about AMD's email systems, and has 7 subtopics. Certain of the subtopics strike us as amounting to primers on the standard operation of Microsoft Outlook, which Intel and its experts do not need testimony from AMD about. Others, such as subtopic (c) concerning "mailbox size limits or quotas," are outside the scope of the Court's chart. Although we could have objected to Intel pursuing this topic at Redacted informal interview, we nevertheless allowed you to ask any questions that you wanted in the belief that Intel would learn, as it did, that there is no substance to Intel's apparent theory that mailbox quotas somehow led to data loss. Instead, as Redacted informed you, AMD's litigation hold notices directed custodians to him for any such issues, and Redacted resolved any issue that arose by immediately increasing mailbox size. We have also produced documents to you from the files of the designated IT custodians documenting custodian requests for mailbox size limit increases and actions upon those requests. If Intel believes it has evidence of loss resulting from mailbox size quotas, we will reconsider your position but, failing that, we don't think this is appropriate discovery.

As to subtopic 3(b), AMD is prepared to affirm, under oath, the dumpster settings that Redacted apprised you of on December 11. The remainder of this subtopic, however,

concerns the standard operation of Microsoft Office, is beyond the Court's chart, and is inappropriate discovery.

Proposed Deposition Topic No. 4: This proposed deposition topic seeks information as to when AMD reasonably anticipated commencing this litigation. Not only is this topic not on the Court's chart, we have difficulty imagining any questions Intel could pose which would not intrude upon the attorney client privilege. For this reason, we do not intend to produce a witness to testify on this proposed topic.

Proposed Deposition Topic No. 5: This proposed deposition topic is set forth under the misleading umbrella term of "hold notices" but, through its 5 subtopics, obviously seeks much different and broader information. Specifically, subtopic (a) asks about the "timing of AMD's issuance of written litigation hold notices," which is information that AMD has already provided to Intel with respect to each production custodian. We are willing to affirm that information under oath. Subtopic (b) asks about the "meaning and intent of the language used." The litigation hold notices are privileged, and we negotiated a non-waiver agreement as a precondition to their production; we can't imagine any question that might be posed on this subtopic that would not intrude upon work product and/or privilege. For this reason, we do not intend to produce a witness on this subtopic. Subtopic (c) -- which says only "Custodians' compliance" -- is both unintelligible and, to the extent it is decipherable at all, does not appear to be a proper Rule 30(b)(6) deposition topic. With respect to subtopic (d) concerning "monitoring and auditing," AMD is prepared to provide a narrative summary, under oath, of the steps it took to monitor the preservation program that it put in place for this litigation, subject to a nonwaiver agreement. This type of narrative summary is precisely what the parties agreed upon as appropriate responses to many aspects of the Rule 30(b)(6) discovery AMD propounded on Intel regarding its preservation issues, and so we assume that you find this acceptable. Subtopic (e) concerns "IT Department technical support," a topic fully covered at   Redacted   interview. AMD will affirm, under oath, the facts adduced at that interview that Intel is interested in having confirmed.

Proposed Deposition Topic No. 6: This proposed deposition topic broadly seeks data about "harvesting of electronic data for this litigation from all geographic locations and sources" including, but not limited to, various issues set forth in 6 separate subtopics. The Court's chart does not allow or contemplate this sort of boundless topic or formal discovery. Moreover, AMD has produced to you already a lengthy written summary of its collection protocols, and lists of harvesting dates for every production custodian. Intel also extensively questioned Messrs. Cardine and Redacted about harvesting. In addition, in the course of informal discovery, AMD has produced by letter responsive information about the entities and personnel who conducted harvesting. As such, subtopics 6(a) through 6(d) seek information already provided. Intel should identify the facts derived from these interviews and other informal discovery which it would like AMD to confirm, and we will do so under oath. Subtopic (e) seeks the "[i]dentity of custodians subject to harvesting." As noted, AMD has disclosed this information already with respect to all production custodians. Information regarding non-designated custodians is irrelevant to any issue. As to subtopic (f), we do not understand what is meant by

"[d]ocumentation, auditing, validation and issue tracking." What is this asking for? Obviously, to the extent this seeks work product or privileged information, AMD will decline to waive those protections.

Proposed Deposition Topic No. 7: This proposed deposition topic seeks confirmatory information regarding "AMD IT's support of custodian preservation activities," a topic Intel fully pursued at   Redacted   interview. Intel should identify in writing the facts from that interview on which it seeks confirmation, and AMD will confirm under oath.

Proposed Deposition Topics 8 and 9: Proposed Deposition Topic No. 8 seeks information about "[d]ata processing protocols and procedures utilized by AMD's electronic discovery vendors" and has 5 subtopics, while Topic No. 9 yet again seeks information about "[d]e-duplication and near de-duplication methods used by AMD" and has 3 subtopics.

These topics are, on their face, directed to AMD's vendor's activities; no AMD employee could speak to them. We have provided you with access to Mr. Cardine of FCS, and you questioned him for almost 8 hours on these issues. As to the issue of "deduplication," AMD also produced detailed written information to you on October 15, 2007. The bottom line here is that AMD has provided all the information Intel has requested on multiple occasions. If there are specific facts we or Mr. Cardine have already provided to you that you would like affirmed, please let us know what they are and we will affirm them or, if Intel prefers, provide a responsive narrative summary. As to subtopic 9(c), we are unable to determine the nature of the information Intel is seeking.

Proposed Deposition Topic No. 10: In this proposed deposition topic, Intel returns again to the topic of backup tapes, both pre-litigation and post. This is not an issue identified in the Court's chart. Moreover, AMD has already provided a written summary about backup tapes, and we are in the process of preparing a response to your letter requesting further information on this topic. In addition, although AMD registered its objection, we permitted Intel to ask questions about backup tapes at   Redacted   interview, in the apparently vain hope that the information would satisfy your apparent curiosity. Instead, you are now asking for such things as the "type of backups, software and media used" and other information irrelevant to any issue, and certainly well outside the bounds the Special Master has set.

As stated at hearing, AMD is prepared to provide information about backup tape coverage for the only two custodians for whom it has resorted to backups to supplement prior productions,   Redacted   Beyond that, and for the reasons noted above, AMD declines to produce a witness on this topic.

Proposed Deposition Topic No. 11: This proposed deposition topic seeks facts underlying a statement made by AMD's outside counsel in a disclosure made more than three years ago. This type of information is more efficiently obtained through an interrogatory, and so AMD agrees to provide a narrative summary of the pertinent facts under oath.

         <u>Proposed Deposition Topic No. 12</u>: This proposed deposition topic and its 5 subtopics seek information about non-designated custodians. None of this concerns a topic on the Court's chart, and it is irrelevant to any issue in this case. We declines to produce a witness on this topic.

         <u>Proposed Deposition Topic No. 13</u>: This proposed deposition topic seeks information about any known or suspected non-preservation of AMD Custodian data. This is not a topic on the Court's chart. We have provided information to you in writing regarding certain custodians, consistent with our professional obligations. There is no reason for deposition to confirm what AMD has told Intel already. AMD will provide a narrative summary, under oath, if Intel should so desire. We do not intend to waive privilege or work product protection.

         <u>Proposed Deposition Topic No. 14</u>: This proposed deposition topic seeks information about the "timing, scope and nature of problems and/ or issues" in "data preservation, harvesting, processing and/or productions" for a list of 7 AMD designated custodians. AMD is prepared, subject to a nonwaiver agreement, to provide narrative summaries as to   Redacted   Redacted   AMD believes that the disclosures already made as to   Redacted   Redacted   satisfy any duty AMD has in that regard.

         <u>Proposed Deposition Topic No. 15</u>: This proposed deposition topic is redundant to those covered by Topic No. 14, and is the subject of disclosures already made by AMD to Intel.

         <u>Proposed Deposition Topic No. 16</u>: This proposed deposition topic seeks information on "audits and investigations" about AMD's data preservation, harvesting and productions. As we have described several times, AMD's in-house and outside counsel were responsible for these functions, and we cannot imagine questions Intel could ask that would not seek to invade the attorney-client privilege or work product, which we decline to waive. We are prepared to discuss, subject to a nonwaiver agreement, an appropriate reciprocal exchange on this topic.

<u>Intel's Proposed Document Requests</u>

         We were surprised to receive document requests accompanying this draft deposition notice, as we have never discussed a second round of document discovery. We will defer response to the proposed document requests until we have resolved the deposition topics. We reserve all objections.

         We look forward to your response to the foregoing.

                        Very truly yours,

                        Mark A. Samuels
                        of O'MELVENY & MYERS LLP

Encl.
LA3:1153883.1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION	)))	MDL No. 05-1717-JJF
ADVANCED MICRO DEVICES, INC. and AMD INTERNATIONAL SALES & SERVICE, LTD.,	))))	C. A. No. 05-441-JJF
Plaintiffs,	))	
vs.	))	
INTEL CORPORATION and INTEL KABUSHIKI KAISHA,	)))	
Defendants.	)	
PHIL PAUL, on behalf of himself and all others similarly situated,	)))	C. A. No. 05-485-JJF
Plaintiffs,	))	
vs.	))	
INTEL CORPORATION,	))	
Defendant.	)	

NOTICE OF TAKING DEPOSITION OF
ADVANCED MICRO DEVICES, INC. and AMD INTERNATIONAL
SALES & SERVICE, LTD.

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil

Procedure, defendant Intel Corporation will take the deposition of Advanced Micro Devices, Inc.

and AMD International Sales & Service, Ltd. (collectively, "AMD") on January __ through __

beginning each day at 9:30 a.m., at the offices of Bingham McCutchen LLP, Three Embarcadero

Center, San Francisco, CA 94111, or at such other time and place as the parties may agree. The deposition will be recorded by stenographic and sound-and-visual (videographic) means, will be taken before a Notary Public or other officer authorized to administer oaths, and will continue from day to day until completed, weekends and public holidays excepted.

Reference is made to the "Description of Matters on Which Examination is Requested" attached hereto as Exhibit A and incorporated herein by this reference. In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, AMD is hereby notified of its obligation to designate one or more officers, directors, or managing agents (or other persons who consent to do so) to testify on its behalf as to all matters embraced in the "Description of Matters on Which Examination is Requested" and known or reasonably available to AMD.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rules 30(b) and 34 of the Federal Rules of Civil Procedure, Intel requests that AMD produce for inspection, copying and use at the deposition all of the documents and other tangible things in their possession, custody, or control and responsive to the "Categories of Documents and Tangible Things Requested for Production" attached hereto as Exhibit B and incorporated herein by reference. Production shall take place at the time and place of the deposition or at such other time and place as the parties may mutually agree.

OF COUNSEL:

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(202) 783-0800

Dated: December ___, 2008

POTTER ANDERSON & CORROON LLP

By: */s/ W. Harding Drane, Jr.*
      Richard L. Horwitz (#2246)
      W. Harding Drane, Jr. (#1023)
      Hercules Plaza, 6th Floor
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      P.O. Box 951
      Wilmington, DE 19899-0951
      (302) 984-6000
      rhorwitz@potteranderson.com
      wdrane@potteranderson.com

Attorneys for Defendants
Intel Corporation and Intel Kabushiki Kaisha

A/72781510.2

EXHIBIT A

EXHIBIT A:

DESCRIPTION OF MATTERS ON WHICH
EXAMINATION IS REQUESTED

I.

DEFINITIONS

1.   "AMD" shall mean and refer collectively to plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd., including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.

2.   "AMD Custodians" or "Custodians" means and refers to the approximately 440 individuals identified by AMD on its Custodian List served on June 1, 2006, pursuant to the Stipulation and Order Regarding Document Production entered by the Court in this Litigation.

3.   "Litigation" means and refers to the litigation in which this Notice of Taking Deposition has been served.

II.

SUBJECT MATTER

1.   AMD's implementation and use of Enterprise Vault (in all relevant geographic regions) including but not limited to:

(a)   Timing of implementation and deployment;

(b)   Initial configuration and any subsequent changes thereto;

(c)   Migration of data into Enterprise Vault storage, including the type(s) of data migrated and not migrated;

(d)   Quality control safeguards and auditing;

(e)   Reporting, search and production capabilities;

(f)   Processes used to extract data from the system; and

(g)   Errors, malfunctions, data corruption or loss.

2.   AMD's implementation and use of an email journaling system (in all relevant geographic regions) including but not limited to:

(a)   Timing of implementation and deployment;

(b)   Initial configuration and any subsequent changes thereto;

(c)   Type(s) of data the email journaling system was configured to preserve and types of data it was not configured to preserve;

(d)   Quality control safeguards and auditing;

(e)   Reporting, search and production capabilities;

(f)   Processes used to extract data from the system; and

(g)   Errors, malfunctions, data corruption or loss.

3.   Configuration of AMD's email systems, including but not limited to:

(a)   Employees' ability to customize email settings that could impact preservation of emails;

(b)   Dumpster settings, use of shift-delete, and AMD Custodians' ability to permanently delete email messages.

(c)   Mailbox size limits or quotas for AMD employees' email including but not limited to:

        1)   Nature and purpose of any limits or quotas, including any changes after AMD reasonably anticipated this Litigation;

        2)   Consequence(s) of an email account nearing or reaching the limit or quota;

        3)   Recommendations or instructions to employees and Custodians; and

        4)   Whether and when AMD Custodians reached storage limits after March 11, 2005, and the identities of such Custodians.

4.   Date on which AMD first reasonably anticipated this Litigation, and the events and circumstances leading to AMD's decision to commence this Litigation.

5.   AMD's litigation hold notices for the Litigation, including but not limited to:

(a)   The timing of AMD's issuance of written litigation hold notices;

(b)   Meaning and intent of the language used;

(c)   Custodians' compliance;

(d)   Monitoring and auditing; and

(e)   IT Department technical support.

6.   AMD's harvesting of electronic data for this Litigation from all geographic locations and sources (hard drives, live exchange server mailboxes, Enterprise Vault, email journaling), including but not limited to:

(a)   Identity of entities and personnel conducting harvests;

(b)   Protocols and processes used;

(c)   Types of data included and excluded from harvests;

(d)   Ttiming of harvesting activities;

(e)   Identity of custodians subject to harvesting; and

(f)   Documentation, auditing, validation and issue tracking.

7.   Nature of, and protocols for, AMD IT's support of custodian preservation activities.

8.   Data processing protocols and procedures utilized by AMD's electronic discovery vendor(s), including but not limited to:

(a)   Identity of vendor performing processing functions;

(b)   Processes used;

(c)   Type(s) of data included or excluded from processing;

(d)   Hardware and software used; and

(e)   Documentation, auditing, validation and issue tracking.

9.   De-duplication and near de-duplication methods used by AMD during this Litigation, including but not limited to:

(a)   Protocols, databases and tools used by FCS and Stratify;

(b)   Attenex methodology for de-duplication and near de-duplication; and

(c)   Custodians' manual de-duplication or near de-duplication decisions.

10.   Backup tape policies and protocols, including but not limited to:

(a)   Pre-Litigation disaster recovery backup tapes, including type of backups, software and media used, content and frequency of the backups, tape rotation/recycling schedule, and restoration activities for this Litigation;

(b)   Preservation of backup tapes for this Litigation, including type of backups, software and media used, content and frequency of the backups, tape rotation/recycling schedule, restoration activities for this Litigation; and

11.   Facts underlying the statement in Mr. Herron's letter of October 24, 2005 to Mr. Rosenthal (at 1) that "AMD's document retention and destruction policies were suspended to prevent the inadvertent destruction of documents that may be relevant to this lawsuit."

12.   For each individual AMD Custodian for whom data has not been produced to Intel (*i.e.,* non-designated Custodians):

(a)   Timing of and specific steps taken for preservation of data;

(b)   Any known or suspected non-preservation of data;

(c)   Date(s) on which the Custodian's documents were harvested for the Litigation;

(d)   Date(s) on which the Enterprise Vault was first used to capture and preserve email for the Custodian;

(e)   Date(s) on which the Custodian received a Litigation Hold Notice; and

13.   Any known or suspected non-preservation of AMD Custodian data.

14.   The timing, scope and nature of the problems and/or issues for the following Custodians' data preservation, harvesting, processing and/or productions:

(a)   Redacted

(b)   Redacted

(c)   Redacted

(d)   Redacted

(e)   Redacted

(f)   Redacted   and

(g)   Redacted

15. AMD's attempts (successful or unsuccessful) to recover, restore or produce documents related to any Custodian (including but not limited to the Custodians identified in Topic 14 above), from backup tapes, other employees' electronic files, and/or from data previously harvested but suppressed by AMD's near-deduplication protocols.

16. AMD's audits and investigations of the sufficiency of its data preservation, harvesting and productions related to the Litigation.

EXHIBIT B

EXHIBIT B:

CATEGORIES OF DOCUMENTS AND TANGIBLE THINGS
REQUESTED FOR PRODUCTION

I.

DEFINITIONS

1.   "AMD" shall mean and refer collectively to plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd., including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.

2.   "AMD Custodians" or "Custodians" means and refers to the approximately 440 individuals identified by AMD on its Custodian List served on June 1, 2006, pursuant to the Stipulation and Order Regarding Document Production entered by the Court in this Litigation.

3.   "Litigation" means and refers to the litigation in which this Notice of Taking Deposition has been served.

II.

REQUESTS

1.   Documents sufficient to show the dates and sources of each harvest of electronic data for each Custodian, including each harvest from hard drive, Enterprise Vault system, email journaling system, PNS and exchange servers.

2.   For each Custodian, documents sufficient to show the nature and scope of each harvest of electronic data from AMD's Enterprise Vault and email journaling systems, including the search tools, parameters and/or criteria used to extract the data.

3.   By Custodian and for each suppressed email, the logs or tracking information automatically generated by, and/or stored within, the Attenex database(s) as a result of the near-dedededuplication process, as referenced during Mr. Cardine's interview on October 15, 2008.

4.   The logs generated during the migration of PSTs into AMD's Enterprise Vault system, as referenced during   Redacted   interview on December 11, 2008.

5.   Documents sufficient to show which Custodians, if any, requested an increase in his or her mailbox size quotas (after March 1, 2005), the date of any such request(s), and the action taken by AMD's IT department in response to such request(s).

6.   Documents sufficient to show (a) any instructions, recommendation and/or user guides provided to AMD employees, or (b) internal AMD IT policies and/or procedures, related to AMD's Enterprise Vault and email journaling systems.

7.   For each Custodian, documents sufficient to show each email address and/or display name that, when used, would result in an email being delivered to the subject Custodian's AMD email account.

EXHIBIT K

From: Herron, David
Sent: Friday, November 16, 2007 11:28 AM
To: Levy, Richard P.
Cc: Herron, David
Subject: RE: AMD V. INTEL

Rich: Thank you. The written summary is attached. David

From: Levy, Richard P. [mailto:RPLevy@gibsondunn.com]
Sent: Friday, November 16, 2007 10:00 AM
To: Herron, David
Subject: RE: AMD V. INTEL

Thanks Dave. After encouraging you to enter into some non-waiver agreements, I'd be hard pressed to deny your request--
and I won't. We agree that your production of a written summary to Deposition Topic 8 will not constitute a privilege waiver.
As for your written response, last time I used the phrase "early next week" with Mark, I didn't get him anything until late in
the day on the following Wednesday. Accordingly, you don't exactly have a difficult standard to meet and I am sure my
family won't mind me excusing myself during Thanksgiving dinner to read your missive. I will look forward to receiving
something and, hopefully, resolving the issues I raised.

From: Herron, David [mailto:DHerron@OMM.com]
Sent: Thursday, November 15, 2007 6:18 PM
To: Levy, Richard P.
Cc: Herron, David
Subject: AMD V. INTEL

Rich: I'm writing about your letter of November 7. As we discussed the other day, AMD
will produce a written summary of the havesting-related information responsive to
Deposition Topic No. 8 tomorrow, November 15. I believe it is understood and agreed --
but request that you confirm -- that AMD's production of this information shall not
constitute or be construed as a waiver of any privilege, including the attorney-client
privilege, or of work product protection.

We would like to respond to the balance of your letter in writing, and will plan on getting
that to you early next week. Thanks Rich. David

6/10/2008

David L. Herron
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, CA 90071-2899
213.430.6230
dherron@omm.com
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"MMS <Gibsondunn.net>" made the following annotations.

This message may contain confidential and privileged information. If it has been sent to you in error,
please reply to advise the sender of the error and then immediately delete this message.

==

6/10/2008

EXHIBIT L

BINGHAM

Donn P. Pickett
Direct Phone: 415.393.2082
Direct Fax: 415.262.9217
donn.pickett@bingham.com

November 19, 2008

Via Email and U.S. Mail

David L. Herron, Esq.
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, CA 90071

Re: *AMD v. Intel* – Questions re AMD's Backup Tape Protocols

Dear David:

This letter follows our teleconference on November 3 during which you suggested that, in lieu of an informal interview, Intel should submit to AMD its questions relating to AMD's backup tape systems and protocols. AMD provided Intel with certain information about AMD's backup tape protocols in your letter dated October 24, 2005 and also in a document entitled AMD's Backup Tape Retention Protocols (hereafter "Backup Tape Protocols"). Because our questions relate and refer to the information in those documents, I have attached them here for your reference.

Oldest Full Backups

You indicated that AMD, on March 11, 2005, instructed IT managers to identify and retain the oldest full backup of every Exchange and file server utilized by relevant employees. The following questions relate to that project.

1. What backup systems were in use in March 2005? Please briefly describe the hardware, tape format (DAT, DLT, QIC), tape capacities, whether the data was compressed, and backup software (brand and version). Also, please describe any changes (hardware, tape format, compression or software) to this configuration since March 2005.

2. What type of backup tapes (daily, weekly, monthly, differential, incremental, full, etc.) did AMD retain as part of this effort? Does the kind of tape retained vary by server location (Austin, Sunnyvale, etc.) or vary within the stated time frame (January to March 10, 2005)?

3. What type of backup tapes (daily, weekly, monthly, differential, incremental, full, etc.) did AMD recycle or not retain during this time period?

4. Please clarify what AMD means by its use of the term "full backup." *See* Backup Tape Protocols at 1. Do AMD's full backup tapes include incremental data from the period (*e.g.,* 30 days) since the previous full backup, or are they simply a snapshot of the data as it existed at that time?

5. AMD advised Intel that "[t]he months covered by these tapes vary depending on backup cycles, but most are within the January to March 10, 2005 timeframe." *See* Backup Tape Protocols at 1. Does that mean AMD, as of March 11, 2005, did not have any "full" backup tapes which were created prior to January 2005?

6. What data, if any, is excluded from these full backup tapes? Specifically, do these full backups include data in an employees' dumpster?

Suspension of Tape Recycling Procedures

7. As of March 19, 2005, AMD IT "indefinitely suspended its backup tape recycling procedures...." *See* Backup Tape Protocols at 1. Please describe the procedures that AMD suspended, including those relating to retention/recycling schedules and the reuse of backup media.

8. Does the March 19, 2005 suspension of backup tape recycling procedures mean that no tapes were recycled after this date including daily, weekly, or incremental tapes?

Preservation of Monthly Backup Tapes After March 2005

You indicated that "AMD IT has retained 30-day backup tapes for Exchange and file servers utilized by Employees since March 2005." Backup Tape Protocols at 2.

9. Was AMD's retention of monthly backup tapes starting March 2005 a new policy?

10. On what day of the month are the monthly backup tapes created?

11. Were all of the production custodians' email Exchange accounts subject to these monthly backup tape policies as of March 2005? If not, please identify which AMD production custodians' Exchange accounts were not put on monthly backup as of March 2005, and please list when, if ever, they were put on monthly backup.

12. Are there custodians who have email accounts that are not on Exchange servers, such as Unix accounts or other accounts? If so, were those accounts put on the same monthly backup retention policy?

13. What data is included on these monthly tapes? Do the tapes include a complete snapshot of what is on the server(s) at the time the backups are created each month? Or do the tapes only include data created during the previous month?

14. Do these monthly backups capture all data that resides in an employees' dumpster? If yes, how many days of deleted email are kept in the dumpster? Are deleted email messages from every day of the month captured on these tapes?

15. Do these monthly backups capture all data that resides in the Vault? If yes, is the monthly back-up policy for the Vault the same as that for Exchange servers? If no, how is it different?

16. Do these monthly backups capture all data that resides in the journaling system?

17. Do these monthly backups capture all data that resides in an employees' personal network stores (PNS)?s

If you would prefer to make a knowledgeable interviewee available on this topic, rather than providing written responses, please let us know. We look forward to your responses.

Sincerely yours,

Donn P. Pickett

cc: Mr. Jeffrey Fowler, Esq. (by email)