



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.

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906778/29282

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# **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 databases" means all databases, electronic tools, files, or other internal systems that contain, list, record, document, and/or process the costs associated with AMD's microprocessor and chipset products, including the costs of goods sold (COGS), manufacturing and materials costs, research and development costs (R&D), general and administrative costs (G&A), sales and marketing costs (S&M), overhead expenses, other operating expenses, capital expenditures, depreciation, and other costs directly or indirectly related to AMD's microprocessor products.

#### **II. SUBJECT MATTER**

1. The origin, existence, location, and structure of AMD databases.

2. General knowledge of AMD's policies and/or procedures for entering, processing, recording, moving, and deleting data in or from AMD databases.

3. The definition and interpretation of data fields, values, abbreviations, and codes in AMD databases.

4. Documents or data maintained or recorded by AMD to inform, describe, or relate to entries made in AMD's databases, or to validate entries for the purposes of an audit.

5. The business and operational practices employed by AMD to record cost data, including what information was used to determine any subsequent adjustments.

6. The existence of automated or manual linking procedures and other possible interactions among AMD databases.

7. AMD's responses, including the interpretation and clarification of responses, previously provided in response to Intel's questions regarding AMD's cost data.

8. The cost data AMD has produced to Intel in this case.

9. The data and the methodology AMD uses, in its audited and reported financial statements and in internal reports, to calculate microprocessor and chipset manufacturing costs, manufacturing margins, COGS, and gross margins.

10. The costs and margins that are tracked by AMD—such as product COGS, other COGS (related to start-up costs, excess costs, write-offs, and other non-inventoriable costs), and gross margins—by line of business or otherwise, whether reported in the audited financial statements or not.

11. The data and the methodology AMD uses, in its audited and reported financial statements and in internal reports, to calculate unit costs by microprocessor or chipset model/name/number, as well as any/all sub-categories of such unit costs calculated by AMD's product costing systems, such as cost by resource used in manufacturing (e.g., direct materials, indirect materials, purchased piece parts, labor,

manufacturing depreciation, other overhead, corporate allocations, etc.) and cost by manufacturing step (e.g., cost of fabrication, cost of assembly, cost of testing, etc.).

12. The data and the methodology AMD uses, in its audited and reported financial statements and in internal reports, to calculate, for each of AMD's manufacturing facilities, spending by cost category (e.g., direct materials, indirect materials, purchased piece parts, labor, manufacturing depreciation, other overhead, corporate allocations, etc.), actual production volume (e.g., wafers processed per fabrication facility, die or CPUs/Chipsets processed per assembly facility, etc.), capacity and any measures of capacity utilization, and number of employees in service.

13. The wafer sizes, process technologies, and product names/numbers/descriptions produced by each of AMD's manufacturing facilities.

14. AMD's firm-wide cost accounting policies and procedures.

15. The data and methodology needed to replicate AMD's cost accounting firm-wide, by business unit, by product line (e.g., microprocessors, chipsets), and by product family/type (e.g., CPU family).

16. The names and positions of AMD employees who would be knowledgeable of the matters listed above, and the departments, groups, or business units within AMD that are responsible or knowledgeable of the matters listed above.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, W. Harding Drane, Jr., hereby certify that on March 12, 2009, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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