



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. Pursuant to Rule 30(b)(6), TAIS 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 TAIS.

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Dated: June 2, 2009

# EXHIBIT A

# **EXHIBIT A**

## **DESCRIPTION OF MATTERS ON WHICH EXAMINATION IS REQUESTED**

### **I.**

#### **DEFINITIONS**

1. “TAIS” shall mean and refer to Toshiba America Information Systems, Inc., including its past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on its behalf.

2. “Toshiba” shall mean and refer to Toshiba Corporation, including its respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on its behalf.

3. “Intel” shall mean and refer collectively to defendants Intel Corporation and Intel Kabushiki Kaisha, including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.

4. “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.

5. “Communication” shall mean any and all forms of communications, including, without limitation, letters, e-mails, memoranda, teleconferences and in-person meetings.

6. The time period covered by each topic set forth below, unless otherwise specified, is from January 1, 1998 up to and including the present.

## II.

### SUBJECT MATTER

1. Any decision not to use or discontinue the use of AMD x86 microprocessors in any computer product or series formerly featuring AMD microprocessors sold or distributed by TAIS.
2. The exclusion of AMD x86 microprocessors from desktops, notebooks and/or any other computer products sold or distributed by TAIS.
3. The decision not to use AMD x86 microprocessors in any desktop, notebook and/or any other computer product sold or distributed by TAIS.
4. The purchase or acquisition of x86 microprocessors by TAIS, either directly or indirectly, for the period from January 1, 1998 to the present, including the existence and structure of any rebates, price adjustments, meet-competition payments/allowances, marketing payments/allowances, credits, and other monetary or economic benefits provided to TAIS, either directly or indirectly, by Intel or AMD in connection with the purchase or acquisition of x86 microprocessors.
5. Any monetary or non-monetary incentives or disincentives offered by Intel or AMD to TAIS, either directly or indirectly, in connection with TAIS's purchase, acquisition or use of x86 microprocessors for the period from January 1, 1998 to the present.
6. TAIS's roadmap for computer products incorporating x86 microprocessors, including but not limited to notebooks, desktops, tablet PCs, servers, blade servers, and workstations, from the period from January 1, 1998 to the present.
7. Any and all joint sales and marketing programs, ventures, or other activities between TAIS, Toshiba and Intel regarding computer products incorporating x86 microprocessors.
8. TAIS's process for selecting among differentiated x86 microprocessors manufactured by AMD and Intel to be used in computer products marketed and sold by TAIS.
9. The role of Toshiba with regard to the acquisition of x86 microprocessors and their incorporation into computer products marketed and sold by TAIS.

10. All communications between TAIS's current and former officers, directors, agents, managers, employees, or affiliates and Intel related to x86 microprocessors, the purchase or acquisition of x86 microprocessors, products incorporating x86 microprocessors, or the x86 microprocessor market, as well as the participants in and the contents of any such meetings.

11. Toshiba's or TAIS's decision to purchase a certain percentage of Intel x86 microprocessors in exchange for monetary and/or non-monetary support from Intel.

12. TAIS's volume of sales of desktop and notebook or laptop computers in the United States from January 1, 1998 to the present.

13. TAIS's market share or market segment share of desktop and notebook or laptop computers sold in the United States between January 1, 1998 and the present.

14. Transfer or FOB prices between Toshiba and TAIS from January 1, 2000 to the present.

15. The manner and process in which TAIS purchased or acquired x86 microprocessors for use in computer products sold or distributed by TAIS in the United States.

16. Hisatsugu Nonaka's role in and involvement with the purchase or acquisition of x86 microprocessors or products incorporating x86 microprocessors during the time in which he served as an officer or director of TAIS.

17. TAIS's communications with retailers in the United States, including but not limited to Best Buy and Circuit City, regarding TAIS's use or nonuse of Intel or AMD microprocessors in products offered for sale or distribution by TAIS.

18. The subject matters discussed during meetings and/or teleconferences held between Intel and TAIS on the following dates:

- a. August 15, 2002
- b. September 6, 2002
- c. February 12, 2004
- d. April 6, 2004
- e. May 1, 2004

- f. November 4, 2004
- g. January 6, 2005
- h. August 22, 2005
- i. November 3, 2005
- j. December 5, 2005
- k. January 5, 2006
- l. May 30, 2006
- m. June 30, 2006
- n. November 6, 2006
- o. November 29, 2006.

19. The extent to which Toshiba controlled or influenced, either directly or indirectly, decisions made by TAIS.

20. Any instances where Intel failed to provide or supply TAIS with x86 microprocessors or products incorporating x86 microprocessors within the time period requested by TAIS, including but not limited to instances where Intel claimed that they could not provide TAIS with such products because of a supply shortage.

21. Delays in the launching of computers, computer series or any other products sold or distributed by TAIS that contained Intel x86 microprocessors.

22. Joint marketing efforts between TAIS and Intel concerning the sale and/or distribution of computer products or series manufactured or offered for distribution by TAIS or Toshiba.

23. TAIS's receipt, whether directly or indirectly, of marketing funds, discounts, rebates, or any other financial support from Intel.

24. The performance of TAIS's Intel-based product line in the U.S. retail market from 1998 to 2007, including but not limited to revenues, profits, and market share performance.