

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

|  |   |                     |
|--|---|---------------------|
| IN RE<br>INTEL CORPORATION<br>MICROPROCESSOR ANTITRUST<br>LITIGATION   | ) |                     |
|  | ) | MDL No. 05-1717-JJF |
|  | ) |                     |
|  | ) |                     |
|  | ) |                     |
| ADVANCED MICRO DEVICES, INC., a<br>Delaware corporation, and AMD<br>INTERNATIONAL SALES & SERVICES, LTD.,<br>a Delaware corporation, | ) |                     |
|  | ) |                     |
| Plaintiffs,  | ) |                     |
|  | ) | C.A. No. 05-441-JJF |
| v.   | ) |                     |
|  | ) |                     |
| INTEL CORPORATION, a Delaware corporation,<br>and INTEL KABUSHIKI KAISHA, a Japanese<br>corporation,                                 | ) |                     |
|  | ) |                     |
| Defendants.  | ) |                     |
|  | ) |                     |
| PHIL PAUL, on behalf of himself<br>and all others similarly situated,  | ) | C.A. No. 05-485-JJF |
|  | ) |                     |
| Plaintiffs,  | ) | CONSOLIDATED ACTION |
|  | ) |                     |
| v.   | ) |                     |
|  | ) | DM-4 di. 3          |
| INTEL CORPORATION,   | ) |                     |
|  | ) |                     |
| Defendants.  | ) |                     |
|  | ) |                     |

**ORDER STRIKING SUR-REPLY LETTER BRIEF**

WHEREAS, on April 24, 2009, defendants Intel Corporation and Intel Kabushiki Kaisha (hereafter jointly, "Intel"), filed an opening letter brief moving to compel further testimony in response to 130 questions it posed to plaintiffs' Advanced Micro Devices,

Inc. and AMD International Sales & Service, Ltd. (hereafter jointly, “AMD”) Rule 30(b)(6) witness regarding evidence preservation issues (“Motion to Compel”);

WHEREAS, a briefing schedule regarding Intel’s Motion to Compel was submitted by the parties and entered by the Special Master on May 11, 2009;

WHEREAS, on May 14, 2009, AMD filed an answering letter brief in opposition to Intel’s Motion to Compel;

WHEREAS, on May 26, 2009, Intel filed a reply letter brief in further support of its Motion to Compel;

WHEREAS, on May 27, 2009, AMD filed a sur-reply letter brief in further opposition to Intel’s Motion to Compel (“Sur-Reply Brief”);

WHEREAS, the Procedures for The Handling of Discovery Disputes Before the Special Master (the “Discovery Procedures Order”), entered on June 28, 2006, and the Amended Procedures for The Handling of Discovery Disputes Before the Special Master (the “Amended Discovery Procedures Order”), entered on May 18, 2009, govern discovery in this matter;

WHEREAS, the Discovery Procedures Order provides that only initial, opposition, and reply letter briefs shall be submitted by the parties, “unless the Special Master permits otherwise”. See Discovery Procedures Order at ¶ 1;

WHEREAS, the Special Master did not permit the filing of a sur-reply letter brief on Intel’s Motion to Compel;

WHEREAS, on June 5, 2009, Intel filed a letter brief requesting that AMD’s Sur-Reply Brief be stricken because AMD did not seek leave of Court, and the Sur-Reply

Brief contains a separate discovery matter not ripe for consideration (“Intel’s June 5, 2009 Letter Brief”).

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. AMD’s Sur-Reply Brief is stricken.

Entered this  
9<sup>th</sup> day of June, 2009

A handwritten signature in black ink, appearing to read "Vincent J. Poppiti", written over a horizontal line.

Vincent J. Poppiti (DSBA No. 100614)  
Special Master