

EXHIBIT A

**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
INTEL CORPORATION AND INTEL KABUSHIKI KAISHA CONCERNING
EVIDENCE PRESERVATION AND COMPLETENESS OF DOCUMENT
PRODUCTION, AND REQUEST FOR PRODUCTION OF DOCUMENTS**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. (collectively, “AMD”) will take the deposition of defendants Intel Corporation and Intel Kabushiki Kaisha (collectively, “Intel”) on June 4, 2009, beginning at 9:30 a.m., at the offices of O’Melveny & Myers LLP, 400 South Hope Street, 18th Floor, Los Angeles, California, 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, Intel 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 Intel.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rules 35(b) and 34 of the Federal Rules of Civil Procedure, AMD requests that Intel 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 before the deposition (specifically, on May 28, 2009) or at such other time as the parties may agree.

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Dated: April 28, 2009

/s/ Frederick L. Cottrell, III

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EXHIBIT A

DESCRIPTION OF MATTERS ON WHICH EXAMINATION IS REQUESTED

I. DEFINITIONS

1. “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.

2. For all Deposition Topics other than Deposition Topic No. 1, the term “this Litigation” means and refers to the litigation in which this Notice of Taking Deposition has been served.

3. For Deposition Topic No. 1, the term “this Litigation” means and refers to the instant litigation between Advanced Micro Devices and Intel Corporation and Intel Kabushiki Kaisha (MDL No. 05-1717-JJF), the related civil antitrust cases filed by Class Plaintiffs against Intel Corporation and Intel Kabushiki Kaisha (C. A. No. 05-441-JJF and C. A. No. 05-485-JJF), the Japan-based litigation filed by Advanced Micro Devices (Japan) against Intel Kabushiki Kaisha, and includes any potential civil antitrust litigation that Intel reasonably anticipated might be filed against it in the United States or a foreign country based on activities of or relating to domestic or foreign governmental antitrust regulatory bodies.

4. “Intel Custodians” means and refers to the approximately 1,027 individuals identified by Intel 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.

5. Intel’s “Global Database” means and refers to the database that Intel populated, searched, and extracted data from in connection with Intel’s remediation efforts;

6. “Intel’s EMC Archive” means the EMC email archiving solution and all related systems that Intel represented to the Court it implemented in December 2006 and in 2007.

II. SUBJECT MATTER

1. The date on which Intel first reasonably anticipated this Litigation and any Intel evidence preservation activities undertaken by Intel before June 27, 2005.
2. Intel's knowledge of the nature and scope of issues being investigated by regulatory authorities in the United States and abroad prior to the commencement of this Litigation, and Intel's participation and involvement in those investigations.
3. Configuration of Intel's email systems including, but not limited to:
 - a. Intel's efforts to change, monitor or prevent the use of Outlook settings that could adversely impact Intel Custodian preservation including, but not limited to, automatic emptying of deleted item folders;
 - b. Dumpster settings for individual Intel Custodians, dumpster settings on Exchange servers utilized by Intel Custodians, and any changes made by Intel to dumpster settings in connection with this Litigation;
 - c. Intel's efforts to change and monitor mailbox size limits or quotas for Intel Custodians' Outlook email accounts, and the effect of such limits or quotas on Intel Custodians' preservation of email; and
 - d. Loss or deletion of Intel Custodian email resulting from the configuration of Intel's email systems including, but not limited to, Intel Custodians' Outlook settings, dumpster settings, or mailbox size limits or quotas.
4. Intel's implementation, use, and harvesting of data from Intel's EMC Archive including, but not limited to:
 - a. The original configuration of Intel's EMC Archive, changes thereto, and Intel's instructions to Intel Custodians regarding Intel's EMC archive;

- b. Migration of deleted items, historic .psts, the contents of Intel Custodian mailboxes, and other data into Intel's EMC Archive;
 - c. Processes used to extract data from Intel's EMC Archive;
 - d. Errors, malfunctions or data loss associated with Intel's EMC Archive including, but not limited to, data loss upon migration of Intel Custodians' email accounts to Intel's EMC Archive or upon harvesting from Intel's EMC archive; and
 - e. Quality control, auditing, and documentation related thereto.
5. Intel's harvests of electronic and hard copy (paper) data for this Litigation, including but not limited to:
- a. Protocols and processes used for Intel's non-remedial, "organic" harvests conducted after May 2007;
 - b. Gaps and deficiencies in Intel's non-remedial, "organic" harvests conducted after May 2007;
 - c. Live Exchange server mailbox harvesting of Intel Custodian data;
 - d. Intel's harvest of email deleted items including, but not limited to, Intel's harvests of Exchange dumpsters;
 - e. The completeness of Intel's harvests of Intel Custodian data; and
 - f. Quality control, auditing, and documentation related thereto.
6. Actions taken by Intel to preserve Intel Custodian data upon the discovery of preservation lapses in 2006 and 2007.
7. Intel's processing and production of Intel Custodians' electronic data, including but not limited to:

- a. Intel's discovery, collection, processing, and production of .psts for approximately 155 Intel Custodians, as referenced in Intel's filing with the Special Master dated May 30, 2008;
 - b. Intel's discovery, collection, processing and production of Intel Custodian data after production deadlines established by Court orders;
 - c. Methods of deduplication, and of processing and repair of .pst files used by Intel's vendors in this Litigation, and the results thereof; and
 - d. The completeness of Intel's production of organic and remedial electronic data, including Intel Custodian, backup tape, database and shared server data.
8. Backup tape policies and protocols, including:
- a. Intel's pre-litigation disaster recovery backup tapes including, but not limited to, content of backup tapes, backup tape recycling and retention, data collected from such backups, and data loss; and
 - b. Preservation of backup tapes for this Litigation including, but not limited to, content of backup tapes, backup tape recycling and retention, data collected from such backups, and data loss.
9. Intel's "Global Database" including, but not limited to:
- a. Methods, tools and protocols used to populate, search and extract data from Intel's Global Database, and the content thereof;
 - b. Reporting capabilities of, and errors, malfunctions or data loss associated with, Intel's Global Database; and
 - c. Quality control, auditing, and documentation related thereto including, but not limited to, chain of custody, tracking and validation of data inputs into and data extracts from Intel's Global Database.

10. The timing, scope and nature of problems and/or issues for the following Intel Custodians' data preservation, harvesting, processing and/or productions:
- a. Craig Barrett;
 - b. CJ Bruno;
 - c. Andy Bryant;
 - d. Dianne Bryant;
 - e. Louis Burns;
 - f. Debbie Conrad;
 - g. Kevin Corbett;
 - h. Tammy Cyphert;
 - i. David Hamilton;
 - j. Shuichi Kako;
 - k. Shervin Kheradpir;
 - l. Tom Kilroy;
 - m. Eric Kim;
 - n. Charlotte Lamprecht;
 - o. Sean Maloney;
 - p. Jeff McCrea;
 - q. Paul Otellini;
 - r. Josh Richmond;
 - s. Satish Sangameswaran;
 - t. Jake Smith;
 - u. Tim Thraves; and
 - v. Kazumasa Yoshida.

EXHIBIT B

CATEGORIES OF DOCUMENTS AND TANGIBLE THINGS REQUESTED FOR PRODUCTION

I. DEFINITIONS

1. “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.

2. For all Document Requests other than Document Request No. 1, the term “this Litigation” means and refers to the litigation in which this Notice of Taking Deposition and request for Production of Documents and Tangible Things has been served.

3. For Document Request No. 1, the term “this Litigation” means and refers to the instant litigation between Advanced Micro Devices and Intel Corporation and Intel Kabushiki Kaisha (MDL No. 05-1717-JJF), the related civil antitrust cases filed by Class Plaintiffs against Intel Corporation and Intel Kabushiki Kaisha (C. A. No. 05-441-JJF and C. A. No. 05-485-JJF), the Japan-based litigation filed by Advanced Micro Devices (Japan) against Intel Kabushiki Kaisha, and includes any potential civil antitrust litigation that Intel reasonably anticipated might be filed against it in the United States or a foreign country based on activities of or relating to domestic or foreign governmental antitrust regulatory bodies.

4. “Intel Custodians” means and refers to the approximately 1,027 individuals identified by Intel 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.

5. “Documents” shall mean and include all “writings,” “recordings” or “photographs” as those terms are defined in Rule 1001 of the Federal Rules of Evidence. Without limiting the foregoing, the term “documents” includes both hard copy documents as well as electronically stored data-files including email, instant messaging, shared network files, and databases. With respect to electronically stored data, “documents” also includes, without

limitation, any data on magnetic or optical storage media (e.g., servers, storage area networks, hard drives, backup tapes, CDs, DVDs, thumb/flash drives, floppy disks, or any other type of portable storage device, etc.) stored as an “active” or backup file, in its native format.

II. INSTRUCTIONS

1. These requests call for the production of all responsive documents that are within the possession, custody or control of Intel, including its officers, directors, agents, attorneys, employees, and other persons acting on Intel’s behalf.

2. If any document covered by these requests is withheld by reason of a claim of attorney-client privilege, attorney work product protection, or any other privilege or protection, please furnish a log providing the following information with respect to each such withheld document: date; author; recipients; general subject matter; and legal basis upon which the document has been withheld.

3. These requests shall be deemed continuing so as to require further and supplemental production in accordance with F.R.C.P. 26(e).

III. REQUESTS

1. Documents sufficient to show and detail the evidence preservation activities undertaken by Intel in connection with this Litigation prior to June 27, 2005.
2. Documents sufficient to show and detail the changes Intel made to dumpster settings for individual Intel Custodians and on Exchange servers utilized by Intel Custodians in connection with this Litigation.

3. Documents sufficient to show and detail Intel's monitoring of, and changes Intel made or enforced in regard to, Intel Custodians' Outlook email account settings or configurations in connection with this Litigation.
4. Documents sufficient to show and detail the migration of Intel Custodians' deleted items, historic .psts, the contents of Intel Custodian mailboxes, and other data to Intel's EMC Archive.
5. Documents sufficient to show and detail the processes used by Intel to extract data from Intel's EMC Archive.
6. Documents sufficient to show and detail Intel IT policies, procedures, instructions, guidelines or user guides related to Intel's EMC Archive including, but not limited to, any such materials provided to Intel Custodians.
7. Documents sufficient to show and detail the methods, protocols, and results of Intel's population, searching and extraction of data from Intel's Global Database.
8. Documents sufficient to show and detail Intel's harvesting of Intel Custodians' dumpster deleted items.
9. Documents sufficient to show and detail the scope of Intel's harvests of non-remedial Intel Custodian data.
10. Documents sufficient to show and detail Intel's discovery, collection, processing, and production of .psts for approximately 155 Intel Custodians, as referenced in Intel's filing

with the Special Master dated May 30, 2008.

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by Electronic Mail to the following:

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I hereby certify that on April 28, 2009, I have sent by Electronic Mail the foregoing document to the following non-registered participants:

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EXHIBIT B

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

<p>IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION</p>	<p>MDL Docket No. 05-1717 (JJF)</p>
<p>ADVANCED MICRO DEVICES, INC., a Delaware corporation, and AMD INTERNATIONAL SALES & SERVICE, LTD., a Delaware corporation,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>INTEL CORPORATION, a Delaware corporation, and INTEL KABUSHIKI KAISHA, a Japanese corporation</p> <p style="text-align: center;">Defendants.</p>	<p>C.A. No. 05-441 (JJF)</p>
<p>PHIL PAUL, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>INTEL CORPORATION,</p> <p style="text-align: center;">Defendant.</p>	<p>C.A. No. 05-485-JJF</p> <p>CONSOLIDATED ACTION</p>

**INTEL CORPORATION AND INTEL KABUSHIKI KAISHA'S
RESPONSE TO NOTICE OF TAKING DEPOSITION OF INTEL CORPORATION
AND INTEL KABUSIDKI KAISHA CONCERNING EVIDENCE PRESERVATION
AND COMPLETENESS OF DOCUMENT PRODUCTION, AND
REQUEST FOR PRODUCTION OF DOCUMENTS**

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Kaisha*

Pursuant to Rule 30(b)(6) and Rule 34 of the Federal Rules of Civil Procedure, defendants INTEL CORPORATION and INTEL KABUSHIKI KAISHA (“collectively “Intel” or “defendants”) hereby respond to Plaintiffs’ Notices of Taking Deposition of Intel Corporation and Intel Kabushiki Kaisha concerning Evidence Preservation and Completeness of Document Production, and Request for Production of Documents, served on April 29, 2009.

GENERAL RESPONSE

1. Intel’s responses herein are not intended to, nor do they, constitute a waiver of the following rights, and are in fact intended to preserve and do preserve the following:

a. the right to object to the admissibility of any document produced pursuant to these Requests on grounds of authenticity, foundation, relevance, materiality, privilege, or any other objection which may arise in subsequent proceedings in, or trial of, this or any other action;

b. the right to object to plaintiffs’ use of any document produced pursuant to this set of Requests, including pursuant to the terms of the protective order that is or may be entered in this case, in any subsequent proceeding in, or trial of, this or any other action;

c. the right to object on any grounds at any time to any other discovery involving documents produced pursuant to this set of Requests; and

d. the right to amend these responses in the event that any documents are unintentionally omitted from production.

2. Nothing contained herein or provided in response to the Topics or Requests consists of, or should be construed as, an admission relating to the existence or nonexistence of any alleged facts or information referenced in any Topics or Request or that Intel is in agreement with plaintiffs’ characterization of the facts in any such Topic or Request. By indicating that Intel will produce any responsive documents, Intel does not represent that such documents exist

or are in its possession, custody, or control but only that it will conduct the searches indicated for the documents sought. Inadvertent identification or production of privileged documents or information by Intel pursuant to these Topics or Requests does not constitute a waiver of any applicable privilege.

3. Consistent with its obligation under the Federal Rules of Civil Procedure, Intel will make reasonable efforts to respond to each Topic or Request, to the extent that no objection is made, as Intel understands and interprets the Topic or Request. If plaintiffs subsequently assert an interpretation of any Topic or Request that differs from Intel's, Intel reserves the right to supplement its objections and responses and to produce and use additional documents.

4. Intel makes the following responses upon presently available information and without prejudice to Intel's right to utilize subsequently discovered facts or documents.

5. Intel intends its responses to be made pursuant to the Protective Order entered in this action.

GENERAL OBJECTIONS

1. Intel objects to each Request herein to the extent that it seeks documents or information protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege.

2. Intel objects to AMD's "Definitions," "Instructions," "Subject Matter" Topics, and Document "Requests" to the extent that they impose or attempt to impose obligations beyond those required by the Federal Rules of Civil Procedure, the Local Rules of the District of Delaware, and any Order that is or may be entered in this action.

3. Intel objects to each Topic and Request herein to the extent that it is argumentative and/or calls upon Intel to interpret legal theories or to draw legal conclusions.

4. Intel objects to the definition of “Intel” as imposing obligations on Intel beyond those authorized by the Federal Rules of Civil Procedure and as purporting to require Intel to produce documents that are not within its possession, custody, or control. In this regard, Intel objects to the definition of “Intel” as including “past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.”

5. Intel objects to each and every request, with regard to Instructions 1-3 in that they purport to impose on Intel obligations that go beyond those authorized by the Federal Rules of Civil Procedure and/or are unduly burdensome. In this regard, Intel objects to AMD’s demand that it produce “all responsive documents that are within the possession, custody or control of Intel, including its officers, directors, agents, attorneys employees and other persons acting on Intel’ behalf” and will not construe these Requests as requiring the production of documents in the possession of outside counsel, specifically internal communications among outside counsel.

6. Each and all of the foregoing General Objections are hereby expressly incorporated into each and all of the following specific responses. For particular emphasis, one or more of these General Objections may be reiterated in a specific response. The absence of any reiteration in a given specific response is neither intended as, nor shall be construed as, a limitation or waiver of any General Objection made herein. Moreover, the inclusion of a specific objection to a specific response is neither intended as, nor shall be construed as, a limitation or waiver of a General Objection or any other specific objection.

GENERAL RESPONSE TO RULE 30(b)(6) DEPOSITION SUBJECT MATTERS

Plaintiffs’ Notice contains ten separate Topics, many containing multiple subparts. Intel therefore objects on the basis that this discovery is unduly burdensome and duplicative of previous discovery with which AMD has already been provided in this case, including but not limited to, previous fact and 30(b)(6) depositions taken of Intel witnesses regarding

Causation/Culpability and Remediation issues, Intel's Remediation Report and subsequent findings related to Intel's remedial efforts, Intel's "Paragraph 8 Summaries," "Weil Interview Notes," and Intel's Response to Order of March 10, 2009 regarding individual preservation issues. Intel believes that 30(b)(6) deposition testimony on issues which have or could have been previously explored through a wide variety of discovery and prior disclosures is unwarranted, duplicative and unduly burdensome.

Intel further objects to the unreasonable tardiness of AMD's deposition notice and the Topics contained therein. Pursuant to the June 20, 2007 Stipulation and Order Bifurcating Discovery into Intel's Evidence Preservation Issues ("Bifurcation Order"), Remediation Discovery closed on August 31, 2007. The Court also ordered AMD to begin Causation/Culpability discovery no later than October 1, 2007, and that "Causation/Culpability Discovery, including depositions and any additional document production, *shall proceed expeditiously thereafter.*" See Bifurcation Order at ¶5.

To the extent AMD's Topics seek information related to Remediation Discovery, that phase of discovery closed on August 31, 2007 pursuant to the Court's Bifurcation Order. AMD's Topics regarding Causation/Culpability Discovery are not only duplicative of previous discovery, but have hardly been pursued "expeditiously" pursuant to the Bifurcation Order. This 30(b)(6) Notice comes approximately one year and seven months after Causation/Culpability Discovery began; after Intel put forth two 30(b)(6) witness for four days of depositions on Remediation and Causation/Culpability Topics; after AMD has taken no less than 45 hours of deposition testimony on Remediation and Causation/Culpability from at least seven different witnesses, including both 30(b)(6) and individual witnesses; and after AMD had ample and repeated opportunities to inquire into the Topics on which it now seeks testimony.

Notwithstanding these objections, Intel believes that part of Subject Matter Topic 7 and Subject Matter Topic 9 are appropriate for a Rule 30(b)(6) deposition, subject to the Specific Objections set forth below, and the General Response and General Objections above, including, but not limited to, attorney client and work product privileges.

GENERAL RESPONSE TO DOCUMENT REQUESTS

Intel objects to these Requests on the grounds that they are duplicative, untimely, unreasonable and unduly burdensome. Intel's objections are based on two overarching, related principles.

First, many of Plaintiffs' Requests are either duplicative of or subsumed within Plaintiff's prior discovery requests, to which Intel has already responded. Intel's review and production of retention and remediation documents has stretched the bounds of reasonableness, and Plaintiffs' Requests are an overbroad "fishing expedition" that would impose an undue burden on Intel.

Second, Plaintiffs' Requests are impermissibly tardy. The Court specifically cut off remediation discovery on August 31, 2007 and ordered retention discovery to be conducted "expeditiously" thereafter. Plaintiff's Requests, served some 19 months later, can hardly be deemed expeditious. Thus, to the extent that any of Plaintiff's Requests have not already been propounded, AMD is impermissibly late to propound them now.

SPECIFIC OBJECTIONS AND RESPONSES TO RULE 30(b)(6) SUBJECT MATTER TOPICS

TOPIC NO. 1:

The date on which Intel first reasonably anticipated this Litigation and any Intel evidence preservation activities undertaken by Intel before June 27, 2005.

RESPONSE TO TOPIC NO. 1:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Topic on the grounds that it is not reasonably likely to lead to the discovery of admissible evidence. Intel also objects to this Topic on the ground that it is beyond the scope of discovery contemplated by the Special Master's March 16, 2007 Order concerning Intel's Report and Remediation Plan ("Special Master's Order"). Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege, or any other applicable protection.

Intel declines to provide a 30(b)(6) witness on this Topic.

TOPIC NO. 2:

Intel's knowledge of the nature and scope of issues being investigated by regulatory authorities in the United States and abroad prior to the commencement of this Litigation, and Intel's participation and involvement in those investigations.

RESPONSE TO TOPIC NO. 2:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Topic on the grounds that it is irrelevant, overbroad, unduly burdensome, vague, and ambiguous as to the undefined phrase, "Intel's participation and involvement in those investigations," and not reasonably likely to lead to the discovery of admissible evidence. Intel also objects to this Topic

on the ground that it is beyond the scope of discovery contemplated by the Special Master's Order. Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege, or any other applicable protection.

Intel declines to provide a 30(b)(6) witness on this Topic.

TOPIC NO. 3:

Configuration of Intel's email systems including, but not limited to:

a. Intel's efforts to change, monitor or prevent the use of Outlook settings that could adversely impact Intel Custodian preservation including, but not limited to, automatic emptying of deleted item folders;

b. Dumpster settings for individual Intel Custodians, dumpster settings on Exchange servers utilized by Intel Custodians, and any changes made by Intel to dumpster settings in connection with this Litigation;

c. Intel's efforts to change and monitor mailbox size limits or quotas for Intel Custodians' Outlook email accounts, and the effect of such limits or quotas on Intel Custodians' preservation of email; and

d. Loss or deletion of Intel Custodian email resulting from the configuration of Intel's email systems including, but not limited to, Intel Custodians' Outlook settings, dumpster settings, or mailbox size limits or quotas.

RESPONSE TO TOPIC NO. 3:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Topic on the

grounds that it is overbroad and unduly burdensome. Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege or work product doctrine.

Intel further objects to subpart (a) of this Topic on the ground that Intel previously designated two 30(b)(6) witnesses to testify on “The existence, details and application of all Intel corporate ‘auto-deletion’ policies and practices applied to email or other electronic data,” and “The nature and details of any Intel efforts to ensure that information relevant to this Litigation was not subject to, or being deleted by, the ‘auto-delete’ functions of any computer system.” Intel also provided AMD with non-30(b)(6) testimony related to the auto-delete policies at Intel.

Intel further objects to the remaining subparts of this Topic on the grounds that Intel previously provided AMD with a spreadsheet detailing the mailbox size limits for the Intel Custodians’ Outlook email accounts. Intel also provided AMD with deposition testimony from Intel IT employees about the configuration of Intel’s email systems, and AMD had ample and repeated opportunities to inquire into the topics on which it now seeks deposition testimony.

Intel declines to provide a 30(b)(6) witness on this Topic.

TOPIC NO. 4:

Intel’s implementation, use, and harvesting of data from Intel’s EMC Archive including, but not limited to:

- a. The original configuration of Intel’s EMC Archive, changes thereto, and Intel’s instructions to Intel Custodians regarding Intel’s EMC archive;
- b. Migration of deleted items, historic .psts, the contents of Intel Custodian mailboxes, and other data into Intel’s EMC Archive;
- c. Processes used to extract data from Intel’s EMC Archive;

d. Errors, malfunctions or data loss associated with Intel's EMC Archive including, but not limited to, data loss upon migration of Intel Custodians' email accounts to Intel's EMC Archive or upon harvesting from Intel's EMC archive; and

e. Quality control, auditing, and documentation related thereto.

RESPONSE TO TOPIC NO. 4:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Topic on the grounds that it is overbroad and unduly burdensome. Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege or work product doctrine.

Intel also objects to this Topic on the grounds that Intel previously provided AMD with deposition testimony from Intel IT employees about Intel's EMC archive, and AMD had ample and repeated opportunities to inquire into the topics on which it now seeks deposition testimony.

Intel also objects to this Request on the ground that the parties agreed to an informal exchange of information relating to each party's email archiving systems, and that such an exchange was completed. This informal exchange formed the basis of Stipulated Case Management Order No. 4, in which the parties agreed that "Intel and AMD have each implemented automated email retention systems as the primary means of preserving relevant emails sent to or from all custodians currently employed by that party, and the operation of those systems has been the subject of interviews and other formal and/or informal exchange. Each party believes and represents that its respective systems are successfully capturing emails as intended and described. In addition, Paragraph 4 of Stipulated Case Management Order No. 3

provides that any Deposition Reharvest productions will be limited to email files. Accordingly the parties now agree that as to custodian materials generated or received from and after January 1, 2008, AMD and Intel are relieved of any further retention obligations beyond the continued good faith operation and maintenance of their respective automated email retention systems.”

Subject to the objections above, Intel responds as follows to subpart (b): Intel did not migrate historic data into Intel’s EMC archive.

Intel declines to provide a 30(b)(6) witness on this Topic.

TOPIC NO. 5:

Intel’s harvests of electronic and hard copy (paper) data for this Litigation, including but not limited to:

- a. Protocols and processes used for Intel’s non-remedial, “organic” harvests conducted after May 2007;
- b. Gaps and deficiencies in Intel’s non-remedial, “organic” harvests conducted after May 2007;
- c. Live Exchange server mailbox harvesting of Intel Custodian data;
- d. Intel’s harvest of email deleted items including, but not limited to, Intel’s harvests of Exchange dumpsters;
- e. The completeness of Intel’s harvests of Intel Custodian data; and
- f. Quality control, auditing, and documentation related thereto.

RESPONSE TO TOPIC NO. 5:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the ground that it is

untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Topic on the grounds that it is overbroad and unduly burdensome. Intel also objects to this Topic on the grounds that it is vague and ambiguous with respect to the undefined term “completeness,” and as to the undefined phrase “non-remedial, ‘organic’ harvests conducted after May 2007.” Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege or work product doctrine.

Intel further objects to subpart (a) of this Topic on the ground that Intel previously designated two 30(b)(6) witnesses to testify on “Intel’s harvest of Intel Custodians’ data in this Litigation,” and “Details concerning Intel’s harvest of Intel Custodians’ data.”

Intel also objects to this Topic on the grounds that Intel previously provided AMD with non-30(b)(6) deposition testimony about Intel’s harvesting process and protocols, and AMD had ample and repeated opportunities to inquire into the topics on which it now seeks deposition testimony.

Intel further objects to subparts (a) and (b) of this Topic on the ground that information regarding Intel’s harvests after May 2007 is beyond the scope of discovery contemplated by the Special Master’s Order.

Intel declines to provide a 30(b)(6) witness on this Topic.

TOPIC NO. 6:

Actions taken by Intel to preserve Intel Custodian data upon the discovery of preservation lapses in 2006 and 2007.

RESPONSE TO TOPIC NO. 6:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Topic on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege or work product doctrine.

Intel also objects to this Topic on the ground that Intel previously designated two 30(b)(6) witnesses to testify on “The design and development of Intel’s Remediation Plan,” and “The implementation, execution and monitoring of Intel’s Remediation Plan.”

Intel further objects to this Topic on the grounds that Intel previously provided AMD with deposition testimony from Intel employees about this Topic, and AMD had ample and repeated opportunities to inquire into the topic on which it now seeks deposition testimony.

Intel declines to provide a 30(b)(6) witness on this Topic.

TOPIC NO. 7:

Intel’s processing and production of Intel Custodians’ electronic data, including but not limited to:

a. Intel’s discovery, collection, processing, and production of .psts for approximately 155 Intel Custodians, as referenced in Intel’s filing with the Special Master dated May 30, 2008;

b. Intel’s discovery, collection, processing and production of Intel Custodian data after production deadlines established by Court orders;

c. Methods of deduplication, and of processing and repair of .pst files used by Intel's vendors in this Litigation, and the results thereof; and

d. The completeness of Intel's production of organic and remedial electronic data, including Intel Custodian, backup tape, database and shared server data.

RESPONSE TO TOPIC NO. 7:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Topic on the grounds that it is overbroad, unduly burdensome, and not reasonably likely to lead to the discovery of admissible evidence. Intel also objects to this Topic on the ground that it is beyond the scope of discovery contemplated by the Special Master's Order. Intel also objects to this Topic on the grounds that it is vague and ambiguous with respect to the undefined term "completeness." Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege or work product doctrine, except to the extent that the parties negotiate a non-waiver agreement with respect to non-core work product, if any..

Subject to the foregoing, and to the extent the inquiry into this Topic is related to Topic 9, as specified below, Intel will designate a Rule 30(b)(6) witness on this Topic, and make the witness available for a maximum of seven hours (combined with Topic 9), subject to the following: Intel will produce a witness to testify about the creation and population of the Global Database and the creation of Intel's EED Report, including methods of deduplication, processing and repair of .pst files used by Intel's vendors in this Litigation, and the "completeness" of Intel's production of organic and remedial electronic data from the Global Database.

TOPIC NO. 8:

Backup tape policies and protocols , including:

a. Intel’s pre-litigation disaster recovery backup tapes including, but not limited to, content of backup tapes, backup tape recycling and retention, data collected from such backups, and data loss; and

b. Preservation of backup tapes for this Litigation including, but not limited to, content of backup tapes, backup tape recycling and retention, data collected from such backups, and data loss.

RESPONSE TO TOPIC NO. 8:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Topic on the grounds that it is overbroad and unduly burdensome. Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege or work product doctrine.

Intel further objects to subpart (a) of this Topic on the ground that Intel previously designated a 30(b)(6) witness to testify on “The details of any disaster recovery backup systems, protocols or procedures in place at Intel since January 1, 2000.”

Intel further objects to subpart (b) of this Topic on the ground that Intel previously designated two 30(b)(6) witnesses to testify on four separate topics regarding Backup Tapes, including: “The operation and content of Intel’s Weekly Backup Tapes, including Intel’s practices and procedures for cataloguing and preserving Weekly Backup Tapes”; “The facts and circumstances concerning Intel’s European IT Department’s recycling of Weekly Backup Tapes

. . . as well as any other known or suspected recycling of backup tapes containing any Intel Custodian data”; “The facts and timing surrounding Intel’s discovery of any actual or suspected recycling of Weekly Backup Tapes or other backup tapes containing any Intel Custodian data”; and “The operation, content, preservation, maintenance, and restoration of, and internal Intel operational management responsibility for, Complaint Freeze Tapes containing any Intel Custodian data.”

Intel further objects to subpart (b) of this Topic on the grounds that Intel previously provided AMD with deposition testimony from Intel IT employees about Intel’s Backup Tapes, and AMD had ample and repeated opportunities to inquire into the topics on which it now seeks deposition testimony.

Intel declines to provide a 30(b)(6) witness on this Topic.

TOPIC NO. 9:

Intel’s “Global Database” including, but not limited to:

- a. Methods, tools and protocols used to populate, search and extract data from Intel’s Global Database, and the content thereof;
- b. Reporting capabilities of, and errors, malfunctions or data loss associated with, Intel’s Global Database; and
- c. Quality control, auditing, and documentation related thereto including, but not limited to, chain of custody, tracking and validation of data inputs into and data extracts from Intel’s Global Database.

RESPONSE TO TOPIC NO. 9:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the grounds that it is

vague and ambiguous. Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege or work product doctrine, except to the extent that the parties negotiate a non-waiver agreement with respect to non-core work product, if any. Subject to the foregoing, Intel will designate a Rule 30(b)(6) witness on this Topic, and make him or her available for a maximum of seven hours (combined with Topic 7).

TOPIC NO. 10:

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

- a. Craig Barrett;
- b. CJ Bruno;
- c. Andy Bryant;
- d. Dianne Bryant;
- e. Louis Burns;
- f. Debbie Conrad;
- g. Kevin Corbett;
- h. Tammy Cyphert;
- i. David Hamilton;
- j. Shuichi Kako;
- k. Shervin Kheradpir;
- l. Tom Kilroy;
- m. Eric Kim;
- n. Charlotte Lamprecht;
- o. Sean Maloney;

- p. Jeff McCrea;
- q. Paul Otellini; ,/
- r. Josh Richmond;
- s. Satish Sangameswaran;
- t. Jake Smith;
- u. Tim Thraves; and
- v. Kazumasa Yoshida.

RESPONSE TO TOPIC NO. 10:

Intel incorporates its General Objections and General Responses to Rule 30(b)(6) Deposition Subject Matters by reference. Intel also objects to this Topic on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Topic on the grounds that it is duplicative of previous discovery which Intel has previously provided to AMD, including, but not limited to, prior deposition testimony, Intel's Remediation Report and subsequent findings related to Intel's remedial efforts, Intel's "Paragraph 8 Summaries," the "Weil Interview Notes," and Intel's Response to Order of March 10, 2009 regarding individual preservation issues. AMD has already deposed, or will depose, at least fifteen of these Custodians (some for multiple days), and therefore, has had or will have multiple opportunities to inquire into this Topic. For the other Custodians, AMD elected not to depose these witnesses, and declined such an opportunity. Intel also objects to this Topic on the ground that it is unduly burdensome and harassing. Intel also objects to this Topic to the extent it purports to seek testimony protected by the attorney-client privilege or work product doctrine.

Intel declines to provide a 30(b)(6) witness on this Topic.

SPECIFIC OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1:

Documents sufficient to show and detail the evidence preservation activities undertaken by Intel in connection with this Litigation prior to June 27, 2005.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel also objects to this Request on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine.

Intel further objects that it has already produced scores of documents sufficient to show the design and implementation of Intel's retention plan.

REQUEST FOR PRODUCTION NO. 2:

Documents sufficient to show and detail the changes Intel made to dumpster settings for individual Intel Custodians and on Exchange servers utilized by Intel Custodians in connection with this Litigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel also objects to this Request on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine. Intel also objects that Plaintiffs' Request is subsumed by their previous requests, and represents a

“fishing expedition” that would impose an undue burden on Intel and is unlikely to produce any additional relevant documents.

Subject to, and without waiving any of its objections, Intel responds to this Request as follows:

There are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 3:

Documents sufficient to show and detail Intel’s monitoring of, and changes Intel made or enforced in regard to, Intel Custodians’ Outlook email account settings or configurations in connection with this Litigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel also objects to this Request on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Request on the grounds that it is unreasonable and unduly burdensome. In order to comply with this request, Intel would have to review many thousands of documents, in several cases for the second or third time. Intel also objects to this Request on the ground that it is vague and ambiguous as to meaning of the terms “Intel’s monitoring,” and “Outlook email account settings or configurations.” Intel also objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine.

Intel further objects to this Request on the ground that Plaintiffs have previously requested documents relating to Intel’s monitoring of, and changes made to, its Custodians’ Outlook email settings and configurations, including requests for documents that: “evidence fully

any and all efforts by Intel to monitor, assure, and/or enforce compliance with Litigation Hold Notices, including without limitation the efforts referred to in Intel's March 5, 2007 letter to the Court and in the February 8, 2007 email of Intel attorney Robert E. Cooper"; "describe fully the operation, purpose and application on Intel's automatic deletion policies and practices applied to email or other electronic data"; and "describe fully how Intel's automatic deletion policies and practices have operated with respect to the email or other electronic data of each Intel Custodian, including the specific interval or period of time (whether 35 days, 45 days, 60 days, or another period) each Intel Custodian's email or other electronic data was subjected to such automatic deletion." Furthermore, in response to the Remediation Document Requests, served on May 15 and 16, 2007, Intel has already produced documents that "evidence the suspension of the auto-delete function on any servers hosting Intel's custodians." Therefore Plaintiffs' Request is subsumed within their previous requests, and represents a "fishing expedition" that would impose an undue burden on Intel and is unlikely to produce any additional relevant documents.

Intel thus objects that this Request is untimely, duplicative of and subsumed within AMD's prior requests, and unreasonably burdensome.

REQUEST FOR PRODUCTION NO. 4:

Documents sufficient to show and detail the migration of Intel Custodians' deleted items, historic .psts, the contents of Intel Custodian mailboxes, and other data to Intel's EMC Archive.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel also objects to this Request on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued

expeditiously pursuant to the Bifurcation Order. Intel also objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine.

Intel further objects to this Request on the ground that Plaintiffs have already requested, in Requests for Production 14 through 18, served on April 10 and 11 2007, documents sufficient to evidence the “operation, functionality, capabilities and implementation,” “beta testing,” “procurement” and “design, architecture, implementation and functionality” of Intel’s EMC archive.

Consequently, Intel has already produced documents sufficient to detail the migration of Intel *custodians* to the EMC system. Plaintiffs’ Request is therefore subsumed by their previous requests, and represents a “fishing expedition” that would impose an undue burden on Intel and is unlikely to produce any additional relevant documents. To the extent that this Requests asks for documents relating to the migration of *historic data*, subject to, and without waiving any of its objections, Intel responds to this Request as follows:

There are no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 5:

Documents sufficient to show and detail the processes used by Intel to extract data from Intel’s EMC Archive.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel also objects to this Request on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine.

Intel further objects to this Request on the ground that it is a subset of Plaintiffs' previous requests, and is subsumed therein. Plaintiffs have already requested, in Requests for Production 14 through 18, served on April 10 and 11 2007, documents sufficient to evidence the "operation, functionality, capabilities and implementation," "beta testing," "procurement" and "design, architecture, implementation and functionality" of Intel's EMC archive. Plaintiffs' Request is therefore subsumed by their previous requests, and represents a "fishing expedition" that would impose an undue burden on Intel and is unlikely to produce any additional relevant documents.

Intel also objects to this Request on the grounds that the parties agreed to an informal exchange of information relating to each party's email archiving systems, and that such an exchange was completed. This informal exchange formed the basis of Stipulated Case Management Order No. 4, in which the parties agreed that "Intel and AMD have each implemented automated email retention systems as the primary means of preserving relevant emails sent to or from all custodians currently employed by that party, and the operation of those systems has been the subject of interviews and other formal and/or informal exchange. Each party believes and represents that its respective systems are successfully capturing emails as intended and described. In addition, Paragraph 4 of Stipulated Case Management Order No. 3 provides that any Deposition Reharvest productions will be limited to email files. Accordingly the parties now agree that as to custodian materials generated or received from and after January 1, 2008, AMD and Intel are relieved of any further retention obligations beyond the continued good faith operation and maintenance of their respective automated email retention systems."

REQUEST FOR PRODUCTION NO. 6:

Documents sufficient to show and detail Intel IT policies, procedures, instructions, guidelines or user guides related to Intel's EMC Archive including, but not limited to, any such materials provided to Intel Custodians.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel also objects to this Request on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Request on the grounds that it is unreasonable and unduly burdensome. In order to comply with this request, Intel would have to review many thousands of documents, in several cases for the second or third time. Intel also objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine.

Intel further objects to this Request on the ground that it is a narrow subset of Plaintiffs' previous requests, and is subsumed therein. Plaintiffs have already requested, in Requests for Production 14 through 18, served on April 10 and 11 2007, documents sufficient to evidence the "operation, functionality, capabilities and implementation," "beta testing," "procurement" and "design, architecture, implementation and functionality" of Intel's EMC archive. Plaintiffs' Request is therefore subsumed by their previous requests, and represents a "fishing expedition" that would impose an undue burden on Intel and is unlikely to produce any additional relevant documents.

Intel also objects to this Request on the ground that it is beyond the scope of discovery contemplated by the Special Master's Order.

Intel also objects to this Request on the grounds that the parties agreed to an informal exchange of information relating to each party's email archiving systems, and that such an exchange was completed. This informal exchange formed the basis of Stipulated Case Management Order No. 4, in which the parties agreed that "Intel and AMD have each implemented automated email retention systems as the primary means of preserving relevant emails sent to or from all custodians currently employed by that party, and the operation of those systems has been the subject of interviews and other formal and/or informal exchange. Each party believes and represents that its respective systems are successfully capturing emails as intended and described. In addition, Paragraph 4 of Stipulated Case Management Order No. 3 provides that any Deposition Reharvest productions will be limited to email files. Accordingly the parties now agree that as to custodian materials generated or received from and after January 1, 2008, AMD and Intel are relieved of any further retention obligations beyond the continued good faith operation and maintenance of their respective automated email retention systems."

REQUEST FOR PRODUCTION NO. 7:

Documents sufficient to show and detail the methods, protocols, and results of Intel's population, searching and extraction of data from Intel's Global Database.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel also objects to this Request on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel further objects that Plaintiffs' Request is subsumed by their previous requests, and represents a "fishing expedition" that would impose an undue burden on Intel and is unlikely to produce any additional relevant documents. Intel also

objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine.

Intel also objects that to the extent responsive documents exist, if any, they would be communications either among Intel's internal legal counsel, outside legal counsel and electronic discovery vendors (acting under the direction of outside counsel). These communications, if any, are protected from disclosure by the attorney-client privilege and work product doctrine.

Subject to, and without waiving any of its objections, Intel responds to this Request as follows:

There are no non-privileged documents responsive to this Request. However, Intel is willing to meet and confer with AMD regarding the production of a written summary of information.

REQUEST FOR PRODUCTION No. 8:

Documents sufficient to show and detail Intel's harvesting of Intel Custodians' dumpster deleted items.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel also objects to this Request on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine.

Intel further objects to this Request on the ground that it is a subset of Plaintiffs' previous requests, and is subsumed therein. Intel has previously produced: documents that "fully show and evidence Intel's data harvest instructions, protocols and electronic harvesting tools employed

[and] the type of data extracted or harvested”; documents that “evidence fully Intel’s protocols, instructions, systems and practices for harvesting Intel Custodian’s data”; as well as a “list of all document harvests that Intel has completed.” Plaintiffs’ Request is therefore subsumed by their previous requests, and represents a “fishing expedition” that would impose an undue burden on Intel and is unlikely to produce any additional relevant documents.

REQUEST FOR PRODUCTION NO. 9:

Documents sufficient to show and detail the scope of Intel’s harvests of non-remedial Intel Custodian data.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel also objects to this Request on the ground that it is untimely as Remediation Discovery has closed, and Causation/Culpability Discovery was not pursued expeditiously pursuant to the Bifurcation Order. Intel also objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine.

Intel further objects to this Request on the ground that it is duplicative of Plaintiffs’ previous requests. Plaintiffs have already requested, in Request for Production 13, served on April 10 and 11 2007, “[d]ocuments sufficient to evidence fully Intel’s protocols, instructions, systems and practices for harvesting Intel Custodians’ data.” Plaintiffs’ Request is therefore subsumed by their previous requests, and represents a “fishing expedition” that would impose an undue burden on Intel and is unlikely to produce any additional relevant documents.

REQUEST FOR PRODUCTION NO. 10:

Documents sufficient to show and detail Intel's discovery, collection, processing, and production of .psts for approximately 155 Intel Custodians, as referenced in Intel's filing with the Special Master dated May 30, 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Intel incorporates its General Objections and General Responses to the Document Requests by reference. Intel objects to this Request on the ground that it is vague and ambiguous as to the identities of the 155 custodians to which it refers. Intel further objects that Plaintiffs' Request is subsumed by their previous requests, and represents a "fishing expedition" that would impose an undue burden on Intel and is unlikely to produce any additional relevant documents. Intel also objects to this Request to the extent it purports to seek documents protected by the attorney-client privilege or work product doctrine.

Intel also objects to this Request on the ground that it is untimely. Pursuant to the Court's Bifurcation Order, Plaintiffs had a duty to serve their discovery "expeditiously", and yet this Request asks for documents relating to a letter sent approximately 12 months ago. Plaintiffs had ample opportunity to request documents relating to this subject in the past year. Issuing this Request at this late stage is contrary to the Court's order.

Subject to, and without waiving any of its objections, Intel responds to this Request as follows:

There are no non-privileged documents responsive to this request.

Dated: May 23, 2009

POTTER ANDERSON & CORROON LLP

By: /s/ W. Harding Drane, Jr.
Richard L. Horwitz (#2246)
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Attorneys for Intel Corporation and
Intel Kabushiki Kaisha

EXHIBIT C

From: Dillickrath, Thomas [DillickrathT@howrey.com]
Sent: Tuesday, May 26, 2009 11:03 AM
To: Herron, David
Cc: Samuels, Mark; Fowler, Jeffrey; Chan, Eric; Pickett, Donn; Rocca, Brian; Hinman, Frank
Subject: RE: Our Telephone Conversation
Attachments: ATT1195175.txt

David,

We will not be able to participate in a "global meet-and-confer" today. We think it would be useful to have AMD's positions in writing prior to engaging in a meet-and-confer on Intel's objections to AMD's discovery requests. It still seems to me that we could take the late productions issue off-the-table at the outset, but if you feel that you'd like to wait until the meet-and-confer, we can do so. Please let me know your preference on that. Once we've received your positions, we will set a time to engage in what will hopefully be a useful session.

Thanks,

Tom

Thomas J. Dillickrath
Partner

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Munich New York Northern Virginia Paris Salt Lake City San Francisco Taipei **Washington DC**

From: Herron, David [mailto:DHerron@OMM.com]
Sent: Monday, May 25, 2009 5:26 PM
To: Dillickrath, Thomas
Cc: Samuels, Mark; Fowler, Jeffrey; Chan, Eric; Herron, David
Subject: RE: Our Telephone Conversation

Tom: We would like to reach an accord, if possible. But we are trying to digest Intel's response to AMD's Rule 30(b)(6) notice which, with scant exception, refuses to comply at all with the very discovery Intel has been conducting on AMD and on which it has a pending motion to compel. Let's wrap discussion of the production issues into a global meet and confer on Intel's refusal to comply with this discovery.

We are available to meet and confer at 1:00 tomorrow. If that works for you, we will send around a dial in. Let us know. David

From: Dillickrath, Thomas [mailto:DillickrathT@howrey.com]

Sent: Monday, May 25, 2009 2:14 PM

To: Herron, David

Subject: Our Telephone Conversation

David,

Since you have not responded, I will proceed on the understanding that we are not in accord on the parties' late production issues. If you'd like to discuss further, please advise.

Thanks.

Tom

Thomas J. Dillickrath
Partner

EXHIBIT D - EXHIBIT F
REDACTED IN ENTIRETY

EXHIBIT G

From: Fowler, Jeffrey
Sent: Friday, June 12, 2009 9:32 AM
To: Rocca, Brian
Cc: Pickett, Donn; 'Dillickrath, Thomas'; Herron, David; Samuels, Mark; Chan, Eric
Subject: AMD v. Intel

Attachments: Ltr to D. Pickett of 5 June 09.PDF

Brian,

We are in receipt of your June 9, 2009 letter. As confirmed in David Herron's June 5 letter, which I have attached for your reference, we asked Intel at the meet and confer to provide a list of deposition citations to support your contention that AMD's Rule 30(b)(6) notice seeks "duplicative information" because these topics were covered at prior depositions. Intel agreed to consider providing these cites. Your June 9 letter offers something completely different. Intel now offers to provide a list of deposition citations showing "prior opportunities" where AMD could have covered the topics in its Rule 30(b)(6) notice. We see no utility in that information. Accordingly, we consider the parties to be at impasse.

Jeff



Ltr to D. Pickett of
5 June 09...

Jeffrey J. Fowler
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EXHIBIT H

WHEREAS, pursuant to Paragraph 11 of the Special Master's Order (as modified by an April 16, 2007 Order Modifying Order Regarding Intel's Evidence Preservation Issues), Intel filed and served its Proposed Plan of Remediation ("Intel's Remediation Plan") on April 23, 2007;

WHEREAS, Intel's Remediation Plan also contained, at pages 1-30 thereto, Intel's explanation of its evidence preservation program, and how its various evidence preservation lapses occurred;

WHEREAS, Intel's Remediation Plan also contained, at pages 30-39 thereto, Intel's proposals concerning evidence preservation and remediation and remedial approaches;

WHEREAS, AMD served a Notice of Taking Deposition of Intel Corporation and Intel Kabushiki Kaisha and Request for Production of Documents on April 10, 2007 and Class Plaintiffs served a parallel request on April 11, 2007 (the "Outstanding Discovery Requests");

WHEREAS, during a May 3, 2007 teleconference with the Special Master, Intel agreed that it would not oppose any changes or enhancements to Intel's Remediation Plan as may be proposed by Plaintiffs on the basis that such changes or enhancements are not justified by Intel's level of culpability in respect to its evidence preservation lapses;

WHEREAS, during the May 3, 2007 teleconference with the Special Master, Intel made certain representations to the Special Master and Plaintiffs (AMD and Class Plaintiffs are referred to hereafter collectively as "Plaintiffs") concerning a collection of Intel documents in the custody of Intel's outside counsel ("Investigation Documents"), and Intel has agreed that its outside counsel will maintain the integrity of the

Investigation Documents pending their ultimate production to Plaintiffs, subject to claims of privilege, or further order of the Court;

WHEREAS, in view of the foregoing, the Special Master indicated his intent to bifurcate discovery concerning Intel's evidence preservation issues such that discovery directed toward Intel's Remediation Plan is conducted in the first instance to enable Plaintiffs to respond to Intel's Remediation Plan ("Remediation Discovery"), while discovery as to other matters related to Intel's evidence preservation issues ("Causation/Culpability Discovery") will proceed after the Remediation Discovery has concluded;

WHEREAS, on May 15, 2007, AMD served its initial Remediation Discovery and Class Plaintiffs served parallel discovery on May 16, 2007; and

WHEREAS, the parties agree that discovery concerning Intel's evidence preservation issues should be bifurcated as set forth herein.

NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES HERETO SUBJECT TO THE APPROVAL OF THE COURT, AS FOLLOWS:

1. Discovery concerning Intel's evidence preservation issues shall be bifurcated such that discovery directed toward Intel's Remediation Plan shall be conducted in the first instance to enable Plaintiffs to respond to the proposals set forth at pages 30-39 of Intel's Remediation Plan ("Remediation Discovery"), while discovery as to other matters related to Intel's evidence preservation issues, including that which will enable Plaintiffs to respond to the assertions made by Intel at pages 1-30 of its Remediation Plan, ("Causation/Culpability Discovery") will proceed after the

Remediation Discovery has concluded. Plaintiffs' Remediation Discovery may include inquiry into the nature and extent of Intel's loss of data, and the potential consequences of those losses with respect to Intel's ability to remediate same. Remediation Discovery will conclude no later than August 31, 2007.

2. The Special Master's Order is modified as follows: Plaintiffs shall submit their responses to the proposals set forth at pages 30-39 of Intel's Remediation Plan pursuant to Paragraph 12 of the Special Master's Order within fifteen (15) days following the conclusion of Remediation Discovery, and Intel shall submit its reply thereto pursuant to Paragraph 13 of the Special Master's Order within ten (10) days thereafter. Plaintiffs will not be required to respond to the assertions made by Intel at pages 1-30 of its Remediation Plan until completion of Causation/Culpability Discovery, or as otherwise ordered by the Special Master.

3. Following the Court's receipt of Plaintiffs' responses to the proposals set forth at pages 30-39 of Intel's Remediation Plan, and Intel's reply thereto, the Special Master will issue a Report and Recommendation regarding the remediation to be undertaken by Intel.

4. Intel served its written response to Plaintiffs' initial Remediation Discovery served on May 15, 2007 and May 16, 2007, respectively on May 21, 2007, and shall use reasonable efforts to comply with the discovery (including the scheduling of depositions) in advance of the timeframes otherwise called for in the Federal Rules of Civil Procedure. The parties shall promptly meet and confer to resolve Intel's objections, and failing resolution, promptly bring any issues to the Special Master for resolution.

5. Intel shall have until September 28, 2007 to complete its production of documents in response to the Outstanding Discovery Requests and shall meet and confer with Plaintiffs in good faith to discuss a rolling production of such documents. Causation/Culpability Discovery, including depositions and any additional document production, shall proceed expeditiously thereafter. Plaintiffs shall complete Causation/Culpability Discovery prior to responding to Intel's assertions as to its evidence preservation program, how its various evidence preservation lapses occurred, and Intel's culpability for those lapses, as discussed at pages 1-30 of Intel's Remediation Plan. The date for such response shall be established by the parties through stipulation, or by the Special Master in the event the parties are unable to reach agreement.

6. To the extent not superseded by this Order, the Special Master's Order and Amended Order remain in full force and effect.

7. Outside counsel for Intel shall maintain the integrity of the Investigation Documents pending their production to Plaintiffs, subject to claims of privilege, or further order of the Court.

8. Plaintiffs fully preserve the right to seek sanctions at a later point in this case with respect to Intel's evidence preservation lapses, and Intel fully reserves its rights to oppose such requests on any and all grounds, or to make any objections it has to Plaintiffs' discovery, including, but not limited to, on the basis of relevance, burden, attorney-client privilege or attorney work product.

9. In summary, the deadlines contemplated by this Stipulation and Order are as follows:

- No later than August 31, 2007 - Remediation Discovery Closes.

- No later than September 17, 2007 - Plaintiffs Submit Their Response to Pages 30-39 of Intel's Remediation Plan.
- No later than September 28, 2007 - Intel Completes Its Production of Documents in Response to the Outstanding Discovery Requests.
- No later than October 1, 2007 - Intel Submits Its Reply Regarding Pages 30-39 of Its Remediation Plan.
- No later than October 1, 2007 - Causation/Culpability Discovery Begins.

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ENTERED this 20 day of June, 2007



Vincent J. Poppiti, Special Master

EXHIBIT I

REDACTED IN ENTIRETY

EXHIBIT J

This Court having held Initial Conferences on April 20 and May 4, 2006 and the parties having satisfied their obligations under Fed. R. Civ. 26(f), and, pursuant to this Court's Order, submitted a proposed Case Management Order that governs all cases in MDL 1717,

IT IS HEREBY ORDERED THAT:

1. **Pre-Discovery Disclosures.** Pursuant to the Stipulation and Order regarding Initial Disclosures, entered August 26, 2005, the parties in C.A. No. 05-441 have exchanged information under Fed. R. Civ. P. 26(a)(1)(A) and D. Del. LR 16.2. The parties to the consolidated class actions in MDL 1717 will make their respective Rule 26(a)(1)(A) disclosures by May 31, 2006. All MDL 1717 parties have agreed to modify the disclosure requirements of Fed. R. Civ. P. 26(a)(1)(B).

2. **Filings.** All pleadings, motions and other papers filed in C.A. No 05-441 should also be filed in MDL No. 1717. All pleadings, motions and other papers filed in the coordinated class actions shall be filed in both MDL No. 1717 and C.A. No. 05-485.

3. **Subject Matter Jurisdiction.** Intel's motion and opening brief relating to the Court's subject matter jurisdiction under the Foreign Trade Antitrust Improvements Act was filed on May 2, 2006. Intel and AMD have submitted a Stipulation regarding the briefing schedule. The Court will schedule a hearing on Intel's motion if the Court determines such a hearing is necessary.

4. **Consolidated Class Action Complaint.** Intel's response to any Consolidated Class Action Complaint is due 60 days after either the Court determines that the Consolidated Class Action Complaint (filed April 28, 2006) is the operative pleading or an Amended Consolidated Class Action Complaint is filed and served.

5. Discovery.

- a) Discovery in MDL 1717 common to both C.A. No. 05-441 and the consolidated class actions shall be coordinated to the maximum extent practicable to promote efficiency and eliminate any duplication.
- b) The parties, with Court approval, have implemented a process to obtain third party input on a Proposed Protective Order, and the Proposed Protective Order, as well as the positions of the Parties and third parties, will be provided to the Court on or before May 31, 2006.
- c) Documents required to be produced under Rule 34 requests propounded as of the date of this order or under any additional Rule 34 requests served by May 31, 2006, shall be exchanged by the parties on or before December 31, 2006. The Court will entertain one agreed-upon, reasonable extension of this deadline.
- d) Document production shall be governed by the Stipulation And Proposed Order Regarding Document Production and the Stipulation Between AMD And Intel Regarding Electronic Discovery And Format Of Document Production. Before they are effective, these Stipulations require that both Interim Class Counsel and Lead Class Counsel in the California Class Action subscribe. Accordingly, the parties shall report on the status of Class Counsel's consent on or before May 31, 2006, at which time the Court will either enter the proposed orders if Class Counsel have consented, or schedule a further conference to establish ground rules for document production and e-discovery.
- e) Prior to or shortly after the deadline for completing document production under subparagraph (c), Intel, AMD and class plaintiffs may depose the document custodian or custodians responsible for the

productions to them to inquire into the completeness of document production (including electronic discovery).

- f) The parties agree that the ten deposition limit of Fed. R. Civ. P. 30 should not apply to this case. The parties are directed to meet and confer concerning the number, time limits and timing of depositions.
- g) All parties will coordinate third-party discovery to the maximum extent possible to minimize the burden on third parties. Except for those requiring use of the Hague Convention, letters rogatory or similar process, all subpoenas *duces tecum* to corporate third parties requiring a comprehensive production of their relevant documents will be served on or before June 15, 2006.

6. **Class Certification.** Class and merits discovery shall proceed simultaneously in accordance with this Order and the other Stipulations and Orders referred to herein. Intel and Interim Class Counsel agree to the following target dates:

Plaintiffs' Class Certification Motion, Supporting Memorandum of Law and Class Expert Report	March 16, 2007
Intel's Opposition and Rebuttal Class Expert Report	May 18, 2007
Plaintiffs' Class Expert Reply Report	July 11, 2007
Plaintiffs' Reply Brief	July 18, 2007
Class Certification Hearing	July 25, 2007

Intel notes that the achievability of these target dates is dependent on the timing of the production of third party data and testimony that Intel believes is essential to its class certification defense.

7. **Federal/State Coordination.** In addition to this MDL proceeding, there is California Class Litigation which encompasses all actions filed by or on behalf of a putative California class of indirect purchasers of Intel microprocessors, including certain actions which

have been or will be transferred to the Honorable Jack Komar of the Santa Clara County Superior Court by the Judicial Council for the State of California under JCCP 4443. Discovery and other pretrial matters in this MDL proceeding and the California Class Litigation shall be coordinated in accordance with any Joint Coordination Order upon entry of such Order by the California Court and this Court.

8. Discovery Disputes. This Court has entered an Order Appointing a Special Master and all discovery disputes shall be handled in accordance with that Order and such procedures established by the Special Master or this Court.

9. Applications by Motion.

- a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.
- b) No facsimile transmissions will be accepted.
- c) No telephone calls shall be made to Chambers.
- d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

10. Service of Pleadings Filed Under Seal. Pleadings filed under seal shall be served by email or by overnight delivery on the following attorneys:

Class Plaintiffs: Interim Class Counsel and Interim Liaison Counsel

AMD: Charles P. Diamond, Mark A. Samuels and Frederick L. Cottrell

Intel: Richard Horwitz, Darren Bernhard, Richard Ripley, Daniel Floyd

11. **Settlement.** If at any time the parties are interested in exploring a resolution of this case short of trial, they may contact Magistrate Judge Thyng.

12. **Scheduling Conference and Trial.** The Court will hold a Scheduling Conference on September 27, 2006 to set a trial date in C.A. No. 05-441 and to deal with other matters as may be appropriate.

May 16 2006
DATE

Joseph D. Faurot
UNITED STATES DISTRICT JUDGE

EXHIBIT K - EXHIBIT L
REDACTED IN ENTIRETY