

(collectively, the "PARTIES"), Acer America Corporation ("AAC") and Acer, Inc. ("AI")(collectively "ACER") have produced reports, records and data compilations reflecting purchase, sales, cost, rebate and other financial information maintained by ACER in its databases and other data systems or files ("ACER DATA"); and

WHEREAS, ACER DATA is identified in EXHIBIT 2 to the ACER declaration ("ACER DECLARATION") attached hereto as ATTACHMENT A;

WHEREAS, ACER submitted interpretive answers to questions posed by the PARTIES ("ACER ANSWERS"), which is identified in EXHIBIT 1 to the ACER DECLARATION; and

WHEREAS, the Parties may seek to use the ACER DATA and the ACER ANSWERS at trial, during other Court proceedings (including but not limited to summary judgment motions) and at depositions; and

WHEREAS, the Parties wish to reduce any potential burden on ACER to the greatest extent possible; and

WHEREAS, consistent with Federal Rule of Evidence 902(11), ACER has provided the signed Declaration attached hereto as ATTACHMENT A in lieu of sworn testimony from ACER authenticating the ACER DATA and ACER ANSWERS for admissibility at trial and other Court proceedings pursuant to Federal Rules of Evidence 901 and 803(6);

NOW, THEREFORE, IT IS HEREBY STIPULATED by CLASS PLAINTIFFS, AMD and INTEL, subject to the approval of the Court, that the ACER DECLARATION satisfies the requirements of Federal Rule of Evidence 902(11) and 803(6) and adequately establishes that:

1. Those recording the ACER DATA in ACER databases and other data systems or files had the knowledge to make accurate recording;
2. The ACER DATA was recorded at or near the time of the occurrence of the transactions contained therein;
3. The ACER DATA was created in the ordinary course of business and kept in the course of the regularly conducted business activity;
4. It was the regular practice of ACER to record the ACER DATA.
5. ACER interprets the ACER DATA in accord with the ACER ANSWERS.
6. The ACER ANSWERS are accurate and are based on the best information currently available to ACER.

IT IS FURTHER STIPULATED that, subject to the approval of the Court, the ACER DATA shall be deemed authentic records under Fed. R. Evid. 901 and 902. IT IS FURTHER STIPULATED that ACER DATA and ACER ANSWERS shall not be inadmissible at trial or any pretrial proceedings on the grounds that such materials are hearsay.

Notwithstanding this Stipulation, any party may seek to challenge the admissibility of the ACER DATA or the ACER ANSWERS on any basis other than hearsay and authenticity, or otherwise to offer other evidence that may contradict or otherwise call into question the accuracy of the ACER DATA or the ACER ANSWERS.

PRICKETT, JONES & ELLIOTT, P.A.

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similarly situated*

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*Attorneys for Advanced Micro Devices, Inc. and
AMD International Sales and Service, Ltd.*

Dated: July 9, 2009

SO APPROVED, this _____ day of _____, 2009.

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

SO ORDERED, this _____ day of _____, 2009.

The Honorable Joseph J. Farnan, Jr., U.S.D.J.

ATTACHMENT 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., a
Delaware corporation, and AMD
INTERNATIONAL SALES & SERVICES, LTD.,
a Delaware corporation,

Plaintiffs,

C.A. No. 05-441-JJF

v.

INTEL CORPORATION, a Delaware corporation,
and INTEL KABUSHIKI KAISHA, a Japanese
corporation,

Defendants.

PHIL PAUL, on behalf of himself
and all others similarly situated,

Plaintiffs,

C.A. No. 05-485-JJF

CONSOLIDATED ACTION

v.

INTEL CORPORATION,

Defendants.

**DECLARATION OF JAMES FAN PURSUANT TO
FEDERAL RULE OF EVIDENCE 902(11)**

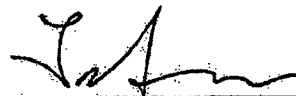
I, James Fan, hereby declare under penalty of perjury:

REDACTED

CCI:805275.1

REDACTED

SO DECLARED this 12th day of June 2009.



JAMES FAN
Accounting Manager

EXHIBIT 1

CC1:805275.1

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

Judith Zahid

From: Peter C. McMahon [peter@msllp.com]
Sent: Thursday, May 28, 2009 3:11 PM
To: Laser, Jennifer
Subject: RE: Acer data -- follow-up questions

Jennifer,

I have confirmed that the data on the site includes the **REDACTED**. Apparently, there was previously a misunderstanding that it would include **REDACTED**. Sorry for any inconvenience.

Regards,

Peter

From: Laser, Jennifer [mailto:JLaser@OMM.com]
Sent: Tuesday, May 26, 2009 10:13 AM
To: peter@msllp.com
Subject: RE: Acer data -- follow-up questions

Hi Pete -- Could you please follow-up on the status of the one remaining question. I'd like to wrap this up as soon as possible and this is one loose end outstanding. Thanks.

Jennifer Laser
O'Melveny & Myers LLP
1999 Avenue of the Stars #700
Los Angeles, California 90067
(310) 246-8445 direct line
(310) 246-6779 fax
jlaser@omm.com

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From: Peter C. McMahon [mailto:peter@msllp.com]
Sent: Thursday, May 21, 2009 10:04 AM
To: Laser, Jennifer
Subject: RE: Acer data -- follow-up questions
Importance: High

Dear Jennifer,

I have the answers to most of your latest questions.

REDACTED

6/11/2009

REDACTED

Regards,

Peter

From: Laser, Jennifer [mailto:JLaser@OMM.com]

Sent: Thursday, May 14, 2009 10:36 AM

To: peter@mslp.com

Subject: RE: Acer data -- follow-up questions

Thank you very much, Pete.

Jennifer Laser

6/11/2009

O'Melveny & Myers LLP
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From: Peter C. McMahon [mailto:peter@msslip.com]
Sent: Thursday, May 14, 2009 10:34 AM
To: Laser, Jennifer
Cc: 'Judith Zahid'; 'Ripley, Richard'; jeff.brown@bateswhite.com
Subject: RE: Acer data -- follow-up questions

Jennifer,

I am sorry not to respond sooner, I was out of the office most of yesterday. I have passed on the questions, and I will provide the responses as soon as possible.

Regards,

Peter

From: Laser, Jennifer [mailto:JLaser@OMM.com]
Sent: Tuesday, May 12, 2009 5:38 PM
To: peter@msslip.com
Cc: Judith Zahid; Ripley, Richard; jeff.brown@bateswhite.com
Subject: Acer data -- follow-up questions

Pete --

Here are a few follow-up questions regarding Acer's data production. They are pretty straight forward and we are asking that Acer respond to them as soon as possible. Thank you in advance for your assistance with this, hopefully, final request.

REDACTED

6/11/2009

REDACTED

Best regards,

Jennifer Laser
O'Melveny & Myers LLP
1999 Avenue of the Stars #700
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6/11/2009

EXHIBIT 2

REDACTED

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EXHIBIT 3

CCI:805275.1
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