

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

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

**AMENDED STIPULATION AND ORDER MODIFYING CMO No. 3
REGARDING EXCHANGE OF DOCUMENTS CONSIDERED BY EXPERTS**

WHEREAS, on September 19, 2007, the Court entered Case Management Order No. 3, which included in Paragraph 5 provisions permitting the parties to self-TIFF native format documents furnished to them by the other parties, and to disclose those self-TIFFed documents to their experts;

WHEREAS, on or about March 1, 2007 the Court entered the Second Amended Stipulation Regarding Electronic Discovery and Format of Production (hereinafter, the "Native Format Stipulation");

WHEREAS, Paragraph 5(b) of Case Management Order No. 3 establishes TIFF limits for each party which specify the number of documents furnished by the other side that each party may self-TIFF;

WHEREAS, the second sentence of Paragraph 5(d) of Case Management Order No. 3 originally provided: "TIFFs subject to this paragraph that are furnished to and considered by a testifying expert shall be identified and provided to the other side no later than the time the expert is required to furnish a written report pursuant to F.R.C.P. 26(a)(2)(B), but only those documents an expert relies upon (which will be so identified to the other side at the time the witness furnishes his report) will count against the sponsoring party's TIFF limit.";

WHEREAS, on or about October 27, 2008, the Court entered the Stipulation and Proposed Order Modifying CMO No. 3 Regarding Exchange of Documents Considered by Experts ("Stipulation Regarding Documents Considered by Experts"), which established an agreed procedure for exchanging all documents furnished to or otherwise considered by each party's experts, including but not limited to the TIFFs created pursuant to the self-TIFF provisions of Paragraph 5 of Case Management Order No. 3; and

WEHREAS, the Stipulation Regarding Documents Considered by Experts provided, in part: "Only adverse-party documents on which the expert relies shall be counted against that party's TIFF limit. TIFFs of the documents on which the expert does not rely shall be numbered in a manner to permit them to be easily distinguished from TIFFs on which the expert does rely and other TIFFs counting against that party's TIFF

limit, and no such document shall be used at any deposition unless and until properly redesignated and TIFFed pursuant to this paragraph.”; and

WHEREAS, AMD, Class Plaintiffs, and Intel have agreed, as set forth herein, that the procedure for exchanging documents furnished to or otherwise considered by each party’s experts should be simplified and streamlined so as to eliminate the distinctions between the production of TIFFs of the documents on which an expert does not rely and the production of TIFFs of documents on which the expert does rely and other TIFFs counting against that party’s TIFF limit.

NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG AMD, CLASS PLAINTIFFS, AND INTEL, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE APPROVAL OF THE COURT, AS FOLLOWS:

1. The second sentence of Paragraph 5(d) of Case Management Order No. 3 is modified to provide as follows: Within seven days of the exchange of an expert’s report, the sponsoring party will provide a DVD or other similar media containing TIFFs (along with a load file consistent with the requirements of Paragraph 25 of the Native Format Stipulation) of all documents furnished to or otherwise considered by that expert excluding only (a) databases exchanged during discovery that were considered by the expert and (b) publicly available documents (such as books, articles, etc.) which the sponsoring party will identify.

2. This stipulation is not intended to abrogate or modify the limitations on expert discovery set forth in the May 11, 2007 Amended Stipulation and Protective Order Regarding Expert Discovery.

3. All adverse-party documents furnished to or otherwise considered by the expert shall be counted against that party’s TIFF limit. TIFFs of all documents furnished to or otherwise considered by the expert, whether party or third-party documents, shall be numbered in a manner consistent with the manner in which the parties have numbered

TIFFs of party and third-party documents exchanged during discovery. All such TIFFs may be used in any deposition without further designation or TIFFing by any party.

RICHARDS, LAYTON & FINGER

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Attorneys for Intel Corporation and
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ENTERED this 16 day of July, 2009.



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

SO ORDERED this ____ day of _____, 2009.

United States District Court Judge