

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE  
INTEL CORPORATION  
MICROPROCESSOR ANTITRUST  
LITIGATION

MDL No. 05-1717-JJF

REDACTED FOR  
PUBLIC INSPECTION

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.

STIPULATION AND [PROPOSED] ORDER WITH RESPECT  
TO CERTAIN DATA PRODUCED BY LENOVO

WHEREAS, in response to requests for production served by plaintiffs Advanced  
Micro Devices, Inc. and AMD International Sales & Service, Ltd. (hereafter jointly,  
"AMD"), plaintiffs in coordinated class actions ("CLASS PLAINTIFFS"), and

defendants Intel Corporation and Intel Kabushiki Kaisha (hereafter jointly, "INTEL") (collectively, the "PARTIES"), Lenovo (United States) Inc. ("LENOVO") has produced reports, records and data compilations reflecting purchase, sales, cost, rebate and other financial information maintained by LENOVO in its databases and other data systems or files ("LENOVO DATA"); and

WHEREAS, LENOVO DATA is identified in EXHIBIT 1 to the LENOVO declaration ("LENOVO DECLARATION") attached hereto as ATTACHMENT A;

WHEREAS, LENOVO submitted interpretive answers to questions posed by CLASS PLAINTIFFS as to a "sample" dataset ("LENOVO SAMPLE ANSWERS"), which is identified in EXHIBIT 2 to the LENOVO DECLARATION; and

WHEREAS, LENOVO submitted interpretive answer to questions posed by CLASS PLAINTIFFS as to the full production of the LENOVO DATA ("LENOVO PRODUCTION ANSWERS"); which is identified in EXHIBIT 3 to the LENOVO DECLARATION; and

WHEREAS, LENOVO submitted interpretive answer to questions posed by the PARTIES as to the full production of the LENOVO DATA ("LENOVO SUPPLEMENTAL ANSWERS"); which is identified in EXHIBIT 4 to the LENOVO DECLARATION; and

WHEREAS, the PARTIES may seek to use the LENOVO DATA, the LENOVO ANSWERS, the LENOVO PRODUCTION ANSWERS, and the LENOVO SUPPLEMENTAL 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 LENOVO to the greatest extent possible; and

WHEREAS, consistent with Federal Rule of Evidence 902(11), LENOVO has provided the signed Declaration attached hereto as ATTACHMENT A in lieu of sworn testimony from LENOVO authenticating the LENOVO DATA, the LENOVO ANSWERS, the LENOVO PRODUCTION ANSWERS, and the LENOVO SUPPLEMENTAL 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 LENOVO DECLARATION satisfies the requirements of Federal Rule of Evidence 902(11) and 803(6) and adequately establishes that:

1. Those recording the LENOVO DATA in LENOVO databases and other data systems or files had the knowledge to make accurate recording;
2. The LENOVO DATA was recorded at or near the time of the occurrence of the transactions contained therein;
3. The LENOVO 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 LENOVO to record the LENOVO DATA.

5. LENOVO interprets the LENOVO DATA in accord with the LENOVO ANSWERS, the LENOVO PRODUCTION ANSWERS, and the LENOVO SUPPLEMENTAL ANSWERS.
6. The LENOVO ANSWERS, the LENOVO PRODUCTION ANSWERS, and the LENOVO SUPPLEMENTAL ANSWERS are accurate and are based on the best information currently available to LENOVO.

IT IS FURTHER STIPULATED that, subject to the approval of the Court, the LENOVO DATA shall be deemed authentic records under Fed. R. Evid. 901 and 902. IT IS FURTHER STIPULATED that LENOVO DATA, the LENOVO ANSWERS, the LENOVO PRODUCTION ANSWERS, and the LENOVO SUPPLEMENTAL 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 LENOVO DATA, the LENOVO ANSWERS, the LENOVO PRODUCTION ANSWERS, or the LENOVO SUPPLEMENTAL 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 LENOVO DATA, the LENOVO ANSWERS, the LENOVO PRODUCTION ANSWERS, or the LENOVO SUPPLEMENTAL ANSWERS.

**PRICKETT, JONES & ELLIOTT, P.A.**

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*Interim Liaison Counsel and Attorneys for  
Phil Paul, on behalf of himself and all others  
similarly situated*

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By: /s/ Chad M. Shandler

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

Dated: July 15, 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  
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**DECLARATION OF GREGORY T. SCOTT  
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

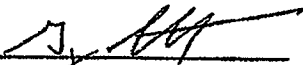
I, Gregory T. Scott, hereby declare under penalty of perjury:

**REDACTED**



**REDACTED**

SO DECLARED this 25<sup>th</sup> day of June, 2009.

  
\_\_\_\_\_  
Gregory J. Scott  
North America GL Controller for  
Lenovo (United States) Inc.

**EXHIBIT 1**

**REDACTED**

**EXHIBIT 2**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**



**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**EXHIBIT 3**

**REDACTED**

**REDACTED**

**REDACTED**



**EXHIBIT 4**

3217489v1

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**



**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**