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

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| 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,<br><br>Plaintiffs,<br><br>v.<br><br>INTEL CORPORATION, a Delaware corporation, and INTEL KABUSHIKI KAISHA, a Japanese corporation,<br><br>Defendants. | C.A. No. 05-441-JJF |
| PHIL PAUL, on behalf of himself and all others similarly situated,<br><br>Plaintiffs,<br><br>v.<br><br>INTEL CORPORATION,<br><br>Defendant. | C.A. No. 05-485-JJF<br><br>CONSOLIDATED ACTION |

**CASE MANAGEMENT ORDER NO. 12**
**(DM 41)**

WHEREAS, on September 8, 2009 Intel moved to modify the deadline for completion of expert witness depositions, and the schedule for summary judgment briefing, the pre-trial conference date and the trial date in the AMD Action (C.A. No. 05-441-JJF; MDL No. 05-1717-JJF) (DM 41); and

WHEREAS, at a hearing conducted on September 23, 2009, the Special Master advised the parties of the Court's decision not to move the trial in the AMD Action scheduled to commence on March 29, 2010 or the pretrial conference scheduled to occur on December 17, 2009 but of its willingness to consider other adjustments to the pretrial schedule; and

WHEREAS, the parties have met and conferred and have reached the following agreements that, subject to the approval of the Court, adjust and/or establish the schedule for remaining pretrial tasks in the AMD Action:

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

1. Summary Judgment Briefing Schedule. Summary judgment motions in the AMD Action and supporting material shall be filed on or before December 1, 2009. Opposition memoranda and supporting material shall be filed on or before January 15, 2010. Reply memoranda and supporting material may be filed on or before January 28, 2010.

2. Expert Window Deposition Window. The parties are in agreement that some enlargement of the existing expert witness deposition window in the AMD Action is likely advisable but further discussions shall be tabled until after AMD has received and has had an opportunity to review Intel's expert reports.

3. Exchange of Deposition Designations, Counter-Designations and Objections.

a. There currently exists a dispute as to the propriety of calling by deposition adverse-employee witnesses, current and former, that the adverse party is willing to produce for live cross-examination during the proponent's case-in-chief in the AMD Action. AMD contends it is entitled to use adverse-employee witness deposition testimony regardless of the witness' availability and intent to testify live at trial, and Intel contends it is not. The parties seek early resolution of this dispute, preferably before the December 17, 2009 pretrial conference, so as to avoid the necessity of having to make large numbers of potentially unnecessary deposition designations in preparation for trial. Intel would like an opportunity to address the issue to Judge Farnan as Intel believes it involves a fundamental issue of the mode and timing of presentation of evidence at trial; AMD is prepared to have Judge Farnan or the Special Master decide the issue in the first instance. The parties request guidance as to how they should proceed.

b. As to third-party witnesses beyond the Court's subpoena power and other witnesses who cannot be compelled to testify in person, and are thus "unavailable" within the meaning of the Federal Rules of Evidence, the parties have established the following protocol to govern deposition designations in the AMD Action:

i. On or before October 22, 2009, the parties will submit a stipulation identifying the witnesses as to whom there is no dispute that they may be called to testify by deposition.

ii. On or before October 29, 2009, AMD will serve a preliminary list[1] of deposition designations for such individuals that it may seek to introduce during its case-in-chief.

iii. Not later than November 5, 2009, the parties will establish by stipulation an agreed schedule for (a) Intel's objections and preliminary counter-designations; (b) Intel's preliminary deposition designations for such individuals that it may seek to introduce during its case-in-chief; and (c) AMD's objections and counter-designations to Intel's designations. This schedule will call for having all outstanding objections presented to the Court for resolution by the time of the December 17, 2009 pretrial conference. In the event the parties are unable to reach a stipulated schedule by November 5, 2009, the scheduling issue will be submitted to the Special Master for resolution.

4. Exhibits. On or before October 19, 2009, AMD will serve a preliminary list of exhibits it may seek to introduce during its case-in-chief. Intel commits in good faith to advise AMD within a reasonable time thereafter of any authenticity or admissibility objections it may have affecting any broad category of exhibits (as opposed to individualized objections), mindful of AMD's need to conduct the foundational discovery reserved by CMO No, 8 in time to have such objections decided at the Pretrial

[1] This Order makes provision for the service of "preliminary lists" of exhibits and deposition designations in the AMD Action. By that, the parties expect that the lists exchanged will be reasonably complete but acknowledge the likelihood that each side will need to make incidental (but not wholesale) additions as case preparations proceed.

Conference. Also within a reasonable time after AMD's service of its preliminary exhibit list, the parties shall meet and confer to establish a stipulated schedule for (a) Intel's service of its preliminary exhibit list; (b) AMD's service of a preliminary list of exhibits it may introduce during rebuttal; and (c) the parties' exchange of objections to one another's exhibits and the resolution of objections at the Pretrial Conference. In the event the parties are unable to reach a stipulated schedule by November 2, 2009, the matter will be submitted to the Special Master for resolution.

5. Pretrial Conferences. In addition to the pretrial conference scheduled for December 17, 2009 in the AMD Action, the parties request that the Court schedule a second pretrial conference during the week of February 15, 2010. Matters to be addressed at each shall include the following:

a. December 17, 2010 Pretrial Conference. At least five days in advance of the December 17, 2009 Pretrial Conference, the parties shall jointly submit a proposed Pre-Trial Order that contains: (1) a proposed list of motions in limine and a schedule for their resolution, if not earlier established by stipulation; (2) a statement of the nature of the action and the pleadings; (3) a statement of jurisdiction; (4) a statement of uncontroverted facts; (5) a statement of facts which remain to be litigated; (6) a statement of issues of law which remain to be litigated; (7) a brief summary of each party's intended proofs; (8) any Amendments to Pleadings and statements regarding same; (9) a certification of the parties' good faith efforts to resolve the controversy by settlement; and (10) the parties' proposed witness lists. At the Pretrial Conference, the Court will be asked to resolve (1) any broad-based (as opposed to individualized) objections to

the admissibility of any categories of exhibits; (2) the issue addressed in paragraph 3(a) of this Stipulation in the event it has not earlier been resolved; (3) trial schedule, trial length and allocation of time; (4) any outstanding objections to preliminary deposition designations for witnesses in the category specified in paragraph 3(b)(iii) of this Stipulation; (5) whether a Jury Questionnaire can be used and (6) any other issues the Court may wish to raise; and

b. February 2010 Pretrial Conference. Prior to the February 2010 Pretrial Conference, the parties shall jointly submit: (1) proposed Jury Instructions; (2) proposed Voir Dire Questions; (3) proposed Jury Questionnaires; (4) any special verdict or interrogatories under FRCP 49; (5) a list of premarked exhibits which each party intends to offer at trial along with any objections thereto; (6) the names of all witnesses each party intends to call to testify in person or by deposition, and, if by deposition, a list of deposition designations; (7) a schedule for the exchange of demonstrative exhibits, and (8) a statement regarding any other formalities that have been or need to be worked out, including advance notification of the order and scheduling of witnesses and of exhibits to be used during an examination. Unless earlier resolved, the Court will be asked to resolve (1) any motions in limine; (2) objections to the admission of exhibits; (3) dependent upon the outcome of the Court's resolution of the issue specified in paragraph 3(a) of this Stipulation, objections to the admission of proposed

deposition testimony as to witnesses in that category; and (4) any other issues the Court may wish to raise.

ENTERED this 2nd day of October, 2009.

Vincent J. Poppiti (#100614)
Special Master

IT IS SO ORDERED this 3 day of October, 2009

Joseph J. Farnan, Jr.
United States District Court Judge