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(By electronic mail)

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Dated: October 14, 2009

*Attorneys for Defendant  
Intel Corporation and Intel Kabushiki Kaisha*

# **Exhibit 1**



O'MELVENY & MYERS LLP

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OUR FILE NUMBER  
8,346-163

WRITER'S DIRECT DIAL  
(310) 246-6789

WRITER'S E-MAIL ADDRESS  
cdiamond@omm.com

August 23, 2007

VIA E-MAIL AND U.S. MAIL

Robert E. Cooper, Esq.  
Gibson Dunn & Crutcher LLP  
333 South Grand Avenue  
Los Angeles, California 90071-3197

Re: AMD v. Intel

Dear Bob:

I am in receipt of your August 22 letter and Rule 30(b)(6) deposition notice concerning AMD's document preservation efforts.

As you might imagine, we were surprised and disappointed to receive a deposition notice served without prior discussion, especially one as facially improper as this one. The notice appears to us be just the latest in a string of Intel tactics calculated to divert attention from Intel's self-confessed document preservation failings, and, perhaps, to fend off the court-ordered discovery we will imminently be commencing into Intel's culpability for them.

In any event, we request a "meet and confer" regarding the propriety and scope of this deposition notice. Please let me know if you are available on Monday or Tuesday in our downtown office. In advance of the meeting, we would like to see the legal authority upon which you claim an entitlement to conduct discovery of this kind so that we can consider it in deciding whether to seek a protective order.

In Mark Samuels' August 10 letter to you, a copy of which is attached, we advised that we had completed a review of AMD's document preservation program with respect to each of our 108 party-designated custodians, and determined that the program is operating as designed and intended and that no lapses have been identified. In your August 1 letter to me, you asserted that [REDACTED] "retained only a fraction of his sent emails as evidenced by the number of his emails found in other mailboxes during the same time period." You made similar assertions regarding [REDACTED]. While you did not cite us to even a single email so as to enable us to investigate these charges, Mr. Samuels' letter explained that any such conclusion would be premature until production for these custodians was complete. He also pointed out that it would not be surprising to find that reviewers looking at the same document in the files of

multiple custodians might come to different judgments as to responsiveness, and that such circumstance in no way suggested a document preservation issue.

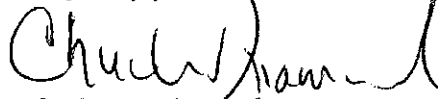
Rather than acknowledge or respond to either of these points, your August 22 letter again vaguely alludes to "problems with AMD's production." Once again, you cite to no particular documents but refer instead to unspecified "similar problems with numerous other AMD Custodians." You then identify three of them - [REDACTED]

We are more than happy to investigate any such supposed "problems" if you will be specific and complete as to what you perceive them to be. To that end, we ask that at the "meet and confer" you identify all AMD Custodians you are concerned about, and cite us to the specific documents that are giving rise to concern on Intel's part. That will permit us to investigate.

Once Intel's production is complete, we will conduct our own investigation into Intel's production for anomalies of the same kind, and trust that we can count on you to do what we have offered to do: investigate and report back to you.

Please let me know if you are available on Monday or Tuesday.

Very truly yours,



Charles P. Diamond  
of O'MELVENY & MYERS LLP



O'MELVENY & MYERS LLP

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OUR FILE NUMBER  
8,346-163

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August 10, 2007

VIA E-MAIL AND U.S. MAIL

Robert E. Cooper, Esq.  
Gibson Dunn & Crutcher LLP  
333 South Grand Avenue  
Los Angeles, California 90071-3197

Re: AMD v. Intel

Dear Bob:

This is to follow up on David Herron's letter to you of April 23, 2007. It also addresses the portion of your August 1, 2007 letter to Chuck Diamond in which you suggest that there may be lapses in AMD's own document preservation effort.

We have now completed a review of AMD's preservation program with respect to each of the 108 AMD party-designated production custodians. We are pleased to report that our preservation program appears to be operating as designed and intended; no lapses in that program have been identified.

During our review, we identified a small number of custodians (including [REDACTED] whose initial productions did not include all available .pst files. In some cases, this was because the files were corrupted and required repair. In others, some .pst's were apparently not located during the initial harvest of the custodian's data. In any event, these files are now being processed and reviewed for production, and the supplemental productions should be in your hands shortly. There are also responsive materials that are still in privilege review, and to the extent ultimately determined to be nonprivileged, they will be released to you in due course. I understand that some such materials were released earlier this week together with the privilege log for [REDACTED], and that [REDACTED] privilege log is not due until mid-September. Finally, let me say that while we cannot verify the so-called "discrepancies" you cite in your letter, and putting aside the fact that the supplemental productions are still in process, it is hardly surprising that different reviewers looking at multiple copies of the same email might reach different conclusions as to responsiveness. We are sure the same phenomenon pervades the Intel production. This does not in any respect suggest a breakdown in AMD's document preservation, and as noted above, we are currently aware of none.

Let me also add that we have found two instances in which party-designated custodians do not appear to have received formal written preservation instructions until September 2006; in both instances, it is clear that the custodians were nonetheless aware of their preservation obligations, and understood and complied with them.

We have previously agreed to provide you with exemplar preservation notices on a "no waiver" basis. We stand ready to do so once we have received Intel's, which were to have been provided to us long ago under the July 10 Remediation Discovery Order.

A review of the 71 adverse party designated production custodians is under way, and we will advise you when it has been completed, as well as any issues identified.

Should you have any questions, please do not hesitate to call.

Very truly yours,



Mark A. Samuels  
of O'MELVENY & MYERS LLP

**Exhibits 2 - 10 have  
been redacted in their  
entirety**



# **Exhibit 11**



REDACTED

3. REDACTED

4. On or about September 8, 2004, representatives from the Washington, DC communications firm Glover Park Group (“Glover Park”) provided a proposal to AMD’s corporate development, government relations and public relations departments. Throughout the following weeks, AMD and Glover Park modified and negotiated the terms of the September 8, 2004 proposal.

5. AMD and Glover Park entered into a Marketing Services Agreement effective November 1, 2004.

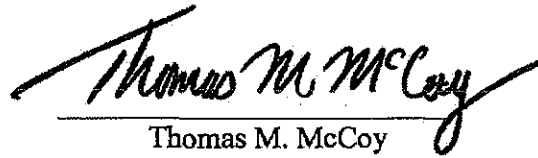
6. Under the Marketing Services Agreement, Glover Park provided AMD services

REDACTED

7. By an agreement made effective January 1, 2005,

REDACTED

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
17 day of June 2009 at Sunnyvale, California.

  
Thomas M. McCoy

**CERTIFICATE OF SERVICE**

I hereby certify that on June 26, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by Hand Delivery and Electronic Mail to the following:

Richard L. Horwitz, Esquire  
Potter Anderson & Corroon LLP  
1313 North Market Street  
P. O. Box 951  
Wilmington, DE 19899

James L. Holzman, Esquire  
Prickett, Jones & Elliott, P.A.  
1310 King Street  
P.O. Box 1328  
Wilmington, DE 19899-1328

I hereby certify that on June 26, 2009, I have sent by Electronic Mail the foregoing document to the following non-registered participants:

Darren B. Bernhard, Esquire  
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1299 Pennsylvania Avenue, N.W.  
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333 South Grand Avenue  
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Daniel A. Small, Esquire  
Cohen Milstein, Sellers & Toll, L.L.C.  
1100 New York Avenue, N.W.  
Suite 500 - West Tower  
Washington, DC 20005

/s/ Frederick L. Cottrell, III  
Frederick L. Cottrell (#2555)  
cottrell@rlf.com

**EXHIBIT 12  
HAS BEEN REDACTED  
IN ITS ENTIRETY**