

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO DEVICES, INC., a)
Delaware corporation, and AMD)
INTERNATIONAL SALES & SERVICE,) Civil Action No. 05-441
LTD., a Delaware corporation,)
)
Plaintiffs,)
)
vs.)
)
INTEL CORPORATION, a Delaware)
corporation, and INTEL KABUSHIKI)
KAISHA, a Japanese corporation,)
)
Defendants.)

STIPULATION RE: PRESERVATION OF DOCUMENTS BY TECH DATA
CORPORATION

WHEREAS, this action was commenced on June 27, 2005 by plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. (hereafter jointly, "AMD") against defendants Intel Corporation and Intel Kabushiki Kaisha (hereafter jointly, "Intel");

WHEREAS, TECH DATA CORPORATION (hereafter, "Company"), a third party to this action, may have in its possession, custody or control evidence, including documents and information maintained in electronic form, which falls into one or more of the categories listed in Exhibit A to this Stipulation Regarding Preservation of Documents by Tech Data Corporation (hereinafter "Stipulation");

WHEREAS, Company represents that as of June 29, 2005, the individuals identified on Exhibit B to this Stipulation constitute the Company's current employees that the company has



been able to identify who may have had decision making authority and communications with respect to the procurement of x86 microprocessors (current employees hereafter "Custodians" for purposes of this Stipulation);

WHEREAS, Company has agreed to take the various steps set forth in this Stipulation in order to preserve evidence, including evidence in the possession of Custodians.

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

1. Beginning on June 28, 2005, Company has delivered to all Custodians a "litigation hold" notice. The "litigation hold" encompassed all categories of documents and information identified on Exhibit A to this Stipulation. Company will periodically remind each Custodian of their obligation to comply with its litigation hold, and quarterly will obtain a read receipt or voting button/affirmative response from each then presently-employed Custodian. The "litigation hold" notification is intended to put on notice all Custodians to retain all documentation related to categories identified on Exhibit A to this Stipulation. Company has established a shared folder on a shared drive for electronic documents. Company has further established a shared folder within Outlook for retention of email. Such shared folders have appropriate security rights so that deposited documents and email cannot be removed from such folders. Company will be requesting Custodians to deposit above-referenced electronic documents into such shared folders (including, but not limited to, documents contained on portable storage devices, if any). Company has also begun collecting and retaining all paper documentation of Custodians related to categories identified on Exhibit A to this Stipulation. Such collection and retention of electronic and paper documentation will continue during the effective period of this stipulation.

2. Company will replicate and preserve a copy of the hard drives of any Custodian identified in Exhibit B within one month of Company's signing this Stipulation. On a going-forward basis, Company shall copy and preserve any Custodian's hard drive, F:/drive personal folder and Outlook email box if and when they should leave the Company's employment.

3. Company will request that all Custodians search and preserve email, documents and paper records falling under the criteria outline in Exhibit A to this Stipulation. Backup tape for common areas of file servers existing as of June 29, 2005 has not been overwritten, has been retained, and has been taken out of Company's tape rotation. Company shall maintain its record retention policy of recycling Outlook backup tapes, currently monthly.

4. Custodians have been instructed to immediately suspend use with respect to any computer accessible and used for work purposes of any utilities or other programs which systematically modify or delete data files (*i.e.*, not system or system-generated temporary files).

5. As of June 29, 2005, Company will preserve and retain the applicable databases containing the information referenced in paragraph 11 of Exhibit A.

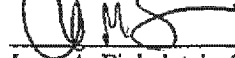
6. Nothing herein shall limit Company's right to contest or otherwise object to a future subpoena for the production of documents. Company is not waiving any objections to the scope of discovery or relevancy or admissibility of any documents requested by any party to this action. Company expressly reserves all objections available to it under the Federal Rules of Civil Procedure and the Federal Rules of Evidence. Company enters into this Stipulation with the express understanding that the Stipulation should not be construed as an order by the Court regarding the scope of discovery or the relevancy or admissibility of any documents requested by any party to this action.

7. This Stipulation will remain in force for one year pending further Stipulation or order of the Court. AMD and Company stipulate and agree that, upon request of the other, they shall, in good faith, confer about the contents and obligations under this Stipulation as appropriate.

A handwritten signature or set of initials, possibly 'W', located in the lower right quadrant of the page.

Respectfully submitted,

RICHARDS, LAYTON & FINGER



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Dated: August 16, 2005

Dated: August 19, 2005

Respectfully submitted,

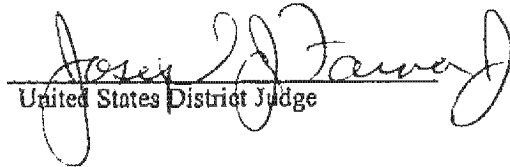


David R. Vetter, General Counsel

Tech Data Corporation

ORDER

It is so ordered this 22 day of August, 2005


United States District Judge

