



by stenographic and sound-and-visual (videographic) means, will be taken before a Notary Public or other officer authorized to administer oaths, and will continue from day to day until completed, weekends and public holidays excepted.

Reference is made to the “Description of Matters on Which Examination is Requested” attached hereto as Exhibit A and incorporated by this reference. In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, Intel is hereby notified of its obligation to designate one or more officers, directors, managing agents (or other persons who consent to do so) to testify on its behalf as to all matters embraced in the “Description of Matters on Which Examination is Requested” and known or reasonably available to Intel.

/s/ Chad M. Shandler

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Dated: July 1, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on July 1, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by Hand Delivery to the following:

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# EXHIBIT A

## **EXHIBIT A**

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Intel shall designate and produce at the deposition one or more persons who are most qualified to testify on its behalf regarding the subjects listed under Section II below.

### **I.**

#### **DEFINITIONS**

1. “AMD” shall mean and refer to plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. including, without limitation, all of their corporate locations, and all predecessors, subsidiaries, parents and affiliates, and all past or present officers, directors, agents, representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership relationships with plaintiffs, and others acting on behalf of either.

2. “Intel” shall mean and refer collectively to defendants Intel Corporation and Intel Kabushiki Kaisha including, without limitation, all of their corporate locations, and all predecessors, subsidiaries, parents and affiliates, and all past or present officers, directors, agents, representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership relationships with defendants, and others acting on behalf of either.

3. “Microsoft” shall mean and refer collectively to Microsoft Corporation, all predecessors, subsidiaries, parents and affiliates of Microsoft Corporation, all past or present officers, directors, agents, representatives, employees, consultants, attorneys, entities acting in joint-venture or partnership relationships with Microsoft Corporation, and others acting on behalf of Microsoft Corporation.

4. “Intel Compiler Product” shall mean and refer to any compiler software that Intel has made, sold, offered for sale, or distributed, including, but not limited to, all versions of the Intel C++ Compiler for Linux, the Cluster OpenMP for Intel C++ Compiler for Linux, the Intel

Fortran Compiler for Linux, the Intel C++ Compiler for Windows, the Intel Visual Fortran Compiler Standard and Professional Editions, the Intel C Compiler for EFI Byte Code, the Intel C++ Compiler for Mac OS, and the Intel Fortran Compiler for Mac OS.

5. “Intel Compiler Library” shall mean and refer to any software library that Intel has made, sold, offered for sale, or distributed, including, but not limited to, all versions of the Intel Integrated Performance Primitives (Intel IPP) for Windows, Linux, and Mac OS, the Intel Math Kernel Library (Intel MKL) for Windows, Linux, and Mac OS, and the Intel Threading Building Blocks (Intel TBB) for Windows, Linux, and Mac OS.

6. “Microsoft Compiler Product” shall mean and refer to any compiler software that Microsoft Corporation has made, sold, offered for sale, or distributed, including, but not limited to, all versions of the Microsoft Visual C++ Compiler, the Microsoft Visual C# Compiler, the Microsoft Fortran Compiler, and the Microsoft Visual Basic Compiler.

7. “Microsoft Compiler Library” shall mean and refer to any software library that Microsoft Corporation has made, sold, offered for sale, or distributed, including, but not limited to, all versions of the Microsoft Foundation Class Library and the .NET Framework Libraries.

8. “Third Party Compiler Product” shall mean and refer to any compiler software that a third party has made, sold, offered for sale, or distributed, including, but not limited to, compiler software designed or developed by Microsoft Corporation, the Portland Group, Inc., QLogic Corporation, PathScale, LLC, and compiler libraries distributed under the GNU General Public License.

9. “Third Party Compiler Library” shall mean and refer to any software library that a third party has made, sold, offered for sale, or distributed, including, but not limited to, software libraries designed or developed by Microsoft Corporation, the Portland Group, Inc., QLogic

Corporation, PathScale, LLC, and compiler libraries distributed under the GNU General Public License.

10. “Intel Microprocessor” shall mean and refer to any microprocessor product made by, sold by, or distributed by Intel.

11. “AMD Microprocessor” shall mean and refer to any microprocessor product made by, sold by, or distributed by AMD.

## **II.**

### **SUBJECT MATTER**

1. The individuals and/or organizations within Intel, and the roles, responsibilities, and contributions of such individuals and/or organizations, involved in the design, development, modification, testing, marketing, distribution, sale, and support of Intel Compiler Products and Intel Compiler Libraries.

2. The design, development, structure, function, operation, and performance of all Intel Compiler Products and Intel Compiler Libraries.

3. The design, development, implementation, function, and operation of the CPUID feature or other features that identify the source of a microprocessor (*e.g.*, Intel or non-Intel) in the Intel Compiler Products and Intel Compiler Libraries.

4. The design, development, implementation, function, and operation of any features that identify the capabilities of, features of, or instruction sets supported by, a microprocessor in the Intel Compiler Products and Intel Compiler Libraries.

5. Differences in the design, features, operation, and performance of different versions of the Intel Compiler Products and Intel Compiler Libraries.
6. Any efforts by Intel to evaluate, test, or analyze the design, features, operation, and/or performance of any Third Party Compiler Products and/or Third Party Compiler Libraries, and the results of such efforts.
7. Any efforts by Intel to evaluate, test, or analyze any features in any Third Party Compiler Products and/or Third Party Compiler Libraries that identify the source of a microprocessor (*e.g.*, Intel or non-Intel) or the capabilities of, features of, or instruction sets supported by, a microprocessor.
8. Any efforts by Intel to compare the design, features, operation, and/or performance of any Intel Compiler Product and/or Intel Compiler Library to any Third Party Compiler Product and/or Third Party Compiler Library, and the results of such efforts.
9. The marketing, promotion, sale, and distribution of Intel Compiler Products and Intel Compiler Libraries.
10. The use of any Intel Compiler Product and/or Intel Compiler Library in microprocessor or computer system benchmarking or performance analysis.
11. The use of any Third Party Compiler Product and/or Third Party Compiler Library in microprocessor or computer system benchmarking or performance analysis.



12. Any efforts by Intel to evaluate, test, or analyze differences in performance or operation of software compiled with an Intel Compiler Product and/or Intel Compiler Library when used with AMD and Intel Microprocessors, and the results of such efforts.

13. Any efforts by Intel to evaluate, test, or analyze differences in performance or operation between software compiled with an Intel Compiler Product and/or Intel Compiler Library and with a Third Party Compiler Product and/or Third Party Compiler Library when used with Intel Microprocessors, and the results of such efforts.

14. Any efforts by Intel to evaluate, test, or analyze differences in performance or operation between software compiled with an Intel Compiler Product and/or Intel Compiler Library and with a Third Party Compiler Product and/or Third Party Compiler Library when used with non-Intel or AMD Microprocessors, and the results of such efforts.

15. Features or functions of the Intel Compiler Products and Intel Compiler Libraries that are not available to or operational with computer systems with non-Intel or AMD Microprocessors.

16. Features or functions of the Intel Compiler Products and Intel Compiler Libraries that differentiate between Intel and non-Intel or AMD Microprocessors.

17. Complaints or concerns regarding the design, features, operation, and/or performance of any Intel Compiler Product and/or Intel Compiler Library, including, but not limited to, complaints or concerns relating to the performance of software when used with AMD Microprocessors or differences in performance of software when used with AMD and Intel Microprocessors.

18. Any efforts by Intel to research, evaluate, test, address, and/or respond to any complaints or concerns regarding the design, features, operation, and/or performance of any Intel Compiler Product and/or Intel Compiler Library, and the results of such efforts.

19. Any communications or actions taken by Intel to respond to any complaints or concerns regarding the design, features, operation, and/or performance of any Intel Compiler Product and/or Intel Compiler Library.

20. Any efforts by Intel to evaluate, test, or analyze any AMD Compiler Library, including, but not limited to, the AMD Core Math Library and/or AMD Performance Library, and the results of such efforts.

21. Any efforts by Intel to compare the design, features, operation, and/or performance of any Intel Compiler Library to any AMD Compiler Library, including, but not limited to, the AMD Core Math Library and/or AMD Performance Library, and the results of such efforts.

22. Any efforts by Intel to modify or optimize any Intel Compiler Product or Intel Compiler Library based on a suggestion or request from a third party.

23. Any communication between Intel and Microsoft regarding the design, development, modification, testing, marketing, naming, setting of default options, support, timing, or release of any Microsoft Compiler Product and/or Microsoft Compiler Library, including, but not limited to, any 64-bit version of any Microsoft Compiler Product and/or Microsoft Compiler Library.

24. Any efforts by Intel to evaluate, test, or analyze differences in performance or operation of software compiled with a Microsoft Compiler Product and/or Microsoft Compiler Library when used with AMD and Intel Microprocessors, and the results of such efforts.

25. The terms of each and every agreement, written or oral, between Intel and any third party relating to the development, distribution, modification, optimization, or license of compiler products or compiler library products.

26. The reports, memoranda, presentations, correspondence, marketing materials, technical manuals, product literature, support service materials, and other related documentation generated by Intel for the Intel Compiler Products and Intel Compiler Libraries, and the maintenance and storage of such documentation within Intel.