

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

ADVANCED MICRO DEVICES, INC., a  
Delaware corporation, and AMD  
INTERNATIONAL SALES & SERVICES,  
LTD., a Delaware corporation,

Plaintiffs,

v.

INTEL CORPORATION, a Delaware  
corporation, and INTEL KABUSHIKI  
KAISHA, a Japanese corporation,

Defendants.

C.A. No. 05-441-JJF

IN RE  
INTEL CORPORATION  
MICROPROCESSOR ANTITRUST  
LITIGATION

MDL No. 1717-JJF

PHIL PAUL, on behalf of himself  
And all others similarly situated,

Plaintiffs,

v.

INTEL CORPORATION,

Defendants.

C.A. No. 05-485-JJF

CONSOLIDATED ACTION

**MOTION TO MODIFY PROTECTIVE ORDER**

Movants The New York Times Company, Situation Publishing Ltd., Dow Jones & Co., Inc., The Washington Post, the Reporters Committee for Freedom of the Press, and the Computer & Communications Industry Association (“CCIA”) (collectively, “Movants”) hereby move to Modify the Confidentiality Agreement and Protective Order

entered in this action on September 26, 2006 (D.I. \_\_\_\_ ) (the “Confidentiality Order”), for the limited purpose of allowing counsel for Movants to review, on an “attorneys’ eyes only” basis, documents filed with the Court under seal so that they may determine whether such sealing is justified. In support of this motion, Movants state as follows:

1. On August 21, 2008, Movants filed a motion to intervene for the limited purpose of obtaining access to non-confidential public records which have been sealed unnecessarily and unjustly withheld from the public (the “Access Motion”). That motion was referred to the Special Discovery Master.

2. During a teleconference with the parties, the Special Discovery Master suggested that the parties attempt to negotiate a protocol for dealing with the Access Motion. One of the ideas that was discussed is modifying the Confidentiality Order so as to give counsel for Movants access to the sealed documents filed with the Court, on an “attorneys’ eyes only” basis, to allow such counsel to make an informed and independent determination as to whether sealing is justified.

3. It is important to emphasize that counsel for Movants is *not* requesting to see any of the underlying documents produced in discovery in this action. The Access Motion, and Movants’ present request to modify the Confidentiality Order, is limited to motions and other lawyer-generated documents filed in this action, along with transcripts of proceedings.

4. The proposed modification of the Confidentiality Order would grant access to David L. Finger (outside counsel for Movants), George H. Freeman (general counsel for the New York Times), Eric N. Lieberman (Vice President and Counsel for

The Washington Post), Jason Conti (counsel to Dow Jones & Co.) and Burke Hansen (counsel to The Register). Under the proposed modification, none of the aforementioned individuals would be entitled to show or discuss the contents of any document filed with the Court under seal (except that they may discuss the contents with each other and with any other party to the Confidentiality Order), and agree to be otherwise bound by the terms of the Confidentiality Order.

5. This modification of the Confidentiality Order is proposed as being in the interests of resolving fairly the issues raised by Movants in the Access Motion, limiting the imposition on all parties and the Court. Further, the proposed modification will not prejudice any interested party, as it protects against broader dissemination of the allegedly confidential materials.

WHEREFORE, for the foregoing reasons, Movants respectfully request that the Court grant their motion to modify the Confidentiality Order as proposed herein.

Dated: October 10, 2008

Respectfully submitted,

/s/ David L. Finger  
David L. Finger (DE Bar ID #2556)  
Finger & Slanina, LLC  
One Commerce Center  
1201 Orange Street, Suite 725  
Wilmington, DE 19801-1155  
Attorney for Movants The New York  
Times Company, Situation  
Publishing Ltd., Dow Jones & Co.,  
Inc., The Washington Post, the  
Reporters Committee for Freedom of  
the Press, and the Computer &  
Communications Industry  
Association