

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

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

JOINT PROPOSED AGENDA FOR APRIL 20, 2006 INITIAL CONFERENCE

In response to the Court's March 22, 2006 Order, Plaintiffs ADVANCED MICRO DEVICES, INC. and AMD INTERNATIONAL SALES & SERVICE, LTD. (hereafter, jointly, "AMD") and Defendants INTEL CORPORATION and INTEL KABUSHIKI KAISHA (hereafter, jointly, "Intel") have conferred and, by and through their undersigned attorneys, jointly offer the following proposed agenda items for the April 20, 2006 Initial Conference for the Court's consideration:

1. **Initial Rule 26 Disclosures.** AMD and Intel have made Initial Disclosures to one another concerning individuals with knowledge and types of documents and agree that no further Rule 26 disclosure should be required.
2. **MDL Coordination.** The parties propose raising with the Court the issue of coordinated discovery with the MDL class cases and any other areas in which the Court expects coordination.
3. **State-Federal Coordination.** AMD and Intel together with state and federal class counsel representatives have been discussing a joint proposal for coordinated discovery in the matters before this Court and the Santa Clara Superior Court (before whom the California

purported class actions have been consolidated) and any other related state class actions that may be filed in the future. The parties propose exploring with the Court whether these discussions should proceed and what form the Court believes a proposed order should take.

4. **Discovery.**

- a) **Document Requests.** AMD and Intel have served and provided written responses to document requests and have begun collecting responsive materials. When combined with documents produced by third parties, the total production may amount to hundreds of millions of pages.
- b) **Document Custodian Stipulation.** Subject to the Court's approval, AMD and Intel have negotiated a stipulation governing document custodians from whose files documents will be produced and various other document production protocols. State and federal class counsel have indicated their preliminary consent to the stipulation subject to their review of its final wording. The stipulation is subject to that consent, to Court approval and to reaching agreement on native production.
- c) **Native Inspection Stipulation.** The parties are currently attempting to negotiate the terms of a stipulation concerning the initial inspection of documents in native format. State and federal class counsel have indicated their intent to consent to a stipulation, should Intel and AMD be able to reach an agreement satisfactory to them as well.
- d) **Third Party Document Subpoenas.** AMD has subpoenaed a number of third parties. AMD and Intel propose to discuss establishing dates for service by Intel and class plaintiffs of third party document subpoenas and other issues relating to third party discovery.

5. **Discovery Disputes.** The parties request the Court's direction on the appropriate procedure for resolving any discovery disputes that arise, including the advisability of appointing a Discovery Master in this and the MDL class actions.

6. **Protective Order**. In consultation with state and federal class counsel representatives, AMD and Intel are attempting to negotiate a mutually acceptable protective order. The parties will be in a position to report either reaching an agreement or present the Court with a limited set of issues to be resolved.

7. **NDA (Non-Disclosure Agreement) Stipulation and Order**. AMD has proposed a stipulation concerning pre-deposition interviews of former employees of the parties and non-parties in whose favor NDAs run. The parties will be prepared to report on the status of those discussions.

8. **Expert Discovery Stipulation**. For purposes of facilitating the development of expert testimony, the parties have agreed to a written stipulation governing the scope of expert discovery. After the appointment of interim lead class counsel, the parties expect to be able to submit that stipulation to the Court for its approval.

9. **Case Management Order**. The parties propose exploring with the Court the development of a comprehensive Case Management Order and will seek the Court's guidance on the areas that the Court believes should be covered by such an order.



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