



Protective Order, and Intel Corporation's ("Intel's") Cross Motion to Compel Discovery, all concerning Intel's discovery related to AMD's evidence preservation;

WHEREAS, during that hearing, the Court and the parties reviewed discovery issues outlined by the Court and delivered to the parties on September 10, 2008, in the form of a summary chart of purported evidence preservation issues and related discovery (hereafter, the "Court's Summary Chart") and also discussed certain related issues raised by Intel and AMD as set forth in the transcript of that hearing;

WHEREAS, thereafter the parties established a projected schedule for informal disclosure of information (including witness interviews and document productions), meet and confer sessions related to AMD evidence preservation and, thereafter, for appropriate discovery, including under Fed. R. Civ. P. 30(b)(6); and

WHEREAS, the parties have started the informal disclosure process, and have reached substantial agreement regarding AMD's review and production of documents during the informal process.

NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG AMD AND INTEL, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO APPROVAL OF THE COURT, AS FOLLOWS:

1. The parties agreed to a "custodian" based approach for the review and production of documents. Consistent with discussions and other communications between the parties, AMD believes in good faith that the individuals listed below have the most relevant, non-privileged and non-duplicative documents responsive to Intel's informal discovery inquiries. AMD shall produce documents from the following AMD Information Technology personnel ("AMD IT custodians"):

- (1) Jerry Meeker;
- (2) Judy Padgett;
- (3) Charu Verma;
- (4) Sandip Chowdhury; and
- (5) Sudhir Bathula.

2. In order to reduce its burden of document review in connection with the topics of informal discovery addressed in the Court's Summary Chart and at the September 11, 2008 hearing, AMD and Intel agree that AMD may use agreed-upon keywords to limit the pool of documents for review for Padgett, Verma, Chowdhury and Bathula, and restrict the documents for review by date for the AMD IT Custodians, all as set forth in written communications between the parties.

3. The parties agree that to avoid potentially lengthy disputes over whether documents constitute work product, or whether Intel can meet the standards in Rule 26(b)(3) of the Federal Rules of Civil Procedure for the production of certain work product, AMD and Intel agree that in producing documents from the foregoing AMD IT custodians, AMD shall not withhold any attorney work product unless it reflects the mental impressions, conclusions, opinions or legal theories of an attorney or party representative within the meaning of Rule 26(b)(3) of the Federal Rules of Civil Procedure, and AMD's production of such materials will not be deemed a waiver of any protection applicable to such "opinion work product" under Fed. R. Civ. P. 26(b)(3). Intel, however, reserves any and all other rights and grounds to challenge any assertions of privilege or work product protection. The parties agree that paragraph 35 of the

Second Amended Stipulation Regarding Electronic Discovery and Format of Document

Production will apply to this production.

Dated: November \_\_\_\_, 2008.

<p><b>RICHARDS, LAYTON &amp; FINGER, P.A.</b></p> <p>By: <u>    /s/ Steven J. Fineman    </u> Frederick L. Cottrell, III (#2555) Chad M. Shandler (#3796) Steven J. Fineman (#4025) One Rodney Square 920 North King Street Wilmington, DE 19899 (302) 651-7836 Cottrell@rlf.com Shandler@rlf.com Fineman@rlf.com</p> <p>Attorneys for Advanced Micro Devices, Inc. and AMD International Sales &amp; Service, Ltd.</p>	<p><b>POTTER ANDERSON &amp; CORROON LLP</b></p> <p>By: <u>    /s/ W. Harding Drane, Jr.    </u> Richard L. Horwitz (#2246) W. Harding Drane, Jr. (#1023) Hercules Plaza, 6th Floor 1313 N. Market Street Post Office Box 951 Wilmington, DE 19890-0951 (302) 984-6000 rhorwitz@potteranderson.com wdrane@potteranderson.com</p> <p>Attorneys for Intel Corporation and Intel Kabushiki Kaisha</p>
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ORDER

IT IS SO ORDERED.

DATED: \_\_\_\_\_

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Vincent J. Poppiti (#100614)  
Special Master