

**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

**AMENDED MOTION TO MODIFY PROTECTIVE ORDER AND APPROVE
PROTOCOL FOR UNSEALING DOCUMENTS**

Movants The New York Times Company, Situation Publishing Ltd., Dow Jones & Company, Inc., The Washington Post, the Reporters Committee for Freedom of the Press, and the Computer & Communications Industry Association (“CCIA”)

(collectively, “Movants”) hereby move to (i) Modify the Confidentiality Agreement and Protective Order entered in this action on September 26, 2006 (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 they believe such sealing is justified, and (ii) for approval of a protocol for unsealing documents during the discovery phase of the litigation. 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 Movants alleged 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 (without exhibits that are documents produced in this action) 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. A protocol for unsealing records has been proposed as follows:

- a. Intel Corporation and Advanced Micro Devices, Inc. will review documents associated with docket numbers 625, 627, 628, 629, 634, 635, 645, 646 and 648 and “unredact” those sealed portions of the documents: (a) which

contain stale information derived from documents created or generated prior to the filing of the original complaints in the above-captioned actions; or (b) otherwise do not satisfy the definition of “Confidential Information” set forth in the Confidentiality Order.

b. With respect to documents filed going forward in this case, Intel Corporation and Advanced Micro Devices, Inc., subject to the terms of the Order entered by the Court pursuant to this Motion and the Protective Order, will provide to Movants’ counsel for attorney eyes only review unsealed copies of documents filed partially or entirely under seal, identifying those portions which are proposed to be “unredacted” and those portions as to which Intel Corporation and/or Advanced Micro Devices, Inc. is designating as remaining sealed.

c. To the extent that Movants disagree with any designation continuing to keep information under seal, Movants may then apply to the Special Discovery Master for relief.

d. Movants shall continue to have the right to seek unsealing of any documents filed with the Court previous or subsequent to the entry of this Order. In such circumstance, Movants, or any of them, seeking to unseal a document or documents shall first make a demand on Advanced Micro Devices, Inc. and Intel Corporation, who shall provide a copy of the document(s) in question to counsel for the requesting party or parties for attorney’s eyes only, pursuant to this Order and the terms of the Confidentiality Order. Movants and the parties shall attempt

to come to a good faith resolution of any issue of public access prior to the filing of any motion with the Special Discovery Master.

e. This protocol is limited in application to discovery-related filings under the jurisdiction of the Special Discovery Master. Movants retain all rights to seek unsealing of any other documents outside the scope of discovery-related proceedings, and nothing in this proposed protocol is intended to limit such rights in any way.

4. It is important to emphasize that counsel for Movants are *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 (without discovery documents or summaries of documents that might appear as exhibits to said filings), along with transcripts of proceedings.

5. 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 (Vice President and Associate General Counsel to Dow Jones & Company, Inc.) and Burke Hansen (counsel to The Register). Under the proposed modification, none of the aforementioned individuals would be entitled to disclose 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 all agree to be otherwise bound by the terms of the Confidentiality Order.

6. This modification of the Confidentiality Order and the protocol for unsealing documents are 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: January 27, 2009

Respectfully submitted,

/s/ David L. Finger
David L. Finger (DE Bar ID #2556)
Finger, Slanina & Liebesman, LLC
One Commerce Center
1201 N. Orange Street, 7th floor
Wilmington, DE 19801-1186
(302) 573-2525
dfinger@delawgroup.com
Attorney for Movants The New York
Times Company, Situation
Publishing Ltd., Dow Jones &
Company, Inc., The Washington
Post, the Reporters Committee for
Freedom of the Press, and the
Computer & Communications
Industry Association