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

) ) MDL No. 1717-JJF ) )
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() ) ) C.A. No. 05-485-JJF
) CONSOLIDATED ACTION
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## **ORDER**

WHEREAS, pursuant to the Special Master's Order of March 5, 2009, counsel for Fujitsu and AMD met and conferred regarding a protocol and time frame for the Fujitsu custodian documents selected by the Special Master (the "Identified Documents") to be submitted for translation and to the Special Master.

WHEREAS, paragraph 2 of the March 5, 2009 Order, requested that Fujitsu provide parent emails or child attachments necessary to understand the context of the Identified Documents.

WHEREAS, Fujitsu offered to provide for translation and to the Special Master all parent emails and child attachments of the Identified Documents, as well as the Identified Documents themselves, a total of 457 documents.

WHEREAS, AMD objected to translating 457 documents on the grounds that this would delay a decision regarding Fujitsu's withheld custodian documents, and that the Court's March 5, 2009 Order of necessity contemplated that Fujitsu should review the Identified Documents and their parent emails and child attachments and determine which of these are necessary to understand the context of the Identified Documents.

WHEREAS, Fujitsu responded that no such review was ordered by the Special Master, nor was any such review necessary, given Fujitsu's agreement to provide all parent emails and child attachments to the Special Master, and Fujitsu should not have to bear the significant costs of such a review.

WHEREAS, Fujitsu and AMD, in order to settle this disputed issue, have reached a compromise with respect to this issue and have reached agreement on other aspects of the protocol concerning the custodian documents, subject to approval of the Court:

- 1. Fujitsu will provide the 250 Identified Documents to AMD's translation service by Friday, March 20, 2009.
- 2. Instead of providing the parent emails and child attachments of the Identified Documents, Fujitsu will provide a key, indicating which of the Identified Documents have child

attachment(s) or a parent e-mail. If the Special Master believes that the parent email or child

attachment of any specific Identified Document might help him better understand the context of

the Identified Document, he will notify Fujitsu's counsel, and Fujitsu will provide that document

to AMD's translation service as soon as possible.

3. AMD's translation service will provide the translations of the Identified

Documents to Fujitsu's counsel and the Special Master at the same time, on a rolling basis. The

translations will be provided in electronic format, and will include the same control numbers and

other identifiers used on the Identified Documents.

4. AMD cannot estimate how long it will take to translate the Identified Documents

until its translation service has had the opportunity to inspect the Identified Documents, but will

endeavor to have them translated as quickly as possible.

5. Fujitsu will have an opportunity to review the translations for accuracy, and will

notify the Special Master if it finds any significant problems with the translations. Fujitsu also

will notify the Special Master when it has completed its review of all the translations of the

Identified Documents, in no event later than one week from the date of its receipt of the last set

of translations. Fujitsu requests that the Special Master not enter any order regarding the

Identified Documents until Fujitsu's review is complete.

SO ORDERED this /3/4 day of March, 2009

incent J. Poppiti (#190614)

Special Master

3