



WHEREAS, the parties have made their best efforts to schedule all depositions of percipient witnesses prior to the June 12, 2009, cutoff for fact discovery; and

WHEREAS, the parties collectively conducted thirty-two days of deposition in January, forty-five days in February, sixty-seven days in March, fifty-nine days in April and seventy-one days in May (with as many as eleven depositions being conducted in a single day); and

WHEREAS, through June 8, the parties have taken thirty-two days of deposition in June, and have scheduled an additional twenty-eight days of deposition during the four days between and including June 9 and June 12; and

WHEREAS, despite their best efforts, the parties have been unable to schedule a small number of depositions for dates prior to the June 12 fact discovery cutoff date;

WHEREAS, the parties agree that it is appropriate for certain depositions to be conducted after the June 12 fact discovery cutoff date, including the following <sup>1</sup> :

1. The deposition of Intel witness James Reinders was set for June 10, and the deposition of Intel witness Joe Wolf was set for June 11. AMD has requested the production by Intel of certain data which AMD believes is necessary for these depositions. To avoid requiring Mr. Reinders and Mr. Wolf to appear a second time for their depositions following the anticipated production of that Intel data, the parties agree that their depositions should be

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<sup>1</sup> In addition to the depositions addressed in this stipulation, there are depositions of certain HP witnesses (R. Walker, T. Clark, S. Stallard and Carly Fiorina) which the parties have been unable to schedule before June 12, which are addressed in a separate submission to the Court. There are also depositions of two AMD witnesses (K. Oji and K. Matsomoto) which the Court has already issued an order providing that they should proceed in Osaka, Japan on June 17 and 18. In addition, the parties have been meeting and conferring regarding several Rule 30(b)(6) depositions of AMD which were noticed by Intel in April and May. The parties have agreed to address those Rule 30(b)(6) depositions pursuant to a separate stipulation filed with the Court. Finally, there are a few other depositions (including Office Depot, Staples, K. Lefebvre, and NEC Corp of America) addressed in another submission or submissions, which Intel and the Class have agreed to schedule after the June 12 cutoff.

postponed until the parties have resolved issues regarding the data production, which the parties expect to resolve very shortly. The parties further agree that the depositions should be set as expeditiously as reasonably possible after the June 12 fact discovery cutoff date, at a time and place convenient to the witnesses and the parties;

2. For reasons beyond the parties' control, two Synnex witnesses, Robert Huang and Steve Ichinaga, have been unable to sit for their depositions prior to the June 12 fact discovery cutoff date. Both witnesses are available for deposition on June 19, and the parties agree the depositions should proceed on that date;

3. The parties have been unable to find a mutually-convenient date for a Rule 30(b)(6) deposition of AMD regarding cost data prior to June 12, but agree that the deposition should proceed on June 17;

4. The depositions of Intel witnesses Robert Baker and David Perlmutter were conducted, in part, but not completed, in January and April, respectively. Mr. Baker and Mr. Perlmutter have pressing business commitments such that they are not available for the conclusions of their depositions prior to June 12, but are available on June 19, and July 1, respectively. The parties agree that the depositions should proceed on those dates.

5. The depositions of former AMD employees Ken Morrissey and David Somo were conducted, in part, but not completed, on June 1 and June 10, respectively. Mr. Morrissey and Mr. Somo have pressing business commitments such that they are unavailable for the completion of their depositions prior to June 12, but are available on June 15 and June 24, respectively. The parties agree that the deposition should proceed on those dates.

NOW, THEREFORE, THE COURT MAKES THE FOLLOWING ORDER:

1. The depositions of James Reinders and Joe Wolf may be taken as expeditiously as reasonably possible after the June 12, 2009, discovery cutoff date, at a time and place convenient to the witnesses and the parties.

2. The depositions of Robert Huang and Steve Ichinaga may be taken on June 19, or on another date as expeditiously as reasonably possible after the June 12, 2009, discovery cutoff date, at a time and place convenient to the witnesses and the parties.

3. The Rule 30(b)(6) deposition of AMD regarding cost data may be taken on June 17, or on another date as expeditiously as reasonably possible after the June 12, 2009, discovery cutoff date, at a time and place convenient to the parties.

4. The depositions of Ken Morrissey, Robert Baker, David Somo, and David Perlmutter may be continued and concluded on June 15, June 19, June 24, and July 1, respectively, or on other dates as expeditiously as reasonably possible after the June 12, 2009, discovery cutoff date, at a time and place convenient to the witnesses and the parties.

5. Except as provided herein, the deadlines set forth in CMO 7 remain unaltered by this order.

/s/ Richard L. Horwitz

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Entered this  
\_\_th day of June, 2009.

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Vincent J. Poppiti (#100614)  
Special Master