

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

IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION)	
)	MDL No. 05-1717-JJF
)	
)	
ADVANCED MICRO DEVICES, INC., a Delaware corporation, and AMD INTERNATIONAL SALES & SERVICES, LTD., a Delaware corporation,)	
)	
Plaintiffs,)	
)	C.A. No. 05-441-JJF
v.)	
)	
INTEL CORPORATION, a Delaware corporation, and INTEL KABUSHIKI KAISHA, a Japanese corporation,)	
)	
Defendants.)	
)	
)	
PHIL PAUL, on behalf of himself and all others similarly situated,)	C.A. No. 05-485-JJF
)	
Plaintiffs,)	CONSOLIDATED ACTION
)	
v.)	
)	
INTEL CORPORATION,)	
)	
Defendant.)	
)	

**STIPULATION AND [PROPOSED] ORDER WITH RESPECT TO THE
FINALIZATION OF DISCOVERY OF INGRAM MICRO, ACER, HEWLETT
PACKARD, LENOVO, AND DELL**

WHEREAS, defendants Intel Corporation and Intel Kabushiki Kaisha (jointly “Intel”), plaintiffs Advanced Micro Devices, Inc. and AMD International Sales &

Service, Ltd. (jointly, “AMD”) and plaintiffs in consolidated class actions (“Class Plaintiffs”) (collectively, the “Parties”) have served discovery requests on Ingram Micro, Inc. (“Ingram Micro”), Acer, Inc. and Acer America Corp. (jointly, “Acer”), Dell Corporation (“Dell”), Hewlett Packard (“HP”), and Lenovo Corporation (“Lenovo”) (collectively, the “Producing Third Parties”);

WHEREAS, in response to the Parties’ discovery requests, the Producing Third Parties have produced certain data compilations, records and other information which the Parties may seek to use at trial, during other Court proceedings and at depositions;

WHEREAS, the Parties wish to reduce any potential burden on the Producing Third Parties to the greatest extent possible;

WHEREAS, Intel, AMD and/or Class Plaintiffs have negotiated with the Producing Third Parties to obtain declarations regarding the data each of them produced, in a good faith effort to avoid having to take the depositions of any of them regarding their productions of data compilations, records and other information;

WHEREAS, the Producing Third Parties have each represented to Intel, AMD and/or Class Plaintiffs that they are amenable to completing declarations regarding their respective productions of data compilations, records and other information relating to issues of admissibility, interpretation and authentication pursuant to Federal Rules of Evidence 901 and 803(6);

WHEREAS, for reasons beyond the Parties’ control, the declarations of Ingram Micro, Acer, HP and Lenovo have not yet been completed, but the parties anticipate that they will obtain declarations from Acer, HP and Lenovo within approximately one (1) week and a declaration from Ingram Micro within approximately three (3) weeks;

WHEREAS, Class Plaintiffs have filed a motion to compel Dell to produce a corrected set of certain data, which motion is pending before the Special Master;

WHEREAS, Dell has indicated its willingness to complete a declaration regarding its productions of data compilations, records and other information, but Class Plaintiffs are unwilling to finalize such a declaration with Dell pending resolution of the motion to compel;

WHEREAS, the Parties anticipate that soon after Class Plaintiffs' motion to compel Dell is resolved, it will be possible to finalize such a declaration with Dell promptly;

NOW, THEREFORE, IT IS HEREBY STIPULATED by Intel, AMD and Class Plaintiffs, subject to the approval of the Court, that:

1. The Parties are granted leave to proceed with obtaining declarations from Acer, HP and Lenovo regarding their respective productions of data compilations, records and other information by June 19, 2009, or as soon thereafter as reasonably practicable.
2. The Parties are granted leave to proceed with obtaining a declaration from Ingram Micro regarding its productions of data compilations, records and other information by June 30, 2009, or as soon thereafter as reasonably practicable.
3. The Parties are granted leave to proceed with obtaining a declaration from Dell regarding its production of data compilations, records and other information within one (1) week following either 1) the completion of an additional or supplemental data production from Dell resulting from an Order of the Special

Master or negotiated resolution of Class Plaintiffs' motion to compel Dell or 2) the denial of Class Plaintiffs' motion to compel Dell.

4. If the Parties are unable to reach agreement with any of Ingram Micro, Acer, HP, Dell or Lenovo on declarations regarding their respective productions of data compilations, records and other information, Intel, AMD and/or Class Plaintiffs may schedule depositions of any of the Producing Third Parties for which no declaration agreement was reached, notwithstanding that such depositions will take place after the June 12, 2009, discovery cutoff date. Any depositions taken pursuant to this provision will be limited in scope to the topics of admissibility, interpretation and authentication of the third parties' data productions.¹
5. Except as provided herein, the deadlines set forth in Case Management Order No. 7 remain unaltered by this order.

Dated: June 12, 2009

¹ Intel understands that there is a dispute between Class Plaintiffs and third party Tech Data as to the sufficiency of the witness that Tech Data provided on June 12, 2009 in response to the Class Plaintiffs' Rule 30(b)(6) deposition notice. Without taking a position on the merits of this dispute, Intel agrees that, to the extent that Class Plaintiffs obtain additional deposition testimony from Tech Data through a motion to compel, Intel will not oppose that deposition on the basis of the discovery cut-off.

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*Attorneys for Intel Corporation and Intel
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SO APPROVED, this _____ day of _____, 2009.

Vincent J. Poppiti (DSBA No. 100614)
Special Master

SO ORDERED, this _____ day of _____, 2009.

The Honorable Joseph J. Farnan, Jr., U.S.D.J.