

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

IN RE	)	
INTEL CORPORATION	)	
MICROPROCESSOR ANTITRUST	)	MDL No. 05-1717-JJF
LITIGATION	)	
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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.	)	
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PHIL PAUL, on behalf of himself	)	
and all others similarly situated,	)	C.A. No. 05-485-JJF
	)	
Plaintiffs,	)	CONSOLIDATED ACTION
	)	
v.	)	
	)	
INTEL CORPORATION,	)	<b>REDACTED PUBLIC</b>
	)	<b>VERSION</b>
Defendant.	)	

**STIPULATION AND [PROPOSED] ORDER WITH RESPECT  
TO CERTAIN DATA PRODUCED BY DELL**

WHEREAS, in response to requests for production served by plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. (hereafter jointly, "AMD"), plaintiffs in coordinated class actions ("CLASS PLAINTIFFS"), and defendants Intel Corporation and Intel Kabushiki Kaisha (hereafter jointly, "INTEL") (collectively, the "PARTIES"), Dell Inc. ("DELL") has produced reports, records and data compilations reflecting purchase, sales, cost, rebate and other financial information maintained by DELL in its databases and other data systems or files ("DELL DATA"); and

WHEREAS, DELL DATA is identified in EXHIBIT 1 to the DELL declaration ("DELL DECLARATION") attached hereto as ATTACHMENT A;

WHEREAS, DELL submitted interpretive answers to questions posed by CLASS PLAINTIFFS and INTEL as to the DELL DATA ("DELL ANSWERS"), which is identified in EXHIBIT 2 to the DELL DECLARATION; and

WHEREAS, DELL provided AMD with additional details on the definitions of four data fields contained within certain files of the DELL DATA ("DELL CORRESPONDENCE"), which is identified in Exhibit 3 to the DELL DECLARATION; and

WHEREAS, the PARTIES may seek to use the DELL DATA, the DELL ANSWERS, and DELL CORRESPONDENCE at trial, during other Court proceedings (including but not limited to summary judgment motions), and at depositions; and

WHEREAS, the Parties wish to reduce any potential burden on DELL to the greatest extent possible; and

WHEREAS, consistent with Federal Rule of Evidence 902(11), DELL has provided the signed Declaration attached hereto as ATTACHMENT A in lieu of sworn testimony from DELL authenticating the DELL DATA, the DELL ANSWERS, and DELL CORRESPONDENCE for admissibility at trial and other Court proceedings pursuant to Federal Rules of Evidence 901 and 803(6);

NOW, THEREFORE, IT IS HEREBY STIPULATED by CLASS PLAINTIFFS, AMD and INTEL, subject to the approval of the Court, that the DELL DECLARATION satisfies the requirements of Federal Rule of Evidence 902(11) and 803(6) and adequately establishes that:

1. Those recording the DELL DATA in DELL databases and other data systems or files had the knowledge to make accurate recording;
2. The DELL DATA was recorded at or near the time of the occurrence of the transactions contained therein;
3. The DELL DATA was created in the ordinary course of business and kept in the course of the regularly conducted business activity;
4. It was the regular practice of DELL to record the DELL DATA.
5. DELL interprets the DELL DATA in accord with the DELL ANSWERS, and DELL CORRESPONDENCE.
6. The DELL DATA, the DELL ANSWERS, and DELL CORRESPONDENCE are accurate and are based on the best information currently available to DELL.

IT IS FURTHER STIPULATED that, subject to the approval of the Court, the DELL DATA shall be deemed authentic records under Fed. R. Evid. 901 and 902. IT IS FURTHER STIPULATED that the DELL DATA, the DELL ANSWERS, and DELL CORRESPONDENCE shall not be inadmissible at trial or any pretrial proceedings on the grounds that such materials are hearsay.

Notwithstanding this Stipulation, any party may seek to challenge the admissibility of the DELL DATA, the DELL ANSWERS, and the DELL CORRESPONDENCE on any basis other than hearsay and authenticity, or otherwise to offer other evidence that may contradict or otherwise call into question the accuracy of the DELL DATA, the DELL ANSWERS, and DELL CORRESPONDENCE.

Dated: September 15, 2009

**PRICKETT, JONES & ELLIOTT, P.A.**

**POTTER ANDERSON & CORROON LLP**

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*Interim Liaison Counsel and Attorneys for  
Phil Paul, on behalf of himself and all  
others similarly situated*

*Attorneys for Intel Corporation and Intel  
Kabushiki Kaisha*

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abalick@balick.com

*Attorneys for Advanced Micro Devices, Inc. and  
AMD International Sales and Service, Ltd.*

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.

**ATTACHMENT A**

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INTEL CORPORATION,	)	
	)	
Defendants.	)	
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DECLARATION OF ROBERT WINN PURSUANT TO FEDERAL RULE OF  
EVIDENCE 902(11)

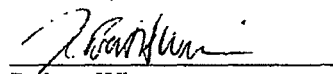
I, Robert Winn, hereby declare under penalty of perjury:

**REDACTED**



**REDACTED**

SO DECLARED this 19 day of August, 2009



Robert Winn  
Senior Manager, Corporate Finance

**EXHIBIT 1**

**REDACTED**

**EXHIBIT 2**

**REDACTED**

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**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**



**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**EXHIBIT 3**

**REDACTED**

**REDACTED**



**REDACTED**

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