

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

IN RE)	
INTEL CORPORATION)	
MICROPROCESSOR ANTITRUST)	MDL No. 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.)	DM 39
)	
INTEL CORPORATION,)	
)	
Defendants.)	

**STIPULATION AND ORDER REGARDING INTEL'S MOTION TO COMPEL
PRODUCTION OF AMD'S "BACK-END" MANUFACTURING DATA (DM 39)**

WHEREAS, in their responses to the Requests for the Production of Documents subject to the custodian stipulation, the parties agreed to produce non-privileged, responsive documents and things contained in (i) the files of the custodians designated

pursuant to the custodian stipulation; and (ii) corporate or department files, databases or shared servers, or other files maintained outside the custody of any particular custodian;

WHEREAS, with respect to the production of information from databases, the parties have requested and exchanged information in good faith through a series of informal discussions, written questions and responses, and consultations with their respective consultants;

WHEREAS, Advanced Micro Devices, Inc. and AMD International Sales & Services, Ltd. ("AMD") has agreed to and has produced to Intel Corporation and Intel Kabushiki Kaisha ("Intel") data generally relating to, among other things, AMD's manufacturing processes;

WHEREAS, Intel filed a motion before the Special Master, which has been designated as Discovery Matter No. 39 ("DM 39") arguing that the data AMD produced regarding its "back-end" manufacturing process is insufficient, and seeking to compel AMD to produce additional data related to its "back-end" manufacturing data (D.I. 1698);

WHEREAS, the additional back-end manufacturing data that Intel seeks includes, but is not limited to: a) additional data similar to the back-end data contained in the weekly manufacturing reports that AMD already has produced but for periods for which AMD has not been able to locate any such weekly reports; b) additional data regarding AMD's back-end die-to-ship yield; and c) additional data regarding AMD's die bank, finished goods inventory, and other inventories;

WHEREAS, Intel and AMD have engaged in meet and confer discussions regarding the level of detail or "granularity" of data that Intel has requested and have

reached a common understanding of the type and level of detail or “granularity” of the additional data that Intel is seeking;

WHEREAS, consistent with these discussions, Intel is willing to forego additional data or information that provides additional detail or “granularity” (e.g., information at the OPN level) about the data contained in the weekly back-end reports that AMD already has produced, but Intel is seeking additional data at approximately the same or lesser degree of detail or granularity as the data that is contained in the weekly back-end reports that AMD already has produced; and

WHEREAS, AMD maintains that it has conducted a reasonable and good faith search for information responsive to Intel’s data requests and maintains that it already has made a sufficient and complete production of back-end manufacturing data in response to Intel’s requests.

NOW, THEREFORE, the parties through their respective counsel of record, hereby stipulate and agree as follows, subject to the approval of the Court:

1. AMD understands, consistent with the parties’ discussions, that Intel is seeking additional data that shows AMD’s back-end yield (also referred to as DTS yield or ATMP yield) between 2000 through 2008, beyond what AMD already has produced. AMD represents that it has engaged in a reasonable and good faith effort to identify data responsive to Intel’s request. AMD understands that the data reports it already has produced to date contain the data of record reported internally within AMD for AMD’s back-end yield and it has not been able to locate any additional data of record responsive to Intel’s manufacturing data requests.

2. AMD understands, consistent with the parties' discussions, that Intel is seeking additional data that shows AMD's die bank inventory, finished goods inventory, and other back-end inventories between 2000 through 2008, beyond what AMD already has produced. AMD represents that it has engaged in a reasonable and good faith effort to identify data responsive to Intel's request. AMD understands that the reports it already has produced to date contain the data of record reported internally within AMD for AMD's die bank inventory, finished goods inventory, and other inventories and it has not been able to locate any additional data of record responsive to Intel's manufacturing data requests.

3. AMD represents that its manufacturing expert, Daryl Ostrander, did not rely in any respect in forming his expert opinions upon any back end manufacturing data that AMD has not produced to Intel by the date of this Stipulation. Intel states that it will object to any effort by Dr. Ostrander or any other AMD expert to rely on any additional back end manufacturing or other data that AMD has not produced to Intel by the date of this Stipulation and AMD represents that it is not aware of any such additional back end manufacturing or other data upon which Dr. Ostrander or any other AMD expert intends to or could rely.

4. Based on AMD's representations contained in this Stipulation, Intel agrees to withdraw its motion to compel and to resolve DM 39 pursuant to the terms of this Stipulation.

/s/ James L. Holzman

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SO ORDERED this 9th day of October, 2009.



Vincent J. Poppiti (#100614)
Special Master