

**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. and AMD INTERNATIONAL SALES & SERVICE, LTD.,))))))	C. A. No. 05-441-JJF DM No. REDACTED PUBLIC VERSION
vs.)	
INTEL CORPORATION and INTEL KABUSHIKI KAISHA,)))))	
Defendants.)	
PHIL PAUL, on behalf of himself and all others similarly situated,))))))	C. A. No. 05-485-JJF
Plaintiffs,)	
vs.)	
INTEL CORPORATION,))))	
Defendant.)	

DECLARATION OF SANJEEV SRIVASTAV

I, Sanjeev Srivastav, declare and state as follows:

1. If called as a witness in this matter, I could and would testify competently to the following facts, all of which are within my own personal knowledge.

2. I am Vice President of Professional & Data Services at Stratify, one of AMD's electronic discovery service providers. I make this declaration in support of AMD's Motion for Sanctions for Intel's Failure to Preserve Evidence.

3. Stratify was responsible, among other things, for processing and producing the email collections for

REDACTED

REDACTED

4. Attached to this declaration as Exhibit A is a file count report for

REDACTED

REDACTED

The report contains

two columns of email count information.

5. The first column titled “Unique Produced” identifies, on a monthly basis, the number of unique emails produced from a subject custodian’s own collection of emails stored in the Stratify database, and dated between April 2005 and what has been represented to Stratify as that custodian’s production cut-off date. I have been advised by AMD’s counsel that each custodian’s production cut-off date has been agreed upon by the parties.

6. The second column titled “Unique OCF” reports the number of unique emails that Stratify, in conjunction with Forensics Consulting Solutions (“FCS”), another of AMD’s e-discovery vendors, identified in a given month as having been: (1) sent or received by the subject custodian, and (2) produced from the productions of other AMD custodians (i.e., and not from the production of the subject custodian). “Unique OCF” data is not supplied for

REDACTED

for whom, I am advised by AMD’s

counsel, Intel previously supplied this type of data. “Unique OCF” data is supplied for

REDACTED

For each of these custodians, the

range of the “Unique OCF” data is from April 2005 through the month prior to which I

have been informed the custodian was first subject to Exchange journaling.

7. Stratify worked with FCS to identify the “Unique OCF” counts for these three custodians. To do so, Stratify received a metadata report from FCS for each of REDACTED

REDACTED For each of these three custodians, the metadata report identified all emails sent or received by the subject custodian that were contained in the population of produced emails for all custodians whose productions are hosted at FCS (which does not host the productions of REDACTED

REDACTED For each email in the metadata report, various metadata fields were provided, including sender, sent time, and sent date.

8. Stratify searched for all emails listed in a given custodian’s metadata report from FCS across the entire collection of data hosted for that custodian by Stratify. This includes data that was produced for the custodian by Stratify and data that was hosted by Stratify, but not produced for the custodian (e.g., because it was identified as irrelevant or privileged).

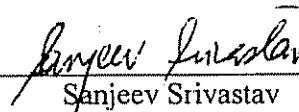
9. Emails from a subject custodian’s metadata report were treated as matches if they shared all the following metadata with an email within the subject custodian’s data hosted at Stratify: (1) the same sender; (2) all the same recipients; (2) the same sent date; (3) the same email subject line; and (4) the same sent time (allowing, per FCS’s instructions, for offsets of exactly +1, -1, +2, or -2 hours to account for potential timezone differences in the time values reported by FCS). Emails matching these criteria were treated as if they had been found in the subject custodian’s data hosted at

Stratify, and were not included in the "Unique OCF" count.

10. Stratify also deduplicated the emails in the metadata report from FCS that were not matched pursuant to the process set forth in paragraph 9 so that duplicate emails within that report would not be counted as "Unique OCFs". Per FCS' instructions, emails in the report were to be considered duplicates if they had the same sender, date and time. Thus, the Unique OCF count for each custodian includes only the non-duplicative emails from the metadata report that were not found within the custodian's data hosted at Stratify.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 14, 2009.



Sanjeev Srivastav

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by electronic mail to the following:

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I hereby certify that on October 14, 2009, I have sent by electronic mail the foregoing document to the following non-registered participants:

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