

**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,	)	
	)	
Defendant.	)	
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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.	)	<b>REDACTED</b>
INTEL CORPORATION,	)	<b>PUBLIC INSPECTION VERSION</b>
	)	
Defendant.	)	
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**STIPULATION AND [PROPOSED] ORDER WITH RESPECT TO CERTAIN  
DATA PRODUCED BY TECH DATA CORPORTATION**

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"), Tech Data Corporation ("TECH DATA") has produced reports, records and data compilations reflecting purchase, sales, cost, rebate and other financial information maintained by TECH DATA in its databases and other data systems or files ("TD DATA"); and

WHEREAS, TECH DATA is identified in the Tech Data declaration attached hereto as Attachment 1 ("TECH DATA DECLARATION"); and

WHEREAS, TECH DATA submitted interpretive answers to questions posed by the PARTIES ("TECH DATA ANSWERS"), which is identified in the TECH DATA DECLARATION; and

WHEREAS, the Parties may seek to use the TD DATA 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 TECH DATA to the greatest extent possible; and

WHEREAS, consistent with Federal Rule of Evidence 902(11), TECH DATA has provided the TECH DATA DECLARATION in lieu of sworn testimony from TECH DATA authenticating the TD DATA and TECH DATA ANSWERS for admissibility at trial and other Court proceedings pursuant to Federal Rules of Evidence 901 and 803(6) and explaining certain aspects of the TD DATA;

NOW, THEREFORE, IT IS HEREBY STIPULATED by Class Plaintiffs and Intel, subject to the approval of the Court, that the TECH DATA DECLARATION

satisfy the requirements of Federal Rule of Evidence 902(11) and 803(6) and adequately establishes that:

1. Those recording the TD DATA in TECH DATA databases and other data systems or files had the knowledge to make accurate recording;
2. The TD DATA was recorded at or near the time of the occurrence of the transactions contained therein;
3. The TD 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 TECH DATA to record the TD DATA.
5. TECH DATA interprets the TD DATA in accordance with the TECH DATA ANSWERS.
6. The TECH DATA ANSWERS are accurate and based on the best information currently available to TECH DATA.

IT IS FURTHER STIPULATED that, subject to the approval of the Court, the TD DATA shall be deemed authentic records under Fed. R. Evid. 901 and 902. IT IS FURTHER STIPULATED that TD DATA and TECH DATA ANSWERS 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 TD DATA or the TECH DATA ANSWERS 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 TD DATA or the TECH DATA

ANSWERS.

Dated: November 13, 2009

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

/s/ Laina M. Herbert

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

**POTTER ANDERSON & CORROON LLP**

/s/ W. Harding Drane, Jr.

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*Attorneys for Intel Corporation and Intel Kabushiki Kaisha*

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 1**

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	)	PUBLIC INSPECTION VERSION
INTEL CORPORATION,	)	
	)	
Defendants.	)	
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**DECLARATION OF LYNNE HALLMAN,  
SYSTEMS ARCHITECT WITH TECH DATA CORPORATION,  
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, Lynne Hallman, hereby declare under penalty of perjury:

**REDACTED**

SO DECLARED this 22<sup>nd</sup> day of October, 2009.

  
Lynne Hallman  
Systems Architect



**EXHIBIT 1**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

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**REDACTED**

**REDACTED**



**REDACTED**

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**REDACTED**