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

ADVANCED MICRO DEVICES, INC., a	)	
Delaware corporation, and AMD	)	
INTERNATIONAL SALES & SERVICE,	)	
LTD., a Delaware corporation,	)	
Plaintiffs,	)	
VS.	ار	Civil Action No. 05-441 JJF
	)	
INTEL CORPORATION, a Delaware	)	
corporation, and INTEL KABUSHIKI	)	
KAISHA, a Japanese corporation.	)	
	)	
Defendants	)	

## STIPULATION AND ORDER RE WAIVER OF CONTRACTUAL NON-DISCLOSURE PROVISIONS

WHEREAS, the parties to this action are plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. (hereafter jointly, "AMD") and defendants Intel Corporation and Intel Kabushiki Kaisha (hereafter jointly, "Intel"); and

WHEREAS, AMD has served, and Intel anticipates serving, subpoenas duces tecum on computer industry customers, retailers and other third parties; and

WHEREAS, each party's subpoenas are likely to require production of materials subject to written non-disclosure agreements ("NDAs") in favor of the other party; and

WHEREAS, such NDA Materials are presumptively subject to this Court's Rule 26.2, which, pending entry of a protective order, limits the disclosure of potentially confidential materials to counsel of record in the case; and

WHEREAS, third-parties have declined, and can be expected to continue to decline, to produce subpoenaed materials subject to NDAs running in favor of the non-subpoenaing party due to the contractual restrictions on disclosure in the NDAs;

NOW, THEREFORE, TO PERMIT THE EXPEDITIOUS PRODUCTION OF MATERIALS, INCLUDING THOSE SUBJECT TO NDAS RUNNING IN FAVOR OF A PARTY, IT IS HEREBY STIPULATED BY AND BETWEEN AMD AND INTEL, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE APPROVAL OF THE COURT, AS FOLLOWS:

- 1. AMD and Intel hereby agree that, pending entry of a protective order, production of documents designated as confidential pursuant to Rule 26.2 by third parties on whom subpoenas have been or will be served will not violate the confidentiality provisions of the NDAs. AMD and Intel further agree that the third party may consult, in a timely fashion, with the party in whose favor an NDA runs about the nature of the materials to be produced in advance of their production for the purpose of insuring that the confidential materials are adequately protected from public disclosure.
- 2. The propounding party's use of any documents received pursuant to such a subpoena shall be as set forth in Local Rule 26.2 until such time as the parties enter into a stipulated protective order, which shall control thereafter.
- 3. In the event a protective order is entered over the objection of the non-subpoening party, any document that would cease being eligible for confidential treatment but for the objection shall nonetheless be used only as set forth in Local Rule 26.2 until final resolution of any interlocutory appeal taken by that party of the order

4 Nothing in this stipulation is inter-	ded to modify, eliminate or create any objection
that a party or third party may have to dis	covery requests on any basis other than the
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IT IS SO ORDERED THIS	
	United States District Judge