EXHIBIT A

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September 14, 2007

OUR FILE NUMBER
8,346-163

WRITER'S DIRECT DIAL
(213) 430-6340

WRITER'S E-MAIL ADDRESS
msamuels@omm.com

VIA EMAIL

Kay Kochenderfer, Esq.
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197

Re: *AMD v. Intel Corporation*

Dear Kay:

This letter is written with reference to your letters of September 4 and 10, which allege that nine AMD Custodians failed to preserve as Sent Items a total of 5,384 emails authored by them that have been produced out of the "In Boxes" of other AMD Custodians who received them. Those Custodians are [redacted]

Based on our investigation thus far, your claim is totally unfounded, and we are offended at having been put to the time and expense to debunk it.

Your September 4 letter was written following my August 10 letter to Bob Cooper in which I informed you that in the course of our review, we discovered that a number of our 108 party-designated Custodians had corrupted .pst files that were being repaired, or other .pst files that had not yet been harvested or processed. I told Bob that those .pst's were being processed and reviewed, and that the responsive data from them would be in your hands shortly. Since that time, and as I promised, we have made supplemental productions from a number of those custodians' files, and more will be on its way soon. Your September 4 letter and its 109 page list of "missing" items did not take into account any of these materials, as you acknowledged when we met in your office on September 7.

As you also acknowledged during our September 7 meeting, your list also included thousands of items (3,434 of them by our count) where the "missing" email was not the top item in the chain you identified. Rather, it was some unidentified email message buried within the

chain. I wrote to you that day confirming this, pointing out that we had no ability to ascertain which item in the chain you were inquiring about, and asking you to identify it for us by date and time so we could search for it in the Custodian's data. Inexplicably, you refused, although the information was obviously available to you.

As a consequence of your September 4 letter (in which you knowingly failed to take into account all of the Custodian data that had been produced to you since August 10) and your September 10 letter (in which you declined to point us to the specific email in a chain about which you were inquiring), you have forced us to devote substantial and largely unnecessary efforts to investigating your questions, at considerable expense to AMD.

We have now concluded our work with respect to the first custodian on your September 4 letter, [redacted] Of the 593 supposedly missing items you attributed to him, [redacted] preserved each and every one.

The attached spreadsheet accounts for each of the DCNs in one of five ways: Produced to Intel; Being Reviewed for Production; Deemed Non-Responsive; De-Duplicated; or Calandro DCNs. I elaborate on each of these categories below.

Produced to Intel: This table lists the DCN from your letter and then the DCN for the same item produced from [redacted] data. In some instances, there are multiple DCNs listed, each of which is included in and/or inclusive of the DCN on your list.

Being Reviewed for Production: This table lists the DCN from your letter where we have confirmed that the same item exists in [redacted] data and is in the cue for review and production to Intel. I expect that these items, where responsive, will be produced to you within the next several weeks. If for some reason you require inspection of these items before then, we will oblige you.

Deemed Non-Responsive: This table lists the DCN from your letter where the reviewer of the same item from [redacted] data deemed it non-responsive. As you acknowledge in your September 10 letter, different reviewers looking at the same item in different custodians' data can sometimes come to different judgments as to responsiveness, and that was the case with these items.

De-Duplicated: This table lists the DCN from your letter where the item in question (a portion of a larger email string) exists in [redacted] data but was suppressed as being a "near duplicate." In each instance, the item in question was in fact produced from [redacted] data as part of a larger email chain, identified in the second column. A textual explanation of the way the software defines and suppresses near duplicates is set forth below.[1]

[1] To identify near duplicates, Attenex Patterns Workbench makes a copy of each email, and "normalizes" the e-mail content by removing reply identification characters such as ">" and condensing consecutive white spaces to a single space. It then groups e-mail based on the "subject thread," which is a normalized version of the subject field of the e-mail, and compares

To satisfy you that the email chain fragment was in fact preserved in [redacted] data, but was simply suppressed, at your request we will on a one-time basis retrieve the items and make them available for your inspection. If for some reason Intel has an issue with our de-duplicating protocol (which provides Intel with every bit of the content while at the same time reducing both side's processing and review burden), we are happy to discuss it with you.

[redacted] **DCNs**: This table lists DCNs identified in your letter that did, in fact, come from [redacted] data. The assertion on page 1 of your letter that these items were produced out of some ***other*** custodian's data is simply incorrect.

As I noted earlier, Intel's refusal to identify the specific email chain fragment of interest, as I reasonably requested in my September 7 letter, inflicted upon AMD considerable programming effort and expense, as well as extensive manual review, to conduct the investigation. We do not intend to conduct a similar "treasure hunt" now for the other eight custodians. Rather, when our document exchange is complete on February 15, 2008, should you so desire, we can each flyspeck one another's productions looking for items received from a designated custodian whose documents do not include the "sent" counterpart. I am confident that in virtually all instances, any AMD disconnect will be the result of entirely proper de-duping or differing reviewer judgments about responsiveness. Rest assured, however, that if you request us to engage in such a wasteful exercise, we will make the same request of you. Frankly, we do not think this is how either of us should be spending our clients' money.

If you disagree, in the meantime you can resolve some similar questions abut Intel's production. For example, we have received production of a large number of email messages sent by [redacted] that do not appear to have been retained by him. The list attached to this letter contains a sampling of such messages, and there are many similar Intel custodians. Perhaps you care to explain?

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the normalized content of each e-mail to other emails within its subject thread group. If the exact content of a normalized e-mail is contained within another e-mail, then the contained email is identified as a near duplicate. Source e-mail files in Attenex Patterns Workbench are not altered in this process. An e-mail with attachments will only be identified as a near duplicate of another if all of its text and all of its attachments are completely contained in another e-mail that has the exact same attachments, as determined by MD5 hash value.

I will respond separately with respect to your Rule 30(b)(6) notice concerning AMD document preservation. The exercise you have put us through, coupled with your inexplicable effort to make it as onerous and expensive for AMD as possible, convinces us that your discovery is largely unjustified (and, at the very least, premature).

Very truly yours,

Mark A. Samuels
of O'MELVENY & MYERS LLP

Enclosures

[redacted]
67382-006308
67382-006277
66381-004388
67382-006228
67382-006345
67382-006344
66619-001886
67382-006254
67382-006319
67652-006611
67382-006332
67530-003633
67382-006261
66381-004393
66381-001668
67652-003699
66165-004966
66358-000304
66682-001624
67652-003721
67652-003678
67382-006267
66709-000333
67382-006346
66619-001778
67382-006229
67379-005010
66682-001771
67382-006305
67382-006320
67382-006310
66165-005599
66358-000463
66650-000808
66682-001875
66709-000348
67382-006231
66358-003313
66062-014096
66381-002191

66682-001874
66619-002137
67382-006255
67539-001278
67382-006257
67382-006222
67382-006296
67382-006299
66062-013870
67382-006342
66682-001626
67524-018550
67652-004638
67652-003482
67652-006326
66036-003948
67382-006274
67382-006275
67382-006215
67382-006286
67382-006263
67652-003716
67382-006301
66682-001993
66682-001674
67382-006237
67382-006223
67382-006236
67382-014456
66682-001920
67666-001077
66682-001988
67382-006260
67382-006219
67382-006220
66682-001625
67382-006224
67652-003740
67382-006268
67382-006239
67382-006273
67382-006238

67652-006321
66358-001683
66381-008947
67539-001280
67765-000180
67382-006269
67382-006306
66682-002024
67382-006249
67382-006300
66381-007942
67539-002025
67382-006241
67382-006281
66375-003492
67788-001564
67382-006270
67382-006243
67666-000731
67382-006347
67652-006329
66657-005726
67382-006322
66381-003052
67382-006288
66619-001585
67382-006329
67382-006282
66682-001730
67382-006304
67382-006318
67382-006284

EXHIBIT B

Attenex

Attenex® Patterns® 4.0

Tech Brief

Near Duplicate E-Mail Messages

Matters may contain many e-mail messages that are part of the same conversation (an exchange of e-mail messages about a single topic), and these messages often contain all prior conversation and history. For example, a reply may quote the entire original message. If the last (most recent) message in a conversation contains all prior conversation and history, this may be the only document that needs to be reviewed.

Workbench operators can suppress from a matter such near-duplicate e-mail messages: messages whose text body and attachments are wholly contained within a longer, later e-mail message sent and received by the same people as the earlier message.

Workbench regards one e-mail message as a near duplicate of another if:

- The thread subjects are identical
- The text body of the earlier message is wholly contained at the bottom of the later message
- All files attached to or embedded within the earlier message are also present in the later message
- The sender and all recipients of the earlier message also sent or received the later message

Each condition is described in detail in the sections below.

The longer, later message that contains the near duplicate e-mail message is known as the surviving message. A single near-duplicate e-mail message may have multiple survivors, because one message may branch into multiple conversations—for example, one conversation results from a reply to a message, whereas another conversation results from the forwarding of the original message to additional people.

Near duplicate e-mail messages are suppressed when the files containing them are loaded into a matter, and a Workbench operator can instruct Workbench to keep either one surviving message for each custodian or one surviving message for the entire matter.

Near Duplicate E-Mail Message Detection

When a Workbench operator loads a source media volume (a collection of files) into a matter database, Workbench catalogs the files in the volume. When cataloging e-mail messages in a mail container file (a .pst, .msg, or .nsf file), Workbench writes to the matter database information about each item, including:

- A hash code calculated against the message's thread subject value and the last few characters of the message body
- The text contents of the message's body
- For each file attached to or embedded object extracted from the message, a hash code calculated against the file/object's contents
- A list of the message's sender and recipients

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Identical Thread Subjects

For Workbench to regard one e-mail message as a near duplicate of another, both must have the same thread subjects. Similar to, but different from, a message's subject line, the thread subject is the original subject line of the first message in a conversation.

Unlike a message's subject line, its thread subject can't be altered. Following is an example of two conversations (one an offshoot of the other) in which the subject lines differ, but all messages have the same thread subject, which means some might be regarded as near duplicates of others.

Message Action	Subject Line	Thread Subject
John sends Mary a message	Project Estimate	Project Estimate
Mary replies to John	Re: Project Estimate	Project Estimate
John forwards Mary's reply to Susan	Fwd: Re: Project Estimate	Project Estimate
Susan forwards message to Tim after changing the subject line	Concerns About Project	Project Estimate
Tim replies to Susan	Re: Concerns About Project	Project Estimate

Text Body of Earlier Message Wholly Contained at Bottom of Later Message

For Workbench to regard one e-mail message as a near duplicate of another, the text body of the earlier message (potential near duplicate) must be wholly contained at the bottom of the later message (potential survivor).

When an operator loads the messages in a mail container file, Workbench writes to the matter database the text body of each message. During near-duplicate identification, Workbench compares the text of the earlier and later messages (as written to the matter database) character by character, starting at the ends of the messages.

Working backward, Workbench determines whether the text body of the earlier message matches the text at the bottom of the later message. If they do, Workbench continues to regard the earlier message as a potential near duplicate and the later message as a potential survivor.

When comparing message bodies, Workbench will regard the earlier message as a potential near duplicate, even if the message bodies differ in the following ways:

- The messages contain different amounts of spacing between non-space characters.
- The messages contain different types of whitespace characters—for example, Workbench regards a line feed or newline character as equivalent to a space.
- The letter casing of the text is different.

Note: Because Workbench begins comparing the messages at their ends, the quoted earlier message *must* be at the bottom of the later message for it to be considered a near duplicate.

Attached Files or Embedded Objects in Earlier Message Present in Later Message

For Workbench to regard one e-mail message as a near duplicate of another, all the files attached to or embedded in the earlier message must also be present in the later message (though the later message can contain additional attachments or embedded objects that aren't present in the earlier message). When Workbench catalogs the messages in a mail container file, it calculates and md5 hash value for

each attached file or embedded object (which Workbench writes to disk as a standalone file) based on its contents.

During near-duplicate identification, Workbench compares the hash values of the attached files and embedded objects in both messages. Matching hash values indicate the files' contents are identical (even if their file names are not), which means Workbench will continue to regard the earlier message as a potential near duplicate and the later message as a potential survivor.

Sender & All Recipients of Earlier Message Also Sent or Received Later Message

Finally, for Workbench to regard one e-mail message as a near duplicate of another, the sender and recipients of the earlier message must also have sent or received the later message (though additional people may have received it as well).

When determining recipients, Workbench includes "to", "cc", and "bcc" recipients but doesn't distinguish among them. For example, if a person was a "to" recipient of the earlier message and a "bcc" recipient of the later message, Workbench would continue to regard the earlier one as a near duplicate of the later one (assuming the earlier message meets all other near-duplicate criteria).

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