

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

IN RE INTEL CORPORATION)	MDL No. 05-1717-JJF
MICROPROCESSOR ANTITRUST)	
LITIGATION)	

ADVANCED MICRO DEVICES, INC. and)	C. A. No. 05-441-JJF
AMD INTERNATIONAL SALES &)	
SERVICE, LTD.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
INTEL CORPORATION and INTEL)	
KABUSHIKI KAISHA,)	
)	
Defendants.)	

PHIL PAUL, on behalf of himself and all others)	C. A. No. 05-485-JJF
similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
INTEL CORPORATION,)	
)	
Defendant.)	

**NOTICE OF TAKING DEPOSITION OF
ADVANCED MICRO DEVICES, INC. and AMD INTERNATIONAL
SALES & SERVICE, LTD.**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, defendant Intel Corporation will take the deposition of Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. (collectively, "AMD") on January 29-30, and February 2-4, 2009, beginning each day at 9:30 a.m., at the offices of Bingham McCutchen LLP, Three Embarcadero Center, San Francisco, CA 94111, or at such other time and place as the parties may agree. The deposition will be recorded by stenographic and sound-and-visual

(videographic) means, will be taken before a Notary Public or other officer authorized to administer oaths, and will continue from day to day until completed, weekends and public holidays excepted.

Reference is made to the "Description of Matters on Which Examination is Requested" attached hereto as Exhibit A and incorporated herein by this reference. In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, AMD is hereby notified of its obligation to designate one or more officers, directors, or managing agents (or other persons who consent to do so) to testify on its behalf as to all matters embraced in the "Description of Matters on Which Examination is Requested" and known or reasonably available to AMD.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rules 30(b) and 34 of the Federal Rules of Civil Procedure, Intel requests that AMD produce for inspection, copying and use at the deposition all of the documents and other tangible things in their possession, custody, or control and responsive to the "Categories of Documents and Tangible Things Requested for Production" attached as Exhibit B and incorporated herein by reference. Production shall take place at the time and place of the deposition or at such other time and place as the parties agree.

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Dated: December 30, 2008

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EXHIBIT A

EXHIBIT A:

**DESCRIPTION OF MATTERS ON WHICH
EXAMINATION IS REQUESTED**

I.

DEFINITIONS

1. "AMD" shall mean and refer collectively to plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd., including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.

2. "AMD Custodians" or "Custodians" means and refers to the approximately 440 individuals identified by AMD on its Custodian List served on June 1, 2006, pursuant to the Stipulation and Order Regarding Document Production entered by the Court in this Litigation.

3. "Litigation" means and refers to the litigation in which this Notice of Taking Deposition has been served.

II.

SUBJECT MATTER

1. AMD's implementation and use of Enterprise Vault (in all relevant geographic regions) including but not limited to:

- (a) Timing of implementation and deployment;
- (b) Initial configuration and any subsequent changes thereto;
- (c) Migration of data into Enterprise Vault storage, including the type(s) of data migrated and not migrated;
- (d) Quality control safeguards and auditing;
- (e) Reporting, search and production capabilities;
- (f) Processes used to extract data from the system; and
- (g) Errors, malfunctions, data corruption or loss.

2. AMD's implementation and use of an email journaling system (in all relevant geographic regions) including but not limited to:

- (a) Timing of implementation and deployment;
- (b) Initial configuration and any subsequent changes thereto;
- (c) Type(s) of data the email journaling system was configured to preserve and types of data it was not configured to preserve;
- (d) Quality control safeguards and auditing;
- (e) Reporting, search and production capabilities;
- (f) Processes used to extract data from the system; and
- (g) Errors, malfunctions, data corruption or loss.

3. Configuration of AMD's email systems, including but not limited to:

- (a) Employees' ability to customize email settings that could impact preservation of emails;
- (b) Dumpster settings, use of shift-delete, and AMD Custodians' ability to permanently delete email messages.
- (c) Mailbox size limits or quotas for AMD employees' email including but not limited to:
 - 1) Nature and purpose of any limits or quotas, including any changes after AMD reasonably anticipated this *Litigation*;
 - 2) Consequence(s) of an email account nearing or reaching the limit or quota;
 - 3) Recommendations or instructions to employees and Custodians; and
 - 4) Whether and when AMD Custodians reached storage limits after March 11, 2005, and the identities of such Custodians.

4. Date on which AMD first reasonably anticipated this *Litigation*, and the events and circumstances leading to AMD's decision to commence this *Litigation*.

5. AMD's litigation hold notices for the *Litigation*, including but not limited to:

- (a) The timing of AMD's issuance of written litigation hold notices;
- (b) Meaning and intent of the language used;

- (c) AMD's knowledge of whether Custodians followed the instructions or recommendations included in the litigation hold notices;
- (d) Monitoring and auditing; and
- (e) IT Department technical support.

6. AMD's harvesting of electronic data for this Litigation from all geographic locations and sources (hard drives, live exchange server mailboxes, Enterprise Vault, email journaling), including but not limited to:

- (a) Identity of entities and personnel conducting harvests;
- (b) Protocols and processes used;
- (c) Types of data included and excluded from harvests;
- (d) Timing of harvesting activities;
- (e) Identity of custodians subject to harvesting; and
- (f) Documentation, auditing and validation.

7. Nature of, and protocols for, AMD IT's support of custodian preservation activities.

8. Data processing protocols and procedures utilized by AMD's electronic discovery vendor(s), including but not limited to:

- (a) Identity of vendor performing processing functions;
- (b) Processes used;
- (c) Type(s) of data included or excluded from processing;
- (d) Hardware and software used; and
- (e) Documentation, auditing and validation.

9. De-duplication and near de-duplication methods used by AMD during this Litigation, including but not limited to:

- (a) Protocols, databases and tools used by FCS and Stratify;
- (b) Attenex methodology for de-duplication and near de-duplication; and
- (c) AMD's knowledge of whether Custodians manually de-duplicated or near de-duplicated, the identity of any such Custodians, and any actions taken by AMD related to Custodians' manual deduplication or near-deduplication.

10. Backup tape policies and protocols, including but not limited to:

(a) Pre-Litigation disaster recovery backup tapes, including type of backups, software and media used, content and frequency of the backups, tape rotation/recycling schedule, and restoration activities for this Litigation; and

(b) Preservation of backup tapes for this Litigation, including type of backups, software and media used, content and frequency of the backups, tape rotation/recycling schedule, restoration activities for this Litigation.

11. Facts underlying the statement in Mr. Herron's letter of October 24, 2005 to Mr. Rosenthal (at 1) that "AMD's document retention and destruction policies were suspended to prevent the inadvertent destruction of documents that may be relevant to this lawsuit."

12. Any known or suspected non-preservation of AMD Custodian data.

13. The timing, scope and nature of the problems and/or issues for the following Custodians' data preservation, harvesting, processing and/or productions:

(a) Mr. Ruiz;

(b) Mr. Oji;

(c) Mr. Soares;

(d) Mr. Kwok;

(e) Mr. Kepler;

(f) Mr. Urani; and

(g) Mr. Brunswick.

14. AMD's attempts (successful or unsuccessful) to recover, restore or produce documents related to any Custodian (including but not limited to the Custodians identified in Topic 14 above), from backup tapes, other employees' electronic files, and/or from data previously harvested but suppressed by AMD's near-deduplication protocols.

15. AMD's audits and investigations of the sufficiency of its data preservation, harvesting and productions related to the Litigation.

EXHIBIT B

EXHIBIT B:

CATEGORIES OF DOCUMENTS AND TANGIBLE THINGS REQUESTED FOR PRODUCTION

I.

DEFINITIONS

1. "AMD" shall mean and refer collectively to plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd., including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.
2. "AMD Custodians" or "Custodians" means and refers to the approximately 440 individuals identified by AMD on its Custodian List served on June 1, 2006, pursuant to the Stipulation and Order Regarding Document Production entered by the Court in this Litigation.
3. "Litigation" means and refers to the litigation in which this Notice of Taking Deposition has been served.

II.

REQUESTS

1. Documents sufficient to show the dates and sources of each harvest of electronic data for each Custodian, including each harvest from hard drive, Enterprise Vault system, email journaling system, PNS and exchange servers.
2. For each Custodian, documents sufficient to show the nature and scope of each harvest of electronic data from AMD's Enterprise Vault and email journaling systems, including the search tools, parameters and/or criteria used to extract the data.
3. By Custodian and for each suppressed email, the logs or tracking information automatically generated by, and/or stored within, the Attenex database(s) as a result of the near-deduplication process, as referenced during Mr. Cardine's interview on October 15, 2008.
4. The logs generated during the migration of PSTs into AMD's Enterprise Vault system, as referenced during Mr. Meeker's interview on December 11, 2008.
5. Documents sufficient to show which Custodians, if any, requested an increase in his or her mailbox size quotas (after March 1, 2005), the date of any such request(s), and the action taken by AMD's IT department in response to such request(s).

6. Documents sufficient to show (a) any instructions, recommendation and/or user guides provided to AMD employees, or (b) internal AMD IT policies and/or procedures, related to AMD's Enterprise Vault and email journaling systems.

7. For each Custodian, documents sufficient to show each email address and/or display name that, when used, would result in an email being delivered to the subject Custodian's AMD email account.

8. For each individual AMD Custodian for whom data has not been produced to Intel (*i.e.*, non-designated Custodians), documents sufficient to show:

- (a) Timing of and specific steps taken for preservation of data;
- (b) Any known or suspected non-preservation of data;
- (c) Date(s) on which the Custodian's documents were harvested for the Litigation;
- (d) Date(s) on which the Enterprise Vault was first used to capture and preserve email for the Custodian; and
- (e) Date(s) on which the Custodian received a Litigation hold notice.

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

CERTIFICATE OF SERVICE

I, W. Harding Drane, Jr., hereby certify that on December 30, 2008, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on December 30, 2008, I have Electronically Mailed the documents to the following non-registered participants:

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Dated: December 30, 2008