

Donn P. Pickett
Direct Phone: 415.393.2082
Direct Fax: 415.262.9217
donn.pickett@bingham.com

December 30, 2008

Via Email and U.S. Mail

David L. Herron, Esq.
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, CA 90071

Re: AMD v. Intel – Custodians Redacted

Dear David:

This letter addresses outstanding issues related to Redacted

Redacted

During our December 11 meeting in Austin, we attempted to inquire about the remedial production for Redacted but you advised us of AMD's view that the discussion should be deferred to a later date. The parties also discussed this issue with Judge Poppiti during the hearing on December 12. *See* 12/12/08 Hearing Tr. at 25-27. Intel requests that AMD disclose the following information about the Redacted remediation:

1. What backup tapes did AMD restore and process from?
 - o Did AMD restore the "oldest full backup" referred to in AMD's Backup Tape Retention Protocols? If so, please identify the date(s) and coverage of any such tapes restored.
 - o Did AMD restore any of the tapes comprising the March 19, 2005 snapshot referred to in AMD's Backup Tape Retention Protocols?
 - o Did AMD restore any of the "30 day backup tapes" referred to in AMD's Backup Tape Retention Protocols? If so, please identify the date(s) and coverage of any such tapes restored.
2. Did AMD restore and process email data from any other employees/custodians to more fully supplement Redacted production besides that of Redacted? If so, please identify the employees/custodians, and also the date(s) and coverage of any backup tapes restored related to Redacted and any other individuals.
3. Once data was restored from the tapes referenced in questions 1 and 2 above, did AMD use any processing filters or other methods to narrow data output (*e.g.*, date range, deduplication, near-deduplication, etc.) that would restricted the number of supplemental emails reviewed and/or produced?
4. Did AMD restore email messages from the Exchange dumpster data contained on any of the restored tapes? If so, for which tapes?

Boston
Hartford
Hong Kong
London
Los Angeles
New York
Orange County
San Francisco
Santa Monica
Silicon Valley
Tokyo
Walnut Creek
Washington

Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA
94111-4067

T 415.393.2000
F 415.393.2286
bingham.com