

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.

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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 databases" means all databases, electronic tools, files, or other internal systems that contain, list, record, document, and/or process the sales and transactions of AMD's x86 microprocessor products and rebates, discounts, marketing payments, or any other price adjustments related to the calculation of net price of sales and transactions of AMD's microprocessor products. Such databases encompass those already produced in this litigation or that are the subject of ongoing discussions between the parties, including but not limited to AMD's BAAN-based data warehouse, AMD's SAP-based data warehouse, and AMD's Market Price Agreement System and/or Market Price Tool.

3. "Discounts" means all rebates, price adjustments, bonuses, incentives, NRE, MDF, or any other payment or credit that AMD offered to a customer in conjunction with an offer or sale of x86 microprocessors. Discounts include those price adjustments that are designated as applying to individual processor types (SKUs) and separately the discounts intended to apply to any and/or all processor purchases.

4. "Large volume customers" means AMD's top twenty (20) x86 microprocessor customers by volume for each calendar year from 2000 to the present.

5. "Customer" or "Customers" means any other customer that buys x86 microprocessors from AMD and is not captured in definition 4 above, for the period January 1, 2000 to the present.

6. "Offers for the sale of x86 microprocessors" means any communication from AMD to its large volume customers or other customers, or vice versa, setting forth a price, discount, or any other proposed term or condition for the sale of any quantity of x86 microprocessors.

II. SUBJECT MATTER

1. The origin, existence, location, and structure of AMD databases.

2. For each x86 microprocessor that you have sold to a large volume customer, the existence and location of any database, or documents referring or relating to:

(1) the identity of the customer;

(2) the quantity or volume purchased;

(3) the list, standard, tier, customer authorized, or any other price in effect at the time of the transaction;

(4) the date;

(5) the transaction or other identifying number;

(6) the microprocessor brand, SKU, or equivalent measure, model, and speed;

(7) any rebate discount, or price adjustment (in whatever form) and the reasons that such credit was provided;

(8) any volume conditions, requirements, or restrictions;

(9) all other terms and conditions for sale; and

(10) the volume actually purchased and price actually paid.

3. General knowledge of AMD's corporate policies and/or procedures concerning the documentation of the terms and conditions of sale of x86 microprocessors, including but not limited to entering, processing, recording, moving, and deleting data in or from AMD databases, contracts, pricing and discount offers, files, or any other relevant matters in which sales information is maintained.

4. The manner in which data and documents concerning offers, prices, discounts, volumes, billings, and terms and conditions for the sale of x86 microprocessors are collected, retained, and indexed, and communicated to large volume customers or other customers, and the types of systems that AMD utilizes or has utilized to record and manage this information and/or data, including what information was used to determine the price, volume, and all subsequent adjustments.

5. General knowledge of AMD's corporate policies and practices concerning the use, retention, and indexing of offers for the sale of x86 microprocessors to its large volume customers, including all prices, discounts, or any other term and condition associated with those offers.

6. The definition and interpretation of data fields, values, abbreviations, and codes in AMD databases, including but not limited to AMD's BAAN-based data warehouse, AMD's SAP-based data warehouse, and AMD's Market Price Agreement System and/or Market Price Tool.

7. Observations in AMD's databases that record, contain, or are related to the terms of proposals and agreements between AMD and its customers for the sale of CPUs and related products. "Terms" include sales prices, rebates, discounts, marketing payments, and other monetary payments associated with sales agreements or contracts.

8. Documents or databases maintained or recorded by AMD to inform, describe, or relate to entries made in AMD's transaction data systems, or to validate entries (particularly prices and rebates) for the purposes of an audit.

9. The existence of automated or manual linking procedures and other possible interactions among AMD databases.

10. The identification of and means to identify rebates, price adjustments, credits, meet-competition payments/allowances, marketing payments/allowances, and any other monetary benefits provided to customers for individual sales transactions reflected in AMD databases, including but not limited to AMD's BAAN-based data warehouse, AMD's SAP-based data warehouse, and AMD's Market Price Agreement System and/or Market Price Tool.

11. The means to link rebates, price adjustments, credits, meet-competition payments/allowances, marketing payments/allowances, and any other monetary benefits provided to customers to sales transactions reflected in AMD databases, including but not limited to AMD's BAAN-based data warehouse, AMD's SAP-based data warehouse, and AMD's Market Price Agreement System and/or Market Price Tool.

12. AMD's ability to use its databases, either in isolation or through interaction with each other, to calculate net price on a SKU, product, customer, geographic region, market segment, platform, or on any other basis.

13. AMD's responses, including the interpretation and clarification of responses, previously provided in response to Intel's questions regarding AMD's transactions sales, rebate, and marketing data production.

14. The transactions sales, rebate, and marketing data AMD has produced to Intel in this case.

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

CERTIFICATE OF SERVICE

I, W. Harding Drane, Jr., hereby certify that on February 13, 2009, 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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