

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

IN RE)
INTEL CORPORATION)
MICROPROCESSOR ANTITRUST)
LITIGATION)

MDL No. 05-1717-JJF

ADVANCED MICRO DEVICES, INC., a Delaware)
corporation, and AMD INTERNATIONAL SALES)
& SERVICE, LTD., a Delaware corporation,)

Plaintiffs,)

v.)

C.A. No. 05-441-JJF

INTEL CORPORATION, a Delaware corporation,)
and INTEL KABUSHIKI KAISHA, a Japanese)
corporation,)

Defendants.)

PHIL PAUL, on behalf of himself)
and all others similarly situated,)

Plaintiffs,)

v.)

C.A. No. 05-485-JJF

CONSOLIDATED ACTION

DM 25

INTEL CORPORATION,)
)

Defendants.)

ORDER REGARDING DM25 PROTOCOL

WHEREAS, on January 16, 2009, Advanced Micro Devices (“AMD”) submitted a letter brief (the “Motion to Compel”) requesting that the Court direct a non-party, Fujitsu Limited, Fujitsu Computer Systems Corporation, and Fujitsu America, Inc. (collectively “Fujitsu”, and

together with AMD, the “Parties”) to make available for *in camera* review certain documents withheld from production under the October 8, 2007 production agreement between AMD and Fujitsu (D.I. 1502) (DM25);

WHEREAS, AMD’s Motion to Compel further requested that the Special Master, following such *in camera* review, order Fujitsu to immediately produce any withheld documents deemed relevant by the Special Master;

WHEREAS, on January 30, 2009, the Parties executed a Stipulation and Order after reaching an agreement with respect to the Motion to Compel, whereby Fujitsu agreed to provide the Special Master with the withheld documents, and the Special Master was to select a sample of these documents for translation and ultimately for review to determine responsiveness (D.I. 1529);

WHEREAS, Fujitsu has submitted, to the Special Master, all documents that it deemed non-responsive to AMD’s document subpoena;

WHEREAS, the Special Master has chosen a random sample of 250 documents from the withheld documents sent by Fujitsu to the Special Master, in connection with DM25; and,

WHEREAS, the Special Master has contemporaneously herewith provided Fujitsu a list of all document identification numbers of all documents sent to the Special Master indicating, with an arrow, which documents were chosen as part of the sample;

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. All document identification numbers with an arrow next to them comprise the random sample that will ultimately be provided to the Special Master for an *in camera* review (the “Identified Documents”).

2. To the extent that the Identified Documents have a parent email or a child attachment that is necessary to understand the context of the Identified Document, Fujitsu is to provide that email/attachment, in addition to the Identified Document.

3. Fujitsu and AMD shall meet and confer to establish an agreed upon protocol for the submission of these documents to AMD for translation, submission of the translated documents to Fujitsu and the Special Master, timeframes for same, etc.

4. Fujitsu and AMD shall provide this agreed upon protocol in the form of a proposed order to the Special Master no later than March 13, 2009. To the extent that the Parties disagree as to any step in the protocol, the Parties shall specify the position of each party within the proposed order, and the Special Master will make a final determination.

5. To the extent that Fujitsu provides hard copies of the Identified Documents to either AMD or the Special Master, the hard copies must contain the document identification number as presented by Fujitsu to the Special Master and identified by the Special Master on the document list provided to Fujitsu.

SO ORDERED this 5th day of March, 2009.

A handwritten signature in black ink, appearing to read 'Vincent J. Poppiti', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'V' and a long horizontal stroke.

Vincent J. Poppiti, Esq. (DE ID # 100614)
Special Master