

WHEREAS, paragraph 1 of CMO 4 provides, in pertinent part, that custodian materials generated or received from and after January 1, 2008 are to be retained through the parties' respective automated email retention systems and that no other means of retention is required for custodian materials generated or received after January 1, 2008;

WHEREAS, the parties now agree, subject to the approval of the Court, that paragraph 1 of CMO 4 should be modified and clarified such that the parties are now relieved, on a forward-looking basis only, of any obligation to retain custodian materials through their respective automated email retention system;

WHEREAS, paragraph 5 of CMO 4 further provides, in pertinent part, that following the harvest of all relevant data that is required to be produced under Stipulated Case Management Order No. 3 (CMO 3), each party may instruct their respective custodians that they need not continue to preserve any data on their computer hard drive(s) and that custodians are relieved from any further document production obligation in this case;

WHEREAS, the parties now agree, subject to the approval of the Court, that paragraph 5 of CMO4 should be modified and clarified to further relieve the document preservation burden on their respective employees.

NOW, THEREFORE, the parties through their respective counsel of record, hereby stipulate, subject to the approval of the Court, as follows:

1. The parties are hereby relieved of any forward-looking obligation to retain custodian materials through their respective automated email retention system. As a result, neither party has any retention obligations in connection with this litigation for custodian materials generated or received after February 27, 2009.

2. No individual AMD employee (whether or not designated as a custodian) whose data and documents were harvested on or after June 1, 2006 in connection with this litigation is required to retain any data or documents in connection with this litigation, including without limitation any such data or documents contained on their hard drive(s) or other media, or any paper documents.

3. No individual Intel employee (whether or not designated as a production custodian) whose data and documents were harvested on or after March 31, 2007 in connection with this litigation is required to retain any data or documents in connection with this litigation, including without limitation any such data or documents contained on their hard drive(s) or other media, or any paper documents.

4. Notwithstanding the provisions in paragraphs 1, 2 and 3 above, the parties will continue to preserve: any backup or preservation tapes created and/or retained for this matter, including the data thereon; any custodian materials already harvested for this litigation; and any data existing as of February 27, 2009 on their respective automated email retention systems.

/s/ J. Clayton Athey

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Dated: March _____, 2009

Vincent J. Poppiti (#100614)
Special Master

SO ORDERED this _____ day of _____, 2009.

The Honorable Joseph J. Farnan, Jr.
United States District Judge
District of Delaware

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