

# **EXHIBIT A**

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

### **I. DEFINITIONS**

1. “Intel” shall mean and refer collectively to defendants Intel Corporation and Intel Kabushiki Kaisha, including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.

2. For all Deposition Topics other than Deposition Topic No. 1, the term “this Litigation” means and refers to the litigation in which this Notice of Taking Deposition has been served.

3. For Deposition Topic No. 1, the term “this Litigation” means and refers to the instant litigation between Advanced Micro Devices and Intel Corporation and Intel Kabushiki Kaisha (MDL No. 05-1717-JJF), the related civil antitrust cases filed by Class Plaintiffs against Intel Corporation and Intel Kabushiki Kaisha (C. A. No. 05-441-JJF and C. A. No. 05-485-JJF), the Japan-based litigation filed by Advanced Micro Devices (Japan) against Intel Kabushiki Kaisha, and includes any potential civil antitrust litigation that Intel reasonably anticipated might be filed against it in the United States or a foreign country based on activities of or relating to domestic or foreign governmental antitrust regulatory bodies.

4. “Intel Custodians” means and refers to the approximately 1,027 individuals identified by Intel 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.

5. Intel’s “Global Database” means and refers to the database that Intel populated, searched, and extracted data from in connection with Intel’s remediation efforts;

6. “Intel’s EMC Archive” means the EMC email archiving solution and all related systems that Intel represented to the Court it implemented in December 2006 and in 2007.

## II. SUBJECT MATTER

1. The date on which Intel first reasonably anticipated this Litigation and any Intel evidence preservation activities undertaken by Intel before June 27, 2005.
2. Intel's knowledge of the nature and scope of issues being investigated by regulatory authorities in the United States and abroad prior to the commencement of this Litigation, and Intel's participation and involvement in those investigations.
3. Configuration of Intel's email systems including, but not limited to:
  - a. Intel's efforts to change, monitor or prevent the use of Outlook settings that could adversely impact Intel Custodian preservation including, but not limited to, automatic emptying of deleted item folders;
  - b. Dumpster settings for individual Intel Custodians, dumpster settings on Exchange servers utilized by Intel Custodians, and any changes made by Intel to dumpster settings in connection with this Litigation;
  - c. Intel's efforts to change and monitor mailbox size limits or quotas for Intel Custodians' Outlook email accounts, and the effect of such limits or quotas on Intel Custodians' preservation of email; and
  - d. Loss or deletion of Intel Custodian email resulting from the configuration of Intel's email systems including, but not limited to, Intel Custodians' Outlook settings, dumpster settings, or mailbox size limits or quotas.
4. Intel's implementation, use, and harvesting of data from Intel's EMC Archive including, but not limited to:
  - a. The original configuration of Intel's EMC Archive, changes thereto, and Intel's instructions to Intel Custodians regarding Intel's EMC archive;

- b. Migration of deleted items, historic .psts, the contents of Intel Custodian mailboxes, and other data into Intel's EMC Archive;
  - c. Processes used to extract data from Intel's EMC Archive;
  - d. Errors, malfunctions or data loss associated with Intel's EMC Archive including, but not limited to, data loss upon migration of Intel Custodians' email accounts to Intel's EMC Archive or upon harvesting from Intel's EMC archive; and
  - e. Quality control, auditing, and documentation related thereto.
5. Intel's harvests of electronic and hard copy (paper) data for this Litigation, including but not limited to:
- a. Protocols and processes used for Intel's non-remedial, "organic" harvests conducted after May 2007;
  - b. Gaps and deficiencies in Intel's non-remedial, "organic" harvests conducted after May 2007;
  - c. Live Exchange server mailbox harvesting of Intel Custodian data;
  - d. Intel's harvest of email deleted items including, but not limited to, Intel's harvests of Exchange dumpsters;
  - e. The completeness of Intel's harvests of Intel Custodian data; and
  - f. Quality control, auditing, and documentation related thereto.
6. Actions taken by Intel to preserve Intel Custodian data upon the discovery of preservation lapses in 2006 and 2007.
7. Intel's processing and production of Intel Custodians' electronic data, including but not limited to:

- a. Intel's discovery, collection, processing, and production of .psts for approximately 155 Intel Custodians, as referenced in Intel's filing with the Special Master dated May 30, 2008;
  - b. Intel's discovery, collection, processing and production of Intel Custodian data after production deadlines established by Court orders;
  - c. Methods of deduplication, and of processing and repair of .pst files used by Intel's vendors in this Litigation, and the results thereof; and
  - d. The completeness of Intel's production of organic and remedial electronic data, including Intel Custodian, backup tape, database and shared server data.
8. Backup tape policies and protocols, including:
- a. Intel's pre-litigation disaster recovery backup tapes including, but not limited to, content of backup tapes, backup tape recycling and retention, data collected from such backups, and data loss; and
  - b. Preservation of backup tapes for this Litigation including, but not limited to, content of backup tapes, backup tape recycling and retention, data collected from such backups, and data loss.
9. Intel's "Global Database" including, but not limited to:
- a. Methods, tools and protocols used to populate, search and extract data from Intel's Global Database, and the content thereof;
  - b. Reporting capabilities of, and errors, malfunctions or data loss associated with, Intel's Global Database; and
  - c. Quality control, auditing, and documentation related thereto including, but not limited to, chain of custody, tracking and validation of data inputs into and data extracts from Intel's Global Database.

10. The timing, scope and nature of problems and/or issues for the following Intel Custodians' data preservation, harvesting, processing and/or productions:
- a. Craig Barrett;
  - b. CJ Bruno;
  - c. Andy Bryant;
  - d. Dianne Bryant;
  - e. Louis Burns;
  - f. Debbie Conrad;
  - g. Kevin Corbett;
  - h. Tammy Cyphert;
  - i. David Hamilton;
  - j. Shuichi Kako;
  - k. Shervin Kheradpir;
  - l. Tom Kilroy;
  - m. Eric Kim;
  - n. Charlotte Lamprecht;
  - o. Sean Maloney;
  - p. Jeff McCrea;
  - q. Paul Otellini;
  - r. Josh Richmond;
  - s. Satish Sangameswaran;
  - t. Jake Smith;
  - u. Tim Thraves; and
  - v. Kazumasa Yoshida.

## **EXHIBIT B**

### **CATEGORIES OF DOCUMENTS AND TANGIBLE THINGS REQUESTED FOR PRODUCTION**

#### **I. DEFINITIONS**

1. “Intel” shall mean and refer collectively to defendants Intel Corporation and Intel Kabushiki Kaisha, including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.

2. For all Document Requests other than Document Request No. 1, the term “this Litigation” means and refers to the litigation in which this Notice of Taking Deposition and request for Production of Documents and Tangible Things has been served.

3. For Document Request No. 1, the term “this Litigation” means and refers to the instant litigation between Advanced Micro Devices and Intel Corporation and Intel Kabushiki Kaisha (MDL No. 05-1717-JJF), the related civil antitrust cases filed by Class Plaintiffs against Intel Corporation and Intel Kabushiki Kaisha (C. A. No. 05-441-JJF and C. A. No. 05-485-JJF), the Japan-based litigation filed by Advanced Micro Devices (Japan) against Intel Kabushiki Kaisha, and includes any potential civil antitrust litigation that Intel reasonably anticipated might be filed against it in the United States or a foreign country based on activities of or relating to domestic or foreign governmental antitrust regulatory bodies.

4. “Intel Custodians” means and refers to the approximately 1,027 individuals identified by Intel 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.

5. “Documents” shall mean and include all “writings,” “recordings” or “photographs” as those terms are defined in Rule 1001 of the Federal Rules of Evidence. Without limiting the foregoing, the term “documents” includes both hard copy documents as well as electronically stored data-files including email, instant messaging, shared network files, and databases. With respect to electronically stored data, “documents” also includes, without

limitation, any data on magnetic or optical storage media (e.g., servers, storage area networks, hard drives, backup tapes, CDs, DVDs, thumb/flash drives, floppy disks, or any other type of portable storage device, etc.) stored as an “active” or backup file, in its native format.

## **II. INSTRUCTIONS**

1. These requests call for the production of all responsive documents that are within the possession, custody or control of Intel, including its officers, directors, agents, attorneys, employees, and other persons acting on Intel’s behalf.

2. If any document covered by these requests is withheld by reason of a claim of attorney-client privilege, attorney work product protection, or any other privilege or protection, please furnish a log providing the following information with respect to each such withheld document: date; author; recipients; general subject matter; and legal basis upon which the document has been withheld.

3. These requests shall be deemed continuing so as to require further and supplemental production in accordance with F.R.C.P. 26(e).

## **III. REQUESTS**

1. Documents sufficient to show and detail the evidence preservation activities undertaken by Intel in connection with this Litigation prior to June 27, 2005.
2. Documents sufficient to show and detail the changes Intel made to dumpster settings for individual Intel Custodians and on Exchange servers utilized by Intel Custodians in connection with this Litigation.

3. Documents sufficient to show and detail Intel's monitoring of, and changes Intel made or enforced in regard to, Intel Custodians' Outlook email account settings or configurations in connection with this Litigation.
4. Documents sufficient to show and detail the migration of Intel Custodians' deleted items, historic .psts, the contents of Intel Custodian mailboxes, and other data to Intel's EMC Archive.
5. Documents sufficient to show and detail the processes used by Intel to extract data from Intel's EMC Archive.
6. Documents sufficient to show and detail Intel IT policies, procedures, instructions, guidelines or user guides related to Intel's EMC Archive including, but not limited to, any such materials provided to Intel Custodians.
7. Documents sufficient to show and detail the methods, protocols, and results of Intel's population, searching and extraction of data from Intel's Global Database.
8. Documents sufficient to show and detail Intel's harvesting of Intel Custodians' dumpster deleted items.
9. Documents sufficient to show and detail the scope of Intel's harvests of non-remedial Intel Custodian data.
10. Documents sufficient to show and detail Intel's discovery, collection, processing, and production of .psts for approximately 155 Intel Custodians, as referenced in Intel's filing



with the Special Master dated May 30, 2008.