

**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 & SERVICES, LTD.,  
a Delaware corporation,

**REDACTED FOR  
PUBLIC INSPECTION**

Plaintiffs,

C.A. No. 05-441-JJF

v.

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

Defendants.

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

C.A. No. 05-485-JJF

Plaintiffs,

CONSOLIDATED ACTION

v.

INTEL CORPORATION,

Defendants.

**STIPULATION AND [PROPOSED] ORDER WITH RESPECT  
TO CERTAIN DATA PRODUCED BY TOSHIBA  
AMERICA INFORMATION SYSTEMS ("TAIS")**

WHEREAS, in response to requests for production served by plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. (hereafter jointly, "AMD"), plaintiffs in coordinated class actions ("CLASS PLAINTIFFS"), and defendants Intel Corporation and Intel Kabushiki Kaisha (hereafter jointly, "INTEL") (collectively, the "PARTIES"), Toshiba America Information Systems ("TAIS") has produced reports, records and data compilations reflecting purchase, sales, cost, rebate and other financial information maintained by TAIS in its databases and other data systems or files ("TAIS DATA"); and

WHEREAS, TAIS DATA is identified in EXHIBIT 2 to the TAIS declaration ("TAIS DECLARATION") attached hereto as ATTACHMENT A;

WHEREAS, TAIS submitted interpretive answers to questions posed by the PARTIES ("TAIS ANSWERS"), which is identified in EXHIBIT 1 to the TAIS DECLARATION; and

WHEREAS, the Parties may seek to use the TAIS DATA and the TAIS ANSWERS at trial, during other Court proceedings (including but not limited to summary judgment motions) and at depositions; and

WHEREAS, the Parties wish to reduce any potential burden on TAIS to the greatest extent possible; and

WHEREAS, consistent with Federal Rule of Evidence 902(11), TAIS has provided the signed Declaration attached hereto as ATTACHMENT A ("TAIS DECLARATION") in lieu of sworn testimony from TAIS authenticating the TAIS DATA and TAIS ANSWERS for admissibility at trial and other Court proceedings pursuant to Federal Rules of Evidence 901 and 803(6);

NOW, THEREFORE, IT IS HEREBY STIPULATED by CLASS PLAINTIFFS, AMD and INTEL, subject to the approval of the Court, that the TAIS DECLARATION satisfies the requirements of Federal Rule of Evidence 902(11) and 803(6) and adequately establishes that:

1. Those recording the TAIS DATA in TAIS databases and other data systems or files had the knowledge to make accurate recording;
2. The TAIS DATA was recorded at or near the time of the occurrence of the transactions contained therein;
3. The TAIS DATA was created in the ordinary course of business and kept in the course of the regularly conducted business activity;
4. It was the regular practice of TAIS to record the TAIS DATA.
5. TAIS interprets the TAIS DATA in accord with the TAIS ANSWERS.
6. The TAIS ANSWERS are accurate and are based on the best information currently available to TAIS.

IT IS FURTHER STIPULATED that, subject to the approval of the Court, the TAIS DATA and the TAIS ANSWERS are admissible evidence of purchases, sales, costs, rebates and other financial activities of TAIS pursuant to Rules 803, 901, and 902 of the Federal Rules of Evidence.

IT IS FURTHER STIPULATED that none of the Parties will object to the admission of the TAIS DATA or the TAIS ANSWERS into evidence at the trial and

during other Court proceedings (including but not limited to summary judgment motions) and at deposition in this matter.

Notwithstanding this Stipulation, any party may seek to offer other evidence that may contradict or otherwise call into question the accuracy of the TAIS DATA or the TAIS ANSWERS.

Dated: June 5, 2009

**RICHARDS, LAYTON & FINGER, P.A.**

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on behalf of himself and others similarly situated*

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**SO APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Vincent J. Poppiti (DSBA No. 100614)  
Special Master

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
**The Honorable Joseph J. Farnan, Jr., U.S.D.J.**

**ATTACHMENT A**

**IN THE UNITED STATES DISTRICT COURT  
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CONSOLIDATED ACTION

INTEL CORPORATION,

Defendants.

**DECLARATION OF MIKE MEYER PURSUANT TO FEDERAL RULE OF  
EVIDENCE 902(11)**

I, Mike Meyer, hereby declare under penalty of perjury:



**REDACTED**

**REDACTED**

SO DECLARED this 1st day of June, 2009.

Mike Meyer  
Mike Meyer  
Accounting Manager

**EXHIBIT 1**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**



**EXHIBIT 2**

**REDACTED**