

set various numerical limits on party-designated, adverse-party-designated and “free-throw” custodians; and

WHEREAS on May 17, 2006, the Court approved Intel’s and AMD’s Proposed Order Regarding Electronic Discovery and Format of Document Production (D.I. 121), on June 26, 2006 all parties’ First Amended Stipulation Regarding Electronic Discovery (D.I. 175), and on February 20, 2007 all parties’ Second Amended Stipulation Regarding Electronic Discovery (D.I. 288) (hereafter collectively the “Native Format Stipulation”), which collectively establish various protocols for the harvest, review, and production of custodian documents; and

WHEREAS, on September 19, 2007, the Court entered Stipulated Case Management Order No. 3 (D. I. 431), containing revised limits and protocols governing the document exchange, including the number of custodians, TIFF limits and privilege log modifications, and setting forth a deadline of February 15, 2008 to complete the custodian production, subject to certain exceptions; and

WHEREAS, in their responses to the Requests for the Production of Documents subject to the custodian stipulation, the parties agreed to produce non-privileged, responsive documents and things contained in (i) the files of the custodians designated pursuant to the custodian stipulation; and (ii) corporate or department files, databases or shared servers, or other files maintained by outside the custody of any particular custodian; and

WHEREAS, the parties have engaged in a separate negotiation and production process for custodian documents, corporate or departmental files, databases, and so called “shared servers” (including, for example, share drives and share points); and

WHEREAS, with respect to shared servers, the parties have exchanged information in good faith, produced data and documents from certain shared servers, and identified other shared servers from which to produce data and/or documents; and

WHEREAS, through this stipulation, the parties desire to memorialize and finalize their agreement regarding the production of data and documents from shared servers;

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

1. Intel and AMD each acknowledge that the other has not made a comprehensive review of all documents on shared servers to identify responsive information.

2. Instead of conducting such a comprehensive review, Intel and AMD agreed to and carried out an approach in which, in good faith:

- a. each prepared a list of its shared servers;
- b. the parties exchanged their lists of shared servers;
- c. the parties made an initial production of data and documents from certain shared servers;
- d. the parties sought from and provided to each other additional information about the shared servers, including general information about the content of certain shared sites; and
- e. as a result of that information, the parties identified certain additional shared servers from which to produce data or documents and the data and documents either has been produced or is in the process of being produced. The parties have exchanged lists of the shared servers from which data and/or documents have been produced, or are in the process of being produced.

3. The parties agree that their production of data and documents from the shared servers on the lists identified in paragraph 2(e) shall satisfy their obligations to produce material from "shared servers" in response to the document requests that are the subject of the custodian stipulation unless the parties otherwise agree.

4. Notwithstanding paragraph number 3, the parties also agree that they will produce any documents, data, or information from a shared server that they intend to use in this matter -- whether that use is by experts, at trial, or otherwise -- promptly after they decide to use the documents, data, or information.

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/s/ J. Clayton Athey

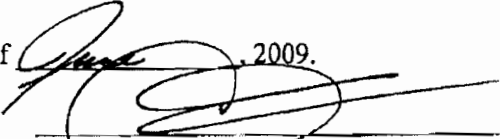
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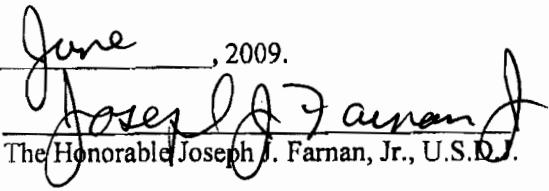
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SO ENTERED, this 15 day of June, 2009.


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

SO ORDERED, this 16 day of June, 2009.


The Honorable Joseph J. Farnan, Jr., U.S.D.J.