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*Attorneys for Defendants  
Intel Corporation and Intel Kabushiki  
Kaisha*

Public Version Dated: June 22, 2009

I, Donn P. Pickett, declare as follows:

1. I am an attorney at Bingham McCutchen LLP, counsel of record for Intel Corporation and Intel Kabushiki Kaisha ("Intel") in this matter. I am licensed to practice law in the State of California. I have personal knowledge of the matters stated in this declaration and, if called as a witness, could and would testify competently to them.

2. I am submitting this declaration in support of Intel's Request For *In Camera* Review of Disputed Document. The document in question was originally produced by AMD as a document (cover email and two attachments) with the following document control number ("DCN"): AMDN-065-00028313.

3. The cover email is dated May 4, 2005 and has a subject line that reads: [REDACTED]  
[REDACTED] The first attachment, dated May 4, 2005, is a PowerPoint presentation entitled [REDACTED]. We understand that AMD, in January 2009, may have "clawed back" a document that is similar to this attachment. Given the claw back, we are not in a position to compare the two documents. The second attachment, dated May 2, 2005, is another PowerPoint presentation entitled: [REDACTED].

4. Although Intel believed that AMD waived privilege by transmitting the document to a third party, as is evident from the face of the document, Intel believed, in light of AMD's prior claw back, that the prudent course was to submit the issue to Judge Poppiti for guidance. By letter of April 21, 2009, Intel requested a teleconference so that Your Honor can discuss with the parties a process by which (1) AMD could assert a claim of privilege, if any, related to the document, and (2) Intel could respond to AMD's position if necessary (including a means by which Intel may analyze the document solely for that purpose).

5. While the matter was pending with Judge Poppiti, in an abundance of caution, Intel (1) instructed its electronic discovery vendor to immediately deactivate the document from Intel's review database; (2) sealed the only hard copy printouts of the documents; and (3) did not request to have the document converted to TIFF (or any other) format.

6. Attached as Exhibit B is a true and correct copy of an email sent by Intel's local counsel on April 21, 2009 advising AMD of Intel's intention to submit a letter to Judge Poppiti.

7. Attached as Exhibit C is a true and correct copy of Intel's letter to AMD and Judge Poppiti on April 21, 2009. Intel submitted with the letter the original, produced version of the document in question (DCN AMDN-065-00028313).

8. Attached as Exhibit D is a true and correct copy of AMD's letter to Intel and Judge Poppiti on May 1, 2009.

9. Attached as Exhibit E is a true and correct copy of Intel's letter to AMD and Judge Poppiti on May 4, 2009.

10. Attached as Exhibit F is a true and correct copy of AMD's letter to Intel and Judge Poppiti on May 7, 2009.

11. Attached as Exhibit G are true and correct copies of Intel's letters to AMD dated May 14, 2009, May 21, 2009 and May 29, 2009 requesting that AMD produce a redacted version of the document in question such that the parties could conduct a meet and confer.

12. Attached as Exhibit A is a true and correct copy of the document produced by AMD on May 29, 2009 in redacted form bearing bates-numbers AMD-065-00046889 through AMD-065-00047179.

13. On June 2, 2009, the parties conducted a lengthy telephonic meet and confer on several issues. During that teleconference, the parties discussed the document in question. Intel advised AMD that it was concerned about AMD's redaction of the entire "Slingshot Update" portion of the document and, specifically, the information on litigation expenses. AMD advised Intel that it believed the redactions were proper, and the parties acknowledged that they were at impasse.

14. Attached as Exhibit H is a true and correct copy of a relevant excerpt from the Second Amended Stipulation Regarding Electronic Discovery and Format of Document Production.

15. Attached as Exhibit I are true and correct copies of: *AMD, Inc. v. Intel Corp.*, 2008 U.S. Dist. LEXIS 98898 (D. Del. May 9, 2008); *Blumenthal v. Drudge*, 186 F.R.D. 236 (D.D.C. 1999); *Bogosian v. Gulf Oil Corp.*, 738 F.2d 587 (3d Cir. 1984); *Estate of J. Edgar Monroe v. Bottle Rock Power Corp.* 2004 WL 737463 (E.D. La 2004); *Hohider v. United Parcel Serv.*, 2009 WL 1163931 (W.D. Pa. Apr. 28, 2009); *Holmes v. Pension Plan of Bethlehem Steel*, 213 F.3d 124 (3d Cir. 2000); *In re Ford Motor Co.*, 110 F.3d 954 (3rd Cir 1997); *S. Scrap Material v. Fleming*, 2003 WL 21474516 (E.D. La 2003); *Simon v. G.D. Searle & Co.*, 816 F.2d 397 (8th Cir. 1987); *U.S. v. Fisher*, 500 F.2d 683 (3rd Cir. 1974); *U.S. v. Rockwell Intern'l*, 897 F.2d 1255 (3d Cir. 1990); and *Westinghouse Elec. Corp. v. Republic of Philippines*, 951 F.2d 1414 (3rd Cir. 1991).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11 day of June, 2009 at San Francisco, California.

  
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Donn P. Pickett