

Exhibit G

Donn P. Pickett
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May 14, 2009

Via Email and U.S. Mail

David L. Herron, Esq.
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400 South Hope Street
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Re: *AMD v. Intel* – AMD's Document Preservation Issues

Dear David:

This letter responds to your letter of May 9, 2009, provides AMD with information about Intel's forthcoming motion to compel, and addresses a few open issues that need to be resolved as soon as possible.

Per your request, we write to confirm that the histograms produced by Intel on April 29, 2009 are in final form. We fundamentally disagree with your description of the "histogram history" and we will address your misstatements at the appropriate time. In the meantime, we look forward to receiving your "counter" analysis and/or further remedial productions to address the issues identified by Intel's analysis.¹

Although you are correct that for the reasons stated in my letter we seek remedial productions related to the 37 "subject custodians" included in the set of histograms produced on April 29, 2009, we cannot confirm that those are the only custodians for whom Intel seeks remediation. Here is why: Even without the benefit of a final record, it is clear that AMD reasonably anticipated litigation against Intel months before March 11, 2005 (when AMD first implemented a preservation tape program due to potential "legal proceedings" involving Intel), and certainly before April 20, 2005 (when AMD purports to have first learned from your law firm that it had a "potentially viable claim" against Intel).

AMD's failure to implement a preservation program at or near the time its obligation arose can only be remedied by a search for data existing as of the date of AMD's *actual* reasonable anticipation. That data, we believe, most reliably exists on the March 19, 2005 preservation snapshot that AMD created and preserved specifically for this litigation but never produced documents from (except for, perhaps, in connection with remedial productions for Dr. Ruiz and Mr. Oji). Please therefore be advised that Intel will be filing a motion to compel the production of unique, responsive, non-privileged documents related to all AMD production custodians from AMD's March 2005 "snapshot."²

¹ We (again) renew our offer to (1) make our consultants available for an informal telephonic interview about the methodology used for the April 29, 2009 histograms; and (2) answer specific questions you have about the regression analysis upon receipt in writing.

² Intel also believes that production from the March preservation snapshot is appropriate due to flaws and delays in AMD's litigation hold notice procedures and harvesting.

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Although we intend to file the motion before the close of fact discovery, as you know there are several outstanding discovery issues that must be resolved before Intel can present the full set of facts to Judge Poppiti. Those issues include, among others, (1) Intel's pending motion to compel related to its Rule 30(b)(6) deposition on AMD's document preservation; (2) AMD's delay in advising Intel of its position on the Glover Park subpoenas; and (3) the status of the document that is the subject of the parties' letters to Judge Poppiti on April 21, May 1, May 4 and May 7. To facilitate the speedy resolution to these issues, we request that AMD agree to:

1. make the appropriate witness(es) available for deposition within ten days of the May 29 hearing in the event the Court grants Intel's request for additional time to complete its Rule 30(b)(6) deposition;
2. immediately advise Intel of its position on the Glover Park subpoena;
3. provide Intel with a redacted version of the document that is the subject of the parties' letters to Judge Poppiti on or before May 18, 2009, and promptly engage in a meet and confer related to that document; and
4. either (a) stipulate to a reasonable briefing schedule related to the forthcoming motion practice that provides Intel with an opportunity to supplement the evidentiary record to the extent Intel receives additional evidence as the pending issues (#1 through 3 above) are resolved (including an opportunity for AMD to respond to any additional evidence), or (b) agree that Intel is not foreclosed from its requested relief if it files its motion to compel after the close of fact discovery.

We look forward to your prompt response to this letter.

Sincerely yours,



Donn P. Pickett

cc: Mr. Eric M. Friedberg, Esq. (by email)
Ms. Jennifer Martin, Esq. (by email)
Mr. Mark A. Samuels, Esq. (by email)

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May 21, 2009

Via Email and U.S. Mail

David L. Herron, Esq.
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Re: *AMD v. Intel* – AMD's Document Preservation Issues

Dear David:

This responds to your letter of May 20, 2009.

I find your first, second and third paragraphs to be somewhat unclear, so let me try to restate the issues so there is no misunderstanding.

- The histograms we produced on April 29, 2009, and their underlying methodology, are in final form. We have requested that AMD remediate the document productions of the 37 subject custodians. If AMD does not satisfactorily remediate those custodians' productions, Intel reserves the right to file a motion to compel on these issues.
- Whether or not it is called remediation, Intel intends to file a motion to compel the production of unique, responsive, non-privileged documents related to all AMD production custodians from AMD's March 2005 snapshot.
- In my letter of May 14, 2009, I requested that AMD, in advance of the forthcoming motion practice on all these issues, either (a) stipulate to a reasonable briefing schedule that provides Intel with an opportunity to supplement the evidentiary record to the extent Intel receives additional evidence (including an opportunity for AMD to respond to any additional evidence), or (b) agree that Intel is not foreclosed from its requested relief if it files its motion(s) to compel after the close of fact discovery. We await your immediate response on this important scheduling issue, which you promised "shortly" in your May 20, 2009 letter.

On the other topics raised in our respective letters, allow me to make a few points.

- We will be serving a response to AMD's recent discovery requests tomorrow or over the weekend.
- On Glover Park, we will respond to Mark's recent email in short order.

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- On the document that is the subject of the parties' letters to Judge Poppiti dated April 21, May 1, May 4 and May 7, I wish to note that it has now been 30 days since we brought this matter to your attention. We expect that AMD will produce a redacted version of the document promptly. If you do not provide a redacted version in sufficient time for us to meet and confer in advance of the May 29 hearing before Judge Poppiti, we intend to raise the issue at the hearing solely to ascertain the procedural means by which any dispute about the document may be resolved.
- We look forward to your response to our request that additional depositions be conducted within ten days of the May 29 hearing (in the event the Court grants Intel's motion to compel).

Sincerely yours,



Donn P. Pickett

cc: Mr. Eric M. Friedberg, Esq. (by email)
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May 29, 2009

Via Email and U.S. Mail

David L. Herron, Esq.
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Re: *AMD v. Intel* – AMD's Document Preservation Issues

Dear David:

This responds to your letters of May 22 and 26 which raise several overlapping issues. In addition to advising you of our positions on these issues, we are compelled to correct a number of your misstatements, as well as tee up some of the issues for a meet and confer next week (on Monday, Tuesday or Wednesday).

Intel's Forthcoming Motion(s) To Compel. As you know, we believe AMD reasonably anticipated litigation against Intel months before it started to retain documents. AMD presented its side of the story to Judge Poppiti by letter of May 14. We consider your arguments on this issue to be premature and, candidly, some of the claims in your letter only raise more questions and concerns. In addition, as we have previously advised, we believe AMD's preservation program suffers from numerous defects requiring remedial document productions. We are particularly concerned about AMD's delays in issuing litigation hold notices and harvesting custodial data. As such, we intend to explore these topics through discovery and we will file a motion, following a meet and confer, at the appropriate time.

Our pending motion to compel further deposition testimony concerns all of these issues. Because the hearing on our motion has been continued until June 15 (per the Court's request), Intel may not have a complete record in hand before the June 12 fact discovery cutoff, and thus would not be able to submit all the relevant evidence were we to file before June 12. Anticipating this scheduling issue, we asked for your agreement on May 14, and again on May 21, that (1) AMD will not argue that Intel is foreclosed from its requested relief if it files its motion after the discovery cutoff, *or* (2) Intel will have the right to submit supplemental evidence along with its reply brief (of course providing AMD with an opportunity to respond to any such evidence).

Your letter of May 26 seeks to barter on this straightforward request. You say that AMD will agree that Intel is not foreclosed from its requested relief if it files its motion after the discovery cutoff, but only if Intel "withdraw[s] all timeliness objections" to AMD's voluminous new discovery requests. We cannot agree to this proposal. Contrary to your suggestion, Intel's "timeliness objections" are not related to the discovery cutoff. Rather, as set forth in our Responses, our "timeliness objections" are based on Judge Poppiti's prior Orders in the case setting deadlines for the very discovery requests you served (with

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a few exceptions).¹ Your complaints about Intel's position on these tardy requests are not well taken, particularly since AMD has already taken over *45 hours* of deposition testimony on Intel's retention issues, and has received over *750,000 pages of documents*, not to mention detailed reports on each and every Intel preservation custodian.

We suggest that a telephonic meet and confer on the schedule for Intel's forthcoming motion(s) is appropriate under the circumstances. If the parties cannot reach agreement, or if AMD is unwilling or unable to meet and confer early next week, then in light of the imminent discovery cutoff we will be forced to take this issue directly to Judge Poppiti.

Histograms. It is no secret that we, like AMD, believe that certain AMD custodians' "selectivity in deciding which files were relevant and which were not does not reflect what [the parties] would have preferred." See AMD's 12/9/08 Letter to Judge Poppiti at 9. These custodian preservation habits, in combination with flaws in AMD's preservation plan, have resulted in significant gaps in AMD's document productions, as reflected in the histograms produced to you on April 29. I will again confirm that (a) the histogram methodology is in final form; (b) Intel has requested that AMD remediate the document productions of the 37 subject custodians; and (c) if AMD does not satisfactorily remediate those custodians' productions, Intel reserves the right to file a motion to compel such remediation. All that said – now for the third time – here are three points that need to be mentioned before responding to your request for yet more document control numbers (DCNs).

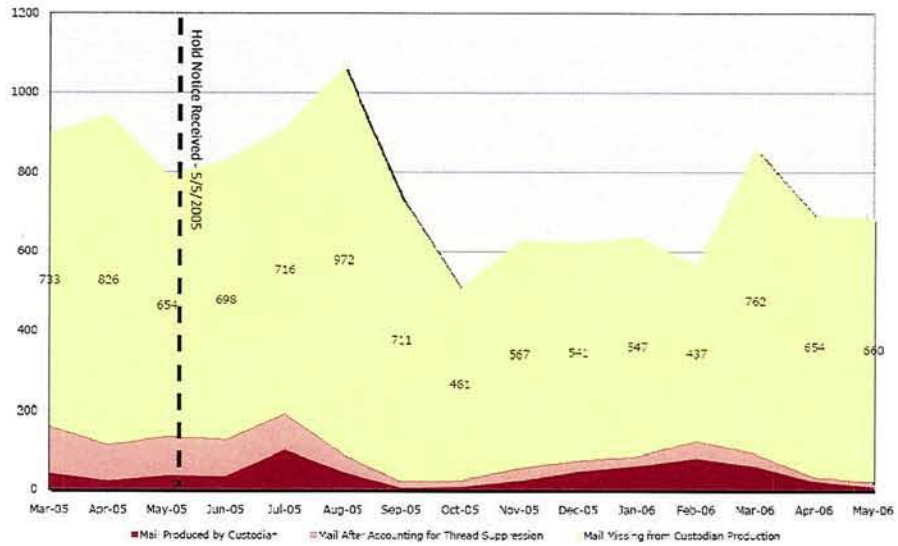
First, a clarification. Intel has filed a motion to compel further deposition testimony. We believe the requested testimony will reveal additional preservation issues including, for example, AMD's departed employee problems. As such, we are simply not in a position to confirm that the 37 subject custodians are the only custodians for whom we will seek individual remediation.

Second, a correction. As we would have been happy to explain to you in an informal interview (which we have offered on several occasions), there have been changes in the histograms for a few reasons. The shifts AMD has observed within the yellow, pink and red sections are largely due to the refining of Intel's analysis over time to account for inaccuracies in the metadata produced by AMD, as well as AMD's failure to produce metadata associated with near-duplicate suppressed documents. In addition, AMD has produced tens of thousands of additional documents since Intel started the histogram exercise. That obviously has an impact on the analysis. For example, this past week AMD produced additional data for custodian Spencer Pan. Although the production did not cure the data deficiency (*i.e.*, Mr. Pan still has significant problems), it did change the numbers:

¹ As you have acknowledged, Intel has offered to produce a witness to testify about certain topics. See Intel's 5/23/09 Response to AMD's new discovery requests.

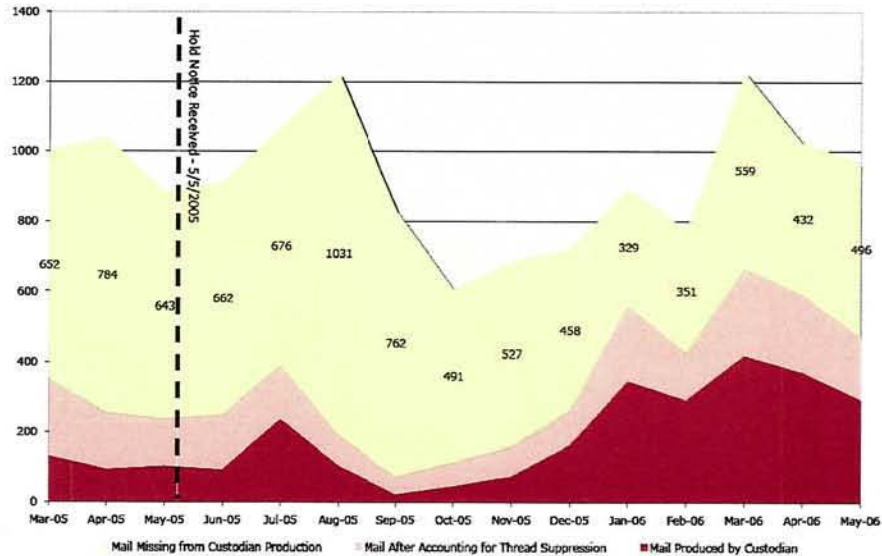
4/29/09 Spencer Pan Histogram

Comparison of Spencer Pan Total (Sent and Received) Emails



Spencer Pan Histogram After AMD' 5/16/09 Production

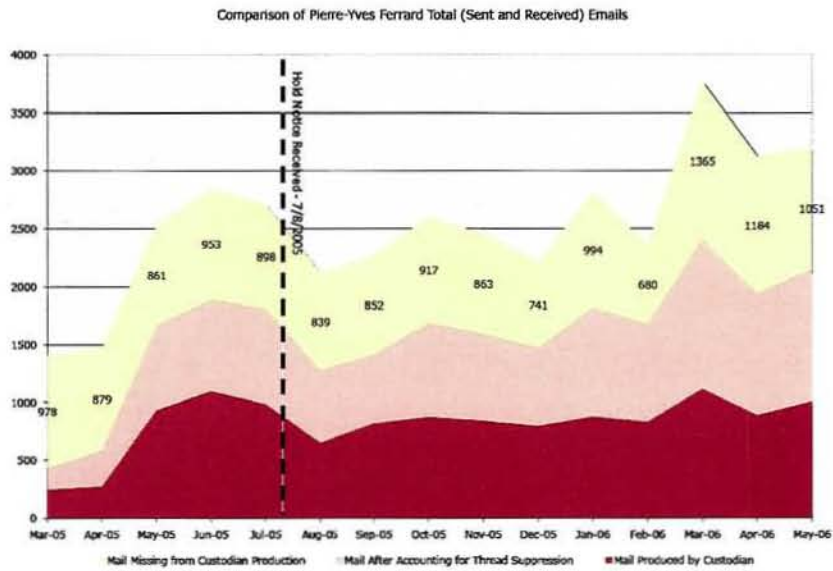
Comparison of Spencer Pan Total (Sent and Received) Emails



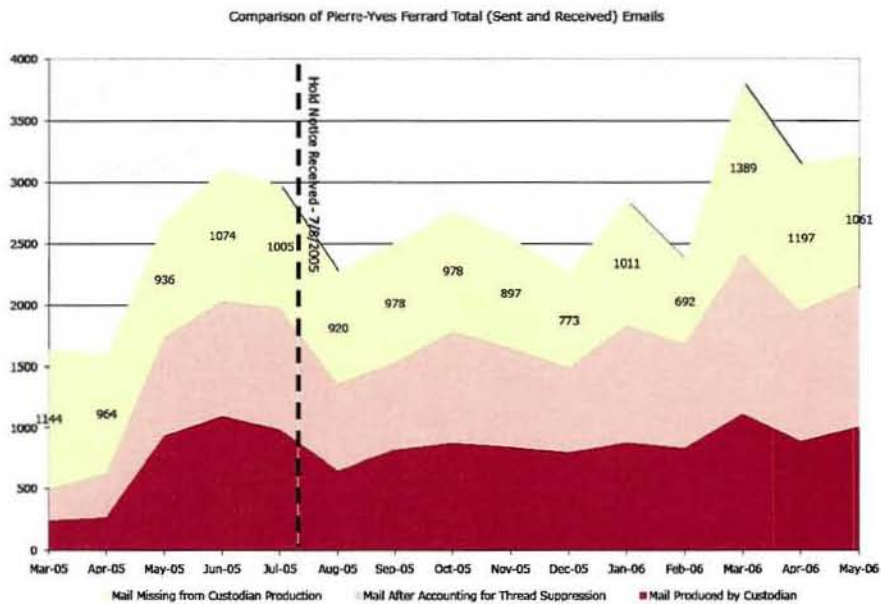
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As another example, your productions of tens of thousands of documents on May 16 and 17 impacted the histogram analysis for many custodians who were not part of those productions. As you can see below, the newly produced documents from other custodians revealed even more "missing" documents from Mr. Ferrard's production set. Compare Aug-05 (839 to 920); Sept-05 (852 to 978); etc.

4/29/09 Pierre-Yves Ferrard Histogram



Pierre-Yves Ferrard Histogram After AMD's 5/16/09 & 5/17/09 Productions



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The point is that your own continued production of data have impacted the email counts in the histograms.

Third, a reminder. We have now requested on multiple occasions the metadata for all responsive, non-privileged documents that were suppressed and not produced on account of your near-deduplication protocol. After agreeing to provide this information during the hearing on January 9, 2009, you advised Intel by letter of February 6, 2009 that AMD would not even address this issue until the close of fact discovery (which is nearing), and that you would not produce the metadata unless Intel paid for all associated costs. We reject your suggestion that Intel should bear these costs. AMD chose to implement a near-deduplication plan that does not comply with the Court's Orders; now, AMD should bear the cost of producing the data Intel should have received in the first place.²

Despite our requests, you have not provided us with any explanation for why this process would be so costly or time consuming, nor have you made any specific showing of burden. Because Intel has agreed to accept the metadata, (and not the text) of the documents, there should be no privilege concerns. If AMD deemed the top level of an email chain to be non-privileged, and produced the entire chain to Intel, then the lower levels of the chain would similarly be non-privileged.³ Moreover, in response to Ms. Martin's questioning at deposition, Mr. Cardine acknowledged that the suppressed emails are always "associated" with the top level of the email chain within the Attenex database. We expect that you will soon be ready to discuss the production of this long-overdue data to Intel.

With those three points in mind, allow me to address your new request for yet more DCNs. As you know, when you asked previously for DCNs for the "missing" documents or "OCFs" – namely, the documents reflected in the yellow shaded area – we accommodated you. If AMD has found some or all of these "missing" DCNs within the analyzed individual custodian productions, we ask that AMD simply reveal its findings so that both parties can move forward.

We will agree to provide you with these additional DCNs on the condition that you will agree to first identify any "missing" documents you have identified based on our prior submission of DCNs, and that you provide, at AMD's expense, the metadata for all suppressed near-duplicate emails. We can discuss this issue during our meet and confer next week.

² If AMD wished to deploy a near-deduplication thread suppression process on the review side to make its own review more efficient – so be it. But that is not to say AMD should have kept those documents suppressed at the time of production. Such a significant production decision should have been made pursuant to a Court order and with Intel's consent from the beginning.

³ Intel agrees that AMD need only produce suppressed documents associated with documents produced in *native* form, thus further eliminating any privilege concerns.

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Glover Park. As you know, we believe Glover Park has documents relating to AMD's reasonable anticipation of litigation against Intel. We have been trying to engage you on this issue since March 31. On May 20, when you provided us with a written statement about the scope of Glover Park's services for AMD, we noted its apparent inconsistency with certain deposition testimony and documents and immediately asked for clarification. We await your response.

Redacted Version of Document AMDN-065-00028313. It has now been well over a month since we brought this document to your attention on April 21, 2009, and we still do not have a redacted version. We accept your offer to meet and confer about the document, but obviously we cannot do that until you produce a redacted version. We again ask you to do so promptly, and trust that you will be willing to discuss the document in detail during the meet and confer process. If not, we will need to involve Judge Poppiti.⁴

* * *

Please let me know as soon as possible if you are available to meet and confer on Monday, Tuesday or Wednesday next week (June 1-3). Based on the recent correspondence with Judge Poppiti regarding scheduling, we understand that you are available on some or all of those days. Again, if we cannot meet and confer during that time frame, we will have to take the scheduling issues directly to Judge Poppiti, as time is of the essence.

Sincerely yours,



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⁴ Please note we reject your contention that Intel's handling of this document violated any stipulation or court order.