

EXHIBIT A

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF DELAWARE
 3
 4 ADVANCED MICRO DEVICES,)
 Plaintiffs,) Civil Action No.
 5) 05-441-JJF
 v.)
 6)
 NTEL CORPORATION,)
 7)
 Defendant.)

8
 9 Teleconference in above matter taken pursuant
 to notice before Renee A. Meyers, Registered Professional
 Reporter and Notary Public, in the offices of Blank Rome,
 10 LLP, 1201 North Market Street, Wilmington, Delaware, on
 Thursday, May 3, 2007, beginning at approximately 11:00
 11 a.m., there being present:
 12

13 BEFORE:
 14 V NCENT J. POPPITI, ESQ., SPECIAL MASTER

15 APPEARANCES:
 16 O'MELVENY & MYERS
 MARK SAMUELS, ESQ.
 JAMES PEARL, ESQ.
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 18 for AMD
 19
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 Corbett & Associates is not affiliated
 24 With Wilcox & Fetzer, Court Reporters

1 SPECIAL MASTER POPPITI: Good morning
 2 all. And I do sincerely thank you for pulling together
 3 to make sure that we were going forward. It's my
 4 understanding that we are not on an agenda, but I do
 5 understand we are going to be discussing issues that may
 6 relate to 30(b)(6) deposition and path forward for those
 7 if there are any objections that need to be addressed
 8 that cannot be resolved.

9 MR. SAMUELS: Mark Samuels here. May I
 10 address that?

11 SPECIAL MASTER POPPITI: Yes, please.

12 MR. SAMUELS: Your Honor is correct.
 13 When last we spoke a week ago today, we were -- we were
 14 told that Intel would give us objections, whatever they
 15 had, to our deposition notice and document request, we
 16 would meet and confer, and then reconvene today to set a
 17 briefing schedule if there were any issues that remained.
 18 Intel did serve its objections to our
 19 Rule 30(b)6 notice and document request on Thursday
 20 evening. We take issue with Intel objections to four
 21 deposition categories and objections to eight document
 22 requests.
 23 We met and conferred at some length
 24 yesterday with Intel counsel. We also discussed the

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 19

20 ALSO PRESENT:
 21 Eric Friedberg
 Jennifer Martin
 22
 23
 24

1 question of how documents will be produced and about a
 2 privileged waiver agreement.
 3 With respect to the four deposition
 4 categories, I think we made progress, and if I am not
 5 mistaken, I think we now have an understanding and can go
 6 forward.

7 SPECIAL MASTER POPPITI: Okay.

8 MR. SAMUELS: Of the four categories at
 9 issue, three of them, and those were categories one, two,
 10 and ten, those categories involve Intel's standard
 11 practices with respect to the auto deletion of electronic
 12 data practices with respect to evidence preservation and
 13 practices with respect to litigation holds, h-o-l-d-s,
 14 and whether there have been departures or deviations from
 15 those practices in connection with this and other
 16 litigation.

17 I think we have reached an understanding
 18 on these topics, and the understanding is that we will be
 19 able to go forward with them, and in that connection, I
 20 have represented to counsel that we do not intend to
 21 spend a great deal of time going into the details about
 22 other Intel litigations, especially those litigations
 23 where Intel's practices have been the same as they have
 24 been in this case.

1 for these 17 custodians, if this is the universe of
 2 custodians whose documents are going to be produced in
 3 response to these document requests, we are going to
 4 require that those documents be reviewed by counsel and
 5 harvested and produced in the normal fashion so that
 6 counsel can make the certification they are required to
 7 make about the diligence of the search for documents.

8 The eight boxes that are sitting at
 9 Gibson, Dunn, we are more than happy to take, but at the
 10 end of the day, we are -- we are going to require that
 11 those custodians' files be searched. And if we are going
 12 to have a fight about that, I'd just as soon have it
 13 sooner rather than later because I don't think there is
 14 really any, you know, there is really any grounds for
 15 Intel to object to that. And if it means delaying the
 16 deposition, our concern is that we don't want to, you
 17 know, take this deposition off calendar while Intel
 18 takes, you know, takes its sweet time complying with a
 19 document request that's been out there for a month.

20 I mean, this should be --
 21 SPECIAL MASTER POPPITI: Well, let me
 22 ask this question, with respect to, literally, getting
 23 this ball rolling: When can I anticipate that the
 24 materials that you -- that have been segregated, boxed,

1 The end result was a rough agreement
 2 that we would try to go forward with three days of
 3 depositions which would generally cover the subjects but
 4 would be truncated. That's now falling apart, and I am
 5 not sure how we should proceed, then, under those
 6 circumstances.

7 Our objective right now is to get the
 8 remediation plan approved and completed, and that's where
 9 all efforts have been devoted, and I mean lots of people
 10 have been involved in this effort and we are going
 11 forward as quickly as we can on the assumption that the
 12 remediation is what's going to prove to be desirable.

13 If we are going to go through a long
 14 document search, produce documents, then start going
 15 through a lot of witnesses, as far as I am concerned,
 16 that ought to be second.

17 SPECIAL MASTER POPPITI: Well, let me
 18 ask this question: I mean, clearly, the remediation plan
 19 is, from my perspective, critically important to
 20 accomplish. The issues with respect to what happened or
 21 what should have been going on, what should have
 22 happened, my question is: Why does that have to be on a
 23 parallel track for purposes of the depositions going
 24 forward on the issue of remediation?

1 if you will, when can that be accomplished?
 2 MR. COOPER: Your Honor, that can be
 3 accomplished very quickly. There is an issue whether we
 4 have to go back through it with respect to privilege.

5 SPECIAL MASTER POPPITI: And when will
 6 that decision be made?

7 MR. COOPER: Well, we need to talk about
 8 that next, here, I think. I don't know where we -- we
 9 have not yet reached an agreement on that, and that needs
 10 to be addressed.

11 But let me just embroider a thought on
 12 all of this. This all started off with our suggestion
 13 that if plaintiffs want to proceed right away with some
 14 discovery, it ought to be directed to the remediation
 15 plan, which is the first order of business, that we have
 16 been working full force in an effort to try to put
 17 together a remediation plan and get that underway because
 18 that's what's most important.

19 Plaintiffs, as I understand it, came
 20 back and said, No, we want all this discovery on all
 21 things so we can look at whether you did things that were
 22 inadequate and we can make challenges in court down the
 23 road. We said, If that's what you want to do, then that
 24 ought to be split off and ought to come second.

1 MR. SAMUELS: Two answers to that.
 2 First, our report -- Intel's report, to which ours is
 3 supposed to be responsive, you know, has 20 pages of
 4 Intel's version of what happened.

5 SPECIAL MASTER POPPITI: Yes, it does.

6 MR. SAMUELS: And we are under the
 7 impression that we get an opportunity to respond to that.

8 SPECIAL MASTER POPPITI: You certainly
 9 do.

10 MR. SAMUELS: That's No. 1. No. 2 is
 11 what happened and what the scope of remediation ought to
 12 be are -- they are linked. The amount of remediation
 13 that is required is a -- is related to the amount of
 14 culpability or fault that caused the loss of data in the
 15 first place.

16 Now, Intel's story, as laid out in their
 17 report to Your Honor, is that they designed a perfectly
 18 reasonable, responsible document preservation program at
 19 the outset of the case and that that program was
 20 undermined by a series of unintended, unforeseeable human
 21 errors, but that those errors and lapses can all be
 22 remediated and everyone can be happy and life can go on
 23 and that there was no intention on Intel's part to cause
 24 any loss of evidence.

EXHIBIT B

From: Dillickrath, Thomas [mailto:DillickrathT@howrey.com]
Sent: Monday, April 06, 2009 11:55 AM
To: Simmons, Shaun M.
Cc: Wieder, Eric
Subject: Tatel

Shaun,

As per our conversation, we plan to produce the documents for custodian documents today. There will be around 7,000

As discussed, we also anticipate producing documents for custodian hopefully by the end of the week. I will advise on volume as soon as I can. also due to a journal extraction issue,

Best,

Tom

Thomas J. Dillickrath
Partner

EXHIBIT C

REDACTED IN ENTIRETY