

**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,)	
Plaintiffs,)	
v.)	C.A. No. 05-441-JJF
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.)	REDACTED PUBLIC VERSION
INTEL CORPORATION,)	
Defendant.)	

**STIPULATION AND [PROPOSED] ORDER WITH RESPECT
TO CERTAIN DATA PRODUCED BY HEWLETT-PACKARD**

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"), Hewlett-Packard Company ("HP") produced reports, records and data compilations reflecting sales data, market development funds and the bill of materials information for 40 SKUs in each of HP's commercial segments maintained by HP in its databases and other data systems or files (the "HP COMMERCIAL SALES DATA"), which is identified in EXHIBIT 1 to the HP declaration ("HP DECLARATION") attached hereto as ATTACHMENT A;

WHEREAS, HP also produced data to CLASS PLAINTIFFS in this litigation (the "HP CLASS DATA"), which is identified in EXHIBIT 2 to the HP DECLARATION;

WHEREAS, HP produced written answers to interpretive questions posed by CLASS PLAINTIFFS and INTEL as to the HP CLASS DATA ("HP CLASS DATA ANSWERS");

WHEREAS, a true and correct copy of the HP CLASS DATA ANSWERS is attached as EXHIBIT 3 to the HP DECLARATION;

WHEREAS, HP produced aggregate cost data maintained by HP in its databases and other systems or files ("HP COST DATA"), which is identified in EXHIBIT 4 to the HP DECLARATION;

WHEREAS, HP produced written response to questions regarding the HP COST DATA ("HP COST DATA ANSWERS");

WHEREAS, a true and correct copy of the HP COST DATA ANSWERS is attached as EXHIBIT 5 to the HP DECLARATION;

WHEREAS, the PARTIES may seek to use the HP COMMERCIAL SALES DATA, the HP CLASS DATA, the HP CLASS DATA ANSWERS, the HP COST

DATA, and the HP COST DATA ANSWERS at trial, during other Court proceedings (including but not limited to summary judgment motions), and at depositions;

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

WHEREAS, consistent with Federal Rule of Evidence 902(11), HP has provided the signed Declaration attached hereto as ATTACHMENT A in lieu of sworn testimony from HP authenticating the HP COMMERCIAL SALES DATA, the HP CLASS DATA, the HP CLASS DATA ANSWERS, the HP COST DATA, and the HP COST DATA 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 HP DECLARATION satisfies the requirements of Federal Rule of Evidence 902(11) and 803(6) and adequately establishes that:

1. Those recording the HP COMMERCIAL SALES DATA, the HP CLASS DATA, and the HP COST DATA in HP databases and other data systems or files had the knowledge to make accurate recording;
2. The HP COMMERCIAL SALES DATA, the HP CLASS DATA, and the HP COST DATA was recorded at or near the time of the occurrence of the transactions contained therein;
3. The HP COMMERCIAL SALES DATA, the HP CLASS DATA, and the HP COST 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 HP to record the HP COMMERCIAL SALES DATA, the HP CLASS DATA, and the HP COST DATA;
5. HP interprets the HP CLASS DATA in accord with the HP CLASS DATA ANSWERS;
6. HP interprets the HP COST DATA in accord with the HP COST DATA ANSWERS;
7. The HP CLASS DATA ANSWERS and the HP COST DATA ANSWERS are accurate and are based on the best information currently available to HP.

IT IS FURTHER STIPULATED that, subject to the approval of the Court, the HP COMMERCIAL SALES DATA, the HP CLASS DATA, the HP CLASS DATA ANSWERS, the HP COST DATA, and the HP COST DATA ANSWERS shall be deemed authentic records under Fed. R. Evid. 901 and 902. IT IS FURTHER STIPULATED that the HP COMMERCIAL SALES DATA, the HP CLASS DATA, the HP CLASS DATA ANSWERS, the HP COST DATA, and the HP COST DATA ANSWERS shall not be inadmissible at trial or any pretrial proceedings on the grounds that such materials are hearsay.

Notwithstanding this Stipulation, any party may seek to challenge the admissibility of the HP COMMERCIAL SALES DATA, the HP CLASS DATA, the HP CLASS DATA ANSWERS, the HP COST DATA, and the HP COST DATA

ANSWERS on any basis other than hearsay and authenticity, or otherwise to offer other evidence that may contradict or otherwise call into question the accuracy of HP COMMERCIAL SALES DATA, the HP CLASS DATA, the HP CLASS DATA ANSWERS, the HP COST DATA, and the HP COST DATA ANSWERS.

PRICKETT, JONES & ELLIOTT, P.A.

By: /s/ Laina M. Herbert

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*Interim Liaison Counsel and Attorneys for
Phil Paul, on behalf of himself and all others
similarly situated*

BALICK & BALICK, LLC

By: /s/ Adam Balick

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*Attorneys for Advanced Micro Devices, Inc. and
AMD International Sales and Service, Ltd.*

Dated: September 3, 2009

POTTER ANDERSON & CORROON LLP

By: /s/ Richard L. Horwitz

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*Attorneys for Intel Corporation and Intel
Kabushiki Kaisha*

SO APPROVED, this _____ day of _____, 2009.

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

SO ORDERED, this _____ day of _____, 2009.

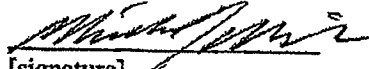
The Honorable Joseph J. Farnan, Jr., U.S.D.J.

ATTACHMENT A

REDACTED

REDACTED

SO DECLARED this 9th day of July, 2009.


[signature]

MICHAEL S. MCPHEE
[name]

SR. FINANCIAL ANALYST
[title]

EXHIBIT 1

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EXHIBIT 3

In re Intel Corp. Microprocessor Antitrust Litigation (05-MD-1717)

REDACTED

REDACTED

REDACTED

EXHIBIT 4

Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Tel: 215.963.5000
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www.morganlewis.com

Morgan Lewis
COUNSELORS AT LAW

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May 5, 2009

VIA E-MAIL

Michael McGuinness
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, CA 90071

Re: AMD v. Intel Litigation

Dear Mike:

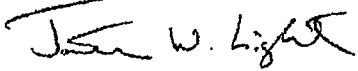
Attached please find a PDF of transactional data that is responsive to your requests in the above-referenced matter.

REDACTED

Pursuant to our agreement, these documents are afforded the highest level of confidentiality and therefore shall not be viewed by expert witnesses who work for any of HP's competitors.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Jonathan W. Light

Enclosures

cc: Jennifer Laser
Barry McCoy
Paul Weller

REDACTED

EXHIBIT 5

Jennifer,

REDACTED

Jonathan W. Light
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6/12/2009