

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE)	
INTEL CORPORATION)	
MICROPROCESSOR ANTITRUST)	MDL No. 1717-JJF
LITIGATION)	
))	
ADVANCED MICRO DEVICES, INC., a)	
Delaware corporation, and AMD)	
INTERNATIONAL SALES & SERVICE, LTD., a)	
Delaware corporation,)	
))	
Plaintiffs,)	
))	C.A. No. 05-441-JJF
v.)	
))	
INTEL CORPORATION, a Delaware corporation,)	
and INTEL KABUSHIKI KAISHA, a Japanese)	DM 33
corporation,)	
))	
Defendants.)	
))	

**STIPULATION AND ORDER REGARDING REQUEST FOR *IN CAMERA* REVIEW OF
DISPUTED DOCUMENT AND EVIDENTIARY HEARING (DM 33)**

WHEREAS, on April 21, 2009, Intel submitted a letter to the Special Master concerning a document produced by AMD to Intel in this case, Document Control Number AMDN-065-00028313 (hereafter referred to as the "Document"), and also submitted the Document along with its letter;

WHEREAS, AMD contends that portions of the Document are protected from disclosure by the attorney-client privilege and work product doctrine, as further set forth in letters filed with the Special Master on May 1, 2009 and May 7, 2009, and in briefing thereafter;

WHEREAS, on June 11, 2009, Intel filed a Request for *In Camera* Review of Disputed Document (the "Request") and supporting papers (DM 33), both of which referred to and

disclosed some content of the Document, and submitted with its papers a redacted copy of the Document;

WHEREAS, on June 26, 2009, AMD filed its Opposition to Intel's Request and, on that same date and by separate letter, submitted an un-redacted version of the disputed portion of the Document for the Special Master's *in camera* review;

WHEREAS, on July 10, 2009, Intel filed its Reply in Support of its Request which also referred to and disclosed some content of the Document;

WHEREAS, on July 20, 2009, the Court held a hearing regarding this matter (DM 33) and granted AMD's request for an evidentiary hearing regarding whether Intel's handling of the Document violated paragraph 35 of the Second Amended Stipulation Regarding Electronic Discovery and Format of Document Production (the "Native Stipulation");

WHEREAS, on August 6, 2009, the Court held a hearing regarding the proposed conduct of the evidentiary hearing, ordered the parties to meet and confer regarding that issue, and scheduled an evidentiary hearing for September 11, 2009 at 9:30 a.m.; and

WHEREAS, the parties have reached agreement that: Intel will withdraw its Request with prejudice; that the withdrawal of the Request shall be deemed to resolve all issues raised by the Request; that the Document and any letters, briefs, or supporting papers which disclose the Document's contents should, subject to the Special Master's approval, be stricken and expunged from the Court's files; and, subject to other agreements between the parties as set forth below, the evidentiary hearing scheduled for September 11, 2009, should be taken off the calendar.

NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG AMD AND INTEL, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO APPROVAL OF THE COURT, AS FOLLOWS:

1. Intel hereby withdraws its Request for *In Camera* Review of Disputed Document, filed June 11, 2009, with prejudice;

2. Intel hereafter will neither refer to nor use in any way the contents of the un-redacted version of the Document;

3. Within 7 days after the date of this Order, Intel shall confirm in writing to AMD that Intel has destroyed all electronic and hard copy versions of the un-redacted Document that are in the possession, custody, or control of Intel or its counsel;

4. Intel will not hereafter contend in this action that the dissemination of any AMD document to Mr. Anil Kumar of McKinsey & Company constitutes a waiver of the attorney-client privilege or work product protection;

5. AMD will not hereafter refer to Intel's handling of the Document in any court filing or during any court proceeding;

6. AMD will not hereafter serve discovery on Intel or its counsel regarding Intel's handling of the Document;

7. The evidentiary hearing, scheduled for September 11, 2009, regarding whether Intel's handling of the Document violated paragraph 35 of the Native Stipulation, is taken off the calendar;

8. The un-redacted version of the Document, which Intel submitted to the Court on April 21, 2009, and which AMD submitted to the Court on June 26, 2009, shall be reflected on the Court's docket as "under seal".

9. The following letters, briefs, and supporting papers related to the Document that were submitted to the Court shall be reflected on the Court's docket as "under seal": Intel's submissions on April 21, 2009 (C.A. No. 05-441, D.I. 1375; MDL No. 1717, D.I. 1717), May 4,

2009 (C.A. No. 05-441, D.I. 1417; MDL No. 1717, D.I. 1760), June 11, 2009 (C.A. No. 05-441, D.I. 1545, 1546, 1547; MDL No. 1717, D.I. 1892, 1893, 1894), and July 10, 2009 (C.A. No. 05-441, D.I. 1622; MDL No. 1717, D.I. 1981), and AMD's submissions on May 1, 2009 (C.A. No. 05-441, D.I. 1414; MDL No. 1717, D.I. 1757), May 7, 2009 (C.A. No. 05-441, D.I. 1440; MDL No. 1717, D.I. 1783), and June 26, 2009 (C.A. No. 05-441, D.I. 1601, 1602, 1603, 1604; MDL No. 1717, D.I. 1953, 1954, 1955, 1956).

Dated: September 9, 2009

RICHARDS, LAYTON & FINGER, P.A.

POTTER ANDERSON & CORROON LLP

By: /s/ Steven J. Fineman

By: W. Harding Drane, Jr.


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Entered this 11th day of September, 2009



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

SO ORDERED this 11 day of September, 2009.



United States District Judge