

WHEREAS, prior to and again during a hearing on September 4, 2009, the Special Master directed AMD and Intel to meet and confer regarding the date on which AMD and Intel may file their respective Evidence Preservation Motions, a briefing schedule, hearing date and page length limitations for those motions, and to meet and confer regarding the timing and logistics of the discovery to be conducted pursuant to AMD's Rule 30(b)(6) Notice;

WHEREAS, the Special Master previously directed AMD and Intel to meet and confer regarding a cut-off date for Causation/Culpability discovery related to Intel's document preservation issues;

WHEREAS, AMD and Intel have met and conferred and reached agreement regarding the foregoing issues.

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:

AMD's Evidence Preservation Motion

1. The brief in support of AMD's Evidence Preservation Motion shall be filed on October 14, 2009 and shall not exceed 50 double-spaced pages, exclusive of exhibits and other supporting materials filed therewith.

2. If AMD relies on the testimony of experts to support its Evidence Preservation Motion, Intel shall promptly notice their depositions, and AMD will produce the witness(es) within 10 calendar days of service of the notice, at a date and location mutually agreed to by the parties. If AMD relies on non-expert declarations to support its Evidence Preservation Motion, the parties will promptly meet and confer about the necessity of Intel taking the depositions of such individuals.

3. Intel's opposition to AMD's Evidence Preservation Motion shall be filed on November 23, 2009 and shall not exceed 50 double-spaced pages, exclusive of exhibits and other supporting materials filed therewith.

4. If Intel relies on the testimony of experts to oppose AMD's Evidence Preservation Motion, AMD shall promptly notice their depositions, and Intel will produce the witness(es) within 10 calendar days of service of that notice, at a date and location mutually agreed to by the parties. If Intel relies on non-expert declarations to support its opposition, the parties will promptly meet and confer about the necessity of AMD taking the depositions of such individuals.

5. AMD's reply brief in support of its Evidence Preservation Motion shall be filed on December 21, 2009 and shall not exceed 20 double-spaced pages, exclusive of exhibits and other supporting materials filed therewith.

Intel's Evidence Preservation Motion

6. The brief in support of Intel's Evidence Preservation Motion shall be filed on October 14, 2009 and shall not exceed 50 double-spaced pages, exclusive of exhibits and other supporting materials filed therewith.

7. If Intel relies on the testimony of experts to support its Evidence Preservation Motion, AMD shall promptly notice their depositions, and Intel will produce the witness(es) within 10 calendar days of service of the notice, at a date and location mutually agreed to by the parties. If Intel relies on non-expert declarations to support its Evidence Preservation Motion, the parties will promptly meet and confer about the necessity of AMD taking the depositions of such individuals.

8. AMD's opposition to Intel's Evidence Preservation Motion shall be filed on November 23, 2009 and shall not exceed 50 double-spaced pages, exclusive of exhibits and other supporting materials filed therewith.

9. If AMD relies on the testimony of experts or to oppose Intel's Evidence Preservation Motion, Intel shall promptly notice their depositions, and AMD will produce the witness(es) within 10 calendar days of service of that notice, at a date and location mutually agreed to by the parties. If AMD relies on non-expert declarations to support its opposition, the parties will promptly meet and confer about the necessity of Intel taking the depositions of such individuals.

10. Intel's reply brief in support of its Evidence Preservation Motion shall be filed not later than December 21, 2009 and shall not exceed 20 double-spaced pages, exclusive of exhibits and other supporting materials filed therewith.

11. Each party reserves the right to seek a modification of the foregoing briefing schedule from the Special Master for good cause shown.

12. The Court shall hold either a consolidated hearing or separate hearings on the parties' Evidence Preservation Motions. Said hearing(s) shall be held on January 13, 14 and 15, 2010.

13. Intel requests concurrent hearings on the parties' Evidence Preservation Motions, and an evidentiary hearing on AMD's Evidence Preservation Motion. AMD takes no position on Intel's requests for concurrent hearings or on Intel's request for an evidentiary hearing, and believes these matters should be left to the Special Master's discretion, to be decided at a later time.

14. Causation/Culpability discovery related to Intel's document preservation issues shall be closed at the conclusion of the depositions pursuant to AMD's Rule 30(b)(6) Notice on October 7, 2009, subject to and with the exception of any motion to compel that AMD may file related to that discovery and any additional discovery of or responses by Intel, if any, that the Court may order in response thereto.

15. Notwithstanding this Stipulation and Order, Intel and AMD both reserve the right to file a motion for sanctions against the other related to preservation issues that is based in whole or in part on facts or circumstances that did not exist or could not reasonably have been known as of October 12, 2009. However, the filing of any such sanctions motion shall not be used or urged as a basis for delay in the briefing, hearing or resolution of the motions provided for in Paragraphs 1 through 10 hereof.

16. Neither party shall include in the public version of its Evidence Preservation Motion the names of any custodian, their job titles or any other information sufficient to identify an individual custodian.

Dated: October 6, 2009

<p>RICHARDS, LAYTON & FINGER, P.A.</p> <p>By: <u>/s/ Steven J. Fineman</u> Frederick L. Cottrell, III (#2555) Chad M. Shandler (#3796) Steven J. Fineman (#4025) One Rodney Square 920 North King Street Wilmington, DE 19899 (302) 651-7836 Cottrell@rlf.com Shandler@rlf.com Fineman@rlf.com</p> <p>Attorneys for Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd.</p>	<p>POTTER ANDERSON & CORROON LLP</p> <p>By: <u>/s/ W. Harding Drane, Jr.</u> Richard L. Horwitz (#2246) W. Harding Drane, Jr. (#1023) Hercules Plaza, 6th Floor 1313 N. Market Street Post Office Box 951 Wilmington, DE 19890-0951 (302) 984-6000 rhorwitz@potteranderson.com wdrane@potteranderson.com</p> <p>Attorneys for Intel Corporation and Intel Kabushiki Kaisha</p>
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SO ORDERED this 9th day of November, 2009.



Vincent J. Poppiti (DSBA No. 100614)