

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

ADVANCED MICRO DEVICES, INC., a)	
Delaware corporation, and AMD)	
INTERNATIONAL SALES & SERVICE,)	Civil Action No. 05-441
LTD., a Delaware corporation,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
INTEL CORPORATION, a Delaware)	
corporation, and INTEL KABUSHIKI)	
KAISHA, a Japanese corporation,)	
)	
Defendants.)	

**STIPULATION RE: PRESERVATION OF DOCUMENTS BY RACKABLE SYSTEMS,
INC.**

WHEREAS, this action was commenced on June 27, 2005 by plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. (hereafter jointly, "AMD") against defendants Intel Corporation and Intel Kabushiki Kaisha (hereafter jointly, "Intel");

WHEREAS, Rackable Systems, Inc. (hereafter, "Company"), a third party to this action, has in its possession, custody or control evidence, including documents and information maintained in electronic form, which falls into one or more of the categories listed in Exhibit A to this Stipulation;

WHEREAS, Company represents that the individuals identified on Exhibit B to this Stipulation constitute all of Company's current and former employees meeting the definition set forth in that exhibit (hereafter, "Custodians" for purposes of this Stipulation);

WHEREAS, Company has agreed to take the various steps set forth in this Stipulation in order to preserve evidence, including evidence in the possession of Custodians; and

WHEREAS, Company has represented that all Custodians' data files stored in "My Documents" folders on their local hard drives are duplicated on its network at the time of a Custodian's log-in such that the network backup of June 27, 2005 is the equivalent of mirroring Custodians' hard drives as of that date.

NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN AMD AND RACKABLE SYSTEMS, INC., SUBJECT TO THE APPROVAL OF THE COURT, AS FOLLOWS:

1. Company, through its Chief Legal Officer, will immediately deliver a "litigation hold" notice to all Custodians, which "litigation hold" will encompass all categories of documents and information identified on Exhibit A to this Stipulation, and will seek to obtain from each presently-employed Custodian a written acknowledgement and affirmation of compliance at least quarterly.

2. Company will preserve the backup existing as of June 27, 2005, containing any Custodian's (a) email, personal network space and shared network files; and (b) any other shared data files maintained for or accessible by any Custodian. On a going-forward basis, Company shall create and preserve backups of all such files and space at least quarterly and will preserve such quarterly back-ups for 1 year.

3. Company shall retain the hard drive(s) and portable storage of any Company owned computers used for business by any Custodian as such computers as are retired or replaced.

4. Company will immediately suspend any auto-deletions of emails or other documents for each Custodian.

5. Company will immediately suspend use with respect to any computer accessible by any Custodian of any utilities or other programs provided by the Company which systematically modify or delete data files (*i.e.*, not system or system-generated temporary files), including all defragmentation and wiping utilities.

6. Company will preserve on disk or tape all of its microprocessor procurement databases and any other databases containing the information specified in paragraph 11 of Exhibit A., and retain the backups of such databases as they existed on June 27, 2005.

7. Company hereby submits to the personal jurisdiction of the United States District Court for the District of Delaware for purposes of enforcement of this Stipulation and any subsequent subpoena calling for the production of its documents.

8. Nothing herein shall limit Company's right to contest or otherwise object to a future subpoena for the production of documents.

9. This Stipulation will remain in force pending further Stipulation or order of the Court.

Respectfully submitted,

RICHARD B. LAYTON & FINGER



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Dated: August 31, 2005

RACKABLE SYSTEMS, INC.



William Garvey

General Counsel & Vice-President of

Corporate Development

Dated: August 31, 2005

ORDER

It is so ordered this ____ day of September, 2005

United States District Judge _____

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

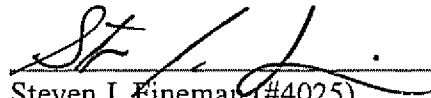
I hereby certify that on September 2, 2005, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by Hand Delivery to the following.

Richard L. Horwitz, Esquire
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