



WHEREAS, third-parties have declined, and can be expected to continue to decline, to produce subpoenaed materials subject to NDAs running in favor of the non-subpoenaing party due to the contractual restrictions on disclosure in the NDAs;

NOW, THEREFORE, TO PERMIT THE EXPEDITIOUS PRODUCTION OF MATERIALS, INCLUDING THOSE SUBJECT TO NDAS RUNNING IN FAVOR OF A PARTY, IT IS HEREBY STIPULATED BY AND BETWEEN AMD AND INTEL, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE APPROVAL OF THE COURT, AS FOLLOWS:

1. AMD and Intel hereby agree that, pending entry of a protective order, production of documents designated as confidential pursuant to Rule 26.2 by third parties on whom subpoenas have been or will be served will not violate the confidentiality provisions of the NDAs. AMD and Intel further agree that the third party may consult, in a timely fashion, with the party in whose favor an NDA runs about the nature of the materials to be produced in advance of their production for the purpose of insuring that the confidential materials are adequately protected from public disclosure.

2. The propounding party's use of any documents received pursuant to such a subpoena shall be as set forth in Local Rule 26.2 until such time as the parties enter into a stipulated protective order, which shall control thereafter.

3. In the event a protective order is entered over the objection of the non-subpoenaing party, any document that would cease being eligible for confidential treatment but for the objection shall nonetheless be used only as set forth in Local Rule 26.2 until final resolution of any interlocutory appeal taken by that party of the order.

4 Nothing in this stipulation is intended to modify, eliminate or create any objection

that a party or third party may have to discovery requests on any basis other than the confidentiality provisions of an NDA



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IT IS SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
United States District Judge