

ORIGINAL

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**



)
In the Matter of)
)
INTEL CORPORATION,)
a corporation)
_____)

**DOCKET NO. 9341
PUBLIC DOCUMENT**

STIPULATION BETWEEN INTEL AND COMPLAINT COUNSEL

IT IS STIPULATED BY AND AGREED TO BETWEEN COMPLAINT COUNSEL AND INTEL, BY AND THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE APPROVAL OF THE COURT, AS FOLLOWS:

WHEREAS, under a protocol agreed to by Intel and Complaint Counsel, the e-discovery vendor ("Vendor") Intel engaged to process documents in the AMD litigation undertook the responsibility to provide the FTC with an exact replica of the data produced to AMD;

WHEREAS, at the request of the FTC to ensure protection of its work product and attorney client privilege, Intel did not have access to the contents of the electronic database provided to the FTC by Vendor;

WHEREAS, on March 29, 2010, Complaint Counsel identified six potentially privileged documents to Intel by letter enclosing copies of those documents;

WHEREAS, upon receipt of the letter on March 30, 2010, Intel undertook an investigation of the circumstances which led to the production of the six documents in question;

WHEREAS, as a result of that investigation, Vendor determined and informed Intel that

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due to human error, and contrary to Intel's instructions, it had inadvertently produced native versions of approximately 47,000 privileged "parent" documents plus attachments (the "Inadvertently Produced Documents") previously produced in redacted form or fully withheld from the AMD production;

WHEREAS, at the request of Intel, Vendor promptly deactivated the Inadvertently Produced Documents from Complaint Counsel's database when it learned of the error;

WHEREAS, Vendor on occasions had batch downloaded and copied for Complaint Counsel some documents from the Inadvertently Produced Documents;

WHEREAS, Complaint Counsel, after reasonable and diligent investigation has determined that 38 such documents were flagged by Complaint Counsel for possible further review or consideration;

WHEREAS, it is possible that members of Complaint Counsel's staff could have printed, or electronically copied to a computer, other copies of the Inadvertently Produced Documents, but that no system exists to readily identify any such activity and a full and complete search of the entirety of Complaint Counsel's files and computers for copies of such individually printed or electronically downloaded documents would be extremely difficult to execute and would require many hundreds of hours of time to undertake;

WHEREAS, Complaint Counsel has committed to destroy, return, or sequester every copy of the Inadvertently Produced Documents and related notes or references to the documents of which it is now aware, and of which it may become aware in the future;

WHEREAS, Vendor's deactivation of the Inadvertently Produced Documents resulted in the sequestration of the native versions of such documents, along with associated electronic notes or coding;

WHEREAS, Intel has provided a privilege log for the Inadvertently Produced Documents as per agreement with Complaint Counsel;

WHEREAS, the parties agree that a resolution of the issues arising from this inadvertent production will allow them to move forward expeditiously on the substantive issues in the case;

Complaint Counsel and Intel agree as follows:

1. With respect to past conduct of both Intel and Complaint Counsel regarding the Inadvertently Produced Documents, the parties agree that:

a. Vendor's inadvertent production of Intel's privileged documents does not constitute a waiver of any privilege, and based on the representations of Vendor and Intel, Complaint Counsel will not contend otherwise;

b. Intel has complied with the strictures of Rule 3.31(g) and any other applicable rules in its handling of the clawback of these documents, and, based on the representations of Vendor and Intel, Complaint Counsel will not contend otherwise;

c. Complaint Counsel has complied with the strictures of Rule 3.31(g) and any other applicable rules in connection with its discovery and handling of the documents, and Intel, based upon the representations of Complaint Counsel, will not contend otherwise.

d. Complaint Counsel will destroy, return, or sequester all unredacted copies of the Inadvertently Produced Documents in its possession of which it is currently aware (including, without limitation, the 38 documents described above). Complaint Counsel further agrees to return any sequestered copies of the Inadvertently Produced Documents to Intel after the close of the proceeding.

2. With respect to future conduct regarding the Inadvertently Produced Documents, the parties agree that:

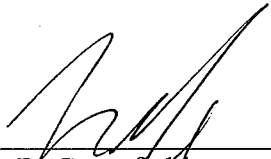
a. Should Complaint Counsel discover copies of the Inadvertently Produced Documents not identified as of the date of this Stipulation, it will destroy, return, or sequester all unredacted copies of Inadvertently Produced Documents and will notify Intel upon undertaking such steps. Complaint Counsel further agrees to return any sequestered copies of the Inadvertently Produced Documents to Intel after the close of the proceeding.

b. Complaint Counsel will not make available to any third parties files likely to contain any Inadvertently Produced Documents, to ensure that such documents that may not have been identified by Complaint Counsel are protected and not disseminated.

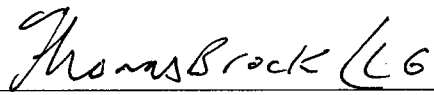
c. Complaint Counsel does not waive any rights it may have to challenge Intel's assertion of privilege, other than as set forth above, including in reliance on the privilege log Intel has prepared, but shall not use its knowledge, if any, of the unredacted versions of the documents as the bases for such challenges.

3. Apart from Vendor's migration of the Inadvertently Produced Documents specifically referred to above, this agreement does not address the inadvertent production of Intel documents

previously produced in the AMD documents provided to Complaint Counsel, or in any subsequent production of Intel documents to Complaint Counsel. Intel and Complaint Counsel agree that the parties have employed appropriate practices in dealing with such instances of inadvertent production and will continue to do so.



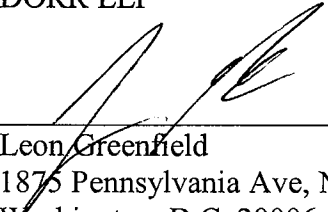
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Dated: April 22, 2010