

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE GRAPHICS PROCESSING UNITS  
ANTITRUST LITIGATION

Case No. M:07-cv-01826-WHA  
MDL No. 1826

This Document Relates to:  
ALL ACTIONS

~~PROPOSED~~ ORDER PROVIDING  
FINAL APPROVAL OF  
SETTLEMENT

Hon. William H. Alsup

This matter having come before the Court for hearing, pursuant to the Order of this Court preliminarily approving the Settlement, dated December 18, 2008 (Docket No. 647), on the application of Defendants ATI Technologies, Inc. (now known as ATI Technologies ULC), Advanced Micro Devices, Inc., AMD US Finance, Inc., and 1252986 Alberta ULC, Defendant Nvidia Corporation, and Plaintiff Class Representatives Jordan Walker and Michael Bensignor, d/b/a Mike's Computer Services, both individually and on behalf of the class certified by this Court on July 18, 2008, for approval of the settlement (the "Settlement") set forth in the settlement agreement dated as of October 2, 2008 (the "Agreement") (Docket No. 617-2), and due and adequate notice having been given to the Class as required in said Order, and the Court

1 having considered all papers filed and proceedings had herein and otherwise being fully informed  
2 in the premises and good cause appearing therefore,

3 **IT IS HEREBY ORDERED** that:

4 1. As used in this Order the capitalized terms not otherwise defined herein have the  
5 meanings set forth in the Agreement.

6 2. This Court has jurisdiction over the subject matter of the Actions and over all  
7 Class Members, and to consider and enter this Order.

8 3. The notice given to Class Members of the Settlement and the other matters set  
9 forth therein constitutes the best notice practicable under the circumstances and complies in all  
10 respects with the requirements of Rule 23 of the Federal Rules of Civil Procedure and due  
11 process.  
12

13 4. The Court has been advised of any objections to the Settlement and has given fair  
14 consideration to any such objections.

15 5. The Settling Parties conducted arms-length negotiations in good faith which  
16 resulted in the proposed Settlement reflected in the Agreement.

17 6. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this Court hereby  
18 approves the Settlement as set forth in the Agreement, finds that said Settlement is, in all respects,  
19 fair, reasonable, and adequate with respect to the Class, and directs that the Settlement be  
20 consummated in accordance with the terms and conditions set forth in the Agreement.

21 7. The Releasers, and any other Person claiming (now or in the future) through or on  
22 behalf of them, and regardless of whether any such Releasor ever seeks or obtains by any means,  
23 including, without limitation, by submitting a Proof of Claim and Release, any distribution from  
24 the Net Settlement Fund established pursuant to the Agreement, shall be deemed to have fully,  
25 finally, and forever released, relinquished, and discharged all Released Claims against the  
26  
27  
28

1 Releasees. The Releasors also shall have covenanted not to sue the Releasees with respect to all  
2 such Released Claims, and shall be permanently barred and enjoined from instituting,  
3 commencing, prosecuting or asserting any such Released Claim against the Releasees.

4 8. The Distribution Plan is adjudged to be fair, reasonable and adequate and is hereby  
5 approved. Class Plaintiffs' Lead Counsel is directed to proceed with the Distribution Plan.

6 9. The Court approves an award of \$ 595,000, ~~plus any interest that~~  
7 ~~may have accrued on that sum deposited with the Escrow Agent~~, to reimburse Class Plaintiffs'  
8 Lead Counsel for payment of costs and expenses reasonably incurred in prosecuting and settling  
9 this action. To the extent, if any, that the funds described in the previous sentence are not used to  
10 reimburse the costs and expenses, they shall be used to reimburse Class Plaintiffs' Lead Counsel  
11 for attorneys' fees reasonably incurred in prosecuting this action.

12 10. Without further order of the Court, the Settling Parties may agree to reasonable  
13 extensions of time to carry out any of the provisions of the Agreement.

14  
15  
16  
17 **IT IS SO ORDERED.**

18 DATED: April 1, 2009

19  
20  
21  
22 Hon. William A. Alsup  
23 United States District Court Judge



24  
25  
26  
27  
28