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\*\*E-Filed 8/10/10\*\*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

INTEL CORPORATION, A DELAWARE CORPORATION,

Plaintiff,

v.

AMERICAN GUARANTEE AND LIABILITY INSURANCE COMPANY, A NEW YORK CORPORATION

Defendant.

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MARKEL AMERICAN INSURANCE COMPANY, a Virginia Corporation,

Counterclaimant,

v.

INTEL CORPORATION, a Delaware Corporation, and AMERICAN GUARANTEE AND LIABILITY INSURANCE COMPANY, a New York Corporation,

Counterclaim Defendants.

Case No. 09-299-JF (PVT)

ORDER<sup>1</sup> REQUESTING FURTHER BRIEFING

[re: document no. 206]

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In light of the recent decision of the Delaware Superior Court in *American Guarantee &*

<sup>1</sup> This disposition is not designated for publication in the official reports.

1 *Liability Insurance Company v. Intel Corporation, et al.*, Civil Action No. 09C-01-170-JOH  
2 (Del. Super. Ct. July 29, 2010), the Court hereby requests that the parties submit letter briefing  
3 addressing whether this Court should revisit its ruling on Intel’s motion for partial summary  
4 judgment and, if so, what the appropriate disposition should be. Judge Herlihy’s decision relies  
5 significantly upon an argument not presented to this Court, i.e., that “Condition H” of the AGLI  
6 Policy, entitled “When Damages are Payable,” pertains only to indemnity and not to defense  
7 costs. The parties’ letter briefs, which shall not exceed five (5) pages in length, shall be filed on  
8 or before August 16, 2010.

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10 IT IS SO ORDERED.

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12 DATED: 8/9/ 2010

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14 JEREMY FOGEL  
15 United States District Judge  
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