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E-Filed 8/24/10

**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.

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)

ORDER¹ REQUESTING SUPPLEMENTAL BRIEFING

After considering the letter briefing submitted by the parties on August 16, 2010, the

¹ This disposition is not designated for publication in the official reports.

1 Court hereby requests that the parties submit supplemental briefing on (1) the preclusive effect of
2 *American Guarantee & Liability Insurance Company v. Intel Corporation, et al.*, Civil Action
3 No. 09C-01-170-JOH (Del. Super. Ct. July 29, 2010), and (2) the effect of AGLI's and Markel's
4 failure to argue in this Court that "Condition H" of the AGLI policy controls the triggering of
5 payments only for indemnity rather than defense costs. For purposes of this supplemental
6 briefing, AGLI and Markel shall be considered the "moving parties," and each shall individually
7 submit an "opening" brief that addresses both issues. The "opening" briefs generally should be
8 consistent with the requirements of Civ. L.R. 7-2, except that they need not notice a date and
9 time for a hearing, and shall be filed on or before September 3, 2010. Intel's responsive briefs,
10 which shall not exceed fifteen (15) pages in length, shall be filed on or before September 10,
11 2010. AGLI and Markel each may file a reply to the relevant responsive brief, and such replies
12 generally must be consistent with the requirements of Civ. L.R. 7-3(c) and shall be filed on or
13 before September 17, 2010. After September 17, 2010, the Court will determine whether to hold
14 oral argument.

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16 IT IS SO ORDERED.

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18 DATED: 8/24/2010

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20 JEREMY FOGEL
21 United States District Judge
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