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\*\*E-Filed 9/1/10\*\*

**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.

Case No. 09-299-JF (PVT)  
  
ORDER<sup>1</sup> (1) DEFERRING DETERMINATION ON INTEL CORPORATION'S MOTION FOR PERMISSION TO SUBMIT THE COURT'S ORDER OF AUGUST 3, 2010 TO THE DELAWARE SUPERIOR COURT AND (2) GRANTING ADMINISTRATIVE MOTIONS TO SEAL

[Docket Nos. 221 and 229]

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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.

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

1 Plaintiff Intel Corporation (“Intel”) seeks leave to submit the Court’s order of August 3,  
2 2010<sup>2</sup> to the Delaware Superior Court, in which a similar suit between Intel and Defendant  
3 American Guarantee and Liability Insurance Company (“AGLI”) and Counterclaimant Markel  
4 American Insurance Company (“Markel”) is pending. AGLI opposes the motion.<sup>3</sup> Intel, AGLI,  
5 and Markel have been ordered to submit additional briefing to this Court to address (1) the  
6 potential preclusive effect of *American Guarantee & Liability Insurance Company v. Intel*  
7 *Corporation, et al.*, Civil Action No. 09C-01-170-JOH (Del. Super. Ct. July 29, 2010), and (2)  
8 the effect of AGLI’s and Markel’s failure to argue in this Court that “Condition H” of the AGLI  
9 policy controls the triggering of payments only for indemnity rather than defense costs. Because  
10 this Court may determine that its order of August 3, 2010 is impacted by either issue, the Court  
11 will defer determination of the instant motion pending a decision with respect to the issues raised  
12 in the additional briefing.

13 IT IS SO ORDERED.

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15 DATED: 9/1/2010

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JEREMY FOGEL  
United States District Judge

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25 <sup>2</sup> Because the order of August 3, 2010 relies upon portions of the record that were  
26 submitted under seal to this Court, that order also is sealed.

27 <sup>3</sup> Intel and AGLI also seek to file under seal the instant motion and opposition to the  
28 instant motion, respectively. Because the instant motion and opposition refer to the sealed order  
of August 3, 2010, the administrative motions to seal will be granted.