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 INTEL CORPORATION

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN JOSE DIVISION

23 IN RE INTEL LAPTOP BATTERY
 LITIGATION

CASE NO. 5:09-cv-02889-JW (PVT)
**STIPULATION AND ORDER
 REGARDING THE PRODUCTION
 OF DOCUMENTS**

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1 WHEREAS, the Parties have agreed upon a protocol for production of Intel Corporation's
2 documents to plaintiffs that will consist of (1) the production from five Intel custodians of all
3 non-privileged documents dated prior to June 25, 2009, that contain one or more agreed search
4 terms, and (2) the production of non-privileged materials from the *Skold v. Intel* and *Barbara's*
5 *Sales v. Intel* cases, and (3) the production of non-privileged documents dated prior to June 25,
6 2009, that are in the possession, custody or control of the Business Application Performance Co.
7 ("BAPCo") and that contain one or more agreed search terms ("First Production Materials");

8 WHEREAS, the First Production Materials are voluminous, and the Parties are anxious to
9 produce those materials to plaintiffs' counsel as quickly as possible to meet the current case
10 management schedule;

11 WHEREAS, Intel and BAPCo have taken measures they believe are reasonable in the
12 circumstances to identify privileged materials within the First Production Materials;

13 WHEREAS, in producing the First Production Materials, the Parties do not intend for
14 Intel or BAPCo to waive their right to assert the attorney-client privilege, work product
15 immunity, or any other applicable privilege or immunity as to any documents produced;

16 WHEREAS, the Parties seek to create a mechanism to provide for the return of documents
17 protected from disclosure by the attorney-client privilege, work product immunity, or any other
18 applicable privilege or immunity should Intel or BAPCo inadvertently or unintentionally disclose
19 any such documents in the First Production Materials;

20 NOW THEREFORE, the Parties stipulate as follows:

21 1. Intel and BAPCo do not waive, and are not estopped from asserting, the attorney-
22 client privilege, work product immunity, or any other applicable privilege or immunity by
23 producing documents or things, or making them available for inspection, in the First Production
24 Materials. If the Producing Party becomes aware of any inadvertent or unintentional disclosure, it
25 may designate such documents as within the attorney-client privilege, work product immunity or
26 any other applicable privilege or immunity, and request in writing return of such documents to the
27 Producing Party. Upon request by the Producing Party, the Receiving Party shall (a) refrain from
28 any further examination or disclosure of such document(s); (b) immediately retrieve and return all

1 DATED: April 14, 2010

PERKINS COIE BROWN & BAIN P.A.

2 By: /s/ Timothy J. Franks
 Timothy J. Franks

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4 Attorneys for Defendant
INTEL CORPORATION

5 DATED: April 14, 2010

NARANCIC & KATZMAN, PC

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7 By: /s/ Perry J. Narancic
 Perry J. Narancic

8 Attorneys for Defendant
9 BUSINESS APPLICATIONS
PERFORMANCE CORPORATION

10 **ORDER**

11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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13 DATED: *April 15, 2010*

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The Honorable Patricia V. Trumbull
15 United States Magistrate
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