



AMD-INTEL LITIGATION HISTORY

CASES DISMISSED BY 1995 GLOBAL SETTLEMENT

In January, 1995, AMD and Intel reached an agreement to settle all current outstanding litigation between the companies. The agreement covered the Technology Agreement Arbitration, the 287 Microcode Litigation, the Antitrust Litigation, the 386 Microcode Litigation, the Intel Business Interference Litigation and the 486 Microcode Litigation. The settlement also included an International Trade Commission patent-infringement case brought by Intel against a Taiwanese computer manufacturer, Twinhead, a case in which AMD had intervened as a real party in interest.

1. Technology Agreement Arbitration

Arbitration between AMD and Intel to settle 1982 technology exchange agreement dispute; Superior Court of the State of California, County of Santa Clara.

April 10, 1987 Petition for Arbitration filed by AMD.

February 1992 Arbitrator found that Intel had breached 1982 technology exchange contract, awarding AMD a license to Intel IP embodied in AMD's reverse-engineered 386 and a two-year extension of the copyright and patent rights granted to AMD under the 1982 technology exchange agreement.

December 30, 1994 The California Supreme Court decided that the award was correctly confirmed by the superior court, rejecting Intel's arguments that the arbitrator exceeded his authority. The decision reversed an earlier judgment of the Court of Appeal. This AMD victory was important because of the arbitrator's detailed findings of how Intel intentionally violated AMD's rights, and because it affirmed AMD's intellectual property rights in its highly competitive Am386 processor.

2. 287 Microcode Litigation

Copyright infringement action brought by Intel against AMD; District Court of the Northern District of California.

September 23, 1990 Intel sought injunctive relief and damages with respect to AMD's 80C287, a math coprocessor designed to function with the 80286. Intel claimed copyright infringement by AMD on certain Intel microcode.

June 17, 1992 Jury determined that AMD did not have the right to use Intel microcode in the 80C287.

April 15, 1993 Court granted AMD a new trial, finding that Intel had committed discovery abuse.

March 10, 1994 Jury in new trial returned verdict in favor of AMD finding that AMD had the right to use Intel's microcode in its x86 microprocessors through the 486 generation.

3. Antitrust Litigation

Antitrust suit filed by AMD against Intel; District Court of the Northern District of California.

August 20, 1991 AMD filed an antitrust complaint against Intel claiming Intel engaged in unlawful acts designed to secure and maintain a monopoly. This case was settled as part of a global settlement of all outstanding litigation in January 1995.

4. 386 Microcode Litigation

Copyright infringement action brought by Intel against AMD; District Court of the Western District of Texas (later transferred to the Northern District of California).

October 10, 1991 Intel filed an action against AMD alleging that AMD violated copyrights on the logic programming in a microprocessor and on the Intel microcode contained in the AM386 microprocessor. This case became moot when AMD prevailed in the 287 microcode litigation.

5. Intel Business Interference Litigation

Tortious interference action brought by AMD against Intel; Superior Court of the State of California, County of Santa Clara.

November 12, 1992 AMD filed action against Intel for tortious interference with prospective economic advantage, violation of California's Unfair Competition Act, breach of contract, and declaratory relief arising from Intel's efforts of requiring licensees of an Intel patent, the Crawford 338 patent, to pay high royalties if they purchased 386 and 486 microprocessors from suppliers of those parts other than Intel.

This action was removed to federal district court where AMD amended the complaint to include a cause of action for a violation of the Lanham Act and a declaration of patent invalidity and unenforceability.

The case was stayed pending resolution of the International Trade Commission proceeding.

6. 486 Microcode Litigation

Copyright infringement action brought by Intel against AMD; District Court of the Northern District of California.

April 28, 1993 Intel filed action against AMD seeking an injunction and damages with respect to AMD's AM486 processor. Intel's claim alleged infringements of various Intel copyrighted computer programs. This case became moot when AMD prevailed in the 287 microcode litigation.

LITIGATION POST GLOBAL SETTLEMENT

1. Trademark Infringement Litigation (MMX)

Trademark action filed by Intel against AMD; District Court of Delaware.

March 14, 1997 Intel filed suit against AMD and Cyrix Corporation alleging false designation of origin and false advertising, trademark infringement and trademark dilution, and deceptive trade practices arising out of alleged misuse of the term MMX.

April 21, 1997 AMD and Intel agreed to settle the litigation. Under the terms of the settlement, AMD acknowledged MMX as a trademark owned by Intel. Intel granted rights to AMD rights to use the mark in the worldwide marketing of its sixth-generation AMD K6 MMX processors.

2. AMD v Intel Action on Documents for European Commission

AMD petitioned the U.S. District Court for the Northern District of California for an order directing Intel to submit certain documents produced in its litigation with Intergraph to European Commission (EC) antitrust enforcers investigating a complaint filed in the EC by AMD.

October 1, 2001 In 2000, AMD filed a complaint with the European Commission (EC) accusing Intel of abusing its dominant position in the microprocessor market and violating anti-monopoly rules in Europe. To support this complaint, AMD sought an order from the District Court of Northern California directing Intel to produce over 60,000 pages of documentation submitted to the court during Intel's antitrust lawsuit with Intergraph to the EC.

December 11, 2001 The District Court denied AMD's application for the order. AMD appealed the decision to the U.S. Court of Appeals for the Ninth Circuit.

November 7, 2002 The Ninth Circuit reversed the decision of the District Court. The court directed Intel to produce the documents from the Intergraph case in order to encourage providing efficient assistance to participants in international litigation.

June 2004 Upon review of the 9th Circuit's decision, the Supreme Court held that U.S. federal courts were authorized (but not required) to force a company to submit documents made public in a U.S. case to foreign jurisdictions pursuant to 28 USC 1782(a). The Court remanded the

case back to the District Court so the judge could hear arguments on whether it was appropriate to compel Intel to provide the documents to the EC.

October 2004

The District Court judge denied AMD's application to compel Intel to produce the documents. The judge ruled that, as a matter of discretion, he would not order production of the documents because Intel was already a participant in the complaint filed with the EC. The court stated that if the EC in fact required the documents, it (rather than a U.S. court) could order Intel to produce them.