

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

**If you purchased an AMD FX-8120, FX-8150, FX-8320, FX-8350, FX-8370, FX-9370, or FX-9590 CPU, you may be part of a class action settlement.**

*A Federal Court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.*

- A settlement has been reached in a class action lawsuit against Advanced Micro Devices, Inc. (“AMD” or “Defendant”), alleging it violated the law by misrepresenting the number of “cores” in certain of its AMD FX CPUs.
- You are included if you purchased one or more of the following AMD CPUs either (1) while residing in California or (2) after visiting the AMD.com website (or both): FX-8120, FX-8150, FX-8320, FX-8350, FX-8370, FX-9370, or FX-9590.
- Those who file claims will be eligible to receive a *pro rata* portion of the Settlement Fund, up to \$300 per CPU purchased. If you do not have proof of your purchase(s), you may not make a claim for any more than five (5) CPUs.
- Please read this notice carefully. Your legal rights are affected regardless of whether you act or do not act.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	You must submit a valid claim form either online or by mail. This is the only way to receive a payment.
<b>EXCLUDE YOURSELF</b>	To exclude yourself, you must affirmatively submit a request to be excluded. You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
<b>OBJECT</b>	Write to the Court explaining why you don’t like the Settlement.
<b>GO TO THE HEARING</b>	Ask to speak in Court about your opinion of the Settlement.
<b>DO NOTHING</b>	You won’t get a share of the Settlement benefits and will give up your rights to sue the Defendant about the claims in this case.

These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

## BASIC INFORMATION

### 1. Why was this Notice issued?

A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options, before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Judge Haywood S. Gilliam, Jr. of the United States District Court for the Northern District of California is overseeing this class action. The lawsuit is known as *Dickey v. Advanced Micro Devices, Inc.*, No. 4:15-cv-04922 (N.D. Cal.). The people who sued, Tony Dickey and Paul Parmer, are called the “Class Representatives.” The company that got sued, AMD, is called the “Defendant.”

### 2. What is a class action?

In a class action, one or more people called class representatives (in this case, Tony Dickey and Paul Parmer) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who choose to exclude themselves from the Class.

### 3. What is this lawsuit about?

The lawsuit claims that AMD misrepresented the number of cores in certain of its CPUs and that AMD is liable for violations of California’s Unfair Competition Law and California’s False Advertising Law, as well as other laws. AMD denies all claims and that it violated any law.

### 4. Why is there a settlement?

The Court has not decided whether the Plaintiffs or the Defendant should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Class Members will get compensation now rather than years from now, if at all.

More information about the Settlement and the lawsuit are available in the “Court Documents” section of the settlement website, or by accessing the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Oakland Courthouse, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

## WHO’S INCLUDED IN THE SETTLEMENT

### 5. How do I know if I am in the Settlement Class?

The Court decided that everyone who fits this description and chooses not to request to be excluded is a member of the **Settlement Class**:

All individuals who purchased one or more of the following AMD CPUs either (1) while residing in California or (2) after visiting the AMD.com website: FX-8120, FX-8150, FX-8320, FX-8350, FX-8370, FX-9370, or FX-9590. Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this action and members of their families, (2) the defendant, defendant’s subsidiaries, parent companies, successors, predecessors, and any entity in which the defendant or its parents have a controlling interest and their current or former officers, directors, and employees, (3) persons who properly execute and file a timely request for exclusion from the class, and (4) the legal representatives, successors or assigns of any such excluded persons.

Information about the model CPU you purchased can be found in the email confirming your purchase and on the box the CPU came in. Based on the records obtained by Class Counsel, there are approximately 1 million potential Class Members.

If you are still not sure whether you are included, you can email or call the *Dickey v. Advanced Micro Devices, Inc.* Settlement Administrator at [info@amdcpusettlement.com](mailto:info@amdcpusettlement.com) or 1-855-414-4964. Or you can get free help by calling the lawyers appointed to represent class members in this case at 1-415-212-9300.

## THE SETTLEMENT BENEFITS

### 6. What does the settlement provide?

Defendant has created a Settlement Fund totaling \$12,100,000.00. Class Member payments, as well as the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys' fees and an award to the Class Representatives will also come out of this fund.

### 7. How much will my payment be?

If you are member of the Settlement Class you may submit a Claim Form to receive a portion of the Settlement Fund. The amount of this payment will depend on how many of the Class Members file valid claims. Each Class Member who files a valid claim will receive a proportionate share of the Settlement Fund based on the number of CPUs purchased, up to \$300 per CPU purchased. Settlement Distributions will be paid on a per-CPU basis, with a maximum of five (5) qualifying purchases paid per Claimant, without proof of purchase. Claimants who purchased more than five (5) CPUs must provide proof of purchase upon request. This website will periodically be updated to provide the estimated payment amount based on the number of participating Settlement Class Members.

### 8. When will I get my payment?

You should receive a check from the settlement administrator within 60 days after the Settlement has been finally approved and/or after any appeals process is complete. The hearing to consider the final fairness of the Settlement is scheduled for February 20, 2020, at 2:00 p.m. All checks will expire and become void 90 days after they are issued. If appropriate, funds remaining from the initial round of uncashed checks may be used for a second distribution to participating class members and/or may be donated to one or more charity(ies) agreed on by the Parties and approved by the Court.

## HOW TO GET BENEFITS

### 9. How do I get a payment?

If you are a Class Member and you want to receive a payment, you must complete and submit a valid Claim Form by **January 3, 2020**. Claim Forms can be found and submitted online or you may have received a Claim Form in the mail as a postcard attached to a summary of this notice, which can be submitted by mail. To submit a Claim Form online or to request a paper copy, go to [www.amdcpusettlement.com](http://www.amdcpusettlement.com) or call toll free, 1-855-414-4964.

We also encourage you to submit your claim electronically. Not only is it easier and more secure, but it is completely free and takes only minutes!

## REMAINING IN THE SETTLEMENT

### 10. What am I giving up if I stay in the class?

If the Settlement becomes final, you will give up your right to sue the Defendant for the claims being resolved by this Settlement. The specific claims you are giving up against the Defendant are described in the Settlement Agreement. You will be "releasing" the Defendant and certain related parties (collectively, the "Released Parties"), described in Sections 1.23 and 1.24 of the Settlement Agreement. Unless you exclude yourself (*see* Question 14), you are "releasing" the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the "court documents" link on the website.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free by calling 1-415-354-3015, or you can, of

course, talk to your own lawyer if you have questions about what this means.

#### **11. What happens if I do nothing at all?**

If you do nothing, you won't get any benefits from this Settlement. But, unless you exclude yourself, you won't be able to bring or participate in any other lawsuit against the Defendant for the claims being resolved by this Settlement.

### **THE LAWYERS REPRESENTING YOU**

#### **12. Do I have a lawyer in the case?**

The Court has appointed lawyers at the firm Edelson PC to represent the Class. They are called "Class Counsel." They are experienced in handling similar class action cases. More information about these lawyers, their law firm, and their experience is available at [www.edelson.com](http://www.edelson.com). They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

The Court also appointed Plaintiffs Tony Dickey and Paul Palmer, who each purchased AMD's CPUs, as the Class Representatives.

#### **13. How will the lawyers be paid?**

Class Counsel attorneys' fees and costs will be paid from the Settlement Fund in an amount to be determined and awarded by the Court. The fee petition will seek no more than 30% of the Settlement Fund. The Court may award less than this amount. Under the settlement, any amount awarded to Class Counsel will be paid out of the Settlement Fund.

Subject to approval by the Court, each Class Representative will be paid up to \$7,500.00 from the Settlement Fund.

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

#### **14. How do I get out of the settlement?**

To exclude yourself from the settlement, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the *Dickey v. Advanced Micro Devices, Inc.*, No. 4:15-cv-04922 (N.D. Cal.) settlement. Your letter or request for exclusion must include your name and address, the model of the CPU that you purchased and a statement that you resided in California at the time of purchase or visited the AMD.com website prior to purchase, and your signature. You must mail your exclusion request no later than **December 9, 2019**, to:

*Dickey v. Advanced Micro Devices, Inc.* Settlement Administrator  
1650 Arch Street, Suite 2210  
Philadelphia, PA 19103

#### **15. If I don't exclude myself, can I sue the Defendant for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims being resolved by this Settlement.

#### **16. If I exclude myself, can I get anything from this settlement?**

No. If you exclude yourself, you should not submit a Claim Form to ask for benefits because you won't receive any.

### **OBJECTING TO THE SETTLEMENT**

#### **17. How do I object to the settlement?**

You can ask the Court to deny approval by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement being proposed. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the final approval hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 21), you must say so in your letter or brief. All written objections and supporting papers must (a) clearly identify the case name and number *Dickey v. Advanced Micro Devices, Inc.*, No. 4:15-cv-04922 (N.D. Cal.), (b) be submitted to the Court either by mailing them to the Class Action Clerk, United States District Court for the Northern District of California, Ronald V. Dellums Federal Building & United States Courthouse, 1301 Clay Street, Oakland, California 94612, or by filing them in person at any location of the United States District Court for the Northern District of California, (c) include your name and address, (d) an explanation of the basis upon which you claim to be a Class Member (including the model of the CPU that you purchased and a statement that you resided in California at the time of purchase or visited AMD.com prior to purchase), (e) all grounds for the objection, including all citations to legal authority and evidence supporting the objection, (f) the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature, and (g) be filed or postmarked on or before **December 9, 2019**.

Class Counsel will file with the Court and post on this website its request for attorneys' fees by **November 15, 2019**.

### **18. What's the difference between objecting and excluding myself from the settlement?**

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Class is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

## **THE COURT'S FINAL APPROVAL HEARING**

### **19. When and where will the court decide whether to approve the settlement?**

The court will hold the final approval hearing on February 20, 2020, at 2:00 p.m. in courtroom 2 – 4<sup>th</sup> floor, at the Ronald V. Dellums Federal Building & United States Courthouse, 1301 Clay Street, Oakland, California 94612. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider the Class Counsel's request for attorneys' fees and expenses; and to consider the request for an incentive award to the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check [www.amdcpusettlement.com](http://www.amdcpusettlement.com) or call 1-855-414-4964 to confirm the hearing date. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the final approval hearing, you will receive notice of any change in the date of such final approval hearing.

### **20. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

### **21. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must include in your letter or brief objecting to the settlement a statement saying that it is your "Notice of Intent to Appear in *Dickey v. Advanced Micro Devices, Inc.*, No. 4:15-cv-04922 (N.D. Cal.). It must include your name, address, telephone number and

signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **December 9, 2019**.

## GETTING MORE INFORMATION

### 22. Where do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at [www.amdcpusettlement.com](http://www.amdcpusettlement.com). You can also get information about this case by accessing the Court docket, for a fee, through the Court's Public Access to Court Electronic (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Oakland Courthouse, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. You may also write with questions to *Dickey v. Advanced Micro Devices, Inc.* Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. And you can call the *Dickey v. Advanced Micro Devices, Inc.* Class Action Administrator at 1-855-414-4964 or Class Counsel at 1-415-212-9300, if you have any questions. Before doing so, however, please read this full Notice carefully.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS. All questions regarding the Settlement or claims process should be directed to the Settlement Administrator or to Class Counsel.