

[REDACTED]

Steven M. Perry
November 19, 2002
Page 2

I was also surprised that my response to your inquiry precipitated such an argumentative reply. For instance, your most recent letter makes a number of pointed arguments about the

I disagree with many of your arguments, I see little to be gained from a point-by-point refutation.

I will say this, however. It appears to me that Rambus, by directing so much attention on the issue of downstream DRAM pricing, is focusing on the wrong issue, or at best an issue of

Steven M. Perry
November 19, 2002
Page 3

In our view, the fact that such downstream effects are not likely to be discernable in the near term – coupled with the fact that such effects fall outside of the relevant markets identified in the Commission’s complaint – suggests that we need not, and should not, expend our limited resources conducting detailed downstream pricing analyses. Nonetheless, we would submit that

EXHIBIT B



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Competition

M. Sean Royall
Deputy Director

(202) 326-3663

November 15, 2002

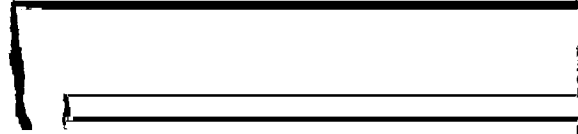
Mr. Steven M. Perry, Esq.
Munger, Tolles & Olson LLP
355 South Grand Avenue
Thirty-Fifth Floor
Los Angeles, CA 90071-1560

Dear Steve,

This letter responds to your letter of November 5, addressed to me and Geoff Oliver, concerning Rambus's efforts to obtain third-party discovery from major DRAM manufacturers relating to DRAM module and chip pricing. It is not our intention, as you know, to intervene or

interfere with Rambus's discovery-related dealings with third parties pertaining to

redness may bid prices down in response to competition from others. As a consequence,



around. Disincentives can just be removed rather than being raised. The analysis is

11

EXHIBIT C

MUNGER TOLLES & OLSON

355 SOUTH GRAND AVENUE
 THIRTY-FIFTH FLOOR
 LOS ANGELES, CALIFORNIA 90071-1560
 TELEPHONE (213) 683-9100
 FACSIMILE (213) 687-3702

33 NEW MONTGOMERY STREET
 SAN FRANCISCO, CALIFORNIA 94106-8781
 TELEPHONE (415) 312-4099

PETER R. TAFT
 ROBERT K. JOHNSON
 ALAN V. FRIEDMAN
 RONALD L. OLSON
 DENNIS C. KINNAIRD
 RICHARD S. VOLPERT
 SAMON H. LORNE
 DENNIS G. BROWN
 ROBERT C. DENHAM
 JEFFREY L. WEINBERGER
 ROBERT L. ADLER
 CARY B. LERMAN
 CHARLES D. SIGDAL
 RONALD K. MEYER
 GREGORY R. STONE
 YELVA S. MARTINEZ
 WILF D. BRAM
 BRADLEY S. PHILLIPS
 GEORGE M. BARVEY
 WILLIAM D. TESHLO
 STEVEN L. GUSSEY
 ROBERT B. KNALES
 G. GREGORY MORSEAN

RONALD C. HANSMANN
 PATRICK J. CAPPERTY, JR.
 JAY M. FUJITANI
 O'MALLEY M. MILLER
 SANDRA A. SOWELL-JONES
 MARK M. EPSTEIN
 HENRY WEISSMANN
 KEVIN S. ALLRED
 MARGO A. BECKER
 CYNTHIA L. BURCH
 BART M. WILLIAMS
 JEFFREY A. MEINTZ
 JUDITH T. HIRANO
 KRISTIN LINSLEY HYLES
 MARC T.C. DWORSKY
 JEROME C. WOTH
 STEPHEN D. ROSE
 JEFFREY L. BLUCH
 GARTH T. VINCENT
 TED BANG
 MARK SHINDENMAN
 STUART M. SENATOR
 MARTIN D. BORN

DAVID C. DIPIELLI
 ANDREA WEISS JEFFRIES
 ALYSON B. STON
 MARSHA HYMANSON
 MONICA WYLL SHAFFER
 SUSAN R. SZABO
 DAVID M. ROSENWOLD
 PETER A. DETRE
 DEVON ALEXANDER GOLD
 PAUL J. WATFORD
 DAVID H. FRET
 STEPHEN C. MORRISSEY
 TAMERLAIN J. GOODLEY
 LINDA S. GOLDMAN
 DANA S. TRUBSTER
 TODD E. WOLZ
 LINDA H. DURREW
 LISA J. DEBSKY
 ANDREW C. FROCH
 MALCOLM A. NEWICKO
 MICHAEL R. BARSA
 JAMES E. RUTTEN
 BEALL S. FLETCHER

KIRSTIN M. AULY
 JOSEPH S. KLAPACH
 LISA VANCE CASTLETON
 LAURA S. ROOPER
 C. DAPHNEY O'BRIEN
 STEVE RUM
 KARIN S. O'BRYEN
 ALENE MARTIN WELLY
 MICHAEL E. WATERSTONE
 BERNARD P. RUM
 DEBORAH M. SCARLETON
 ROHIT R. SINGLA
 RANBHA S. BANNER
 BRIGGS C. ALLAN
 CARL HOLLIWAY MOSE
 CHRY M. STEPHENS
 JEFFREY S. MANNING-CARTER
 AARON M. MAY
 BRITNEY J. GARDIN
 SHONT E. MILLER
 JASON L. HAN
 MANUEL P. CASIAN

M. Sean Royall, Esq.
November 18, 2002
Page 2

It is noted that the above information is based on information

[REDACTED]

EXHIBIT D

FEDERAL TRADE COMMISSION

In the Matter of:)

Pamhus Incorporated) Docket No 9302

a corporation.)

-----)

Friday, August 2, 2002

Room 532

Federal Trade Commission

600 Pennsylvania Avenue, N.W.

Washington, D.C. 20580

The above-entitled matter came on for prehearing conference, pursuant to notice, at 2:00 p.m.

BEFORE THE HONORABLE JAMES P. TIMONY

complaint counsel suggests. And the evidence brought before you after discovery will be, I submit, that there

_____ patent applications disclosed by _____

other JEDEC members in a fashion that is at all consistent with the duty complaint counsel advocates.

Indeed, they disclosed very few patents and almost no patent applications because they understood the standard as -- Rambus understood the standard to be much narrower than what complaint counsel argues.

Compliance. I touched on Rambus did indeed _____

_____ with the duty of disclosure that was imposed on _____

products that comply with these standards, so we need to

pricing strategies. I think we all recognize that that would be something impermissible.

Whether that happened or not is something of an open issue. I think we've all read about the ongoing Department of Justice Grand Jury investigation into possible price fixing by some of the manufacturers who are members of JEDEC. Whether JEDEC was a vehicle by which they accomplished that or not, I don't know. We may learn that through discovery. But in any event, what we all do know is that JEDEC is, indeed, an entity that permits certain concerted activity by competitors.

What's the justification for that policywise or legalwise? Well, the justification is that in certain instances the procompetitive benefits will outweigh the anticompetitive harm of such concerted activity.

It is understood that if a standard is set and if compliance with the standard requires you to use a patented invention, that it might be procompetitive to