

PUBLIC

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of

RAMBUS INC.,

Docket No. 9302

a corporation.

Micron v. Rambus (D. Del.), and *Hynix v. Rambus* (N.D. Cal) – under the circumstances set out in Rule 3.33(g)(1)(i)-

of a witness's prior testimony. Attached hereto as **Exhibit A** is a true and correct copy of the November 26, 2002 letter from Geoffrey Oliver to Steven Perry confirming this agreement.

6. During our telephone conversation on November 15, 2002, I explained to Micron's counsel that Rambus had sought to ease the burden on Micron and its employees by giving them several weeks notice of the depositions and scheduling the depositions for Boise, Idaho, the site of Micron Technology, Inc. and the workplace of the proposed deponents. I also agreed to limit all of the depositions to one day and to work with Micron's counsel to set dates that would be convenient for the witnesses. During that conversation, Richard Rosen, counsel for Micron, offered to produce Keith Weinstock for deposition, in recognition of the fact that he had not been deposed in the *Micron* case. At no time did Micron's counsel oppose the deposition of Mr. Weinstock, or of any witness, on grounds of relevance.

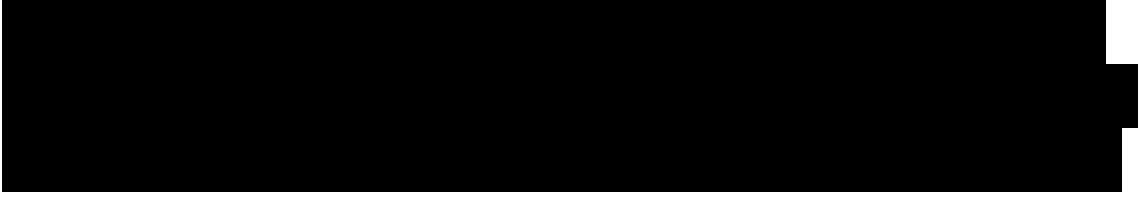
7. I have reviewed the transcripts of the *Micron* depositions of the proposed deponents. Those depositions were conducted in early-mid 2001, as follows: Steve Appleton was deposed in April and July, 2001; Gene Cloud was deposed in June 2001; Terry Lee was deposed in June and August 2001; Kevin Ryan and Brett Williams were deposed in April 2001; Terry Walther was deposed in May 2001. As indicated above, Keith Weinstock was not deposed in the *Micron* case.

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subpoena duces tecum issued to Mitsubishi Electric & Electronics USA, Inc that is the subject of Your Honor's Order Denying Motion Of Mitsubishi Electric & Electronics USA, Inc. To Quash Or Narrow Subpoena.

13. Attached hereto as **Exhibit D** is a true and correct copy of excerpted pages of the deposition of Kevin Ryan, dated April 26, 2001, reflecting one instance of many where Micron's counsel instructed its witnesses not to answer any questions regarding the work of the ADT consortium.

14. Attached hereto as **Exhibit E** is a true and correct copy of a press release announcing the agreement among Intel Corporation and several DRAM manufacturers, including Micron, to cooperatively develop advanced DRAM technology. This group became known as the ADT consortium.

15. With respect to Micron's application to quash specifications 8 and 9 of the individual subpoenas, neither of the issues raised in Micron's motion papers were raised during the telephone conferences aimed at resolved the disputes involved in the instant motion.

Executed on December 3, 2002 at Los Angeles, California 43.64 436.68 Tm 0 Tc 0 x