

PUBLIC

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

RAMBUS INC.,

a corporation.

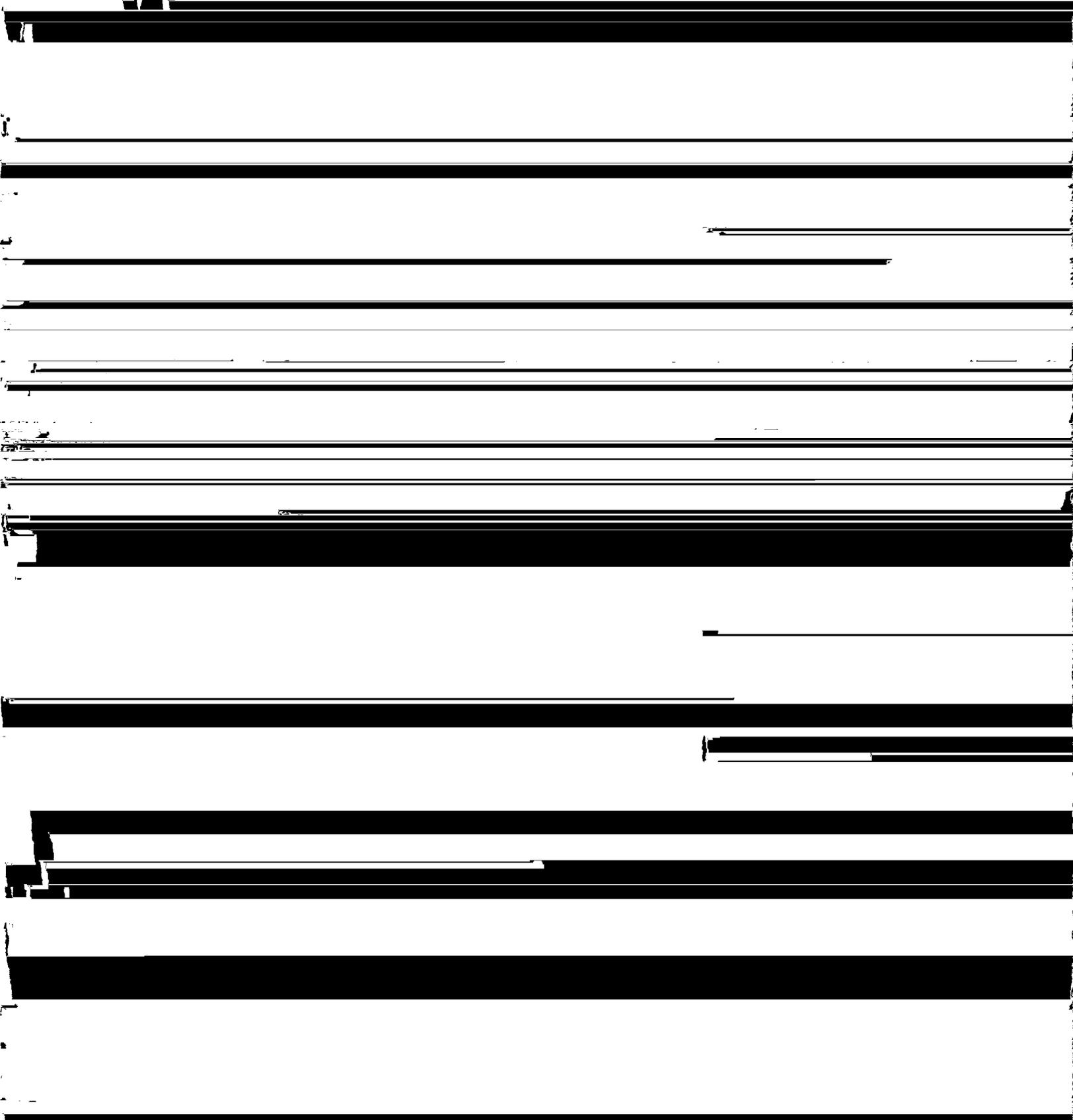
Docket No. 9302

RULE 3.22(f) DECLARATION OF STEVEN M. PERRY IN SUPPORT

OF THE PETITION FOR A WRIT OF HABEAS CORPUS FOR MITSUBISHI ELECTRIC

& ELECTRONICS USA, INC. TO COMPLY WITH THIS COURT'S  
ORDER TO PRODUCE DOCUMENTS RESPONSIVE TO THE  
SUBPOENA SERVED BY RAMBUS INC.

production of the files of Sam Chen (Mitsubishi's longtime JEDEC representative) be expedited, Mitsubishi refused to produce those documents until Mr. Chen could review them. See my December 2, 2002 letter to Mitsubishi counsel John Calkins, attached as exhibit A, and Mr. Calkins' response attached as exhibit B. Because Mitsubishi has *still* not produced



**Exhibit A**

MUNGER, TOLLES & OLSON LLP

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JAMES W. MURPHY

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ANDREA WEISS JEFFRIES

KIRSTIN M. AULT  
JOSEPH S. KLAPACH

December 17, 2002. We are considering whether to reschedule that deposition for the last part of December. While ordinarily I would not require witnesses and opposing counsel to appear for depositions over the holidays, we cannot afford any further delay.

We want to avoid returning to Judge Timony for further enforcement orders. In

that regard, please confirm today that Mitsubishi will do the following: (1) release to Rambus by this Wednesday, December 4, 2002, the documents that were filed and

**Exhibit B**

December 3, 2002

Direct: (415) 393-2120  
john.calkins@bingham.com

**VIA FACSIMILE**

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**Re: In the Matter of Rambus Incorporated, Docket No. 9302**

Dear Mr. Perry:

I refer to your letter dated December 2, 2002 concerning the



**Exhibit C**

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-----Original Message-----

**From:** Watrous, Bruce "BJ"

**Sent:** Tuesday, December 17, 2002 9:10 AM

**To:** 'john.calkins@bingham.com'

**Cc:** Cunningham, Sean; Watrous, Bruce "BJ"

**Subject:** Mitsubishi Documents

John:

I left you a phone message, but wanted to follow-up via email to again memorialize my requests.

To begin, I wanted to let you know that we did receive four additional Mitsubishi documents from Terry Cross last week and are reviewing those documents.

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In addition, I wanted to follow-up on at least three outstanding issues. While by no means an exhaustive list of what is presently due to Rambus under its subpoena of Mitsubishi, we have yet to see the following:

1. Mr. Chen's personal correspondence (including emails),
2. Any documents from your client's corporate parent in Japan, and
3. A privilege log explaining and defending those documents removed from your prior productions.

---

On 12/17/02, at 10:10 AM, Bruce Watrous issued his first order requiring the production of documents.



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RICHARD D. ESBENSHADE  
OF COUNSEL

**PROOF OF SERVICE BY FACSIMILE/FEDERAL EXPRESS**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 355 South Grand Avenue, 35th Floor, Los Angeles, California 90071.

On December 20, 2002, I served the foregoing document described as: **RULE 3.22(f)**

**DECLARATION OF SERVICE BY FACSIMILE IN SUPPORT OF RAMBUS INC.'S MOTION**

**TO COMPEL MITSUBISHI ELECTRIC & ELECTRONICS USA, INC. TO COMPLY WITH THIS COURT'S ORDER TO PRODUCE DOCUMENTS RESPONSIVE TO THE SUBPOENA SERVED BY RAMBUS INC.** on the designated parties in this action by having a

true copy thereof transmitted by facsimile machine to the number listed below. I caused the facsimile machine to print a record of the transmission, a copy of which is attached to this

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

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Eunice Ikemoto