

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

Micron and Intel. Accordingly, in view of their joint interest in maintaining the privilege of such documents, these companies jointly submit this opposition.

INTRODUCTION

sent to an attorney or contain legal advice provided in furtherance of a joint or common interest

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

to Samsung's participation in ADT. For this group of documents, Samsung withheld these documents from production on the basis of the joint defense privilege.

[REDACTED]

[REDACTED]

could not unilaterally waive any privileges applicable to these documents and further stated its

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

II. The Advanced DRAM Consortium ("ADT")

All of the above information is confidential and is being disclosed to you for your information only.

1999 by six companies from the DRAM industry: Infineon, NEC (now Elpida), Samsung, Intel,

Hyundai (now Umicore) and Micron (collectively "the member companies"). The member

interests confidential, including all advice of counsel provided by its members. b7c, b7d

[REDACTED]

[REDACTED]

[REDACTED]

disclosure related to coordinated efforts between multiple parties regarding

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ed. 1961)). Second, such a joint privilege also attaches to communications between lawyers and

communications and information exchanged among the members in furtherance of their common interest, including all advice of counsel, confidential within the membership of ADT. See Masters Decl., ¶ 10; Wilkins Decl., Exhibit A, at p. 8-9.

In particular, entries P-3, P-9, P-59, P-84, P-100, P-103 and P-109 all relate to documents containing the minutes of various ADT meetings at which legal advice regarding

[Redacted]

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The district court decision in *United States v. United Technologies Corporation* is

particularly instructive on the application of the common interest doctrine to the present

dispute. In *United Technologies*, five companies in the aerospace industry form

Dombay claims that the ADP members only have a common interest

depends entirely on the participation of its members, the member companies share a common

the ADT member companies and third parties that were circulated among the member companies
for comment and approval. Each of the member companies had a common legal interest

[REDACTED]

immaterial to whether they must be produced.

Further, the basis of relevance alleged by Rambus is that it contends discovery of ADT's technical efforts to design and develop future DRAM technology is necessary in order to

what the allegations in the Complaint demand. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

of ADT, which is the very information Rambus seeks through its Motion to Compel. The

directed to legal issues of common interest to the ADT member companies.

CONCLUSION

CERTIFICATE OF SERVICE

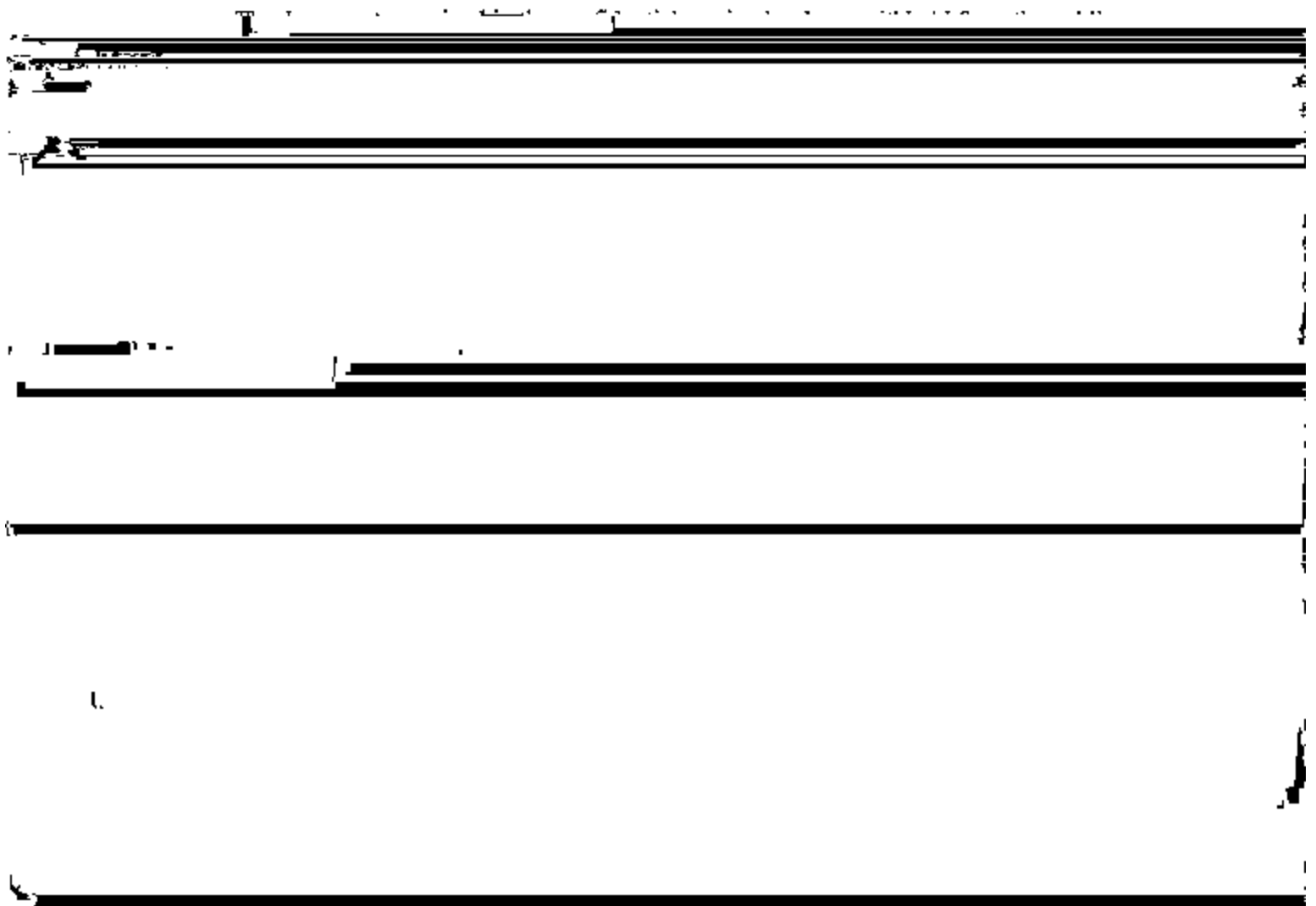
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(By Facsimile)



PUBLIC

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

RAMBUS INCORPORATED,

a corporation.

Docket No.: 9302

DECLARATION OF CLIFFORD E. WILKINS, JR.

I, Clifford E. Wilkins, Jr. declare as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Agreement executed on behalf of Infineon on December 21, 1999. Upon information and belief, this agreement was executed by representatives of Hyundai Electronics Industries Co., Ltd (now "Hynix"), Micron Technology, Inc. ("Micron"), NEC Corporation (now "Elpida"), Samsung Electronics ("Samsung") and the Intel Corporation ("Intel"), and formed the basis for the ADT consortium.

5. On December 19, 2002, I contacted Rambus' outside counsel, Steven M. Perry to discuss resolving the dispute over Samsung's ADT-related documents without further motion practice or involvement of the Court. I indicated to Mr. Perry that Infineon, Samsung, Micron,

and Hynix had entered into a number of ADT-related documents.

[REDACTED]

[REDACTED]

[REDACTED]

The document contained in the confidential version has been withheld from the public version pursuant to the Protective Order in this case.

BEFORE THE FEDERAL TRADE COMMISSION

5. Sughrue was jointly retained to represent each of the ADT member companies in

8. In addition, the Parties have provided information to Sughrue for the purpose of obtaining legal advice from the attorneys at Sughrue.

9. The communications between attorneys of Sughrue and the Parties have taken place during meetings between counsel and representatives of a member company, as well as in

[REDACTED]

[REDACTED]

10. The Parties agreed to keep all communications and information exchanged among

6. On several occasions, I directly communicated legal advice regarding ADT to representatives of the other Companies with the understanding that such communications were pursuant to the common legal interests of the Companies, and that such communications would

[Handwritten signature]

Executed on 12/23/2002