

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

In the matter of

RAMBUS INC.,

a corporation.

Docket No. 9302

**SUPPLEMENTAL DECLARATION OF STEVEN M. PERRY
IN SUPPORT OF RULE 3.24 SEPARATE STATEMENT IN
SUPPORT OF RAMBUS INC.'S MOTION FOR SUMMARY DECISION**

I, Steven M. Perry, declare:

1. I am a member of the State Bar of California and a member of the law firm of Munger, Tolles & Olson LLP, co-counsel for respondent Rambus Inc. (“Rambus”) in this matter. I submit this declaration in support of Rambus Inc.’s Supplemental Rule 3.24 Separate Statement in Support of Motion for Summary Decision. I have personal knowledge of the facts set forth in this declaration, and if called as a witness I could and would testify competently under oath to such facts.

2. In October 2002, Rambus served a subpoena upon Mitsubishi Electric & Electronics USA, Inc. (“Mitsubishi”) for documents relating to various issues raised in the Complaint and Answer in this matter. Mitsubishi’s motion to quash the subpoena was denied by Judge Timony in an order dated November 12, 2002, as explained in an opinion dated November 18, 2002.

3. One of the issues raised in Mitsubishi’s motion to quash was whether the required production of documents located in the files of Mitsubishi’s Japanese parent company, Mitsubishi Electric Corporation (“MELCO”). Judge Timony ruled that the subpoena did so require. *See* November 18, 2002 Opinion, pp. 7-9. A motion for reconsideration on this issue was subsequently denied.

4. MELCO refused to comply with Judge Timony’s order. In an effort to avoid federal court enforcement proceedings, counsel for Rambus and counsel for MELCO negotiated what the latter referred to as “a voluntary search” by MELCO for certain categories of documents. *See* January 21, 2003, January 22, 2003 and January 28, 2003 letters, attached hereto as exhibit A.

5. On February 20, 2003, MELCO produced approximately 16,000 pages of documents. Many of those documents were in Japanese. Because of the size and technical nature of the production and the need to locate and retain qualified translators, these documents were not available for inclusion with Rambus's motion for summary decision.

6. I have attached, as exhibits B, C, D and E, four of the Japanese language documents that were produced by MELCO, along with translations of each document and a translation certificate.

7. Exhibit B is a March 1993 memorandum by Mr. Nishimura, a Mitsubishi "Patent Committee Member," bearing the control number MEC 001441.

8. Exhibit C is a June 1993 memorandum by Mr. Sakao bearing the control number MEC 001276.

9. Exhibit D is a July 1993 "Evaluation of Rambus Patent Agreement" bearing the control numbers MEC 000328-335.

10. Exhibit E is a September 1993 chart entitled "Evaluation of the DRAM Portion of the Rambus DRAM" bearing the control number MEC 001748.

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

Executed on March ____, 2003 at Los Angeles, California.

Steven M. Perry