

Issue Is Raised For First Time In McAfee Rebuttal Report	Issue Is Then Addressed In McAfee Trial Testimony
<b><i>Ex ante</i> Bargaining</b>	
<p>McAfee opinion that JEDEC dislikes intellectual property held by pure-play companies because of hold-up threat; therefore, it would have had more of an incentive to negotiate <i>ex ante</i> or to avoid the intellectual property. Rebuttal Report, ¶¶ 86-89.</p>	<p>DX235; Tr. 7491-95. McAfee opinion that where a company is “pure-play,” JEDEC would have greater incentive for <i>ex ante</i> bargaining.</p>
<b>Rambus Giving RAND Letter</b>	
<p>McAfee opinion that Rambus would not have issued RAND letter because of Rambus’s business model. Rebuttal Report, ¶ 92.</p>	<p>DX234; Tr. 7487-91. Discussion of why, in McAfee’s opinion, Rambus would not have given RAND letter.</p>

**EXHIBIT D**