

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FEDERAL TRADE COMMISSION
I N D E X (PUBLIC RECORD)

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Lee	6585			

EXHIBITS	FOR ID	IN EVID	WITHDRAWN
CX			
None			

RX
None

JX
None

DX	
Number 117	6662

1 APPEARANCES :

2

3 ON BEHALF OF THE FEDERAL TRADE COMMISSION:

4 M. SEAN ROYALL, Attorney

5 GEOFFREY OLIVER, Attorney

6 JOHN C. WEBER, Attorney

7 CARY A. ZUK, Attorney

8 Federal Trade Commission

9 601 New Jersey Avenue, N.W.

10 Washington, D.C. 20580-0000

11 (202) 326-3663

12

13

14 ON BEHALF OF THE RESPONDENT:

15 GREGORY P. STONE, Attorney

16 STEVEN M. PERRY, Attorney

17 PETER A. DETRE, Attorney

18 SEAN GATES, Attorney

19 Munger, Tolles & Olson LLP

20 355 South Grand Avenue, 35th Floor

21 Los Angeles, California 90071-1560

22 (213) 683-9255

23

24

25

1 APPEARANCES:

2

3 ON BEHALF OF THE RESPONDENT:

4 A. DOUGLAS MELAMED, Attorney

5 Wilmer, Cutler & Pickering

6 2445 M Street, N.W.

7 Washington, D.C. 20037-1420

8 (202) 663-6090

9

10

11 ON BEHALF OF THE WITNESS:

12 JARED BOBROW, Attorney

13 Weil, Gotshal & Manges LLP

14 201 Redwood Shores Parkway

15 Redwood Shores, California 94065

16 (650) 802-3034

17

18

19 ON BEHALF OF HYNIX:

20 KENNETH L. NISSLY, Attorney

21 Thelen, Reid & Priest LLP

22 225 West Santa Clara Street, Suite 1200

23 San Jose, California 95113-1723

24 (408) 292-5800

25

1 that governs the testimony is Your Honor's in camera
2 order, and as we understand that order and the FTC's
3 general regulations, there's no provision for us
4 providing in camera testimony to third parties, and we
5 think some provision needs to be made for that. We
6 thought perhaps Hynix might propose an amendment to
7 that in camera order that would then permit us to
8 provide access to them after I think they perhaps
9 should give notice to the third parties.

10 The third parties whose testimony was involved
11 was testimony from AMD, from Micron, from ATI and from
12 Intel. So, those third parties I think need to have
13 notice as to whether they would object to the
14 information being provided to Hynix under whatever
15 terms Hynix would propose for the in camera. We don't
16 really have any -- we don't plan to object ultimately
17 to this on the merits of providing them the
18 testimony --

19 JUDGE McGUIRE: You would just like to
20 conform --

21 MR. STONE: -- but A, I am concerned that you
22 have an order in place that we can't, and I am not
23 going to provide it inconsistent with that order; and
24 B, I think the third parties may have an interest in
25 whether Hynix sees it.

1

JUDGE McGUIRE: Do you h194.4 0 0 rgYct0 0 r11-u83

1 and maybe we can all agree to the format.

2 JUDGE McGUIRE: Maybe you can come up with
3 something that will expedite this and then give some
4 guidance on this issue to Hynix.

5 MR. STONE: That would be fine.

6 JUDGE McGUIRE: But I want to comport with
7 whatever outstanding orders I have and whatever is the
8 current FTC rules on this area, and if we can all come
9 to terms on that, then that will be fine. I have no
10 problem with that.

11 MR. STONE: Thank you, Your Honor.

12 JUDGE McGUIRE: Yes, sir.

13 MR. NISSLY: Pardon my interruption, Your
14 Honor. Ken Nissly, I represent Hynix, and we will be
15 happy to talk to Mr. Stone and Mr. Oliver to get this
16 issue resolved.

17 JUDGE McGUIRE: Okay, good.

18 At this time, complaint counsel may call its
19 next witness.

20 MR. OLIVER: Thank you, Your Honor. Complaint
21 counsel calls Mr. Terry Lee.

22 JUDGE McGUIRE: Mr. Lee, would you please
23 approach the Bench and you'll be sworn in by the court
24 reporter.
25 Whereupon--