

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

RAMBUS INC.,

a corporation.

Docket No. 9302

DECLARATION OF STEVEN M. PERRY IN OPPOSITION TO MOTION
OF NON-PARTY MITSUBISHI ELECTRIC CORPORATION TO
ENFORCE PROTECTIVE ORDER

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 Opposition to Motion of Non-Party Mitsubishi Electric Corporation to Enforce Protective Order. I have personal knowledge of the facts set forth in this declaration.

2. In January 2003, I had discussions with Donald Harris, counsel for Mitsubishi Electric Corporation (“Mitsubishi Japan”), regarding the subpoena by Rambus on Mitsubishi Japan’s subsidiary in the United States, Mitsubishi Electric & Electronics USA, Inc. (“MEUS”). In those discussions, as well as in correspondence, Mr. Harris adamantly maintained on behalf of Mitsubishi Japan that documents in the parent company’s possession were not subject to the subpoena that Rambus had served on

MEUS. Mr. Harris told me that Mitsubishi Japan was unwilling to create any precedent by acknowledging in any way that a litigant could obtain documents located in the files of the Japanese parent by serving a subpoena upon the U.S. subsidiary. Mr. Harris stated that it was Mitsubishi Japan's position that Rambus's subpoena had never been, and could never be, served on Mitsubishi Japan or enforced upon it. Mr. Harris stated that Mitsubishi Japan would not provide any documents as a result of the subpoena or in connection with any discovery process.

3. Given Mitsubishi Japan's refusal to ack

position very deliberately, consistent with his position about the lack of agency or court jurisdiction over the Japanese parent's documents. I subsequently received several boxes of documents from Mr. Harris. The documents that were provided to me bore no confidentiality designation of any kind.

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

Executed on April __ , 2003 at Los Angeles, California.

Steven M. Perry

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CERTIFICATION

I, Steven M. Perry, hereby certify that the electronic copy of **DECLARATION OF STEVEN M. PERRY IN OPPOSITION TO MOTION OF NON-PARTY MITSUBISHI ELECTRIC CORPORATION TO ENFORCE PROTECTIVE ORDER** accompanying this certification is a true and correct copy of the paper original and that a paper copy with an original signature is being filed with the Secretary of the Commission on April 19, 2004 by other means.

Dated: April 19, 2004

/s/
Steven M. Perry