

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

	)	
In the matter of	)	
	)	
RAMBUS INCORPORATED,	)	Docket No. 9302
	)	
a corporation.	)	
	)	

**DECLARATION OF JARED BOBROW IN SUPPORT OF MICRON  
TECHNOLOGY’S MOTION TO LIMIT OR QUASH RAMBUS’S  
NOVEMBER 6, 2002 SUBPOENAS AD TESTIFICANDUM AND SUBPOENAS  
DUCES TECUM (Public Version)**

I, Jared Bobrow, declare:

1. I am a member of the State Bar of California and of the law firm of Weil, Gotshal & Manges LLP, co-counsel for non-party Micron Technology, Inc. (“Micron”). I make this declaration in support of Micron’s motion, made on behalf of itself and on behalf of subpoenaed witnesses Steven Appleton, Gene Cloud, Terry Lee, Jeff Mailloux, Roger Norwood, Kevin Ryan, Brian Shirley, Terry Walther, Keith Weinstock, and Brett Williams, to limit or quash the subpoenas ad testificandum and subpoenas duces tecum that Rambus Inc. (“Rambus”) served on the above witnesses on November 6, 2002. I have personal knowledge of the facts set forth in this declaration and could and would testify to them competently under oath if called as a witness.

2. My firm is co-counsel for Micron in a lawsuit that Micron filed against Rambus in August 2000 in the United States District Court for the District of Delaware, C.A. No. 00-792 (the “Delaware Action”). That lawsuit is still pending. I participated in,

and am familiar with, the discovery that took place in the Delaware Action. I personally defended many of the depositions that Rambus conducted of Micron personnel.

3. Rambus took over 250 hours of deposition testimony in the Delaware Action. In doing so, Rambus deposed no fewer than 49 witnesses, 29 of whom are current Micron officers and employees. Those witnesses include Micron's Chief Executive Officer, members of Micron's Board of Directors, its current and former JEDEC representatives, and many of its engineering and marketing directors and managers. During these depositions, Rambus examined witnesses on over 700 documents that were marked as deposition exhibits.

4. On November 6, 2002, Rambus served Micron with deposition and document subpoenas for nine current Micron officers and employees and one former Micron Vice President, namely, Steven Appleton, Gene Cloud, Terry Lee, Jeff Mailloux, Roger Norwood, Kevin Ryan, Brian Shirley, Keith Weinstock, Terry Walther, and Brett Williams. Attached hereto as Exhibit A are true and correct copies of those subpoenas.

5. In the Delaware Action, Rambus deposed nine of the 10 Micron witnesses it subpoenaed on November 6. Six of the subpoenaed witnesses were deposed for two or more days.

6. Steven Appleton is Micron's Chairman of the Board, CEO, and President. I have reviewed Mr. Appleton's deposition transcript from the Delaware Action. Rambus deposed Mr. Appleton for two days on April 20 and July 23, 2001. This resulted in over 300 pages of testimony. Rambus marked or used 10 exhibits during the deposition. Rambus examined Mr. Appleton about, among other things, Micron's licensing practices, Micron's license negotiations with Rambus and other companies, Micron's Direct

RDRAM license agreement with Rambus, Micron's dealings with Rambus, Micron's membership in JEDEC, the JEDEC patent policy, JEDEC patent licensing policies, and DRAMs other than JEDEC standard SDR and DDR SDRAMs (such as burst EDO and SLDRAM).

7. Terry Lee is Micron's Executive Director – Advanced Technology and Strategic Marketing. I defended Mr. Lee's deposition in the Delaware Action. Rambus deposed Mr. Lee for three days on June 6, June 7, and August 10, 2001, yielding nearly 700 pages of deposition testimony. Rambus marked or used 90 exhibits during Mr. Lee's deposition. Rambus examined Mr. Lee about, among other topics, Micron's dealings with Rambus, Intel's adoption of Direct RDRAM, negotiations leading to Micron's Direct RDRAM license agreement with Rambus, Rambus intellectual property and patents, DRAMs other than JEDEC standard SDR and DDR SDRAMs (such as SLDRAM and burst EDO), conduct of JEDEC members and JEDEC meetings during and after Rambus's membership in JEDEC, and Micron's development and commercialization of SDR and DDR SDRAM.

8. Jeff Mailloux is Micron's DRAM Marketing Manager. I defended Mr. Mailloux's deposition during the Delaware Action. Rambus examined Mr. Mailloux in deposition for two days on April 5 and April 6, 2001, obtaining over 450 pages of deposition testimony. Rambus marked or used approximately 36 exhibits during Mr. Mailloux's deposition, examining him on, inter alia, Micron's participation at JEDEC, the JEDEC patent disclosure policy, the conduct of JEDEC members before and during Rambus's membership in JEDEC, Micron's development of SDR and DDR SDRAM, alternatives to features of SDR and DDR SDRAMs, Micron's communications and

negotiations with Rambus, Rambus patents and intellectual property, Intel's adoption of Direct RDRAM, Micron's Direct RDRAM license agreement with Rambus, JEDEC standards, and non-JEDEC DRAMs (such as SyncLink).

9. Roger Norwood is Micron's Design Manager (DRAM Group) in Texas. I defended Mr. Norwood's deposition in the Delaware Action. Rambus deposed Mr. Norwood on July 20, 2001, securing approximately 170 pages of deposition testimony. Rambus marked or used 15 deposition exhibits and examined Mr. Norwood on topics including Rambus patents, JEDEC meetings, the design and operation of Micron DDR SDRAMs.

10. Kevin Ryan is Micron's Strategic Applications Engineering Manager (Computer and Consumer Products). I defended Mr. Ryan's deposition in the Delaware Action. Mr. Ryan was deposed for two days on April 26 and April 27, 2001, which provided Rambus with over 400 pages of deposition testimony. Rambus used or marked 21 deposition exhibits. Rambus questioned Mr. Ryan about numerous subjects, including non-JEDEC DRAMs (such as SLDRAM), Micron's participation in JEDEC meetings, JEDEC's patent policy, Rambus patents and intellectual property, the design and operation of Micron's JEDEC-standard SDR and DDR SDRAMs, and alternatives to various features of JEDEC-standard SDR and DDR SDRAMs.

11. Brian Shirley is Micron's Design Operations Manager (DRAM Group). I defended Mr. Shirley's deposition in the Delaware Action. Mr. Shirley was examined in deposition on August 8, 2001. His transcript is approximately 170 pages long. Rambus marked or used 23 deposition exhibits. Mr. Shirley was questioned in detail about many

topics, including Micron's development and design of JEDEC-standard SDR and DDR SDRAMs.

12. Terry Walther is Micron's Applications Engineering Manager (Field Applications Engineering Group). I have reviewed Mr. Walther's deposition transcript from the Delaware Action. Rambus deposed Mr. Walther for two days on May 10 and May 11, 2001. This produced over 550 pages of deposition testimony. Rambus questioned him about 57 deposition exhibits. Rambus examined Mr. Walther in detail about JEDEC, Micron's participation in JEDEC, the conduct of JEDEC members during and after Rambus's membership in JEDEC, minutes of JEDEC meetings, the JEDEC patent policy, Rambus and its patents and intellectual property, and DRAMs other than JEDEC standard SDR and DDR SDRAMs (such as SyncLink).

13. Brett Williams is Micron's Segment Enabling Specialist – Desktop PC. I have reviewed Mr. Williams's deposition transcript from the Delaware Action. Rambus deposed Mr. Williams for two days on April 12 and April 13, 2001, which provided Rambus with over 450 pages of deposition testimony. Rambus questioned Mr. Williams about 41 deposition exhibits. Rambus questioned Mr. Williams about numerous topics, including JEDEC, the conduct of JEDEC members, the minutes of JEDEC meetings, the JEDEC patent policy, JEDEC's patent licensing policy, DRAMS other than JEDEC standard SDR and DDR SDRAMs (such as burst EDO), alternatives to various features used in JEDEC standard SDR and DDR SDRAMs, and Rambus patents and technology.

14. Gene Cloud is a former Micron Vice President of Marketing who retired in 1998. I have reviewed Mr. Cloud's deposition transcript from the Delaware Action. Mr. Cloud was deposed on May 8, 2001. His transcript is nearly 250 pages long and he

was questioned about 19 deposition exhibits. Rambus examined Mr. Cloud about, inter alia, Micron's membership in JEDEC, the role of JEDEC, JEDEC's patent policy, DRAMs other than JEDEC standard SDR and DDR SDRAMs (such as SyncLink), Intel's adoption of Direct RDRAM, and Micron's communications with Rambus.

15. On November 15 and November 18, 2002, Richard Rosen of Arnold & Porter, co-counsel for Micron, and I conferred telephonically with Andrea Weiss Jeffries of Munger, Tolles & Olson LLP, counsel for Rambus, in an effort to resolve Micron's concerns about the deposition and document subpoenas. During the calls, Micron agreed to produce Messrs. Appleton, Lee, Williams, and Shirley for one day of nonduplicative deposition questioning. At the same time, Micron offered deposition dates for Messrs. Appleton, Lee, and Shirley, and agreed to provide a date for Mr. Williams shortly. Micron further proposed that Rambus limit its depositions to these four witnesses and withdraw its subpoenas to the others.

Privileged Material Redacted

As for the document subpoenas, Micron proposed that the documents be handled in accordance with the parties' handling of Rambus's document subpoena to Micron, served October 4, 2002. A true and correct copy of that subpoena, one of three subpoenas duces tecum that Rambus has served on Micron in this proceeding, is attached as Exhibit B.

16. Rambus would not agree to this proposal. Rambus insisted that it depose Messrs. Appleton, Lee, Williams, Shirley, Ryan, Walther, and Mailloux on a "high priority" basis, even though each of them had been deposed in the Delaware Action. Further, Rambus would not agree to withdraw with prejudice any of its subpoenas, even

for the “low priority” witnesses (Messrs. Cloud, Norwood, and Weinstock), but would only agree to withdraw the subpoenas without prejudice until after the “high priority” depositions had been completed. Rambus did agree to limit the depositions of Micron witnesses to one day. Finally, even though the document subpoenas largely covered areas that were also included in one of Rambus’s document subpoenas to Micron, Rambus refused to agree that all the modifications and limitations that it had previously agreed to in connection with the subpoena to Micron should apply to the individual document subpoenas. Specifically Rambus agreed that the limitations on the corporate subpoena would apply to Specifications 1, 5, 6, and 7, but would not agree to those limits as to Specifications 2, 3, 4, 8, and 9.

Executed on November 19, 2002, at Redwood Shores, California.

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

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Jared Bobrow