

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  
BY DE DIOS & ASSOCIATES TO QUASH SUBPOENA DUCES TECUM**

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 by de Dios & Associates to Quash Subpoena Duces Tecum. I have personal knowledge of the facts set forth in this declaration.

2. The motion by de Dios & Associates ("de Dios") states in part that on December 17, 2002, I spoke with de Dios' counsel about the subpoena. That is true. During the conversation, de Dios' counsel raised issues relating to the burden involved in responding to the subpoena. I suggested to counsel that he confer with his client and propose restrictions or limitations that would ease the burdens that his client had identified. He said that he would talk to his client and get back to me. As far as I know, he made no further effort to contact me before filing the motion to quash.

3. The motion by de Dios suggests in particular that it would be burdensome for Mr. de Dios and his small staff to review his files for responsive documents. We have overcome similar objections and concerns this fall by agreeing to the following procedure:

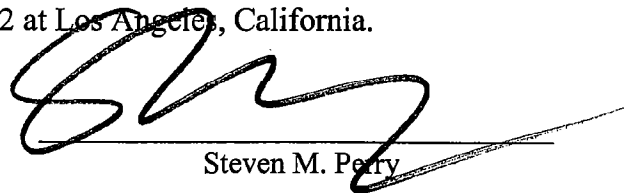
- (1) The files are initially reviewed by Rambus's outside counsel and paralegals, who "flag" responsive documents for copying; and
- (2) The copies are sent directly to the third party or its lawyers for a quick privilege and confidentiality review, *before* Rambus's lawyers obtain a copy set for use in the litigation.

By using this procedure, the costs of file review and duplication are largely borne by Rambus, not by the third party. We are willing to use this same procedure with the de Dios documents.

4. The motion by de Dios also suggests that service of the subpoena was somehow delayed. In fact, the November 20, 2002 date on the subpoena reflects the date that Rambus obtained a group of *blank* subpoenas from the Secretary's office for future use, pursuant to Rule 3.34(b). The subpoena was served upon de Dios as soon as it was filled out.

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

Executed on December 27, 2002 at Los Angeles, California.

  
Steven M. Perry

**PROOF OF SERVICE BY FACSIMILE/FEDERAL EXPRESS**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 355 South Grand Avenue, 35th Floor, Los Angeles, California 90071.

On December 27, 2002, I served the foregoing document described as:  
**DECLARATION OF STEVEN M. PERRY IN OPPOSITION TO MOTION BY DE DIOS & ASSOCIATES TO QUASH SUBPOENA DUCES TECUM** on the designated parties in this action by having a true copy thereof transmitted by facsimile machine to the number listed below. I caused the facsimile machine to print a record of the transmission, a copy of which is attached to this declaration.

On December 27, 2002, I also served a copy of the aforementioned document on the designated parties in this action by Federal Express overnight courier service. I am "readily familiar" with the firm's practice of collection and processing correspondence for delivery to an employee of Federal Express. Under that practice it would be delivered to an employee of Federal Express on that same day at Los Angeles, California with charges to be billed to Munger, Tolles & Olson's account for delivery to the office of the addressee on December 30, 2002 in the ordinary course of business.

**By Facsimile and FedEx**

M. Sean Royall, Esq.  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Room H-372  
Washington, D.C. 20580  
**Facsimile: 202-326-2884**

**By FedEx**

Hon. James P. Timony  
Administrative Law Judge  
Federal Trade Commission  
Room H-112  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

**By Facsimile and FedEx**

Joel Grosberg, Esq.  
McDermott, Will & Emery  
600 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20005  
**Facsimile: 202-756-8087**

**By Facsimile and FedEx**

Geoffrey Oliver, Esq.  
Malcolm L. Catt, Esq.  
Federal Trade Commission  
601 New Jersey Avenue  
Washington, D.C. 20001  
**Facsimile: 202-326-3496**

**By Facsimile and FedEx**

Richard B. Dagen, Esq.  
Federal Trade Commission  
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Room 6223  
Washington, D.C. 20580  
**Facsimile: 202-326-3496**

Executed on December 27, 2002, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

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



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Eunice Ikemoto

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\*\*\* TX REPORT \*\*\*  
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M. SEAN ROYALL, ESQ.	FEDERAL TRADE COMMISSION	202-326-2884	202-326-3663

DATE: December 27, 2002  
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GEOFFREY D. OLIVER, ESQ. MALCOLM L. CATT, ESQ.	FEDERAL TRADE COMMISSION	202-326-3496	202-326-2927

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RE:  
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RICHARD B. DAGEN, ESQ.	FEDERAL TRADE COMMISSION	202-326-3496	202-326-2628

DATE: December 27, 2002  
FROM: STEVEN M. PERRY, ESQ.  
RE:  
REF NO.: 22076-00006  
PAGES: 5  
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JOEL GROSBERG, ESQ.	McDERMOTT, WILL & EMERY	202-756-8087	202-756-8000

DATE: December 27, 2002  
FROM: STEVE PERRY, ESQ.  
RE:  
REF NO.: 22076-00006

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RAMBUS INC., )	Docket No. 9302
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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 BY DE DIOS & ASSOCIATES TO QUASH SUBPOENA DUCES TECUM 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 December 30, 2002 by other means.

Dated: December 27, 2002

/s/  
Steven M. Perry