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VIA FACSIMILE

Niall E. Lynch, Esq.
United States Department of Justice
Antitrust Division
450 Golden Gate Avenue
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San Francisco, California 94102-3478

Re: In the Matter of Rambus Incorporated, FTC Docket No. 9302

Dear Niall:

I appreciate the time you spent talking with me about your concerns with respect to the ongoing Department of Justice Antitrust Division grand jury investigation of various DRAM manufacturers, including Micron, Inc. I also appreciate your concern that questions we may ask in deposition of current Micron employees, such as Steve Appleton, might be the same as or similar to questions that you would pose to Mr. Appleton or other witnesses should you call them before the grand jury. However, as I explained to you, a very important part of our defense is to establish through discovery that alleged anticompetitive conduct by Rambus did not have any impact on the pricing of DRAM products and that DRAM pricing was, instead, the result of unlawful agreements among certain manufacturers. Further, as we discussed, it also is important to our defense that we obtain discovery to prove that the DRAM manufacturers, including Micron and others, conspired to remove Rambus and RDRAM products as a competitive force because Rambus and its products were an impediment to the ability of those manufacturers to collude to raise prices. Put differently, the evidence you ask us not to discover bears directly on: (1) whether there was any competitive impact from Rambus's alleged failure to disclose certain patent applications to JEDEC (as the FTC alleges); and, (2) whether the DRAM manufacturers engaged in a group boycott of Rambus and its products in order to facilitate their collusive arrangement to raise prices.

As you know, the arguments you suggested during our conversations you would raise with Judge Timony previously were raised and briefed by Micron in its opposition to our

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subpoenas. Judge Timony correctly ruled that these arguments did not provide a basis for limiting discovery in our case. However, I understand that you desire to intervene in the above-referenced matter in order that these issues may be raised with Judge Timony a second time. If you would, please advise us of the timing of any effort you will make to intervene and the substance of relief that you will seek. In order that we may respond as promptly as possible to any motion you file, it would be helpful to know in advance what issues you will be raising, and when.

Although we discussed various possible compromises to address your concerns, we concluded that a comprehensive compromise was not possible and chose not to try to memorialize compromises on selected issues given the time that would be required to resolve such issues and your desire to move quickly to intervene. Without in any way suggesting that there were not other possible compromises discussed, many of which you proposed, I do want to memorialize the two proposals I made this morning that I understand you shared with Complaint Counsel and that they rejected.

First, I suggested that discovery in this matter be stayed for two months while you called before the grand jury those witnesses who you feel should testify first in that forum, before being asked questions in our proceeding. I understand from our conversations that this was a proposal that had at least some workable aspects from your perspective, but that it was rejected by Complaint Counsel. By a copy of this letter to Mr. Royall I am inviting him to discuss this proposal with me directly if there is any interest in this proposal on Complaint Counsel's part.

Second, I suggested that Complaint Counsel stipulate to the truth of certain of the facts and allegations that I understand to be at issue in your investigation. For instance, I suggested that Complaint Counsel simply stipulate, for use only in our case, that DRAM manufacturers had colluded and agreed to fix and raise the price of DRAM products during a particular time frame. A more fully developed stipulation along these lines, which would be consistent with what I understand to be the scope of your investigation, might eliminate our need to take discovery in order to prove the truth of these allegations in the instant proceeding. However, I understand that Complaint Counsel rejected this proposal as well. Again, if there is interest on Complaint Counsel's part in discussing this proposal further, I would be pleased to speak with them about it. I do think my proposal is a sound one, and that the Government should not be taking one position on this issue in one proceeding, *i.e.*, that there was a price-fixing conspiracy, and a contrary position in another, concurrent proceeding. But, I guess these are issues that will be aired more fully before Judge Timony.

Again, I appreciate the time you took to discuss these issues with me. As you know, my client very much endorses the efforts your office is making to uncover unlawful and collusive behavior by DRAM manufacturers, and we want to support those efforts in every way we can. Indeed, Rambus, as much as any person or company, was the victim of this collusive behavior and it has, as a result, been grievously injured. Perhaps as you begin to prepare your motion papers and we begin to work on our opposition, which we will do as soon as we have some further indication from you of the scope of any relief you will seek, it will be possible to

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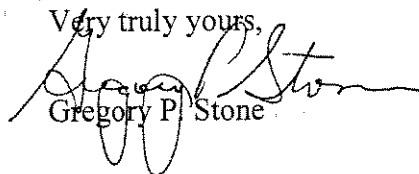
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convene three-way discussions that lead us to some common ground on which we can resolve these issues. For our part, we remain willing to discuss these issues and hopeful we can find a way to advance our shared interests.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gregory P. Stone". The signature is fluid and cursive, with the first name being the most prominent.

Gregory P. Stone

GPS:cbp

cc: M. Sean Royall, Esq. (via facsimile)