

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)
)
RAMBUS INCORPORATED,)
)
a corporation.)
)
)
)
_____)

DOCKET NO. 9302

**DECLARATION OF STEVEN CAPELLA IN SUPPORT OF IBM'S MOTION TO
COMPEL RETURN OF PRIVILEGED DOCUMENTS**

I, Steven Capella, declare as follows:

1. I am currently employed at International Business Machines Corporation ("IBM") as an IP Law Attorney. I was employed in this capacity in February, 2000. I have personal knowledge of the matters set forth in this declaration.
2. I received an e-mail on February 25, 2000 seeking legal advice about I responded to that e-mail on the same day. Also on the same day, Paul Coteus, an IBM employee who had been copied on the first two e-mails, sent me an e-mail on the subject being discussed. I understand that in response to a subpoena served on IBM by Rambus in this action, IBM inadvertently disclosed the second two e-mails in this string of e-mails. The bates number of the document produced is IBM/2 074975-074977.
3. The first e-mail in the string was sent to me, as well as others, for purpose of seeking legal advice

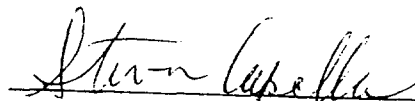
I understood the information contained in that e-

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mail to be confidential. I responded to that e-mail, and copied the recipients of the initial e-mail (all of whom were IBM employees) with my response. My e-mail was intended to remain confidential and was for the purpose of providing legal advice. Paul Coteus, an IBM employee who received the first two e-mails, responded to my e-mail providing me with confidential information. I understood the purpose of Mr. Coteus' email to be so that I, and Daniel Morris, another IBM lawyer who was copied on the e-mail, could provide further legal advice in response to the initial e-mail. I understood the contents of Mr. Coteus' e-mail to be confidential, and in fact that e-mail revealed the legal advice provided by Daniel Morris.

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

Executed this 14th day of April at Hopewell Junction, New York.



Steven Capella