
ARNOLD & PORTER

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November 11, 2002

VIA FACSIMILE & FIRST CLASS MAIL

Truc-Linh N. Nguyen, Esq.
Munger, Tolles & Olsen LLP
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071

Re: In re Rambus, Inc. (FTC Docket No. 9302)

Dear Ms. Nguyen:

In our conversation of November 6, 2002 concerning the document subpoena served by Rambus on my client, Micron Technology, Inc. ("Micron"), we were unable to reach agreement on limitations to the subpoena which would meet Micron's objections. In an effort to avoid litigation over these issues, I would like to make proposals that should meet your discovery needs while protecting Micron from unreasonable burden and opposition.

When we discussed the issue of the document requests relating to pricing issues that were the subject of our previous correspondence, you rejected the proposal made in my November 4 letter to limit Micron's response to a response to specification 58 of the subpoena. Instead, you reiterated the position taken in your November 1 letter, with one modification, i.e., deleting the word "reflecting" from the first paragraph of that request. Thus, you would continue to seek:

- all documents analyzing or describing the factors that influenced Micron's DRAM pricing decisions between January 1, 1998 and June 18, 2002;
- all documents that reflect or refer to communications with any other DRAM manufacturer about DRAM pricing; and
- all documents that Micron has provided to or received from the Department of Justice ("DOJ"), any grand jury, or any other person in connection with the DOJ's investigation of alleged price fixing by certain DRAM chip manufacturers.

I indicated that Micron would not view the deletion of the single word "reflecting" as any meaningful reduction in the overbroad, burdensome and improper nature of your request.

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As my November 4 letter indicated, I continue to be confounded by Rambus' insistence on these categories of documents. This is especially true in light of your letter of October 29, in which you expressed "our willingness to significantly narrow our requests on this topic to capture the *narrow issue* regarding the effect of Rambus and Rambus' royalties on DRAM chip pricing" (emphasis added). Micron has already produced documents relating to Rambus and its royalties. It has produced and will produce, pursuant to another Rambus subpoena, internal and third-party forecasts, analyses and projections for the DRAM industry. In addition, and in the spirit of compromise, Micron is willing to produce documents sufficient to show, on a quarterly basis, Micron's DRAM prices, costs and royalties paid. I hope Rambus can agree that this is fully sufficient to meet your discovery needs on these issues, i.e., those reflected in Specifications 54-65 of your subpoena.

With respect to the category of requests generally described as referring to Rambus technology, you proposed in our November 6 conversation that Micron produce the following:

- 1) Documents relating to Micron's decision to implement or utilize SDR SDRAM and DDR SDRAM.
- 2) Documents relating to activities of the company and its employees relating to ADT, SyncLink, SLDRAM, and perhaps other consortia.
- 3) The documents set forth in your restated specification 12 as set forth in your letter of October 29, 2002.

I agreed to consider this request with my client and get back to you shortly. After discussions with my client, we have the following proposals.

The first category, referring to decisions to "implement or utilize" SDR SDRAM and DDR SDRAM, seems extremely vague and broad. If, however, we can understand that to mean Micron's decisions to develop SDR SDRAM and DDR SDRAM and bring them to market, that may be sufficiently concrete for Micron to comply with.

The second and third categories remain extremely broad as written and would purport to require a far-reaching search of Micron's research and development, marketing, design, product engineering and perhaps other organizations. In your October 29 letter you stated that "we are not seeking all documents in the possession of Micron engineers regarding testing or interpretation of products that utilize any of these

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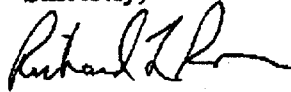
technological features." But your second and third categories would sweep in many such documents.

In an attempt to address your concerns, Micron is willing to produce documents (other than Micron internal process, design, product engineering and testing documents) relating to the discussion, evaluation and possible inclusion of any of the nine technologies set forth in your restated Specification 12 – or any alternatives to any of those technologies – in any JEDEC standard SDRAM (i.e., SDR, DDR, DDR II and DDR III), SLD RAM or SyncLink DRAM, and any documents relating to any JEDEC, SyncLink or SLD RAM discussion of patents or patent applications relating to these technologies or possible alternatives to these technologies considered for standardization.

Thus, to summarize, in an effort to avoid having to litigate these issues before the ALJ, Micron is willing to produce the documents set forth above with respect to the pricing-related and technology-related specifications of your subpoena. This would be in addition to our earlier agreement to produce JEDEC-related documents. This should fully address all of the issues you have raised in our several discussions regarding Micron's compliance with this subpoena. I suggest we have another "meet and confer" call on November 12, 2002 to discuss these proposals. Please let me know what time would be convenient for you.

In addition, please let me know if there is anything in here that you do not feel accurately sets forth your positions or our previous discussions and agreements.

Sincerely,



Richard L. Rosen