

**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 SUPPORT OF  
RAMBUS'S MOTION FOR AN ORDER LIMITING THE  
SCOPE OF REBUTTAL EVIDENCE AND EXCLUDING THE  
TESTIMONY OF KEVIN RYAN, TERRY LEE AND BRUCE JACOB**

I, Steven M. Perry, do hereby declare and say:

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's Motion for an Order Limiting the Scope of Rebuttal Evidence and Excluding the Testimony of Kevin Ryan, Terry Lee and Bruce Jacob. I have personal knowledge of the facts set forth in this declaration, and if called as a witness I could and would testify competently under oath to such facts.

2. I have attached, as exhibit A, a chart that sets out, in the left column, the items of testimony by Rambus's experts that Complaint Counsel would like Terry Lee, Kevin Ryan and/or Professor Bruce Jacob to address in rebuttal. The chart sets out, in the right column, the pages in the reports and deposition transcripts of Rambus's experts where the issue in question was addressed. Exhibit A is intended to show that the trial

testimony of Rambus's experts on these issues could have been and should have been expected by Complaint Counsel.

3. I have attached, as exhibit B, a chart that is intended to show that Terry Lee and other fact witnesses have already addressed the issues that Complaint Counsel would like Messrs. Lee, Ryan and Jacob to discuss.

4. I have attached, as exhibit C, a chart that is intended to show that Professor Jacob himself has already addressed most of the issues that Complaint Counsel would like him to discuss.

5. I have attached, as exhibit D, a chart that is intended to show that contrary to a suggestion last week by Complaint Counsel, Professor McAfee did address in his trial testimony certain issues that had been raised only in his rebuttal report and not in his initial report.

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

Executed on July 28, 2003 at Washington, D.C.

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Steven M. Perry

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BEFORE THE FEDERAL TRADE COMMISSION**

**In the Matter of**

**RAMBUS INC.,**

**a corporation.**

**Docket No. 9302**

**CERTIFICATE OF SERVICE**

I, James M. Berry, hereby certify that on July 29, 2003, I caused a true and correct copy of the *Declaration of Steven M. Perry in Support of Rambus's Motion for an Order Limiting the Scope of Rebuttal Evidence and Excluding the Testimony of Kevin Ryan, Terry Lee and Bruce Jacob* to be served on the following persons by hand delivery:

Hon. Stephen J. McGuire Chief Administrative Law Judge Federal Trade Commission, Room H-112 600 Pennsylvania Avenue, N.W. Washington, D.C. 20580	M. Sean Royall, Esq. Deputy Director, Bureau of Competition Federal Trade Commission, Room H-372 600 Pennsylvania Avenue, N.W. Washington, D.C. 20580
Donald S. Clark, Secretary Federal Trade Commission, Room H-159 600 Pennsylvania Avenue, N.W. Washington, D.C. 20580	Malcolm L. Catt, Esq. Attorney Federal Trade Commission 601 New Jersey Avenue, N.W. Washington, D.C. 20001
Richard B. Dagen, Esq. Assistant Director, Bureau of Competition Federal Trade Commission 601 New Jersey Avenue, N.W. Washington, D.C. 20001	

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James M. Berry

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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In the Matter of )  
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RAMBUS INC., ) Docket No. 9302  
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**CERTIFICATION**

I, James M. Berry, hereby certify that the electronic copy of the *Declaration of Steven M. Perry in Support of Rambus's Motion for an Order Limiting the Scope of Rebuttal Evidence and Excluding the Testimony of Kevin Ryan, Terry Lee and Bruce Jacob* accompanying this certification is a true and correct copy of the paper version that is being filed with the Secretary of the Commission on July 29, 2003 by other means.

**James M. Berry**  
**July 29, 2003**