

PUBLIC

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: Timothy J. Muris, Chairman
Mozelle W. Thompson
Orsen Swindle
Thomas B. Leary
Pamela Jones Habour

In the Matter of

RAMBUS INCORPORATED,

a corporation.

Docket No. 9302

DECLARATION

Donald R. Harris declares as follows:

1. I am a partner in the law firm of Jenner & Block LLP, and from late 2002 through the present have represented Mitsubishi Electric Corporation (“MELCO”), a Japanese corporation, in any matters involving Mitsubishi Electric Corporation arising in Docket No. 9302 (In the matter of Rambus Incorporated) before the United States Federal Trade Commission.
2. I submit this Declaration in connection with Non-Party Mitsubishi Electric Corporation’s Reply In Support of Its Motion to Enforce Protective Order.
3. During my communications with Rambus Inc. (“Rambus”) attorneys on the subject of the subpoena served on MELCO’s subsidiary, and MELCO’s refusal to produce documents pursuant to that subpoena, I never said or suggested that MELCO was willing to provide certain documents as a compromise because of concerns about avoiding a precedent holding that documents held by MELCO could be subject to the discovery jurisdiction of a U.S. tribunal.

The statement in Mr. Perry's Declaration (¶ 2) supporting Rambus' Opposition that "Mr. Harris told me that Mitsubishi Japan was unwilling to create any precedent by acknowledging in any way that a litigant could obtain documents located in the files of the Japanese parent by serving a subpoena upon the U.S. subsidiary" is incorrect. I stated, as Mr. Perry's Declaration asserts, that it was MELCO's position that the subpoena had not been, and could not be, served upon MELCO or enforced against it. However, I recall no discussion of any concern about a "precedent" that might be created if further motion practice addressed that question.

4. In addition, there was no discussion of any legal issues beyond the question of whether the specific subpoena served by Rambus could compel the production of documents in the possession and control of MELCO in Japan. At no time during these discussions did Mr. Perry or any other Rambus attorney state or suggest that Rambus wanted documents from MELCO for any purpose other than in connection with FTC Docket No. 9302.

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

Dated: April 21, 2004

Donald R. Harris

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