

**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
RESPONDENT RAMBUS INC.'S MOTION FOR PREHEARING
DETERMINATION OF ORDER OF ISSUES TO BE TRIED**

I, Steven M. Perry, declare:

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 Inc.'s Motion for Prehearing Determination of Order of Issues to be Tried. 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. As discussed on page 8 of the Memorandum in Support of Rambus's Motion for a Prehearing Determination of the Order of Issues to be Tried, I have enclosed some of the portions of the parties' respective expert reports that relate to the disputed question of whether there were at the relevant times commercially feasible, non-

infringing alternatives to one of the features or technologies at issue in this case, programmable burst length. In that regard, I have attached, as exhibit A, a true copy of pages 1-2 and 56-61 from the initial expert report of one of Complaint Counsel's expert witnesses, Bruce Jacob. I have also attached, as exhibit B, a true copy of pages 1-2 and 30-36 from the expert report of one of Rambus's expert witnesses, Donald Soderman.

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

Executed on March 20, 2003 at Los Angeles, California.

Steven M. Perry