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12 MICRON TECHNOLOGY, INC. and
MICRON SEMICONDUCTOR PRODUCTS, INC.
13

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 ORACLE AMERICA, INC.,

19 Plaintiff,

20 v.

21 MICRON TECHNOLOGY, INC. and
22 MICRON SEMICONDUCTOR PRODUCTS,
INC.,

23 Defendants.
24

CASE NO.: 10-cv-04340 PJH

**DECLARATION OF JOEL S. SANDERS
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
MOTION TO STRIKE AFFIRMATIVE
DEFENSE NO. 21**

1 I, Joel S. Sanders, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and in the United States
3 District Court for the Northern District of California. I am a partner at the law firm of Gibson, Dunn
4 & Crutcher LLP, counsel of record for Defendants Micron Technology, Inc. and Micron
5 Semiconductor Products, Inc. I make this declaration in support of Defendants' Opposition to
6 Plaintiffs' Motion to Strike Affirmative Defense Number 21. I have personal knowledge of the facts
7 set forth herein, and if called as a witness, I could and would competently testify thereto.

8 2. Attached hereto as Exhibit A is a true and correct copy of the Antitrust Criminal Penalty
9 Enhancement and Reform Act of 2004 ("ACPERA").

10 3. Attached hereto as Exhibit B is a true and correct copy of the amnesty agreement between the
11 Micron Defendants and the United States Department of Justice signed by the Department of Justice
12 on October 2, 2002.

13 4. Attached hereto as Exhibit C is a true and correct copy of a letter from Jerome A. Murphy to
14 me dated September 12, 2006.

15 5. In March 2008, the Antitrust Division of the Department of Justice notified counsel for
16 Micron that the Division had concluded its investigation of the DRAM industry, making the amnesty
17 agreement between Micron and the Antitrust Division "final."

18 6. Pursuant to requests my firm received from attorneys at Crowell & Moring, counsel for Sun
19 Microsystems, Inc. (the predecessor to Oracle America, Inc.) and other opt-out plaintiffs in previous
20 DRAM antitrust litigation, Micron began providing cooperation and information to Crowell &
21 Moring relating to the claims of Sun Microsystems, Inc. and the other opt-out plaintiffs in 2006. That
22 information included, among other things, an explanation of the relevant facts to the extent known to
23 Micron, all discovery that Micron had previously produced to plaintiffs in the DRAM class action,
24 and witness interviews with eight key Micron employees.

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1 7. Attached hereto as Exhibit D is a true and correct copy of letters from me to Jerome A.
2 Murphy dated October 11, 2010; November 1, 2010; and April 12, 2011 regarding Micron's offers to
3 provide civil cooperation to Oracle America, Inc. in the above-captioned action.

4 I declare, under penalty of perjury under the laws of the United States, that these facts are true
5 and correct and that this Declaration is executed this 10th day of June, 2011, at San Francisco,
6 California.

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8 */s/ Joel S. Sanders*
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_____ Joel S. Sanders

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