

1 Jerome A. Murphy (*pro hac vice*)  
Kent A. Gardiner (*pro hac vice*)  
2 David D. Cross (*pro hac vice*)  
Matthew J. McBurney (*pro hac vice*)  
3 CROWELL & MORING LLP  
1001 Pennsylvania Avenue, N.W.  
4 Washington, D.C. 20004  
Telephone: 202-624-2500  
5 Facsimile: 202-628-5116  
E-mail: jmurphy@crowell.com  
6 kgardiner@crowell.com  
dcross@crowell.com  
7 mmcburney@crowell.com

8 Suzanne E. Rode (CA Bar No. 253830)  
CROWELL & MORING LLP  
9 275 Battery Street, 23rd Floor  
San Francisco, CA 94111  
10 Telephone: 415-986-2800  
Facsimile: 415-986-2827  
11 E-mail: srode@crowell.com

12 *Counsel for Plaintiff Oracle America, Inc.*

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION

16 ORACLE AMERICA, INC.,  
17 Plaintiff,

18 v.

19 MICRON TECHNOLOGY, INC. and  
20 MICRON SEMICONDUCTOR PRODUCTS,  
21 INC.,  
22 Defendants.

Case No. 10-cv-04340 PJH

**DECLARATION OF JEROME A.  
MURPHY IN SUPPORT OF  
PLAINTIFF ORACLE AMERICA,  
INC.'S REPLY IN FURTHER  
SUPPORT OF ITS MOTION TO  
STRIKE MICRON'S TWENTY-FIRST  
AFFIRMATIVE DEFENSE**

1 I, Jerome A. Murphy, declare as follows:

2 1. I am a partner at the law firm of Crowell & Moring LLP and I am one of the  
3 attorneys of record for Plaintiff Oracle America, Inc. (“Oracle”) in this matter. I submit this  
4 declaration in support of Oracle’s Reply in Further Support of its Motion to Strike Micron’s  
5 Twenty-First Affirmative Defense. I have personal knowledge of the facts set forth herein, and,  
6 if called to testify as a witness, could and would do so under oath.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of Defendants Micron  
8 Technology, Inc. and Micron Semiconductor Products, Inc.’s Responses to Plaintiff Oracle  
9 Amercia, Inc.’s First Set of Requests for Admissions served on June 16, 2011.

10 3. Attached hereto as **Exhibit B** is a true and correct copy of “Frequently Asked  
11 Questions Regarding the Antitrust Division’s Leniency Program and Model Leniency Letters  
12 (November 19, 2008)” by Scott D. Hammond and Belinda A. Barnett, U.S. Department of  
13 Justice.

14 4. Attached hereto as **Exhibit C** is a true and correct copy of a letter from me to Joel  
15 S. Sanders dated October 27, 2010 regarding Micron’s alleged cooperation in earlier litigations.

16 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24<sup>th</sup>  
17 day of June, 2011 at Washington, DC.

18  
19 /s/ Jerome A. Murphy  
Jerome A. Murphy

20

21

22

23

24

25

26

27

28