

1 (Attorney list on signature page)

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4 **UNITED STATES DISTRICT COURT**
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**

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6 HYNIX SEMICONDUCTOR INC., HYNIX
7 SEMICONDUCTOR AMERICA INC.,
8 HYNIX SEMICONDUCTOR U.K. LTD.,
and HYNIX SEMICONDUCTOR
9 DEUTSCHLAND GmbH,

Case No. CV 00-20905 RMW

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Plaintiffs,

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v.

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RAMBUS, INC.,

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Defendant.

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RAMBUS INC.,

Case No. C 05-00334 RMW

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Plaintiff,

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v.

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17 HYNIX SEMICONDUCTOR INC., HYNIX
18 SEMICONDUCTOR AMERICA INC.,
19 HYNIX SEMICONDUCTOR
20 MANUFACTURING AMERICA INC.,
21 SAMSUNG ELECTRONICS CO., LTD.,
22 SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR,
INC., SAMSUNG AUSTIN
SEMICONDUCTOR, L.P.,
NANYA TECHNOLOGY CORPORATION,
NANYA TECHNOLOGY CORPORATION
U.S.A.,

**DECLARATION OF RICHARD J.
GILBERT IN SUPPORT OF THE
MANUFACTURERS' OPPOSITION TO
RAMBUS INC.'S DAUBERT MOTION
NO. 1 TO EXCLUDE CERTAIN
TESTIMONY OF RICHARD J. GILBERT
AND MOTION FOR SUMMARY
JUDGMENT NO. 1 ON
MONOPOLIZATION AND
ATTEMPTED MONOPOLIZATION**

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Defendants.

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<p>RAMBUS INC., Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG SEMICONDUCTOR, INC., SAMSUNG AUSTIN SEMICONDUCTOR, L.P., Defendants.</p>	<p>Case No. C 05-02298 RMW</p>
<p>RAMBUS INC., Plaintiff, v. MICRON TECHNOLOGY, INC., and MICRON SEMICONDUCTOR PRODUCTS, INC., Defendants.</p>	<p>Case No. C 06-00244 RMW</p>

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DECLARATION OF RICHARD J. GILBERT

I, **Richard J. Gilbert**, having been duly sworn, declare and state:

1. I am Professor of Economics at the University of California at Berkeley, where I was Chair of the Department of Economics from 2002-2005. At Berkeley I hold positions as an affiliated Professor of Business Administration and Chair of the Competition Policy Center. I am also a Senior Consultant with Competition Policy Associates, a consulting firm specializing in economic and financial analysis. I have been retained by the Manufacturers¹ to provide expert testimony on antitrust and economic issues in this litigation.

2. I understand that Rambus has asserted in the pending motions that I have not correctly defined the relevant product markets here because I have not done an independent analysis of the performance and cost of technological alternatives to the six claimed Rambus features at issue in this action. I have defined six technology markets in this case, each consisting of one of the of the six claimed Rambus features and of the commercially viable alternatives to these features JEDEC could have adopted when it adopted the SDRAM and DDR SDRAM standards. It is true that the viability of a given alternative depends on its relative performance and cost. It is not true, however, that the relative performance or cost of the alternatives must or can be independently analyzed by an economist who has no specific training in those areas.

3. It is a generally accepted practice for economists to rely on the opinions of other experts in areas where the economist lacks personal expertise. It is my understanding that the manufacturers will present the testimony of Mr. Joseph McAlexander comparing the performance of the claimed Rambus features and the alternatives he has identified to each of these features. It is my understanding that the manufacturers will also present the testimony of Dr. Christopher McArdle, who has analyzed the comparative cost of these features. When I say in my report that I “assume” “there existed viable alternatives [for the claimed Rambus features]

¹ The Manufacturers I have been retained by are Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor U.K. LTD., Hynix Semiconductor Deutschland GmbH, Hynix Semiconductor Manufacturing America Inc. (collectively, “Hynix”), Nanya Technology Corporation, Nanya Technology Corporation U.S.A. (collectively, “Nanya”), and Micron Technology, Inc. and Micron Semiconductor Products, Inc. (collectively, “Micron”).

1 at the time JEDEC was considering inclusion of the technology in JEDEC standards” [Luedtke
2 Decl, ex. A at 5], I mean just that. Mr. McAlexander and Dr. McArdle will present evidence on
3 performance and cost that will support this assumption if it, along with other evidence on this
4 issue, is accepted by the jury. My role as I understand it is to provide an economic framework
5 that will allow the jury to understand the consequences of this finding. It is not my role as I
6 understand it to either tell the jury what finding they should make on this issue or to purport to
7 have sufficient personal expertise in areas where I do not have that expertise.

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

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12 Executed at San Francisco, California, this 31 day of October, 2007.

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Richard J. Gilbert

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