# **Exhibit D**

Letters from Joel S. Sanders to Jerome A. Murphy Regarding Micron Cooperation

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# **GIBSON DUNN**

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Client: T 63440-00019

October 11, 2010

## VIA E-MAIL AND U.S. MAIL

Jerome A. Murphy Crowell & Moring LLP 1001 Pennsylvania Avenue, NW Washington, DC 20004-2595

Re: Oracle America, Inc. v. Micron Technology, Inc. and Micron Semiconductor Products, Inc., Case No. CV 10-4340 (N.D. Cal.)

Dear Jerry:

I write regarding Micron Technology, Inc. and Micron Semiconductor Products, Inc.'s (collectively, "Micron") cooperation in connection with Oracle's recently filed lawsuit. As you know, Micron applied for and received leniency pursuant to the Department of Justice, Antitrust Division's Corporate Leniency Program.

We look forward to working with you to provide timely and satisfactory cooperation as described in section 213(b)(1), (2), and (3) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 ("ACPERA"). As you know, Micron has already cooperated with you in response to previous requests from opt-out plaintiffs represented by your firm in the DRAM antitrust litigation. This cooperation has included providing a full account of all facts known to Micron and furnishing all documents or other items potentially relevant to the civil action that are in Micron's possession, custody, or control. Moreover, Micron has previously used its best efforts to secure and facilitate cooperation from individual Micron employees that are covered by Micron's leniency agreement. Micron has made employees available for interviews requested by you and depositions, and has used its best efforts to ensure that those individuals responded completely and truthfully to your questions.

Although Micron has already provided substantial cooperation, we are willing and available to discuss other cooperation Oracle may request pursuant to ACPERA. We look forward to working with you.

Sincerely,

Joel S. Sanders

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Client: T 63440-00019

November 1, 2010

## VIA E-MAIL AND U.S. MAIL

Jerome A. Murphy Crowell & Moring LLP 1001 Pennsylvania Avenue, NW Washington, DC 20004-2595

Re: Oracle America, Inc. v. Micron Technology, Inc., et al., Case No. CV 10-4340

Dear Jerry:

I write in response to your October 27, 2010 letter regarding the additional cooperation that Micron offered to provide to Oracle America, Inc. (formerly Sun Microsystems, Inc. ("Sun")) in my October 10, 2010 letter, pursuant to the Antitrust Criminal Penalty Enhancement and Reform Act ("ACPERA"). Your recitation of prior events is inaccurate and incomplete. Micron has provided substantial cooperation to Sun and other plaintiffs jointly represented by your law firm, including making eight Micron witnesses available for interviews between November 2007 and February 2008, as you acknowledge in your letter. There is no purpose in belaboring the point here, but if necessary in the future we can provide a point-by-point rebuttal to your letter. The relevant point for now is the message of my October 10 letter: Micron remains willing to work with you to provide additional cooperation pursuant to ACPERA in connection with Oracle's suit against Micron. Please let us know if you have any further requests in this regard.

Sincerely,

Joel S. Sanders

S Sanders

JSS/mc

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Client: T 63440-00019

April 12, 2011

## VIA E-MAIL AND U.S. MAIL

Jerome A. Murphy Crowell & Moring LLP 1001 Pennsylvania Avenue, NW Washington, DC 20004-2595

Re: Oracle America, Inc. v. Micron Technology, Inc., et al., Case No. CV 10-4340

Dear Jerry:

I write to follow up regarding the additional cooperation pursuant to the Antitrust Criminal Penalty Enhancement and Reform Act ("ACPERA") that Micron offered to provide to Oracle America, Inc. in my October 10, 2010 and November 1, 2010 letters to you. Since I sent that correspondence, you have not identified any additional cooperation or materials that Oracle may require for its suit against Micron.

As I mentioned in my prior correspondence on this topic, Micron remains willing to provide additional cooperation to Oracle pursuant to Section 213(b) of ACPERA. Please let us know if you have any further requests in this regard.

Sincerely,

Joel S. Sanders

Sanders

JSS/mc