

# **EXHIBIT A**

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14 SEMICONDUCTOR PRODUCTS, INC.

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

18 ORACLE AMERICA, INC.,

19 Plaintiff,

20 v.

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

24 Defendants.

CASE NO. 10-cv-04340 PJH

Action Filed: September 24, 2010

**DEFENDANTS MICRON TECHNOLOGY,  
INC. AND MICRON SEMICONDUCTOR  
PRODUCTS, INC.'S RESPONSES TO  
PLAINTIFF ORACLE AMERICA, INC.'S  
FIRST SET OF REQUESTS FOR  
ADMISSIONS**

25 **PROPOUNDING PARTY: PLAINTIFF ORACLE AMERICA, INC.**

26 **RESPONDING PARTY: DEFENDANTS MICRON TECHNOLOGY, INC. and  
27 MICRON SEMICONDUCTOR PRODUCTS, INC.**

28 **SET NO.: ONE (Nos. 1-11)**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Defendants Micron Technology, Inc. and Micron Semiconductor Products, Inc. (collectively, "Micron") respond and object to plaintiff Oracle America, Inc.'s First Set of Requests for Admission ("Requests"). Micron's responses are based on information available to Micron and its attorneys at this time. In light of ongoing discovery in this case, Micron reserves the right to supplement or amend its responses.

**RESPONSES TO REQUESTS FOR ADMISSION**

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2 Micron incorporates the following general objections into each of the specific Responses set  
3 forth below. Any specific objection in any Response in no respect limits or modifies these general  
4 objections. Micron objects generally to Plaintiff's Requests (including the definitions and  
5 instructions) to the extent that they exceed the scope of discovery permitted under, or seek to impose  
6 obligations beyond those imposed by, the Federal Rules of Civil Procedure and the rules and orders  
7 of the Court. Micron also objects to Plaintiff's Requests to the extent they seek information that is  
8 not relevant to the claims or defenses of any party in this action, and to the extent they seek a legal  
9 conclusion. In addition, Micron objects generally to Plaintiff's Requests to the extent they seek  
10 information protected by the attorney-client privilege, the attorney work product doctrine, legal-  
11 professional, joint defense, or any other applicable privilege or protection under any and all  
12 applicable laws. Any inadvertent disclosure of privileged information shall not constitute a waiver of  
13 any otherwise valid claim of privilege, and any failure to assert a privilege as to one document or  
14 communication shall not be deemed to constitute a waiver of privilege as to any other document or  
15 communication so protected. Micron further objects on the grounds that the terms "conspiracy" and  
16 "coconspirator" used in Request Nos. 2-5 and 7-11 are undefined, and in the context of those requests  
17 are vague and ambiguous, and call for a legal conclusion. Micron responds to these Requests with  
18 the understanding that, as defined in the Requests, "DRAM" does not include Rambus dynamic  
19 random access memory ("RDRAM"). Micron reserves all other objections, including but not limited  
20 to objections to the relevance, admissibility, or authenticity of all documents or information provided.

**REQUEST FOR ADMISSION NO. 1:**

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22 During the RELEVANT PERIOD, MICRON was a producer of DRAM and was engaged in  
23 the sale of DRAM in the United States and elsewhere.

**RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

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25 Subject to and without waiver or limitation of any of its objections, Micron responds as  
26 follows: Micron admits that Micron Technology, Inc. produced DRAM during the relevant period as  
27 defined in the Requests. Micron admits that Micron Semiconductor Products, Inc. sold DRAM in the  
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1 United States and elsewhere during the relevant period as defined in the Requests. Micron otherwise  
2 denies this Request.

3 **REQUEST FOR ADMISSION NO. 2:**

4 During at least certain periods of time during the RELEVANT PERIOD, MICRON, through  
5 certain officers and employees, participated in a conspiracy in the United States and elsewhere among  
6 certain DRAM producers.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

8 Subject to and without waiver or limitation of any of its objections, Micron responds as  
9 follows: Micron admits that, at certain times during the relevant period as defined in the Requests,  
10 certain Micron employees had communications and reached understandings with employees of  
11 certain other DRAM suppliers regarding DRAM pricing intentions and ranges to be offered on  
12 certain sales of DRAM to certain customers based in the United States, not including Plaintiff here.  
13 Micron otherwise denies this Request.

14 **REQUEST FOR ADMISSION NO. 3:**

15 The primary purpose of the conspiracy described in Request for Admission No. 2 was to fix  
16 the price of DRAM sold to certain OEMs.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

18 Micron objects to this Request to the extent it calls for a legal conclusion. Subject to and  
19 without waiver or limitation of any of its objections, Micron responds as follows: Micron admits that  
20 the communications and understandings described in its response to Request for Admission No. 2 had  
21 as one purpose to attempt to cause the price of some DRAM sold to Dell, Hewlett-Packard, Compaq,  
22 IBM, Apple, or Gateway to be higher than would otherwise have been the case. Micron otherwise  
23 denies this Request.

24 **REQUEST FOR ADMISSION NO. 4:**

25 The conspiracy described in Request for Admission Nos. 2 and 3 directly affected at least  
26 certain OEMs in the United States.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

2 Micron objects to this Request on the ground that the term “directly affected” is vague and  
3 ambiguous. Micron further objects to this Request because it is more appropriately suited for expert  
4 discovery. Subject to and without waiver or limitation of any of its objections, Micron responds as  
5 follows: Micron admits that the communications and understandings described in its responses to  
6 Requests for Admission Nos. 2 and 3 may have caused the price of some DRAM sold to Dell,  
7 Hewlett-Packard, Compaq, IBM, Apple, or Gateway to be higher than would otherwise have been the  
8 case. Micron otherwise denies this Request.

9 **REQUEST FOR ADMISSION NO. 5:**

10 In furtherance of the conspiracy described in Request for Admission Nos. 2 and 3, MICRON,  
11 through certain officers and employees, engaged in discussions and attended meetings with  
12 representatives of certain other DRAM producers and sellers.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

14 Micron objects to this Request on the ground that the term “discussions” is vague and  
15 ambiguous. Micron further objects that this Request is compound. Subject to and without waiver or  
16 limitation of any of its objections, Micron responds as follows: Micron admits that the  
17 communications and understandings described in its response to Requests for Admission Nos. 2 and  
18 3 usually occurred during telephone conversations, and on a few occasions during in-person  
19 conversations, with employees of certain other DRAM suppliers. Micron otherwise denies this  
20 Request.

21 **REQUEST FOR ADMISSION NO. 6:**

22 During the discussions and meetings described in Request for Admission No. 5, agreements  
23 were reached to fix the price of DRAM to be sold to at least certain OEMs.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

25 Micron objects to this Request on the ground that the term “discussions” is vague and  
26 ambiguous. Micron further objects to this Request to the extent it calls for a legal conclusion.  
27 Subject to and without waiver or limitation of any of its objections, Micron responds as follows:  
28 Micron admits that the communications and understandings described in its response to Requests for

1 Admission Nos. 2 and 3 may have caused the price of some DRAM sold to Dell, Hewlett-Packard,  
2 Compaq, IBM, Apple, or Gateway to be higher than would otherwise have been the case. Micron  
3 otherwise denies this Request.

4 **REQUEST FOR ADMISSION NO. 7:**

5 During the RELEVANT PERIOD, MICRON and its coconspirators reached agreements to  
6 limit the rate of DRAM price declines, which were achieved with varying levels of effectiveness.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

8 Micron objects to this Request because it is more appropriately suited for expert discovery.  
9 Micron also objects to this Request as compound. Subject to and without waiver or limitation of any  
10 of its objections, Micron responds as follows: Micron admits that the communications and  
11 understandings described in its responses to Requests for Admission Nos. 2 and 3 may have affected  
12 the price of certain sales of DRAM to Dell, Hewlett-Packard, Compaq, IBM, Apple, or Gateway  
13 made at certain times during the relevant period as defined in the Requests, including by at times  
14 limiting the rate of DRAM price declines to those customers. Micron otherwise denies this Request.

15 **REQUEST FOR ADMISSION NO. 8:**

16 During the RELEVANT PERIOD, MICRON and its coconspirators reached agreements on  
17 price increases and were able to institute price increases on DRAM sales to at least certain OEMs.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

19 Micron objects to this Request because it is more appropriately suited for expert discovery.  
20 Micron also objects to this Request as compound. Subject to and without waiver or limitation of any  
21 of its objections, Micron responds as follows: Micron admits that the communications and  
22 understandings described in its responses to Requests for Admission Nos. 2 and 3 may have affected  
23 the price of certain sales of DRAM to Dell, Hewlett-Packard, Compaq, IBM, Apple, or Gateway  
24 made at certain times during the relevant period as defined in the Requests, including by at times  
25 causing the price of some DRAM sold to those customers to be higher than would otherwise have  
26 been the case. Micron otherwise denies this Request.

1 **REQUEST FOR ADMISSION NO. 9:**

2 The conspiracy described in Request for Admission Nos. 2 and 3 began no later than  
3 approximately April 1, 1999.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

5 Subject to and without waiver or limitation of any of its objections, Micron responds as  
6 follows: Micron admits that the communications and understandings described in its responses to  
7 Requests for Admission Nos. 2 and 3 regarding sales of DRAM to Dell, Hewlett-Packard, Compaq,  
8 IBM, Apple, or Gateway made at certain times during the relevant period as defined in the Requests,  
9 began not later than approximately April 1, 1999. Micron otherwise denies this Request.

10 **REQUEST FOR ADMISSION NO. 10:**

11 The conspiracy described in Request for Admission Nos. 2 and 3 continued through at least  
12 approximately June 15, 2002.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

14 Subject to and without waiver or limitation of any of its objections, Micron responds as  
15 follows: Micron admits that the communications and understandings described in its responses to  
16 Requests for Admission Nos. 2 and 3 regarding sales of DRAM to Dell, Hewlett-Packard, Compaq,  
17 IBM, Apple, or Gateway made at certain times during the relevant period as defined in the Requests,  
18 occurred from time to time until approximately June 2002. Micron otherwise denies this Request.

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**REQUEST FOR ADMISSION NO. 11:**

MICRON’s participation, through certain officers and employees, in the conspiracy described in Request for Admission Nos. 2 and 3 violated the Sherman Antitrust Act, 15 U.S.C. § 1.

**RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

Micron objects to this Request on the ground that the terms “participation” and “conspiracy,” as used in this Request, is vague and ambiguous. Micron further objects to the extent the Request calls for a legal conclusion. Subject to and without waiver or limitation of any of its objections, Micron responds as follows: Denied.

DATED: June 16, 2011

GIBSON, DUNN & CRUTCHER LLP  
JOEL S. SANDERS  
G. CHARLES NIERLICH  
MICHAEL CECCHINI

By:                               /s/ Joel S. Sanders                                
  Joel S. Sanders

Attorneys for Defendants  
MICRON TECHNOLOGY, INC. AND MICRON  
SEMICONDUCTOR PRODUCTS, INC.

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**DECLARATION OF SERVICE**

I, Bonnie Honniball, declare as follows:

I am employed in the office of a member of the bar of this Court, at whose direction this service is made; I am over the age of eighteen years and am not a party to this action; my business address is 555 Mission Street, Suite 3000, San Francisco, California 94105, in said County and State. On June 16, 2011, I served the within:

DEFENDANTS MICRON TECHNOLOGY, INC. AND MICRON SEMICONDUCTOR PRODUCTS, INC.'S RESPONSES TO PLAINTIFF ORACLE AMERICA, INC.'S FIRST SET OF REQUESTS FOR ADMISSIONS

by placing a true copy thereof in an envelope addressed to each of the persons named below at the address shown:

*Counsel for Plaintiff Oracle America, Inc.*

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**VIA PERSONAL SERVICE**

**VIA MAIL**



**BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.



**BY PERSONAL SERVICE:** I placed a true copy in a sealed envelope addressed to each person[s] named at the address[es] shown and giving same to a messenger for personal delivery before 5:00 p.m. on the above-mentioned date.



**BY FACSIMILE:** From facsimile machine telephone number (415) 393-8304, on the above-mentioned date, I caused to be served a full and complete copy of the above-referenced document[s] by facsimile transmission to the person[s] at the number[s] indicated.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Declaration of Service was executed by me on June 16, 2011, at San Francisco, California.

Bonnie Honniball

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