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Our File: 2087.000

November 7, 2007

VIA E-MAIL

Nathanael M. Cousins, Esq.
U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Room 10-0101
P. O. Box 36046
San Francisco, CA 94102

Re: U.S. v. Swanson

Dear Nat:

We respond to your follow-up letter of November 2, 2007 repeating your request to remedy certain asserted deficiencies in our disclosures for expert witnesses Hausman and Krone. As I previously stated, we believe that our disclosures are neither flawed nor deficient.

As I previously stated, we have requested Mr. Krone to consider certain of the government's exhibits about which we had some questions whether they were read by Mr. Swanson. I enclose a chart of the exhibits about which we asked Mr. Krone and his conclusion.

I have learned that my assumption was incorrect about your having a set of discs that Mr. Krone used to make his analysis. Michael Tubach of O'Melveny on behalf of Hynix told us that he has spoken with Niall and they agreed that once the Department has selected a vendor to review the emails, we will make available to your vendor those discs that were used by Mr Krone to form his opinion.

It is our view that the Summaries for Hausman and Krone disclose all that is required under Rule 16 and, in any event, my letters to you and our Opposition to your Daubert motion filed yesterday provide even more information about their opinions.

Very truly yours,

Bartko • Zankel • Tarrant • Miller
A Professional Corporation


John J. Bartko

JJB/te

Gov't exhibit emails analyzed by SafirRosetti to determine their opened/unopened status

Exhibit No.	Sender	Opened
EXH 160	HSA:MILLER,C 021794	Opened
EXH 161	HSA:MILLER,C 021797	Unopened
EXH 239	HSA:MILLER,C 117780	Unopened
EXH 221	HSA:SUNG,JM 0385206	Unopened
EXH 179	HSA:SUNG,JM 0388318	Unopened
EXH 202	HSA:SWANSON,G 0401977	Unopened
EXH 206	HSA:SWANSON,G 0401983	Unopened
EXH 187	HSA:SWANSON,G 068581	Unopened
EXH 140	HSA:3139853	Unopened
EXH 133	HSA:KIM,HJ 351670	Unopened
EXH 253	HSA:449925	Unopened
EXH 137	HSA:KIM,HJ 091844	Unopened
EXH 144	HSA:SWANSON,G 062720	Unopened
EXH 162	HSA:SWANSON,G 066698	Unopened
EXH 173	HSA:SWANSON,G 343581	Unopened
EXH 182	HSA:SWANSON,G 068335	Unopened
EXH 223	HSA:SWANSON,G 0424718	Unopened
EXH 224	HSA:NAM,JG 083056	Unopened
EXH 227	HSA:SWANSON,G 0402001	Unopened
EXH 241	HSA:SWANSON,G 075677	Unopened
EXH 244	HSA:SWANSON,G 076183	Unopened
EXH 248	HSA:MILLER,C 027624	Unopened
EXH 191	HSA:MILLER,C 023887	Unopened
EXH 207	HSA:TABRIZI,F 005230	Unopened