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VIA ECF

December 11, 2008

The Honorable Phyllis J. Hamilton
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom 3, 17th Floor
San Francisco, California 94102

Re: *Sun Microsystems, Inc., et al. v. Hynix Semiconductor, Inc., et al.*,
Case No. C-06-01665 PJH.

Dear Judge Hamilton:

I am writing on behalf of the defendants in the *Sun* case. Defendants in this and the other DRAM cases have, as part of our long-standing coordination of all these cases, designated one attorney to argue each of the motions scheduled for hearing on December 17, even though those motions were brought on behalf of multiple defendants. In light of the discussion yesterday concerning the December 17 hearing, we wish to inform the Court that the defense group had requested that Julian Brew, counsel for Infineon, handle argument on the Motion to Exclude Plaintiffs' Expert Halbert White (the "*Daubert* Motion"), even though Infineon is not a party in the *Sun* case and, per the Court's instructions yesterday, the motion is only being heard in that case.

Mr. Brew and his firm prepared the *Daubert* Motion, the Reply and the related evidentiary objections, which were originally submitted in all of the opt-out cases on behalf of all the defendants in those cases. Due to the complexity of the issues presented by the motion, all defendants in the *Sun* case have consented to this arrangement and believe the parties and the Court would be best served by having Mr. Brew present the argument on December 17. We have advised plaintiffs of our intention to proceed in this manner.

Should the Court desire for the defense to proceed in a different manner, we would of course appreciate hearing of it so that alternative arrangements can be made.

Respectfully submitted,

/s/

Harrison J. Frahn IV

12/12/08

cc: Jeffrey H. Ho

