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 16 SEMICONDUCTOR PRODUCTS, INC.

17 UNITED STATES DISTRICT COURT
 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

19 ORACLE AMERICA, INC.,

20 Plaintiff,

21 v.

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

24 Defendants.

CASE NO. 10-CV-4340-PJH (JCS)

**STIPULATION & [PROPOSED] ORDER RE
 PRIVILEGE LOG**

25 WHEREAS, Plaintiff Oracle America, Inc. (“Oracle”) has propounded its First Set of
 26 Requests for Production of Documents and Things (“RFPs”) to Defendants Micron Technology, Inc.
 27 and Micron Semiconductor Products, Inc. (collectively, “Micron”);

28 WHEREAS, Micron has responded to Oracle’s RFPs by producing documents and by
 providing written responses, which included objections to the RFPs to the extent they request the
 production of documents that are subject to privilege;

WHEREAS, Oracle and Micron have met and conferred regarding the scope of any privilege
 log that Micron must provide in response to the RFPs, and have reached the following agreement;

IT IS HEREBY STIPULATED AND AGREED by and between Oracle and Micron, by and

1 through their undersigned attorneys, that:

2 Micron shall provide a privilege log identifying documents responsive to Oracle's First Set of
3 Requests for Production that Micron withholds on the basis of a claim of privilege; provided,
4 however, that Micron shall be permitted to maintain its assertion of privilege and shall not be
5 required to log any documents that meet all of the following criteria:

6 (1) the document must have been created or prepared on or after June 11, 2002;

7 (2) the document must have been either:

8 (a) created or prepared by (i) Micron's outside litigation counsel, or any employee(s)
9 of such outside litigation counsel working at the direction of counsel; (ii) the inside counsel or
10 outside counsel of any DRAM manufacturer with whom Micron had a joint defense or
11 common interest in connection with litigation related to allegations of collusion among
12 DRAM manufacturers (including but not limited to Elpida, Hynix, Infineon, Micron,
13 Mitsubishi, Mosel Vitelic, Nanya, NEC, Qimonda, Samsung, Toshiba, Winbond, and any
14 predecessor or successor thereto), or any employee(s) of such counsel working at the direction
15 of counsel; or (iii) any consulting expert, testifying expert witness, jury consultant, or other
16 representative, as the term "representative" is used in Rule 26(b)(3)(A) of the Federal Rules of
17 Civil Procedure, retained by counsel described in subsections (i) or (ii) of this paragraph, or
18 any employee(s) of such representative working at the direction of counsel; or

19 (b) a communication (i) between or among Micron's inside counsel and/or any Micron
20 employee(s) working at the direction of Micron's inside counsel, provided that a
21 communication will only qualify under category (i) if it (A) was made for the purpose of
22 obtaining or providing legal advice or (B) was related to any document described in paragraph
23 (a); (ii) between Micron's inside counsel or any Micron employee(s) working at the direction
24 of Micron's inside counsel, on the one hand, and any person described in paragraph (a), on the
25 other hand; or (iii) between Micron's inside counsel or any Micron employee(s) working at
26 the direction of Micron's inside counsel, on the one hand, and any other Micron employee(s),
27 on the other hand, provided that a communication will only qualify under category (iii) if it

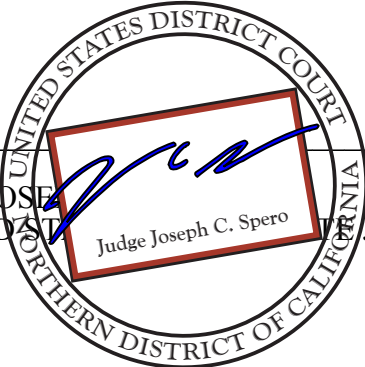
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/31/11



HON. JOSEPH C. SPERO
UNITED STATES DISTRICT COURT JUDGE

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