

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Guido Saveri (22349) guido@saveri.com  
R. Alexander Saveri (173102) rick@saveri.com  
Geoffrey C. Rushing (126910) grushing@saveri.com  
Cadio Zirpoli (179108) cadio@saveri.com  
SAVERI & SAVERI, INC.  
706 Sansome Street  
San Francisco, CA 94111  
Telephone: (415) 217-6810  
Facsimile: (415) 217-6813

*Chairman of the Executive Committee  
for the Direct Purchaser Plaintiffs*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE  
ANTITRUST LITIGATION

Case No. 3:10-md-02143 RS

MDL No. 2143

This Document Relates to:  
ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF R. ALEXANDER  
SAVERI IN SUPPORT OF DIRECT  
PURCHASER PLAINTIFFS' MOTION FOR  
APPROVAL OF THE NOTICE TO CLASS,  
FOR APPROVAL OF THE PROOF OF  
CLAIM FORM, TO SET A SCHEDULE  
FOR CLAIMS, AND TO SCHEDULE A  
HEARING FOR ATTORNEYS' FEES,  
COSTS, AND INCENTIVE AWARDS**

Date: March 12, 2015  
Time: 1:30 p.m.  
Judge: Honorable Richard Seeborg  
Courtroom: 3, 17th Floor

1 I, R. Alexander Saveri, declare as follows:

2 1. I am a partner with Saveri & Saveri, Inc., Chairman of the Executive Committee for  
3 the Direct Purchaser Plaintiffs in this litigation. I am a member of the Bar of the State of California  
4 and an attorney admitted to practice in the Northern District of California. I make this Declaration  
5 in support of Direct Purchaser Plaintiffs' Motion for Approval of the Notice to Class, for Approval  
6 of the Proof of Claim Form, to Set a Schedule for Claims, and to Schedule a Hearing for Attorneys'  
7 Fees, Costs and Incentive Awards. Except as otherwise stated, I have personal knowledge of the  
8 facts stated below.

9 2. Attached hereto as Exhibit A is the proposed notice regarding allocation of the  
10 settlements totaling \$37,750,000 and the proposed proof of claim form.

11 3. Attached hereto as Exhibit B is a true and correct copy of the Order Approving  
12 Claim Form and Claim Period for Direct Purchaser Action, *In re Static Random Access Memory*  
13 (*SRAM*) *Antitrust Litig.*, Case No. 07-md-1819 CW (Nov. 2, 2011) (Dkt. 1416).

14 4. Attached hereto as Exhibit C is a true and correct copy of the Order Approving  
15 Claim Form to Be Provided to Class Members Regarding Distribution of Settlement Fund, *In re*  
16 *Dynamic Random Access Memory (DRAM) Antitrust Litig.*, Case No. 02-md-1486 PJH (Sept. 11,  
17 2007) (Dkt. 1712).

18 I declare under the penalty of perjury under the laws of the United States of America that  
19 the foregoing is true and correct.

20 Executed this 29th day of January, 2015, at San Francisco, California.

21  
22  
23 /s/ R. Alexander Saveri

R. Alexander Saveri

# EXHIBIT A

## If You Directly Bought An Optical Disk Drive Or An Optical Disk Drive Device, A Class Action Settlement May Affect You.

Optical Disk Drive Devices include devices incorporating Optical Disk Drives such as desktop computers, mobile/laptop computers, videogame consoles, CD players/recorders, DVD players/recorders, and Blu-Ray disc players/recorders.

*A Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

- **Why did I get this notice?** You or your company may have directly purchased an Optical Disk Drive or an Optical Disk Drive Device between **January 1, 2004 – December 31, 2011**. A direct purchaser is a person or business who bought an Optical Disk Drive or an Optical Disk Drive Device, directly from one or more of the Defendants, affiliates, or subsidiaries. A direct purchaser is NOT a person or company who purchased an Optical Disk Drive or an Optical Disk Drive Device from a wholesaler or a retail store. If you are a direct purchaser, you have the right to know about the litigation and about your legal rights and options. The Court in charge of the case is the United States District Court for the Northern District of California, and the case is called *In re Optical Disk Drive Antitrust Litigation*, MDL No. 2143. The people who sued are called Plaintiffs and the companies they sued are called Defendants.
- On October 3, 2014 the Court denied Plaintiffs' motion for class certification, and Plaintiffs filed a Petition for Permission to Appeal Pursuant to Rule 23(f). On January 14, 2015 the Ninth Circuit Court of Appeals denied Plaintiffs' petition for permission to appeal the order denying class certification.
- Some Defendants in the Direct Purchaser *Optical Disk Drive Antitrust Litigation* have settled their claims ("Settling Defendants"). A settlement was reached with Hitachi-LG Data Storage, Inc., Hitachi-LG Data Storage Korea, Inc., LG Electronics, Inc., LG Electronics USA, and Hitachi, Ltd. (collectively, "HLDS") for \$26,000,000. The HLDS settlement released claims asserted in the Second Consolidated Direct Purchaser Class Action Complaint. Subsequently, a settlement was reached with Panasonic Corporation and Panasonic Corporation of North America (collectively, "Panasonic") for \$5,750,000. Finally, a settlement was reached with NEC Corporation ("NEC") for \$6,000,000 (plus up to an additional \$150,000 for notice costs). The Panasonic and NEC settlements released claims asserted in the Third Consolidated Direct Purchaser Class Action Complaint. The Court has finally approved each of the settlements with Settling Defendants and the settlement proceeds are ready to be distributed to qualified claimants. Attached to this Notice is a proof of claim form ("Claim Form") that has been approved by the Court. All Claim Forms must be postmarked or sent via electronic mail no later than (90 days from date of mailed notice), 2015 to the address set forth in the Claim Form. Additional Claim Forms may be obtained at [www.ODDDirectPurchaserAntitrustSettlement.com](http://www.ODDDirectPurchaserAntitrustSettlement.com), by calling 1-877-224-3063, or writing to ODD Direct Settlement, P.O. Box 808003, Petaluma, CA 94975. Please do not contact the Court about claim administration.
- Class Counsel's Motion for Attorneys' Fees, Costs, and Incentive Awards is on file with the Court and available at [www.ODDDirectPurchaserAntitrustSettlement.com](http://www.ODDDirectPurchaserAntitrustSettlement.com). Class Counsel have asked the Court for attorneys' fees not exceeding one-third (33.3%) of the Settlement Fund plus reimbursement of their costs and expenses, in accordance with the provisions of the Settlement Agreements. Class Counsel have also asked for incentive awards for the named plaintiffs. The Court has set a hearing on Class Counsel's Motion for Attorneys' Fees, Costs, and Incentive Awards for XXX, 2015 at XXX in Courtroom 3. Any comments or objections to Plaintiffs Motion for Attorneys' Fees, Costs, and Incentive Awards must be filed with the Court (Honorable Richard Seeborg, United States District Court, Northern District of California, 450 Golden Gate Avenue, Courtroom 3, 17th floor, San Francisco, CA 94102) no later than \_\_\_\_ (42days from entry of Order), 2015.

Dated: \_\_\_\_\_

BY ORDER OF THE COURT

**For More Information: Call 1-877-224-3063 or Visit [www.ODDDirectPurchaserAntitrustSettlement.com](http://www.ODDDirectPurchaserAntitrustSettlement.com)**

CLAIM FORMS MAY BE FILED ON-LINE AT [www.ODDDirectPurchaserAntitrustSettlement.com](http://www.ODDDirectPurchaserAntitrustSettlement.com)



Must Be Postmarked or  
E-Mailed  
No Later Than  
XXXXXX xx, 2015

PROOF OF CLAIM

IN RE OPTICAL DISK DRIVE  
ANTITRUST LITIGATION  
Case No. 3:10-md-02143-RS

For Official Use Only  
01

«\*BARCODE\*»

Please check the box if the name or address  
is different from information on left and  
complete below:

«name1»  
«name2»  
«name3»  
«addr1»  
«addr2»  
«city», «state» «zip5»  
«country\_name»

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PART 1: IMPORTANT INFORMATION

GENERAL INSTRUCTIONS

This proof of claim form ("Claim Form") must be completed and returned by Class members who seek payment from the Settlements. It must be postmarked or sent via electronic mail no later than \_\_\_\_\_, 2015. If you fail to mail a timely, properly addressed Claim Form, your claim may be rejected and you may be precluded from any recovery from the Settlements. Completed Claim Forms should be mailed to the Claims Administrator at:

In re Optical Disk Drive Antitrust Litigation  
Gilardi & Co. LLC  
P.O. Box XXXX  
Petaluma, CA 94975  
or emailed to:

claims@ODDDirectPurchaserAntitrustSettlement.com

All inquiries regarding your claim should be made in writing to the Claims Administrator at the address above.

Members of the Class who did not timely and validly seek exclusion from the Settlement Class will be bound by the judgments entered approving these Settlements as to Defendants and the Releasees regardless of whether they submit a Claim Form.

PART 2:

CLAIMANT INFORMATION

Please type or neatly print all information.

Telephone Number:

Foreign Code

Telephone Number (International):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Email Address:

\_\_\_\_\_

Person to contact if there are questions regarding this claim:

\_\_\_\_\_



DEFINITIONS

A) "Class Period" or "Class Periods" means January 1, 2004 through December 31, 2011 for the HLDS settlement, and January 1, 2004 through January 1, 2010 for the Panasonic and NEC settlements.

B) "Defendant" or "Defendants" means the following entities which are named as Defendants in this action: Sony Corporation, Sony Optiarc Inc., NEC Corporation, Sony NEC Optiarc Inc., Sony Optiarc America Inc. (FKA Sony NEC), Sony Computer Entertainment America, Inc., Sony Electronics Inc., LG Electronics, Inc., LG Electronics USA, Inc., Hitachi, Ltd., Hitachi-LG Data Storage, Inc., Hitachi-LG Data Storage Korea, Inc., Toshiba Corporation, Toshiba America Information Systems, Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Toshiba Samsung Storage Technology Corp., Toshiba Samsung Storage Technology Corp. Korea, Lite-On IT Corp. of Taiwan, Koninklijke Philips Electronics N.V., Philips & Lite-On Digital Solutions Corp., Philips & Lite-On Digital Solutions USA, Inc., BenQ Corporation, BenQ America Corporation, TEAC Corporation, TEAC America, Inc., Quanta Storage Inc., Quanta Storage America, Inc., Panasonic Corporation, Panasonic Corporation of North America. "Defendant" or "Defendants" shall also include named co-conspirators Pioneer Corporation, Pioneer North America, Inc., Pioneer Electronics (USA) Inc., and Pioneer High Fidelity Taiwan Co., Ltd.

C) "Settlement Class" or "Settlement Classes" means:

For the HLDS settlement: "All individuals and entities who, during the period from January 1, 2004 through December 31, 2011, purchased Optical Disk Drives and Optical Disk Drive Devices in the United States directly from the Defendants, their subsidiaries, or their affiliates. Excluded from the Class are Defendants and their parents, subsidiaries, affiliates, and all governmental entities."

For the Panasonic and NEC settlements: "All individuals and entities who, during the period from January 1, 2004 until at least January 1, 2010 purchased one or more Optical Disk Drives or a laptop or desktop computer incorporating an ODD in the United States directly from the Defendants, their subsidiaries, or their affiliates. Excluded from the Class are Defendants and their parents, subsidiaries, affiliates, and all governmental entities."

D) "Releasees" shall refer jointly and severally, individually and collectively to all defendants listed above and their respective past and present parents, subsidiaries, affiliates, officers, directors, employees, agents, attorneys, servants, representatives (and the parents', subsidiaries', and affiliates' past and present officers, directors, employees, agents, attorneys, servants, and representatives), and the predecessors, successors, heirs, executors, administrators, and assigns of each of the foregoing.

E) "Optical Disk Drive" or "ODD" means any device which reads and/or writes data from and to an optical disk, including but not limited to, CD-ROMS, CD-recordable/rewritable, DVD-ROM, DVD-recordable/rewritable, Blu-Ray, Blu-Ray recordable/rewritable, HD-DVD, Super Multi-Drives and other combination drives. The term "Optical Disk Drives" or "ODDs" shall also include (a) a drive sold as a separate unit that is to be inserted into, or incorporated in, an electronic device; and (b) a drive sold that is to be attached to an electronic device through an external interface such as a Universal Serial Bus (USB) connection;

F) "Optical Disk Drive Device" or "ODD Device" means a device incorporating an ODD including but not limited to desktop computers, mobile/laptop computers, videogame consoles, CD players/recorders, DVD players/recorders, and Blu-Ray disc players/recorders.

G) "Class Members" means all members of the Settlement Classes who did not timely and validly elect to be excluded from the Settlement Classes certified by the Court.

H) "Net Settlement Fund" means the combined proceeds from the HLDS, Panasonic, and NEC settlements plus accrued interest minus all costs, attorneys' fees, expenses, and incentive awards.

PART 3: SCHEDULE OF QUALIFYING PURCHASES

Report separately each purchase of an Optical Disk Drive or Optical Disk Drive Device directly from any Defendant during the Class Periods (attach additional pages if necessary). In order to qualify as a claim, your purchase(s) must have been billed to and/or shipped to a location in the United States. Foreign transactions where billing and shipping took place outside of the U.S. do not qualify. If you have submitted a request for exclusion from a Settlement Class in connection with settlements, do not submit this Claim Form. Also, if you entered into a settlement with any Defendant for your purchase(s) from that defendant, or assigned or transferred your claim for any purchase(s), your Claim Form must not include, as part of your claim, any of those purchases. For example, if Class member A purchased \$10,000 from Defendant 1 and entered into a settlement with Defendant 1 for those purchases, that \$10,000 must not be included as part of Class member A's claim. Failure to include all purchases will reduce the amount of your payment. You DO NOT need to attach documentation. However, you must keep copies of your purchase order(s), invoice(s), or other documentation of your purchase(s) in case verification of your claim is necessary.

List each type of ODD or ODD Device purchased from each Defendant, the quantity of ODDs or ODD Devices purchased, the dollar



amount (in U.S. dollars) of purchases of each type of Optical Disk Drive made directly from any Defendant during the Class Periods, and the date of each purchase. Amounts should be rounded to the nearest dollar. (Example: \$12,345.67 should be entered as \$12,346.) Do not include transportation charges, rebates, refunds, credits, etc.

Defendant from whom ODD or ODD Device was purchased	Description of ODD or ODD Device purchased	Quantity of ODDs or ODD Devices Purchased	Total purchase Amount in USD (for ODDs only)	Date purchased
Sony/NEC <sup>1</sup>				
LG <sup>2</sup>				
Hitachi <sup>3</sup>				
Toshiba <sup>4</sup>				
Samsung <sup>5</sup>				
TSST <sup>6</sup>				
Lite-On <sup>7</sup>				
Philips <sup>8</sup>				
BenQ <sup>9</sup>				
TEAC <sup>10</sup>				
QSI <sup>11</sup>				
Panasonic <sup>12</sup>				
Pioneer <sup>13</sup>				

The Claims administrator will review the information listed above for valid qualifying purchases. After the purchases are verified the Claims Administrator will: 1) assign a dollar value to each purchase (ODDs will be valued at 100% of their purchase price, and ODD Devices

<sup>1</sup> "Sony/NEC" means Sony Corporation, Sony Optiarc Inc., NEC Corporation, Sony NEC Optiarc Inc., Sony Optiarc America Inc. (FKA Sony NEC), Sony Electronics Inc., and Sony Computer Entertainment America, Inc.

<sup>2</sup> "LG" means LG Electronics, Inc. and LG Electronics USA, Inc.

<sup>3</sup> "Hitachi" means Hitachi, Ltd., Hitachi-LG Data Storage, Inc., Hitachi-LG Data Storage Korea, Inc.

<sup>4</sup> "Toshiba" means Toshiba Corporation and Toshiba America Information Systems, Inc.

<sup>5</sup> "Samsung" means Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.

<sup>6</sup> "TSST" means Toshiba Samsung Storage Technology Corp. and Toshiba Samsung Storage Technology Corp. Korea

<sup>7</sup> "Lite-On" means Lite-On IT Corp. of Taiwan

<sup>8</sup> "Philips" means Koninklijke Philips Electronics N.V., Philips & Lite-On Digital Solutions Corp., and Philips & Lite-On Digital Solutions USA, Inc.

<sup>9</sup> "BenQ" means BenQ Corporation and BenQ America Corporation

<sup>10</sup> "TEAC" means TEAC Corporation and TEAC America, Inc.

<sup>11</sup> "QSI" means Quanta Storage Inc., Quanta Storage America, Inc.

<sup>12</sup> "Panasonic" means Panasonic Corporation and Panasonic Corporation of North America

<sup>13</sup> "Pioneer" means Pioneer Corporation, Pioneer North America, Inc., Pioneer Electronics (USA) Inc., and Pioneer High Fidelity Taiwan Co., Ltd.



will be valued at a fixed amount as follows: desktop or laptop computer: \$32, Sony PlayStation 2: \$20, Sony PlayStation 3: \$73, CD players/recorders: \$15, DVD players/recorders: \$20, and each purchase of a Blu-Ray players/recorders: \$73; 2) Allocate the value of each purchase between the settlements reached with Settling Defendants (the settlements had varying and overlapping class definitions and class periods, so it is possible certain purchases will qualify for one settlement fund, but not the other); 3) Allocate the Net Settlement Fund on a pro rata basis based on the total dollar value of each class member's purchase(s) of ODDs and ODD Devices in proportion to the total dollar value of all valid claims filed.

**PART 4: SUBMISSION TO JURISDICTION OF THE DISTRICT COURT**

By signing below, you are verifying that:

1. You have documentation to support your claim and agree to provide additional information to Class Counsel or the Claims Administrator if necessary;
2. You have not assigned or transferred (or purported to assign or transfer) or settled for the same purchases or submitted any other claim for the same purchases of ODD and/or ODD Devices and have not authorized any other person or entity to do so, and know of no other person or entity having done so on your behalf;
3. The information provided in this Claim Form is accurate and complete; and
4. You agree to submit to the jurisdiction of the District Court for the Northern District of California, where this action is pending, for purposes of resolving any issues related to or arising from your claim.

**PART 5: CERTIFICATION**

I (We) certify that I am (we are) NOT subject to backup withholding under the provisions of Section 3406 (a)(1)(c) of the Internal Revenue Code because: (a) I am (We are) exempt from backup withholding, or (b) I (We) have not been notified by the IRS that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me (us) that I am (we are) no longer subject to backup withholding.

NOTE: If you have been notified by the IRS that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

I (WE) DECLARE, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA, THAT THE INFORMATION PROVIDED IN THIS PROOF OF CLAIM FORM IS TRUE AND CORRECT.

This certification was executed on the \_\_\_\_\_ of \_\_\_\_\_, 2015, in \_\_\_\_\_.  
(day) (Month) (City/State/Country)

SIGNATURE OF CLAIMANT: (If this claim is being made on behalf of Joint Claimants, then each must sign.)

Signature:

Type/Print Name:

Company's Name:

Capacity of person signing; e.g. President:

Mail the completed Claim Form to:

*In re Optical Disk Drive Antitrust Litigation*  
Gilardi & Co. LLC  
P.O. Box XXXX  
Petaluma, CA 94975

or email it to: [claims@ODDDirectPurchaserAntitrustSettlement.com](mailto:claims@ODDDirectPurchaserAntitrustSettlement.com)

---

ACCURATE PROCESSING OF CLAIMS MAY TAKE SIGNIFICANT TIME.  
THANK YOU, IN ADVANCE, FOR YOUR PATIENCE.

---





# EXHIBIT B

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**IN RE STATIC RANDOM ACCESS  
MEMORY (SRAM) ANTITRUST  
LITIGATION**

) Master File 4:07-md-01819-CW

) MDL NO. 1819

**This Document Relates to:  
  
All Direct Purchaser Actions**

) ~~PROPOSED~~ ORDER APPROVING  
) CLAIM FORM AND CLAIM PERIOD FOR  
) DIRECT PURCHASER ACTION

1 Plaintiffs' Motion for Approval of Claim Form and Claim Period for Direct Purchaser  
2 Plaintiffs was presented to and considered by the Court. Notice of Judgment of Dismissal has  
3 been entered with respect to all defendants (Dkt. Nos. 1023, 1024, 1025, 1026, 1027, 1028, 1029,  
4 1372 and 1373). This Court retained jurisdiction over this action for matters relating to  
5 "implementation of [ ] settlement[s] and any distribution to Class Members pursuant to further  
6 orders of this Court [and] disposition of the Settlement Fund." *See, e.g.*, dkt. 1028, Final  
7 Judgment of Dismissal with Prejudice as to the Etron Defendants, at p.2:21-23.

8 Having considered the proposed claim form and the proposed time period for submission  
9 of claims, the Court grants the motion. The claims form attached as Exhibit A is appropriate.  
10 Within twenty-one (21) days of entry of this Order, Gilardi & Co. ("Gilardi"), as Claims  
11 Administrator, will disseminate the claims form to those members of the Class who can  
12 reasonably be contacted through electronic or direct mail. When dissemination of notice is  
13 completed, Lead Counsel shall cause a declaration to be filed reflecting that notice has been  
14 provided in accordance with this order. Class members shall have approximately ninety (90)  
15 days from the date of completion of distribution of the Claim Form by the Claims Administrator  
16 to complete and submit the Claim Form to the Claims Administrator. In order to provide  
17 certainty, the last date for submission of claims forms to the Claims Administrator shall be  
18 **March 2, 2012.**

19 Upon completion of submission of all proofs of claim within the period set by the Court,  
20 Gilardi will analyze and verify the claims submissions based upon the information provided by  
21 Defendants and follow up with claimants to resolve any discrepancies between their submissions  
22 and Defendants' data. At that time, final distribution amounts will be determined and Plaintiffs  
23 will submit to the Court an order approving distribution of the Settlement Fund to class  
24 members.

25 All valid claims will be distributed in accordance with the plan of allocation that this  
26 Court has previously approved, *i.e.*, a *pro rata* distribution to Claimants based on direct  
27 purchases of SRAM from the named defendants as described in the order certifying a class in this  
28

1 action and the orders approving final approval of the settlements and approving the plan of  
2 distribution..

3 The Court retains exclusive jurisdiction over this action to consider all further matters  
4 arising out of or connected with the disbursement of the Settlement Funds.

5  
6 Dated: November 2, 2011

  
Honorable Claudia Wilken  
United States District Judge

7  
8  
9 *Submitted By:*

10 Joseph W. Cotchett  
11 Steven N. Williams  
12 **COTCHETT, PITRE & McCARTHY, LLP**  
13 San Francisco Airport Office Center  
14 840 Malcolm Road, Suite 200  
15 Burlingame, CA 94010  
16 Telephone: 650-697-6000  
17 Fax: 650-697-0577  
18 jcotchett@cpmlegal.com  
19 swilliams@cpmlegal.com

20 *Attorneys for the Direct Purchaser Class*

Must Be Postmarked  
No Later Than  
March 2, 2012

**SRAMD**

**PROOF OF CLAIM**  
*In re Static Random Access Memory*  
*(SRAM) Antitrust Litigation*  
Case No. 4:07-md-01819-CW

Last date to submit Claim is March 2, 2012.

ClaimIDBarCode ClaimIDBarDisplay  
FirstName LastName  
Addr1 Addr2  
City, State Zip-Zip4

Please check the box if the name or address is different from the information above and complete below:

First Name

Last Name

[Grid for First Name]

[Grid for Last Name]

Address 1 (Please do not use RED INK or pencil.)

[Grid for Address 1]

Address 2

[Grid for Address 2]

City

State

Zip Code

[Grid for City]

[Grid for State]

[Grid for Zip Code]

**PART 1: IMPORTANT INFORMATION**

YOU MAY BE A CLASS MEMBER IN THE ABOVE ENTITLED LAWSUIT IF YOU PURCHASED  
STATIC RANDOM ACCESS MEMORY (SRAM) IN THE UNITED STATES BETWEEN  
**NOVEMBER 1, 1996 AND DECEMBER 31, 2005**  
DIRECTLY FROM ANY OF THE FOLLOWING COMPANIES  
(OR THEIR SUBSIDIARIES OR AFFILIATES):

- Cypress Semiconductor
- Etron Technology, Inc.
- Etron Technology America, Inc.
- Hitachi, Ltd.
- Hitachi America, Ltd.
- Hynix Semiconductor Inc.
- Hynix Semiconductor America Inc.
- Integrated Silicon Solution, Inc.
- Micron Technology, Inc.
- Micron Semiconductor Products, Inc.
- Mitsubishi Electric Corporation
- Mitsubishi Electric & Electronics USA, Inc.
- NEC Electronics Corporation
- NEC Electronics America, Inc.
- Renesas Technology Corp.
- Renesas Technology America, Inc.
- Samsung Electronics Company, Ltd.
- Samsung Semiconductor, Inc.
- Toshiba Corporation
- Toshiba America Electronic Components, Inc.



FOR CLAIMS PROCESSING ONLY	<input type="radio"/> LC
	<input type="radio"/> OZ

**THE CLASS INCLUDES:**

“All persons and entities who, during the period November 1, 1996 through December 31, 2005, purchased non-custom SRAM in the United States directly from Defendants or any subsidiaries or affiliates thereof. Excluded from the class are Defendants, their parent companies, subsidiaries and affiliates, any co conspirators, and all government entities.”

You are a Class member if:

- (1) you purchased non-custom SRAM in the United States directly from one or more of the Defendants listed above (or their subsidiaries or affiliates) between November 1, 1996 and December 31, 2005; and,
- (2) you did not previously request to exclude yourself from the Class.

Purchasing SRAM in the United States means SRAM that was billed to or shipped to the United States.

**TYPES OF SRAM**

For purposes of this lawsuit and the Settlements, SRAM means all types of Static Random Access Memory, including high speed or fast SRAM, low power or slow SRAM, synchronous SRAM, asynchronous SRAM, and pseudoSRAM (“PSRAM”). For purposes of this lawsuit and the Settlements, custom SRAM is: (1) SRAM that was designed and sold by only one manufacturer in order to meet a set of defined performance characteristics established by only one purchaser; and, (2) that set of defined performance characteristics was not met by SRAM designed or sold by any other manufacturer; and (3) the SRAM was designed as a completely new SRAM or required substantial change to an already existing SRAM.

**PART 2: CLAIMANT INFORMATION**

Please type or neatly print all information. Report all purchases of non-custom SRAM made directly from any Defendant in the United States during the Class Period. Failure to include all eligible purchases will reduce the amount of your claim. You **DO NOT** need to attach documentation. However, you must keep copies of your purchase orders, invoices, or other documentation of your purchases in case verification of your claim is necessary.

Daytime Telephone Number:

—    —

Evening Telephone Number:

—    —

Email Address:

Person to Contact if there are questions regarding this claim:



**PART 3: SCHEDULE OF QUALIFYING PURCHASES IN DOLLARS**  
**FROM NOVEMBER 1, 1996 THROUGH DECEMBER 31, 2005**

In the table below, list the total dollar amount (in U.S. dollars) of your purchases of SRAM made directly in the United States from each defendant during the Class Period. Amounts should be rounded to the nearest dollar. (Example: \$5,252.78 should be entered as \$5,253). Do not include transportation charges, rebates, refunds, credits, etc. If you did not purchase SRAM from a Defendant, or if you settled with a particular Defendant, assigned or transferred your claim, write “No Purchases” in the corresponding Defendant box below.

Cypress Semiconductor, Inc. ....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Etron <sup>1</sup> .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Hitachi <sup>2</sup> .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Hynix <sup>3</sup> .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Integrated Silicon Solutions, Inc. ....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Micron <sup>4</sup> .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mitsubishi <sup>5</sup> .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
NEC <sup>6</sup> .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Renesas <sup>7</sup> .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Samsung <sup>8</sup> .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Toshiba <sup>9</sup> .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Pursuant to Court order, the Settlement Fund will be distributed to Class Members based upon the pro rata share of the total amount of eligible SRAM purchases that each Class Member purchased directly from Defendants from November 1, 1996 through December 31, 2005.

**PART 4: SUBMITTING A CLAIM FORM**

Mail the completed Claim Form to:

SRAM Antitrust Settlements  
 c/o Gilardi & Co. LLC  
 PO Box 8060  
 San Rafael, CA 94912-8060

— OR —

Submit a completed Claim Form Online:

**CLAIM FORMS MAY BE FILED ON-LINE AT [www.sramcase.com](http://www.sramcase.com)**

- 
1. “Etron” means Etron Technology, Inc. and Etron Technology America, Inc.
  2. “Hitachi” means Hitachi, Ltd. and Hitachi America, Ltd.
  3. “Hynix” means Hynix Semiconductor, Inc. and Hynix Semiconductor America, Inc.
  4. “Micron” means Micron Technology, Inc. and Micron Semiconductor Products, Inc.
  5. “Mitsubishi” means Mitsubishi Electric Corporation and Mitsubishi Electric & Electronics USA, Inc.
  6. “NEC” means NEC Electronics Corporation and NEC Electronics America, Inc.
  7. “Renesas” means Renesas Technology Corp. and Renesas Technology America, Inc.
  8. “Samsung” means Samsung Electronics Company, Ltd. and Samsung Semiconductor, Inc.
  9. “Toshiba” means Toshiba Corporation and Toshiba America Electronic Components, Inc.



**PART 5: SUBMISSION TO JURISDICTION OF THE DISTRICT COURT**

By signing below, you are verifying that:

1. You have documentation to support your claim and agree to provide additional information to Class Counsel or the Claims Administrator if requested;
2. You have not assigned or transferred (or purported to assign or transfer) or settled for the same purchases or submitted any other claim for the same purchases of SRAM and have not authorized any other person or entity to do so, and know of no other person or entity having done so on your behalf; and
3. The information provided in this Claim Form is accurate and complete.

**PART 6: CERTIFICATION**

I (We) certify that I am (we are) NOT subject to backup withholding under the provisions of Section 3406(a)(1)(c) of the Internal Revenue Code because: (a) I am (We are) exempt from backup withholding, or (b) I (We) have not been notified by the I.R.S. that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the I.R.S. has notified me (us) that I am (we are) no longer subject to backup withholding.

NOTE: If you have been notified by the I.R.S. that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

I (WE) DECLARE, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA, THAT THE INFORMATION PROVIDED IN THIS PROOF OF CLAIM FORM IS TRUE AND CORRECT.

This certification was executed on the \_\_\_\_\_ of \_\_\_\_\_, 2011,  
(day) (month)  
in \_\_\_\_\_  
(city, state, country)

SIGNATURE OF CLAIMANT: (If this claim is being made on behalf of Joint Claimants, then each must sign).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type/Print Name

\_\_\_\_\_  
Company's Name

\_\_\_\_\_  
Capacity of person signing, e.g. President





# EXHIBIT C

1 GUIDO SAVERI (22349)  
R. ALEXANDER SAVERI (173102)  
2 GEOFFREY C. RUSHING (126910)  
CADIO ZIRPOLI (179108)  
3 SAVERI & SAVERI, INC.  
111 Pine Street, Suite 1700  
4 San Francisco, CA 94111-5619  
Telephone: (415) 217-6810  
5 Facsimile: (415) 217-6813  
guido@saveri.com  
6 rick@saveri.com

7 STEVE W. BERMAN (*pro hac vice*)  
ANTHONY D. SHAPIRO (*pro hac vice*)  
8 GEORGE W. SAMPSON  
CRAIG R. SPIEGEL (122000)  
9 HAGENS BERMAN SOBOL SHAPIRO LLP  
1301 Fifth Avenue, Suite 2900  
10 Seattle, Washington 98101  
Telephone: (206) 623-7292  
11 Facsimile No.: (206) 623-0594

12 FRED TAYLOR ISQUITH (*pro hac vice*)  
MARY JANE FAIT (*pro hac vice*)  
13 WOLF, HALDENSTEIN, ADLER,  
FREEMAN & HERZ  
14 270 Madison Avenue  
New York, NY 10016  
15 Telephone: (212) 545-4600  
Facsimile: (212) 545-4653

16 Co-Lead Counsel for Plaintiffs

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19  
20 IN RE DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) ANTITRUST  
21 LITIGATION  
22  
23  
24  
25 This Document Relates to:  
26 ALL DIRECT PURCHASER ACTIONS

Master File No. M-02-1486-PJH

MDL No. 1486

**[PROPOSED] ORDER APPROVING  
CLAIM FORM TO BE PROVIDED  
TO CLASS MEMBERS REGARDING  
DISTRIBUTION OF SETTLEMENT  
FUND**

Date: Submitted Without Oral Argument  
Judge: Hon. Phyllis J. Hamilton  
Courtroom: 3

1 Plaintiffs' Motion for Court Approval of Claim Form to be Provided to Class Members  
2 Regarding Distribution of Settlement Fund was presented to the Court without oral argument. The  
3 Court has previously approved the plan of allocation, namely, the Settlement Fund will be  
4 distributed to Class Members based upon the *pro rata* share of the total amount of DRAM that  
5 each Class Member purchased directly from Defendants from April 1, 1999 through June 30, 2002.  
6 See Order Approving Joint Notice to Class Regarding Class Certification and Preliminary  
7 Approval of Class Action Settlements with Samsung, Infineon, and Hynix Defendants, dated July  
8 27, 2006; Order Approving Joint Notice to Class Regarding Preliminary Approval of Class Action  
9 Settlements with Elpida, NEC, Winbond and Micron Defendants, dated February 14, 2007 and  
10 Amended Order Approving Joint Notice to Class Regarding Preliminary Approval of Class Action  
11 Settlements with the Mosel and Nanya Defendants and Class Counsels' Request for Attorneys'  
12 Fees and Expenses and Incentive Awards, dated May 24, 2007 (collectively, "Orders Approving  
13 Joint Notice"). Notice of the Plan of Allocation has been given in accordance with the Court's  
14 Orders.

15 The Claim Form attached hereto as Exhibit A is in all respects fair, adequate and  
16 reasonable.

17 Within approximately twenty-one (21) days of entry of this Order the Claims Administrator  
18 shall provide the Claim Form to those members of the Class who can reasonably be contacted  
19 through electronic or direct mail.

20 Class members shall have ninety (90) days to fill out and submit the Claim Form to the  
21 Claims Administrator.

22 At such time as the Claims Administration is completed, Class Counsel shall provide to the  
23 Court a proposed order relating to the payment of claims and distribution of the net settlement  
24 fund.

The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the disbursement of the Settlement Funds.

**IT IS SO ORDERED.**

Dated: September 11, 2007

ram.838



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE DYNAMIC RANDOM ACCESS MEMORY  
(DRAM) ANTITRUST LITIGATION

This Document Relates To:  
All Direct Purchaser Actions

Master File No. M-02-1486 PJH  
MDL No. 1486

**PROOF OF CLAIM**

**TO: ALL PERSONS OR ENTITIES WHO DIRECTLY PURCHASED DRAM (DYNAMIC RANDOM ACCESS MEMORY) IN THE UNITED STATES DURING THE PERIOD OF APRIL 1, 1999 THROUGH JUNE 30, 2002 FROM THE DEFENDANTS OR THEIR SUBSIDIARIES. (Refer to Definitions below.)**

**I. GENERAL INSTRUCTIONS**

This Proof of Claim form (“Claim Form”) must be completed and returned by Class Members who seek payment from the settlements. It must be postmarked no later than XXXXXXXXX \_\_, 200X. Claim Forms can be completed and filed on-line at [www.dramantitrustsettlement.com](http://www.dramantitrustsettlement.com). If you fail to mail a timely, properly addressed Claim Form or complete and file a timely on-line Claim Form, your claim may be rejected and you may be precluded from any recovery from the settlements. Class Members who choose not to file an on-line Claim Form should mail their completed Claim Form to the Claims Administrator at:

*In re DRAM Antitrust Litigation*  
c/o Rust Consulting, Inc.  
P.O. Box 24657  
West Palm Beach, FL 33416

Members of the Class who did not timely and validly seek exclusion from the Settlement Class will be bound by the judgment entered approving these settlements as to Defendants and the Releasees regardless of whether they submit a Claim Form. If you have submitted a request for exclusion from the Settlement Class in connection with settlements, do not submit this Claim Form. Also, if you entered into a settlement with any defendant for your purchases from that defendant, or assigned or transferred your claim for any purchases, your Claim Form must not include, as part of your claim, any of those purchases. For example, if Class Member A purchased \$10,000 from defendant 1 and entered into a settlement with defendant 1 for those purchases, that \$10,000 must not be included as part of your claim.

**II. DEFINITIONS**

- A) “Class Period” means April 1, 1999 through June 30, 2002.
- B) “Defendant” or “Defendants” means the following entities which are named as defendants in this action:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| Elpida Memory, Inc.               | Mosel-Vitellic, Inc.              |
| Elpida Memory (USA) Inc.          | Mosel Vitelic Corp.               |
| Hynix Semiconductor, Inc.         | NEC Electronics America, Inc.     |
| Hynix Semiconductor America, Inc. | Nanya Technology Corporation USA  |
| Infineon Technologies AG          | Samsung Electronics Company, Ltd. |

**CLAIM FORMS MAY BE FILED ON-LINE AT [WWW.DRAMANTITRUSTSETTLEMENT.COM](http://WWW.DRAMANTITRUSTSETTLEMENT.COM)**

Infineon Technologies North America Corp.  
Micron Technology, Inc.  
Micron Semiconductor Products, Inc.

Samsung Semiconductor, Inc.  
Winbond Electronics Corporation  
Winbond Electronics Corporation America

C) "Class" means all individuals and entities who, during the period beginning April 1, 1999 and continuing through June 30, 2002 (the "Class Period"), purchased DRAM in the United States directly from the defendants or their subsidiaries. Excluded from the Class are Defendants and their parents, subsidiaries, affiliates, all governmental entities and co-conspirators.

D) "Releasees" shall refer jointly and severally, individually and collectively, to all Defendants listed above and their respective past and present parents, subsidiaries, affiliates, officers, directors, employees, agents, attorneys, servants, representatives (and the parents', subsidiaries', and affiliates' past and present officers, directors, employees, agents, attorneys, servants, and representatives), and the predecessors, successors, heirs, executors, administrators, and assigns of each of the foregoing.

E) "DRAM" is defined to mean dynamic random access memory components, including without limitation, synchronous dynamic random access memory ("SDRAM"), Rambus dynamic random access memory ("RDRAM"), asynchronous dynamic random access memory ("ASYNCRAM"), FPM DRAM, EDO DRAM, BEDO DRAM, and double data rate synchronous dynamic random access memory ("DDR") semiconductor devices and modules.

F) "Class Members" means all members of the Class who did not timely and validly elect to be excluded from the Class certified by the Court.

#### REMINDER LIST

Please make sure that you:

1. Sign the Certification on page 5;
2. Keep a copy of the completed Claim Form for your records;
3. You must keep originals and/or copies of your purchase orders, invoices, or other documentation of your purchases in case verification of your claim is necessary. **DO NOT** attach documentation to this Claim Form;
4. Send your Claim Form by Certified Mail (return receipt requested) if you want proof that your claim form was received; and
5. Submit your claim form **postmarked no later than xxxxxxxx xx, 200X.**

#### ADDITIONAL INFORMATION

Contact the Claims Administrator at:  
Toll-free 1-866-483-9938

OR

Visit the website:  
[www.dramantitrustsettlement.com](http://www.dramantitrustsettlement.com).

If you change your mailing address, please notify the Claims Administrator, in writing, at:  
*In re DRAM Antitrust Litigation*  
c/o Rust Consulting, Inc.  
P.O. Box 24657  
West Palm Beach, FL 33416

**CLAIM FORMS MAY BE FILED ON-LINE AT [WWW.DRAMANTITRUSTSETTLEMENT.COM](http://WWW.DRAMANTITRUSTSETTLEMENT.COM)**





**PART 2: SCHEDULE OF QUALIFYING PURCHASES**

In the table below, list the total dollar amount (in U.S. dollars) of your purchases of DRAM made directly from each Defendant during the Class Period. *Amounts should be rounded to the nearest dollar.* (Example: \$12,345.67 should be entered as \$12,346.) Do not include transportation charges, rebates, refunds, credits, etc. If you did not purchase DRAM from a Defendant, or if you settled with a particular Defendant, assigned or transferred your claim, write “No Purchases” in the corresponding Defendant box below.

**PURCHASES IN DOLLARS FROM APRIL 1, 1999 THROUGH JUNE 30, 2002**

Infineon <sup>1</sup>	\$				,				,			
Samsung <sup>2</sup>	\$				,				,			
Hynix <sup>3</sup>	\$				,				,			
Elpida <sup>4</sup>	\$				,				,			
NEC <sup>5</sup>	\$				,				,			
Micron <sup>6</sup>	\$				,				,			
Winbond <sup>7</sup>	\$				,				,			
Mosel <sup>8</sup>	\$				,				,			
Nanya <sup>9</sup>	\$				,				,			
<b>Total</b>	\$				,				,			

Pursuant to Court order, the Settlement Fund will be distributed to Class Members based upon the *pro rata* share of the total amount of DRAM that each Class Member purchased directly from Defendants from April 1, 1999 through June 30, 2002.

1 “Infineon” means Infineon Technologies AG and Infineon Technologies North America Corp.  
 2 “Samsung” means Samsung Electronics Company, Ltd. and Samsung Semiconductor, Inc.  
 3 “Hynix” means Hynix Semiconductor, Inc. and Hynix Semiconductor America, Inc.  
 4 “Elpida” means Elpida Memory, Inc. and Elpida Memory (USA) Inc.  
 5 “NEC” means NEC Electronics America, Inc.  
 6 “Micron” means Micron Technology, Inc. and Micron Semiconductor Products, Inc. through its Crucial Technology division  
 7 “Winbond” means Winbond Electronics Corporation and Winbond Electronics Corporation America  
 8 “Mosel” means Mosel-Vitellic, Inc. and Mosel Vitelic Corp.  
 9 “Nanya” means Nanya Technology Corporation USA

**CLAIM FORMS MAY BE FILED ON-LINE AT WWW.DRAMANTITRUSTSETTLEMENT.COM**

**PART 3: SUBMISSION TO JURISDICTION OF THE DISTRICT COURT**

By signing below, you are verifying that:

1. You have documentation to support your claim and agree to provide additional information to Class Counsel or the Claims Administrator to support your claim if necessary;
2. You have not assigned or transferred (or purported to assign or transfer) or settled for the same purchases or submitted any other claim for the same purchases of DRAM and have not authorized any other person or entity to do so, and know of no other person or entity having done so on your behalf; and
3. The information provided in this Claim Form is accurate and complete.

**PART 4: CERTIFICATION**

I (We) certify that I am (We are) NOT subject to backup withholding under the provisions of Section 3406 (a)(1)(c) of the Internal Revenue Code because: (a) I am (We are) exempt from backup withholding, or (b) I (We) have not been notified by the I.R.S. that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the I.R.S. has notified me (us) that I am (we are) no longer subject to backup withholding.

NOTE: If you have been notified by the I.R.S. that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

I (WE) DECLARE, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA, THAT THE INFORMATION PROVIDED IN THIS PROOF OF CLAIM FORM IS TRUE AND CORRECT.

This certification was executed on the \_\_\_\_\_ of \_\_\_\_\_, 200X,  
(day) (month)  
in \_\_\_\_\_  
(City/State/Country)

**SIGNATURE OF CLAIMANT:** (If this claim is being made on behalf of Joint Claimants, then each must sign)

(Signature)

(Type/Print Name)

(Company's Name)

(Capacity of person signing, e.g. President)



---

**ACCURATE PROCESSING OF CLAIMS MAY TAKE SIGNIFICANT TIME.  
THANK YOU, IN ADVANCE, FOR YOUR PATIENCE.**

---

**CLAIM FORMS MAY BE FILED ON-LINE AT [WWW.DRAMANTITRUSTSETTLEMENT.COM](http://WWW.DRAMANTITRUSTSETTLEMENT.COM)**