

**UNITED STATES DISTRICT COURT
FOR THE 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 (JCS)

MDL No. 1486

CLASS ACTION

To: ALL CLASS MEMBERS

SUMMARY NOTICE OF PARTIAL CLASS ACTION SETTLEMENTS

Class Actions are pending in the above Court against certain manufacturers of DRAM. In the Class Actions, plaintiffs allege that defendants unlawfully agreed to fix, raise, maintain, and stabilize the prices of DRAM and/or to allocate among themselves major customers and accounts in violation of the federal antitrust laws during the period April 1, 1999 through June 30, 2002. Plaintiffs allege that, as a result of defendants' unlawful conduct, they and Class Members paid more for DRAM than they would have in the absence of defendants' wrongful conduct. Defendants deny plaintiffs' allegations and have asserted numerous affirmative defenses.

This Notice is given pursuant to the Federal Rules of Civil Procedure and an Order of the United States District Court for the Northern District of California to inform Class Members that, in exchange for the release of claims by Class Members, four separate proposed settlements have been reached with defendants: (1) Elpida Memory, Inc. and Elpida Memory (USA) Inc. for cash payments totaling Fourteen Million Seven Hundred and Fifty Thousand U.S. Dollars (\$14,750,000); (2) NEC Electronics America, Inc. for cash payments totaling Thirty-Five Million Nine Hundred Sixty Thousand U.S. Dollars (\$35,960,000); (3) Winbond Electronics Corporation and Winbond Electronics Corporation America for a cash payment totaling Two Million U.S. Dollars (\$2,000,000); and (4) Micron Technology, Inc. and Micron Semiconductor Products, Inc. through its Crucial Technology division for cash payments totaling Ninety Million Five Hundred Thirty-Seven Thousand U.S. Dollars (\$90,537,000) (collectively referred to herein as the "Settling Defendants"). Each settlement also provides that \$400,000 of the settlement fund may be used towards payment of costs of notice to the Class and for administration costs, and that following final approval, Class Counsel may use, subject to the Court's approval, up to \$500,000 from each of the Settling Defendants, except for Winbond, for expenses in prosecuting the action against the remaining defendants.

Prior settlements with defendants Infineon Technologies AG and Infineon Technologies North America Corp.; Samsung Semiconductor, Inc.; and Hynix Semiconductor Inc. and Hynix Semiconductor America, Inc., totaling \$160,750,000, have been granted final approval by the Court and are now final.

The Class includes:

All individuals and entities who, during the period from April 1, 1999 to June 30, 2002, purchased DRAM in the United States directly from the defendants or their subsidiaries, and who did not request exclusion by October 3, 2006, settle or release their claims, and/or whose claims are not otherwise precluded ("Class Members"). Excluded from the Class are defendants and their parents, subsidiaries, affiliates, all governmental entities, and co-conspirators.

A hearing will be held on April 18, 2007 at 9:00 a.m. before the Honorable Phyllis J. Hamilton, in Courtroom 3, on the 17th Floor of the United States District Courthouse, at 450 Golden Gate Avenue, San Francisco, California 94102, to determine whether each of the four proposed settlements is fair, adequate, and reasonable to the Class, and whether, therefore, this litigation should be dismissed with prejudice against the Settling Defendants.

The settlement payments will be deposited into interest-bearing accounts for the benefit of the Class. The settle-

ment fund will be distributed at a later date, and therefore no claim forms are to be submitted at this time. Class Counsel are not requesting attorneys' fees at this time. At an appropriate time, Class Counsel will request attorneys' fees in an amount not to exceed 25% of the total settlement fund, plus their expenses.

You do not need to do anything to remain in the Class, nor is there another opportunity to request exclusion from the Class. Class Members will be entitled to receive money from the settlement fund when it is ultimately distributed. At final approval, Class Counsel and Plaintiffs will ask the Court to approve a plan of allocation and distribution of the Net Settlement Fund on a pro rata basis among Class Members based on the dollar amount each Class Member paid to defendants for direct purchases of DRAM from the defendants during the period April 1, 1999 through June 30, 2002. If you wish to object to any of the settlements, you must file a written objection by March 26, 2007.

A more detailed description of this litigation and the proposed settlements is contained in the Notice of Partial Class Action Settlements (the "Notice"). The Notice has been mailed to identifiable Class Members. If you are a Class Member and have not received a Notice, you may obtain a copy free of charge by writing to: *In Re DRAM Antitrust Litigation*, c/o Rust Consulting, Inc., P.O. Box 24657, West Palm Beach, Florida 33416, or calling the Class Administrator at (866) 483-9938. The Notice and the Settlement Agreements are also posted on this website: www.dramantitrustsettlement.com.

Questions concerning the matters contained in this Summary Notice should be directed to the following Class Counsel:

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**PLEASE DO NOT TELEPHONE OR ADDRESS
INQUIRIES TO THE COURT.**

Dated: February 14, 2007
BY ORDER OF THE DISTRICT COURT
United States District Court
for the Northern District of California
San Francisco, CA