

## If You Bought Computers, Printers, Video Game Consoles, DRAM Modules or Other Devices with Memory

### You Could Get Money from a \$310 Million Settlement.

*A Federal Court authorized this notice. This is not a solicitation.*

- Please read this notice carefully. Your legal rights may be affected whether or not you act.
- Settlements totalling \$310 million have been reached in lawsuits involving the sale of DRAM. The lawsuits claim that Defendants fixed the price of DRAM, which resulted in increased prices for individuals and businesses that bought DRAM and devices containing DRAM. Defendants deny that they did anything wrong.
- DRAM is an electronic component that allows for storage and retrieval of electronic data. DRAM modules can be purchased separately or as a component of various electronic devices, such as personal computers.

**File a claim now to request a payment from the Settlements (see Question 13).**

- The Settlements will pay individuals and businesses that purchased DRAM or devices containing DRAM from someone other than the manufacturer of DRAM in the United States or any of its territories from January 1, 1998 through December 31, 2002. Additionally, Defendants have agreed not to engage in the conduct that is the subject of the lawsuits, and have also agreed to compliance training and cooperation.

YOUR LEGAL RIGHTS AND OPTIONS IN THESE SETTLEMENTS	
<b>SUBMIT A CLAIM FORM BY AUGUST 1, 2014</b>	This is the only way to receive a payment.
<b>EXCLUDE YOURSELF BY MAY 5, 2014</b>	You will not receive a payment from the Settlements, but you will retain any rights you currently have to separately sue Defendants for the conduct that is the subject of these lawsuits.
<b>OBJECT TO THE SETTLEMENTS OR FEES BY MAY 5, 2014</b>	Write to the Court explaining why you don't like the Settlements or the fee request.
<b>GO TO THE HEARING ON JUNE 25, 2014 AT 9:00 A.M.</b>	Ask to speak in Court about the Settlements.
<b>DO NOTHING</b>	You will not receive a cash recovery from the Settlements and you will give up any rights you currently have to separately sue Defendants for the conduct that is the subject of the lawsuits. You will benefit from the agreement of the Defendants to stop that conduct and to engage in compliance training.

These rights and options – **and the deadlines to exercise them** – are explained in this Notice.

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## BASIC INFORMATION

### 1. What is this Notice about?

This Notice is to inform you about settlements of multiple lawsuits (“Settlements”) that may affect your rights, before the Court decides whether to approve the Settlements.

The United States District Court for the Northern District of California presides over this case. The case is called *In re: Dynamic Random Memory (DRAM) Antitrust Litigation*, MDL No. 1486. The people, businesses and states that sued are called Plaintiffs, and the companies they sued are called the Defendants (*see* Question 9).

### 2. What are the lawsuits about?

The lawsuits claim that Defendants fixed the prices of DRAM from January 1, 1998 through December 31, 2002, which resulted in overcharges to people and businesses that bought DRAM or devices containing DRAM. The Defendants deny these claims. The Court has not decided who is right.

### 3. What is DRAM?

DRAM, which stands for Dynamic Random Access Memory, is a form of fast and inexpensive data storage essential to the operation of computers and other digital devices. DRAM chips, which contain semiconductor integrated circuits, are normally assembled into modules (“DRAM” refers to both chips and modules).

The Settlements include the following types of DRAM: Extended data out (“EDO”); Fast-page mode (“FPM”); Reduced latency (“RLDRAM”); Synchronous (“SDRAM”); Rambus (“RDRAM”); Asynchronous (“ASYNCR”); and Double data rate (“DDR”). The Settlements **do not** include static random access memory (“SRAM”).

### 4. What devices contain DRAM?

All devices containing DRAM are included in the Settlements. From January 1, 1998 to December 31, 2002, DRAM was included in many different types of digital devices, including computers (laptops, desktops, and servers), graphics cards, video game consoles, MP3 players, printers, PDA’s, DVD players, Digital Video Recorders, and others. If you have any question about whether you bought a product containing DRAM, call 1-800-589-1425.

### 5. What DRAM purchases are included?

The Settlements cover only “indirect” purchases of DRAM. As long as you did not buy DRAM “directly” from a DRAM manufacturer (*see* list of Defendants in Question 9 below), your purchase of DRAM or a device containing DRAM is an indirect purchase. Indirect purchasers buy DRAM or devices containing DRAM from computer makers (*e.g.* Apple, Gateway, Dell), retailers (*e.g.* Best Buy, Staples, Costco), and many other resellers (*e.g.* CDW, Ingram Micro, Amazon.com). Direct purchases from the DRAM manufacturers are not covered under these Settlements.

## 6. What is a class action or *parens patriae* action?

In a class action, one or more persons or businesses (“Class Representatives”) sue on behalf of a group or “class” of others with similar claims. If the Court determines that a particular case should proceed as a class action, the entire group’s claims can be combined into a single proceeding, creating efficiencies for the parties and the courts. In a *parens patriae* action, a state Attorney General brings a lawsuit on behalf of the residents of the state, in this case on behalf of purchasers of DRAM.

## WHO IS INCLUDED

### 7. How are the Attorneys General involved?

Participating in these Settlements are State Attorneys General from around the country, including: Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, and Wisconsin.

The nature of the representation by each state Attorney General varies, but includes representation of: (1) state government entities for all; (2) local government entities for most; (3) individuals in their States in a *parens patriae* capacity for many; and (4) businesses in their States in a *parens patriae* capacity for a few. The doctrine of *parens patriae* allows a State to bring claims on behalf of its residents and, in a few cases, on behalf of its businesses. The claims asserted by the various Attorneys General are collectively referred to as the “Attorneys General Actions.” A separate notice will be given to government entities where required by state law.

The claims brought by the Attorneys General, whether on behalf of state or local government entities or in a *parens patriae* capacity, arise from the same alleged conduct by the Defendants as that asserted in the class actions. The Attorneys General’s lawsuits are pending in federal court; California has a second parallel action on behalf of certain of its local and state government entities in California state court.

### 8. How do I know if I am included in the Class or Attorneys General Actions?

You are included in the Class and/or Attorneys General Actions if you meet the following criteria:

- You are a person or business that purchased DRAM or a device containing DRAM;
- Your purchase was made anytime from January 1, 1998 through December 31, 2002;
- Your purchase was made in the United States or from a seller located in the United States; **and**
- Your DRAM purchase was not made directly from any of the DRAM manufacturers.

The specific class definition is available at [www.DRAMclaims.com](http://www.DRAMclaims.com).

### 9. Who are the Defendant companies?

The Defendants are:

- Elpida Memory, Inc., Elpida Memory (USA), Inc. (“Elpida”);
- Hitachi, Ltd. (“Hitachi”);
- Hynix Semiconductor Inc., Hynix Semiconductor America Inc., presently known as SK hynix Inc. and SK hynix America Inc. (“Hynix”);

- Infineon Technologies AG, Infineon Technologies North America Corp. (“Infineon”);
- Micron Technology, Inc., Micron Semiconductor Products, Inc. (“Micron”);
- Mitsubishi Electric Corp., Mitsubishi Electric & Electronics USA, Inc. (“Mitsubishi”);
- Mosel-Vitelec Corp., Mosel-Vitelec (USA), Inc. (“Mosel”);
- Nanya Technology Corp., Nanya Technology Corp. USA, Inc. (“Nanya”);
- NEC Electronics America, Inc., presently known as Renesas Electronics America, Inc. (“NEC”);
- Samsung Electronics Company Ltd.; Samsung Semiconductor, Inc. (“Samsung”);
- Toshiba Corp., Toshiba America Electronic Components, Inc. (“Toshiba”); and
- Winbond Electronics Corp., Winbond Electronics Corporation America, Inc. (“Winbond”).

## THE SETTLEMENTS’ BENEFITS

### 10. What do the Settlements provide?

The Settlement Funds total approximately \$310 million. Approximately 89% (or 8/9ths) is for the benefit of businesses and individuals. The other 11% (or 1/9th) of the Settlement Funds are for the benefit of state and local government entities. The Attorneys General and Class Counsel have requested attorneys’ fees, subject to court approval, in the amount of 25% of total Settlement Funds. After deduction of the government entity portion of the Settlements, attorneys’ fees, notice and claims administration costs, and litigation expenses, approximately \$200 million is expected to be available for distribution to businesses and individuals. Defendants have also agreed not to engage in the conduct that is at issue in these lawsuits and will establish (or maintain) programs to educate their employees about complying with the law (*see* Question 12). More details about the distribution of the Settlement Funds are available at [www.DRAMclaims.com](http://www.DRAMclaims.com).

**Settlement Amounts:** Each Defendant’s contribution to the Settlement Fund is:

Company	Contribution
Elpida	\$4,259,948
Hitachi	\$5,600,000
Hynix	\$49,971,842
Infineon	\$29,113,776
Micron	\$66,774,984
Mitsubishi	\$5,600,000
Mosel	\$2,848,900
Nanya	\$3,823,200
NEC	\$20,277,350
Samsung	\$113,000,000
Toshiba	\$7,450,000
Winbond	\$2,000,000
<b>Total</b>	<b>\$310,720,000</b>

Any interest earned will be added to the Settlement Funds.

## 11. How will the Settlement Funds be distributed?

It is expected that approximately \$200 million will be paid to Class Members, including consumers represented by their state Attorney General, who file valid claims. Payments will be determined on a *pro rata* basis. This means it will be based on the number of valid claims filed as well as on the number/type of DRAM modules or electronic devices containing DRAM that you purchased (only the DRAM portion of the value of devices containing DRAM will be considered for claims purposes). At this time, it is unknown how much money each Class Member will recover. The distribution plan provides for an anticipated **minimum** payment of \$10 for each individual or business that makes a claim.

It is possible that money will be distributed to public or non-profit organizations in addition to or instead of Class Members who would otherwise receive the \$10 minimum payment (“small claimant”):

- If there are fewer than 2.5 million individuals and businesses who are small claimants, their claims will be treated as follows:
  - The small claimants’ checks will be increased *pro rata* above \$10, up to a maximum of the estimated actual single damages from the alleged overcharge for each claimant, until the available funds up to \$25 million are exhausted; and
  - If the \$25 million is not exhausted, any money remaining will be distributed to non-profit organizations approved by the Court to support public or not-for-profit activities on a geographically diverse basis to address the injury alleged in the lawsuits.
- If there are more than five million small claimants, no cash distribution will be made to them. Instead, \$40 million will be distributed to non-profit organizations approved by the Court, as described above.

For additional information regarding the claim process and to submit a Claim Form, visit [www.DRAMclaims.com](http://www.DRAMclaims.com) or call 1-800-589-1425 to obtain a paper Claim Form.

## 12. What is injunctive relief?

Defendants have agreed not to engage in certain conduct related to the sale of DRAM that would violate the antitrust laws that are at issue in these lawsuits. Defendants also agreed to establish (or maintain) antitrust training/compliance programs for their employees responsible for selling DRAM. For additional information regarding the injunctive relief provisions of the Settlements, visit [www.DRAMclaims.com](http://www.DRAMclaims.com).

## HOW TO GET BENEFITS

### 13. How do I get benefits?

**Simply complete and submit a Claim Form online or mail a paper Claim Form, postmarked by August 1, 2014, to:**

DRAM Indirect Purchaser Antitrust Litigation  
P.O. Box 8097  
Faribault, MN 55021-9497

**For additional information regarding completing a Claim Form, visit [www.DRAMclaims.com](http://www.DRAMclaims.com).**

CALL TOLL FREE 1-800-589-1425 OR VISIT [WWW.DRAMCLAIMS.COM](http://WWW.DRAMCLAIMS.COM)  
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE

**14. When will I get benefits?**

Benefits will be distributed to Class Members, including consumers represented by their state Attorneys General, after the Court grants final approval to the Settlements and any appeals are resolved. Appeals can take many years to conclude.

**REMAIN IN THE CLASS OR THE ATTORNEYS GENERAL ACTIONS**

**15. What am I giving up if I stay in the Class or Attorneys General Actions?**

Unless you exclude yourself, you will give up your right to separately sue the Defendants for any claims you may have relating to this case. The Settlement Agreements describe the released claims in detail, so read them carefully. The Settlement Agreements are available at [www.DRAMclaims.com](http://www.DRAMclaims.com).

**EXCLUDE YOURSELF FROM THE CLASS OR THE ATTORNEYS GENERAL ACTIONS**

**16. How do I get out of the Class or Attorneys General Actions?**

To exclude yourself from the Class or Attorneys General Actions, you must send a letter by mail.

Include:

- Your complete name, address and telephone number, or the name, address and telephone number of the business you represent,
- If you are being assisted by a lawyer, include their name, address and telephone number, and
- A clear statement that you want to be excluded from *In re: Dynamic Random Memory (DRAM) Antitrust Litigation*, MDL No. 1486 (“Request for Exclusion”).

**Your Request for Exclusion must be postmarked no later than May 5, 2014 and mailed to:**

DRAM Indirect Purchaser Antitrust Litigation Exclusions  
P.O. Box 8097  
Faribault, MN 55021-9497

**17. If I don't exclude myself, can I sue for the same thing later?**

No. Unless you exclude yourself you will remain in the Class and Attorneys General Actions and give up any right to separately sue Defendants for the claims made in this case.

**18. If I exclude myself, can I still get benefits?**

No. If you exclude yourself, you may not make a claim and you will not be eligible to receive money from the Settlements.

## OBJECT TO OR COMMENT ON THE SETTLEMENTS

### 19. How do I object to or comment on the Settlements?

If you do not exclude yourself from the Class and you have comments about, or disagree with, any aspect of the Settlements, you may express your views to the Court by writing to the address below. Include your:

- Name, address and telephone number, or the name, address and telephone number of the business you represent,
- The case name and number (*In re: Dynamic Random Memory (DRAM) Antitrust Litigation*, MDL No. 1486),
- If you are being assisted by a lawyer, include their name, address and telephone number,
- A brief explanation of your comment or objection, your signature, and a statement under penalty of perjury that you or your business purchased DRAM modules or an electronic device containing DRAM during the period January 1, 1998 through December 31, 2002.

**Any comment or objection must be postmarked no later than May 5, 2014 and mailed to:**

COURT	NOTICE ADMINISTRATOR
Clerk's Office United States District Court for the District of Northern California 1301 Clay Street Oakland, CA 94612	DRAM Indirect Purchaser Antitrust Litigation Objections P.O. Box 8097 Faribault, MN 55021-9497

### 20. What is the difference between excluding myself from the Class or Attorneys General Actions and objecting to the Settlements?

If you exclude yourself from the Class or Attorneys General Actions you are telling the Court that you don't want to participate in the Settlements. Therefore, you will not be eligible to receive any benefits from the Settlements and you will not be able to object to the Settlements. Objecting to the Settlements simply means telling the Court that you don't like something about the Settlements. Objecting does not disqualify you from making a claim nor does it make you ineligible to receive a payment.

## THE LAWYERS REPRESENTING YOU

### 21. Do I have a lawyer representing me?

The Court has appointed the following law firms as Class Counsel to represent you and all other members of the class: Cooper & Kirkham, P.C.; Straus & Boies, LLP; Gustafson Gluek PLLC; and The Mogin Law Firm, P.C. Attorneys General in a number of states are also representing individuals in their states. If you have any question about the Settlement, you can talk to Class Counsel or the Offices of the Attorneys General listed in Question 7, or you can retain your own lawyer at your own expense.



**22. How will the lawyers be paid?**

You do not need to separately pay the Plaintiffs’ lawyers. Class Counsel and the Attorneys General, who have advanced significant sums over many years in litigating these cases, have requested attorneys’ fees of 25% of the total Settlement Funds, plus reimbursement of their expenses and costs. Any award of fees, expenses and costs comes out of the Settlement Funds and is subject to Court approval.

**Any comment or objection to the requested fees, expenses and costs, must be postmarked no later than May 5, 2014 and mailed to:**

<b>COURT</b>	<b>NOTICE ADMINISTRATOR</b>
Clerk’s Office United States District Court for the District of Northern California 1301 Clay Street Oakland, CA 94612	DRAM Indirect Purchaser Antitrust Litigation Objections P.O. Box 8097 Faribault, MN 55021-9497

The attorneys’ motion for fees, expenses and costs (including the Class Representative payments) are available at [www.DRAMclaims.com](http://www.DRAMclaims.com).

**THE FAIRNESS HEARING**

**23. When and where will the Court decide whether to approve the Settlements?**

The Court will hold a Fairness Hearing at 9 a.m. on **June 25, 2014**, at the United States District Court for the Northern District of California, 1301 Clay Street, Oakland, CA 94612. The hearing can be moved to a different date or time without additional notice, so check [www.DRAMclaims.com](http://www.DRAMclaims.com) for current information. At the Fairness Hearing the Court will consider whether these Settlements are fair, reasonable and adequate, and will also consider counsel’s request for attorneys’ fees. If there are objections or comments, the Court will consider them at that time. After the hearing, the Court will decide whether to grant final approval to each of the Settlements and to approve the fee request. We do not know how long these decisions will take.

**24. Do I have to come to the hearing?**

No. Class Counsel or the Attorneys General will answer any questions the Court may have. But you are welcome to come at your own expense. If you send an objection or comment, you don’t have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also retain a lawyer to appear on your behalf at your own expense.

**25. May I speak at the hearing?**

If you send an objection or comment on the Settlements as described in Question 19, you will have the right to speak at the Fairness hearing. You cannot speak at the hearing if you exclude yourself from the Class and Attorneys General Actions.

## GET MORE INFORMATION

### 26. Where can I get more information?

The Notice summarizes the Settlements. You can get more information about the Settlements at [www.DRAMclaims.com](http://www.DRAMclaims.com), by calling 1-800-589-1425, or writing to DRAM Indirect Purchaser Antitrust Litigation, P.O. Box 8097, Faribault, MN 55021-9497.