

Canadian DRAM National Class Actions

Distribution Protocol

Allocation of Net Proceeds:

1)	END CONSUMERS FUND	50%
2)	EMS FUND	30%
3)	OTHER DRAM PURCHASERS FUND	20%

Rules for Distribution:

1. The net proceeds of all settlements and judgments in the Canadian DRAM national class actions will be distributed according to a claims-made process to compensate Class Members for DRAM and/or DRAM Products they purchased between April 1, 1999 and June 30, 2002 (the “Class Period”). Compensation is only available for new product purchases and not used product purchases.
2. Class Members may not recover in relation to DRAM or DRAM Products compensated or released as part of U.S. Proceedings or a private settlement.
3. Three funds will be created: 1) the End Consumers Fund; 2) the EMS Fund; and 3) the Other DRAM Purchasers Fund.
4. Class Members will be entitled to advance claims in the following categories: 1) End Consumers Claims; 2) EMS Claims; and 3) Other DRAM Purchasers Claims. Class Members may advance claims in respect of more than one category, provided those claims are in compliance with rules applicable to each category. The claims process will be designed to assist Class Members to easily and efficiently advance their claims in all applicable categories.
5. All valid claims made will be converted to a common unit of measure (“CEU”) by the Claims Administrator based on the computer equivalent unit grid (“CEU Grid”) attached as Schedule A and compensation will be calculated by the Claims Administrator based on the rules set out in the claims categories below.
6. Compensation payable to Quebec Class Members will be subject to deduction in respect of the amounts payable to the Fonds d’aide aux recours collectifs.
7. Additional rules applicable to each claims category are as follows:

End Consumers Claims:

8. An “End Consumers Claim” means a claim in respect of DRAM and/or DRAM Products purchased by a Class Member in the Class Period for the Class Member’s own use and not for commercial resale in the same or modified form.
9. End Consumers Claims will be advanced by Class Members against the End Consumers Fund.
10. The End Consumers Fund will be allocated 50% of the net proceeds.
11. The “End Consumers CEU Value” will be fixed at \$5 per CEU.
12. The end consumer DRAM and/or DRAM Product purchases of family members residing in the same household must be pooled together and filed as a single End Consumer Claim. Persons under the age of eighteen (18) at the time of filing will not be permitted to file a claim except as part of a household claim. Compensation payable in respect of a household claim will be issued to the person filing the claim on behalf of the household.
13. The Claims Administrator will convert the reported DRAM and/or DRAM Product purchases for each valid End Consumers Claim received into CEUs based upon the CEU Grid.
14. The compensation payable for each valid End Consumers Claim will be calculated by the Claims Administrator by accepting the Class Member’s election of \$20 in compensation or by multiplying the number of CEUs determined times the End Consumers CEU Value.
15. Each valid End Consumers Claim will be paid the greater of \$20 or the compensation as calculated in the preceding paragraph out of the End Consumers Fund; subject to such pro-ration as may be required should there be insufficient monies in the End Consumers Fund to pay all valid End Consumers Claims.
16. If there are more monies allocated to the End Consumers Fund than are required to make payment of compensation for all valid End Consumer Claims made against it, Class Counsel may implement a pro-rata increase in the compensation payable for End Consumer Claims. If a pro-rata increase is determined to be inappropriate, Class Counsel will prepare a proposal in respect of any excess money and will move to the Courts for approval of it prior to the distribution of the End Consumers Fund. In preparing a proposal in respect of how to distribute any excess monies, Class Counsel will consider all relevant factors including the utility and efficacy of a *cy prè*s distribution, if appropriate.

EMS Claims:

17. An “EMS Claim” means a claim made in respect of DRAM purchased by a Class Member during the Class Period in support of the manufacturing or assembly of electronics products such as circuit boards, electronic assemblies, subassemblies, systems and subsystems by contract manufacturers or electronics manufacturing services firms pursuant to contracts with computer

and/or non-computer original equipment manufacturers and/or other computer parts manufacturers for commercial resale in a modified form. EMS Claims do not include claims in respect of DRAM purchased in support of the construction or assembly of DRAM modules for commercial resale to end consumers in a modified form.

18. EMS Claims will be advanced by Class Members against the EMS Fund.
19. The EMS Fund will be allocated 30% of the net proceeds.
20. The Claims Administrator will convert the reported DRAM purchases for each valid EMS Claim received into CEUs based on the CEU Grid.
21. The “EMS CEU Value” will be fixed at \$1.25 per CEU.
22. The compensation payable for each valid EMS Claim will be calculated by the Claims Administrator by multiplying the number of CEUs times the EMS CEU Value subject to such pro-rata as may be required should there be insufficient monies in the EMS Fund to pay all valid EMS Claims.
23. If there are more monies allocated to the EMS Fund than are required to make payment of compensation for all valid EMS Claims made against it, Class Counsel may implement a pro-rata increase in the compensation payable for EMS Claims. If a pro-rata increase is determined to be inappropriate, Class Counsel will prepare a proposal in respect of any excess money and will move to the Courts for approval of it prior to the distribution of the EMS Fund. In preparing a proposal in respect of how to distribute any excess monies, Class Counsel will consider all relevant factors, including the utility and efficacy of a cy près distribution, if appropriate.
24. Each valid EMS Claim will be paid the compensation calculated in accordance with the preceding paragraphs out of the EMS Fund.

Other DRAM Purchasers Claims:

25. An “Other DRAM Purchasers Claim” means a claim, other than an EMS Claim, in respect of DRAM and/or DRAM Products purchased by a Class Member during the Class Period for commercial resale in the same or modified form.
26. Other DRAM Purchasers Claims will be advanced by Class Members against the Other DRAM Purchasers Fund.
27. The Other DRAM Purchasers Fund will be allocated 20% of the net proceeds.
28. The “Other DRAM Purchasers CEU Value” will be fixed at \$1.25 per CEU.
29. The Claims Administrator will convert the reported DRAM and/or DRAM Product purchases for each valid Other DRAM Purchasers Claim received into CEUs based on the CEU Grid.
30. All Other DRAM Purchasers Claims shall be categorized by the Claims Administrator as follows:

- a. high absorption claims mean claims in respect of DRAM and/or DRAM Products purchased in support of manufacture or assembly of computer DRAM Products for commercial resale in modified form to government/education entities;
- b. medium absorption claims mean claims in respect of DRAM and/or DRAM Products purchased in support of manufacture or assembly of computer DRAM Products for commercial resale in a modified form:
 - i. directly by the Class Member; and/or
 - ii. to non-government/education entities;
- c. low absorption claims mean claims in respect of:
 - i. DRAM and/or DRAM Products (computer and/or non-computer) purchased and distributed for commercial resale without modification; and/or
 - ii. DRAM and/or DRAM Products purchased in support of manufacture or assembly of non-computer DRAM Products for commercial resale in a modified form; and
- d. stranded DRAM inventory claims mean claims in respect of DRAM purchased from a manufacturer or a reseller in raw or module form for commercial resale and which could not be resold.

31. The compensation payable for each valid Other DRAM Purchasers Claim will be calculated by the Claims Administrator as follows:

- (a) high absorption claims will be valued at 1.0 times the number of CEUs times the Other DRAM Purchasers CEU Value;
- (b) medium absorption claims will be valued at 0.50 times the number of CEUs times the Other DRAM Purchasers CEU Value;
- (c) low absorption claims will be valued at 0.33 times the number of CEUs times the Other DRAM Purchasers CEU Value; and
- (d) stranded DRAM inventory claims will be valued at 2.0 times the number of CEU's times the Other DRAM Purchasers CEU Value;

provided however that the Claims Administrator has discretion to move a Class Member between subparagraphs (a), (b), (c) or (d) if the Class Member demonstrates to the Claims Administrator that its purchases of DRAM and/or DRAM Products are more analogous to the factual conditions of purchase and sale as those of the Class Members in another subparagraph. Each valid Other DRAM Purchasers Claim will be paid the compensation as calculated in this paragraph out of the Other DRAM Purchasers Fund subject to such pro-rata as may be

required should there be insufficient monies in the Other DRAM Purchasers Fund to pay all valid Other DRAM Purchasers Claims.

32. If there are more monies allocated to the Other DRAM Purchasers Fund than are required to make payment of compensation for all valid Other DRAM Purchaser Claims made against it, Class Counsel may implement a pro-rata increase in the compensation payable for Other DRAM Purchaser Claims. If a pro-rata increase is determined to be inappropriate, Class Counsel will prepare a proposal in respect of any excess money and will move to the Courts for approval of it prior to the distribution of the Other DRAM Purchasers Fund. In preparing a proposal in respect of how to distribute any excess monies, Class Counsel will consider all relevant factors, including the utility and efficacy of a *cy prè*s distribution, if appropriate.

Residual Discretion for the Management of the Plan:

33. Notwithstanding the foregoing, if, following the claims process and the calculation of compensation in accordance with this Distribution Protocol, Class Counsel have concerns that the claims process and/or Distribution Protocol has produced an unjust result on the whole or to any segment of the Class Members, they shall first determine whether the flexibility afforded by the rules of this Distribution Protocol can be applied in order to resolve any such issue. Failing that, Class Counsel may move to the Courts for approval of a reasonable modification to this Distribution Protocol to remedy any unjust result or for further directions with respect to the distribution of the net proceeds.
34. In arriving at a proposal pursuant to paragraphs 16, 23 and 32 or a determination that an unjust result has occurred, a modification is required or a decision to seek directions pursuant to paragraph 33, Class Counsel shall seek a consensus among themselves, failing which they may move to the Courts for a determination of any such issue.

Schedule A

As the first step to computing the value of a claim, DRAM and DRAM Products purchased will be converted based on Computer Equivalent Units (“CEUs”). One CEU represents the average of the amount of DRAM commonly installed in a computer for any year of the Class Period. Other DRAM Products, which contain on average differing amounts of DRAM than a computer, will be converted to CEUs on the following basis:

Table A: Computer Equivalent Units of Qualifying Products	
Category	Computer Equivalent Units
Computers – Laptops or Desktops	1.00
Printers	0.05
Memory Modules	0.74
Graphics Cards	0.33
Video Game Consoles	0.10
DVD Players	0.05
Personal Digital Assistants (PDAs)	0.10
MP3 Players	0.10
TiVo/Digital Video Recorders	0.33
Servers	1.00 CEU per \$3,400 CDN spent ¹
Point of Sale Systems	1.00

The Megabytes (“MBs”) of DRAM or DRAM Products purchased will only have to be reported by year if Class Members are claiming:

- DRAM Products not listed in Table A;
- purchases of more than 10,000 DRAM memory modules; or,
- purchases of raw DRAM.

Claims for purchases reported in MBs per year will be converted to CEUs as follows:

Table B: MBs of DRAM per CEU (1999-2002)		
Year		MBs of DRAM
April – December	1999	68
January – December	2000	73
January – December	2001	153
January - June	2002	321

¹ Because the amount of DRAM in servers varies significantly according to the cost of the server, claims for servers must be reported in dollars spent during the period April 1, 1999 to June 30, 2002.