



Global Standards for the Microelectronics Industry

Risks Associated with Private Meetings

Private Meeting Risks: Legal Concerns

- Informal gathering of invited companies, in some instances direct competitors
- Some members and non-members may be excluded
- No JEDEC structure, procedures or protections (e.g., meeting notices, agendas, procedures to ensure openness, balance and lack of dominance, meeting minutes)
- No JEDEC staff in attendance; no JEDEC legal oversight

Private Meeting Risks: Legal Concerns

- Greater risk of discussion of sensitive subjects (e.g., prices, costs, output, capacity, territories, terms and conditions of sale, future plans for production, distribution or marketing)
- Greater risk of formation of voting blocks that may carry over to JEDEC meetings

Private Meeting Risks: Legal Concerns

- Two elements of a Sherman Antitrust Act Section 1 violation are:
 - (1) contract, combination or conspiracy
 - (2) unreasonable restraint of trade
- Private meetings suggest the existence of one element – combination

Private Meeting Risks: Practical Concerns

- Private meetings tend to undermine the openness of the standards process
- Private meetings that are scheduled to conflict with JEDEC meetings interfere with the conduct of legitimate committee business

Private Meeting Risks: Practical Concerns

- Private meetings put member companies at greater risk
- Private meetings put participants at risk within their own companies:

Company representatives were sent to attend JEDEC meetings with procedural protections, rather than to interact in informal private gatherings