

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**In the Matter of**

**RAMBUS INC.,**

**a corporation.**

**Docket No. 9302**

**RESPONDENT'S UNOPPOSED MOTION FOR THE  
ISSUANCE OF SUBPOENAS *AD TESTIFICANDUM***

Pursuant to Rule 3.34(a)(2) of the Federal Trade Commission's Rules of Practice, Respondent Rambus, Inc. ("Rambus") makes this unopposed<sup>1</sup> motion for the issuance of subpoenas *ad testificandum* so that witnesses may be called to testify at the hearing in this matter.

The witness' name and current affiliation, and a summary statement of the general relevance of his or her proposed testimony, are set out below. An unsigned subpoena for each witness is also submitted herewith. Counsel representing many of these witnesses have already agreed to accept service on the witnesses' behalf.

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<sup>1</sup> Complaint Counsel have stated that they do not oppose the issuance of the subpoenas sought by this motion. They reserve, of course, the right to object to particular testimony.

1. Steven Appleton

Mr. Appleton, who is also named on Complaint Counsel's witness list, is the Chief Executive Officer of Micron Technology Inc., a major DRAM manufacturer and long time JEDEC member. His testimony will relate primarily to Micron's efforts to develop and market RDRAM, to the demand of customers such as Dell for RDRAM modules, and to other industry developments, as well as to Micron's analysis of Rambus intellectual property issues.

2. Bruce Barbara

Mr. Barbara is President of JaZio, Inc. Mr. Barbara's testimony will relate in part to his knowledge of Rambus technology while a Hitachi engineer in the early 1990's and in part to his knowledge of royalty rates for semiconductor industry patents. He was listed on Complaint Counsel's preliminary witness list but does not appear on their final witness list.

3. Sam Calvin

Mr. Calvin was a JEDEC representative on behalf of Intel for several years in the 1990's. His testimony will relate primarily to intellectual property disclosure issues at JEDEC. Both Rambus and Complaint Counsel have listed Mr. Calvin as a witness.

4. David Chapman

Mr. Chapman is Vice-President of Marketing at GSI Technology and is GSI's JEDEC representative. He was a JEDEC representative for Motorola between 1988 and 1999 and chaired a JEDEC subcommittee in the 1992-4 time period. His testimony will relate primarily to his understanding of the JEDEC patent policy.

5. Sam Chen

Mr. Chen was Mitsubishi's JEDEC representative throughout the 1990's. He will testify regarding his understanding of JEDEC's patent disclosure policy as well as issues relating to SyncLink (one proposed alternative to the Rambus DRAM technology) and to Mitsubishi's parent company.

6. Richard Crisp

Mr. Crisp is an engineer who was Rambus' JEDEC representative between 1992 and 1996. He has left Rambus and works for a small start-up business. Both Compliant Counsel and Rambus have listed Mr. Crisp as a witness. His testimony will relate primarily to JEDEC-related activities and policies.

7. Tony Diepenbrock

Mr. Diepenbrock was an in-house patent attorney at Rambus in the 1995-1997 time period. His testimony will relate generally to Rambus's patent prosecution efforts.

8. David Gustavson

Mr. Gustavson was the Secretary of the SyncLink Consortium in the mid-1990's and attended, and took minutes of, numerous SyncLink meetings. His testimony will relate primarily to issues discussed at and related to those meetings. As noted above, the SyncLink Consortium and its corporate successor, SLDRAM Inc., were attempting (in part) to develop a competing technology to the Rambus DRAM technology.

9. Gordon Kelley

Mr. Kelley is an IBM Senior Engineer who was an IBM representative to JEDEC for much of the 1990's. He also chaired the JEDEC Council and the 42.3 subcommittee

at various times. Both Rambus and Complaint Counsel have listed Mr. Kelley as a witness. His testimony will relate primarily to IBM's early analysis of Rambus and its technology and to JEDEC-related activities and policies.

10. John Kelly

Mr. Kelly is a lawyer who was counsel for the Electronic Industries Association ("EIA")<sup>2</sup> throughout most of the 1990's and who is now JEDEC's President. He appears on both parties' witness lists. His testimony will relate primarily to EIA and JEDEC policy and governance issues.

11. Mark Kellogg

Mr. Kellogg is an IBM Distinguished Engineer who was one of IBM's JEDEC representatives during parts of the 1990's. Both Rambus and Complaint Counsel have listed Mr. Kellogg as a witness. His testimony will relate primarily to his understanding and application of the JEDEC patent policy.

12. Kevin Kettler

Mr. Kettler is the Chief Technology Officer of Dell Computer Corp. His testimony will primarily relate to his knowledge of Rambus's technologies based on Rambus presentations and his review of Rambus's patents as well as the preferences of Dell with regard to DRAM technologies. Both Rambus and Complaint Counsel have listed Mr. Kettler as a witness.

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<sup>2</sup> JEDEC was, until 1998, an EIA department or operating unit that operated under the EIA's legal guides.

13. Thomas Landgraf

Mr. Landgraf is a Commodity Manager for Semi-Conductor Memories at Hewlett-Packard. He was a JEDEC representative in the 1990's on behalf of Hewlett-Packard. Both Rambus and Complaint Counsel have listed him as a witness. His testimony will relate primarily to his understanding of the JEDEC patent policy and to his understanding of the availability and disadvantages of alternatives to the features covered by Rambus's patents.

14. Jeff Mailloux

Mr. Mailloux is an executive with Micron Technology, Inc. He attended numerous JEDEC meetings on behalf of Micron and authored or received many memos and e-mails of importance to the issues in this case.

Mr. Mailloux's health problems prevented his deposition in this case but Rambus believes that he may well be fit to appear at trial.

15. Bert McComas

Mr. McComas is an industry analyst who authored various analyses of the DRAM industry in the mid and late 1990's, some of which he presented at JEDEC and to various meetings of DRAM manufacturers. His analyses explore many of the same issues as are addressed at length in the expert reports of Complaint Counsel's economist, R. Preston McAfee. His testimony will relate primarily to those issues.

16. Ken McGhee

Mr. McGhee has served as JEDEC's Secretary for many years and, in that capacity, has attended hundreds of JEDEC meetings. His testimony will relate primarily

to his – and JEDEC’s – understanding and application of the JEDEC patent policy.

17. Jim McGrath

Mr. McGrath is Director of Strategic Product Development at Molex Connector Corporation. He has been a JEDEC representative on behalf of Molex for many years. His testimony will relate primarily to his understanding of the JEDEC patent policy and to his understanding of the activities of various JEDEC and non-JEDEC groups and their development of DRAM-related technologies.

18. Betty Prince

Ms. Prince is a DRAM industry consultant with her own firm, Memory Strategies International. While at Texas Instruments in the early 1990’s, she served as a JEDEC representative. In 1994, after leaving Texas Instruments, she authored a study of Rambus that addressed intellectual property issues. Her testimony will relate to these issues and to her understanding of the JEDEC patent policy.

19. Desi Rhoden

Mr. Rhoden is the current Chairman of JEDEC and also serves as the President of an industry group known as “AMI2.” In the early 1990’s, he was employed as an engineer at Hewlett-Packard and he has attended numerous JEDEC meetings. Both Rambus and Complaint Counsel have listed Mr. Rhoden as a trial witness. His testimony will relate primarily to the development of the DDR standard at JEDEC, other events at JEDEC and SyncLink meetings, and to his understanding and application of the JEDEC patent policy.

20. Gil Russell

Mr. Russell is a former employee of Infineon and Samsung who attended JEDEC meetings on behalf of both companies. He was also Infineon's representative to the SyncLink Consortium. Mr. Russell was listed on Complaint Counsel's preliminary witness list but does not appear on their final list, except as a possible rebuttal witness. His testimony will relate primarily to JEDEC and SyncLink meetings, the JEDEC patent policy, and various industry developments.

21. Neil Steinberg

Mr. Steinberg is an attorney. He was outside patent counsel to Rambus and was later General Counsel at Rambus. His testimony will relate primarily to licensing discussions with third parties and to certain patent portfolio and prosecution issues.

22. Howard Sussmann

Mr. Sussmann is a retired engineer who was a JEDEC representative for NEC and Toshiba. He also chaired one or more JEDEC subcommittees and was a member of the JEDEC board of directors. Both Rambus and Complaint Counsel have listed Mr. Sussman as a trial witness. His testimony will primarily relate to events at JEDEC meetings and to the application of the JEDEC patent policy.

23. Farhad Tabrizi

Mr. Tabrizi is Vice President, Worldwide Marketing of Memory Products for Hynix Semiconductors. He was a JEDEC representative for Hynix for many years and also chaired a JEDEC committee. He also served as the Chairman of the SyncLink Consortium. Both Rambus and Complaint Counsel have listed Mr. Tabrizi as a trial

witness. His testimony will relate primarily to events at JEDEC and SyncLink meetings, his understanding and application of the JEDEC patent policy, and other industry developments.

24. Wilbur Vogley

Mr. Vogley was a Texas Instruments engineer who spent considerable time working on SDRAM technology in the early 1990's. His testimony will relate primarily to those efforts.

25. Keith Weinstock

Mr. Weinstock is a Micron Technology employee who received information in April 1997 regarding Rambus's intellectual property portfolio or claims and who circulated that information within Micron. His testimony will relate primarily to these events.

26. Hans Wiggers

Mr. Wiggers was a JEDEC representative on behalf of Hewlett-Packard during much of the 1990's. He also chaired a JEDEC subcommittee and was a member of the JEDEC Council. His testimony will relate primarily to his understanding and application of the JEDEC patent policy, events at JEDEC and SyncLink meetings, and his understanding of and reactions to Rambus's technology and business model.

27. Bret Williams

Mr. Williams is a Segment Enabling Specialist in the Desktop PC area at Micron Technology, Inc. He is listed as a witness by both Rambus and Complaint Counsel. His testimony will relate primarily to issues involving JEDEC meetings and policies.

For the foregoing reasons, Rambus respectfully requests that Your Honor grant its motion for the issuance of subpoenas *ad testificandum* to be served on the individuals described herein. The proposed subpoenas are attached as Appendix A hereto.

DATED: April \_\_, 2003

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Jacqueline M. Haberer, hereby certify that on April 15, 2003, I caused a true and correct copy of *Respondent's Unopposed Motion for the Issuance of Subpoenas Ad Testificandum* to be served on the following persons by hand delivery:

Hon. Stephen J. McGuire  
Chief Administrative Law Judge  
Federal Trade Commission  
Room H-112  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

M. Sean Royall, Esq.  
Deputy Director, Bureau of Competition  
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Jacqueline M. Haberer

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**CERTIFICATION**

I, Jacqueline M. Haberer, hereby certify that the electronic copy of *Respondent's Unopposed Motion for the Issuance of Subpoenas Ad Testificandum* accompanying this certification is a true and correct copy of the paper version that is being filed with the Secretary of the Commission on April 15, 2003 by other means:

**Jacqueline M. Haberer**  
**April 15, 2003**