

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

**In the Matter of**

**RAMBUS INC.,**

**a corporation.**

**Docket No. 9302**

**RAMBUS’S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF ITS  
OBJECTIONS TO THE DEPOSITION TESTIMONY OF DR. K.H. OH**

Respondent Rambus Inc. (“Rambus”) respectfully submits this supplemental memorandum in support of its objections to the deposition testimony of Dr. K.H. Oh. Rambus is filing the attached lists of objections pursuant to the discussion in open court yesterday and is prepared to meet and confer with Complaint Counsel regarding these objections.<sup>1</sup>

Attachment A lists the designated deposition excerpts to which Rambus will not object should Complaint Counsel make a sufficient showing of Dr. Oh’s unavailability.

Attachment B lists all deposition excerpts designated by Complaint Counsel to which Rambus objects on the grounds that Dr. Oh was neither the author nor a recipient of the document that is the subject of the testimony in question and had, in fact, not seen the

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<sup>1</sup> The attachments to this memorandum address only Rambus’s objections to the testimony of Dr. Oh originally designated by Complaint Counsel. Should the parties’ agree on the withdrawal of certain designated testimony, or should Rambus’s objections to certain designations be sustained, that may result in the withdrawal of related counter-designated testimony and counter-counter-designated testimony.

document prior to preparing for his deposition. *See* Rambus's Memorandum in Support of Its Objections to the Deposition Testimony of Dr. K.H. Oh ("Memo."), at 2-5.

Attachment C lists all deposition excerpts designated by Complaint Counsel to which Rambus objects on the grounds that Dr. Oh did not recall the timing of Hyundai products but relied on a timeline prepared by his counsel. *See* Memo. at 5.

Attachment D lists all deposition excerpts designated by Complaint Counsel to which Rambus objects on other grounds.

In each of Attachments B, C, D, Rambus has listed the primary ground of its objections to each designated excerpt. Other objections to that testimony are indicated on the transcript which shows Complaint Counsel's designations, Rambus's objections and counter-designations, and Complaint Counsel's objections and counter-counter-designations. Should any issues remain unresolved after the parties have met and conferred, a copy of the transcript can be provided so as to enable Your Honor to rule on those issues.

DATED: May 14, 2003

Respectfully submitted,

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Attachment A – Unobjectionable designations

Page and line

8:13 – 9:9

11:3 – 17:24

18:13 – 20:25

23:3 – 24:15

25:12-17

26:2-7

26:16-21

28:6-19

33:19 – 36:5

65:22 – 66:14

68:11-12

73:3-14

78:12-25

84:21 – 85:6

106:2-10

119:15-19

119:24 – 120:3

122:25 – 123:23

136:9-19

141:23 – 142:4

143:5 – 144:6

159:14-22

163:19 – 164:12

168:17 – 169:3

205:2-24

215:3-10

227:2-24

228:24 – 229:25

254:9-22

257:5 – 258:17

283:10-13

289:14-22

Attachment B

<u>Page and line</u>	<u>Comments</u>
39:13-21 41:9 – 43:15 45:4 – 46:4 47:11 – 48:20 51:4 – 52:5 53:10 – 54:13 55:2 – 56:14	Dr. Oh’s testimony about the purpose and meaning of Exhibit 2 to his deposition lacks foundation because he had not seen the document prior to preparing for his deposition (328:4-23). Moreover, Dr. Oh’s testimony certain technology related to the packaging of DRAMs is irrelevant given Dr. Oh’s later testimony that this packaging would not necessarily have to be changed in order to make changes to interface circuitry (243:17-22).
125:3-5, 17-24 127:3 – 129:9 131:3 – 135:4 135:23 – 136:8 136:20 – 138:4 138:22 – 139:16 140:2 – 141:22 142:5 – 143:4 144:7 – 147:2	Dr. Oh’s testimony about the purpose and meaning of Exhibit 7 to his deposition lacks foundation because he had not seen the document prior to preparing for his deposition (331:10 – 332:18).
148:25 – 149:1 149:19 – 152:24 154:10 – 155:5 157:11 – 159:13 159:23 – 160:25	Dr. Oh’s testimony about the purpose and meaning of Exhibit 8 to his deposition lacks foundation because he had not seen the document prior to preparing for his deposition (333:4-16).
161:1-4 161:17-22 163:7-18 165:11 – 167:7	Dr. Oh’s testimony about the purpose and meaning of Exhibit 9 to his deposition lacks foundation because he had not seen the document prior to preparing for his deposition (333:17-24).
170:5-17 172:15 – 173:23 174:3 – 176:25 177:20 – 178:13	Dr. Oh’s testimony about the purpose and meaning of Exhibit 10 to his deposition lacks foundation because he had not seen the document prior to preparing for his deposition (333:25 – 334:3).
183:21-24 184:13 – 190:12	Dr. Oh’s testimony about the purpose and meaning of Exhibit 12 to his deposition lacks foundation because he had not seen the document prior to preparing for his deposition (335:2-19).

198:20-23  
203:21 – 205:1 Dr. Oh's testimony about the purpose and meaning of Exhibit 13 to his deposition lacks foundation because he had not seen the document prior to preparing for his deposition (248:18 – 250:4).

211:5-17  
211:25 – 215:2  
215:11 – 221:15  
222:17 – 226:25 Dr. Oh's testimony about the purpose and meaning of Exhibit 14 to his deposition lacks foundation because he had not seen the document prior to preparing for his deposition (335:20 – 336:9).

Attachment C

Page and line

Comments

37:9 – 39:1

This testimony is based on the witness' prior testimony that Hyundai began work to design SDRAMs in November 1992 (see 36:22 – 37:8). However, the videotape of that prior testimony shows the witness consulting the timeline prepared by his counsel (21:8-19). Moreover, there is no foundation that Dr. Oh was familiar with the work of companies other than Hyundai.

343:1-23

Dr. Oh's testimony about the timing of events was based on the timeline prepared by his counsel. Moreover, there is no foundation for Dr. Oh's testimony about JEDEC standardization of DDR SDRAM.

## Attachment D

<u>Page and line</u>	<u>Comments</u>
29:7 – 31:7	No foundation that Dr. Oh had knowledge of the policies or practices of JEDEC, or that he was familiar with the beliefs of segments of the computer industry other than memory manufacturers.
56:15 – 57:2	Non-responsive.
57:3-13	Leading and irrelevant in light of Dr. Oh’s later testimony that packaging would not necessarily need to be changed if DRAM interface circuitry were changed (243:17-22). The question and answer at 57:8-13 is also confusing and prejudicial in light of the later testimony.
58:8 – 59:7 60:14 – 61:22	No foundation for Dr. Oh’s testimony about SyncLink.
69:2-10	No foundation for this testimony in light of Dr. Oh’s later testimony that he was concerned that Rambus might have patents that extended to SyncLink (73:3-6).
70:11 – 73:2 74:1-3 75:4 – 77:7	Dr. Oh’s testimony about Exhibit 3 (and its translation Exhibit 4), which he did not prepare, is hearsay and without foundation. There is also no foundation for Dr. Oh’s testimony about license negotiations with Rambus.
91:12 – 92:6	Irrelevant.
95:24 – 96:21 99:5-23 100:13 – 101:12 101:21 – 102:11	No foundation for Dr. Oh’s testimony about the license agreement with Rambus.
103:11-13 103:20 – 105:19	No foundation for Dr. Oh’s testimony about the amendment to the license agreement with Rambus.
109:3-7	No foundation for Dr. Oh’s testimony about SyncLink.
109:23 – 110:19 115:21 – 116:9 116:22 – 117:25 118:22 – 119:14	Dr. Oh’s testimony that Geoffrey Tate of Rambus suggested that Hyundai stop participating in SyncLink is more prejudicial than probative in light of Dr. Oh’s later testimony that all he can actually recall Mr. Tate saying is that it was inappropriate for Farhad Tabrizi, a



Hyundai marketing manager who was also the chairman of the SyncLink consortium, to be privy to confidential Rambus information (114:25 – 115:9; 116:10-18; 322:16-22).

- 119:20-23 No foundation for Dr. Oh's testimony about the relationship of similarities between SDRAM and DDR SDRAM. Improper opinion testimony.
- 168:10-16 No foundation for testimony about testing by Hewlett-Packard.
- 227:25 – 228:19 Vague.
- 230:1 – 232:11 Dr. Oh's testimony about JEDEC and the possibilities of designing around Rambus's patents lacks foundation, is improper opinion testimony, and is more prejudicial than probative.
- 289:21 – 291:6 No foundation for Dr. Oh's testimony about the JEDEC patent policy.
- 354:23 – 356:11 No foundation for Dr. Oh's testimony about the license agreement with Rambus. Moreover, the questioning called for speculation and was leading.
- 356:12 – 357:13 Leading.

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**CERTIFICATE OF SERVICE**

I, James M. Bery, hereby certify that on May 14, 2003, I caused a true and correct copy of *Rambus's Supplemental Memorandum in Support of Its Objections to the Deposition Testimony of Dr. K.H. Oh* to be served on the following persons by hand delivery:

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