

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)
)
RAMBUS INCORPORATED,)
a corporation.)
_____)

Docket No. 9302

**RAMBUS INC.’S ANSWER TO MICRON TECHNOLOGY’S MOTION
FOR LEAVE TO SUPPLEMENT RECORD IN SUPPORT OF MOTION TO
LIMIT OR QUASH RAMBUS’S NOVEMBER 6, 2002 SUBPOENAS
AD TESTIFICANDUM AND SUBPOENAS DUCES TECUM**

Respondent Rambus Inc. (“Rambus”) respectfully submits this memorandum in response to the motion by Micron Technology, Inc. (“Micron”) for leave to supplement the record in support of its motion to limit or quash several document and deposition subpoenas served on Micron by Rambus, and, in particular, the deposition subpoena for Mr. Jeff Mailloux. In light of Micron’s withdrawal of its motion to quash or limit the deposition subpoenas of the other Micron witnesses, Rambus is willing to forego the deposition of Mr. Mailloux at this time. However, for the reasons set forth below, Rambus requests the opportunity to depose Mr. Mailloux at a later date, should the circumstances warrant his deposition.

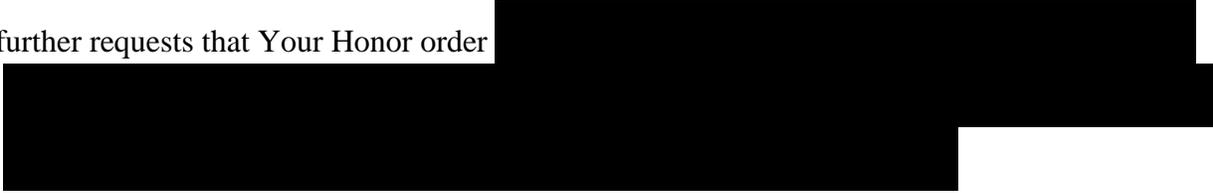
By its first motion for leave to supplement the record and its second motion for leave to file a reply, filed December 6, 2002, [REDACTED], without any basis for not having provided that information at the time it filed its motion to quash or limit on December 3, 2002. Given that Micron has been representing to Rambus for over a year and a half [REDACTED]

It should be understood that Rambus does not seek to impose upon Mr. Mailloux lightly. Rather, Rambus has pursued Mr. Mailloux's deposition because it believes his testimony to be important to its defense. In his *Micron* deposition, Mr. Mailloux testified, *inter alia*, that he was actively involved with various industry standards groups including SLD RAM (also known as SyncLink) and AMI2, industry consortia seeking to find alternative technologies to those claimed by Rambus's patents, and with ADT, the industry consortium attempting to develop next generation DRAM memory standards. The possible alternative technologies discussed by these consortia is directly relevant to the allegations pertaining to the alternative technologies that could have been incorporated into the JEDEC SDRAM and DDR SDRAM standards in lieu of Rambus's patented technologies, as well as the allegations that the DRAM industry is "locked in" to using Rambus's patented technologies. *See* Complaint, ¶¶ 62-65, 69 (alternative technologies), 91, 105 (lock in).

Since Mr. Mailloux's April 2001 deposition, various third parties, including Micron itself, have produced to Rambus over 200,000 pages of documents, a substantial number of which involve these and other DRAM industry activities. *See* Jeffries Decl., ¶ 10. Rambus believes it may need Mr. Mailloux's testimony about these activities, and, in particular, about the documents received since April 2001 that show his personal involvement in discussions and activities relevant to the allegations raised by the pleadings in this proceeding. However, as stated above, Rambus is willing to defer the deposition of Mr. Mailloux until the end of the discovery period, at which time it will be in a position to evaluate its need to depose Mr. Mailloux in light of the testimony of Micron's other witnesses on these issues.

Thus, in view of Micron's withdrawal of its motion to limit or quash with respect to all of the witnesses [REDACTED], and the foregoing [REDACTED], Rambus requests that Your Honor deny Micron Technology's Motion For Leave To Supplement Micron's Motion To Limit Or Quash Rambus's November 6, 2002 Subpoenas Ad Testificandum and Subpoenas Duces Tecum, and order Micron and the subpoenaed witnesses (including Mr. Mailloux) to fully comply with the document subpoenas issued on November 6, 2002. Rambus

further requests that Your Honor order



Respectfully submitted,

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December 10, 2002

* Admitted in MA and NY only

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CERTIFICATE OF SERVICE

I, Jacqueline M. Haberer, hereby certify that on December 10, 2002, I caused a true and correct copy of the public version of *Rambus Inc.'s Answer to Micron Technology's Motion for Leave to Supplement Record in Support of Motion to Limit or Quash Rambus's November 6, 2002 Subpoenas Ad Testificandum and Subpoenas Duces Tecum* to be served by hand delivery to Arnold & Porter, counsel for Micron Technology Corporation, at 555 Twelfth Street, N.W., Washington, D.C. 20004, and on the following persons by hand delivery:

Hon. James P. Timony
Administrative Law Judge
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