

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



In the matter of)
)

RAMBUS INC.,)
)

A corporation.)
)

Docket No. 9302

**MOTION OF NVIDIA CORPORATION, MICRON
TECHNOLOGY, INC., SAMSUNG ELECTRONICS CORPORATION, LTD., AND
HYNIX SEMICONDUCTOR, INC. FOR LEAVE TO FILE BRIEF AS AMICI CURIAE**

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Pursuant to 16 C.F.R. § 3.52(j), NVIDIA Corporation, Micron Technology, Inc., Samsung Electronics Corporation, Ltd., and Hynix Semiconductor, Inc. (“Amici”) respectfully move for leave to file a brief as amici curiae in the above-captioned matter.

Amici are global technology leaders. One Amicus, NVIDIA, manufactures and sells products (graphics processing units) that are designed to use, or interface with, JEDEC-compliant dynamic random access memory (“DRAM”), including single data rate synchronous DRAMs (“SDRAMs”) and double data rate synchronous DRAMs (“DDR SDRAMs). Other Amici design, manufacture, and sell JEDEC-compliant DRAMs. Amici contribute billions of dollars in annual sales to the U.S. and world economy, invest hundreds of millions of dollars in research and development, hold thousands of United States patents, employ thousands of people both in the United States and overseas, and maintain membership in a variety of standard setting organizations (“SSOs”).

SSOs, the standard setting process, and JEDEC standards in particular are of great importance to Amici. The goal of many SSOs, including JEDEC, is to set “open” standards that are broadly available, low cost, and free from restrictive patent rights. Such open standards are beneficial to manufacturers and consumers alike, because they ensure interoperability of standardized products supplied by different firms. This, in turn, promotes competition, increases market acceptance, and helps achieve economies of scale.

These benefits of open standards can be achieved, however, only when the members of an SSO act in good faith and refrain from deceptive and exclusionary conduct. When an SSO member engages in such anticompetitive conduct with respect to its patent rights, those patent rights improperly may allow one member of an SSO to hold-up the standard and

charge monopolistic rates to use the standard, all to the detriment of direct participants in the standard, others in the industry, and consumers.

After a lengthy hearing and a detailed review of the evidence, the Commission determined that Rambus Inc. (“Rambus”) engaged in bad faith and deceptive conduct in violation of the antitrust laws. Contrary to JEDEC’s policy and practice, contrary to the expectations of JEDEC members and those who rely upon open JEDEC standards, and in breach of its duty of good faith, Rambus undermined the JEDEC standard setting process by concealing its patent rights from JEDEC, misleading JEDEC members into believing that Rambus was not seeking patents over JEDEC-compliant SDRAMs and DDR SDRAMs, and secretly tailoring its patent rights in an effort to cover the JEDEC standards.

In 2000, after the JEDEC standards had been adopted, and after the industry was locked-in to those standards, Rambus exercised the monopoly power it had acquired through its subversion of the standard setting process. It was only then that Rambus attempted to enforce its patent rights against the JEDEC standards through patent infringement lawsuits, through U.S. International Trade Commission enforcement proceedings, and through a licensing campaign. At least one Amicus was forced to pay royalties to Rambus in response to its licensing and litigation campaign.

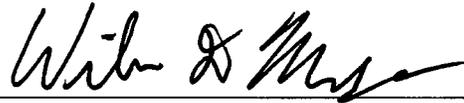
Amici seek to express their views on the appropriate remedy to redress Rambus’s exclusionary conduct. In particular, the proposed amici curiae brief demonstrates that in order to remedy Rambus’s antitrust violations, the Commission should (a) bar Rambus from enforcing its patent rights that claim priority to or through any application filed on or before June 17, 1996 against JEDEC-compliant SDRAM and DDR SDRAM devices (or against DRAMs that are compliant with successors of those DRAM standards such as DDR2 SDRAMs) and against any

devices that use or interface with such DRAMs; and (b) bar such enforcement in the United States and overseas to the extent that such overseas enforcement would reach imports from, or exports to, the United States.

WHEREFORE, Amici respectfully request that the Commission grant their joint motion leave to file the attached amici curiae brief.

Dated: September 15, 2006

Respectfully submitted,



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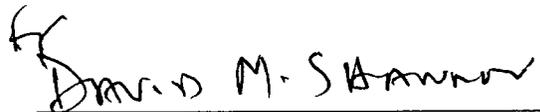
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CERTIFICATE OF SERVICE

I, Wilson D. Mudge, hereby certify that, on this the 15th day of September, 2006, I caused copies of the foregoing MOTION OF NVIDIA CORPORATION, MICRON TECHNOLOGY, INC., SAMSUNG ELECTRONICS CORPORATION, LTD., AND HYNIX SEMICONDUCTOR, INC. FOR LEAVE TO FILE BRIEF AS AMICI CURIAE to be served by the method indicated below upon the following:



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PROPOSED ORDER

Upon consideration of the Motion of NVIDIA Corporation, Micron Technology, Inc., Samsung Electronics Corporation, Ltd., and Hynix Semiconductor, Inc. (“Amici”) for Leave to File Brief as Amicus Curiae regarding the appropriate remedy to redress the anticompetitive injury resulting from Rambus’s exclusionary conduct, the Commission finds that Amici’s brief may assist in the determination of the remedy issue in this case. Accordingly,

IT IS ORDERED that Amici are granted leave to file their amici curiae brief.

By the Commission

Issued: