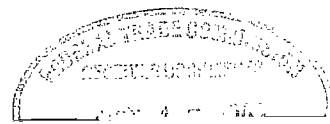


UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



RAMBUS INC.,)

Docket No. 9302

a corporation.)
_____)

**MOSAID TECHNOLOGIES INCORPORATED'S MOTION TO QUASH
OR LIMIT THE SUBPOENA DUCES TECUM OF RAMBUS INC.**

Under Rule 3.34(c), MOSAID Technologies Incorporated ("MOSAID" Technologies").
moves to quash or to limit the subpoena purportedly served upon it by Rambus.

MOSAID Technologies moves to quash the subpoena because the subpoena was

improperly served upon MOSAID Systems Incorporated ("MOSAID Systems"), a subsidiary of
MOSAID Technologies. The California address listed in the subpoena is the place of business of
MOSAID Systems, not of MOSAID Technologies. MOSAID Technologies, a Canadian
corporation, does not maintain a place of business in the United States; its only place of business
is in Kanata, Ontario, Canada. The documents sought by the subpoena, to the extent they may

As the primary purpose intended to serve the subpoena upon MOSAID Systems is an
effort to obtain documents of MOSAID Technologies located in Canada, the subpoena should be
quashed because it was not issued under Rule 3.36, governing subpoenas to be served in a
foreign country. See Order Granting Motion of Biovail et al. to Quash, *In re Hoescht Marion
Roussel, Inc.*, FTC Docket No. 9293 (July 14, 2000) (service on a Canadian company must
comply with international law and procedures of letters rogatory/letter of request). See also U.S.

DEPT OF STATE, JUDICIAL ASSISTANCE IN CANADA (2002) (available at

http://travel.state.gov/canada_legal.html). Furthermore, the subpoena should be quashed because

MOSAID Systems does not have possession, custody, or control of the categories of documents

moves to limit the subpoena for the following reasons:

MOSAID Technologies objects to the subpoena as seeking irrelevant information. As understood by MOSAID Technologies, this proceeding relates to the activities of Rambus in the

32, 40, 43(a), 43(c), 44(a), 44(c), and 46 are directed in any way at all toward Rambus. The subpoena should be limited to exclude the other categories.

To the extent the documents sought may be relevant to this proceeding, MOSAID Technologies further objects and moves to limit the subpoena as overly broad, unduly burdensome, and oppressive because of the wide scope of the categories of requested documents and their marginal relevance to this proceeding. As an example, category 40 requests “[a]ll documents relating to meetings you have participated in with any representative of Rambus.” It

every meeting (whether or not a JEDEC meeting) attended by representatives of MOSAID Technologies and Rambus. As another example, category 46 requests “[a]ll documents relating to Rambus’ involvement in JEDEC from December 1991 to June 1996.” It is completely unreasonable for a third-party like MOSAID Technologies to produce every document it may

subpoena should be limited to a reasonable scope within each relevant category.

seeks documents that are subject to non-disclosure or confidentiality obligations owed by MOSAID Technologies to other parties.

MOSAID Technologies further objects and moves to limit the subpoena to the extent it seeks documents that are readily available from public sources, that have already been obtained in this proceeding, or that can reasonably be obtained by other means.

MOSAID Technologies further objects and moves to limit the subpoena to the extent it seeks documents protected from discovery by a privilege recognized under the laws of the United States, Canada, or any state or province in those countries, including those documents

Under Rule 3.22(f), MOSAID Technologies states that its counsel has conferred with

on October 15, 2002, at approximately 11:30 a.m. (CST) by telephone. Scott W. Burt participated in the conference for MOSAID Technologies, and Sean P. Gates participated in the conference for Rambus.

Dated October 15, 2002.

By: 

Tom D. Smith
Jones, Day, Reavis & Pogue
51 Louisiana Avenue, N.W.
Washington, D.C. 20001

Scott W. Burt
Jones, Day, Reavis & Pogue
77 West Wacker Drive
Chicago, Illinois 60601

Attorneys for MOSAID Technologies Inc.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the matter of)
)
)

RAMBUS INC.,)

a corporation.)
)

Docket No. 9302

**DECLARATION OF WILLIAM R. MIDDLETON IN SUPPORT OF
MOSAID SYSTEMS INCORPORATED'S MOTION TO CLASH
OR LIMIT THE SUBPOENA DUCES TECUM OF RAMBUS INC.**

The subpoena in this proceeding apparently directed to MOSAID TECHNOLOGIES was served upon
MOSAID Systems Incorporated ("MOSAID Systems"), a United States subsidiary of MOSAID

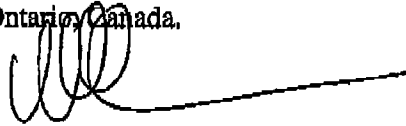
not MOSAID Technologies. MOSAID Technologies does not maintain a place of business in

Canada. The documents listed in the subpoena, to the extent they may exist, are in Canada

documents of its parent corporation, MOSAID Technologies, listed in the subpoena.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated October 15, 2002, in Kanata, Ontario, Canada.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

William R. Middleton

JONES, DAY, REAVIS & POGUE

77 WEST WACKER

CHICAGO, ILLINOIS 60601-1692

TELEPHONE: 312-782-3939 • FACSIMILE: 312-782-8565

(312) 269-4266

652763
169423-605001

October 15, 2002

VIA FACSIMILE AND MAIL 213-687-3702

Sean P. Gates
Munger, Tolles & Olson, LLP
35th Floor
355 South Grand Avenue
Los Angeles, California 90071

Re: Subpoena of MOSAID Technologies Inc.
In re Rambus, Inc. (FTC Docket No. 9302)

Dear Mr. Gates:

I understand from our conversation Friday that Rambus will be withdrawing the

I understand that instead Rambus intends to serve subpoenas on MOSAID Technologies' two United States subsidiaries, MOSAID Systems Inc. and MOSAID Semiconductor Inc. Rambus further intends to begin the process of seeking discovery from

MOSAID Systems or MOSAID Semiconductor has responsive documents, nor would they

authorized to accept service.

October 15, 2002

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remains a consultant to the company.) To our knowledge the FTC has not contacted Mr. Allan, who left MOSAID Technologies some time ago. Nor has the FTC contacted MOSAID Technologies or its subsidiaries. MOSAID Technologies desires to remain neutral in this proceeding and desires not to provide any assistance to either party.

Scott W. Burt 1st

Scott W. Burt

cc: William R. Middleton, Senior Corporate Counsel, MOSAID Technologies

Motion Service List

Attachment