

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to this *Subpoena Duces Tecum*:

1. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of that term in the FTC's Rules of Practice, 16 C.F.R. § 3.34(b). A draft or a non-identical copy is a separate document within the meaning of this term.

2. The term "relating to" or "relate to" is defined as in whole or in part, addressing, analyzing, concerning, constituting, containing, commenting on, discussing, dealing with, ~~describing, identifying, referring to, reflecting, reporting on, stating, or otherwise pertaining to~~

[REDACTED]

3. The term "communication" means any and all forms of communication between two or more persons including, but not limited to, in-person meetings and conversations

[REDACTED]

8. In producing documents responsive to this subpoena, you must produce them in the manner in which they are kept in the ordinary course of business or organize or label them to

9. As used herein, the term "RAND" is an acronym for the phrase "reasonable and non-discriminatory."

10. For your convenience, a copy of the Confidentiality Order entered by the Administrative Law Judge in this proceeding is enclosed herewith.

11. Sections 3.38(A)(a)-(b) of the FTC Rules of Practice provide as follows:

"(a) Any person withholding material responsive to a subpoena issued pursuant to § 2.34, written interrogatories

All documents relating to the issue of whether any of the technology disclosed to

you by Rambus under the Rambus NDA was previously known to you.

3. All documents relating to the issue of whether any of the technology disclosed to

you by Rambus under the Rambus NDA was anticipated by you before

12. All documents relating to any of the following technologies, features, or possible technologies or features of DRAM, including SDRAM, DDR SDRAM, DDR 2 SDRAM, and RDRAM:

- (1) programmable CAS latency,
- (2) programmable burst length,
- (3) on-chip PLL or on-chip DLL,
- (4) dual-edge clocking,
- (5) multi-bank design,
- (6) externally supplied reference voltage,
- (7) low-voltage swing,
- (8) source-synchronous clocking, and
- (9) auto pre-charge,

13. All documents, including but not limited to, patents, pending or future patent applications, or contemplated patent amendments or filings, listing, describing, covering, evaluating, or relating to alternative technologies or features that might be used to perform the same function(s) as the technology listed in numbers one through nine of paragraph 12 above.

14. All documents relating to the October 1991 meeting in Portland, Oregon referenced on page 4 of the December 1991 JEDEC meeting minutes, attached as exhibit "A" hereto.

15. All documents relating to any of the following subjects:

- a. JEDEC patent policies;
- b. DRAM chip pricing, or the cost of DRAM chips; or
- c. the FTC's investigation of, or action against, Rambus.

16. All documents relating to policies or instructions regarding the conduct or participation of company employees at any JEDEC meeting.

including but not limited to employment agreements regarding disclosure or discussion of pending or future patent applications.

10 - All documents related to patent applications for [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

25. All documents relating to the licensing, proposed licensing, or refusal to license

rights in certain patents relating to SDRAM that were raised or discussed at the JEDEC JG 42.2

meetings in February and/or May 1997

26. All documents relating to terms under which you have licensed proprietary technology in advance of the issuance of a patent.

27. All documents relating to disputes as to whether actual or proposed licensing terms are (or were) RAND.

28. All documents relating to cross-licensing or pooling of any patents that were or

36. All documents relating to the factors affecting the price of any actual or proposed DRAM product or technology.

37. All documents relating to the importance, or lack of importance, of JEDEC DRAM standards.

39. All documents comparing the cost of manufacture or use of any actual or

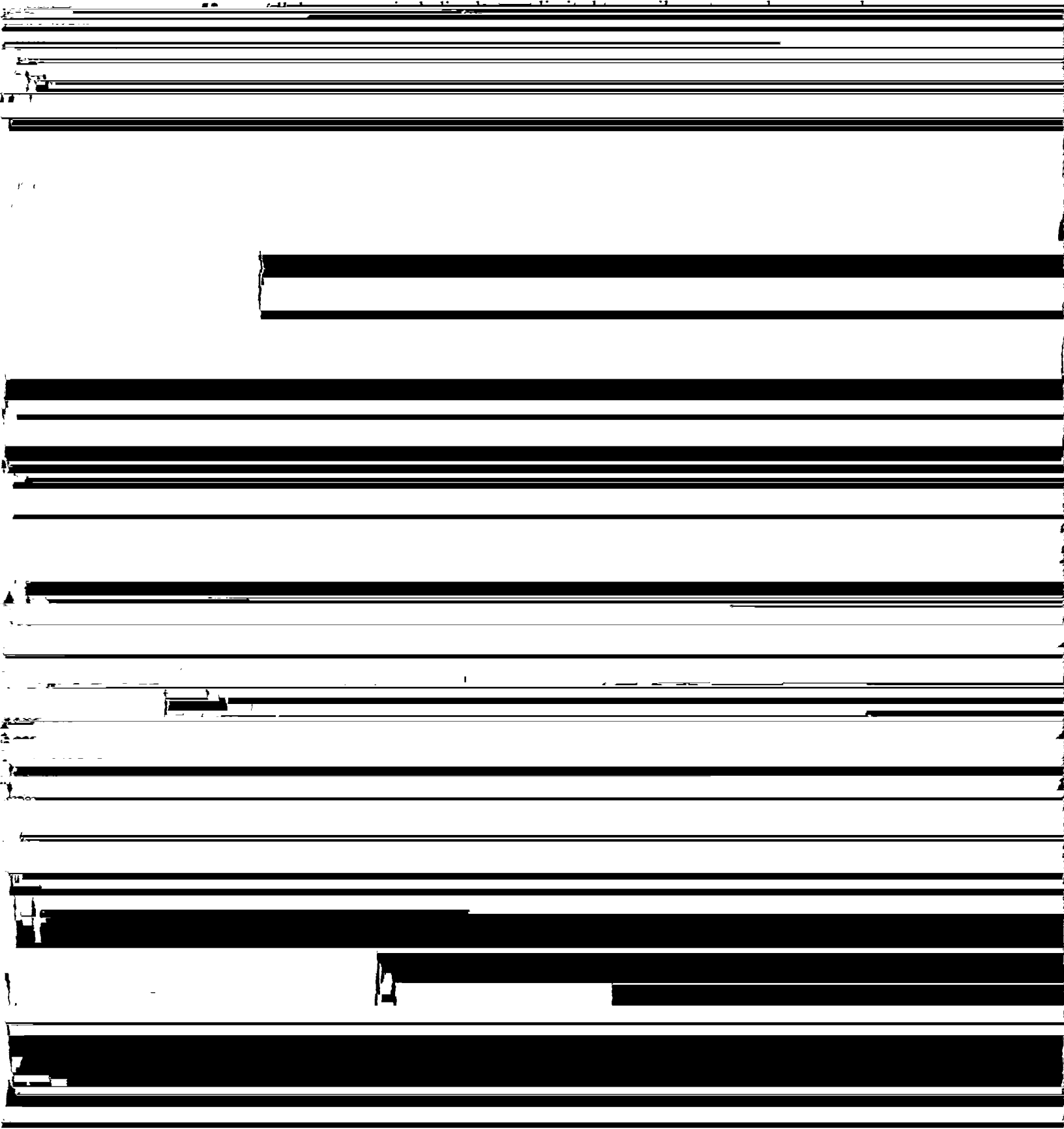


Micron Technology, Inc., IBM, Nvidia Corporation, Texas Instruments ("TI"), Fujitsu, Toshiba, ADT, SDRAM Inc., Mosaid, Synclink, Ramlink, AMI2, InQuest Market Research, Semico Research Corp., Electronics Buyers News, Electronic News, EE Times, any other electronic trade magazine or publication, Desi Rhoden, Mark Kellogg, Howard Sussman, Willibald Meyer,

Powell, Farhad Tabrizi, Fred Jones, Graham Allen, Adrain Cosorobas, Gordon Kelly, Betty Prince, Bob Fusco, Dick Foss, Paul Demone, Dave Bonaravnt, Jim Sogas, Bert McComas, Sherry Garber, Steven Fyffe or Jack Robertson.

All comments relating to communications (not written or electronic) with

memoranda generated by or received from any person who attended a JEDEC meeting on behalf of the company, whether formal, informal, or otherwise.



- c. the company's daily inventory of DRAM chips; and
- d. the daily quantity of DRAM chips sold.

58. All documents that support or relate to the proposition that royalties paid by the company to Rambus during the relevant pricing period had an impact on the sale price of the

company's DRAM chips during the relevant pricing period.

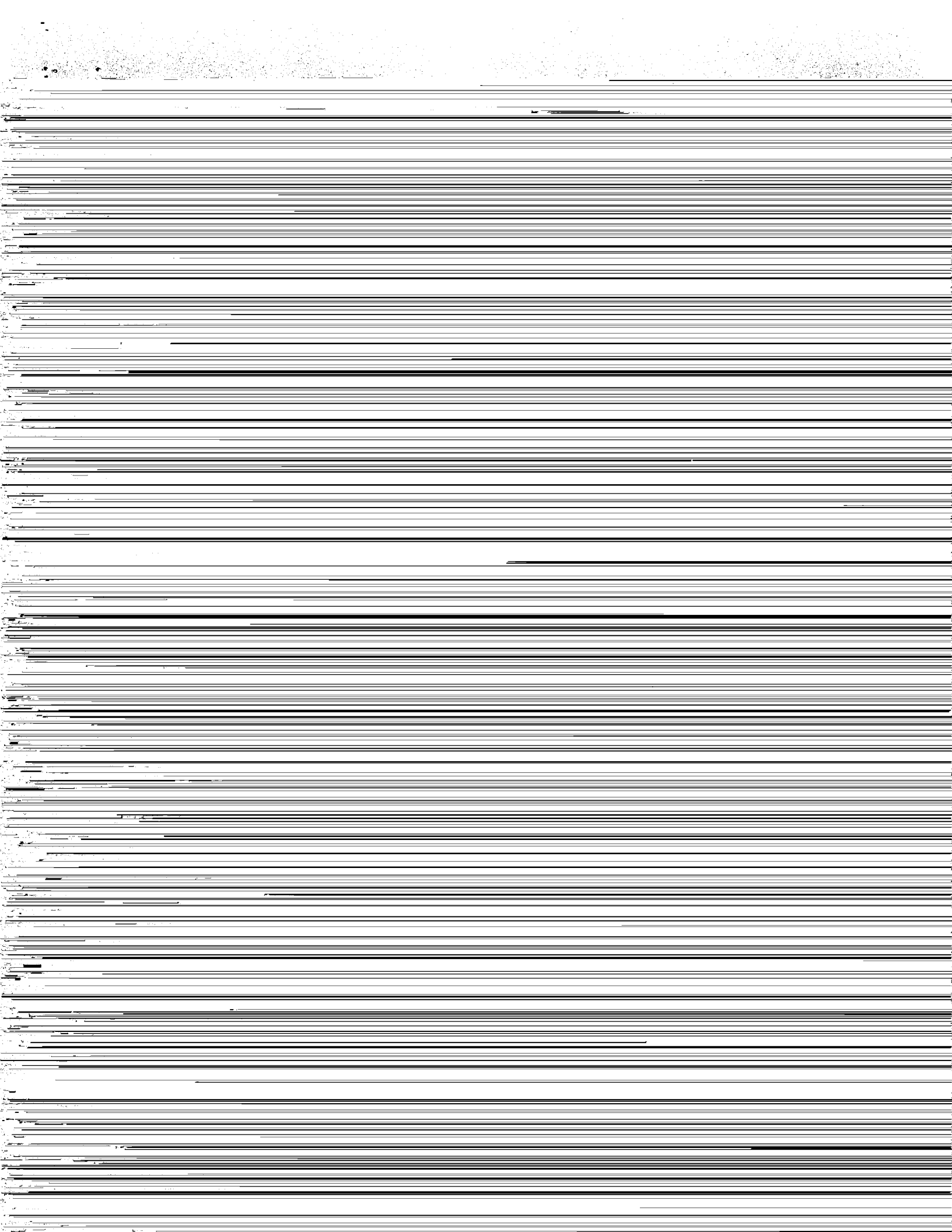
59. All documents relating to any estimate of the company's market share in the DRAM chip market during the relevant pricing period.

60. All documents relating to any communication between the company and any other manufacturer of DRAM chips concerning the price or manufacture of DRAM chips.

61. All documents relating to the quantity of DRAM chips manufactured by any other DRAM manufacturer.

62. All documents relating to the price of DRAM chips manufactured by any other

were not previously produced by you to Rambus, including but not limited to those documents that have been generated or received by you since January 1, 2001.



December 4, 1991

MI  
JC-113 C

Gordon Kelly, Chairman Protem

Michael Fernou

Charles Hochstetler

Alan Grossmiller

Jeff Uicker

Y.C. Oka

Sue Sharp

James Kaye

Françoise Le Moval

Farhad Tibbitt

Rashid Singh

Robert Sindler

Brent Williams

Sam Oka

Dick Fox

Mary Wu

Howard Szymura

Tom Goodman

Herb Nishantli

Mike Bull

Rodell Salten

David Wyland

Fred Jones

Oll Runkel

Randy Lee

Johnson Hunter

Carmen Fog

Ernest Powell

Jim Tomkowiak

Vraj Choudhry

Richard Rodgen

Mitch Rickman

Ken McGhee, Secretary

Don Rhodes

Seung Joo Ahn

Jacob S. Jhaag

Paul Lane

Mark Kiblogg

Howard Keller

Greg Flier

Shigeharu Akiyama

Michihito Yamada

1993

1. INTRODUCTION

The meeting opened at 10:00 AM.

2. TASK GROUPS

Mr. Kelly indicated that

3. VIDEO TASK GR

Mr. Rhodes led the in MPDRAM task group, unanimously will the

4. Summary/Action Plan

The results of the meeting (See Attachment)

5. Schedule TV PGM

A first showing of the program on (1) and (2) of the past week shown.

6. DRAM TASK GR

Gordon Kelly led the

7. Status Log

Mr. Kelly circulated a circulated covering (1)

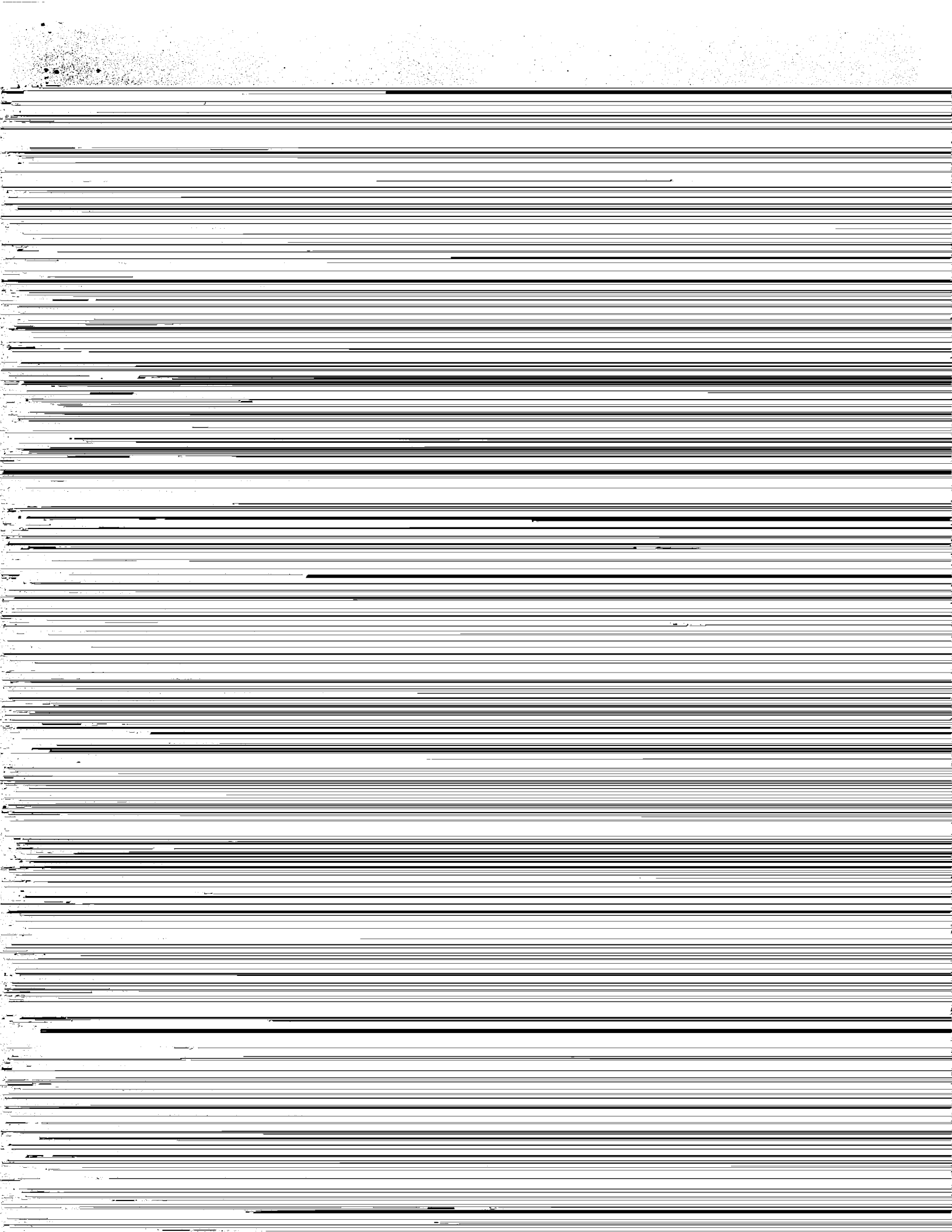
8. TT 2M 12/24 DRAM

This was a second show-

9. TT 11/20/24 12/24

This was a first showing of

P)





*file*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)

RAMBUS INC.  
  
Plaintiff,  
  
v.  
  
INFINEON TECHNOLOGIES AG, et al.,  
  
Defendants.

Civil Action No. 3:00CV524

**NOTICE OF DEPOSITION OF MICRON TECHNOLOGY, INC.  
PURSUANT TO FED. R. CIV. P. 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure  
30(b)(6), Defendants Infineon Technologies AG, Infineon Technologies North America Corp.

until completed. The testimony at the deposition will be recorded by videographic and stenographic means.

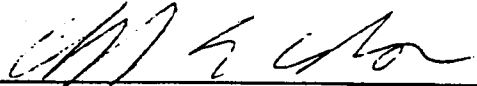
In accordance with Federal Rule of Civil Procedure 30(b)(6), Micron shall

designate one or more officers, directors, or employees

testify on its behalf as to each of the topics set forth in the attached Schedule A. Micron is

requested to provide counsel for Infineon with the identification of the topics set forth in the

Dated: January 12, 2001

  
\_\_\_\_\_  
Brian C. Riopelle, VSB #36454  
Robert M. Tyler, VSB #37861  
McGUIRE WOODS LLP  
One James Center  
901 East Cary Street  
Richmond, Virginia 23219-4030  
(804) 775-1000

C. Torrence Armstrong, VSB #13739  
Warren E. Zirkle, VSB #15321  
McGUIRE WOODS LLP  
1750 Tysons Boulevard, Suite 1800

\_\_\_\_\_  
\_\_\_\_\_  
McLean, Virginia 22102-3892  
(703) 712-5000

\_\_\_\_\_  
\_\_\_\_\_  
of counsel

\_\_\_\_\_  
\_\_\_\_\_  
John M. Desmarais

\_\_\_\_\_  
\_\_\_\_\_  
Gregory S. Arovas  
Clifford E. Wilkins  
Thomas D. Pease  
Maxine Y. Graham  
Todd M. Friedman  
KIRKLAND & ELLIS  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022  
(212) 446-4800

ATTORNEYS FOR DEFENDANTS  
INFINEON TECHNOLOGIES AG and  
INFINEON TECHNOLOGIES NORTH AMERICA CORP.

## SCHEDULE A

### Topics

1. The facts and circumstances surrounding Micron's decision to join, membership in and participation in the activities of JEDEC, including participation in JEDEC meetings or standards-setting activities relating to adoption of SDRAM and DDR SDRAM standards, from the time that Micron joined JEDEC to the present time.

## SCHEDULE B

### Definitions

1. The term "Micron" means Micron Technology, Inc., a corporation organized under the laws of the State of Idaho, and its

parents, corporate predecessors and past or present subsidiaries, affiliates, divisions, departments, officers, directors, principals, agents and employees.

2. The term "JEDEC" means the JEDEC Solid State Technology Association, its predecessors, successors, agents and affiliates.

**CERTIFICATE OF SERVICE**

I certify that on this 12th day of January, 2001, a copy of the foregoing Notice of Deposition of Micron Technology, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6) was sent to Micron Technology, Inc., Counsel for Micron Technology, Inc. and Rambus Inc. as listed below:

**VIA FEDERAL EXPRESS**

Chief Patent Counsel  
Micron Technology, Inc.  
Mail Stop 525  
8000 S. Federal Way  
P.O. Box 6  
Boise, ID 83707-0006

Richard L. Rosen, Esq.  
Arnold & Porter  
Thurman Arnold Building  
555 Twelfth Street  
Washington, D.C. 20004-1202

**VIA FEDERAL EXPRESS AND FACSIMILE**

Michael W. Smith, Esq., VSB #01125  
R. Braxton Hill, IV, Esq., VSB #41539  
CHRISTIAN & BARTON, L.L.P.  
909 East Main Street Suite 1200

David E. Monahan, Esq.  
Alexander H. Rogers, Esq.  
Sean C. Cunningham, Esq.

Issued by the  
UNITED STATES DISTRICT COURT

DISTRICT OF

IDAHO

RAMBUS, INC.,

V.

INFINEON TECHNOLOGIES AG, INFINEON  
TECHNOLOGIES NORTH AMERICA CORP. and  
INFINEON TECHNOLOGIES HOLDING NORTH  
AMERICA INC.

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: 1 3:00CV524

Pending in E.D. Va. (Payne, J.)

TO: Micron Technology, Inc.  
c/o Michael Lynch, Esq.  
Chief Patent Counsel  
Mail Stop 525  
8000 S. Federal Way  
P.O. Box 6  
Boise, ID 83707-0006

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a

PROOF OF SERVICE

DATE

PLACE

SERVED

January 12, 2001

Micron Technology, Inc.

Federal Express

SERVED BY (PRINT NAME)

TITLE

Clifford E. Wilkins, Jr., Esq.

(Attorney for Infineon Technologies AG, Infineon Technologies North America Corp. and Infineon

Technologies Holding North America Inc.)

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

1/15/01

DATE

SIGNATURE OF SERVER

Kirkland & Ellis, 153 East 53<sup>rd</sup> Street  
New York, New York 10022

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

such a person may in order to attend trial be commanded to travel from



STIPULATION RE USE IN *FTC v. RAMBUS*  
OF PREVIOUSLY PRODUCED DOCUMENTS

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

[REDACTED]

previously produced to Rambus or other parties in the case entitled *Rambus Inc. v. Infineon*

[REDACTED]