PUBLIC

UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

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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 <u>AD TESTIFICANDUM AND SUBPOENAS DUCES TECUM</u>

Respondent Rambus Inc. ("Rambus") respectfully submits this memorandum in response

to the motion by Micron Technology, In

it should have been equipped with the foundations for these representations well in advance of the filing of its motion. Yet, Micron provided nothing with its motion, necessitating two rounds of supplemental briefing.²

Micron's unexplained delay notwithstanding, Rambus does not oppose consideration by Your Honor of the supplemental information regarding Mr. Mailloux's medical condition.

However, Rambus requests that Your Honor also consider

¹ See Declaration of Andrea W. Jeffries In Support Of Rambus Inc.'s Answer To Micron Technology's Motion To Limit Or Quash Rambus's November 6, 2002 Subpoenas Ad Testificandum And Subpoenas Duces Tecum (December 3, 2002) ("Jeffries Decl."), ¶¶ 8-9.

² In fact, two weeks before Micron filed its motion, Rambus expressly informed Micron's counsel that it would require more than bald representations before considering withdrawal of its subpoena. *See* Jeffries Decl., \P 9.

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 SLDRAM (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 patentET ieuCsorguElAellguEl 1 53.64 508.68 9 12ron Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Jacqueline M. Haberer, hereby529.48 Tm 0 T72pp 7J /F9 12 Tf 1 0 0 1 125.64 584.88 Tm 0 Tc 0