

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the matter of

RAMBUS INC.,

a corporation.

Docket No. 9302

**SUPPLEMENTAL RULE 3.24 SEPARATE STATEMENT IN
SUPPORT OF RAMBUS INC.'S MOTION FOR SUMMARY DECISION**

108. A few months later, in June 1993, a MELCO employee named Sakao wrote a memo that asked in part: “What are the threats to the establishment of a RAMBUS patent?” *Id.*, ex. C. One answer was:

“The individual technologies that appear in the RAMBUS patent will be used independently in the future.”

Id. The June 10, 1993 memo by Sakao thus acknowledged that Rambus could, based on its original patent application, assert claims over the “individual” use of the various technologies described in that application.

109. In recognition of this possibility, the Sakao memo goes on to say that “[t]here is a need to examine the specifications of the patent claims to determine whether *individual technologies used independently* will infringe on the RAMBUS patent, and for that we will have to obtain the views and interpretations of experts.” *Id.* (emphasis added).

110. A MELCO memorandum prepared the following month described MELCO’s analysis of Rambus’s 150-claim “WIPO” patent application² and stated in part that it was “quite predictable” that Rambus would attempt to obtain patents that were *not* tied to, and were “separate from,” the particular type of “bus” described in the application. Suppl. Perry Decl., ex. D. The July 13, 1993 memo recommended that because of this possibility, MELCO should “carry out [a] prior art investigation in detail.” *Id.* The memo also stated

² The existence and public availability of Rambus’s WIPO application had been disclosed to JEDEC by a NEC representative at a May 1992 JEDEC meeting. *See* Motion for Summary Decision, p. 43 n. 20.

that MELCO “must thoroughly investigate the DRAM-related claims” and “pay special attention to SDRAM, which is a similar idea.” *Id.*

111. In a subsequent analysis of portions of Rambus’s WIPO application, dated September 16, 1993, MELCO again recognized that Rambus’s intellectual property claims related to features used or proposed in SDRAM devices. With respect to the use of two banks in a DRAM, for example, the MELCO memorandum stated that “[t]his is also being done by SDRAM. Need a prior art.” Supp. Perry Decl., ex. E. The memo also acknowledged that “auto precharge” was a feature described in the Rambus WIPO application and that it was “being implemented in SDRAM, etc.” *Id.*

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Respectfully submitted,

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