

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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In the matter of	)	
	)	
RAMBUS INCORPORATED,	)	Docket No. 9302
	)	
a corporation.	)	
_____	)	

**NON-PARTY MICRON TECHNOLOGY, INC.'s**

Rambus would not be permitted to disclose Restricted Confidential documents to in-house counsel or executives of Rambus.

In a letter dated May 13, 2003, Rambus challenged Micron's Restricted Confidential designations under Protective Order for twenty-one Micron documents.

(See Rambus' Notice of Non-Opposition By Nonhereinafter 292.44 40.6 TD -0.0058 Tc6.0032 Tw6(

Micron must strenuously oppose Rambus' request to disclose the remaining documents to the Rambus Officials, for reasons explained in detail below. However, as also explained below, as to certain of the remaining documents, Micron will agree to reduce the level of confidentiality to Confidential under the Protective Order, which would permit disclosure to Rambus in

developed by the ADT group, including highly sensitive, non-public technical, marketing, and planning documents. Many of the documents include detailed descriptions of proposed product features and architecture. Disclosure of these documents would cause Micron serious competitive injury. Rambus officials, particularly business executives but also business lawyers, could exploit the ADT information in the documents by incorporating key features of ADT into Rambus' own designs, or crafting patent claims to cover features of ADT.<sup>4</sup> To avoid use by others, the ADT members have agreed to treat ADT proprietary information as confidential and limit its distribution to a need to know basis. (*See* Donnelly Decl. ¶ 5)

Accordingly, Micron requests that the Court confirm the Restricted Confidential status of these ADT documents and treat them accordingly at trial.

**B. Internal Micron Emails**

Rambus has also identified six internal Micron emails that it seeks to disclose to the Rambus Officials. Five of these emails contain sensitive information conveyed to Micron employees in confidence by employees of an important customer and technology partner of Micron.<sup>5</sup> Micron has a close and important commercial relationship with this customer, which also has influence on system

confidential information with Micron if they believe such information will be disclosed to other companies. In addition, certain of these emails contain potentially embarrassing remarks made by Micron employees in the expectation of confidentiality. (*See* Donnelly Decl. ¶ 8)

As to four of the emails, Micron is willing to reduce the level of protection to Confidential, provided that disclosure of the documents be limited to Rambus in-house counsel Danforth and Kramer, as that designation requires. These four emails are numbered MR0082150-51, MR0082136-37, MR 135139-42 and MR0130011-12. The fifth, MU00049188-90, is more recent than the others, reflects discussions among Micron's most senior executives and contains highly sensitive marketing, strategy, and roadmap information, including roadmaps that extend to the present time. (*See* Donnelly Decl. ¶ 6). Therefore, Micron requests the Court to maintain the Restricted Confidential designation on this email to better protect this even more sensitive material.

### C. **Texas Instruments Documents**

Rambus seeks disclosure to the Rambus officials of four sensitive business documents relating to licensing negotiations between Texas Instruments ("TI") and Rambus.<sup>6</sup> The DRAM related assets of TI were acquired by Micron in 1998. These documents contain confidential internal discussions of TI employees regarding internal licensing strategy, licensing assessment and related technical discussions. (*See* Donnelly Decl. ¶ 7). As a current licensee of Rambus, Micron may suffer commercial harm if these documents were revealed to Rambus, which could use them in future licensing

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<sup>6</sup> These documents are numbered MR20006936-41, MR20006342-43, MR20005748, and MR20007188-89.

negotiations. Accordingly, Micron requests that the protections of the Restricted Confidential designation continue to apply to these documents.

**III. CONCLUSION**

For the foregoing reasons, Micron respectfully requests that its Motion for Protective Order be granted.

Respectfully submitted,

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Richard L. Rosen, Esquire  
Wilson D. Mudge, Esquire  
Arnold & Porter  
555 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20004

Dated: May 29, 2003

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

In the Matter of	)	
	)	
RAMBUS, INC., a corporation	)	Docket No. 9302
	)	

[PROPOSED] ORDER

Upon review of Micron Technology Inc.’s (“Micron”) Motion For Protective Order,

IT IS ORDERED THAT:

1. Micron’s Motion For Protective Order is GRANTED.
2. The following documents, identified by Bates number shall continue to receive *in camera* treatment and shall continue to be treated as Confidential under the terms of the August 5, 2002 Protective Order entered in this matter for purposes of Rambus’ access to them.

MR0082150-51  
MR0082136-37  
MR 135139-42  
MR0130011-12.

3. Micron’s Motion For Protective Order is GRANTED.

MFTC228549-51  
MFTC200502-35  
MFTC10000229  
MFTC211248-58  
MFTC211238-44

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chief Judge Stephen J. McGuire



**CERTIFICATE OF SERVICE**

I, Wilson D. Mudge, hereby certify that, on this the 29th day of May, 2003, I caused copies of the foregoing NON-PARTY MICRON TECHNOLOGY INC'S MOTION FOR PROTECTIVE ORDER and the supporting DECLARATION OF ROBERT DONNELLY to be served by the method indicated upon the following:

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Wilson D. Mudge

**Via Hand Delivery**

Judge Stephen J. McGuire