



¹Mr. Kevin Ryan was not included on Complaint Counsel's Final Witness List. Brief testimony from Mr. Ryan may be necessary to rebut testimony of Dr. Soderman relating to DDR II, as set forth in more detail below, depending on the testimony of Mr. Terry Lee on this subject. Respondent will not be harmed by the designation of Mr. Ryan at this time because Respondent deposed Mr. Ryan in this proceeding, in addition to the deposition of him conducted by attorneys for Rambus in connection with the *Micron v. Rambus* litigation.

²Complaint Counsel has not had the opportunity to review carefully the transcript of

its potential intellectual property at JEDEC, based on his assumptions that (1) Rambus would have submitted a RAND letter to JEDEC, (2) JEDEC would have adopted the technologies in question notwithstanding Rambus's intellectual property, even in the absence of any ex ante licensing, and (3) Rambus would have been able to charge exactly the same royalty rates as it currently has the power to demand. We expect that Professor McAfee will testify that Professor Teece's conclusions are not supported by sound economics, and that economic analysis indicates that Rambus's conduct at JEDEC served to increase its market power.

Testimony of Professor Bruce L. Jacob. We expect Professor Jacob to testify that his proposed alternatives of using fixed CAS latency and/or burst length would not have involved the disadvantages or expense claimed by Dr. Soderman and Mr. Geilhufe; setting CAS latency and/or burst length in the read/write command or by means of pins would not involve adding the number of pins, the increased board or controller complexity, or the increased cost projected by Mr. Geilhufe; that design of a burst terminate command is fully viable; that using a faster single-edge clock does not require conducting other operations at a faster speed; that using a faster single-edged clock would not involve significant engineering difficulties (including use of on-DIMM clock circuitry or an on-DIMM PLL/DLL); and that the proposed alternatives to dual-edge clocking do not involve using both edges of the clock. In addition, Professor Jacob may also testify with respect to one or more of the issues listed below.

Testimony of Mr. Terry Lee and Mr. Kevin Ryan.

Geilhufe:

expected testimony depending on Professor Teece's actual testimony.

1. it is reasonable to assume that a first-tier manufacturer would run only 20 million units of a product iteration (Geilhufe, Tr. 9562:10-9563:4; 9725:1-9726:23);
2. use of fixed CAS latency parts is difficult and costly because (a) based on all

6. (a) electrically blown fuses and anti-fuses are not reliable (Soderman, Tr.

9356:18-9357:2), (b) based on a survey of "maybe 50" out of "hundreds" of data

(a) electrical of data Soderman 356:1393568:1-9357: c), es and an technology issues a general of data

In addition, Complaint Counsel intend to introduce the testimony of either Mr. Terry Lee or Mr. Kevin Ryan to rebut the following testimony of Dr. Soderman:

12. DDR II (a) expands the use of programmable CAS latency (Soderman, Tr. 9351:7-9353:3), (b) initially planned to use a single burst length, but subsequently reverted to programmable burst length (Soderman, Tr. 9369:12-23), and (c) limits the use of the burst terminate command because of timing difficulties (Soderman, Tr. 9376:19-9377:20).

Prior Testimony of Mr. Geoffrey Tate. Respondent introduced testimony of Dr. Mark Horowitz to the effect that Rambus discussed the RDRAM architecture and Rambus technologies with other companies in the early 1990's. (Horowitz, Tr. 8515:6-8516:11; Horowitz, Tr. 8518:18-8529:13; Horowitz, Tr. 8535:15-8540:21; Horowitz, Tr. 8541:25-8548:1) Mr. Horowitz also testified with respect to a paper presented at an IEEE meeting by a representative of Toshiba. (Horowitz, Tr. 8552:1-8557:13) In addition, Respondent has introduced testimony of Dr. Betty Prince to the effect that she presented certain aspects of the RDRAM architecture to Samsung in 1994. (Prince, Tr. 9005:16-9009:11) To rebut any argument that disclosures of the technologies used in the RDRAM architecture were equivalent to a disclosure of the scope of Rambus's potential patent coverage, Complaint Counsel intends to offer, to supplement other evidence in the record, a 2-page designation from the trial testimony of Mr. Geoffrey Tate: pages 75:5-77:5, Trial Testimony of Mr. Geoffrey Tate, *Rambus v. Infineon* (April 25, 2001).⁴

⁴This designation is in addition to Complaint Counsel's designations from the transcripts of Mr. Tate and other Rambus directors, officers and agents made as part of Complaint Counsel's case in chief. Complaint Counsel is still working with Respondent to finalize all counter-designations, objections and responses to objections in connection with these transcripts.

Respectfully Submitted,

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