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FEDERAL TRADE COMMISSION

I N D E X (PUBLIC RECORD)

WITNESS: DIRECT CROSS REDIRECT RECROSS

Crisp 3136

EXHIBITS FOR ID IN EVID WITHDRAWN

CX

Number 154A 3135

Number 171 3135

Number 426 3135

Number 703 3175

Number 1957 3149

Number 1961 3207

RX

Number 1885 3345

Number 1895 3345

Number 2050 3345

Number 2103-14 3345

JX

None

DX

None

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P R O C E E D I N G S

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JUDGE MCGUIRE: This hearing is now in order.
Are there any items we need to take up this morning,
Counsel?

MR. STONE: Just a couple of little
housekeeping items, I think, Your Honor. First, from
the Krashinsky deposition, from the Krashinsky
testimony, we left open which exhibits we would move
into evidence, and I do have -- and I have shared this
the other day with complaint counsel and haven't heard
any objection -- seven exhibits we would like to move
in. They are CX-154A, CX-171, CX-426, RX-1885,
RX-1895, RX-2050 and RX-2103-14.

JUDGE MCGUIRE: Mr. Oliver, any objection?

MR. OLIVER: Your Honor, we have no objection
to the three CX exhibits that were noted. I just don't
know enough about the other four exhibits and I was not
present in the courtroom when they were used. If I
could perhaps have a chance to consult with one of my
colleagues and report back on the other four exhibits?

MR. STONE: I have no objection to that, Your
Honor.

JUDGE MCGUIRE: All right, let's go ahead then
and enter the three -- was it three -- perhaps we

1 should just go ahead and restate those three so it's
2 clear in the record.

3 MR. STONE: Yes, I think what Mr. Oliver has no
4 objection to are CX-154A, CX-171 and CX-426.

5 MR. OLIVER: That's correct.

6 JUDGE McGUIRE: Okay, then those are entered at
7 this time.

8 (CX Exhibit Number 154A was admitted into
9 evidence.)

10 (CX Exhibit Number 171 was admitted into
11 evidence.)

12 (CX Exhibit Number 426 was admitted into
13 evidence.)

14 JUDGE McGUIRE: Then you can confer on the
15 other four -- the other three, and then you can get
16 back to me on those.

17 MR. STONE: That's fine, Your Honor.

18 Then my other housekeeping matter, yesterday,
19 as you know I think, complaint counsel filed their
20 opposition to the motion for reconsideration.

21 JUDGE McGUIRE: Yes.

22 MR. STONE: We would like a chance to file a
23 short reply if we could on that. We expect it to be
24 quite short, certainly under ten pages.

25 JUDGE McGUIRE: How much time would you need?

1 MR. STONE: Our preference would be to file it
2 on Monday if it's acceptable to the Court.

1 recall that shortly before we left off yesterday, we
2 looked at a couple of emails from February of 1993
3 between you and Mr. Ware concerning certain
4 technologies with respect to which you suggested that
5 Rambus pursue patent claims. Do you recall that?

6 A. I remember a discussion regarding some emails
7 between me and Mr. Ware. I'm not sure they were
8 exactly as you represented.

9 Q. You do recall the emails had a list of
10 technologies identified in them?

11 A. Yes, sir, I do.

12 Q. And then I believe that we had gotten to the
13 point where we were beginning to discuss the next
14 regularly scheduled JEDEC meeting, which I believe was
15 in March of 1993.

16 Your Honor, may I approach?

17 JUDGE MCGUIRE: You may.

18 BY MR. OLIVER:

19 Q. Mr. Crisp, I've handed you a document marked as
20 JX-15. Do you recognize these as minutes from the
21 JC-42.3 subcommittee meeting held on March 3rd and 4th,
22 1993?

23 A. Yes, sir, I do.

24 Q. Now, you were not present at this meeting, were
25 you?

1 A. That's correct, I was not present.

2 Q. But Rambus was represented at this meeting by
3 Billy Garrett. Is that right?

4 A. I believe that's correct, yes.

5 Q. If I could ask you to turn to the second page
6 of JX-15, and if you look about two-thirds of the way
7 down the page, you'll see under the list Others
8 Present, Billy Garrett is listed there?

9 A. Yes, sir, I see that.

10 Q. Now, once again at this meeting, Mr. Townsend
11 presented the patent policy, right?

12 A. I'm not sure.

13 Q. Can you turn to page 4 of JX-15? Do you see
14 item 4 about halfway down that page?

15 A. Yes, sir, I see it.

16 Q. And do you see a reference there that Mr.
17 Townsend presented the patent policies and showed the
18 tracking files?

19 A. Yes, I see something to that effect.

20 Q. Now, it was at this March 1993 JC-42.3
21 subcommittee meeting that the subcommittee approved the
22 last of the ballots making up the SDRAM standard.
23 Isn't that right?

24 MR. PERRY: Your Honor, he's testified he
25 wasn't there. If he saw it in the minutes, he can

1 Q. And you probably also would have received some
2 type of report from Billy Garrett from the meeting as
3 well?

4 A. Probably so, yes.

5 Q. Now, it was at this March 1993 meeting of the
6 42.3 subcommittee that the subcommittee approved the
7 last of the ballots making up the SDRAM standard.
8 Isn't that right?

9 A. I don't know.

10 Q. If I could ask you to turn, please, to page 14
11 in JX-15, and if I could direct your attention to
12 paragraph 12, about halfway down that page. Do you see
13 there that it reads, "Conclusion of All Synchronous
14 DRAM Pass/Hold Ballots"?

15 A. Yes, sir, I do.

16 Q. And underneath that it reads, "VLSI moved to
17 send all pass/hold ballots on to council. Seconded by
18 TI. The vote was 26 yes, 0 no. Motion passed."

19 Do you see that?

20 A. Yes, I do.

21 Q. Does that refresh your recollection that it was
22 at the March 1993 meeting that the JC-42.3 subcommittee
23 passed the last of the ballots making up the SDRAM
24 standard?

25 A. No.

1 Q. You have no reason to doubt that this wasn't at
2 the meeting what happened, do you?

3 A. No, sir, I don't.

4 Q. Now, do you recall that in March 1993, the
5 JC-42.3 subcommittee issued a press release announcing
6 that they had passed the last of the ballots making up
7 the SDRAM standard?

8 A. No, sir, I don't remember that.

9 Q. Mr. Crisp, if I could ask you to turn to page
10 99 in JX-15, it has a handwritten note at the upper
11 right-hand corner, "Attachment Z." Under the JEDEC
12 caption, there's a title Press Release.

13 Do you see that?

14 A. Yes, sir, I do.

15 Q. And underneath that it reads, "JEDEC JC-42.3
16 Committee Approves Synchronous DRAM Standards."

17 Do you see that?

18 A. Yes, sir, I do.

19 Q. Does that refresh your recollection that
20 following the March 1993 JC-42.3 subcommittee meeting,
21 the subcommittee issued a press release announcing the
22 passage of the last of the ballots making up the SDRAM
23 standard?

24 A. No.

25 Q. Again, you have no reason to doubt that the

1 42.3 subcommittee, in fact, issued the press release we

1 yesterday?

2 A. It looks sort of familiar.

3 Q. Do you recall that this is a document that was
4 produced from JEDEC files by way of Infineon and
5 contains a number of pages from various points in time?

6 A. I'm not sure that I remember that.

7 Q. Okay. In any event, if I could direct your
8 attention, please, to page 11. Do you recognize this
9 as an invoice sent to you by JEDEC on or about January
10 4th of 1993?

11 A. No, sir, I don't recognize this.

12 Q. Do you see the address in the upper left-hand
13 corner?

14 A. Yes, sir, I do.

15 Q. And the typed name William Garrett has been
16 crossed out, and handwritten, the name Richard Crisp
17 appears in its place?

18 A. Yes, sir, I see that.

19 Q. Do you have any reason to believe that you did
20 not receive this invoice in January 1993?

21 A. No, sir, I have no reason to believe that.

22 Q. If I could ask you to turn to page 5 of CX-602,
23 please.

24 MR. PERRY: Your Honor, we're willing to
25 stipulate that Rambus paid its dues to JEDEC in 1993 if

1 this will move things forward.

2 JUDGE McGUIRE: All right, so noted.

3 MR. OLIVER: Your Honor, if I could clarify,
4 Mr. Perry is willing to stipulate that Rambus actually
5 paid the dues on or about April 21st of 1993?

6 MR. PERRY: Well, that's -- I think the check
7 is dated April 7th, so it depends on what you mean by
8 payment, when it's received or date they signed the
9 check, but I'm certainly willing to stipulate it was in
10 April.

11 MR. OLIVER: Okay, thank you.

12 BY MR. OLIVER:

13 Q. So, in other words, Mr. Crisp, Rambus was a
14 member of JEDEC until April of 1993 even though it had
15 not paid its dues up until that point?

16 A. I'm not sure, sir.

17 Q. In any event, no one objected to Rambus
18 continuing to attend meetings up until April of '93,
19 did they?

20 A. I have no information about that one way or the
21 other.

22 Q. And you certainly didn't have any interruption
23 in the materials you received from JEDEC up until April
24 1993, did you?

25 A. I don't recall one way or the other.

1 Q. Now, also in April 1993 you learned that Lester
2 Vincent had completed the drafting of a number of the
3 claims you wanted to add. Isn't that right?

4 A. I'm not sure about that, sir.

5 MR. OLIVER: May I approach, Your Honor?

6 JUDGE McGUIRE: Go ahead.

7 BY MR. OLIVER:

8 Q. Mr. Crisp, I've handed you a letter addressed
9 to Mr. Farmwald from Mr. Vincent dated April 22nd,
10 1993. If you look in the lower left-hand corner, do
11 you see that you are copied with enclosures on this
12 letter?

13 A. Yes, sir, I see that.

14 Q. And do you see that the letter states,
15 "Enclosed for your review are draft preliminary
16 amendments for the above-referenced patent
17 applications"?

18 Do you see that?

19 A. Yes, sir, I do.

20 MR. OLIVER: May I approach, Your Honor?

21 JUDGE McGUIRE: Yes.

22 BY MR. OLIVER:

23 Q. Mr. Crisp, I've also handed you a document
24 marked as CX-1457. It is a document with a caption at
25 the top In the United States Patent and Trademark

1 Office, about halfway down, Request to Approve Drawing
2 Changes, and at the right is Draft, 4/28/93.

3 Do you see that?

4 A. Yes, sir, I see that on the front page.

5 Q. Then if I could also ask you to turn to page 4
6 of CX-1457, please. Do you have page 4 of CX-1457 in
7 front you?

8 A. Yes, sir, I do.

9 Q. Do you see that that bears a caption about
10 halfway down, Preliminary Amendment?

11 A. Yes, sir, I see that.

12 Q. If I could ask you to turn to page 8 of
13 CX-1457, please, and if I could direct your attention
14 to the top of the page, "In The Claims, Add the
15 following claims."

16 Do you see that?

17 A. Yes, sir, I do.

18 Q. And then what follows from that are the various
19 claims that Mr. Vincent was proposing to add. Is that
20 right?

21 MR. PERRY: Your Honor, complete lack of
22 foundation. These are questions for Mr. Vincent. He
23 hasn't established that Mr. Crisp had anything to do
24 with the drafting of these claims.

25 JUDGE McGUIRE: Sustained.

1 BY MR. OLIVER:

2 Q. Mr. Crisp, if I could ask you to turn, please,
3 back to CX-1957, and if I could direct your attention
4 to the caption in CX-1957, Re:, Rambus, Inc., and under
5 that are listed three U.S. patent applications.

6 Do you see that?

7 A. Yes, sir, I do.

8 Q. And number 2, U.S. patent application serial
9 number 07/847,961, do you see that?

10 A. Yes, sir, I do.

11 Q. Now, if I could ask you to look back at
12 CX-1457, please, and on page 4, do you see in the upper
13 left-hand corner in the box serial number 07/847,961?

14 Do you see that?

15 A. Yes, sir, I do.

16 Q. Does that refresh your recollection that
17 CX-1457, beginning at page 4, Preliminary Amendment,
18 was one of the documents that you received enclosed
19 with a copy of the letter which is CX-1957?

20 A. No.

21 Q. You have no reason to doubt that you received
22 draft 1457 at the time of April 22nd, 1993, do you?

23 A. I'm not sure that I've seen this.

24 Q. Well, you have no reason to doubt that Mr.
25 Vincent sent you a copy of his letter of April 22nd,

1 1993, CX-1957?

2 A. I see my name on it. I don't have any
3 recollection of actually receiving the letter or the
4 attachments.

5 Q. But you have no reason to doubt that you did
6 receive such a letter, do you?

7 A. Other than the fact that I don't remember
8 receiving it.

9 JUDGE McGUIRE: All right, now, that's not the
10 question, Mr. Crisp. If you can answer the question,
11 answer it. If you can't, just say I can't answer it,
12 but, you know, that's three times he's asked it, and
13 you haven't answered it yet.

14 THE WITNESS: Thank you, Your Honor. Please
15 ask the question again.

16 BY MR. OLIVER:

17 Q. You have no reason to doubt that you received a
18 copy of the letter marked CX-1957 on or about April
19 22nd, do you?

20 A. No.

21 Q. And you have no reason to doubt that one of the
22 enclosures that you received with that letter was the
23 preliminary amendment appearing at CX-1457, beginning
24 at page 4?

25 A. No, sir, I have no reason to doubt it.

1 MR. OLIVER: Your Honor, complaint counsel
2 moves to admit CX-1957 into evidence.

3 JUDGE McGUIRE: Any objection?

4 MR. PERRY: No objection.

5 JUDGE McGUIRE: So entered.

6 (CX Exhibit Number 1957 was admitted into
7 evidence.)

8 BY MR. OLIVER:

9 Q. Now, Mr. Crisp, in May of 1993, Lester Vincent
10 sent you the presentation handout that we looked at
11 yesterday regarding industry standards. Do you recall
12 that?

13 A. I don't remember receiving that, no, sir.

14 Q. Do you recall that the letter that we did see
15 yesterday was dated May 4th, 1993?

16 A. I don't remember the date on it, but I do
17 remember it was sometime in 1993.

18 Q. A few days later, also in May of 1993, you and
19 Mike Farmwald spoke to Lester Vincent about the draft
20 amendments in Rambus' patent applications, right?

21 A. I don't remember.

22 MR. OLIVER: May I approach, Your Honor?

23 JUDGE McGUIRE: Go ahead.

24 BY MR. OLIVER:

25 Q. Mr. Crisp, I've handed you a document marked as

1 CX-1930. Again, it consists of billing sheets or
2 billing records of Mr. Lester Vincent, and if I could
3 ask you to turn to page 83 of CX-1930. Again, the
4 paper copies are difficult to read. It might be easier
5 if we bring it up on the screen.

6 Do you see a reference there, May 13, 1993,
7 Lester J. Vincent, "Conference with Richard Crisp and
8 Mike Farmwald regarding preliminary amendment"?

9 A. Yes, sir, I do.

10 Q. Does that refresh your recollection that on May
11 13th, 1993, you and Mr. Farmwald did speak with Mr.
12 Vincent concerning the preliminary amendments?

13 A. No.

14 Q. You have no recollection one way or another?

15 A. That's correct.

16 Q. Now, four days after that, on May 17th, Mr.
17 Vincent sent the preliminary amendment to the Patent
18 and Trademark Office, right?

19 A. I'm not sure.

20 MR. OLIVER: May IepRI A.22 weight?

1 1 noA. That's correct. 21epRI A.22 JUDGE MCGUIRE:

MR

1 halfway down the statement Preliminary Amendment, and
2 if I could ask you to turn, please, to page 11.

3 You'll see there, respectfully submitted,
4 Blakely Sokoloff, signed by Thomas Li, dated May 17,
5 1993. Do you see that?

6 A. Yes, sir, I do.

7 Q. Does this refresh your recollection that on May
8 17, 1993, Lester Vincent's law firm submitted on behalf
9 of Rambus the preliminary amendments that you had
10 discussed?

11 A. No.

12 Q. Again, you have no recollection one way or
13 another?

14 A. That's correct.

15 Q. Mr. Crisp, if I could ask you to turn, please,
16 to page 5 of CX-1458, the top of the page reads, "Add
17 the following claims."

18 Do you see that?

19 A. Yes, I do.

20 Q. And then within claim 151, subheading (D), do
21 you see that?

22 A. Yes, sir, I do.

23 Q. And if you read paragraph (D) to yourself,
24 please, do you see that there is a discussion in there
25 of circuitry for storing a first value corresponding to

1 a predetermined time period during which the interface
2 circuitry must wait before transmitting reply
3 information?

4 MR. PERRY: Your Honor, there has been no
5 foundation. There has been no showing that this set of
6 preliminary amendments was ever copied to Mr. Crisp,
7 and he's being asked to interpret documents he hasn't
8 seen.

9 MR. OLIVER: Your Honor, I would like to ask if
10 this refreshes his recollection concerning discussions
11 with Mr. Vincent four days earlier.

12 JUDGE McGUIRE: Overruled. I'll hesrhlieevMR. 0.2. 0.2.
16. I'll hesrBY this refreso

1 Q. Does this refresh your recollection that on May
2 13, 1993, you discussed with Mr. Farmwald and Mr.
3 Vincent a draft claim to be added to Rambus' patent
4 application relating to programmable access time?

5 A. No, sir, it doesn't.

6 Q. It does not refresh your recollection one way
7 or another?

8 A. That's correct.

9 Q. Mr. Crisp, you knew at this time, though, that
10 Mr. Vincent was working on an amendment to the patent
11 application, the purpose of which was to add claims
12 that specifically would cover control register and
13 programmable CAS latency. Isn't that right?

14 A. I'm not sure that I knew that he was doing
15 that. I know I had requested to him that he should
16 look into that, whether we could -- whether or not we
17 had invented such a concept, and if so, if he could
18 write some claims on it if we didn't have them already.

19 MR. OLIVER: May I approach, Your Honor?

20 JUDGE McGUIRE: Yes.

21 BY MR. OLIVER:

22 Q. Mr. Crisp, I've handed you CX-1959. This is an
23 email from Fred Ware to John Dillon, Allen Roberts,
24 Rick Barth, yourself, Mike Farmwald, dated June 18,
25 1993.

1 Do you see that?

2 A. Yes, sir, I do.

3 Q. And if I could direct your attention to the
4 first paragraph, it reads, "I spoke with Lester Vincent
5 and Tom Li, the other one, on the phone yesterday. The
6 current status of the additional claims that we want to
7 file on the rpFs0R to

1 we did have a discussion about that.

2 Q. You also recall that you actually spoke
3 directly with Mr. Lester Vincent in September of 1992
4 concerning the same technology, right?

5 A. I'm sorry, I'm having a hard time remembering
6 that.

7 Q. Do you recall yesterday we looked at Lester
8 Vincent's handwritten notes from a meeting that you had
9 with him on September 25th, 1992?

10 A. I remember we looked at a number of Mr.
11 Vincent's handwritten notes. I don't remember the
12 dates and which topics were in particular notes.

13 Q. In any event, you do recall discussing this
14 topic with Mr. Vincent, right?

15 A. I do remember talking about -- about that, yes.
16 I just don't remember which date it was.

17 Q. And you also recall in your email exchange with
18 Fred Ware in February of 1993 that programmable latency
19 was again one of the technologies that was identified?

20 A. I think I remember an email to Mr. Ware where
21 he had asked me about some claims, and I think that was
22 one of the ones he had asked me about.

23 Q. So, here in June 1993, Fred Ware is now writing
24 a follow-up saying writable configuration register
25 permitting programmable CAS latency, this claim has

1 been written up and filed.

2 Do you see that?

3 A. Yes, sir, I do.

4 Q. And do you see the next sentence reads, "This
5 is directed against SDRAMs"?

6 Do you see that?

7 A. Yes, I do.

8 Q. Now, you received this in June of 1993, right?

9 A. I believe I did.

10 Q. And you agreed with that statement, didn't you?

11 A. Agreed with which statement?

12 Q. The statement I've just read, "Writable
13 configuration register permitting programmable CAS
14 latency. This claim has been written up and filed.
15 This is directed against SDRAMs."

16 A. You asked if I agreed with that?

17 Q. If you agreed with that statement at the time
18 of this email.

19 A. I don't know whether I agreed with it or not at
20 the time.

21 MR. OLIVER: May I approach, Your Honor?

22 JUDGE McGUIRE: Yes.

23 BY MR. OLIVER:

24 Q. Mr. Crisp, I've handed you a document marked as
25 CX-703. This is an email from you to Fred Ware also

1 dated June 18, 1993.

2 Do you see that?

3 A. Yes, sir, I do.

4 Q. And the first sentence reads, "First of all
5 this all sounds really good and matches what I have
6 requested and what I believe has happened."

7 Do you see that?

8 A. Yes, I do.

9 Q. So, as of June 18, 1993, you agreed with what
10 Fred Ware set forth in his email. Isn't that right?

11 A. This -- I have no reason to doubt that.

12 MR. OLIVER: Your Honor, complaint counsel
13 moves to admit CX-703 into evidence.

14 MR. PERRY: No objection.

15 JUDGE McGUIRE: Entered.

16 (CX Exhibit Number 703 was admitted into
17 evidence.)

18 BY MR. OLIVER:

19 Q. Now, Mr. Crisp, you attended the next meeting
20 of the JC-42.3 subcommittee on May 19th and 20th, 1993,
21 right?

22 A. I'm not sure, sir.

23 MR. OLIVER: May I approach, Your Honor?

24 JUDGE McGUIRE: Yes.

25 BY MR. OLIVER:

1 Q. Mr. Crisp, I've handed you a document marked
2 JX-16, the minutes of the JC-42.3 subcommittee meeting
3 of May 19 and 20, 1993. If I could direct your
4 attention to the first page, you'll see your name
5 appearing about three-quarters of the way down the
6 page.

7 A. Yes, sir, I do see that.

8 Q. That indicates that you attended this 42.3
9 subcommittee meeting on May 19th and 20th of 1993?

10 A. Yes, sir, it does.

11 Q. Now, again, I'd just like to pause for a moment
12 to place this in perspective. Do you recall a few
13 moments ago we looked at Lester Vincent's billing
14 records indicating that you and Mr. Farmwald had a
15 conversation with Mr. Vincent concerning the
16 preliminary application on May 13, 1993?

17 MR. PERRY: Your Honor, there's no jury here.
18 I think that there's no need for this summary, and
19 we're just going to struggle through it is my guess,
20 because he is going to summarize it in a way that might
21 not exactly capture the testimony, and I object to
22 that.

23 JUDGE McGUIRE: Mr. Oliver?

24 MR. OLIVER: It is only two questions. I'm
25 just trying to set the stage.

1 JUDGE McGUIRE: Overruled.

2 THE WITNESS: Please ask the question again,
3 sir.

4 BY MR. OLIVER:

5 Q. Yes. Do you recall that we looked at Lester
6 Vincent's billing sheets indicating that you and Mr.
7 Farmwald had a conversation with Mr. Vincent concerning
8 the preliminary amendment on May 13, 1993?

9 A. I'm sorry, I don't remember the date, but I do
10 remember we saw that in the billing records.

11 Q. And then we saw a preliminary amendment that
12 Mr. Thomas Li had signed on behalf of Blakely Sokoloff,
13 filed with the Patent and Trademark Office on May 17,
14 1993?

15 A. I think that's right. Again, I'm not clear on
16 the date, but...

17 Q. And then two days later, May 19, 1993, is when
18 you attended the JC-42.3 subcommittee meeting. Is that
19 right?

20 A. Yes, sir, that's right.

21 Q. Now, at the May 1993 JC-42.3 subcommittee
22 meeting, Mr. Gordon Kelley gave a report on the status
23 of the packet of 14 SDRAM ballots that had been sent to
24 the council, right?

25 A. I don't remember.

1 Q. If I could ask you to turn, please, to page 5
2 of JX-16, and if I could direct your attention
3 specifically to paragraph 8.1 appearing about halfway
4 down that page. Now, you see there, 8.1, Sync DRAM
5 Ballots, it reads, "Mr. Kelley noted that the 14 Sync
6 DRAM ballots had gone to Council. There was only one
7 no vote from ATT on JCB-93-15. Mr. Kelley showed his
8 response to ATT's comment. (See Attachment H)."

9 Does that refresh your recollection that Mr.
10 Kelley gave a summary of the current status of the
11 SDRAM ballots before the council?

12 A. No, sir.

13 Q. If I could point your attention to the next
14 sentence, "During the meeting, Mr. Kelley distributed
15 copies of all the SDRAM Council ballots to allow
16 companies to review them."

17 Do you see that?

18 A. Yes, sir, I do.

19 Q. Do you have any recollection of Mr. Kelley
20 actually distributing copies of the council ballots at
21 this meeting?

22 A. No, sir, I don't.

23 Q. Now, at this May 1993 meeting, you did not make
24 any disclosure of any Rambus patent or patent
25 application that might relate to these SDRAM council

1 ballots, did you?

2 A. I think that's correct, yes.

3 Q. Now, in May and June of 1993, there were also
4 other people at Rambus who were attempting to add
5 claims specifically directed at SDRAMs. Isn't that
6 right?

7 A. Which dates, sir?

8 Q. May and June of 1993.

9 A. I think the answer is yes. Would you ask the
10 question again? I want to make sure I gave you the
11 right answer.

12 Q. Sure. In May and June of 1993, there were also
13 other individuals at Rambus who were working to help
14 add claims to Rambus' existing patent applications that
15 were directed at SDRAMs. Isn't that right?

16 A. I think there were people at Rambus that were
17 working with the lawyers to better write claims or to
18 help suggest claims that they felt should be a part of
19 our applications.

20 Q. And some of those claims were specifically
21 directed against SDRAMs. Isn't that right?

22 A. I believe that's correct. I think that's what
23 the documents show.

24 Q. So, for example, we just looked at Fred Ware's
25 email of June 18, 1993, the first item of which stated

1 that the claim relating to programmable CAS latency is
2 directed against SDRAMs. Do you recall that?

3 A. Yes, that's what I was thinking of when I was
4 answering your question.

5 Q. Now, at that time, Fred Ware and others were
6 also working on claims relating to DRAM with PLL clock
7 generation. Isn't that right?

8 A. I'm not real sure.

9 Q. If I could ask you to locate CX-1959 in front
10 of you, that's the Fred Ware email we looked at a few
11 minutes ago. Do you have CX-1959 in front of you, sir?

12 A. Yes, sir, I do.

13 Q. If I could direct your attention to item number
14 3, DRAM with PLL clock generation. Do you see that?

15 A. Yes, sir, I do see that.

16 Q. And if I could read that paragraph to you,
17 "This claim is partially written up. They need to
18 finish it up and file it. They are not waiting for
19 anything from us. This is directed against future
20 SDRAMs and RamLink."

21 Do you see that?

22 A. Yes, sir, I do see that.

23 Q. Does this refresh your recollection that in
24 June of 1993, Fred Ware and others were

1 directed against future SDRAMs and RamLink?

2 A. Well, you say "working on." I'm not sure I'd
3 go that far, but it certainly does refresh my
4 recollection there were some activities in that area.

1 Q. Now, Rambus was also pursuing claims with
2 respect to external supplied reference voltage. Isn't
3 that right?

4 A. I think that was something that was desired,
5 but I'm not sure exactly where that stood in the
6 process of executing that.

7 Q. Would it be fair to say that Rambus was
8 exploring the possibility of adding claims to cover
9 external supplied reference voltage?

10 A. Well, I think I would prefer to say that Rambus
11 had given some consideration to requesting that our
12 patent lawyer look to see if such claims existed or if
13 they didn't if they could have been created and added
14 to our existing applications.

15 Q. Well, Rambus certainly had such claims in mind,
16 didn't it?

17 A. I think that's right.

18 Q. And in fact, Rambus had such claims in mind to
19 be directed against so-called CTT technology. Isn't
20 that right?

21 A. I think that's true, in part.

22 Q. And that's something that had been discussed at
23 JEDEC, isn't it?

24 A. I'm sorry, what was discussed at JEDEC?

25 Q. Using external supplied reference voltage

1 against CTT technology.

2 A. It's possible that it was. I don't really
3 remember.

4 MR. OLIVER: Your Honor, may I approach the
5 table?

6 JUDGE MCGUIRE: Yes.

7 BY MR. OLIVER:

8 Q. You do recall yesterday that one of the
9 technologies we had noted being discussed at JEDEC was
10 external reference voltage?

11 A. I think I remember that, yes. I'm not sure
12 exactly what the context was, but I think we did
13 establish that yesterday.

14 Q. Now, Rambus was also pursuing claims relating
15 to low voltage swing signal. Isn't that right?

16 A. I believe our patent attorneys were looking
17 into that.

18 Q. Well, in fact, they went beyond looking into
19 it; they had actually filed a patent amendment,
20 correct?

21 A. That may be true. I'm not sure that I
22 completely remember.

23 Q. If I could ask you to locate CX-703 in front of
24 you, this is the email that you wrote dated June 18,
25 1993.

1 Do you have CX-703 in front of you?

2 A. Yes, sir, I do.

3 Q. After the first paragraph we looked at a moment
4 ago, is that a piece of embedded text in here? Do you
5 see that?

6 A. Yes, I do.

7 Q. And do you see that is item number 6 from Fred
8 Ware's email concerning low voltage swing signal
9 levels?

10 A. Yes, I do.

11 Q. And then under that you have added two more
12 lines of your own text, right?

13 A. Yes, that's correct.

14 Q. And that reads, "This has already been done.
15 It is the one you and Allen and I talked about
16 yesterday."

17 Do you see that?

18 A. Yes, I do.

19 Q. Now, does that refresh your recollection that
20 claims concerning low voltage swing signal had already
21 been filed?

22 A. Yes, it does refresh my recollection.

23 Q. Now, on June 28, 1993, Lester Vincent filed
24 with the Patent and Trademark Office an amendment to
25 the '692 application. Isn't that right?

1 A. I'm not sure, sir.

2 MR. OLIVER: May I approach, Your Honor?

3 JUDGE McGUIRE: Yes.

4 BY MR. OLIVER:

5 Q. Mr. Crisp, I've handed you a document marked as
6 CX-1459. It bears a caption at the top In the United
7 States Patent and Trademark Office, about halfway down,
8 a statement Preliminary Amendment, and do you see in
9 the box in the upper left-hand corner serial number
10 07/847,692, and the stamp on the right-hand side has a
11 written date of June 28, 1993?

12 Do you see that?

13 A. Yes, sir, I see that.

14 MR. OLIVER: Your Honor, may I approach?

15 JUDGE McGUIRE: Yes.

16 BY MR. OLIVER:

17 Q. Mr. Crisp, I've also handed you a document
18 marked CX-1961. This is a letter from Lester Vincent
19 to Fred Ware dated June 30, 1993, and if you look in
20 the lower left-hand portion, you'll see a cc with
21 enclosures, and you're the second person listed there.

22 Do you see that?

23 A. Yes, sir, I do see that.

24 Q. And if you look in the caption at the top,
25 you'll see that the reference there -- the first

1 reference there is U.S. patent application, serial
2 number 07/847,692.

3 Do you see that?

4 A. Yes, I do see that.

5 Q. Does this letter, CX-961, refresh your
6 recollection that Mr. Vincent, in fact, sent you a copy
7 of the preliminary amendment to the '692 application
8 when it was filed?

9 A. No, sir, it doesn't.

10 Q. Now, the following month, in July 1993, you and
11 Fred Ware met again with Lester Vincent. Isn't that
12 right?

13 A. I don't remember that.

14 MR. OLIVER: May I approach, Your Honor?

15 JUDGE MCGUIRE: Yes.

16 BY MR. OLIVER:

17 Q. Mr. Crisp, I've handed you a document marked as
18 CX-1963. These are a set of Lester Vincent's
19 handwritten notes. The date in the upper right-hand
20 corner, July 9, 1993, and the top is Conf, for
21 conference, with Fred Ware and Richard Crisp.

22 If I could direct your attention to page 3,
23 please, at the top of that page, it reads, "P001,
24 preliminary amendment, DRAM using double terminals."

25 Do you see that?

1 A. I think it says something a little different
2 than that, sir.

3 Q. Well, do you see the first line does say,
4 "P001, prelim," for preliminary, "amendment"?

5 Do you see that?

6 A. "Prelim amendment," yes, I see that.

7 Q. Okay. If I could then direct your attention to
8 the bottom three lines on that page, there is an arrow,
9 "We might need to add combination of low voltage swing
10 signaling."

11 A. Was there a question?

12 Q. Do you see that?

13 A. Oh, yes, I do see that.

14 Q. We'll focus on a couple more pages of the
15 document, and then I will ask you a couple of follow-up
16 questions.

17 If I could ask you to turn, please, to page 4,
18 about halfway down the page, you will see a reference
19 to number 5, "Externally supplied reference voltage."

20 Do you see that?

21 A. On page 4, item number 5?

22 Q. That's correct.

23 A. I -- oh, okay. Yes, I see that.

24 Q. Okay. And then underneath that, number 6,
25 "Already filed."

1 Do you see that?

2 A. Yes, I do.

3 Q. Do these notes refresh your recollection that
4 on July 9, 1993, you and Fred Ware had a conference
5 with Lester Vincent concerning Rambus' preliminary
6 amendment, for which you discussed among other topics
7 low voltage swing signaling and external supplied
8 reference voltage?

9 A. No, sir, it doesn't.

10 Q. If I could ask you to look at page 4 of Lester
11 Vincent's notes from July 9, 1993, number 5, external
12 supplied reference voltage, and then if you could
13 please compare that to CX-1959, which was the Fred Ware
14 email.

15 A. I'm sorry, compare what to what?

16 Q. Page 4 of Lester Vincent's notes --

17 A. Yes.

18 Q. -- which state, "Externally supplied reference
19 voltage."

20 A. Right.

21 Q. Compare that to number 5 in CX-1959, Fred
22 Ware's email. You'll see that item 5 in Fred Ware's
23 email is, "DRAM with external supplied reference
24 voltage"?

25 A. Yes, for input receivers.

1 Q. And then if I could ask you to look again at
2 Lester Vincent's handwritten notes, page 4, number 6,
3 "Already filed."

4 Do you see that?

5 A. Yes, I see that under number 5.

6 Q. And then if you could look back again at Fred
7 Ware's email, CX-1959, number 6, do you see that's the
8 low voltage swing signal reference?

9 A. Yes, I see that.

10 Q. And do you recall that's the one that you wrote
11 back to Fred Ware informing him that it had already
12 been filed?

13 A. I think that's right.

14 Q. Does that refresh your recollection that at
15 this July 9, 1993 meeting, you and Fred Ware sat down
16 with Lester Vincent and discussed the contents of Fred
17 Ware's June 18, '83 -- 1993 email, CX-1959?

18 A. No, sir, it doesn't. I still don't remember
19 it.

20 MR. OLIVER: Could I have just a moment, Your
21 Honor?

22 JUDGE McGUIRE: Go ahead.

23 (Counsel conferring.)

24 BY MR. OLIVER:

25 Q. Now, Mr. Crisp, in September 1993, you attended

1 the next regularly scheduled JC-42.3 subcommittee
2 meeting, right?

3 A. I'm not sure of the date for the next meeting.

1 A. That's right.

2 Q. Does that refresh your recollection that the
3 next JEDEC meeting you attended was in September 1993?

4 A. Yes, it does.

5 Q. Now, this is the meeting that we discussed
6 yesterday at which Texas Instruments was -- let me
7 strike that question.

8 This is the meeting we discussed yesterday at
9 which a dispute between Micron and Texas Instruments
10 related to patent disclosure arose?

11 A. I know it came up in the meeting. I don't know
12 if that was the first time it had arisen.

13 Q. Now, at this September 1993 meeting, you also
14 disclosed Rambus' '703 patent. Isn't that right?

15 A. Yes, that's correct.

16 Q. And you disclosed that because it was the first
17 Rambus patent that had issued, and it had issued
18 shortly before?

19 A. I think that was part of the reason.

20 Q. Now, the '703 patent was not related to JEDEC's
21 SDRAM work, was it?

1 A. That may be correct. I just simply don't
2 remember.

3 Q. If you had testified previously that it was not
4 related, you have no information today that would
5 contradict that, do you?

6 A. I'm sorry, could you ask the question again?

7 Q. Yes. If you had testified previously that the
8 '703 patent was not related to JEDEC's work, you have
9 no information today to contradict that, do you?

10 A. I think that's correct.

11 Q. Now, when you disclosed Rambus' '703 patent,
12 you didn't tell JEDEC about any of Rambus' pending
13 patent applications, did you?

14 A. I don't -- I don't believe I explicitly said
15 anything about any pending applications.

16 Q. You didn't say anything about any of Rambus'
17 pending applications, did you?

18 A. That's correct, I didn't say anything about
19 that.

20 Q. Now, following the September 1993 meeting, you
21 discussed with vice president David Mooring the fact
22 that you had discussed -- that you had disclosed the
23 '703 patent. Isn't that right?

24 A. Yes, that's correct.

25 Q. And Mr. Mooring was your boss at Rambus at the

1 time?

2 A. Yes, that's correct.

3 Q. And in that conversation, he led you to believe
4 that he was annoyed with you for having made that
5 disclosure. Isn't that right?

6 A. Yes, I think that's true, in part.

7 Q. In fact, he chastised you, didn't he?

8 A. I think those are the words that I used.

9 Q. Now, following that time, you made no specific
10 disclosures of any SDRAM-related patents at any time
11 until Rambus withdrew from JEDEC. Isn't that right?

12 MR. PERRY: Your Honor, that assumes facts not
13 in evidence, that there were any SDRAM-related patents
14 to disclose.

15 JUDGE MCGUIRE: Overruled.

16 THE WITNESS: Would you please ask the question
17 again?

18 BY MR. OLIVER:

19 Q. Yes. Following your disclosure of the '703
20 patent, you made no specific disclosures of any
21 SDRAM-related patents at any time at JEDEC until the
22 time that Rambus withdrew. Isn't that right?

23 A. Well, I'll agree with the first part. I'm not
24 sure that at the time of the withdrawal there were any
25 SDRAM-related patents to disclose. I know there was a

1 list of patents, but I'm not sure what all they
2 covered.

3 Q. Well, let me rephrase the question to be
4 certain the record is clear.

5 Between the time that you disclosed the '703
6 patent and the list that you've referred to attached to
7 your withdrawal letter, you did not disclose any Rambus
8 patents at JEDEC, did you?

9 A. That's correct.

10 Q. Between the time that you disclosed the '703
11 patent and the time that you submitted the withdrawal
12 letter to JEDEC, you did not disclose any Rambus patent
13 applications at JEDEC, did you?

14 A. That's correct.

15 Q. In the interest of time, let's skip ahead a
16 little bit in the story and move up into 1994, if we
17 could.

18 First of all, again, at the beginning of 1994,
19 Rambus renewed its membership in JEDEC. Is that right?

20 A. I think that's right. I don't really remember,
21 but we must have.

22 Q. I'd like to ask you to find CX-602 in front of
23 you.

24 MR. PERRY: Your Honor, again, Rambus will
25 stipulate that it paid its dues for that year.

1 \$4,000, has now been increased to \$5,000.

2 Do you see that?

3 A. Yes, I see that the numbers were changed.

4 Q. So, it would be fair to say that this reflects
5 an increased participation by Rambus within JEDEC?

6 A. Well, it depends on what you mean by
7 "participation." It looks like we joined another
8 committee.

9 Q. I'd like to move ahead now to May of 1994. I'd
10 like to show you a letter from Rambus vice president
11 Allen Roberts to Mr. Vincent and then ask some
12 questions about that.

13 May I approach, Your Honor?

14 JUDGE MCGUIRE: Yes.

15 BY MR. OLIVER:

16 Q. Mr. Crisp, I've handed you a document marked as
17 CX-734. This is a two-page letter on Rambus letterhead
18 dated May 5, 1994, addressed to Lester Vincent, signed
19 by Allen Roberts.

20 If I could direct your attention to the first
21 paragraph, Mr. Roberts said, "We have reviewed the
22 teachings of the original Rambus patent application and
23 feel we can enhance our claim coverage. We would like
24 you to consider the following areas as inclusion into
25 the current divisional patents P009D, P010D, P011D,

1 P012D, P013D, P014D, P015DC or potentially as new
2 divisionals. It is possible that some of these
3 enhancements are already in the existing applications,
4 but we would like to re-assess the strength of those
5 claims." (Sic)

6 Do you see that?

7 A. I think it largely said what you did, but I
8 think that there was one of the numbers you got wrong.

9 Q. Do you recall which number I got wrong?

10 A. The first one.

11 Q. P009DC?

12 A. That's correct.

13 Q. Okay. Then following that there is a list of
14 enhancements that he wants Mr. Vincent to consider?

15 A. Sir, this was written by Mr. Roberts.

16 MR. PERRY: I think it's a belated objection by
17 me, Your Honor, that there's no foundation that he ever
18 saw this or was involved in any of this work at this
19 time given his job at the company.

20 JUDGE McGUIRE: Sustained on that one, Mr.
21 Oliver.

22 MR. OLIVER: Thank you, Your Honor.

23 BY MR. OLIVER:

24 Q. Mr. Crisp, if I could direct your attention to
25 item 2.0 on the list, it reads, "Multiple and

1 independently controlled and addressed internal DRAM
2 memory regions (banks)."

3 Do you see that?

4 A. Yes, sir, I do.

5 Q. Do you recall yesterday that we discussed two
6 banks and saw that that appeared in various JEDEC
7 minutes?

8 A. I have a recollection similar to that, yes.

9 Q. And do you recall that we discussed your
10 conversations with Mr. Lester Vincent concerning
11 multiple address rows? Do you recall that?

12 A. I think it was a little different than that.

13 Q. Do you recall a discussion of technology along
14 those lines?

15 A. Something similar, yes.

16 Q. Now, do you recognize the statement here of
17 multiple and independently controlled regions or banks
18 as similar to the technology that you discussed with
19 Mr. Vincent in September 1992?

20 MR. PERRY: Your Honor, still no foundation
21 laid for questioning on this document.

22 MR. OLIVER: Your Honor --

23 JUDGE MCGUIRE: Yes, go ahead, Mr. Oliverment.

f**(.01 Tc0 23at. wLIVUlnlGUIRE: Yes, go ahonin)Tj

1 possible conversations with Mr. Roberts.

2 MR. PERRY: Well, but right now he's asking --

3 JUDGE McGUIRE: We are still talking about the

4 foundation on this oneac(e about the)TjT*(aboutT.8 -a3ined.

1 CAS latency? Do you recall that?

2 A. Yes, I think it spoke to that in part.

3 Q. Do you recall any conversations that you had
4 with vice president Roberts in about May of 1994
5 relating to additional claims relating to control
6 registers to control CAS access timing?

7 A. No, sir, I don't remember.

8 Q. If I could direct your attention back to the
9 first page, please, item number 1. It reads, "Use of
10 both edges of the clock for transmission of address,
11 commands, or data (or any combination) on DRAM device
12 to increase effective bandwidth/pin."

13 Do you see that?

14 A. Yes, sir, I do.

15 Q. Now, do you recall any conversation with vice
16 president Roberts in about May of 1994 concerning
17 claims to be added relating to use of both edges of the
18 clock?

19 A. No, sir, I don't recall.

20 Q. Now, Mr. Crisp, the so-called auto-precharge
21 technology was also a technology that you've seen
22 discussed at JEDEC. Do you recall that discussion from
23 yesterday?

24 A. No, sir, I'm sorry, I don't remember that

1 MR. OLIVER: Your Honor, if you could give me
2 just a moment, please.

3 JUDGE McGUIRE: Go ahead.

4 (Counsel conferring.)

5 MR. OLIVER: Could we have just a moment, Your
6 Honor?

7 JUDGE McGUIRE: Yes, all right.

8 MR. OLIVER: Actually, Your Honor, would this
9 be an appropriate place for a mid-morning break?

10 JUDGE McGUIRE: I guess it would be. So, off
11 the record, we will take a ten-minute break.

12 MR. OLIVER: Thank you, Your Honor.

13 (A brief recess was taken.)

14 JUDGE McGUIRE: Let's go on the record.

15 Mr. Oliver, you may proceed.

16 MR. OLIVER: May I approach, Your Honor?

17 JUDGE McGUIRE: Yes.

18 BY MR. OLIVER:

19 Q. Mr. Crisp, I've handed you a document marked
20 CX-1708. Do you recognize this as an email that you
21 wrote following the April 1992 JEDEC task group
22 meeting?

23 A. Yes, sir, I remember this.

24 Q. If I could direct your attention, please, to
25 page 5, CX-1708, and to the second paragraph on that

1 page. There's a sentence in the middle of that
2 paragraph reading, "The precharge functionality is
3 getting complicated."

4 Do you see that?

5 A. Yes, sir, I do.

6 MR. OLIVER: May I approach, Your Honor?

7 JUDGE MCGUIRE: Yes.

8 BY MR. OLIVER:

9 Q. Mr. Crisp, I've handed you a document marked
10 CX-680, again a document that we discussed yesterday.
11 Do you recognize this as Mr. Garrett's trip report from
12 the September 1992 meeting?

13 A. Yes, sir, I do.

14 Q. And you also attended the September 1992 JEDEC
15 meeting along with Mr. Garrett. Is that right?

16 A. That's correct, sir.

17 Q. I1 Q. eEouldr. kalso toecf marked

1 autoprecharge will be done."

2 Do you see that?

3 A. Yes, sir, I do see that.

4 Q. Now, does CX-1708 and CX-680 refresh your
5 recollection that auto-precharge is a technology that
6 was discussed at JEDEC meetings during 1992?

7 A. Yes, sir, it does.

8 MR. OLIVER: May I approach, Your Honor?

9 JUDGE McGUIRE: Yes.

10 BY MR. OLIVER:

11 Q. Mr. Crisp, I've handed you a document marked
12 CX-738. This is an email from John Dillon to the
13 executive group, Rick Barth, Fred Ware, dated June 16,
14 1994. Now, just to confirm, the executive group in
15 1994 would have included, among others, CEO Geoffrey
16 Tate, vice president David Mooring and vice president
17 Allen Roberts. Is that right?

18 A. Yes, sir, that's correct.

19 JUDGE McGUIRE: Can we indicate for my clarity
20 who is John Dillon?

21 MR. OLIVER: That was my next question, Your
22 Honor, thank you.

23 JUDGE McGUIRE: Okay.

24 BY MR. OLIVER:

25 Q. Mr. Crisp, could you please explain what

1 position John Dillon had in June of 1994?

2 A. Yes, sir. My recollection is that he was the
3 head of the architecture group inside of Rambus.

4 Q. He was also Rambus' representative at JEDEC's
5 JC-15 committee. Is that right?

6 A. I'm not sure if he was the representative or
7 not. I think he was involved in that along with at
8 least one and possibly two other Rambus employees.

9 Q. Now, the subject line on Mr. Dillon's email is,
10 "An overlooked patent claim?"

11 Do you see that?

12 A. Yes, sir, I do.

13 Q. Now, I'd like to direct your attention to a few
14 portions of this email and then ask you some questions.

15 First, if I could direct your attention to the
16 first paragraph and the first sentence, the first
17 sentence reads, "Several Sync DRAMs and the MOST DRAM
18 include the auto-precharge feature."

19 Do you see that?

20 A. Yes, sir, I do.

21 Q. Now, to your understanding at the time, the
22 MOST DRAM was manufactured by a company called Mosys.
23 Is that right?

24 A. Technical point, I don't think it was actually
25 manufactured by them. They were a fabless company, but

1 they sold it.

2 Q. So, Mosys designed the MOST DRAM. Would that
3 be accurate?

4 A. That's my understanding, yes.

5 Q. Now, if I could direct your attention to the
6 fourth paragraph, Mr. Dillon states, "Claim 89 actually
7 claims this feature. However, claim 89 is dependent on
8 the much narrower claim 82 of a DRAM with internal
9 select decoding. We may be able to make a broader
10 claim on auto-precharge for *any* DRAM and therefore
11 gacean ler, a foor, SAM and thST D."TjT*(11 2

413 A. ThY, "Csi clI do

514 Q. NoA therenf I couanirect your attention to the

61 clo usefulnessf a SAM ano ST D. Butarantionnghis fejt*(

422 A. ThY, "Csi clI do

1 technology used in SDRAMs?

2 A. I don't really remember.

3 Q. Did anyone within Rambus have any discussions
4 with you in the May or June 1994 time period about how
5 patenting the auto-precharge feature would have high
6 harassment value, especially with respect to the
7 third-party SDRAM controllers?

8 A. I don't remember.

9 Q. Now, you attended the next regularly scheduled
10 JEDEC meeting in May of 1994. Is that right?

11 A. Sir, I'm not sure what the date was.

12 MR. OLIVER: May I approach?

13 JUDGE MCGUIRE: Yes.

14 BY MR. OLIVER:

15 Q. Mr. Crisp, I've handed you a document marked
16 JX-20. These are the minutes of the JC-42.3
17 subcommittee meeting held on May 25th, 1994. If I
18 could direct your attention to the first page, about
19 four-fifths of the way down, do you see your name in
20 the list of members present?

21 A. Yes, sir, I do.

22 Q. Now, again, at this meeting, Mr. Townsend
23 discussed the JEDEC patent policy, right?

24 A. I'm sorry, I don't remember.

25 Q. If I could ask you to turn, please, to page 4,

1 and if I could direct your attention specifically to
2 paragraph 3 --

3 A. Excuse me, sir, could you tell me what the
4 JEDEC number is, because the JX numbers are cut off?

5 Q. Yes, sir, it would be JEDEC 0015874.

6 A. Thank you, sir.

7 Q. Do you see item number 3 almost halfway down
8 the page? It reads "Patent Policies."

9 A. Yes, sir, I do see that.

10 Q. And it states that the patent policies were
11 shown. It also states that, "It as," probably means
12 is, "noted that the WANG patent case is coming up for
13 trial on June 14."

14 Do you see that?

15 A. Yes, sir, I do.

16 Q. Now, let me ask you to find Exhibit CX-711 in
17 front of you, please. This is the thick collection of
18 emails. Within CX-711, if you could please turn to
19 page 26.

20 Now, do you see on page 26 an email beginning
21 at the top from you to yourself and M. Johnson dated
22 May 22nd, 1994?

23 A. Yes, sir, I see that.

24 Q. Who is M. Johnson?

25 A. That's Mark Johnson.

1 Q. Who was Mark Johnson at this time?

2 A. He was a design engineer that was -- I think at
3 that time was working for Rambus.

4 Q. And the subject is, "JEDEC memory meeting
5 report 2."

6 Do you see that?

7 A. Yes, I do see that.

8 Q. And again, these would have been notes that you
9 were typing on your laptop at the time of this Q. Aeaw100tCyc

1 3 paragraphng opage 26, it starts outis,4M (x16at
1 4 organizatig) SDRAM v no 2."

15 6 Do you see that?

18 6 Do you see that?
F foT thReTSldes,nc.90

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1 of that same discussion. Is that right?

2 A. Yes, sir, that's correct.

3 Q. And if I could direct your attention to the
4 first paragraph on page 27, it reads, "Note that many
5 of the SDRAMs use an externally supplied reference
6 voltage in the input buffers. I believe we have a
7 claim we added to cover this configuration. We should
8 make note of this."

9 Do you see that?

10 A. Yes, sir, I do.

11 Q. Now, if I could ask you to turn, please, to
12 page 31. You may want to check the pages as you go. I
13 believe it's still a continuation of the same email.

14 Is page 31, in fact, a continuation of the same
15 email?

16 A. I believe it is, yes, sir.

17 Q. So, in other words, a continuation of your
18 notes from that same meeting?

19 A. I think that's correct.

20 Q. And if I could direct your attention to a
21 caption appearing almost halfway down the page that
22 reads, "Second Presentations."

23 A. Yes, sir.

24 Q. And a few lines underneath that, there is a
25 block about five lines I'd like to read for you. It

1 begins, "Again." Do you see that?

2 That section reads, "Again, we need to check
3 claims about DRAM with input receivers using an
4 external supplied reference voltage. We may be able to
5 slow down or stop (or at least collect from) all of the
6 CTT, GTL and HSTL devices if this claim is allowed.

7 (Allen, I believe this was one of the claims you,
8 Lester, Tracy and I wrote up in late '91, right?)."

9 Do you see that?

10 A. Yes, sir, I do.

11 Q. Now, the Allen that you were referring to there
12 is vice president Allen Roberts?

13 A. That's correct.

14 Q. And Lester is Mr. Lester Vincent?

15 A. That's also correct.

16 Q. Who is Tracy?

17 A. Tracy -- I believe her name was Tracy Hurt or
18 Tracy Hurst.

19 JUDGE McGUIRE: All right, I would like to
20 inquire here for the Court's clarity again, could you
21 explain to me what a CTT, GTL and HSTL are, Mr. Crisp?

22 THE WITNESS: Your Honor, you're speaking to
23 me?

24 JUDGE McGUIRE: Yes, I am.

25 THE WITNESS: Oh, can you tell me -- it's very

1 technical, so could you give me an idea of what you're
2 looking for so I can --

3 JUDGE McGUIRE: Well, I just want to know what
4 that is. I mean, what is CTT, GTL and HSTL?

5 THE WITNESS: Oh, those were acronyms for
6 signaling technologies that were just various different
7 either standards or proposals for standards.

8 JUDGE McGUIRE: Okay, all right, that's fine.

9 THE WITNESS: They were used on all sorts of
10 different kinds of chips.

11 JUDGE McGUIRE: All right, thank you.

12 All right, Mr. Oliver, you may proceed.

13 BY MR. OLIVER:

14 Q. So, in other words, Mr. Crisp, just to be
15 clear, at this JEDEC meeting of May 27th, 1994, you
16 wrote an email back to Rambus noting two separate
17 points in the proceedings involving external supplied
18 reference voltage. Is that right?

19 A. Well, I wrote the email back to myself and Mr.
20 Johnson, so if you call that Rambus, then sure, it was
21 Rambus, but yes, it was mentioned twice.

22 Q. Well, the second passage that I've read to you
23 appears to be addressed to Allen Roberts. Isn't that
24 right?

25 A. Yes, sir, it is.

1 Q. So, it was your understanding that at least
2 Allen Roberts would also see this email. Is that
3 right?

4 A. It must have been. I don't really remember.

5 Q. In any event, the first of the occasions which
6 external supplied reference voltage arose was during
7 the tabulation of the ballots. Is that right?

8 A. I -- I don't remember if that was the first
9 time I'd seen that.

10 Q. With respect to this email, the first passage
11 that we just looked at at the top of page 27.

12 A. Let me look at that again, sir. Yes, sir, I
13 think that was the first time it had come up in that
14 meeting.

15 Q. Now, you never informed JEDEC at this meeting
16 that you had worked on claims relating to externally
17 supplied reference voltage, did you?

18 A. Yes, that's correct.

19 Q. You never informed JEDEC that Rambus might be
20 able to slow down or stop or at least collect from
21 various devices relating to externally supplied
22 reference voltage if the claim is allowed, did you?

23 A. That's also correct.

24 MR. OLIVER: May I approach, Your Honor?

25 JUDGE McGUIRE: Yes.

1 "A dynamic random access memory (DRAM) capable of being
2 coupled to a bus, the DRAM comprising: A first circuit
3 for generating a clock signal; a conductor for coupling
4 the DRAM to the bus; and a receiver circuit coupled to
5 the conductor and the first circuit. The receiver
6 circuit for latching information received from the,"
7 continuing at the top of page 5, "conductor in response
8 to a rising edge of the clock signal and a falling edge
9 of the clock signal."

10 Do you see that?

11 A. Yes, sir, I do.

12 Q. Now, in or about August of 1994, do you recall
13 having any discussions with vice president Roberts
14 concerning claims involving a rising and falling edge
15 of the clock signal?

16 A. Regarding the what, the clock signal?

17 Q. Let me restate the question.

18 A. Thank you.

19 Q. In or about -- excuse me.

20 I apologize, Your Honor.

21 JUDGE MCGUIRE: That's all right.

22 BY MR. OLIVER:

23 Q. Mr. Crisp, in or about August of 1994, do you
24 recall having any conversations with vice president
25 Roberts concerning claims to be added to Rambus'

1 pending patent applications relating to use of a rising
2 edge and a falling edge of a clock signal?

3 A. No, sir, I don't.

4 Q. If I could ask you to turn, please, to page 9,
5 I'd like to direct your attention to claim 167. This
6 claim carries over to page 10, but I'll only be
7 focusing on a portion of it.

8 Claim 167 reads, "A dynamic random access
9 memory (DRAM) comprising an array of memory cells
10 connected in rows and columns, the array of memory
11 cells corresponding to a range of addresses, wherein
12 the array of memory cells is subdivided into a
13 plurality of memory sections, each of the memory
14 sections being assigned a portion of the range of
15 addresses," then it continues.

16 Do you see that?

17 A. Yes, sir, I do.

18 Q. Do you recall in or about August of 1994 having
19 any conversations with vice president Roberts with
20 respect to claims to be added to Rambus' pending patent
21 applications regarding use of arrays of memory cells
22 subdivided into sections?

23 A. No, sir, I don't.

24 Q. All right, let me ask you if you could turn,
25 please, to page 10, and let me direct your attention

1 specifically to claim number 171, and you'll see that
2 this is a dependent claim. Do you have that, Mr.
3 Crisp?

4 A. Yes, sir, I do.

5 Q. Claim 171 reads, "The DRAM of claim 170,
6 wherein sense amps coupled to columns of a first memory
7 section are for selectively precharging the columns of
8 the first memory section to a value intermediate to
9 logical 0 and 1 when an access mode for the first
10 memory section is a normal mode."

11 Do you see that?

12 A. Yes, sir, I do.

13 Q. In or about August of 1994, do you recall
14 having any discussions with vice president Roberts with
15 respect to claims to be added to Rambus' pending patent
16 applications with respect to use of selectively
17 precharging columns?

18 A. No, sir, I don't.

19 Q. Mr. Crisp, let me direct your attention to the
20 first page of CX-746. Again, Mr. Roberts' statement,
21 "This is Lester's attempt to work," or u res.lTc3

1 president Roberts in or about August of 1994 concerning
2 Mr. Vincent's attempts to write claims for the SDRAM
3 defense?

4 A. No, sir, I don't.

5 Q. Now, Mr. Crisp, you attended the next regularly
6 scheduled JEDEC meeting in September of 1994, right?

7 A. I'm not certain of the date, sir.

8 MR. OLIVER: May I approach, Your Honor?

9 JUDGE McGUIRE: Yes.

10 BY MR. OLIVER:

11 Q. Mr. Crisp, I've handed you a document marked
12 JX-21. These are the minutes from the September 13,
13 1994 JC-42.3 subcommittee meeting. Now, Mr. Crisp, do
14 you recall whether you attended this meeting?

15 A. Yes, I do.

16 Q. Did you attend this meeting?

17 A. Yes, I did.

18 Q. Now, again, at this meeting, Mr. Townsend
19 presented the JEDEC patent policy, didn't he?

20 A. I don't remember.

21 Q. If I could ask you to turn to page 4, item
22 number 4, Patent Presentation. Do you see that?

23 A. Yes, sir, I do.

24 Q. "Mr. Townsend presented the patent policies
25 (see Attachment A). Various news articles relating to

1 patents were shown (see Attachment B)."

2 Do you see that?

3 A. Yes, I do.

4 Q. Does that refresh your recollection that Mr.
5 Townsend showed the JEDEC patent policy at this
6 meeting?

7 A. Yes, it does.

8 Q. Now, Mr. Crisp, if I could ask you to turn,
9 please, to page 86, this is a page that bears the
10 handwritten caption Attachment AA, and turned sideways,
11 the lower right-hand corner, NEC, and across the top,
12 About Mode "Number of Banks."

13 Do you see that?

14 A. Yes, I do.

15 Q. Now, you recognize this is a presentation made
16 by NEC that you observed at this JEDEC meeting?

17 A. Yes, sir.

18 Q. Let's skip ahead, if we could, to page 91.
19 This is a page with the caption PLL Enable Mode, and
20 underneath that, "On-Chip-PLL Improves Access Time,"
21 and underneath that two diagrams, on the left-hand
22 side, "Without PLL," and on the right-hand side, "With
23 PLL."

24 Do you see that?

25 A. Yes, sir, I do.

1 Q. Now, you recognize this as part of the NEC
2 presentation that you observed at the September 1994
3 JEDEC meeting?

4 A. Yes, sir.

5 Q. We can set this aside now.

6 If I could ask you to locate again CX-711 in
7 front of you, that's the 200-page collection of emails.
8 If I could ask you to turn within CX-711, please, to
9 page 36. If I could direct your attention to the
10 portion towards the top of the page, there's a short
11 space, and there's a line, "From," with a series of
12 question marks.

13 Do you see that?

14 A. Yes, sir, I do.

15 Q. And if you could look at the series of lines
16 following that, that indicates that this is an email
17 from you to the executive group and the marketing group
18 at Rambus dated September 14, 1994. Is that right?

19 A. Yes, sir, that's right.

20 Q. And again, the executive grouping at this time
21 would have included CEO Geoff Tate, vice president
22 Allen Roberts and vice president David Mooring, among
23 others, right?

24 A. Yes, sir, that is correct.

25 Q. And this is an email that you wrote from the

1 JEDEC meeting, right?

2 A. Yes, sir.

3 Q. JEDEC number 3 is the third set of notes that
4 you wrote from this particular JEDEC meeting?

5 A. I'm not sure about that, but that's what it
6 says.

1 A. Yes, sir, I do.

2 Q. And the line underneath that, "They plan on
3 putting a PLL on board their SDRAMs."

4 Do you see that?

5 A. Yes, I do.

6 Q. Now, if I could direct your attention down to
7 the next to latsd th

1 Do you see that?

2 A. Yes, I do.

3 Q. And although you used the word "patent" in that
4 sentence, you actually were referring to a patent
5 application. Is that right?

6 A. That's probably true.

7 Q. That is, you were asking what is the status of
8 the pending patent application that contained the PLL
9 claim, right?

10 A. Well, it was really -- I guess I wasn't even
11 sure if we had an application filed yet, but that's
12 what my concern was about roughly.

13 Q. Well, do you recall in September of 1992 you
14 met with Mr. Lester Vincent, and you discussed claims
15 relating to PLL, right?

16 A. I'm not sure about the date. I think we did
17 discuss yesterday that I had such a discussion with Mr.
18 Vincent. Again, I don't remember the date.

19 Q. And you recall in your email exchange with Mr.
20 Fred Ware in February of 1993 that PLLs was one of the
21 items on your list?

22 A. Something related to PLLs, yes, I do recall
23 that.

24 Q. And do you recall that in Fred Ware's email of
25 June 18, 1993 that we looked at, in fact, earlier this

1 morning, that one of the items on this list also
2 related to PLLs? Do you recall that?

3 A. I think that's right, yes.

4 Q. And do you recall we also saw a letter that
5 Lester Vincent had written to you dated June 30, 1993
6 enclosing a copy of the application that he had filed?

7 MR. PERRY: Your Honor, I believe that
8 misstates the evidence if he's referring to -- if he's
9 referring to the same document I think he is. I may be
10 wrong.

1 MR. PERRY: No objection, Your Honor.

2 JUDGE McGUIRE: Entered.

3 (CX Exhibit Number 1961 was admitted into
4 evidence.)

5 BY MR. OLIVER:

6 Q. Mr. Crisp, just so that the record is clear, as
7 of the time that you wrote your email in September of
8 1994, the documents I've just shown you refresh your
9 recollection that you had had information with respect

1 A. I'm not really sure.

2 Q. But in any event, you did not bring this patent
3 issue up at this September 1994 JEDEC meeting, did you?

4 A. I don't believe I did, no, sir.

5 Q. So, in other words, you did not say anything at
6 this JEDEC meeting concerning the patent application
7 that Rambus had on file at this time relating to PLLs.
8 Is that right?

9 A. I believe that's correct, yes.

10 Q. However, that very same day, you had further
11 correspondence with vice president Allen Roberts and
12 others concerning this same patent application. Isn't
13 that right?

14 A. I'm not certain of that.

15 MR. OLIVER: May I approach?

16 JUDGE MCGUIRE: You may.

17 BY MR. OLIVER:

18 Q. Mr. Crisp, I've handed you a document marked
19 CX-757. Now, you recognize this as an email that you
20 sent to the Rambus executive group also on September
21 14, 1994?

22 A. Yes, sir, I do.

23 Q. Now, you recognize this as an email you sent
24 after the email we looked at just a moment ago. Is
25 that right?

1 A. I'm not sure of the order, sir.

2 Q. If I could ask you to turn back to CX-711, page
3 36. If you could look in the caption, you'll see a
4 number of different timestamps. You'll see a timestamp
5 of 14:56, and next to the date 14 September 1994 is a
6 timestamp of 15:59, and the very top line a timestamp
7 of 16:00.

8 Does this refresh your recollection that this
9 email was sent sometime around 3:00 or 4:00 in the
10 afternoon?

11 A. Yes, sir, it does.

12 Q. If I could ask you to turn back now, please, to
13 CX-757.

14 A. Yes, sir.

15 Q. And next to the date, you'll see a timestamp of
16 19:30. Do you see that?

17 A. Yes, sir, I do.

18 Q. Does this refresh your recollection that CX-757
19 was sent at about 7:30 in the evening?

20 MR. PERRY: Your Honor, if I could ask for
21 clarification in the question about what time zone
22 we're in? I see one was PDT.

23 JUDGE McGUIRE: Mr. Oliver?

24 BY MR. OLIVER:

25 Q. Mr. Crisp, do you recall what time zone you

1 were in?

2 A. Well, I was in Albuquerque, New Mexico, so I
3 think that's the Mountain Time Zone.

4 Q. Does the timestamp refresh your recollection
5 that CX-757 was sent at around 7:30 p.m. in either the
6 Mountain Time Zone or the Pacific Time Zone?

7 A. I'm sorry, I can't -- I can't remember it just
8 from looking at this document.

9 Q. In any event, the timestamps we just looked at
10 refresh your recollection that CX-757 was sent later
11 than page 36 of CX-711?

12 A. No, looking at the documents doesn't help me
13 remember that.

14 Q. Okay. Looking at CX-757, towards the top, do
15 you see four lines with arrows in front of them?

16 A. Yes, sir, I do.

17 Q. Now, this, again, is a portion of an embedded
18 email that was sent to you. Is that right?

19 A. Yes, sir, I think that's what that means.

20 Q. And this particular portion was sent to you by
21 Allen Roberts, right?

22 A. I think that's right.

23 Q. And above that there's a line that says, "Stuff
24 about concern that a PLL on a DRAM may not be
25 defensible from a patent challenge perspective

1 deleted."

2 Do you see that?

3 A. Yes, sir, I do.

4 Q. And then Allen -- or a portion of Allen
5 Roberts' message that survives here reads, "So if we
6 want to fight this one (after the claim is issued), we
7 better stock up our legal warchest."

8 Do you see that?

9 A. Yes, sir, I do.

10 Q. And then you -- the following text is your
11 response to his email. Is that right?

12 A. Yes, sir, that's right.

13 Q. But you responded not only to him but to the
14 entire executive group?

15 A. That's correct.

16 Q. If I could direct your attention to the third
17 paragraph of your portion of the email, the first
18 sentence there reads, "With nature running its usual
19 course, there could be an issued patent with an
20 infringing product about the time we are making an
21 IPO."

22 Do you see that?

23 A. Yes, sir, I do.

24 Q. And then directing your attention to the -- to
25 the next paragraph, you write, "It seems likely we will

1 have to fight litigation at some point in the future,"
2 right?

3 A. Yes, sir.

4 Q. Now, in that sentence, you are referring to
5 patent infringement litigation to enforce a patent on
6 PLL in DRAM, right?

7 A. I'm not sure to what I was referring here.

8 MR. OLIVER: May I approach, Your Honor?

9 JUDGE McGUIRE: Yes.

10 BY MR. OLIVER:

11 Q. Mr. Crisp, I've handed you a copy of a
12 deposition of you that was taken in the FTC matter on
13 February 14, 2003. I'd like you to turn, please, if
14 you could to page 46, and I'd like to direct your
15 attention simply to lines 3 through 6 on that page.

16 A. I'm sorry, could you repeat that?

17 Q. Yes, page 46.

18 A. Yes.

1 MR. OLIVER: Your Honor, let me set the
2 transcript aside and let me see if I can get at this
3 with one or two other questions.

4 JUDGE McGUIRE: All right.

5 MR. PERRY: Thank you.

6 BY MR. OLIVER:

7 Q. Mr. Crisp, if you could set that transcript
8 aside, and if I could ask you to take another look at
9 CX-757.

10 A. I'm sorry, which one, 757?

11 Q. CX-757 is your email of September 14, 1994,
12 19:30, containing the embedded lines from Allen
13 Roberts.

14 A. I think I lost it. Let me see.

15 MR. PERRY: I have one. He can have mine.

16 MR. OLIVER: May I approach?

17 THE WITNESS: Thank you.

18 BY MR. OLIVER:

19 Q. Mr. Crisp, let me direct your attention back to
20 the embedded portion of the -- the embedded text in
21 this email, the portion written by Allen Roberts. Now,
22 you understood that when Allen -- when Allen Roberts
23 was referring to "if we want to fight this one," he was
24 referring to a patent claim related to PLL on a DRAM?

25 A. I think that's possible. I don't -- I don't

1 really remember this email very well, but that's
2 certainly possible.

3 Q. That's your best recollection, though, isn't
4 it?

5 A. Well, there's -- there's a possible second
6 recollection, and I'm just not really sure which one it
7 is, and it relates to the comment that I made back in
8 my JEDEC minutes about NEC potentially using the Tom Li
9 PLL. So, I don't remember which -- which thing I was
10 thinking about.

11 Q. Okay, then let me ask you to pick up your FTC
12 deposition transcript, please.

1 he was expressing about whether or not we would be able
2 to successfully defend a patent claim.

3 "QUESTION: Do you understand what patent claim
4 he had in mind?

5 "ANSWER: What I remember is this was relating
6 to a patent claim being -- having a PLL on a DRAM."

7 Do you see that?

8 A. Yes, sir, I do.

9 Q. Now, when you wrote your text in CX-757, that
10 was what you were responding to. Is that right?

11 A. It must have been.

12 Q. All right. And you had in mind litigation
13 against DRAM manufacturers, didn't you?

14 A. Well, I don't think I quite state that. I
15 thought it was possible there could be some litigation
16 in the future.

17 Q. And that litigation would naturally involve
18 DRAM manufacturers, wouldn't it?

19 A. Well, it might, and it might not. I just don't
20 know.

21 Q. In any event, litigation might involve some of
22 the other companies sitting in the very JEDEC room that
23 day, wouldn't it?

24 A. That's certainly a possibility.

25 Q. If I could direct your attention back to

1 CX-757, continuing with the fourth paragraph in the
2 text that you wrote, the last two sentences of that
3 paragraph read, "I think it is very important to go
4 after one we are certain we can win first. We don't
5 need a loss on the first challenge."

6 Do you see that?

7 A. Yes, sir, I do.

8 Q. So, in other words, you were contemplating
9 patent litigation that Rambus would instigate. Isn't
10 that right?

11 A. You say "contemplate." I -- I guess I was.
12 I'm not sure how strongly I believed it was -- it would
13 happen, but you know, I said in here it seems likely.
14 It seemed like it was a -- it was a real possibility.

15 Q. In any event, in your email, you then go on to
16 talk about the possibility of getting NEC to sign a
17 license agreement, right?

18 A. Yes, that's right. They were one of our
19 licensees, and we had a pretty good relationship with
20 them.

21 Q. And pursuant to the license agreement you had
22 in mind, Rambus could get some bucks out of the deal in
23 license fees and royalties?

24 A. Generally we got paid when we licensed our
25 technologies.

1 Q. And then you added, and let me direct your
2 attention here to the last paragraph on the first page
3 of CX-757, the fifth line, "I think if we can get them
4 to agree to such a deal that the patent issue could be
5 brought up in JEDEC."

6 Do you see that?

7 A. Yes, sir, I do.

8 Q. And the "them" you're referring to in that
9 sentence is NEC?

10 A. Yes, I think that's right.

11 Q. So, in other words, if Rambus could get NEC to
12 agree to a license, then Rambus could bring up the
13 patent issue in JEDEC, right?

14 A. I think that's what that says.

15 Q. And then you carry on to the next page, page 2
16 of CX-757.

17 A. Yes.

18 Q. And your concluding sentence is, though, "The
19 last paragraph is probably only a dream."

20 Do you see that?

21 A. Yes, I do.

22 Q. And again, those were your views that you sent
23 to CEO Geoff Tate, vice president David Mooring, vice
24 president Allen Roberts and the rest of the executive
25 group in September 1994 after having seen the PLL

1 presentation at JEDEC. Isn't that right?

2 A. Well, I don't agree with that. What I saw at
3 JEDEC was a presentation for a proposal for how to
4 modify the mode register that had already been a part
5 of the standard.

6 Q. Let me ask you to turn back to CX-711, please.
7 This is the 200-page compilation of emails. If I could
8 ask you to turn, please, to page 36, looking at the
9 Subject line, "JEDEC number 3, NEC proposes PLL on
10 SDRAM."

11 Do you see that?

12 A. Yes, I do.

13 Q. And looking about three-quarters of the way
14 down, the line with the stars, "the PLL mode," do you
15 see that?

16 A. Yes, I do.

17 Q. The next line reads, "They plan on putting a
18 PLL on board their SDRAMs."

19 Do you see that?

20 A. Yes, I do.

21 Q. That's what you summarized and that's what you
22 wrote home based on what you observed at that JEDEC
23 meeting. Is that right?

24 A. Well, that's part of it. I think there was a
25 lot more to it that you didn't mention. For example,

1 a license to construct the RDRAM --

2 A. That's right.

3 Q. -- DRAM?

4 A. That's right.

5 Q. But Samsung actually wanted to negotiate a
6 general purpose license. Isn't that right?

7 A. Well, I'm not sure that that was what they
8 wanted. I think they wanted a somewhat broader
9 license.

10 Q. In any event, they wanted a license that would
11 be broader than just RDRAM. Is that right?

12 A. I believe that's correct, yes.

13 Q. And they wanted that so Samsung could
14 manufacture other types of DRAMs, and if they happened
15 to use the Rambus technology in doing so, that they
16 wouldn't be sued. Isn't that right?

17 A. Well, I think that's what their goals were, and
18 I think we were trying to come up with a compromise
19 situation that both parties would like.

20 Q. Now, internal discussions within Rambus
21 concerning PLL came up in connection with these Samsung
22 negotiations, right?

23 A. Yes, that's correct. That's what I remember.

24 Q. Now, with respect to CX-763, once again,
25 there's an embedded portion of the email at the top.

1 Do you see that?

2 A. Yes, sir, I do.

3 Q. And that embedded portion of the text is from
4 Allen Roberts. Is that right?

5 A. I believe that's correct.

6 Q. And it consists of his comments to CEO Geoff
7 Tate?

8 A. Yes.

9 Q. And if I could direct your attention to I guess
10 it's the third paragraph of the embedded text, it
11 starts, "Is the following a mistype on your part?"

12 Do you see that?

13 A. Yes, I do see that.

14 Q. And in the next sentence, Allen Roberts writes
15 to CEO Geoff Tate, "Why can't we sue for using PLL on
16 an SDRAM if we granted that patent?"

17 So, that's what Allen Roberts wrote to Geoff
18 Tate, right?

19 A. Yes, that looks right.

20 Q. And then the following portion is the part of
21 the email that you wrote?

22 A. Yes.

23 Q. And again, you sent this in response to vice
24 president Roberts' comments, but you sent it to all
25 executives, right?

1 A. Yes, that's right.

2 Q. And you stated, "I've felt for some time that
3 we need to hold this as one of our key technology
4 patents."

5 Do you see that?

6 A. Yes, sir, I do.

7 Q. And you continue, "If it is allowed, we need to
8 be able to collect on it," right?

9 A. Yes, sir.

10 Q. What you meant by that is that Rambus needed to
11 be able to collect royalties. Isn't that right?

12 A. Royalties, license fees, whatever -- whatever
13 monies we could get for it.

14 Q. If I could direct your attention, then, down to
15 the next to the last paragraph, at that point you
16 wrote, "I would hope we would sue other companies, in
17 particular those that are not licensed."

18 Do you see that?

19 A. Yes, sir.

20 Q. And by that you meant that you hoped Rambus
21 would sue in particular companies that had not signed a
22 license for RDRAM. Is that right?

23 A. Yes, sir, I think that's what that's saying.

24 Q. But you also wanted to sue companies that were
25 licensed for RDRAM. Isn't that right?

1 A. Sure.

2 Q. Your next sentence reads, "For those that are
3 licensed --" and you mean there licensed for RDRAMs,
4 right?

5 A. That's correct.

6 Q. "For those that are licensed, I would like to
7 see us collect a similar royalty as for RDRAMs."

8 In other words, you wanted to have Rambus

9 collect a similar royalty for using PLLtyorreit2s5t0otvo htTjsi'
ifylar oyalaalty fo?oyalty as for RDRAM17"

DoT jT*s 8 eYF1 1"Foi 1"Foi 1"F8i 1"Fo0gp 7 ose do A. That's corre19

1 Samsung for using PLL on SDRAMs in the future. Isn't
2 that right?

3 A. Yes, sir. Of course, our real goal would be
4 just to have a license agreement with them, and if
5 necessary, we need to back that up with the threat of
6 suit if they were unwilling to license.

7 Q. So, your real goal was to have a license
8 agreement providing for the payment of royalties, but
9 if that were not possible, then you would seek to
10 obtain royalties. Is that right?

11 A. Yes, sir, I think that was implicit in that
12 entire email.

13 Q. Now, Geoff Tate then responded that it was not
14 possible to weasel the language back, didn't he?

15 A. I don't recall.

16 MR. OLIVER: May I approach?

17 JUDGE MCGUIRE: Yes.

18 BY MR. OLIVER:

19 Q. Mr. Crisp, I've handed you a document marked
20 CX-765. This is an email from Geoff Tate to the
21 executive group and to you dated October 25, 1994.
22 Again, it contains a section of text with arrows in
23 front of it that appears to be embedded text that has
24 the attachment "Allen sent."

25 Do you see that?

1 A. Yes.

2 Q. Then there is a portion of the text that does
3 not have arrows, but a portion at the top that says
4 "Richard sent."

5 Do you see that?

6 A. Yes, that's right.

7 Q. And do you recognize that as the same language
8 that's in CX-763 that we just looked at?

9 A. I think that's right.

10 Q. And then looking three paragraphs up from the
11 bottom, there's a caption, "Geoff's Reply."

12 Do you see that?

13 A. Yes, I do.

14 Q. That indicates that the remainder of the text
15 in this email is from Geoff Tate?

16 A. Well, at least down to a certain level.

17 Q. At least down to the first of the double dotted
18 lines on page 2. Is that right?

19 A. Yes, that's what I had in mind when I said
20 that.

21 Q. Now, Geoff Tate wrote that Rambus couldn't get
22 a Samsung deal without something like the IP compromise
23 that Rambus had already offered Samsung. Isn't that
24 right?

25 A. That's what he says in here.

1 A. Yeah, it largely says that.

2 Q. And it continues, "As others that we have not
3 made the covenant not to sue follow, we get
4 opportunities to sue them. This assumes that the
5 patent issues with that claim intact."

6 Do you see that?

7 A. Yes, sir, I do.

8 Q. So, in other words, what you were saying here
9 is that by having Samsung licensed to put PLLs on
10 DRAMs, they would then start to do that, and other
11 companies would follow Samsung, right?

12 A. I believed that that was a real possibility.

13 Q. And then when other companies did that, Rambus
14 would then have the opportunity so sue other companies
15 for using PLLs on SDRAMs, right?

16 A. Yes, that's correct.

17 Q. Now, again, you never told the JEDEC 42.3
18 subcommittee that you, Allen Roberts and others
19 contemplated that Rambus would fight litigation against
20 other DRAM manufacturers to enforce a patent on using
21 PLL on an SDRAM, did you?

22 A. I think that's correct, yes.

23 Q. And you also never informed the JEDEC JC-42.3
24 subcommittee that Rambus might have opportunities to
25 sue other companies if they followed Samsung in using

1 PLLs on SDRAMs. Isn't that right?

2 A. Could you ask the question again, please?

3 Q. Yes. You never informed the JEDEC JC-42.3
4 subcommittee that Rambus might have opportunities to
5 sue other companies if they followed Samsung in putting
6 PLLs on SDRAMs. Isn't that right?

7 A. Yes, that's correct.

8 MR. OLIVER: Your Honor, this is perhaps --
9 it's still a bit early, but this would be a good
10 breaking point. Would this be a convenient place to
11 break for lunch?

12 MR. PERRY: No objection, Your Honor.

13 JUDGE MCGUIRE: All right, it's 12:10. Why
14 don't we take a break for lunch and reconvene at 1:30,
15 okay?

16 MR. OLIVER: Thank you, Your Honor.

17 JUDGE MCGUIRE: Hearing in recess.

18 (Whereupon, at 12:10 p.m., a lunch recess was
19 taken.)

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AFTERNOON SESSION

(1:30 P.M.)

JUDGE MCGUIRE: This hearing is now in order.
I guess at this time you may continue, Mr. Oliver, with
your inquiry of the witness.

BY MR. OLIVER:

Q. Thank you, Your Honor.

Good afternoon, Mr. Crisp.

A. Good afternoon, Mr. Oliver.

Q. Mr. Crisp, I just wanted to wrap up one point
left from this morning. Do you recall the September
1994 JEDEC meeting, we looked at your email that you
wrote back to Rambus from that meeting?

A. Maybe you could tell me a little more about it.
I'm not sure I remember exactly which meeting that was
or which email to which you refer.

Q. There was an email to which you made reference
with respect to an NEC proposal. Do you recall that?

A. Yes, sir, now I remember which one you're
talking about.

Q. And I believe you stated that they were
proposing to put PLLs on SDRAMs. Do you remember that?

A. That's what I said in my email, yes.

Q. Now, was that also known as on-chip PLL?

A. Are you referring to the proposal?

1 Q. To the technology, yes.

2 A. Well, the proposal --

3 MR. PERRY: Objection, vague as to what he
4 means by "the technology."

5 JUDGE McGUIRE: I'm sorry, Mr. Oliver, I
6 couldn't hear you, to the technology. Restate it, if
7 you would, Mr. Oliver.

8 BY MR. OLIVER:

9 Q. Yes, Your Honor.

10 With respect to the NEC proposal that I believe
11 you characterized as they were proposing to put PLLs on
12 SDRAMs, is that technology also known as on-chip PLL?

13 MR. PERRY: Your Honor, I would object that
14 there's no foundation. He doesn't even have a
15 presentation in front of him that it's in the minutes.
16 He ought to be shown that before he can say what the
17 technology is.

18 MR. OLIVER: Your Honor, I can show him his
19 email if he would like.

20 JUDGE McGUIRE: All right, go ahead.

21 MR. OLIVER: May I approach, Your Honor?

22 JUDGE McGUIRE: Yeah, go ahead.

23 BY MR. OLIVER:

24 Q. Mr. Crisp, I've handed you CX-711, if you could
25 please turn to page 36. Do you see the email beginning

1 on that page?

2 A. Yes, sir, I do.

3 Q. If I could direct your attention to the caption
4 and specifically to the subject line that reads, "JEDEC
5 number 3, NEC proposes PLL on SDRAM." Do you see that?

6 A. Yes, sir, I do.

7 Q. Now, the technology that you were describing in
8 the caption of your email there, that's also known as
9 on-chip PLL. Is that right?

10 A. I would characterize it that way, yes.

11 MR. OLIVER: Your Honor, if I could approach
12 the chart I would like to add that to the chart.

13 JUDGE MCGUIRE: Yeah, go ahead.

14 BY MR. OLIVER:

15 Q. Okay, Mr. Crisp, before the lunch break we had
16 walked through a number of events in 1993 and 1994.
17 This afternoon I would like to turn now to 1995. Now,
18 in January of 1995, Lester Vincent filed an additional
19 preliminary amendment with the Patent & Trademark
20 Office, didn't he?

21 A. I don't know.

22 Q. Let me see if I can show you a couple of
23 documents that might help to refresh your recollection.

24 May I approach, Your Honor?

25 JUDGE MCGUIRE: You may.

1 BY MR. OLIVER:

2 Q. Mr. Crisp, I've handed you a document marked
3 CX-734. Do you recognize this as a letter from Allen
4 Roberts to Lester Vincent that we looked at this
5 morning?

6 A. Yes, sir, I do.

7 Q. And you recall this morning we looked at the
8 first paragraph of CX-734?

9 A. I'm sorry, would you ask the question again?

10 Q. Yes, do you recall that this morning we looked
11 at the first paragraph of CX-734?

12 A. Yes.

13 Q. Now, let me direct your attention again to the
14 last sentence of that paragraph. "It is possible that
15 some of these enhancements are already in existing
16 applications, but we would like to re-assess the
17 strength of those claims."

18 Do you see that?

19 A. Yes, sir, I do.

20 MR. PERRY: Your Honor, I believe this is one
21 where we had objections to foundation and there was no
22 foundation established that he had ever seen it. So, I
23 don't know if he's going to go any further with this
24 one, but I think we did that this morning.

25 JUDGE McGUIRE: Any response, Mr. Oliver?

1 MR. OLIVER: Yes, Your Honor, I would like to
2 use this together with two additional documents that I
3 have not yet used with Mr. Crisp to see if the three
4 documents together help to refresh his recollection
5 with respect to an amendment filed in January 1995.

6 MR. PERRY: Well, Your Honor, on this one, I
7 think we went over this morning, and there was no
8 foundation laid to use it for any purpose, but I guess
9 we'll see what happens. But we've got that objection.

10 JUDGE McGUIRE: Well, I'll give you a chance to
11 go into it, and then, you know, the point is here,
12 please lay a proper foundation, Mr. Oliver, and if not,
13 I'm sure we'll also hear again from opposing counsel.

14 BY MR. OLIVER:

15 Q. Thank you, Your Honor.

16 Mr. Crisp, if I could direct your attention to
17 page 2 of CX-734. And item number 6 reads, "Use
18 control registers to contain values which control RAS
19 and CAS access timing." Do you see that?

20 A. Yes, sir, I see that.

21 MR. OLIVER: May I approach, Your Honor?

22 JUDGE McGUIRE: Yes.

23 BY MR. OLIVER:

24 Q. Mr. Crisp, I've handed you a document marked as
25 CX-750, it's a letter from Allen Roberts to Lester

1 Vincent dated August 11, 1994, and apart from the
2 different date, the text appears to be identical to
3 CX-734. Do you have any recollection of having seen
4 CX-750 before?

5 A. No.

6 Q. If I could direct your attention to the
7 right-hand side of the page of CX-750. Do you see that
8 item 6.0 there also reads, difficult to make out on the
9 paper copy, but it reads, "Use control registers to
10 contain value which control RAS and CAS access timing."

11 Do you see that?

12 A. Yes, sir, I do.

13 MR. OLIVER: May I approach, Your Honor?

14 JUDGE MCGUIRE: Yes.

15 BY MR. OLIVER:

16 Q. Mr. Crisp, I've handed you a document marked
17 CX-1470, it bears a caption at the top, in the United
18 States Patent & Trademark Office, about halfway down
19 the page is a caption reading Amendment. The upper
20 left-hand corner of the box, serial number 07/847,961,
21 the date on the right-hand side of the page reads
22 January 6th, 1995.

23 And if I could direct your attention in
24 particular to page 6. And particularly to the claim
25 160 appearing at the bottom of page 6, carrying over to

1 the top of page 7. And particularly the top of page 7,
2 if you see the language in the carry-over part of the
3 claim 160, starting about the third line down, "The
4 semiconductor device storing information received from
5 the bus lines in the register during configuration of
6 the semiconductor device and thereafter responding to
7 the transaction requests in the manner specified by the
8 information stored in the register."

9 Do you see that?

10 A. I'm sorry, I was unable to follow where you
11 were reading from.

12 MR. PERRY: Your Honor, can I ask that there be
13 some foundation laid for examining the witness on the
14 document? He's never seen it before, it's a part of
15 the responsibility, something.

16 JUDGE MCGUIRE: All right, sustained on that.

17 BY MR. OLIVER:

18 Q. Mr. Crisp, do you recall having seen CX-1470 in
19 or about January of 1995?

20 A. No.

21 MR. OLIVER: Your Honor, I would nevertheless

n reRori. E3y tn2rtheless

1 BY MR. OLIVER:

2 Q. If I could direct your attention back to claim
3 160, please, beginning at the bottom of page 6 and
4 carrying over to the top of page 7. And if you'll look
5 in particular at the top of page 7, beginning with the
6 third line.

7 A. May I read the entire claim, please?

8 Q. Certainly.

9 A. Thank you.

10 Q. And then if you look at the top of page 7,
11 beginning with the third line, "The semiconductor
12 device storing the information received from the bus
13 lines in the register during configuration of the
14 semiconductor device and thereafter responding to
15 transaction requests in the manner specified by the
16 information stored in the register."

17 Do you see that?

18 A. Infs, redo

10 9 Q. And then if you could direct your attention back to
152 page 7, line 160. And if you could direct your attention back to the top of page 7, line 160.

1 operative to wait for the access time before using the
2 bus in response to a transaction request specifying the
3 semiconductor device."

4 Do you see that?

5 A. Yes, sir, I do.

6 Q. Now, do any of the documents that we have just
7 looked at refresh your recollection that Mr. Vincent
8 filed an amendment to a pending Rambus patent
9 application in January of 1996?

10 A. No.

11 Q. Do you recall having any discussions with
12 anyone else at Rambus with respect to the two claims
13 that we've just looked at in CX-1470 in late 1994 or
14 early 1995?

15 A. No.

16 Q. Now, Mr. Crisp, you attended the next JEDEC
17 meeting in March of 1995. Is that right?

18 A. I'm not sure of the dates.

19 MR. OLIVER: May I approach, Your Honor?

20 JUDGE McGUIRE: Yes.

21 BY MR. OLIVER:

22 Q. Sorry, Your Honor.

23 Mr. Crisp, I have handed you a document marked
24 as CX-83, these are the minutes of the JC-42.5
25 committee meeting. The date here is on March 14, 1995.

1 Now, if you look on the first page, about three
2 quarters of the way down, you see that you attended
3 this meeting?

4 A. Yes, I see that.

5 Q. Now, you also attended the JC-16 meeting on the
6 same day. Is that right?

7 A. I'm not sure which day it was, sir.

8 MR. OLIVER: May I approach, Your Honor?

9 JUDGE McGUIRE: Yes.

10 BY MR. OLIVER:

11 Q. Mr. Crisp, I've handed you a document marked as
12 CX-82. These are minutes of the JC-16 committee
13 meeting, also on March 14, 1995. If you look on the
14 left-hand side, about three quarters of the way down,
15 do you see your name on that list?

16 A. Yes, sir, I do.

17 Q. Now, at the JC-16 committee meeting, you saw a
18 Fujitsu presentation relating to high-speed bus
19 transceiver logic. Is that right?

20 A. I don't remember.

21 Q. Mr. Crisp, do you have Exhibit 711 in front of
22 you?

23 A. CX-711?

24 Q. Yes.

25 A. Yes, sir, I do.

1 Q. If I could ask you to take up that document,
2 please. And if I could ask you to turn, please, to
3 page 52. Do you have that page in front of you?

4 A. Yes, sir, I do.

5 Q. If I could direct your attention to the bottom
6 of that page, you see that it has the beginning of a
7 new email at the bottom of that page?

8 A. I'm sorry, could you say that again, please?

9 Q. Yes. Directing your attention to the bottom of
10 page 52.

11 A. Yes.

12 Q. Specifically the last six lines on that page,
13 do you see that that is the beginning of a new email?

14 A. Yes, I do.

15 Q. And the date of that email is March 14, 1995?

16 A. Yes, that's correct.

17 Q. And then if we look at the top of the following
18 page, we see that this is an email sent from you to the
19 executive group and the business development marketing
20 group at Rambus.

21 A. Yes, that's correct.

22 Q. And the subject there is the JC-16 and JC-42.5
23 JEDEC meeting. Is that right?

24 A. Yes, that's correct.

25 Q. If I could ask you to turn, then, to page 54,

1 please. Now, looking about one-third of the way down
2 the page, there's a paragraph that begins, "Fujitsu
3 presented their STBUS material." Do you see that?

4 A. Yes, sir, I do.

5 Q. Does that refresh your recollection that at
6 this meeting you observed a presentation by Fujitsu on
7 the STBUS material?

8 A. No, sir, it doesn't.

9 Q. If I could direct your attention to the
10 following paragraph, the paragraph begins, "Key to the
11 operation of the STBUS." Do you see that?

12 A. Yes, I do.

13 Q. Now, let me direct your attention to the last
14 sentence of that paragraph that reads, "Taken along
15 with the fact that they rely on an externally bussed
16 reference (this should be anticipated by some of our
17 claims), I would say that the proposal may well
18 infringe our work." Do you see that?

19 A. Yes, I do.

20 Q. Now, your reference there to an externally
21 bussed reference, that is in reference to an externally
22 bussed reference voltage. Is that right?

23 A. Yes, that's correct.

24 Q. And then if I could direct your attention
25 further down the page about three quarters of the way

1 down the page, the paragraph begins, "So, in summary."

2 A. Yes.

3 Q. That paragraph reads, "So, in summary, I would
4 say that the STBUS scheme is inferior to RSL from a
5 power, a noise immunity, and a power supply scaling
6 perspective. In addition, it may well infringe our
7 patents." Do you see that?

8 A. Yes, I do.

9 Q. Now, you didn't tell anybody at that JEDEC
10 meeting that you thought that proposal would infringe
11 Rambus patents, did you?

12 A. No, sir, I didn't.

13 Q. You just typed that into your email and sent
14 this to the folks at Rambus but didn't tell anyone at
15 JEDEC. Is that right?

16 MR. PERRY: Misstates the email, Your Honor.

17 JUDGE MCGUIRE: Sustained.

18 MR. PERRY: Thank you.

19 BY MR. OLIVER:

20 Q. You just typed into your email, "In addition,
21 it may well infringe our patents," but you didn't say
22 anything about that to JEDEC, did you?

23 A. That's correct.

24 Q. Now, the next day, March 15, you attended the
25 regularly scheduled meeting of the JC-42.3

1 subcommittee, didn't you?

1 all the pages.

2 JUDGE McGUIRE: That's all right.

3 MR. PERRY: It's RX-545, if you want to pull it
4 up and use this copy for yourself, that's fine.

5 MR. OLIVER: Thank you.

6 If we could pull page 5 up on the screen,
7 please. Okay, Mr. Crisp, we've pulled up on the screen
8 what's marked as page 3 of the exhibit's internal page
9 5 to the document. I would like to direct your
10 attention to paragraph 8.3.

11 THE WITNESS: Excuse me, sir, which document is
12 it that we're referring to?

13 BY MR. OLIVER:

14 Q. I'm sorry, the document that you have in your
15 hand is out of order, so if I could ask you to look on
16 the computer screen instead, please.

17 A. It's much easier for me to read off of the
18 document. I'm having a hard time with my vision at
19 those kind of distances.

20 MR. OLIVER: May I approach, Your Honor?

21 JUDGE McGUIRE: Yeah, go ahead.

22 BY MR. OLIVER:

23 Q. If we could perhaps bring up paragraph 8.3.
24 That paragraph reads, "Patent Statement on quad CAS: A
25 letter from TI was received at JEDEC complying with the

1 EIA patent policy. A motion from Toshiba to take the
2 ballot JC-42.3-93-82 item 521 off hold, seconded by
3 VLSI. The vote was unanimous. Toshiba moved to kill
4 the council ballot on quad CAS also, seconded by VLSI.
5 Unanimous."

6 Do you see that?

7 A. Yes, I do.

8 Q. Does this refresh your recollection that this
9 was a meeting at which Texas Instruments resolved the
10 quad CAS issue?

11 A. No, sir, it doesn't.

12 Q. Now, Mr. Crisp, at this meeting, there was also
13 discussion of an AT&T patent that was not reflected in
14 the minutes. Is that right?

15 A. I don't know.

16 Q. If I could ask you to look, please, at CX-711.
17 Do you still have that in front of you?

18 A. One moment, please. Yes, I have it.

19 Q. If I could ask you to turn, please, to page 56.
20 If I could direct your attention to an email beginning
21 about halfway down that page, you recognize this as an
22 email from you to the executive and business
23 development groups dated March 15, 1995?

24 A. Yes, sir.

25 Q. And the subject is the JC-42 meeting. Is that

1 right?

2 A. Yes, sir, that's correct.

3 Q. And if I could ask you to turn to page 57,
4 please. And you look almost halfway down the page,
5 there's a paragraph beginning, "During the patent
6 review session." Do you see that?

7 A. Yes, I do.

8 Q. "During the patent review session, it was noted
9 that AT&T has a patent on EDO. They are now trying to
10 figure out what the patent covers and what policy AT&T
11 will adopt relative to licensing." Do you see that?

12 A. Yes, I do.

13 Q. Does that refresh your recollection that at the
14 March 15, 1995 JEDEC meeting, there was a discussion of
15 the AT&T patent?

16 A. No, sir, it doesn't.

17 Q. Now, at this March 1995 JC-42.3 subcommittee
18 meeting, you also observed a presentation by NEC
19 regarding a 256 megabit DRAM, didn't you?

20 A. I don't remember.

21 MR. OLIVER: Your Honor, if I may have just a
22 moment, we're trying to work around another document
23 problem. I'll see if I can work around it.

24 JUDGE MCGUIRE: Okay, go ahead.

25 BY MR. OLIVER:

1 Q. Mr. Crisp, if I could ask you to take up CX-711
2 again, please. And within the email, beginning at page
3 56, I would like to direct your attention to page 58.
4 If you want to take a look at the intervening pages to
5 confirm it's part of the same email, please feel free
6 to do so. Do you have page 58 in front of you?

7 A. Yes, sir, I do.

8 Q. If you look a little bit more than halfway down
9 the page, it is a paragraph beginning, it's actually
10 immediately under "Meeting Notes," a paragraph begins,
11 "NEC presented a family of 256M device." Do you see
12 that?

13 A. Yes, sir, I do.

14 Q. If I could then direct your attention about ten
15 or so lines further down to the paragraph beginning
16 "Fujitsu." Do you see that?

17 A. Yes, sir, I do.

18 Q. That paragraph reads, "Fujitsu (Adrian
19 Cosoroaba)" -- did I read that correctly?

20 A. I think he pronounces his name Cosoroaba.

21 Q. "Fujitsu (Adrian Cosoroaba) suggested that they
22 will need two clocks (a clock-in and a clock-out) for
23 high speed operation. It appears that they are
24 starting to figure out that we have a very good idea
25 with respect to source synchronous clocking. Of course

1 they may get into patent trouble if they do this."

2 Do you see that?

3 A. Yes, I do.

4 Q. Now, source synchronous clocking was a
5 technology that you had seen presented at JEDEC in
6 1992. Is that right?

7 A. I'm not sure what the date is, sir.

8 Q. You do recall that technology was discussed
9 yesterday and seeing that added to our table yesterday?

10 A. I do remember doing that, yes.

11 Q. And so, what you are then writing to the
12 executives at Rambus and the business development group
13 in March 15, 1995 is that if Fujitsu goes ahead with
14 this proposal, using source synchronous clocking, they
15 may get into patent trouble with Rambus patents. Is
16 that right?

17 A. I think that's what I was implying, yes.

18 Q. But again, you didn't say anything about that
19 to the JC-42.3 subcommittee at this time, did you?

20 A. That's correct.

1 JUDGE McGUIRE: Yes.

2 (Brief pause.)

3 MR. OLIVER: May I approach, Your Honor?

4 JUDGE McGUIRE: Yes.

5 BY MR. OLIVER:

6 Q. Mr. Crisp, I've handed you a document marked as
7 CX-602. You recognize this as a document that we
8 looked at this morning?

9 A. Yes, sir, I do.

10 Q. And if I could ask you to turn, please, to page
11 6. This document is captioned at the top Electronic
12 Industries Association, underneath that there's a word
13 that appears to be slightly cut off on the left-hand
14 side, but appears to be "Invoice for," and after that
15 there's an address, "Rambus, Inc." Do you see that?

16 A. Yes, I do.

17 Q. And the attention line there is to Richard
18 Crisp. Do you see that?

19 A. Yes, I do.

20 Q. Now, do you recognize this as an invoice for
21 1995 JEDEC dues?

22 A. I don't really recognize it as such, but that's
23 what it looks like it is.

24 Q. Do you recall receiving an invoice from JEDEC
25 for dues at the beginning of 1995?

For The Record, Inc.

1 A. No.

2 Q. Let me direct your attention to a line towards
3 the upper right-hand side and slightly diagonal to the
4 stamp, "APR 26, paid." Do you see that?

5 A. Yes, I do.

6 Q. Does that refresh your recollection that Rambus
7 paid its dues for the 1995 membership year on or about
8 April 26 of 1995?

9 A. No.

10 Q. In any event, you don't recall JEDEC barring
11 you from any meetings or anything between January and
12 April of 1995, do you?

13 A. No, I don't believe they did.

14 Q. And you don't recall JEDEC not sending you
15 minutes between January and April of 1995, do you?

16 A. No, sir.

17 Q. Now, Mr. Crisp, you attended the next JEDEC
18 meeting in May of 1995. Is that right?

19 A. Yes, I did.

20 MR. OLIVER: I'm sorry, Your Honor, we're
21 having another copying problem, if we could have just a
22 moment.

23 (Brief pause.)

24 MR. OLIVER: Your Honor, may I approach?

1 BY MR. OLIVER:

2 Q. Mr. Crisp, I've handed you a document that is
3 marked as CX-88a, it is a copy of the meeting minutes
4 from the May 24, 1995 JC-42.3 subcommittee. If I could
5 direct your attention to the first page, left-hand
6 side, about three quarters of the way down the list,
7 you see your name under the listed members present?

8 A. Yes, sir, I do.

9 Q. Now, at this meeting, Mr. Townsend again made
10 the presentation of the JEDEC patent policy. Is that
11 right?

12 A. I don't remember.

13 Q. If I could direct your attention to page 4.

14 MR. PERRY: Of the exhibit?

15 BY MR. OLIVER:

1 was shown (see attachment E). Intel noted that the EDO
2 patent issue is being worked internally towards a
3 resolution."

4 Do you see that?

5 A. Yes, sir, I do.

6 Q. Now, at this May 1995 JC-42.3 subcommittee
7 meeting, there were a series of presentations involving
8 SyncLink. Is that correct?

9 A. Yes, that is correct.

10 Q. Let me digress for a moment to put this into
11 perspective. In 1995 you were involved in licensing
12 negotiations between Rambus and Hyundai. Is that
13 right?

14 A. Yes, that's correct.

15 Q. Hyundai is now known as Hynix?

16 A. Yes, that's correct.

17 Q. And in February of 1995, you had a meeting with
18 various representatives of Hyundai, didn't you?

19 A. I'm not sure about the dates, sir.

20 MR. OLIVER: May I approach?

1 The subject is Hyundai meeting 2/24/95. Does this
2 refresh your recollection that you met with
3 representatives of Hyundai in February of '96? Excuse
4 me, February of '95?

5 A. No, sir, it doesn't.

6 Q. Let me direct your attention to the first
7 paragraph, it begins, "I met with G. M. Han. Do you
8 see that?

9 A. Yes, sir, I do.

10 Q. Do you recall who G. M. Han was?

11 A. Yes, I do.

12 Q. Who was he?

13 A. He was he was a technical marketing manager at
14 Hyundai.

15 Q. Now, G. M. Han said that he thought that
16 Rambus's price for licensing was too high. Is that
17 right?

18 A. I really don't remember.

19 Q. If I could direct your attention to the third
20 paragraph of your email, and the fourth line, the
21 sentence reads, "The issue that was raised by G. M. Han
22 was that they felt our price was too high." Do you see
23 that?

24 A. Yes, sir, I do.

25 Q. And you invited Hyundai to make a

1 counterproposal. Is that right?

2 A. I'm sorry, I couldn't understand your question.

3 Q. Yes, you invited Hyundai to make a
4 counterproposal?

5 A. Yes, sir, that's right.

6 Q. But you also told them that as the risk
7 decreased over time, Rambus's price would increase. Is
8 that right?

9 A. Yes, that's what it says here in the note.

10 Q. Now, at the time of these negotiations, your
11 understanding, one impediment to Rambus reaching an
12 agreement with Hyundai was SyncLink. Is that right?

13 A. I think it was a factor, yes.

14 Q. Now, you understood that SyncLink referred to a
15 proposal being developed by a group working under the
16 auspices of the IEEE. Is that right?

17 A. Yes, that's true.

18 Q. And it grew out of earlier work known as
19 RamLink?

20 A. Yes, I believe that's true.

21 Q. You understood the SyncLink proposal to involve
22 a packetized system, right?

23 A. Yes, sir, that was my understanding.

24 Q. And, in fact, the SyncLink proposal was similar
25 to the Rambus architecture in a number of places?

1 A. Yes, sir, that's my opinion.

2 Q. So, you knew that Mr. Farhad Tabrizi from
3 Hyundai was one of the original participants in
4 SyncLink. Is that right?

5 A. Yes, sir.

6 Q. And you were concerned that SyncLink could
7 potentially be a threat to Rambus, right?

8 A. Yes, sir, I was.

9 Q. And you advised others within Rambus that one
10 angle Rambus could take was to address the issue
11 head-on with Hyundai, right?

12 A. Yes, sir, that's right.

13 Q. And by that you meant that Rambus could tell
14 Hyundai that when SyncLink was finished, they would
15 find themselves part of the intellectual property trap.
16 Is that right?

17 A. I think I wrote something to that effect.

18 MR. OLIVER: May I approach, Your Honor?

19 JUDGE McGUIRE: Yes.

20 BY MR. OLIVER:

21 Q. Mr. Crisp, I've handed you a document marked as
22 CX-783. This is an email from you to the executives
23 group and to the development group dated February 26,
24 1995, the subject is Farhad Tabrizi/Hyundai/SyncLink.

1 sentence there, "I would not worry at all if it were
2 only RamLink, but SyncLink could potentially prove to
3 be a threat."

4 Do you see that?

5 A. Yes.

6 Q. And then if I could direct your attention down
7 to the last paragraph on the first page, the first
8 sentence there reads, "One angle we can take is to
9 address the issue head-on with the Korea folks." Do
10 you see that?

11 A. Yes, sir, I do.

12 Q. And that paragraph continues on to page 2, if I
13 could ask you to turn, please, to the second page. And
14 if I could direct your attention to the last four lines
15 of this paragraph, actually picking up a couple of
16 words before that, it states, "And then tell them that
17 when they get finished, they will probably find
18 themselves mired in a big intellectual property trap
19 which may result in higher royalty being paid to Rambus
20 than if they simply licensed the technology and use it
21 for 100 percent compatible products."

22 Do you see that?

23 A. Yes, sir, I do.

24 Q. And your reference there to 100 percent
25 compatible products, again, is a reference to RDRAM.

1 A. I'm sorry, I thought you said 673.

2 Q. I may have misspoken, my apologies. CX-783.

3 Do you see that?

4 A. Yes, I do.

5 Q. On page 2, the third paragraph, the first
6 sentence there, "I do believe that this type of
7 argument may be effective in Korea with the Koreans."

8 A. Yes, I see that.

9 Q. But you didn't want to bring up this
10 intellectual property issue with Hyundai without
11 careful consideration, did you?

12 A. That's right.

13 Q. And that's because you did not want the issue
14 of Rambus intellectual property related to SyncLink all
15 over JEDEC. Is that right?

16 A. Well, yeah, I think I said that in the
17 paragraph before this.

18 Q. That's where you're referring to in the
19 beginning of the paragraph 2 on this page?

20 A. Yes, sir, that's correct.

21 Q. Now, that sentence reads, "I certainly do not
22 want to bring this intellectual property issue up
23 without careful consideration. I especially do not
24 want it all over JEDEC." And that's the portion that
25 you were referring to?

1 A. Yes, sir, that's correct.

2 Q. Okay, with that background, if we can now turn
3 back to the May 1995 JC-42.3 subcommittee meeting. And
4 it was at this May 1995 meeting that you saw three
5 different presentations at JEDEC relating to SyncLink.
6 Is that right?

7 A. Yes, sir, that's correct.

8 Q. In effect, three companies had been working on
9 SyncLink within the IEEE working group who brought that
10 idea to JEDEC. Is that right?

11 A. I'm sorry, would you ask the question again,
12 the echo was bothering me.

13 Q. Yes, the three different companies who had been
14 working on SyncLink within the IEEE brought that idea
15 to JEDEC and presented to JEDEC. Is that right?

16 A. I don't know which idea you're referring to.

17 Q. SyncLink.

18 A. I remember that there were some first showings
19 from different companies.

20 Q. I'm sorry, Your Honor, I'm still trying to work
21 around the copying problem, if I could have a moment.

22 JUDGE McGUIRE: All right.

23 (Brief pause.)

24 BY MR. OLIVER:

25 Q. Mr. Crisp, if you have the minutes from the May

1 24, 1995 meeting in front of you.

2 A. Yes, sir, I do.

3 Q. If I could ask you to turn, please, to page 57.
4 As you see on the right-hand side of this page, there's
5 a caption, Mitsubishi Electric, and then underneath
6 that, "64 Mbit SyncLink SDRAM." Do you see that?

7 A. It says something close to that.

8 Q. Do you recognize this as one of the
9 SyncLink-related presentations you saw at this May 1995
10 meeting?

11 A. Yes, sir, I do.

12 Q. Now, the Mitsubishi presentation relating to
13 SyncLink involved using both edges of the clock for
14 input. Isn't that right?

15 A. It was actually a reference to a signal they
16 called a strobe.

171 Q'0gdo.r(Qelf2 ough.elit gsuhuputcalled a strobe.)TjT*. It

1 side, "Reference clock, both edge for input, positive
2 edge for output." Do you see that?

3 A. Yes, I do.

4 Q. Now, in fact, not long after this JEDEC
5 meeting, you received an email from a Mr. Don Stark,
6 right?

7 A. I don't remember.

8 Q. If I could ask you to find CX-711 in front of
9 you, which again is the 200-page collection of emails.
10 If I could ask you to turn to page 156, please. Do you
11 see an email starting on page 156?

12 A. Yes, sir, I do.

13 Q. Is that email from Don Stark to staff dated
14 July 21, 1995. Do you see that?

15 A. Yes, sir, I do.

16 Q. Who was Don Stark at this time?

17 A. Don was an engineer that worked for Rambus.

18 Q. And the subject is SyncLink and Rambus
19 Comparison Article. Do you see that?

20 A. Yes, sir, I do.

21 Q. Now, if I could ask you to turn, please, to the
22 next page, page 157. And if I could direct your
23 attention underneath the caption Adoption of Dual Port
24 Organization, the paragraph that follows about eight
25 lines down, there's a line that reads, "For data

1 input."

2 Do you see that?

3 A. Yes.

4 Q. That reads, "For data input, both the rising
5 and falling edges of the clock are used." Do you see
6 that?

7 A. Yes, sir, I do.

8 Q. Now, we had discussed yesterday a reference in
9 one of your emails to presentations that you had made
10 at JEDEC concerning dual edge output. Do you recall
11 that?

12 A. I have some recollection of the discussion
13 yesterday.

14 Q. And in fact, item number 6 that we added to the
15 table yesterday was dual edge output. Is that right?

16 MR. PERRY: Your Honor, if I could have Mr.
17 Oliver for a second.

18 MR. OLIVER: Your Honor, there may be a --
19 either I misspoke or the record is unclear. I was
20 referring to presentations that Mr. Crisp observed at
21 JEDEC.

22 JUDGE McGUIRE: Okay, fine.

23 MR. OLIVER: No reference to any presentation
24 that Mr. Crisp had made.

25 MR. PERRY: Thank you.

1 BY MR. OLIVER:

2 Q. Do you recall with respect to the presentations
3 that you observed at JEDEC, we added to the table
4 yesterday a reference to dual edge output. Do you
5 recall that?

6 A. Yes, I remember that being added to the board
7 yesterday.

8 Q. And what we're seeing here is dual edge input.
9 Is that right?

10 A. I suppose you could call it that.

11 MR. OLIVER: Your Honor, if I could approach
12 the table.

13 JUDGE MCGUIRE: Yes.

14 BY MR. OLIVER:

15 Q. I have now added input underneath or next to
16 output underneath dual edge.

17 Now, at the May 1995 JEDEC meeting, Mr. Tabrizi
18 of Hyundai explained that one of the things behind
19 motivation of SyncLink was to develop a bandwidth
20 device that was presumably free of royalties. Is that
21 right?

22 A. I'm not sure that I remember that statement.

23 Q. If I could ask you to turn within CX-711 to
24 page 68, please. If I could direct your attention to
25 the bottom of page 68, this is another email, this time

1 dated May 24, 1995. Do you see that?

2 A. Yes, sir, I do.

3 Q. If you turn to the top of page 69, you see it's
4 an email from you to the executive group, the business
5 development group and another group, ENGR MGRS.

6 A. Yes, I do.

7 Q. What does ENGR MGRS stand for?

8 A. Engineering managers.

9 Q. So, in other words, this email was sent to the
10 executive group, the business development group and
11 engineering managers. Is that right?

12 A. Well, it was more than the business development
13 group, it's the business development and marketing
14 group, but yes.

1 high bandwidth device that is presumably free of
2 royalties." Do you see that?

3 A. Yes, I do.

4 Q. Their goal was that companies would not have to
5 pay royalties if they followed the standard. Is that
6 right?

7 A. Was that something in the email?

8 Q. I'm just asking if that was your understanding.

9 A. I think that was their goal.

10 Q. Now, at the time of this presentation, Mr.
11 Gordon Kelley asked whether companies had patent issues
12 with material. Is that right?

13 A. I don't remember precisely.

14 Q. If I could direct your attention on page 72 of
15 CX-711, about three quarters of the way down the page,
16 the sentence begins, "Gordon Kelley." Do you see that?

17 A. Yes, sir, I do.

18 Q. "Gordon Kelley asked whether or not any
19 companies have patent issues with material." Do you
20 see that?

21 A. Yes, I do.

22 Q. And then if you see in the following paragraph,
23 the last sentence, excuse me, next to the last sentence
24 is another reference, "Kelley asked whether or not HP,
25 Hyundai, Mitsubishi or TI had any patents covering any

1 of this." Do you see that?

2 A. I'm sorry, I haven't seen that yet.

3 Q. This is the --

4 A. Where was that?

5 Q. The next to the last paragraph.

6 A. Okay, I see that now.

7 Q. And it reads, "Kelley asked whether or not HP,
8 Hyundai, Mitsubishi or TI had any patents covering any
9 of this. All stated they did not." Do you see that?

10 A. Yes, that's right.

11 Q. Now, at this meeting, Sam Calvin of Intel asked
12 whether or not there were any Rambus patents covering
13 SyncLink. Is that right?

14 A. That's correct.

15 Q. And then Mr. Kelley also followed up on that,
16 didn't he?

17 A. I'm not sure that I remember.

18 Q. Let me ask you to turn, please, to page 73.

19 A. Okay.

20 Q. At the top of the page beginning the third
21 line.

22 A. Yes.

23 Q. "Kelley asked to have us state whether or not
24 Rambus knows of any patents, especially ones we have
25 that may read on SyncLink." Do you see that?

1 A. Yes, I do.

2 Q. And essentially what was happening here is when
3 you did not respond at the meeting itself, Mr. Kelley
4 asked you to go back to Rambus and then report back in
5 September as to whether Rambus knows of any patents
6 that may read on SyncLink. Is that right?

7 A. I think I remember something basically to that
8 effect.

9 Q. And then in your email, back to the executive
10 group, the business development and marketing group,
11 and the engineering managers, you discussed how Rambus
12 may want to proceed with respect to that request. Is
13 that right?

14 A. I -- maybe you could point that to my email.

15 Q. Well, that's the general gist of what follows
16 in your email. Isn't that right?

17 A. I think there's actually more than -- more than
18 that in this.

19 Q. Well, let me direct your attention almost
20 two-thirds of the way down page 73.

21 MR. PERRY: Your Honor, if he's going to ask
22 him about the general gist of the email, can I ask that
23 he be given a chance to read the email?

24 JUDGE MCGUIRE: Yes, you can. Just give him a
25 chance, Mr. Oliver.

1 A. Yes.

2 Q. Number 2 is "DRAM with low swing signaling."

3 A. Yes.

4 Q. And again, that number 2 is an item that's on
5 our table from yesterday. Is that right?

6 A. I don't see the table right now.

7 MR. OLIVER: May I approach the table?

8 THE WITNESS: It was something that sounds like
9 that, but I don't remember exactly what you wrote down.

10 JUDGE MCGUIRE: What's the question, Mr.
11 Oliver, again?

12 BY MR. OLIVER:

13 Q. The question is number 2, "DRAM with low swing
14 signaling," that's the same as item number 1 we put on
15 the table yesterday.

16 JUDGE MCGUIRE: Is that a comment or question?

17 MR. OLIVER: That's a question, Your Honor.

18 JUDGE MCGUIRE: All right, Mr. Crisp?

19 THE WITNESS: It sounds very similar.

20 BY MR. OLIVER:

21 Q. Number 3, "DRAM with a two wire initialization
22 system," excuse me, do you see that?

23 A. Yes, I do.

24 Q. And number 4, "DRAM with programmable access
25 latency." Do you see that?

1 A. Yes, I do.

2 Q. And again, number 4 on your list is similar to
3 item number 2 from the table yesterday. Is that right?

4 A. Yes, it's similar to that.

5 Q. And then number 5 is "DRAM with on chip address
6 space decoding." Do you see that?

7 A. Yes, I do.

8 Q. Now, what you're talking about in this part of
9 the email is various aspects of Rambus technology that
10 might apply against SyncLink?

11 A. Yes, sir, that's correct.

12 Q. Then after that, you make certain suggestions
13 as to how Rambus may wish to respond to the request of
14 Mr. Kelley. Is that right?

15 A. I think that's fair.

16 Q. You write, "I think it makes sense to review
17 our current issued patents and see what we have that
18 may work against them. If it is something really key,
19 then we may want to mention it to Hyundai in our
20 attempts to get negotiation under way again." Now,
21 negotiations with Hyundai, these are the negotiations
22 we referred to taking place in February as well as
23 other times this year?

24 A. Yes, that was a negotiation for the RDRAM
25 license.

1 Q. And then you write, "If it is not a really key
2 issue, such as the initialization issue, then I think
3 it makes no sense to alert them to a potential problem
4 they can easily work around." Do you see that?

5 A. Yes, sir, I do.

6 Q. In other words, what you're saying here is that
7 if it was not a really key issue, then it made no sense
8 to alert them that Rambus might have patents or patent
9 applications in the area because they didn't have to
10 work around the patents or applications. Isn't that
11 right?

12 A. Yeah, I think the them in this case is Hyundai,
13 again, this is speaking to us trying to get our
14 negotiations back under way with them.

15 Q. Well, your discussion in this email also
16 pertains to JEDEC, doesn't it?

17 A. Yeah, there's actually a number of different
18 things that are in this email.

19 Q. And in fact, the very next sentence refers to
20 JEDEC, right?

21 A. That's right.

22 Q. Again, another suggestion that you make to the
23 group at Rambus is that "We may want to walk into the
24 next JEDEC meeting and simply provide a list of patent
25 numbers which have issued and say, we are not lawyers,

1 Q. And again, the concern there was that if
2 nothing was particularly strong, and it was easy for
3 others to figure out what Rambus had, it would be
4 easier to work with. Isn't that right?

5 A. It might be right. I mean, it was easy to find
6 out what we had anyhow. You could find the patents on
7 the Worldwide Web.

8 Q. Now, you didn't raise any of these issues at
9 the JEDEC meeting, did you?

10 A. That's correct.

11 MR. PERRY: Objection, vague as to "these
12 issues." It's vague.

13 JUDGE MCGUIRE: Overruled. I'll hear the
14 question.

15 THE WITNESS: I didn't raise any issues at that
16 particular JEDEC meeting.

17 BY MR. OLIVER:

18 Q. And certainly with respect to the intellectual
19 property issues that you list in numbers 1 through 5 on

12 EDEC meeting, did you?

122 A. That's correct.,I didnhow.

1 SyncLink, didn't you?

2 MR. PERRY: Your Honor, if we are moving to a
3 different subject, I hate to interrupt, but if we could
4 take a break, that would be much appreciated, if this
5 is a decent time.

6 MR. OLIVER: Actually this would be a good time
7 for a break, Your Honor.

8 JUDGE McGUIRE: All right, let's take a break,
9 ten minutes. Off the record.

10 (Whereupon, there was a recess in the
11 proceedings.)

12 JUDGE McGUIRE: On the record. Mr. Oliver, you
13 may proceed.

14 BY MR. OLIVER:

15 Q. Thank you, Your Honor.

16 Mr. Crisp, before the break, we had been
17 discussing the May 1995 JEDEC meeting. Do you recall
18 that?

19 A. Yes, sir, I do.

20 Q. Now, after that meeting, you returned to Rambus
21 and you tried to figure out what intellectual property
22 Rambus had that might block SyncLink. Is that right?

23 A. I think that's true in part, I was actually
24 doing a general sort of read of it to see what all we
25 actually had.

1 Q. You started investigating, among other things,
2 Rambus's P015D application?

3 A. Yeah, I'm not really sure what the application
4 numbers were.

5 MR. OLIVER: May I approach, Your Honor?

6 JUDGE McGUIRE: Yes.

7 BY MR. OLIVER:

8 Q. I've handed you a document marked as CX-796.
9 This appears to be a chain of emails that if I could
10 direct your attention to the first to an email
11 appearing on the bottom of the first page and carrying
12 over to the second page, it's text with a number of
13 arrows in front of it, and in italics. Do you
14 recognize this as an email that you sent to vice
15 president Roberts on June 5th, 1995?

16 A. It looks like I created it, yes.

17 Q. And you see the subject in your email there is
18 73305.P015D. Do you see that?

19 A. Yes, sir, I do.

20 Q. And does that refresh your recollection that
21 this email was about the patent application that Lester
22 Vincent referred to as the P015D application?

23 A. Yes, sir, it does.

24 Q. And now, the reason for your renewed interest
25 in this application was SyncLink. Isn't that right?

1 A. I think that was the primary motivation. That
2 and this desire to get this negotiation with Hyundai
3 unstalled.

4 Q. Well, the email here refers only to SyncLink.
5 Isn't that right?

6 A. Yes, that's correct, because I felt like that
7 was the necessary thing to do before we spoke with
8 Hyundai again.

9 Q. So, the last sentence in the first page, the
10 last full sentence that is on the first page reads,
11 "The reason for the renewed interest is SyncLink." Is
12 that correct?

13 A. Yes, that's correct.

14 Q. Now, if you read the email immediately above
15 that, that is the response of vice president Roberts to
16 your email. Is that right?

17 A. It looks that -- it looks like that's what it
18 is.

19 Q. And again, at this point you were trying to
20 understand exactly what Rambus might still be able to
21 claim to ensure that SyncLink coalition's plans would
22 infringe Rambus's IP. Is that right?

23 A. That was pretty close to right, yes.

24 Q. And Allen Roberts replied that the lawyers
25 thought it was impossible to salvage the P015D

1 application?

2 A. Well, that's what he wrote, yes.

3 Q. And he responded to you that if Rambus wanted
4 to resurrect the P015D, it would have to be a new
5 division with new claims, right?

6 A. It looks like that's what he said.

7 Q. And then Rick Barth responded with an email at
8 the top of the page. Is that right?

9 A. Yes, that's correct.

10 Q. And he replied that this would be a lot of

1 that.

1 responsibility to do that, right?

2 A. Yes, I did.

3 Q. And you said that you would take ownership of
4 this so we would make the time to do it. Is that
5 right?

6 A. That's what I said, yes.

7 Q. And the reason for that is that you thought it
8 was really important to get a firm block for SyncLink.
9 Is that right?

10 A. Well, I made the statement that I think it was
11 really important to do that, but I wouldn't say that
12 that was the primary motivation.

13 Q. You certainly thought it was important to get a
14 firm block for SyncLink, right?

15 A. Yes, that's correct.

16 Q. And you also believed that what Rambus had
17 filed in 1990 should be able to block them, but you
18 needed to sweat through the details. Is that right?

19 A. Yes, that was my feeling.

20 Q. And by that you meant that the specification in
21 the application that had been filed in 1990 would
22 support the claims to block SyncLink, but someone had
23 to sweat through the details of drafting the relevant
24 claims. Is that right?

25 A. Yeah, that was my belief.

1 Q. Now, at about that time, you and Reese Brown
2 exchanged a couple of rather testy emails. Is that
3 right?

4 A. I'm not sure what the time was.

5 Q. If I could ask you to turn back to CX-711,
6 please. If you could turn, please, to page 79. If I
7 could direct your attention to the bottom of page 79
8 about seven lines up from the bottom, there's a line
9 that reads, "From," and a number of question marks. Do
10 you see that?

11 A. Yes, I do.

12 Q. And there's no space before that line, but that
witsrmenkkT*(waseveeo,1TjT*(seb 13 appe?, plehgppe(wa poro)

1 Is that right?

2 JUDGE McGUIRE: All right, again, just for my
3 edification, could you tell me who is a Reese Brown,
4 his title?

5 MR. OLIVER: I apologize, Your Honor.

6 JUDGE McGUIRE: I'm sorry, Mr. Crisp, you can
7 answer that if you wish.

8 THE WITNESS: I'm sorry, Your Honor, I didn't
9 realize that you were speaking to me.

10 JUDGE McGUIRE: Well, I wasn't, just generally
11 speaking, I guess, but if you have an answer, you can
12 answer that.

13 THE WITNESS: Yes, Your Honor. Reese Brown, I
14 believe his title was consultant to JEDEC.

15 JUDGE McGUIRE: Okay. Go ahead. So, he was
16 not a paid employee by any other company, he was just
17 an outside I guess consultant to JEDEC. Is that right?
18 I mean, was he part of any other DRAM manufacturer?

19 THE WITNESS: Your Honor, I don't believe that
20 he was, I believe that he was just a consultant. I
21 believe that he was just an independent consultant,
22 Your Honor.

23 JUDGE McGUIRE: I'm just trying to get that
24 clear for the record.

25 MR. PERRY: If I could help, I think the

1 evidence will show that he had been a representative
2 and employee of a company called Unisys up until 1985
3 at which time he retired and then he had become a
4 consultant to JEDEC and attended meetings on behalf of
5 JEDEC.

6 JUDGE MCGUIRE: That's in your motion, too.

7 MR. PERRY: As an outside consultant.

8 JUDGE MCGUIRE: All right, Mr. Oliver, you may
9 proceed.

10 BY MR. OLIVER:

11 Q. Thank you, Your Honor.

12 Again, in essence, with respect to the exchange
13 of emails here, you had become upset when Mr. Brown
14 posted some material related to Su.E: All right, Mr.t, ctbl33iv

1 to do ahead of time. Is that right?

2 A. I think that's fair to say.

3 Q. Now, when Mr. Brown received this email from
4 you, he forwarded that to Mr. Hans Wiggers, right?

5 A. That's my understanding.

6 Q. And at this time, who was Mr. Hans Wiggers?

7 A. I'm not sure what you're looking for, could you
8 be a little more specific?

9 Q. Yes. Can you please explain in the context of
10 emails relating to JEDEC and to SyncLink, what role, if
11 any, was played by Mr. Hans Wiggers?

12 A. Mr. Wiggers was an employee of Hewlett Packard
13 and worked in their memory technology center and he had
14 some development in the development of the Rambus
15 standard and then later on the SyncLink standard, and
16 he also regularly attended JEDEC meetings.

17 Q. All right, at this time, he was the chairman of
18 the IEEE task group working on the SyncLink proposal,
19 correct?

20 A. I'm not really sure. It's possible that he
21 was. I thought Mr. Gustafson was, but perhaps it was
22 Mr. Wiggers.

23 Q. Now, at this time, you understood the IEEE to
24 have a very different patent policy than JEDEC, right?

25 A. Yes, that was my understanding.

1 Q. And you understood that the IEEE did not
2 require disclosure of patents or applications. Is that
3 right?

4 A. I think that's fair, yes.

5 Q. Nevertheless, after Mr. Brown forwarded your
6 email to Mr. Wiggers, Mr. Wiggers then wrote to you
7 saying that as chairman of the proposed standard, he
8 took your comment about patent issues very seriously,
9 right?

10 A. Yeah, I don't remember exactly what he said.

11 Q. If I could ask you to turn within CX-711 to
12 page 90, please. And on page 90, looking a little bit
13 more than halfway down, you see again the beginning of
14 a new email there?

15 A. Yes, sir, I see that.

16 Q. And this appears to be an email from you to Mr.
17 Hans Wiggers dated June 10, 1995?

18 A. Yes, that's correct.

19 Q. If I could ask you to turn to the next page,
20 please.

21 A. Yes.

22 Q. And if I could direct your attention to a
23 paragraph appearing in the middle of the page beginning
24 "Firstly." Do you see that?

25 A. Yes, I do.

1 Q. And the third line there reads, "However, as
2 chairman of the proposed standard" -- actually, I'm
3 sorry, let me take a step back to clarify this. You
4 see that above that, there's text with arrows above it
5 indicating, again, embedded text. Is that right?

6 A. Yes, I see that.

7 Q. But you recognize the text beginning at the
8 middle of the page there to be the text sent to you by
9 Mr. Hans Wiggers?

10 A. I'm sorry, which text was that you're referring
11 to?

12 Q. The text in the middle of page 91 that does not
13 have any arrows in front of it.

14 A. Yes, that's correct.

15 Q. And again looking at the text beginning with
16 the third line of that paragraph.

17 A. Um-hmm. Yes.

18 Q. It reads, "However, as chairman of the proposed
19 standard, I have to take your second comment about
20 patent issues very seriously." Do you see that?

21 A. Yes.

22 Q. And again, this was Mr. Wiggers' follow-up
23 after Mr. Brown forwarded your email to him. Is that
24 right?

25 A. Yes, sir, that's correct.

1 Q. Mr. Wiggers went on to state, "We have held all
2 our work group meetings in the public domain and you
3 have attended these meetings I assume in good faith.
4 If you know of any way in which the proposed RamLink
5 standard violates patents held by Rambus or others,
6 then I think you have a moral obligation to bring this
7 to my attention, including information about which
8 patents are being violated."

9 Do you see that?

10 A. Yes, sir, I do.

11 Q. And you understood his reference to RamLink in
12 that sentence as applying to SyncLink?

13 A. It wasn't entirely clear. There was certainly
14 a thinning relationship between RamLink and SyncLink.
15 Originally SyncLink was fairly tightly connected to
16 RamLink, but as time went on, they became less so.

17 Q. But you certainly recognize that there was some
18 relationship between RamLink and SyncLink?

19 A. Yes. Well, certainly the people in the working
20 group that was working on RamLink later sort of
21 abandoned that effort and focused on SyncLink. There
22 was a continuity, I guess, of the people doing that.

23 Q. Now, your reaction to receiving this email from
24 Mr. Wiggers was to blame Reese Brown, right?

25 A. Again, I'm not sure exactly what you mean by

1 that. Perhaps you could be a little clearer.

2 Q. Well, let me ask you to turn within CX-711 to
3 page 102. And if I could direct your attention to an
4 email appearing at the bottom of page 102. You see
5 there an email from you to R. Brown dated June 13,
6 1995, Subject: Patent Issues and Name-Calling. Do you
7 see that?

8 A. Yes, I do.

9 Q. And you write there, "Reese, I wanted to tell
10 you that I do not appreciate you forwarding private
11 communication which I made to you to others, including
12 Hans." Do you see that?

13 A. I see something that says pretty close to what
14 you just said.

15 Q. And the reference to Hans in that sentence was
16 Mr. Wiggers, correct?

17 A. That's correct, yes.

18 Q. And you then went on to state, "Your action is
19 a gross violation of net etiquette and warrants an
20 endless stream of flames." Do you see that?

21 A. Yes, that's right.

22 Q. In the meanwhile, you told Hans Wiggers that
23 you had nothing to say to him or to the rest of the
24 IEEE committee about Rambus's patent position. Is that
25 right?

1 A. I don't recall that, but perhaps there's some
2 email document that you have that can speak to that.

3 Q. Let me ask you to turn to page 103 within
4 CX-711. If you look at the top of page 103, you see
5 that this is an email from Hans Wiggers to you dated
6 June 13, 1995, the Subject: Patent Issues and
7 Name-Calling. Do you see that?

8 A. Yes, I do.

9 Q. And then if you look, if you will just flip
10 quickly through pages 103, 104, 105, 106 and 107,
11 you'll see various passages with arrows in front of
12 them, and various other passages without arrows in
13 front of them. Do you see that?

14 A. Yes, I see a lot of text as you described you see that?

7 1 Namewrit Isyou Mr.gers to you emyoudTjronis al fromahen ifT*(

1 Q. And I would like to direct your attention to
2 the third line at the top of the page, and again, this
3 is in the portion of the text that you wrote. Is that
4 right?

5 A. Yes.

6 Q. And it reads there, "In the mean time, I have
7 nothing else to say to you or the rest of the committee
8 about our patent position." Do you see that?

9 A. Yes, I do.

10 Q. Now, you also told Mr. Wiggers that your email
11 to him was private, and you withheld all copyright for
12 the material. Is that right?

13 A. Yes, that's correct.

14 Q. That appears on page 107?

15 A. Yes.

16 Q. The passage there just above your name, I
17 assume this is the final portion of your email, reads,
18 "Finally, I regard this to be private communication to
19 you. I claim and withhold all copyrights for the
20 material. This means you are not free to copy and
21 distribute it to others without my permission. Please
22 respect this request."

23 Do you see that?

24 A. Yes, I do.

25 Q. And then Mr. Wiggers agreed to that, didn't he?

1 A. Yes, he did.

2 Q. The next line, "I agree with this and expect
3 that you will do the same with this communication." Do
4 you see that?

5 A. Yes, he was a gentleman about it.

6 Q. You then attended the next SyncLink meeting in
7 June 1995, right?

8 A. I'm not sure what the date was, I know I went
9 to a SyncLink meeting after the May JEDEC meeting.

10 Q. Let me ask you to turn, please, to page 110
11 within CX-711. Now, let me direct your attention to
12 the caption beginning about halfway down the page, it
13 appears to be, again, the beginning of a new email.
14 This is an email from you to the executive group and
15 the business development and marketing group at Rambus
16 dated June 15, 1995. Do you see that?

17 A. Yes, sir, I do.

18 Q. And the subject is RamLink meeting of June 15.
19 Do you see that?

20 A. Yes.

21 Q. And if you could just flip quickly from page
22 110 through 114, I just want to confirm that up through
23 the middle of page 114 is all part of that same email.

24 A. Yes, sir, that's correct.

25 Q. Now, as you observed and participated in that

1 SyncLink meeting of June 1995, you became more
2 convinced than ever that Rambus had to be absolutely
3 sure that it had SyncLink standard adequately covered
4 by patents. Is that right?

5 A. I seem to remember thinking that at some point.

6 Q. Let me direct your attention to the bottom of
7 page 113, the top of page 114 of this email. And
8 again, what you're telling Rambus executives and the
9 Rambus business development and marketing group at this
10 time, beginning the very last line of page 113, "It is
11 essential," flipping to page 114, "That we be
12 absolutely sure we have the standard adequately covered
13 by patents. I am more convinced of this than ever."

14 Do you see that?

15 A. Yes, I do.

16 Q. Now, the following month, in July 1995, Mr.
17 Wiggers contacted you again, right?

18 A. I don't remember.

19 Q. Let me ask you to turn, please, to page 130
20 within CX-711. Now, if I could direct your attention
21 to an email appearing at the bottom half of page 130.
22 This is an email from Hans Wiggers dated July 12, 1995,
23 Subject: Patent Issues and Private Email. Do you see
24 that?

25 A. Yes, at the bottom?

1 Q. The subject line is the last line.

2 A. Yes, sir, I do see that.

3 Q. And then turn to page 131, the top of the page,
4 you see that it's addressed to you.

5 A. Yes, sir, that's correct.

6 Q. Now, Mr. Wiggers informed you that he felt an
7 obligation to report portions of your earlier
8 communication with him to the IEEE standards board. Is
9 that right?

10 A. Yes, that looks like what he was saying there.

11 Q. Now, you responded to him by saying that you
12 were disappointed that he was planning to send your
13 private communications to the world, right?

14 A. I'm sorry, I don't remember saying that.

15 Q. If I could ask you to turn, please, to page 135
16 in CX-711.

17 I'm sorry, Your Honor, apparently we're having
18 problems with our realtime screen here.

19 (Brief pause.)

20 MR. OLIVER: Thank you, Your Honor.

21 JUDGE MCGUIRE: You're welcome.

22 BY MR. OLIVER:

23 Q. Again, Mr. Crisp, if I could direct your
24 attention to page 135 of CX-711, to the email appearing
25 at the bottom part of this page. This again is an

1 email from Mr. Wiggers to you dated July 12, 1995. Is
2 that right?

3 A. Yes, sir, that's correct.

4 Q. Then if you turn to page 136 at the top, again,
5 you see some embedded text with arrows in front of it,
6 followed by apparently Mr. Wiggers' response to you.

7 A. Yes, that's correct.

8 Q. And the embedded text was written by you,
9 right?

10 A. I believe that's correct.

11 Q. And you told Mr. Wiggers you received the email
12 and you were disappointed that Mr. Wiggers felt a need
13 to send your private comments to the world. Isn't that
14 what you said?

15 A. In so many words.

16 Q. And then you followed up again by telling Mr.
17 Wiggers that you had nothing to say to the group,
18 right?

19 A. Are you speaking down at the bottom of the
20 page?

21 Q. Yes, take a look at the bottom of page 136,
22 this is what I believe to be the next email in the
23 chain. Is that right?

24 A. Yes, it's the next one in this group of emails.

1 also dated July 12, 1995?

2 A. Yes, sir, that's correct.

3 Q. And again, you recognize the embedded text at
4 the bottom of page 136 as what we were just looking at
5 a moment ago?

6 A. Yes, sir, that's right.

7 Q. And the new text begins in the first -- excuse
8 me, the last line of page 136, and that reads, "As I
9 have stated before, I have nothing to say to the group
10 regarding our position. What I say in private
11 correspondence to others is not to be construed as
12 anything like an official position of the company. To
13 interpret it otherwise is a mistake."

14 Do you see that?

15 A. Yes, sir, I do.

16 Q. And that's the response you sent back to Mr.
17 Wiggers, right?

18 A. Yes, that's correct.

19 Q. All right, after this exchange, Mr. Wiggers
20 then offered to summarize in his words your earlier
21 communication, right?

22 A. Yes, he made a proposal to do that.

23 Q. And you responded, "Not acceptable,"
24 exclamation point, right?

25 A. I'm not sure.

1 JUDGE McGUIRE: Where is that, Mr. Oliver, that
2 you're now quoting from? Is that on the same page?

3 MR. OLIVER: We have now moved on to another
4 page, Your Honor, this is page 142 of CX-711.

5 JUDGE McGUIRE: All right.

6 BY MR. OLIVER:

7 Q. Again, let's set the context, looking at the
8 top of page 142, this is now an email from you to Mr.
9 Wiggers dated July 13, 1995, right?

10 A. Yes, sir.

11 Q. That began the first line, "Not acceptable,"
12 exclamation point. "You have just changed 'I' to 'he
13 says'." Is that right?

14 A. Yes, that's what I wrote down there. If I
15 could have an opportunity to explain. I think my issue
16 was exactly -- I didn't have a problem with him writing
17 a summary, just I didn't agree with what his summary
18 had said. I wanted it to be factual rather than
19 editorial in nature.

20 Q. Well, we'll take a look at what ultimately was
21 written. Now, if I could direct your attention to page
22 145. If you could actually take a look at the
23 intervening pages as well, there's -- there appears to
24 be quite a bit of embedded material here, but I wanted
25 to determine that the text at the top of page 145 is

1 part of the same email that starts at page 142.

2 A. Yes, sir, that's correct.

3 Q. Directing your attention, then, to the top of
4 page 145, and again, this is part of your statement to
5 Mr. Wiggers, right?

6 A. Yes, that's right.

7 Q. Beginning at the third line there, "I have no
8 obligation under the agreements I have made with anyone
9 to report anything to anyone relative to the Rambus
10 intellectual property or the IEEE working group. There
11 is no charter I have signed, there is no agreement I
12 have signed or anything that obligates me to do
13 anything."

14 Do you see that?

15 A. Yes, sir, I do.

16 Q. Now, the net result was that Mr. Wiggers agreed
17 to add only a very short statement with respect to the
18 Rambus position. Is that right?

19 A. I don't know if I remember that, but we can
20 review it.

21 Q. If I can ask you to turn to page 146 in CX-711.

22 A. Yes.

23 Q. And do you see beginning about halfway down
24 this page, the next email, this one is from Mr. Wiggers
25 to you dated July 14, 1995. Do you see that?

1 A. Yes, sir, that's right.

2 Q. And looking at the text at the very bottom of
3 page 146, "Richard, I will put in a statement, Mr.
4 Crisp has expressed a personal opinion that the
5 SyncLink proposal may infringe Rambus patents."

6 Do you see that?

7 A. Yes, sir, I do.

8 Q. And let's, in fact, take a look at what the
9 minutes from the next SyncLink meeting show.

10 May I approach, Your Honor?

11 JUDGE MCGUIRE: Yes.

12 BY MR. OLIVER:

13 Q. Mr. Crisp, I have handed you a document marked
14 as RX-590, these are the minutes of the IEEE SyncLink
15 meeting of August 21, 1995. Now, if you look at the
16 list of attendees at the top left-hand column, do you
17 see your name there?

18 A. Yes, sir, I do.

19 Q. So, does that refresh your recollection that
20 you were at the SyncLink meeting in August of 1995?

21 A. Yes, sir, it does.

22 Q. If I could then direct your attention to page
23 2. I would like to look at a specific paragraph
24 appearing a little more than halfway down the page,
25 which reads, "Richard Crisp of Rambus informed us that

1 in their opinion both RamLink and SyncLink may violate
2 Rambus patents that date back as far as 1989. Others
3 commented that the RamLink work was public early enough
4 to avoid problems, and thus might invalidate such
5 patents to the same extent that they appear to be
6 violated. However, the resolution of these questions
7 is not a feasible task for this committee, so it must
8 continue with the technical work at hand."

9 Do you see that?

10 A. Yes, I do.

11 Q. Now, the first sentence of that paragraph is
12 the statement that you agreed to allow Mr. Wiggers to
13 make after your email exchange. Is that right?

14 MR. PERRY: Misstates the document, Your Honor.

15 JUDGE MCGUIRE: Sustained.

16 BY MR. OLIVER:

17 Q. Mr. Crisp, the first sentence in the paragraph

1 Q. Well, that sentence does not provide any
2 details about Rambus's issued patents, does it?

3 A. That's correct, it doesn't.

4 Q. That sentence does not provide any details
5 about Rambus's pending patent applications, does it?

6 A. No, sir, it doesn't.

7 Q. That sentence does not explain what aspects of
8 the SyncLink work might infringe Rambus patents, does
9 it?

10 A. That's correct, it does not.

11 Q. And nothing in that paragraph identifies dual
12 edge clock technology as a feature of SyncLink that
13 might violate Rambus patents, does it?

14 A. That's correct.

15 Q. Now, five days after the conclusion of your
16 email exchanges with Mr. Wiggers that we just looked
17 at, you reported to Rambus vice president Allen
18 Roberts, CEO Geoff Tate and vice president David
19 Mooring that you had completed a review of several
20 Rambus divisional applications and issued patents,
21 right?

22 A. I'm not sure about that or the time line.

23 MR. OLIVER: May I approach?

24 JUDGE McGUIRE: Yes.

25 BY MR. OLIVER:

1 Q. Mr. Crisp, I've handed you a document marked
2 CX-824, this is an email from you to vice president
3 Roberts with copies to CEO Geoff Tate and David Mooring
4 dated July 19, 1995. Do you see that?

5 A. Yes, sir, I do.

6 Q. And the subject line is, "I want to talk to
7 Lester Vincent about some claims." Do you see that?

8 A. Yes, I do.

9 Q. And you told vice president Roberts, CEO Tate
10 and vice president Mooring that you had done a review
11 of several Rambus's divisionals and issued patents, and
12 can see several opportunities for better describing the
13 patents with some additional claims. Isn't that right?

14 A. Yes, that's correct.

15 Q. And you were essentially asking for their
16 permission to speak to Lester Vincent about better
17 describing those claims, right?

18 A. Yes, that's correct.

19 Q. And vice president Roberts suggested that
20 before doing so that you speak with Rick Barth. Is
21 that right?

22 A. I don't remember.

23 MR. OLIVER: May I approach, Your Honor?

24 JUDGE McGUIRE: Yes.

25 BY MR. OLIVER:

1 Q. Mr. Crisp, I have handed you an email marked
2 CX-825. This is an email from vice president Roberts
3 to you, also copying CEO Tate and vice president
4 Mooring dated July 1995. And if you look at the last
5 line of Mr. Roberts' text, it reads, "Please talk with
6 Rick about the best way to proceed."

7 Do you see that?

8 A. Yes, sir, I do.

9 Q. Now, shortly thereafter, you and Rick Barth, in
10 fact, met with Lester Vincent to discuss claim
11 coverage, right?

12 A. I don't remember.

13 MR. OLIVER: May I approach, Your Honor?

14 JUDGE MCGUIRE: Yes.

15 BY MR. OLIVER:

16 Q. Mr. Crisp, I've handed you a document marked
17 CX-2000, again, it consists of green sheets or billing
18 records of Mr. Lester Vincent. If I could ask you to
19 turn, please, to page 12 of CX-2000. Again, the paper
20 copy is rather difficult to read, it might be easier on
21 the computer screen. If you look at one of the entries
22 next to what appears to be August 2, 1995, Vincent,
23 "Conference with Richard Crisp and Rick Barth
24 regarding" -- it appears to be "claim coverage,
25 including travel to and from meeting."

1 Do you see that?

2 A. Well, I don't think the date says the year that
3 you indicated. I'm having a hard time with it and here
4 on the screen. '96? This document seems to begin in
5 January of '96.

6 Q. Let me represent to you that Mr. Vincent's
7 billing records he sometimes carried over entries for a
8 particular month into future months. The relevant date
9 for the entry is the date that appears to the left of
10 the entry itself.

11 MR. PERRY: Well, Your Honor, that nihe entfetiJ

1 additional billing records we'll look at in just a
2 moment, will establish that this is, in fact, August
3 1995.

4 JUDGE McGUIRE: Okay, proceed on that basis.

5 BY MR. OLIVER:

6 Q. In any event, Mr. Crisp, does the entry that we
7 just looked at refresh your recollection in any way as
8 to whether you and Rick Barth met with Lester Vincent
9 in August of 1995?

10 A. No, it doesn't.

11 Q. Mr. Crisp, in the latter parts of 1995, Lester
12 Vincent was actually working on drafting claims to
13 cover SyncLink. Isn't that right?

14 A. I'm not sure about that. I don't know.

15 Q. Mr. Crisp, if I could ask you to turn to the
16 next page, to page 13 within CX-2000. If I could
17 direct your attention to a number of entries at the top
18 of this page. The first entry reads, "12/5/95,
19 Vincent, prepare preliminary amendment, including
20 review of SyncLink proposed standard."

21 Do you see that?

22 A. Yes, sir, I do.

23 Q. Under that, 12/14/95, "Prepare preliminary
24 amendment, including review of SyncLink disclosure."
25 Do you see that?

1 A. Yes, sir, I do.

2 Q. The next entry below that, 12/15/95, "Prepare
3 amendment, including review of SyncLink disclosure."

4 Do you see that?

5 A. Yes, sir, I do.

6 Q. Does that refresh your recollection that in the
7 latter parts of 1995, Lester Vincent was, in fact,

1 technologies, et cetera."

2 Do you see that?

3 A. Yes, sir, I do.

4 Q. And the next paragraph he writes, "To fill this
5 gap, we are hiring Tony Diepenbrock." Do you see that?

6 A. Yes, sir.

7 Q. Now, Tony Diepenbrock is Rambus's first
8 in-house lawyer. Is that right?

9 A. Yes, that's correct.

10 Q. And Mr. Tate described Mr. Diepenbrock's
11 responsibilities including analysis of Rambus's IP
12 portfolio versus competitive technologies. Is that
13 right?

14 A. Among other things.

15 Q. Now, in September of 1995 you had the next
16 regularly scheduled meeting for the JC-42.3
17 subcommittee. Is that right?

18 A. Yes, that's right.

19 MR. OLIVER: May I approach, Your Honor?

20 JUDGE MCGUIRE: Yes.

21 BY MR. OLIVER:

22 Q. Mr. Crisp, I've handed you a document marked
23 JX-27, these are the minutes of the JC-42.3
24 subcommittee meeting of September 1995. Now, at this
25 meeting again, the JEDEC patent policy was presented,

1 right?

2 A. I don't remember.

3 Q. If I could direct your attention to page 4, to
4 item 6 at the top of that page. That reads, "Patent
5 Policies: Patent policies are shown as attachment B.
6 SyncLink/RamLink patents were discussed." Do you see
7 that?

8 A. Yes, I do.

9 Q. Now, at this meeting, you presented Rambus's
10 position with respect to Mr. Kelley's request in the
11 May 1995 meeting to determine whether Rambus knew of
12 any patents applying to SyncLink. Is that right?

13 A. Yes.

14 Q. And the response that you provided was to show
15 the 42.3 subcommittee a letter, right?

16 A. Yes, that's what I recall.

17 Q. If I could ask you to turn, please, to page 26
18 within JX-27. Page 26 has a handwritten note in the
19 upper right-hand corner, attachment C, underneath that
20 facsimile sheet, and the date September 11, 1995. This
21 is, in fact, the letter that you presented to the 42.3
22 subcommittee, right?

23 A. Yes, sir, that's correct.

24 Q. And this letter is in the form of a fax
25 addressed to you because it was sent to your hotel room

1 immediately before the meeting, right?

2 A. Yes, that's correct, I didn't have a printer
3 with me.

4 Q. Now, Rambus vice president David Mooring was
5 involved in editing this letter, right?

6 A. Yes, sir, that's correct.

7 Q. And the letter begins, I'm reading now in the
8 text box under message, "At the last JEDEC meeting it
9 was noted that the subject of the SyncLink DRAM
10 proposal bears a strong resemblance to Rambus DRAMs and
11 so I was asked to make a comment about the Rambus
12 intellectual property position as it may relate to the
13 SyncLink proposal."

14 Do you see that?

15 A. Yes, sir.

16 Q. And then if I could direct your attention down
17 to the concluding paragraph at the bottom of the page
18 -- I'm sorry, before we get there, let me direct your
19 attention to paragraph third from the last paragraph
20 that begins, "Additionally." Do you see that?

21 A. Yes, I do.

22 Q. This paragraph states, "Additionally, SyncLink
23 is being sponsored by an organization with a less
24 stringent patent policy than JEDEC. Under the bylaws
25 of the IEEE working groups, attendees represent

1 themselves only, not their employers. Furthermore,
2 they are free to patent whatever they desire, and are
3 not bound to relinquish any of their rights to the
4 patents by presenting their ideas for standardization."

5 Do you see that?

6 A. Yes, D

Rambus elec quismak 4 patents by pr9y pra specific commdesion ourdin

4 patents by plly, n 6 A. Yes,12

T*9 6 A. Yes,13. Yes, Q Now, would iishhataard say Fu

1 Q. Mr. Crisp, the letter generated discussion at
2 Rambus. Is that right?

3 MR. PERRY: At JEDEC.

4 BY MR. OLIVER:

5 Q. Excuse me, let me try again. The Rambus letter
6 generated discussion at JEDEC. Is that right?

7 A. I remember at least one comment.

8 Q. Well, Mr. Gordon Kelley, the chairman, said
9 that he heard a lot of words, but didn't hear anything
10 said. Isn't that right?

11 A. Yes, that's the comment that I recall hearing
12 at the time.

13 Q. Let me ask you to turn, please, to CX-711 at
14 page 166. If I could direct your attention to an email
15 beginning the middle of page 166. This is an email
16 from you to Allen Roberts dated September 11, 1995. Is
17 that right?

18 A. I'm sorry, I'm not following you.

19 Q. Are you within CX-711?

20 A. Yes, sir, I am.

21 Q. And at page 166?

22 A. Yes, I am there, too.

23 Q. There is an email beginning about halfway down
24 the page from, and question marks, and September 11,
25 1995.

1 A. Yes, I see that.

2 Q. Now, that email is -- that's an email to you
3 from Allen Roberts. Is that right?

4 A. Yes, now I'm with you.

5 Q. Okay. And again, if you look at the three
6 lines beginning at the bottom of page 166 and then
7 continuing on in the following pages, there are a
8 number of lines with arrows in front of them. Do you
9 see that?

10 A. Yes.

11 Q. And again, that is embedded text written by
12 you. Is that right?

13 A. Yes, sir, that's correct.

14 Q. And that embedded text represents your email
15 summarizing the JEDEC meeting. Is that right?

16 A. Yes, sir.

17 Q. The last three lines on page 166 read, "The
18 patent statement --"

19 JUDGE MCGUIRE: All right, I'm having trouble
20 because your colleague is not inputting this at the
21 same time that you're asking your questions. I want to
22 be able to see it on the screen. So, if we could get a
23 better coordination on how you're asking these
24 questions and have him -- have this blown up at the
25 same time so I can get a feel, I would appreciate it.

1 MR. OLIVER: I apologize, Your Honor.

2 JUDGE McGUIRE: No, that's all right. There is
3 no apology due, I just want to so it's clear to me, and
4 before you start the I guess quotations that I'm seeing
5 what is actually in this email.

6 MR. OLIVER: Okay, I'll give my colleagues a
7 bit more time, thank you, Your Honor.

8 JUDGE McGUIRE: Okay.

9 BY MR. OLIVER:

10 Q. If I could direct your attention to the last
11 three lines on page 166. The text there reads, "The
12 patent statement was read and generated some
13 discussion. Basically, Kelley of IBM said that he
14 heard a lot of words, but did not hear anything said."
15 Do you see that?

16 A. Yes, sir, I do.

17 Q. Now, following that, you essentially tried to
18 diffuse the tension within the meeting. Isn't that
19 right?

20 A. I don't know that I would characterize it that
21 way.

22 Q. Well, you resorted to humor to keep things
23 civil?

24 A. Well, I did inject a humorous comment.

25 Q. You joked about Washington, DC in order to help

1 keep things civil. Is that right?

2 A. Yes, that's correct.

3 JUDGE McGUIRE: Can we see that comment?

4 MR. OLIVER: Unfortunately the original comment
5 is not reflected in the email, Your Honor.

6 MR. PERRY: It's right there.

7 JUDGE McGUIRE: Can we go off the record?

8 MR. PERRY: It's right here on the screen.

9 MR. OLIVER: Well, we can.

10 JUDGE McGUIRE: No, I'm kidding, go ahead.

11 BY MR. OLIVER:

12 Q. But during this discussion, Mr. Crisp, you also
13 reminded the 42.3 committee that Rambus had reported a
14 patent list to JEDEC in the past, right?

15 A. Yeah, I knew we weren't in the -- under any
16 obligation to do so, but I did tell them that we had
17 reported a patent before, yes.

18 Q. You're referring to your disclosure of the '703
19 patent in September 1993, right?

20 A. Yes, that's correct.

21 Q. And your statement that you were under no
22 obligation to do so meant that you were under no
23 obligation to disclose the '703 patent in September
24 1993. Is that right?

25 A. That's correct.

1 Q. Is that because that patent is not related to
2 the JEDEC work. Is that right?

3 A. Actually, I think the reason was is because it
4 didn't -- it wasn't in connection with any ballot
5 proposal that was going out, nor was it -- were we a
6 presenter for anything.

7 Q. Now, when you raised the issue of the
8 disclosure of the '703 patent in the September 1995
9 meeting, you were implying to members that Rambus was
10 observing the JEDEC disclosure rules, right?

11 A. No, I don't think I was saying that at all, I
12 just think I was saying that we had disclosed the
13 patent, at least a patent, and I knew that others had
14 not disclosed any patents.

15 Q. But you were saying that that put you in the
16 category of JEDEC members who had disclosed patents,
17 right?

18 A. Yes, that's correct.

19 Q. And that put you in the category of JEDEC
20 members who were complying with JEDEC disclosure
21 policy, right?

22 A. I don't think I said that.

23 Q. Well, that was certainly your implication,
24 wasn't it?

25 A. It wasn't my intention to imply that.

1 Q. Now, you never told JEDEC what you had told
2 Reese Brown, did you?

3 A. Yes, that's correct.

4 Q. And the statement that appeared in SyncLink was
5 never -- or that you never conveyed that statement to
6 JEDEC, did you?

7 A. That's also correct.

8 Q. So, even though Hans Wiggers eventually got you

1 to pass on any information he received to other people.
2 Isn't that right?

3 A. Could you ask the question again, please?

4 Q. Yes. You used threats of copyright to extract
5 a promise from Hans Wiggers not to pass on your
6 comments to any other people. Isn't that right?

7 A. I did remind him that the emails that I had
8 sent to him were copyrighted and I asked him to not
9 distribute it to other people without my permission,
10 that's correct.

11 Q. And after some exchange of emails, he agreed to
12 that. Is that right?

13 A. Yes, that's correct.

14 Q. As a result of that, Mr. Wiggers, in fact, even
15 sent a letter to JEDEC clarifying that his earlier
16 comments were his own personal opinion. Isn't that
17 right?

18 A. It was not a result of that, sir.

19 Q. Well, in any event, Mr. Wiggers never did pass
20 on the comments that Mr. Brown passed on to him to
21 JEDEC, did he?

22 A. I don't know what Mr. Wiggers did and didn't
23 do, other than submit that letter that you just
24 referenced.

25 Q. Well, ultimately, you were successful in not

1 disclosing much information to JEDEC. Isn't that
2 right?

3 A. I didn't disclose any patent applications or
4 any patents to JEDEC while I was a member. Other than
5 the '703 patent.

6 Q. Well, you never told the JC-42.3 subcommittee
7 that you were working to help identify claims that
8 might apply to SyncLink, did you?

9 A. That's correct, I didn't.

10 Q. You didn't tell the JC-42.3 subcommittee that
11 you had met with patent counsel on that subject, did
12 you?

13 A. Yeah, that's right, I don't think I had any
14 obligation to do so.

15 Q. You didn't tell the 42.3 subcommittee that you
16 were working to draft claims to shoot SyncLink in the
17 head, did you?

18 A. That's correct.

19 Q. You made no statement to the 42.3 subcommittee
20 that you believed that SyncLink would violate Rambus
21 patents. Isn't that right?

22 A. That's correct.

23 Q. And you made no statement to the 42.3
24 subcommittee to identify what particular aspects of the
25 SyncLink technology might infringe Rambus intellectual

1 property. Isn't that right?

2 A. That's correct.

3 Q. And you certainly did not identify SyncLink's
4 dual edge clocking feature as a feature that might
5 violate Rambus intellectual property. Isn't that
6 right?

7 A. That's correct.

8 Q. Now, despite your lack of disclosure to JEDEC,
9 there was still a reaction, right?

10 A. Maybe you could be a little bit more specific

816 there pe Rnidessue Isn'hat right?

1 Q. If I could direct your attention about three
2 quarters of the way down the page, there's a line

1 it?

2 A. I don't know.

3 Q. Now, Mr. Crisp, you were also involved in
4 license negotiations with Hyundai during the course of
5 1995, right?

6 A. Yes, that's correct.

7 Q. And after the events of June through September
8 1995 that we've been looking at, Hyundai changed its
9 negotiating position, didn't it?

10 A. I'm not sure that I remember. I know we
11 eventually got a license with them, but I'm not sure
12 exactly what the time frame was on that.

13 Q. Well, after this, Hyundai insisted that any
14 license agreement that they have with Rambus provided
15 rights not only with respect to RDRAM, but also with
16 respect to SyncLink, right?

17 A. I'm sorry, could you ask the question again? I
18 couldn't hear you.

19 Q. Yes. Hyundai insisted that any license
20 agreement provide rights not only with respect to
21 RDRAM, but also with respect to SyncLink. Isn't that
22 right?

23 A. To SyncLink? Is that what you said, sir?

24 Q. Yes.

25 A. I don't recall that.

1 Q. Well, you recall that the final agreement
2 between Rambus and Hyundai contained a provision
3 granting Hyundai rights beyond RDRAM. Is that right?

4 A. I don't think it was quite that simple.

5 Q. Would it be fair to say that the license
6 agreement between Rambus and Hyundai included a
7 so-called other DRAM provision?

8 A. I think it had a provision that said that we
9 would agree to negotiate in good faith for other kinds
10 of DRAMs, if such a need arose. But I don't remember
11 precisely, but that's my recollection.

12 MR. OLIVER: M ld cg apoviach, Your Honor

813 MRJUDGE McGUIRE M You may

1 A. Yes, that's the definition at the beginning of
2 the contract.

3 Q. So, you recognize that as being a DRAM other
4 than an RDRAM. Is that right?

5 A. That's my interpretation. Yes, that's right.

6 Q. If I could then ask you to turn, please, to
7 page 12.

8 MR. PERRY: Can we take that down for a second,
9 please. I just consulted with Hynix's counsel, since
10 this is their agreement as well. Go ahead.

11 JUDGE McGUIRE: All right, proceed, Mr. Oliver.

12 BY MR. OLIVER:

13 Q. If I could then direct your attention to page
14 12, paragraph 5.3. Do you see that?

15 A. Yes.

16 Q. And under that, if you would look at 5.3(a)(1),
17 you'll see it sets out royalty rates with respect to
18 Rambus memories. Do you see that?

19 A. I'm sorry, I'm not following you.

20 Q. Under 5.3, Royalties, subsection (a) Royalty
21 Rate.

22 A. Yes, I see that.

23 Q. And about three lines below that (i), "With
24 respect to Rambus memories, the royalty rate shall be
25 as follows." Do you see that?

1 A. Yes, I do. ii) is with Yes, I do.
 Waldorf, MarylandYes, I do.

1 conclusion.

2 MR. OLIVER: Okay.

3 Mr. Crisp, we can return to the September 1995
4 JC-42.3 subcommittee meeting. Do you still have those
5 minutes in front of you?

6 THE WITNESS: Yes, sir, I do.

7 BY MR. OLIVER:

8 Q. Now, at the September 1995 JEDEC meeting, there
9 was more discussion of the next generation SDRAM
10 standard, right?

11 A. I don't recall.

12 Q. If I could ask you to turn within JX-27 to page
13 14, please. And if I could direct your attention on
14 page 14 to paragraph appearing a little bit more than
15 halfway down beginning, "What is next." Do you see
16 that?

17 A. Yes, I do.

18 Q. "What is next? Higher frequency and lower
19 power devices. Therefore, the next generation issues
20 that need to be addressed were stated." It has a list
21 of features. Do you see that?

22 A. Yes, sir.

23 Q. And do you see that item number 7 on that list
24 is "Output Clock?"

25 A. Yes, I do.

1 Q. Now, if I can direct your attention to the
2 paragraph following that list of features, you see the
3 statement, "A survey ballot was requested on the next
4 generation issues stated above. Mr. Allan agreed to
5 prepare the survey." Do you see that?

6 A. Yes, that's right.

7 Q. Now, does this refresh your recollection that
8 at this September 1995 meeting the committee decided to
9 issue a survey ballot with respect to features of the
10 next generation SDRAM standard?

11 A. Yes, it does.

12 Q. Now, Mr. Crisp, not long after the September
13 1995 JEDEC meeting, Rambus's new in-house counsel, Tony
14 Diepenbrock, brought up his concerns about equitable
15 estoppel to you, right?

16 A. I'm not sure exactly what the time frame was,
17 but I do remember we had some discussion about that.

18 MR. OLIVER: May I approach, Your Honor?

19 JUDGE MCGUIRE: Yes.

20 BY MR. OLIVER:

21 Q. Mr. Crisp, I've handed you a document marked
22 CX-837. This is an email from you to the executive
23 group, and also to Tony Diepenbrock, dated September
24 23, 1995. And if you see the first line, "One other
25 thought I had regarding Tony's worst case scenario

1 regarding estoppel." Do you see that?

2 A. Yes, sir, I do.

3 Q. Now, does this refresh your recollection that
4 some time during September 1995 Mr. Diepenbrock brought
5 up with you his concerns about equitable estoppel?

6 A. I think it does. I don't really remember
7 precisely when, but it must have been during September.

8 Q. Well, Mr. Diepenbrock started with Rambus in
9 September of 1995. Is that right?

10 A. That's why I say that. Because this was dated
11 in September and I believe he began in early September.
12 So, I guess it doesvthat ctg rpussh your recol,s dated
13 whe A. Iecaushale nedptember.

14 8 Q. leA. pDieewastembDo yhow buchoncernsecausember.
1 p wido really r Ansec so, p wih yognizwassection that
1 about equitable eyouuld perhal yot. Bd with to lo Bn that
1 ec ability to enforceI g ps wnt againt iSyncl. ptember.
I it d5. Is that right?

9 6 A. I5. Ie thayou his had, pk itrigh?

20 3 Q.p wialso knewI5. IeiseBd with joinwas dated
2 JEDEC,haygbropptemindividualsstartieBd with d7 dwas dated
22 ec Id with wuuld no d5alkoncernspo wntial fors dated
23 lfbeenealnt temps wnt995. I did no dissuo, s that right?

24 2 A.er and I bt A. corh ytitrigh?

1 position relative to what it decided to disclose and
2 what to keep quiet about, right?

3 A. I don't remember.

4 Q. Let me ask you to turn to the second page of
5 CX-837. If I could direct your attention to the third
6 full paragraph appearing on that page, it begins, "It
7 seems to me." Do you see that?

8 A. Yes, I do.

9 Q. It reads, "It seems to me that we should
10 re-evaluate our position relative to what we decide to
11 keep quiet about, and what we say we have." Do you see
12 that?

13 A. Yes, I do.

14 Q. Now, you also suggested that Rambus redouble
15 its efforts to get the necessary amendments completed
16 and the new claims added to its pending patent
17 applications, right?

18 A. Yes, there were some claims that I believe that
19 I thought that we were working on and I thought those
20 needed to get completed if they weren't.

21 Q. But you said that you wanted to make damn sure
22 that the ship was water tight before you get too far
23 out to sea, right?

24 A. Yes, that's correct.

25 MR. OLIVER: Your Honor, I was going to suggest

1 that we have a very short break here, I might be able
2 to skip over some material in the interest of time.

3 JUDGE McGUIRE: Let's take a five-minute break,
4 then. Off the record.

5 (Whereupon, there was a brief recess in the
6 proceedings.)

7 JUDGE McGUIRE: On the record. All right, Mr.
8 Oliver, you may proceed.

9 MR. OLIVER: May I approach, Your Honor?

10 JUDGE McGUIRE: Yes.

11 BY MR. OLIVER:

12 Q. Mr. Crisp, I've handed you a document marked
13 CX-836, it's an email from you to Rick Barth with a CC
14 to vice president Roberts, the executive group, Tony
15 Diepenbrock and Rick Barth. And I would like to direct
16 your attention to the last three lines, again, this is
17 the tail end of an email exchange and I'm trying to
18 save time, I'm not going into the entire email exchange
19 at this point, but you recognize in the last three
20 lines that you were "pinging folks to get them thinking
21 about low-level element details regarding
22 implementation of our DLL/PLLs and the IP patent
23 protection that we have in that area."

24 Do you see that?

25 A. Yes, I do.

1 Q. And do you recall that you were pinging folks
2 to get them thinking about this in September of 1995?

3 A. Yes, this is basically the nuts and bolts of
4 how we design the PLL circuits, so I think that's
5 important to the context of this.

6 Q. You see that it appears on the subject line
7 regarding "Let the IP war begin." Do you see that?

8 A. Yes, I do.

9 Q. Now, in October of 1995, Billy Garrett received
10 the survey ballot issued by JEDEC, right?

11 A. I don't know.

12 MR. OLIVER: May I approach, Your Honor?

13 JUDGE MCGUIRE: Yes.

14 BY MR. OLIVER:

15 Q. Mr. Crisp, I've handed you a document marked
16 CX-260, it bears the caption on the top JEDEC, a few
17 lines under that, "Committee Survey Ballot," a date
18 towards the upper right-hand corner, October 30, 1995,
19 with some handwriting in the upper right-hand corner
20 reading "Copy BD Market from BWG." Now, BWG were the
21 initials of Billy Garrett. Is that right?

22 A. Yes, sir, that's correct.

23 Q. And CX-260 was the survey ballot that the JEDEC
24 42.3 subcommittee meeting decided to submit during the
25 September 1995 meeting. Is that correct?

1 A. Yes.

2 Q. And Billy Garrett forwarded this ballot to the
3 entire business development group. Is that right?

4 A. Yes, the business development and marketing
5 groups.

6 Q. And you were part of those groups at that time?

7 A. Yes, that's correct.

8 Q. Now, the survey ballot asked the members
9 whether they believed it's important to standardize CAS
10 latency beyond the CAS latency 4. Is that right?

11 A. I don't know.

12 Q. Let me ask you to turn to page 9. Do you see
13 under the caption 3.6, "Increased CAS Latency," there
14 are a series of three questions. Do you see that?

15 A. Yes, sir, I do.

16 Q. 3.6-1 reads, "Does your company believe it is
17 important to standardize CAS latency beyond a CAS
18 latency 4?"

19 A. Was there a question?

20 Q. Yes, do you see that?

21 A. Yes, sir, I do see that.

22 Q. Now, this ballot also asked members whether
23 they believed it was important that -- or excuse me,
24 whether they believed future generations of SDRAMs
25 could benefit from using both edges of the clock for

1 sampling inputs?

2 A. I don't know.

3 Q. Let me ask you to turn, please, to page 12.

4 And on page 12 if I could direct your attention to

5 question 3.9-4 and ask if that refreshes your

6 recollection that the ballot asked companies whether

7 they believe that future generations of SDRAMs could

8 benefit from using both edges of the clock for sampling

9 inputs?

10 A. I've seen that, yes.

11 Q. Over on the page, let me also direct your

12 attention to 3.9-1, and ask whether that refreshes your

13 recollection that the survey ballot asks companies

14 whether they believe that on-chip PLL or DLL is

15 important to reduce the access time from the clock for

16 future generations of SDRAMs?

17 A. No, it doesn't refresh my recollection.

18 Was your previous question regarding 3.9-4?

19 Was that about refreshing my recollection or did I see

20 it? I want to make sure I answered the right question.

21 Q. Why don't I simply ask a new question and make

22 sure the record is clear. Does question 3.9-4 refresh

23 your recollection that the ballots asked companies

24 whether future generations of SDRAMs would benefit from

25 using both edges of the clock?

1 A. My answer was no. I thought you were asking me
2 if I saw it.

3 Q. You do see it but it does not refresh your
4 recollection?

5 A. I do see it, it does not refresh my
6 recollection.

7 Q. Do you see in 3.9-1 there's a reference to PLL
8 or DLL. Do you see that?

9 A. I'm sorry, could you say that again?

10 Q. Yes, in question 3.9-1, do you see that the
11 question there relates to on-chip PLL or DLL? Do you
12 see that?

13 A. Yes, I do.

14 MR. OLIVER: Your Honor, if I could approach
15 the table.

16 JUDGE MCGUIRE: Go ahead.

17 BY MR. OLIVER:

18 Q. You recall that following the September 1994
19 meeting, we added on-chip PLL to the list, you see here
20 in this ballot that they are now referring to PLL or
21 DLL?

22 A. I see that they're referring to what you said.

23 MR. OLIVER: Your Honor, if I could approach
24 the table again.

25 JUDGE MCGUIRE: Yes.

1 BY MR. OLIVER:

2 Q. Now, in October of 1995, Rambus received a
3 notice of allowability from the Patent & Trademark
4 Office with respect to its pending '646 application,
5 didn't it?

6 A. I don't know.

7 MR. OLIVER: May I approach, Your Honor?

8 JUDGE MCGUIRE: Yes.

9 BY MR. OLIVER:

10 Q. Mr. Crisp, I've handed you a document marked
11 CX-1482, it bears a caption at the top, United States
12 Department of Commerce, Patent & Trademark Office,
13 underneath the caption serial number 08/222,646. And
14 the caption a few lines down reads, "Notice of
15 Allowability." Do you see that?

16 A. Yes, I do.

17 Q. Does this document refresh your recollection
18 that in October of 1995 Rambus received a notice of
19 allowability relating to its pending '646 application?

20 A. No.

21 Q. Now, also during October 1995, Rambus in-house
22 lawyer Tony Diepenbrock was meeting with outside patent
23 counsel with respect to Rambus's pending claims
24 concerning on-chip PLLs, right?

25 A. I don't know.

1 MR. OLIVER: May I approach, Your Honor?

2 JUDGE McGUIRE: Yes.

3 BY MR. OLIVER:

4 Q. Mr. Crisp, I've handed you a document marked
5 CX-1988, if I could ask you to turn, please, to page 2,
6 it's a statement on Blakely Sokoloff letterhead
7 addressed to Rambus dated December 5, 1995, underneath
8 that reads, "Additional services rendered through
9 October 1995." And if you look under the caption
10 General Services, about five lines down is a section
11 that reads, "Meeting with Tony Diepenbrock regarding
12 status of DLL patents and preparation therefore."

13 Do you see that?

14 A. Yes, I do.

15 Q. Does that refresh your recollection that during
16 October 1995 Tony Diepenbrock was meeting with Lester
17 Vincent concerning Rambus's PLL or DLL patents?

18 A. No.

19 Q. Now, also in October 1995 Mr. Vincent filed on
20 behalf of Rambus an amendment to his pending '692
21 application relating to on-chip PLLs. Isn't that
22 right?

23 A. I don't know.

24 MR. PERRY: Your Honor, I would like to suggest
25 that we're wasting a lot of time here, that unless

1 there's some foundation that he had any involvement in
2 the patent prosecution process after Mr. Diepenbrock
3 came on board as a patent attorney, we're going through
4 this stuff that he's never seen before, he's not copied
5 on, and he's just being shown stuff and asked does this
6 refresh your recollection that you had no involvement
7 in.

8 JUDGE MCGUIRE: Mr. Oliver, that sounds like a
9 pretty good opposition to me. What's your response?

10 MR. OLIVER: Well, Your Honor, Mr. Crisp was
11 the representative of Rambus at JEDEC that during this
12 time period JEDEC was issuing survey ballots asking
13 members whether they were interested in using, among
14 other technologies, on-chip PLL/DLL in the future.
15 Companies were responding to the survey ballot between
16 September and December of 1995, during this very same
17 time period, Rambus was meeting with outside counsel,
18 working on patent claims on the same technology.

19 Now, I don't know what Mr. Crisp has or has not
20 seen, I don't know what he does or does not know, but I
21 think I'm entitled to try to use these documents to see
22 what he does know.

23 JUDGE MCGUIRE: Mr. Perry?

24 MR. PERRY: But what he's not asking him is did
25 he know it or was he involved. He's just showing it to

1 him and saying does it refresh your recollection.

2 JUDGE McGUIRE: Let's try to lay that
3 foundation. That's not a hard thing to do here, Mr.
4 Oliver, and that my expedite your own inquiry.

5 MR. OLIVER: Thank you, Your Honor. May I
6 approach, Your Honor?

7 JUDGE McGUIRE: Yes.

8 BY MR. OLIVER:

9 Q. Mr. Crisp, I've handed you a document marked
10 CX-1483, it bears a caption at the top of the United
11 States Patent & Trademark Office, about halfway down
12 the page the caption reads Amendment. The upper
13 left-hand corner, serial number 07/847,692. The upper
14 right-hand side, actually within the stamp, you see
15 there's a date of October 23, 1995. Do you see that?

16 A. October 23? It looks like -- oh, down there.
17 Yes, sir, I see it.

18 Q. Did you have any involvement in the preparation
19 of the claims included in this amendment to Rambus's
20 patent application '692?

21 A. I don't know. I'm not sure even how to read
22 this.

23 Q. In other words, as you sit here --

24 JUDGE McGUIRE: Well, if he can't -- well, then
25 you can inquire on that point, you know, even further.

1 If he says I don't know, then to me that opens the door
2 to allow you to inquire on that issue in greater
3 detail. If he says no, I do not, then that should end
4 the inquiry on that question. So, now are we clear on
5 how to proceed?

6 MR. PERRY: Yes, Your Honor.

7 BY MR. OLIVER:

8 Q. Yes, Your Honor, and I probably have one more
9 follow-up on that point. Mr. Crisp, as you sit here
10 today, are you saying that you don't know one way or
11 the other whether you were involved in the preparation
12 of this amendment?

13 A. Well, I guess it really depends on what you
14 mean by preparation of the amendment. I don't have any
15 recollection of being involved in this. There's some
16 chance that this is work product that came as a result
17 of a suggestion I may have made in 1992 or 1993 and
18 maybe it got filed whatever year this was, in 1995. I
19 don't know what the genesis is of the material that's
20 in this amendment. I don't recall ever having seen
21 this document. So, I don't want to give you the wrong
22 answer, I just simply don't know.

23 Q. Okay, again, I just want the record to be
24 clear, but as you sit here today, you just don't know
25 one way or the other whether you had involvement in

1 this?

2 A. Let me read the document first.

3 Q. Let me put it this way, if as you sit here
4 today you don't know, I am prepared to move on to the
5 next subject. I just want the record to be clear.

6 JUDGE McGUIRE: Go ahead, you can move on.

7 MR. OLIVER: If that's your answer, I want it
8 to be clear for the record.

9 MR. PERRY: Your Honor, if there is a question
10 pending, I would like to have him please --

11 JUDGE McGUIRE: It's been answered.

12 MR. PERRY: I think it has.

13 JUDGE McGUIRE: His answer as far as I can
14 tell, I think there was some follow-up, but I think
15 that's mooted by the previous answer, but he has
16 decided to go ahead and end his inquiry, so I am going
17 to encourage him to do that.

18 BY MR. OLIVER:

19 Q. Mr. Crisp, you attended the next regularly
20 scheduled session of the JC-42.3 subcommittee in
21 December of 1995. Is that right?

22 A. Yes, sir, that's correct.

23 Q. And you also attended the JC-42.5 subcommittee
24 meeting in December of 1995?

25 A. Yes, I -- that's also correct.

1 Q. And do you recall at the JC-42.5 subcommittee
2 meeting you observed a vote on a so-called SSTL ballot?

3 A. Sir, I believe that an SSTL ballot would have
4 occurred in a JC-16 meeting, so I don't have any
5 recollection of that being in a modules meeting.
6 That's what the 42.5 committee was.

7 Q. Okay. I might have misunderstood that, then.
8 If you can turn now, please, in CX-711 to page 187.

9 A. I don't seem to have a page 187 in here. I
10 have a page that's not -- that doesn't have any number
11 on it. Up at the top left says JEDEC.MBX on it.

12 MR. PERRY: That's what I've got, too.

13 THE WITNESS: I think it must be that page, it
14 just didn't seem to have any stamp on it.

15 BY MR. OLIVER:

16 Q. If you look at the top of the page you're just
17 referring to, does it read, "Will do when it becomes
18 clear that they have lost?"

19 A. Yes, that's correct.

20 Q. Okay, that's what I'm referring to.

21 Your Honor, I will try to address that problem
22 overnight, in the meanwhile, I will move on.

23 JUDGE McGUIRE: All right.

24 BY MR. OLIVER:

25 Q. Mr. Crisp, at the next day at the 42.3

1 subcommittee meeting, you observed the tabulation
2 results of the survey ballot, right?

3 A. I believe I was there for a portion of that.
4 I'm not certain that I was there for the entire
5 tabulation.

6 MR. OLIVER: May I approach, Your Honor?

7 JUDGE McGUIRE: Yes.

8 BY MR. OLIVER:

9 Q. All right, Mr. Crisp, I've handed you a
10 document marked JX-28. These are the minutes of the
11 JC-42.3 subcommittee of December 6, 1995. If you look
12 in the first page about four-fifths of the way down
13 you're listed as being present there.

14 A. Yes, sir, I see that.

15 Q. If I could ask you to turn, please, to page 34.
16 Do you have that page in front of you, sir?

17 A. Yes, sir, I do.

18 Q. You recognize this as the beginning of the
19 discussion of the future SDRAM features survey ballot?

20 A. No.

21 Q. If I could ask you to turn, please, to page 35.
22 There's a page there that's captioned Conclusions. Do
23 you see that?

24 A. Yes, sir, I do.

25 Q. Do you recognize that as a tabulation of the

1 results of the survey ballot?

2 A. No.

3 Q. Do you doubt that that is the tabulation
4 results of the survey ballot?

5 A. No.

6 Q. You just have no recollection one way or
7 another. Is that right?

8 A. That's correct.

9 Q. On page 35, if I could direct your attention
10 under "Issues With Strong Support," to the seventh
11 bullet point reads, "Standardize CAS latencies greater
12 than 4, but make them optional." Do you see that?

13 A. Yes, sir.

14 Q. And two lines below that, number 9, "On-chip
15 PLL/DLLs to reduce clock access time." Do you see
16 that?

17 A. Yes, sir.

18 Q. Does that refresh your recollection that at the
19 December 1995 42.3 subcommittee meeting, that the
20 results of the survey ballot indicated strong support
21 for standardizing CAS latencies beyond 4 and for using
22 on-chip PLL/DLLs?

23 A. No.

24 Q. Let me direct your attention to the bottom of
25 the page under Issues With Mixed Support, the next to

1 last item, "Using both edges of the clock for sampling
2 inputs." Do you see that?

3 A. Yes, sir.

4 Q. Does that refresh your recollection that the
5 results of the survey ballot at the December 1995 42.3
6 subcommittee meeting indicated mixed support for using
7 both edges of the clock?

8 A. No.

9 Q. Now, Mr. Crisp, at this December 1995 42.3
10 subcommittee meeting, you didn't say anything at all
11 with respect to any Rambus patent applications that
12 might relate to CAS latency, did you?

13 A. That's correct.

14 Q. And you did not make any statements at all with
15 respect to any pending patent applications that might
16 relate to the use of on-chip PLL or DLL?

17 A. That's correct.

18 Q. You also made no statement at all with respect
19 to any patent applications that might relate to use of
20 a dual edge clock?

21 A. That's also correct.

22 Q. At this December 1995 meeting, you saw that
23 MOSAID did make a patent disclosure, right?

24 A. That's not my recollection.

25 Q. If I could ask you to turn, please, to page 6.

1 If I could direct your attention to paragraph 8.8. The
2 caption reads, "SDRAM feature survey ballot results."
3 Do you see that?

4 A. Yes, sir, I do.

5 Q. "MOSAID made a presentation on the results of
6 the survey (see attachment G.) MOSAID noted that they
7 had a patent pending on DLL." Do you see that?

8 A. Yes.

9 Q. "And noted that it was a particular
10 implementation and may not be required to use the
11 standard." Do you see that?

12 A. Yes.

13 Q. Now, does that refresh your recollection that
14 MOSAID, in fact, disclosed the patent application
15 relating to DLL at this December 1995 meeting?

16 A. I'm not sure what you mean by disclosing a
17 patent application, I'm also not sure what they mean by
18 standard in here, but -- I do remember Mr. Foss making
19 a comment that he had a patent pending on a particular
20 design of DLL. That's what I remember happening in
21 that meeting.

22 Q. And that's, in fact, reflected in an email that
23 you wrote from that meeting to the executive, business
24 development, marketing and engineering managers groups
25 at Rambus, right?

1 A. I believe I remember making a comment in my
2 email. I don't remember exactly what the comment said,
3 but I do remember making a comment.

4 Q. If I could ask you to locate CX-711 in front of
5 you, please. If I could ask you to turn, please, to
6 page 191. Looking about halfway down the page 191, do
7 you see there an email from you to the executive,
8 business development, marketing, engineering managers
9 groups and Tony Diepenbrock dated December 6, 1995?

10 A. Yes, sir, I do.

11 Q. And the subject is JEDEC meeting notes?

12 A. Mine says "JEDEC meeting notes December 6," in
13 paren.

14 Q. Okay. If I could ask you to turn then to the
15 next page, page 192. And looking at a statement
16 appearing about a quarter of the way down the page
17 beginning with what appears to be five stars, maybe
18 four, four or five stars. Do you see that?

19 A. Yes, sir, I do.

20 Q. It reads, "Foss also presented information from
21 a survey ballot about DLLs and PLLs on SDRAMs. He
22 stated that MOSAID has a pending patent application for

1 wind up being an implementation patent rather than a
2 concept patent. In the event the patent winds up being
3 a concept patent, he says they will be compliance with
4 the JEDEC patent policy." Followed by more stars.

5 Do you see that?

6 A. Yes, sir, I do.

7 Q. And that's what you were referring to a moment
8 ago when you described what you wrote back to Rambus
9 executives?

10 A. That's correct, that's what I remember writing
11 now.

12 Q. And even after seeing this disclosure of a
13 patent application relating to PLLs/DLLs by MOSAID, you
14 did not say anything with respect to any Rambus patent
15 application concerning PLLs or DLLs. Is that right?

16 A. Yes, that's correct.

17 MR. OLIVER: Your Honor, this is probably a
18 good spot to break for the day.

19 JUDGE MCGUIRE: Okay. We will convene tomorrow
20 morning, then, on the 29th at 9:30 a.m. Everyone have
21 a good evening, thank you.

22 MR. STONE: Your Honor, just before we break,
23 could I ask, Mr. Oliver told me that complaint counsel
24 had no objection to the four other exhibits that I had
25 offered this morning.

1 JUDGE McGUIRE: Are we still on the record,
2 Madam Reporter?

3 MADAM REPORTER: Yes.

4 JUDGE McGUIRE: Do you want to offer them at
5 this time?

6 MR. STONE: Yes, Your Honor, we would offer
7 RX-1885, RX-1895, RX-2050 and RX-2103-14.

8 JUDGE McGUIRE: Mr. Oliver?

9 MR. OLIVER: No objection, Your Honor.

10 JUDGE McGUIRE: So entered.

11 (RX Exhibit Numbers 1885, 1895, 2050 and
12 2103-14 were admitted into evidence.)

13 MR. STONE: Thank you, Your Honor.

14 JUDGE McGUIRE: This hearing is adjourned.
15 Thank you.

16 (Whereupon, at 4:57 p.m., the hearing was
17 adjourned.)

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