UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION



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	RAMBUS INCORPORATED	

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	A. Standards are Essential to Almost All Aspects of Modern Life	5
	R Congress Has Astad to Parilitate the Creation and Adaption of Standards and	

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LAWS, LEGISLATIVE AND ADMINISTRATIVE MATERIALS

Federal Participa	tion in the Development and	Use of Voluntary Conse	ensus Standards	
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	Technology, Eighth Annual Report on Federal Agency Use of Voluntary Consensus Standards and Conformity Assessment (May 2005)8
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.	Pub. 912 (Anr. 1997)

IDENTITY AND INTEREST OF AMICI CURIAE

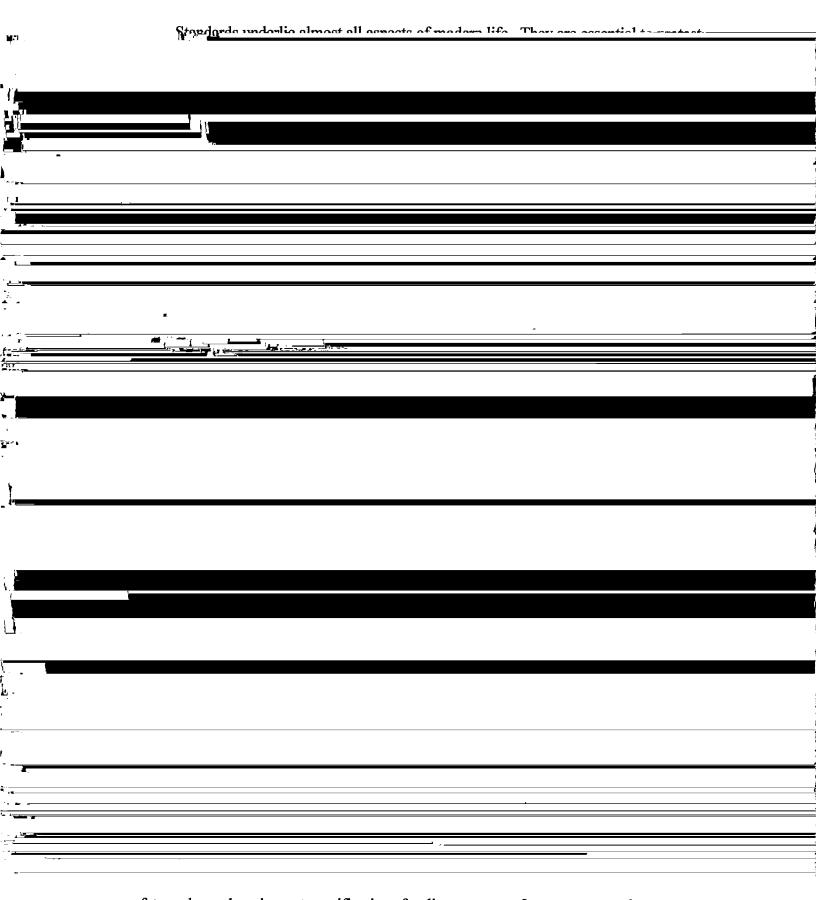
	Amici curiae are Gesmer Updegrove LLP and Andrew Updegrove, an attorney
	with that law firm. Since 1988, amici curiae have represented over sixty standard setting
	organizations (SSOs), as well as other non-profit organizations that support, promote or
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	in many standards venues, as a Director of the Free Standards Group, which sets
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	potential gains of engaging in such practices. To fail to include a significant punitive
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	Thendard notting propage to the detriment of acciety and the national interest
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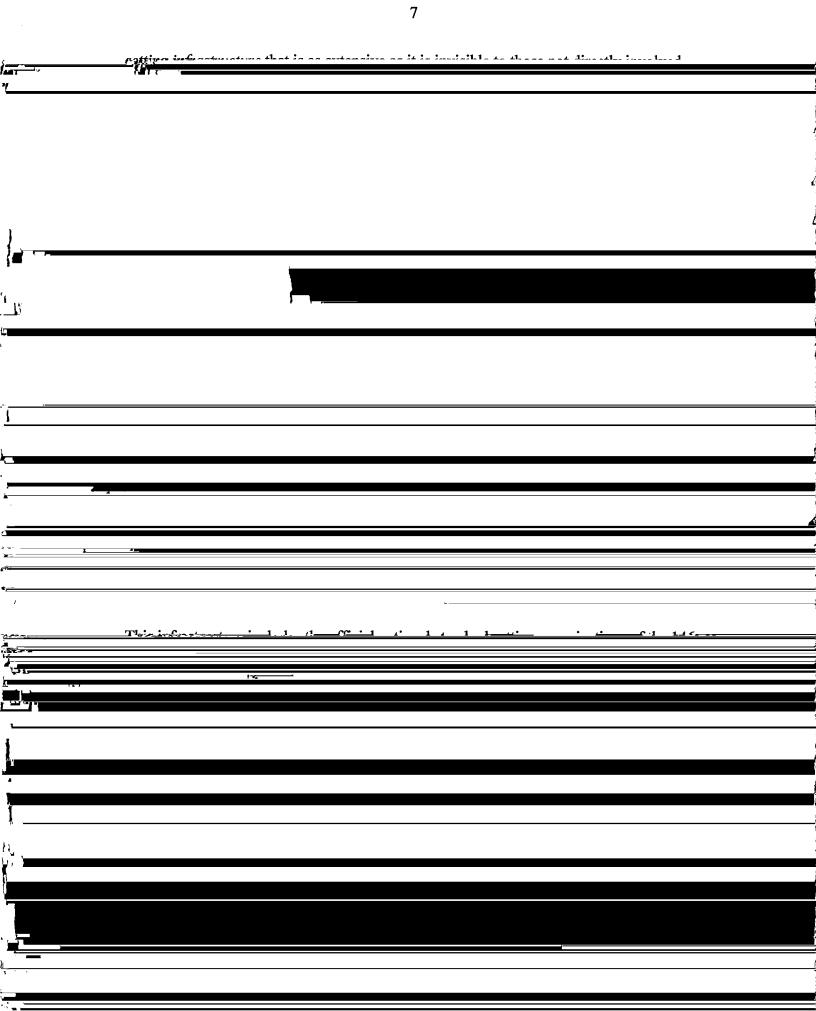
	E2%80%93%20Coordinating%20for%20Results%22 (May 2004). In the technology
	sector, the role of standards is particularly crucial, as vital infrastructural elements such
	M telepomounications, the Internet and the Web literally, occured exist without a record
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	It is not the intention of amici curiae in this brief to advocate for a particular	
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safety codes and equipment specifications for diverse types of emergency worker equipment. SSOs swiftly acted to set diverse standards supporting the current Homeland

Sagratier Initiative and annihum at all the a surgeria 124 - Carrell



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	to facilitate the development of those standards as well. The most important Federal
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	agencies in the United States use hundreds, and even thousands, of SSO maintained
	standards, and are completing the task mandated by the NTTAA of substituting SSO and
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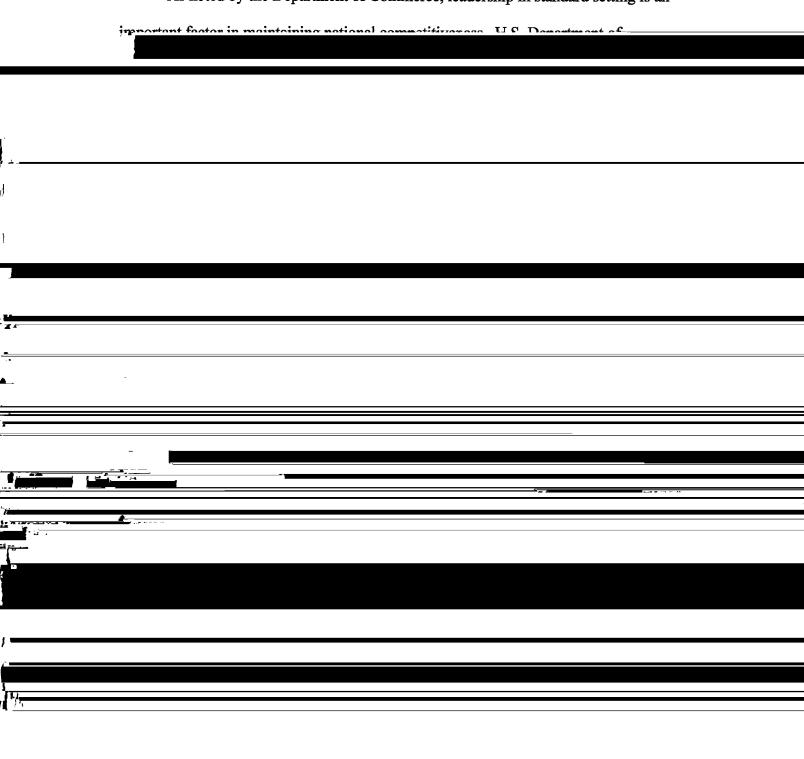
In addition, the Department of Defense has "privatized" thousands of existing government unique standards in areas such as aerospace and electronics by allowing

The Federal government has also taken actions to facilitate standard setting by SSOs generally. In 2002, the Federal Trade Commission and the Department of Justice held icint handings autitlad Commetition and Letallactual Durante. I In . 1:

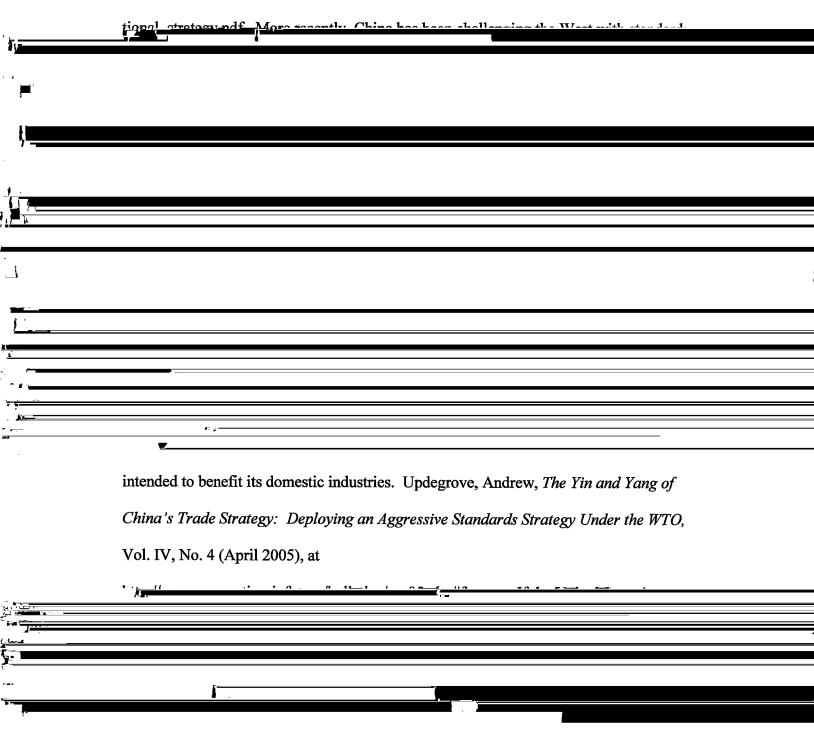
manage their processes are given force and effect, and that those participants in SSO activities that are found to violate those rules are convincingly punished for their actions.

C. Leadership in Standard Setting Provides a Vital National Competitive Advantage

As noted by the Department of Commerce, leadership in standard setting is an



http://public.ansi.org/ansionline/Documents/News%20and%20Publications/Brochures/na



By all common definitions, an "open standard" must be available to be implemented by

	all who desire to do so on "reasonable and non-discriminatory terms" (and ideally, at the
	lowest cost, in order to provide greater incentives for rapid adoption). Any failure to
	significantly nunish a member (in this case. Rambus) of an SSO that has been found to
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III. THE INTEGRITY OF THE VOLUNTARY STANDARD SETTING PROCESS WOULD BE JEOPARDIZED BY THE FAILURE OF THE COMMISSION TO ADEQUATELY PUNISH THE CONDUCT OF RAMBUS

	As noted by <i>The Economist</i> , predicting the events here at issue with uncanny
	accuracy_at_the very time that the conduct at issue was occurring "I'llhe noisiest of
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	competitive hattles (hetween suppliers) will be about standards. I'lln the computer,
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	industry, new standards can be the source of enormous wealth, or the death of corporate
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CONCLUSION

	Due to the severe impact that any weakening of the voluntary consensus standards	
	development infrastructure would have on consumers, participants and the national	
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	Brief of Amici Curiae on the Issue of the Appropriate Remedy for Rambus's Violations
	of the FTC Act, to be served as described below.
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