

UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

DOCKET NO. 9302	
IN THE MATTER OF RAMBUS INCORPORATED	
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MOTION OF GESMER UPDEGROVE LLP AND ANDREW UPDEGROVE FOR LEAVE TO FILE AMICI CUDIAE RDIFF ON THE ISSUE OF THE ADDRODDIATE

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Pursuant to 16 C.F.R. § 3.52(j), amici curiae respectfully move for leave to file an amicus

the FTC Act.

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 advocate in favor of open standards, and previously filed amicus curiae briefs on a pro bono basis before the Federal

represents the United States internationally in many standards venues, as a Director of the Free Standards Group, which sets standards for the Linux operating system, and as a member of the Board of Advisors of HL7, an ANSI-accredited SSO that sets standards for clinical and administrative data in healthcare. He has also served as a member of the ANSI revision

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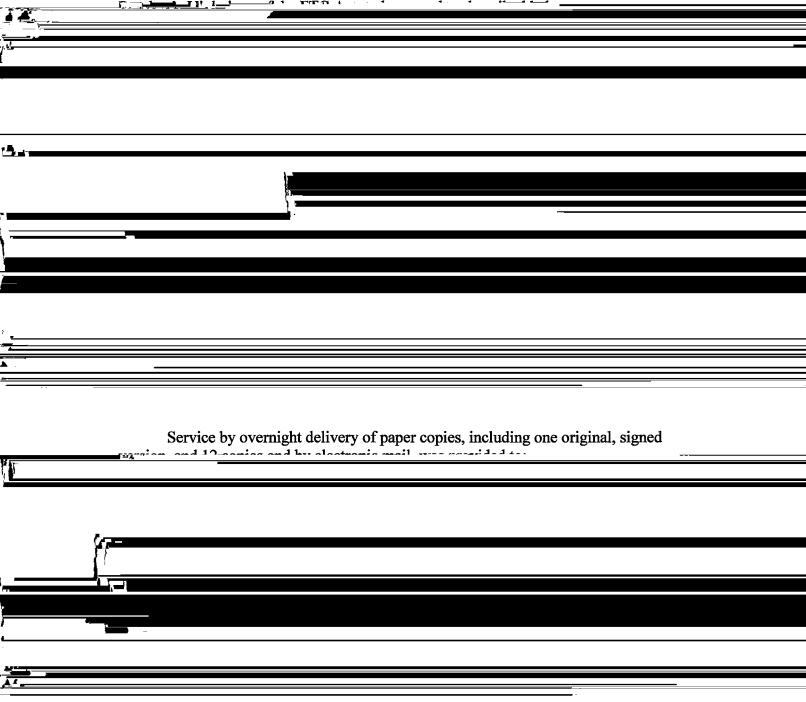
<u>ConsortiumInfo.org</u>, a free on-line resource with a global audience, which focuses on the topics of standards, standard setting and related intellectual property and other issues, as well as the <u>Consortium Standards Bulletin</u>, an on-line eJournal with thousands of subscribers throughout the world that addresses the same topics.¹

Amici curiae believe that the maintenance of a robust, trusted and effective standard setting infrastructure are fundamental to the welfare of the nation, and indeed to the continued functioning of the modern, technology based, networked world in which we live. Therefore, amici curiae have a unique perspective on how the bad-faith conduct of a company such as

Specifically, the proposed amici curiae address the matter of the remedy that must be levied by the Commission against Rambus, and the importance that this remedy send a clear message to that company, as well as to all that participate in the standard setting process, that the consequences of bad-faith conduct, if discovered, will significantly exceed the potential gains of engaging in such practices. The amici curiae will explain how the remedy imposed by the Commission in this proceeding could serve to either support, or dangerously undermine, the standard setting process, and how the Commission in the desiring in this property is 131-aler to, affect, against and the national interest

CERTIFICATE OF SERVICE

I hereby certify that, on September 14, 2006, I caused true copies of the foregoing Motion for Leave Brief of Amici Curiae on the Issue of the Appropriate Remedy for



Donald S. Clark Secretary Federal Trade Commission 600 Pennsylvania Ave., NW, Room H-159 Washington, DC 20580

Service of one copy as provided, via first class mail, to: