

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 Updegrave LLP and Andrew Updegrave, 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 committee of the United States National Standards Strategy, and is the founder and editor of

ConsortiumInfo.org, 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 Consortium Standards Bulletin, 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's decision in this regard is likely to affect society 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

Service by overnight delivery of paper copies, including one original, signed
[redacted] and 12 copies and by electronic mail, was provided to:

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: