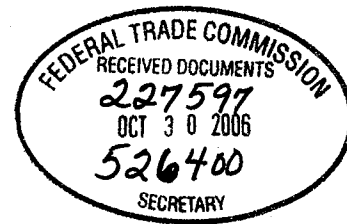


ORIGINAL

PUBLIC

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



In the Matter of

RAMBUS INCORPORATED,

a corporation.

Docket No. 9302

COMPLAINT COUNSEL'S REPLY TO RESPONDING BRIEF OF *AMICIS CURIAE*
AMERICAN ANTITRUST INSTITUTE ON ISSUES OF REMEDY

[REDACTED]

AAI's position is consistent with those of the other *amici curiae* in this matter. *See, e.g., Amicus Curiae Brief of JEDEC Solid State Technology Association ("JEDEC Brief")* at 4-7 ("JEDEC's goal is to promulgate open standards [JEDEC's] policies and practices set the foundation for addressing the remedy As a result, the 'reasonable royalty' for Rambus's patent, under the circumstances of this case, is a zero royalty on use in JEDEC-compliant memory devices"); *Brief of Amicus Curiae Broadcom Corporation and Freescale*

Semiconductor, Inc. ("Broadcom Brief") at 6-7 ("Because Rambus concealed its patent rights from JEDEC, JEDEC and its members believed at the time the standards were being formulated and adopted that the standards did not implicate *any* proprietary technologies and thus would be royalty-free. . . . [T]he Commission should impose a remedy that likewise does not require anyone implementing the JEDEC SDRAM standards to license the Rambus JEDEC Patents

a concomitant and enforceable license-free, royalty-free or low-royalty commitment from the patentee.” AAI Brief at 2-3.

This position is also consistent with those of JEDEC and industry members. JEDEC Brief at 6-9 (“The Commission’s own findings in this case are the most powerful evidence that

JEDEC would not have adopted the Rambus standard if it had known of the patent. JEDEC Brief at 1-1.

brief merely sets forth general principles independent of the facts of the case. It is particularly

telling, therefore, that this brief is consistent with the positions set forth in the briefs of

CERTIFICATE OF SERVICE

I, Lourine K. McDuffie, hereby certify that on October 30, 2006, I caused a copy of the attached, Public Version of, *Complaint Counsel's Reply to Responding Brief of Amicus Curiae American Antitrust Institute on Issues of Remedy*, to be served upon the following persons:

by hand delivery to:

The Commissioners
U.S. Federal Trade Commission
Via Office of the Secretary, Room H-135
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

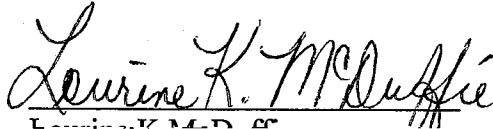
by electronic transmission (without attachments) and hand delivery to:

A. Douglas Melamed, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
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Lourine K. McDuffie
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