

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

IN THE MATTER OF
RAMBUS INCORPORATED.

DOCKET NO. 9302

**MOTION OF
MICRON TECHNOLOGY, INC.,
HYNIX SEMICONDUCTOR, INC,
AND INFINEON TECHNOLOGIES AG
FOR LEAVE TO FILE BRIEF AS AMICI CURIAE**

[PUBLIC]

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Dated: April 16, 2004

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Pursuant to 16 C.F.R. § 3.52(j), Micron Technology, Inc. (“Micron”), Hynix Semiconductor, Inc. (“Hynix”), and Infineon Technologies AG (“Infineon”) respectfully move for leave to file a brief as amici curiae in this matter.

Micron, Hynix, and Infineon (collectively “Amici”) are global leaders in the design, manufacture, and sale of semiconductor devices, including dynamic random access memory (“DRAM”). DRAMs are used in computing, networking, and communications products worldwide, including computers, workstations, servers, cell phones, and digital cameras. Collectively, Amici’s DRAM sales account for roughly half of the worldwide DRAM sales annually. Amici contribute billions of dollars in annual sales to the world economy, hold thousands of United States patents, employ thousands of people both in the United States and overseas, and maintain membership in a wide variety of standard setting organizations (“SSOs”).

For many years, Amici (and/or their parent corporations) have been members of, and participated actively in, JEDEC, a broad-based semiconductor SSO, which, among other things, sets technical standards for DRAM. JEDEC standards, and the JEDEC standard setting process, are of vital importance to Amici. Among other things, Amici were actively involved in debating and voting for the JEDEC standards on two types of DRAM -- SDRAM and DDR SDRAM. Rambus claims to possess patents covering certain features of these JEDEC standards, and has demanded royalty payments from companies that manufacture products to those standards, including Amici.

Amici believe strongly that the Administrative Law Judge erred in dismissing the complaint against Rambus for unlawful anticompetitive conduct in connection with JEDEC standard setting. In particular, the proposed amici curiae brief demonstrates that,

contrary to the Administrative Law Judge's findings, Rambus knowingly and deceptively violated the intellectual property disclosure rules of JEDEC with the specific intent to secure a monopoly over certain DRAM technologies. Rambus secretly tailored its patent claims to cover the work of JEDEC, concealed its patent claims while it was a member of JEDEC, and even withdrew from JEDEC to avoid revealing its patent claims to JEDEC.

Now years later, after Amici and other JEDEC participants have invested heavily in the claimed technologies, Rambus asserts that its patent rights cover the SDRAM and DDR SDRAM standards. Rambus conduct threatens unjustly to expose Amici and other DRAM industry participants to billions of dollars in royalty payments, which would increase costs not only for DRAM manufacturers and their customers, but also for millions of consumers of products that incorporate DRAM. Rambus's conduct also threatens to undermine the procompetitive work of JEDEC and other similarly situated SSOs.

WHEREFORE, Amici respectfully request that the Commission grant their joint motion for leave to file the attached amici curiae brief.

Dated: April 16, 2004

Respectfully submitted,

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