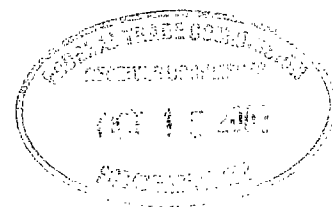


UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



_____)
In the matter of)
)
RAMBUS INC.,)
)
)
a corporation.)
_____)

Docket No. 9302

**MOSAID TECHNOLOGIES INCORPORATED’S MOTION TO QUASH
OR LIMIT THE SUBPOENA DUCES TECUM OF RAMBUS INC.**

Under Rule 3.34(c), MOSAID Technologies Incorporated (“MOSAID” Technologies”). moves to quash or to limit the subpoena purportedly served upon it by Rambus.

MOSAID Technologies moves to quash the subpoena because the subpoena was improperly served upon MOSAID Systems Incorporated (“MOSAID Systems”), a subsidiary of MOSAID Technologies. The California address listed in the subpoena is the place of business of MOSAID Systems, not of MOSAID Technologies. MOSAID Technologies, a Canadian corporation, does not maintain a place of business in the United States; its only place of business is in Kanata, Ontario, Canada. The documents sought by the subpoena, to the extent they may exist, are in Canada. (*See* Declaration of William R. Middleton at ¶ 1.)

To the extent Rambus intended to serve the subpoena upon MOSAID Systems in an effort to obtain documents of MOSAID Technologies located in Canada, the subpoena should be quashed because it was not issued under Rule 3.36, governing subpoenas to be served in a foreign country. *See* Order Granting Motion of Biovail et al. to Quash, *In re Hoescht Marion Roussel, Inc.*, FTC Docket No. 9293 (July 14, 2000) (service on a Canadian company must comply with international law and procedures of letters rogatory/letter of request). *See also* U.S.

DEPT OF STATE, JUDICIAL ASSISTANCE IN CANADA (2002) (available at http://travel.state.gov/canada_legal.html). Furthermore, the subpoena should be quashed because MOSAID Systems does not have possession, custody, or control of the categories of documents of its foreign parent corporation sought by the subpoena. (See Middleton Declaration at ¶ 2.)

If the subpoena is not quashed for failure of proper service, then MOSAID Technologies moves to limit the subpoena for the following reasons.

MOSAID Technologies objects to the subpoena as seeking irrelevant information. As understood by MOSAID Technologies, this proceeding relates to the activities of Rambus in the JEDEC organization. The subpoena seeks a wide variety of documents that are wholly unrelated to Rambus. Of the 50 categories of documents sought by the subpoena, only topics 1, 2, 3, 4(k), 32, 40, 43(a), 43(c), 44(a), 44(c), and 46 are directed in any way at all toward Rambus. The subpoena should be limited to exclude the other categories.

To the extent the documents sought may be relevant to this proceeding, MOSAID Technologies further objects and moves to limit the subpoena as overly broad, unduly burdensome, and oppressive because of the wide scope of the categories of requested documents and their marginal relevance to this proceeding. As an example, category 40 requests “[a]ll documents relating to meetings you have participated in with any representative of Rambus.” It is ridiculous for a third-party like MOSAID Technologies to produce every document relating to every meeting (whether or not a JEDEC meeting) attended by representatives of MOSAID Technologies and Rambus. As another example, category 46 requests “[a]ll documents relating to Rambus’ involvement in JEDEC from December 1991 to June 1996.” It is completely unreasonable for a third-party like MOSAID Technologies to produce every document it may

have relating to another company's JEDEC activities over a nearly five-year period. The subpoena should be limited to a reasonable scope within each relevant category.

MOSAID Technologies further objects and moves to limit the subpoena to the extent it seeks documents that are subject to non-disclosure or confidentiality obligations owed by MOSAID Technologies to other parties.

MOSAID Technologies further objects and moves to limit the subpoena to the extent it seeks documents that are readily available from public sources, that have already been obtained in this proceeding, or that can reasonably be obtained by other means.

MOSAID Technologies further objects and moves to limit the subpoena to the extent it seeks documents protected from discovery by a privilege recognized under the laws of the United States, Canada, or any state or province in those countries, including those documents protected by the attorney-client privilege and the work-product doctrine.

Under Rule 3.22(f), MOSAID Technologies states that its counsel has conferred with opposing counsel in an effort in good faith to resolve by agreement the issues raised by the motion and has been unable to reach such an agreement. The conference was held on October 11, 2002, at approximately 11:30 a.m. (CT) by telephone. Scott W. Burt participated in the conference for MOSAID Technologies, and Sean P. Gates participated in the conference for Rambus.

Dated October 15, 2002.

By:



Tom D. Smith
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51 Louisiana Avenue, N.W.
Washington, D.C. 20001

Scott W. Burt
Jones, Day, Reavis & Pogue
77 West Wacker Drive
Chicago, Illinois 60601

Attorneys for MOSAID Technologies Inc.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

_____)	
In the matter of)	
RAMBUS INC.,)	Docket No. 9302
)	
a corporation.)	
_____)	

**DECLARATION OF WILLIAM R. MIDDLETON IN SUPPORT OF
MOSAID TECHNOLOGIES INCORPORATED'S MOTION TO QUASH
OR LIMIT THE SUBPOENA DUCES TECUM OF RAMBUS INC.**

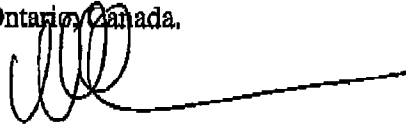
I, William R. Middleton, declare as follows:

1. I am Senior Corporate Counsel of MOSAID Technologies Incorporated ("MOSAID Technologies"). MOSAID Technologies is a corporation under the laws of Ontario, Canada. The subpoena in this proceeding apparently directed to MOSAID Technologies was served upon MOSAID Systems Incorporated ("MOSAID Systems"), a United States subsidiary of MOSAID Technologies. The address listed in the subpoena is a place of business of MOSAID Systems, not MOSAID Technologies. MOSAID Technologies does not maintain a place of business in the United States. The only place of business of MOSAID Technologies is in Kanata, Ontario, Canada. The documents listed in the subpoena, to the extent they may exist, are in Canada.

2. MOSAID Systems does not have possession, custody, or control of the categories of documents of its parent corporation, MOSAID Technologies, listed in the subpoena.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated October 15, 2002, in Kanata, Ontario, Canada.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

William R. Middleton

JONES, DAY, REAVIS & POGUE

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169423-605001

October 15, 2002

VIA FACSIMILE AND MAIL 213-687-3702

Sean P. Gates
Munger, Tolles & Olson, LLP
35th Floor
355 South Grand Avenue
Los Angeles, California 90071

Re: Subpoena of MOSAID Technologies Inc.
In re Rambus, Inc. (FTC Docket No. 9302)

Dear Mr. Gates:

I understand from our conversation Friday that Rambus will be withdrawing the subpoena that it recently attempted to serve on MOSAID Technologies. But to preserve MOSAID Technologies' rights it is filing today the attached Motion to Quash or Limit. We expect this motion to be rendered moot when Rambus withdraws the subpoena in question.

I understand that instead Rambus intends to serve subpoenas on MOSAID Technologies' two United States subsidiaries, MOSAID Systems Inc. and MOSAID Semiconductor Inc. Rambus further intends to begin the process of seeking discovery from MOSAID Technologies in Canada through a letters rogatory/letter of request. MOSAID Technologies and its subsidiaries will resist any such discovery efforts by Rambus.

I now have confirmed that, as broad as the subpoena categories are drafted, neither MOSAID Systems or MOSAID Semiconductor has responsive documents, nor would they have possession, custody, or control of any existing responsive documents that MOSAID Technologies may have. We view any subpoenas of those two companies to be futile. But if Rambus in fact does subpoena MOSAID Systems and MOSAID Semiconductor I am authorized to accept service.

Finally, I have confirmed that sometime during its pre-filing investigation the FTC did talk briefly once with Mr. Foss. MOSAID Technologies also has learned that Mr. Foss was contacted recently by both Rambus and the FTC, though he did not and does not intend to have a substantive discussion with either party. (For your future reference please direct any communications to Mr. Foss through MOSAID Technologies. Mr. Foss now is retired but

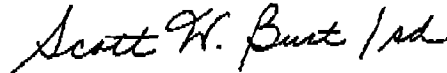
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Sean P. Gates
October 15, 2002
Page 2

remains a consultant to the company.) To our knowledge the FTC has not contacted Mr. Allan, who left MOSAID Technologies some time ago. Nor has the FTC contacted MOSAID Technologies or its subsidiaries. MOSAID Technologies desires to remain neutral in this proceeding and desires not to provide any assistance to either party.

Please let me know if you have any questions.

Very truly yours,



Scott W. Burt

cc: William R. Middleton, Senior Corporate Counsel, MOSAID Technologies

Motion Service List

Attachment