

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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

**TEXAS INSTRUMENTS INCORPORATED’S OBJECTIONS TO THE  
SUBPOENA DUCES TECUM OF RAMBUS INC.**

Texas Instruments Incorporated (“TI”) hereby objects to the Subpoena Duces Tecum that Rambus Inc. (“Rambus”) purported to serve on TI in the above-captioned matter. TI asserts its objections in order to preserve its rights and protect itself from undue burden and unreasonable expense in connection with this matter. Subject to and not waiving the following objections, TI hereby produces responsive documents, subject to the protective order entered in this proceeding.

TI objects to the subpoena as overbroad and unduly burdensome on the basis that TI is no longer in the DRAM business. Numerous of the topics of the subpoena involve aspects of the DRAM business, including sales, design, marketing and licensing of DRAM products. TI, however, sold its memory division to Micron in October 1998, and TI has not been in the DRAM business since that time. The documents sought by the subpoena related to DRAM issues, therefore, to the extent they may exist, are not in the care, custody or control of TI.

TI objects to the subpoena as unduly burdensome in that the subpoena seeking documents already provided to Rambus pursuant to a subpoena served in *Micron Technology, Inc. v. Rambus Inc.*, No. 00-792-RRM (D. Del), (the “*Micron v. Rambus* subpoena”). There is substantial overlap between the *Micron v. Rambus* subpoena and the subpoena served on TI in

this proceeding, specifically related to JEDEC issues. TI has already responded to the *Micron v. Rambus* subpoena, and TI has provided Rambus with authority to use these documents previously produced by TI pursuant to the *Micron v. Rambus* subpoena in connection with this proceeding. Therefore, TI objects to the subpoena as unduly duplicative and unduly burdensome.

TI objects to the subpoena as seeking irrelevant information. As understood by TI, this proceeding relates to the activities of Rambus in the JEDEC organization. The subpoena, however, seeks a wide variety of documents that are wholly unrelated to Rambus. Of the 57 categories of documents sought by the subpoena, only topics 1-11, 12(k), 36, 37 and 50 are directed in any way at all toward Rambus. TI objects to all other categories on the subpoena as irrelevant.

To the extent the documents sought may be relevant to this proceeding, TI further objects to 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 examples, category 28 asks for licensing rates for *any* patents related to DRAM technology without regard to any relationship to Rambus. Similarly, category 29 requests “[a]ll documents describing, reflecting or referring to terms under which you have licensed proprietary technology in advance of the issuance of a patent.” It is completely unreasonable for a third-party like TI to produce every document relating to any instance when TI may have licensed any technology (even technology wholly unrelated to the present matter) prior to the issuance of a patent on that given technology.

TI further objects to the subpoena to the extent it seeks documents that are subject to non-disclosure or confidentiality obligations owed by TI to other parties.

TI further objects to 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.

TI further objects to the subpoena to the extent it seeks documents protected from discovery by a privilege recognized under the laws of the United States, or any state United States, including those documents protected by the attorney-client privilege and the work-product doctrine.

Dated November 13, 2002.

By:

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CERTIFICATE OF SERVICE

I certify that on November 13, 2002, I served by hand delivery and mail TEXAS INSTRUMENTS INCORPORATED'S OBJECTIONS TO THE SUBPOENA DUCES TECUM OF RAMBUS INC. on the following counsel to the parties to this proceeding:

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