

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Deborah Platt Majoras, Chairman**
 Orson Swindle
 Thomas B. Leary
 Pamela Jones Harbour
 Jon Leibowitz

In the Matter of)
)
RAMBUS INCORPORATED,)
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) **Docket No. 9302**
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**STATEMENT OF RAMBUS INC. IN COMPLIANCE WITH THE
COMMISSION'S DECEMBER 6, 2004 ORDER GRANTING THE MOTION OF
NON-PARTY MITSUBISHI ELECTRIC CORP. TO ENFORCE PROTECTIVE
ORDER**

By Order dated December 6, 2004, the Commission has required Rambus Inc. (“Rambus”) to file with the Commission and serve upon counsel for Mitsubishi Electric Corp. (“Mitsubishi”) a statement under oath identifying and describing fully each use or disclosure by Rambus or its counsel of Mitsubishi’s Discovery Materials. Accompanying this Statement is a Declaration of Robert G. Kramer, Rambus’s Director of Litigation, that is filed and served in compliance with the Commission’s Order.

Briefly, as set forth in Mr. Kramer’s declaration, in early April 2003, counsel for Rambus in a contested patent proceedings in Europe¹ attached to its brief the English translations of three documents included within Mitsubishi’s Discovery Materials. These documents bear production numbers MEC 000328-335, MEC 001441, and MEC 001748. These documents were thereby made publicly available and copies were provided to Rambus’s litigation adversaries in this proceeding, Infineon, Micron and Hynix, as well as to European counsel for all of the parties to that proceeding. After their use in this particular brief in connection with this European proceeding, these three documents were admitted in evidence in this proceeding on May 12, 2003 (Exhibits RX-2203, which included a partial translation, and RX-2214A) and on May 21, 2003 (RX-2214, RX-2215 and RX-2215A), and thus became part of the public record in this proceeding. So far as Rambus can determine, there was no other use or disclosure by Rambus or its counsel of any of Mitsubishi’s Discovery Materials prior to May 21, 2003, other than for purposes of this proceeding.

¹ This proceeding was an EPO opposition appeal proceeding.

After May 21, 2003, Rambus and its counsel made use only of Mitsubishi documents that had been admitted in this proceeding and that were part of the public record, with two exceptions. On February 27, 2004, in connection with the ongoing *Infineon* litigation, Rambus served a subpoena on Mitsubishi Electric & Electronics USA, Inc. (“MEUS”) seeking to authenticate certain documents for use in that litigation. All but two of the documents attached to this subpoena had earlier been admitted in evidence in this proceeding. The two exceptions were one page of the document attached to the subpoena at Tab 34 (MEC 3001714) and the document attached at Tab 39 (MEC 403332-334). These documents were shared with counsel for Infineon and counsel for MEUS as a result of the service of this subpoena. However, on May 26, 2004, Magistrate Judge William J. Hibbler of the United States District Court for the Northern District of Illinois granted Rambus’s motion to compel Jenner & Block, LLC to produce to Rambus for use in the *Infineon* litigation all of Mitsubishi’s Discovery Materials and use of those materials now is permitted under the terms of the *Infineon* Protective Order.

Other than as described above and in the accompanying declaration of Mr. Kramer, Rambus is not aware of any other use or disclosure it or its counsel made of any of Mitsubishi's Discovery Materials other than for purposes of this proceeding, except to the extent that certain exhibits that came from Mitsubishi's Discovery Materials were used for purposes other than the purposes of this proceeding after they were admitted in evidence in this proceeding and made part of the public record.

DATED: December 15, 2004

Gregory P. Stone
Steven M. Perry
Peter A. Detre
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue, 35th Floor
Los Angeles, California 90071-1560
(213) 683-9100

A. Douglas Melamed
Kenneth A. Bamberger
WILMER CUTLER PICKERING
HALE AND DORR LLP
2445 M Street, N.W.
Washington, D.C. 20037
(202) 663-6000

John M. Guaragna
GRAY, CARY, WARE & FREIDENRICH LLP
1221 S. MoPac Expressway, Suite 400
Austin, Texas 78746
(512) 457-7000

Attorneys for Respondent, Appellee and Cross-
Appellant Rambus Inc.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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RAMBUS INCORPORATED,) Docket No. 9302
)
a corporation.)
_____)

CERTIFICATE OF SERVICE

I, Kenneth A. Bamberger, hereby certify that on December 16, 2004, I caused true and correct copies of the *Statement of Rambus Inc. in Compliance with the Commission's December 6, 2004 Order Granting the Motion of Non-Party Mitsubishi Electric Corp. to Enforce Protective Order*, and the attached *Declaration of Robert G. Kramer in Compliance with the Commission's December 6, 2004 Order Granting the Motion of Non-Party Mitsubishi Electric Corp. to Enforce Protective Order*, to be served on the following persons by hand delivery:

Hon. Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
Room H-112
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Geoffrey Oliver, Esq.
Assistant Director
Bureau of Competition
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, D.C. 20001

Donald S. Clark, Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Malcolm L. Catt, Esq.
Attorney
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, D.C. 20001

I, Kenneth A. Bamberger, hereby certify that on December 16, 2004, I caused true and correct copies of the *Statement of Rambus Inc. in Compliance with the Commission's December 6, 2004 Order Granting the Motion of Non-Party Mitsubishi Electric Corp. to Enforce Protective Order*, and the attached *Declaration of Robert G. Kramer in Compliance with the Commission's December 6, 2004 Order Granting the Motion of Non-Party Mitsubishi Electric Corp. to Enforce Protective Order*, to be served on the following person by Facsimile and Federal Express:

Donald R. Harris, Esq.
Jenner & Block
One IBM Plaza
Chicago, Illinois 60611-7603
Fax No: (312) 840-7777

Kenneth A. Bamberger

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BEFORE THE FEDERAL TRADE COMMISSION

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CERTIFICATION

I, Kenneth A. Bamberger, hereby certify that the electronic copies of *Statement of Rambus Inc. in Compliance with the Commission's December 6, 2004 Order Granting the Motion of Non-Party Mitsubishi Electric Corp. to Enforce Protective Order*, and the attached *Declaration of Robert G. Kramer in Compliance with the Commission's December 6, 2004 Order Granting the Motion of Non-Party Mitsubishi Electric Corp. to Enforce Protective Order*, accompanying this certification are true and correct copies of the paper versions that are being filed with the Secretary of the Commission on December 16, 2004 by other means.

Kenneth A. Bamberger
December 16, 2004