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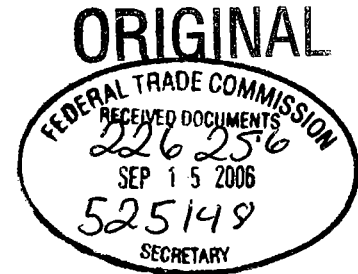
UNITED STATES FEDERAL TRADE COMMISSION

Docket No. 9302

In the Matter of

RAMBUS INC.,

A CORPORATION



MOTION OF
JEDEC SOLID STATE TECHNOLOGY ASSOCIATION
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

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September 15, 2006

Pursuant to 16 C.F.R. Section 3.52(j), the JEDEC Solid State Technology Association (“JEDEC”) respectfully moves for leave to file the accompanying *amicus curiae* brief in support of Complaint Counsel’s brief on the remedy in this proceeding.

JEDEC should be granted leave to file the *amicus* brief because JEDEC is at the epicenter of this case. The Commission has now found that Rambus Inc. (“Rambus”) breached JEDEC’s patent-disclosure policies and practices, and engaged in conduct that violated the antitrust laws and Section 5 of the Federal Trade Commission Act. JEDEC’s membership was a prime target of Rambus’s deceptive and anti-competitive conduct. Rambus abused JEDEC’s standard-setting process, and thereby undermined confidence in the collaborative principles that make JEDEC’s work possible.

JEDEC executives and members testified at the trial, and JEDEC’s patent policy and practices are a central focus of the Commission’s Decision issued on August 2, 2006. With the Commission’s approval, JEDEC also submitted an *amicus curiae* brief on April 16, 2004, in support of Complaint Counsel’s appeal from the Administrative Law Judge’s Initial Decision dated February 23, 2004.

JEDEC’s views and perspective will assist the Commission in determining the appropriate remedy in this case. That remedy will affect, of course, those using Rambus technology in JEDEC-complaint devices. More generally, however, the choice of remedy will affect how standard-setting activity is conducted in the future at JEDEC and other standard-setting organizations. A weak remedy will likely chill the work of collaborative standard-setting bodies.

JEDEC’s views should be heard because of the important role it plays in the information-technology industry. JEDEC is a non-profit trade association which serves as the

semiconductor and solid-state engineering standardization body of the Electronic Industries Alliance (“EIA”).¹ EIA is a trade association that represents all areas of the electronics industry. During the period in question, EIA conducted standard-setting activity through several divisions and units, including JEDEC.

JEDEC develops and maintains technical standards through its 50 committees. About 270 member companies and 2,700 individuals actively participate on these committees to develop and maintain standards to meet industry and user needs for semiconductor devices and integrated circuits. These member companies include both manufacturers and users of these products, and others allied to the field.

Since 1958, JEDEC has been one of the foremost standards development organizations for the semiconductor industry. JEDEC was a division of EIA until 2000, when it was separately incorporated as a non-profit, non-stock corporation.

JEDEC exists for the development of standards by all interested parties that are open for use by the entire industry. That is its mission and purpose. To achieve such open standards, JEDEC’s policies seek to “[a]void requirements” in standards “that call for the exclusive use of a patented item or process.” (EP-7-A, JX0054-001, at 009.) (See EP-3F, CX0203a-001, at 011.)

JEDEC’s published patent policy also states that JEDEC will in no case issue a standard requiring use of a known patent or patent application “unless all the relevant technical information . . . is known to the formulating committee[,] subcommittee, or working group,” and JEDEC receives “written assurance that a license will be made available to all applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.” (JEP-

¹ JEDEC is an acronym standing for the Joint Electron Device Engineering Council.

21-I, CX0208-019.)

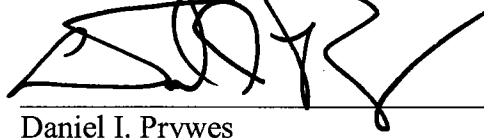
JEDEC has a direct interest in this case, which involves the application of JEDEC's patent policy and Rambus's deceptive conduct at JEDEC committee meetings. According to the Commission's unanimous Decision of August 2, 2006, "JEDEC's policies (fairly read) and practices . . . provide a basis for the expectation that JEDEC's standard-setting activity would be conducted cooperatively and that members would not try to distort the process by acting deceptively with respect to the patents they possessed or expected to possess." (Decision, at 66.) The Commission went on to conclude that "Rambus's conduct was calculated to mislead JEDEC members by fostering the belief that Rambus neither had, nor was seeking, relevant patents that would be enforced against JEDEC-compliant products." (Decision, at 67.)

JEDEC explains in its proposed *amicus* brief why the appropriate remedy for Rambus's "deceptive course of conduct" (Decision, at 66) is an order enjoining Rambus from collecting future royalties on JEDEC-compliant devices that require use of Rambus's patents. Such a remedy would be equivalent to a prospective, industry-wide, royalty-free license.

For the foregoing reasons, the Commission should grant leave to JEDEC to file the accompanying *amicus curiae* brief. A proposed Order is attached.

Complaint Counsel consents to this motion, but Rambus has declined to consent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Prywes', written over a horizontal line.

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Dated: September 15, 2006

CERTIFICATE OF SERVICE

I hereby certify that, on September 15, 2006, I caused two copies of the foregoing Motion of JEDEC Solid State Technology Association for Leave to File *Amicus Curiae* Brief, and the proposed *Amicus Curiae* brief, to be served by first-class mail, postage prepaid, on the following:

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PROPOSED ORDER

Upon consideration of the Motion of JEDEC Solid State Technology Association (“JEDEC”) for Leave to file an *Amicus Curiae* brief in support of Complaint Counsel’s submission on proposed remedy, the Commission finds that the proposed *amicus curiae* brief may assist in the determination of the remedy issues presented in this proceeding. Accordingly,

IT IS ORDERED that JEDEC is granted leave to file its *amicus curiae* brief.

By the Commission.

Secretary

Issued: