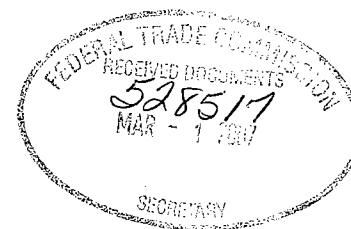


**PUBLIC**

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

COMMISSIONERS: Deborah Platt Majoras, Chairman  
Pamela Jones Harbour  
Jon Leibowitz  
William E. Kovacic  
J. Thomas Rosch



**In the Matter of**

**RAMBUS INC.,**

**a corporation.**

**Docket No. 9302**

**REPLY OF RESPONDENT RAMBUS INC. IN SUPPORT OF  
MOTION FOR STAY OF ORDER PENDING APPEAL**

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## I. INTRODUCTION

In its Motion for Stay of Order Pending Appeal (“Motion for Stay”), respondent Rambus Inc. (“Rambus”) sought a full stay of the Commission’s February 2, 2007, Final Order (“Order”), pursuant to 16 C.F.R. § 3.56, until the final disposition of its appeals in federal courts. Complaint Counsel’s Opposition (“CC Opp.”) largely ignores the points made in Rambus’s Motion for Stay, which demonstrate that the Commission should stay the Order.

Complaint Counsel’s Opposition is based almost entirely on a single, fundamental misapprehension: that Rambus is poised to collect, pending appeal, enormous royalties from the use of Rambus’s patented technologies in DDR2 devices. *See* CC Opp. 3 & Attach. A. This premise is erroneous. At the present time, 70% or more of DDR2 production is unlicensed and results in no royalty income to Rambus. Four of the six largest manufacturers of DDR2 chips (Samsung, Hynix, Micron, and Nanya) are engaged in litigation with Rambus that shows no sign of abating. Hynix continues to infringe Rambus’s patents even though a federal jury – almost one full year ago – rejected Hynix’s invalidity arguments and found that its DDR2 devices infringed Rambus’s patents. Complaint Counsel’s interpretation of the Commission’s Order and opinion on remedy *rewards* past infringers, contrary to law and logic. In short, and as Rambus demonstrated in its Motion to Dismiss, the Commission’s order creates a clear and immediate threat to the “lifeblood” of Rambus, and both the facts and the law support a full stay of the Commission’s order.

Although a full stay remains the proper course, and the only course that would not entail irreparable harm to Rambus, Complaint Counsel propose a partial stay of the Order, combined with an escrow arrangement that would create more problems than it

