

MAY 03 2006

GORDON PARK-LI, Clerk  
BY: *[Signature]*  
Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**RAMBUS INC.,**  
Plaintiff,  
vs.  
**MICRON TECHNOLOGY, INC., et al.,**  
Defendants

Case No.: 04-431105

AND RELATED CROSS-ACTION

**[REDACTED] ORDER RE:**

1. MOTION TO UNSEAL OF DOW JONES;
2. MOTION TO STRIKE OR SEAL;
3. MOTION TO AMEND PROTECTIVE ORDER;
4. MOTION TO COMPEL PRODUCTION OF DOCUMENTS FROM SAMSUNG DEFENDANTS; AND
5. FURTHER CASE MANAGEMENT CONFERENCE



1 lodged documents are to be returned by the Clerk to the party originally lodging the documents.  
2 That party then has ten (10) days to alert the Court that it intends to have those documents filed.  
3 **The Clerk is hereby ordered to return the lodged documents to Rambus.**

4 However, because the Samsung Demurrer has been withdrawn, there are no demurrers,  
5 motions, or applications currently under consideration by the Court to which the lodged  
6 documents would relate. Therefore, the Court does not believe any request by Rambus to file  
7 the lodged documents based on the matters currently before the Court would be appropriate.

8 **3. MOTION TO AMEND PROTECTIVE ORDER OF RAMBUS.**

9 Rambus filed a Motion to Amend the Protective Order to allow it to disclose  
10 "Designated Materials" produced in this litigation to representatives of government entities.  
11 For the reasons explained at the February 23, 2006 Case Management Conference, the Motion  
12 to Amend the Protective Order of Rambus is hereby **DENIED WITHOUT PREJUDICE.**

13 **4. MOTION TO COMPEL OF RAMBUS AND OTHER DISCOVERY**  
14 **ISSUES AFFECTED BY THE STAY ON APPEAL.**

15 Rambus filed a Motion to Compel the Production of Documents by Samsung. Samsung  
16 objected and refused to produce any documents, primarily on the grounds that, under Code of  
17 Civil Procedure Section 916, a stay is in place because Samsung has appealed this Court's  
18 Order Denying the Motion to Compel Arbitration. At the hearing, Samsung withdrew any  
19 objection it had as to the burdensome nature of producing the requested documents.

20 This Court finds that, notwithstanding the appeal, Samsung remains a party before this  
21 Court and, pursuant to Code of Civil Procedure Section 916, "the trial court may proceed upon  
22 any other matter embraced in the action and not affected by the judgment or order." This Court  
23 has jurisdiction over Samsung. Even if an appellate court orders that the causes of action in the  
24 complaint against Samsung should proceed in arbitration, Samsung must still respond to the  
25 types of discovery that could be propounded on Samsung if it were a non-party to this case.  
26 Such discovery is not dependent upon Samsung being a party to this case. The causes of action  
27

1 in the complaint will still proceed as to Micron, an alleged co-conspirator, and discovery should  
2 proceed as to those causes of action. The production of the requested documents by Samsung is  
3 not embraced in or affected by the Order Denying the Motion to Compel Arbitration.

4 Rambus has requested an injunction under Business & Professions Code Section 17200,  
5 and such injunctive relief is not available in arbitration. On this alternate basis, discovery may  
6 proceed as to Samsung.

7 The scope of discovery includes all documents produced or provided, whether  
8 compelled or voluntarily: (a) to the plaintiffs in the DRAM Litigation (*In re Dynamic Random*  
9 *Access Memory (DRAM) Antitrust Litigation*, No. 02-1486 PJH (N.D. Cal.); or (b) to the United  
10 States Department of Justice or any Grand Jury in connection with any investigation of DRAM  
11 pricing or production, as such documents also are likely to lead to the discovery of admissible  
12 evidence as to the anti-competitive conduct at issue in this case.

13 For the foregoing reasons, the Motion of Rambus to Compel the Production of  
14 Documents by Samsung is hereby **GRANTED**. Said production by Samsung will occur within  
15 thirty (30) days from the date of this Order. However, should Samsung file a writ or similar  
16 application with the Court of Appeal challenging this Order within such 30 day period, then this  
17 Order shall be stayed pending a final resolution on such writ or application.

18 For case management purposes, given that Hynix and Samsung have appealed this  
19 Court's Orders Denying the Motions to Compel Arbitration, discovery may proceed to the  
20 extent it will not impact the orders currently before the Court of Appeal.

21 In the Joint Case Management Conference Statement, Rambus requested that this Court  
22 issue an order regarding the production by Micron in this case of documents that had been  
23 previously produced by Micron in four other matters:

24 (1) *Rambus v. Micron*, D. Del. Case No. 1:00cv00792;

25 (2) *Hynix v. Rambus*, N.D. Cal. Case No. CV 00-20905 RMW;

1 (3) *Rambus v. Infineon*, E.D. Va. Case No. 3:00 CV 524; and

2 (4) *In the Matter of Rambus, Inc.*, FTC Dkt. No. 9302.

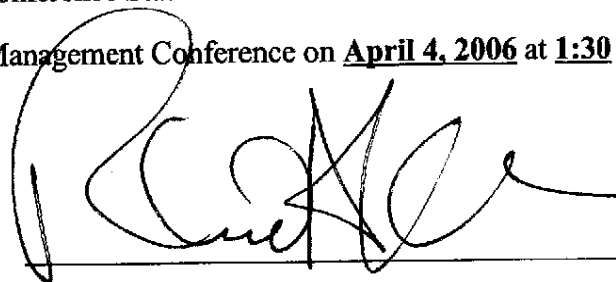
3 Counsel for Micron represented that Micron: (a) had not produced any documents in the *Hynix*  
4 *v. Rambus* case or the *Rambus v. Infineon* case; and (b) will produce documents previously  
5 produced in the *Rambus v. Micron* case and the *FTC Matter* **within twenty (20) business**  
6 **days, or March 23, 2006.**

7 In the Joint Case Management Conference Statement, Rambus also requested that this  
8 Court issue an order regarding the ongoing production of documents by Micron to the  
9 Department of Justice. Counsel for Micron represented that Micron will continue to meet and  
10 confer with Rambus regarding the production to Rambus of the Department of Justice  
11 documents. To the extent this matter is not resolved, then this issue will be address at the next  
12 Case Management Conference.

13 Given the Court's guidance as to the stay pending appeal and the scope of discovery, the  
14 parties are hereby ordered to meet and confer concerning all other bold-faced discovery issues  
15 contained in the Joint Case Management Conference Statement.

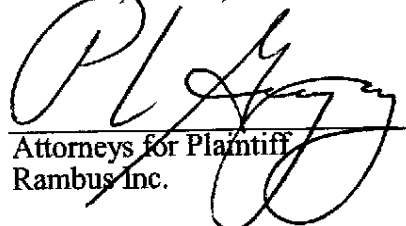
16 This matter is set for further Case Management Conference on **April 4, 2006 at 1:30**  
17 **p.m.**

18  
19 Dated: 4-26-06



HONORABLE RICHARD A. KRAMER  
JUDGE OF THE SUPERIOR COURT

22 PRESENTED BY:  
23 COTCHETT, PITRE, SIMON & McCARTHY

24  
25 By:   
26 Attorneys for Plaintiff  
27 Rambus Inc.