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DEC 17 2008

FILED
San Francisco County Superior Court

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12 Attorneys for Plaintiff
13 RAMBUS INC.

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF SAN FRANCISCO**

16 RAMBUS INC.,
17 Plaintiff,
18 vs.
19 MICRON TECHNOLOGY, INC., et al.
20 Defendants.

Case No.: 04-431105

[Complaint filed: May 5, 2004]

**STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING CERTAIN
SAMSUNG CROSS-CLAIMS**

Dept.: 304
Judge: Hon. Richard A. Kramer

Trial Date: March 16, 2009

22 SAMSUNG ELECTRONICS CO., LTD., et al.
23 Cross-Complainants,
24 vs.
25 RAMBUS INC.
26 Cross-Defendant.

A 20⁰⁹ PD

1 WHEREAS, there are actions pending between Plaintiff and Cross-Defendant
2 Rambus Inc. (“Rambus”) and Defendants and Cross-Complainants Samsung Electronics Co. Ltd.;
3 Samsung Semiconductor, Inc.; and Samsung Electronics America, Inc. (collectively, “Samsung”),
4 in the United States District Court of the Northern District of California (*Rambus Inc. v. Hynix*
5 *Semiconductor, Inc., et al.*, Case No. 05-00334-RMW, and *Rambus Inc. v. Samsung Electronics*
6 *Co., Ltd.*, Case No. 05-02298-RMW) (the “Federal actions”);

7 WHEREAS, on September 16, 2008, Samsung agreed to dismiss with prejudice
8 certain portions of Samsung’s claims, and related defenses, from the Federal actions;

9 WHEREAS, on September 16, 2008, in response to the dismissal with prejudice
10 by Samsung of certain portions of its claims in the Federal actions, Rambus agreed to dismiss as
11 moot certain affirmative defenses to the extent they were addressed to the dismissed portions of
12 Samsung’s claims;

13 WHEREAS, on September 16, 2008, the federal court ordered that certain portions
14 of Samsung’s claims and defenses be dismissed with prejudice from the Federal actions and that
15 related portions of certain Rambus affirmative defenses be dismissed as moot;

16 NOW THEREFORE, Rambus and Samsung, through their undersigned counsel,
17 HEREBY AGREE AND STIPULATE to drop certain issues from this case with prejudice. Their
18 respective statements are attached to this Order as Exhibits A (Samsung’s statement) and B
19 (Rambus’s responsive statement).


20 The Court, having considered the papers submitted by the Parties, HEREBY
21 MAKES THE FOLLOWING ORDER:

22 The Court accepts the parties’ stipulation to narrow the issues in this case. The
23 Court orders that Samsung’s cross-claims and defenses based on Rambus’s JEDEC conduct, the
24 conduct of Neil Steinberg, and representations made by Rambus in connection with the 1994
25 RDRAM technology and patent licensing agreements are dismissed with prejudice. Samsung’s
26 Third Cause of Action for Intentional Interference with Samsung’s Existing Contractual Relations
27 is dismissed in its entirety with prejudice. The Court orders that Rambus’s defenses to
28 Samsung’s cross-claims are dismissed as moot to the extent those defenses are based on the issues


1 Samsung has agreed to dismiss with prejudice.

2 This Order does not foreclose either party from arguing that Samsung's cross-
3 claims should be severed, dismissed, or otherwise disposed of in their entirety in light of the
4 dismissal with prejudice filed by Samsung in the Federal actions or the Northern District's past or
5 future resolution of the claims and defenses not dismissed by Samsung in the Federal actions.

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8 DATED: December 16 2008

By: 
Honorable Richard A. Kramer
Judge of the San Francisco Superior Court

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11 DATED: December 3, 2008

SHEPPARD MULLIN RICHTER & HAMPTON LLP
By: 
David R. Garcia

Attorneys for Defendants and Cross-Plaintiffs
SAMSUNG ELECTRONICS CORP. LTD.,
SAMSUNG SEMICONDUCTOR, INC. AND
SAMSUNG ELECTRONICS AMERICA, INC.

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18 DATED: December 4, 2008

COTCHETT, PITRE & MCCARTHY
MUNGER, TOLLES & OLSON LLP

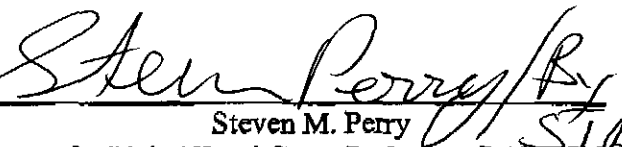

By: 
Steven M. Perry
Attorneys for Plaintiff and Cross-Defendant RAMBUS
INC. 

EXHIBIT A

EXHIBIT A

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3 Defendants and Cross-Claimants Samsung Electronics Co., Ltd.; Samsung
4 Electronics America, Inc.; and Samsung Semiconductor, Inc. (collectively "Samsung") hereby
5 dismiss, with prejudice, those portions of its claims under Cal. Bus. & Prof. Code section 17200
6 (the First and Second Causes of Action) and Intentional Interference with Prospective Economic
7 Advantage (Fourth Cause of Action), and related defenses, to the extent based on (1) Rambus's
8 JEDEC conduct; (2) the conduct of Neil Steinberg; and (3) representations made by Rambus in
9 connection with the 1994 RDRAM technology and patent licensing agreement, as amended. As
10 to all other asserted bases these claims are not dismissed and will be tried. Samsung agrees to the
11 dismissal with prejudice in its entirety of Samsung's claim of Intentional Interference with
12 Samsung's Existing Contractual Relations (Third Cause of Action).
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EXHIBIT B

EXHIBIT B

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3 In response to the dismissal with prejudice by Defendants and Cross-Complainants
4 Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; and Samsung
5 Semiconductor, Inc. (collectively "Samsung") of the portions of its claims under Cal. Bus. &
6 Prof. Code section 17200 (the First and Second Causes of Action) and Intentional Interference
7 with Prospective Economic Advantage (Fourth Cause of Action), and related defenses, to the
8 extent based on allegations related to JEDEC, Neil Steinberg, and/or representations made by
9 Rambus in connection with the 1994 RDRAM technology and patent licensing agreement, as
10 amended, Plaintiff and Cross-Defendant Rambus Inc. ("Rambus") dismisses as moot its
11 affirmative defenses to the extent they were addressed to the portions of Samsung's claims
12 described above. In response to the dismissal with prejudice by Samsung of its claim for
13 Intentional Interference with Existing Contractual Relations (Third Cause of Action) in its
14 entirety, Rambus dismisses as moot its affirmative defenses to the extent they were addressed to
15 Samsung's Third Cause of Action. Rambus's affirmative defenses, as asserted against other
16 portions of the First, Second, and Fourth Causes of Action, if any, are not dismissed.

17 Rambus reserves its argument that Samsung's claims should be severed,
18 dismissed, or otherwise disposed of in their entirety in light of the dismissal with prejudice filed
19 by Samsung in the United States District Court of the Northern District of California (*Rambus*
20 *Inc. v. Hynix Semiconductor, Inc., et al.*, Case No. 05-00334-RMW, and *Rambus Inc. v. Samsung*
21 *Electronics Co., Ltd.*, Case No. 05-02298-RMW) or the Northern District's resolution of the
22 claims and defenses not dismissed by Samsung.
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