

1 GREGORY P. STONE (SBN 78329)  
STEVEN M. PERRY (SBN 106154)  
2 MUNGER, TOLLES & OLSON LLP  
355 South Grand Avenue, 35<sup>th</sup> Floor  
Los Angeles, CA 90071-1560  
3 Telephone: (213) 683-9100; Facsimile: (213) 687-3702  
4 E-mail: gregory.stone@mto.com; steven.perry@mto.com

5 PETER A. DETRE (SBN 182619)  
CAROLYN HOECKER LUEDTKE (SBN 207976)  
6 MUNGER, TOLLES & OLSON LLP  
560 Mission Street, 27<sup>th</sup> Floor  
San Francisco, CA 94105-2907  
7 Telephone: (415) 512-4000; Facsimile: (415) 512-4077  
8 E-mail: peter.detre@mto.com; carolyn.luedtke@mto.com

9 PIERRE J. HUBERT (Pro Hac Vice)  
CRAIG N. TOLLIVER (Pro Hac Vice)  
10 McKOOL SMITH PC  
300 West 6th Street, Suite 1700  
Austin, TX 78701  
11 Telephone: (512) 692-8700; Facsimile: (512) 692-8744  
12 E-mail: phubert@mckoolsmith.com;  
ctolliver@mckoolsmith.com

13 Attorneys for Plaintiff  
14 RAMBUS INC.

15 UNITED STATES DISTRICT COURT

16 FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

17 HYNIX SEMICONDUCTOR INC.;  
HYNIX SEMICONDUCTOR AMERICA,  
18 INC.; HYNIX SEMICONDUCTOR U.K.  
LTD.; and HYNIX SEMICONDUCTOR  
DEUTSCHLAND GmbH,

19 Plaintiff,

20 vs.

21 RAMBUS INC.,

22 Defendant.

CASE NO. CV 00-20905 RMW

[PROPOSED] ORDER GRANTING RAMBUS  
INC.'S DAUBERT MOTION NO. 1 TO  
EXCLUDE CERTAIN TESTIMONY OF  
RICHARD J. GILBERT

Date: November 21, 2007  
Time: 2:00 pm  
Dept: Department 6, 4<sup>th</sup> Floor  
Judge: Hon. Ronald M. Whyte

23  
24 RAMBUS INC.,

25 Plaintiff,

26 v.

27 HYNIX SEMICONDUCTOR INC., et al.,

28 Defendants

CASE NO.: C 05-00334 RMW

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<p>RAMBUS INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>SAMSUNG ELECTRONICS CO., LTD., et al.,</p> <p style="text-align: center;">Defendants</p>	<p>CASE NO.: C 05-02298 RMW</p>
<p>RAMBUS INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MICRON TECHNOLOGY, INC. and MICRON SEMICONDUCTOR PRODUCTS, INC.,</p> <p style="text-align: center;">Defendants</p>	<p>CASE NO.: C 06-02244 RMW</p>

After reviewing the papers submitted by the parties and hearing argument, the Court hereby grants Rambus’s *Daubert* Motion No. 1 to Exclude Certain Testimony of Richard J. Gilbert. Specifically, Counterclaimants in the above-captioned cases should be precluded, pursuant to Federal Rules of Evidence 403 and 702, from eliciting testimony from Dr. Gilbert with respect to each and all of the following subjects:

- (1) The conclusions (“(a)” through “(h)”) summarized at pages six through eight (6-8) of Dr. Gilbert’s Rule 26 report;
- (2) The relevant market for evaluating Rambus’s market power and conduct;
- (3) Whether Rambus acquired or has monopoly power in any relevant market;
- (4) Whether Rambus’s alleged conduct was anticompetitive;
- (5) Whether Rambus’s alleged conduct caused it to acquire monopoly power or caused anticompetitive harm;

1 (6) Whether there is a dangerous probability that Rambus will acquire monopoly  
2 power in any relevant market;

3 (7) The contents of the evidence in this case;

4 (8) The credibility of, weight to be assigned to, or inferences and conclusions to be  
5 drawn from the evidence in the case;

6 (9) Whether JEDEC members should have known that Rambus had relevant  
7 intellectual property; and

8 (10) Whether JEDEC's meeting minutes and the content of its meetings were  
9 confidential.  
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11 IT IS SO ORDERED

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13 DATED: October 17, 2007

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15 By: \_\_\_\_\_  
16 Hon. Ronald M. Whyte

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