

United States District Court  
For the Northern District of California

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E-filed: 2/24/2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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

Plaintiffs,

v.

RAMBUS INC.,

Defendant.

No. C-00-20905 RMW

ORDER MEMORIALIZING COMPULSORY  
LICENSE NEGOTIATION GUIDELINES

On February 24, 2009, the court held a conference call with Rambus and Hynix to set guidelines with respect to negotiating a compulsory license for the use of Rambus's patents. This order memorializes the hearing, the parties' agreements and the court's schedule.

The parties shall conduct the negotiations under the auspices of their mediator, the Honorable Daniel Weinstein (ret.), to maintain the confidentiality of the negotiations and to expedite the resolution of the talks. This shall not be construed as a requirement that Hynix produce its senior executives for mediation sessions in the United States. The parties intend to meet on March 4 in Seoul, Korea to negotiate the terms of the compulsory license.

For the purposes of computing royalties, Hynix's sales up to January 31, 2009 will be subject


ORDER MEMORIALIZING COMPULSORY LICENSE NEGOTIATION GUIDELINES  
C-00-20905-RMW  
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1 to the court's order on supplemental damages. Hynix's sales following January 31, 2009 shall be  
2 subject to the compulsory license.

3 By February 27, the parties shall submit their proposed form of judgment, excluding details  
4 regarding the terms of a compulsory license. By March 9, the parties shall submit a proposed  
5 judgment including the terms of their compulsory license agreement. If the parties have not reached  
6 a complete agreement as to the terms of a compulsory license, the parties shall submit a short  
7 statement of their positions regarding any remaining disputed issues. The parties do not believe an  
8 evidentiary hearing will be needed. If the court deems oral argument necessary, the court will hear  
9 argument on March 17 at 10:00.

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DATED: 2/24/2009

  
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RONALD M. WHYTE  
United States District Judge

1 This document has been electronically sent to: counsel in 00-20905.

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**United States District Court**

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21 Counsel are responsible for distributing copies of this document to co-counsel that have not  
22 registered for e-filing under the court's CM/ECF program in each action.

23 **Dated:** 2/24/2009 TSF  
24 **Chambers of Judge Whyte**

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