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E-filed: 9/16/2008

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

RAMBUS INC.,

Plaintiff,

v.

HYNIX SEMICONDUCTOR INC., HYNIX
SEMICONDUCTOR AMERICA INC.,
HYNIX SEMICONDUCTOR
MANUFACTURING AMERICA INC.,

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR,
L.P.,

NANYA TECHNOLOGY CORPORATION,
NANYA TECHNOLOGY CORPORATION
U.S.A.,

Defendants.

No. C-05-00334 RMW

STIPULATION AND ORDER DISMISSING
PORTIONS OF CERTAIN CLAIMS AND
DEFENSES WITH PREJUDICE

RAMBUS INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR,
L.P.,

Defendants.

No. C-05-02298 RMW

STIPULATION AND ORDER DISMISSING PORTIONS OF CERTAIN CLAIMS AND DEFENSES WITH PREJUDICE
C-05-00334 RMW; C-05-02298 RMW
TSF

1 A bench trial between Rambus and Samsung on various claims and defenses is scheduled to
2 begin on September 22, 2008. At a pretrial conference on September 16, 2008, Rambus and
3 Samsung agreed to drop certain issues from the case with prejudice. Their statements are attached to
4 this order as Exhibits A (Samsung's pleading) and B (Rambus's responsive pleading).

5 The court accepts the parties' stipulation to narrow the issues in this case. The court orders
6 that Samsung's claims and defenses based on Rambus's JEDEC conduct, the conduct of Neil
7 Steinberg, and representations made by Rambus in connection with the 1994 RDRAM technology
8 and patent licensing agreements are dismissed with prejudice. The court orders that Rambus's
9 defenses to Samsung's claims – release, laches, statute of limitations, and *Noerr-Pennington* – are
10 dismissed as moot to the extent those defenses are based on the issues Samsung has agreed to
11 remove from the case.

12
13 DATED: 9/16/2008
14 _____

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to: counsel in 05-00334 & 05-02298.**

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

Dated: 9/16/2008

TSF
Chambers of Judge Whyte

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EXHIBIT A

C-05-00334-RMW &
C-05-02298-RMW

Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc. and Samsung Austin Semiconductor LP (collectively, "Samsung") hereby dismiss, with prejudice, those portions of its claims under Cal. Bus. & Prof. Code section 17200 (count VII), for declaratory relief of unenforceability (count X) and related defenses of estoppel, equitable estoppel and implied license to the extent based on (1) Rambus' JEDEC conduct, (2) the conduct of Neil Steinberg (to the extent not already dismissed by the Court in its August 11, 2008 summary judgment order) and (3) representations made by Rambus in connection with the 1994 RDRAM technology and patent licensing agreement. As to all other asserted bases these claims and defenses are not dismissed and will be tried.

MBP

as amended.

9/16/08



Matthew D. Powers
Counsel for Samsung

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EXHIBIT B

C-05-00334-RMW &
C-05-02298-RMW

In response to the dismissal with prejudice
by the Samsung ~~and~~ parties of Counts VII and X
to the extent based on allegations related to
JEDEC, RDRAM licensing and/or Neil Steinberg,
Rambus dismisses as moot its affirmative defenses
of release, laches, statute of limitations, and
Noerr-Pennington as and to the extent they
were addressed to the portions of Samsung's
Counts ~~VI~~ VII and X described above. These
defenses, as asserted against other portions
of Counts VII and X and other of Samsung's
claims are not dismissed and will be tried.

Gregory R. Stone

Attorney For Rambus Inc.