

1 *Attorneys Listed On Signature Page*

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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 RAMBUS INC.;

12 Plaintiff,

13 v.

14 HYNIX SEMICONDUCTOR INC., HYNIX
15 SEMICONDUCTOR AMERICA INC., HYNIX
SEMICONDUCTOR MANUFACTURING
AMERICA INC.,

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

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

21 Defendants.

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Case No. C 05-00334 RMW

**MISCELLANEOUS ADMINISTRATIVE
REQUEST PURSUANT TO CIVIL
LOCAL RULES 7-10 AND 79-5 TO SEAL
THE CONFIDENTIAL VERSION OF
MICRON'S AND SAMSUNG'S
DAUBERT MOTION TO PRECLUDE
DAVID J. TEECE FROM OFFERING
TESTIMONY REGARDING AN
"INFRINGER'S ROYALTY,"
ROYALTY RATE SURVEYS AND TWO
UNQUANTIFIED "ADJUSTMENTS"
THAT ALLEGEDLY "OFFSET ONE
ANOTHER" (DAUBERT NO. 8) AND
EXHIBITS A, B, X, Y AND Z TO THE
DECLARATION OF DAVID J. LENDER
IN SUPPORT THEREOF AND THE
CONFIDENTIAL VERSION OF
MICRON'S AND SAMSUNG'S JOINT
DAUBERT MOTION AND MOTIONS *IN
LIMINE* REGARDING CERTAIN
DAMAGES ISSUES (DAUBERT NO. 9)
AND EXHIBITS A, C, D, E AND F TO
THE DECLARATION OF DAVID J.
LENDER IN SUPPORT THEREOF**

Hearing Date: December 2, 2008
Time: 9:00 a.m.
Courtroom: 6
Judge: Hon. Ronald M. Whyte

MISCELLANEOUS ADMINISTRATIVE REQUEST TO
SEAL DOCUMENTS

CASE NO. C 05 02298 RMW
CASE NO. C 05 00334 RMW
CASE NO. C 06 00244 RMW

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RAMBUS INC.,
Plaintiff,
v.

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

Case No. C 05-02298 RMW

RAMBUS INC.,
Plaintiff,
v.

MICRON TECHNOLOGY, INC. and MICRON
SEMICONDUCTOR PRODUCTS, INC.,
Defendants.

Case No. C 06-00244 RMW

1 Micron Technology, Inc., Micron Semiconductor Products, Inc., Samsung
2 Electronics Co., LTD., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and
3 Samsung Austin Semiconductor L.P.'s ("Defendants") hereby request, pursuant to Civil Local
4 Rules 7-10 and 79-5, an Order sealing the following documents lodged with the Court in
5 connection with the Defendants' Joint Daubert Motion and Motions *in Limine* Regarding Certain
6 Damages Issues:

7 1. The confidential version of Micron Technology, Inc., Micron
8 Semiconductor Products, Inc., Samsung Electronics Co., LTD., Samsung Electronics America,
9 Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor L.P.'s Joint *Daubert*
10 Motion and Motions *in Limine* Regarding Certain Damages Issues (*Daubert* No. 9) ("Confidential
11 Joint *Daubert* Brief");

12 2. **Exhibit A** to the Declaration of David J. Lender In Support of Micron
13 Technology, Inc., Micron Semiconductor Products, Inc., Samsung Electronics Co., LTD.,
14 Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin
15 Semiconductor L.P.'s Joint Daubert Motion and Motions *in Limine* Regarding Certain Damages
16 Issues. This exhibit is a true and correct copy of the Expert Report of David Teece for Micron,
17 dated September 5, 2008.

18 3. **Exhibit C** to the Declaration of David J. Lender In Support of Micron
19 Technology, Inc., Micron Semiconductor Products, Inc., Samsung Electronics Co., LTD.,
20 Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin
21 Semiconductor L.P.'s Joint Daubert Motion and Motions *in Limine* Regarding Certain Damages
22 Issues. This exhibit is a true and correct copy of the Expert Report of Stephen D. Prowse, Ph.D,
23 CFA, dated September 26, 2008.

24 4. **Exhibit D** to the Declaration of David J. Lender In Support of Micron
25 Technology, Inc., Micron Semiconductor Products, Inc., Samsung Electronics Co., LTD.,
26 Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin
27 Semiconductor L.P.'s Joint Daubert Motion and Motions *in Limine* Regarding Certain Damages
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1 Issues. This exhibit is a true and correct copy of Chris Morzano's diary entry, dated February 25,
2 2002 (MNDC328439-40).

3 5. **Exhibit E** to the Declaration of David J. Lender In Support of Micron
4 Technology, Inc., Micron Semiconductor Products, Inc., Samsung Electronics Co., LTD.,
5 Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin
6 Semiconductor L.P.'s Joint Daubert Motion and Motions *in Limine* Regarding Certain Damages
7 Issues. This exhibit is a true and correct copy of the Expert Report of Robert Murphy, dated
8 September 5, 2008.

9 6. **Exhibit F** to the Declaration of David J. Lender In Support of Micron
10 Technology, Inc., Micron Semiconductor Products, Inc., Samsung Electronics Co., LTD.,
11 Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin
12 Semiconductor L.P.'s Joint Daubert Motion and Motions *in Limine* Regarding Certain Damages
13 Issues. This exhibit is a true and correct copy of the Expert Report of David Teece for Samsung,
14 dated September 5, 2008.

15 7. The confidential version of Micron Technology, Inc., Micron
16 Semiconductor Products, Inc., Samsung Electronics Co., LTD., Samsung Electronics America,
17 Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor L.P.'s Micron And
18 Samsung *Daubert* Motion No. 8 To Preclude David J. Teece From Offering Testimony Regarding
19 An "Infringer's Royalty," Royalty Rate Surveys And Two Unquantified "Adjustments" That
20 Allegedly "Offset One Another" ("Confidential *Daubert* Brief").

21 8. **Exhibit A** to the Declaration of David Lender in Support of Micron and
22 Samsung's *Daubert* Motion to Preclude David J. Teece From Offering Testimony Regarding An
23 "Infringer's Royalty," Royalty Rate Surveys and Two Unquantified "Adjustments" that Allegedly
24 "Offset One Another." This exhibit is a true and correct copy of excerpts from the deposition
25 transcript (Rough) of David J. Teece dated October 21, 2008.

26 9. **Exhibit B** to the Declaration of David Lender in Support of Micron and
27 Samsung's *Daubert* Motion to Preclude David J. Teece From Offering Testimony Regarding An
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1 “Infringer’s Royalty,” Royalty Rate Surveys and Two Unquantified “Adjustments” that Allegedly
2 “Offset One Another.” This exhibit is a true and correct copy of the Expert Report of David J.
3 Teece dated September 5, 2008.

4 10. **Exhibit X** to the Declaration of David Lender in Support of Micron and
5 Samsung’s *Daubert* Motion to Preclude David J. Teece From Offering Testimony Regarding An
6 “Infringer’s Royalty,” Royalty Rate Surveys and Two Unquantified “Adjustments” that Allegedly
7 “Offset One Another.” This exhibit is a true and correct copy of excerpts from the deposition
8 transcript of Geoffrey Tate in *Rambus Inc. v. Infineon Technologies AG*, Civ. No. 3:00CV524,
9 dated January 16, 2001.

10 11. **Exhibit Y** to the Declaration of David Lender in Support of Micron and
11 Samsung’s *Daubert* Motion to Preclude David J. Teece From Offering Testimony Regarding An
12 “Infringer’s Royalty,” Royalty Rate Surveys and Two Unquantified “Adjustments” that Allegedly
13 “Offset One Another.” This exhibit is a true and correct copy of excerpts from the deposition
14 transcript (Rough) of David Teece, dated October 20, 2008.

15 12. **Exhibit Z** to the Declaration of David Lender in Support of Micron and
16 Samsung’s *Daubert* Motion to Preclude David J. Teece From Offering Testimony Regarding An
17 “Infringer’s Royalty,” Royalty Rate Surveys and Two Unquantified “Adjustments” that Allegedly
18 “Offset One Another.” This exhibit is a true and correct copy of excerpts from the deposition
19 transcript of Stephen D. Prowse, Ph.D, CFA, dated October 22, 2008.

20 Pursuant to the Protective Order entered by the Court on June 21, 2007, parties
21 may designate these documents as Confidential – Attorneys And Consultants Eyes Only as well
22 as Highly Confidential. The Protective Order requires that, when so designated, such materials
23 are to be filed with the Court under seal. D.I. 93, *Rambus Inc. v. Micron Technologies, Inc. et al.*,
24 Case No. C 06-00244 RMW (N.D. Cal. June 21, 2007) ¶ 22.

25 The Confidential Joint *Daubert* Brief (Daubert No. 9), Exhibits A, C, D, E, and F
26 to the Declaration of David J. Lender In Support of to the Declaration of David J. Lender In
27 Support of Micron Technology, Inc., Micron Semiconductor Products, Inc., Samsung Electronics
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1 Co., LTD., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung
2 Austin Semiconductor L.P.'s Joint Daubert Motion and Motions *in Limine* Regarding Certain
3 Damages Issues, the Confidential *Daubert* Brief, and Exhibits A, B, X, Y, Z to the Declaration of
4 David Lender in Support of Micron and Samsung's *Daubert* Motion to Preclude David J. Teece
5 From Offering Testimony Regarding An "Infringer's Royalty," Royalty Rate Surveys and Two
6 Unquantified "Adjustments" that Allegedly "Offset One Another" contain information designated
7 by Rambus Inc., Micron, and/or Samsung as "Highly Confidential" and/or "Confidential –
8 Outside Counsel Only" See Declaration of John D. Beynon In Support of Miscellaneous
9 Administrative Request Pursuant to Civil Local Rules 7-10 And 79-5 To Seal Documents ¶¶ 2-8.

10 Accordingly, this request is narrowly tailored to seal only that material for which
11 good cause to seal has been established. A Proposed Order has been filed and served herewith.

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13 Dated: October 27, 2008

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