



Attorneys at Law

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RAMBUS

UPDATE: IT MAY NOT BE OVER YET

Andrew Updegrove

In our last issue, we reported that the Appeals court had largely overturned the trial court's holdings in the much-watched *Rambus v. Infineon* case (www.consortiuminfo.org/bulletins/feb03.php#editorial). We also reported on the possible adverse consequences of that decision, and invited consortia and SDOs to join in a "Friend of the Court" brief which we intended to file in support of Infineon's motion to rehear the case. Six major consortia responded, and we filed that brief on February 25, 2003. The Court received three other Amicus Curiae briefs -- from JEDEC (the organization whose standards process formed the setting for the facts at issue), from a group of eight companies (including AMD, HP and Micron Technologies - which has itself been sued by Rambus) and from Robert Harmon, a patent attorney.

While most rehearing requests are refused, the Court asked Rambus to file a responsive brief with the Court - a sign that the Court is taking the rehearing request seriously. Rambus filed its response on March 25, 2003. The next step will be for the Court to announce whether or not the petition for a rehearing will be granted. We will report that news when it occurs.

The following is a press release relating to the filing of the brief:

BOSTON LAW FIRM AND TECHNOLOGY GROUPS TEAM UP TO FIGHT LANDMARK DECISION THAT COULD UNDERMINE HUNDREDS OF TECH STANDARDS

"Friend of the Court" Brief Filed on Behalf of Six Major Standard Setting Organizations Seeks Rehearing of Rambus v. Infineon Appeal

BOSTON, MASS. - March 12, 2003 - Boston-based law firm Lucash, Gesmer & Updegrove, LLP today announced that it had filed a "friend of the court" brief on behalf of six major standard setting organizations (SDOs) in an effort to influence the outcome of *Rambus v. Infineon*, one of the most closely watched cases in the technology industry. The organizations supporting the brief boast more than 850 members, including the great majority of the most prominent technology companies in the world.

For the complete press release, see: www.consortiuminfo.org/pressrelease/rambus.shtml

For a selection of news articles based upon the press release and interviews, see:

www.internetnews.com/infra/article.php/2108831

www.idg.net/ic_1219185_9675_1-5124.html

www.e-insite.net/index.asp