

Issued by the
UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS

RAMBUS INC.
 V.
 INFINEON TECHNOLOGIES AG et al.

SUBPOENA IN A CIVIL CASE

Case Number: 1 3:00CV524
 (United States District Court
 Eastern District of Virginia)

TO: Slater & Matsil, L.L.P.
 15150 Preston Road
 Suite 300
 Dallas, Texas 75248

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Fish & Richardson 5000 Bank One Center 1717 Main St. Dallas, Texas 75201	DATE AND TIME March 12, 2004; 1:00 p.m.
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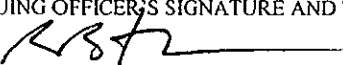
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
 See Attachment A

PLACE Christian & Barton LLP 909 East Main Street, Suite 1200 Richmond, VA 23219	DATE AND TIME March 8, 2004; 9:30 a.m.
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) 	DATE February 19, 2004
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
 R. Braxton Hill, IV, Christian & Barton LLP, 909 East Main Street, Suite 1200, Richmond, VA 23219 (804) 697-4100
 (Attorney for Plaintiff Rambus, Inc.)

¹If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE

PLACE

SERVED:

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

RAMBUS INC.,

Plaintiff-Counterclaim Defendant,

v.

INFINEON TECHNOLOGIES AG, *et al.*,

Defendants-Counterclaim Plaintiffs.

Civil Action No.: 3:00cv524

**NOTICE OF DEPOSITION OF SLATER & MATSIL, LLP PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 30(b)(6)**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff/Counterclaim Defendant Rambus Inc. ("Rambus"), by its counsel, will take the deposition upon oral examination of Slater & Matsil, LLP, regarding the subject matter and topics set forth in Attachment A.

The deposition will begin at 1:00 pm on March 12, 2004 at the offices of Fish & Richardson, 5000 Bank One Center, 1717 Main St., Dallas, Texas 75201, or at some other time and place as may be agreed upon by counsel. The examination will be taken before a Notary Public or other person authorized to administer oaths and will continue from day to day until completed. The testimony at the deposition will be recorded by videographic and/or stenographic means.

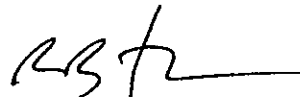
In accordance with Federal Rule of Civil Procedure 30(b)(6), Slater & Matsil, LLP shall designate one or more officers, directors managing agents or other persons who consent to testify on its behalf as to each of the topics set forth in Attachment A. Slater & Matsil, LLP is requested to provide counsel for Rambus with the identity of the individual(s) who will testify regarding each topic at least one week in advance of the deposition.

You are invited to attend.

DATED: February 19, 2004

Respectfully Submitted,

CHRISTIAN & BARTON, L.L.P.



Michael W. Smith VSB 01125
Craig T. Merritt VSB 20281
R. Braxton Hill, IV VSB 41539
CHRISTIAN & BARTON, LLP
909 East Main Street, Ste. 1200
Richmond, VA 23219
Telephone: 804 697-4100
Facsimile: 804 697-4112

OF COUNSEL:

Gregory P. Stone
Peter A. Detre
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560
Telephone: (213) 683-9100
Facsimile: (213) 687-3702

John M. Guaragna
GRAY CARY WARE & FREIDENRICH LLP
1221 South MoPac Expressway, Suite 400,
Austin, TX 78746-6875
Telephone: (512) 457-7125
Facsimile: (512) 457-7001

Attorneys For Plaintiff and Counterclaim
Defendant Rambus Inc.

ATTACHMENT A

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, Rambus hereby requests that Slater & Matsil, LLP produce for inspection and copying the documents and things requested below.

DEFINITIONS

A. The terms “you”, “your” and “yours” shall mean Slater & Matsil, LLP, and any other entities owned or controlled by it, as well as its present or former partners, associates, employees, agents, consultants, and all others acting or purporting to act on its behalf.

B. The term “Infineon” shall mean defendants Infineon Technologies AG, Infineon Technologies North America Corp., Infineon Technologies Holding North America, Inc. and their parents, subsidiaries, affiliates, divisions, related entities, predecessors (including Siemens), successors, and any present or former officers, directors, trustees, employees, agents or representatives.

C. The term “Rambus” shall mean plaintiff Rambus Inc., its affiliates, divisions, related entities, predecessors, successors, and any present or former officers, directors, trustees, employees, agents or representatives.

D. The word “person” or “persons” includes natural persons and entities such as partnerships, corporations, governmental entities, or any other groups, associations or organizations.

E. The term “this action” shall mean Rambus Inc. v. Infineon Technologies AG et al., Civil Action No. 3:00CV524 (E.D. Va.).

F. The term “communication” means any transfer or exchange between two or more persons or entities of any information whether by written, oral, electronic or other means, including but not limited to personal conversations, correspondence, electronic mail, telephone calls, facsimile communications, or telegrams.

G. The term “document” shall be construed in its customary broadest sense, and includes any recordation of information whether printed, handwritten, recorded, reproduced or

stored by any mechanical or electronic process, method or means, and whether claimed to be privileged or otherwise protected from discovery. Further, the term “document” includes, without limitation, envelopes, hand-written notations on any paper or object including product packaging, receipts, computer calculator or machine print-outs, cover sheets, or internal distribution listings. If copies, duplicates or revised versions of a document have been prepared and are not identical or have undergone alterations by the addition or deletions of notations or other modifications, each copy is a separate document.

H. The term “patents-in-suit” shall mean U.S. Patent No. 5,953,263 (“the ‘263 Patent”), U.S. Patent No. 5,954,804 (“the ‘804 Patent”); U.S. Patent 6,034,918 (“the ‘918 Patent”).

I. The words “any” and “all” shall include “each and every.”

J. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of a noun or pronoun so used, and vice versa.

K. The terms “relating to,” “related to” or “relate to” shall mean embodying, pertaining, concerning, involving, constituting, commenting upon, comprising, reflecting, discussing, evidencing, supporting, contradicting, mentioning, referring to, consisting of, responding to, or having any logical or factual connection whatever with the subject matter in question.

INSTRUCTIONS

A. All responsive documents within your possession, custody or control shall be produced.

B. Each responsive document or portion thereof that you claim is privileged against discovery on any ground shall be identified by providing:

1. a description of the general type of document, i.e. letter, memorandum, report, miscellaneous note, etc.;
2. the date;
3. the author;

4. all addresses, recipients, copyholders and other distributees;
5. the organization, if any, with which each author, addressee, recipient, or distributee was then connected and his job title or description;

6. the number of pages;
7. a general summary of the subject matter; and
8. the grounds for refusing to produce the document or portion thereof.

C. Any document requested of which you have knowledge or information but that is not in your possession, custody or control shall be identified in the manner set forth in paragraph B hereof.

D. All documents requested shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in these requests. File folder tabs, file labels, binder labels, binder tabs or other organizational marks or labels that identify documents or the location of documents responsive to these requests shall be produced so as to identify the documents contained within that file or binder.

E. Electronic records and computerized information must be produced in an intelligible format or together with a description of the system from which it was derived sufficient to permit rendering the materials intelligible.

F. Selection and numbering of responsive documents shall be performed in such manner as to enable the source of each document to be determined.

G. The connectives "and" and "or" shall be construed conjunctively or disjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

H. Any word written in the singular shall be construed as plural or vice-versa so as to construe a discovery request as broadly as possible.

I. These requests are deemed to be continuing so that with respect to any request or part thereof as to which you, after responding, discovers additional responsive documents,

Infineon shall produce such documents immediately after acquiring knowledge of their existence or advise in writing as to why such additional documents cannot be provided immediately.

DOCUMENT REQUESTS

1. All documents relating to Rambus or RDRAMs created prior to the filing of this action.
2. All documents relating to any policies and procedures employed, adopted considered and/or promulgated by Infineon relating to the retention or destruction of documents.
3. All documents relating to any communications between you and Infineon relating to Infineon's retention or destruction of documents.
4. All documents relating to the identify and content of any documents destroyed, discarded, or disposed of pursuant to any document retention or destruction policy implemented by, for, or at the request of Infineon.
5. All documents relating to Infineon's failure to produce relevant, responsive documents to Rambus within the statutorily prescribed time periods before the first trial in this action including, but not limited to: (1) Infineon's late production of documents in the possession of Willibald Meyer (and others) prior to the first trial in this action; (2) Infineon's production of documents in the FTC proceeding against Rambus after the first trial in this action; and (3) Infineon's production of documents to Rambus following remand of this action.
6. All documents relating to Infineon's failure to produce relevant, responsive documents to Rambus that should have been within the possession, custody or control of Infineon including but not limited to documents relating to: (1) JEDEC; (2) Synclink and (3) Siemens/Infineon's RDRAM licensing activities.
7. All documents relating to all communications between you, on the one hand, and any agent, employee or representative of any other person or entity, on the other hand, including but not limited to other DRAM manufacturers, the FTC,

Congress, members of Congress, or other governmental agencies, including but not limited to European governmental authorities, if such communications related to, mentioned, referred to or discussed DRAM, whether SDRAM, DDR SDRAM, RDRAM or other versions, Rambus, or JEDEC.

8. All documents provided by you to other DRAM manufacturers, the FTC, Congress, members of Congress, or any other governmental agencies, including, but not limited to European governmental authorities, to the extent such documents relate to, mention, refer to or discuss DRAM, whether SDRAM, DDR SDRAM, RDRAM or other versions, Rambus or JEDEC
9. All documents relating to Infineon's joint ventures and/or any other joint activities, including investments in each other and joint defense, that relate to DRAM, whether SDRAM, DDR SDRAM, RDRAM or other versions, or Rambus and that involve Infineon, on the one hand, and one or more of the following, on the other hand: Micron, Hynix (and its predecessor Hyundai), Intel, HP, AMD, Samsung, Fujitsu, Mitsubishi, Nvidia, Cray, SGI and IBM.
10. All documents relating to Rambus, RDRAMs or JEDEC, which you provided to or received from Micron and/or Hynix (or its predecessor Hyundai) or any of their agents, employees or representatives, on the other hand, since January 1, 2000.
11. All documents relating to any communications between you and Kirkland & Ellis LLP relating to Rambus.
12. All documents relating to any opinions, oral or written, you have provided to Infineon or Kirkland & Ellis relating to this action including, but not limited to, opinions relating to the infringement, enforceability, or validity or any Rambus patent.
13. All documents relating to the time entries listed in the Slater & Matsil invoices attached hereto as Exhibit A.

DEPOSITION TOPICS

1. Infineon's failure to produce relevant, responsive documents to Rambus within the statutorily prescribed time periods before the first trial in this action including, but not limited to: (1) Infineon's late production of documents in the possession of Willibald Meyer (and others) prior to the first trial in this action; (2) Infineon's production of documents in the FTC proceeding against Rambus after the first trial in this action; and (3) Infineon's production of documents to Rambus following remand of this action.
2. Infineon's failure to produce relevant, responsive documents to Rambus in this action that should have been within the possession, custody or control of Infineon including but not limited to documents relating to: (1) JEDEC; (2) Synlink; and (3) Siemens/Infineon's RDRAM licensing activities.
3. All communications between you and Infineon relating to Infineon's management, retention and destruction of documents.
4. The procedures and policies Infineon employs relating to the management, retention and destruction of documents.
5. Any actions taken by you in response to instructions or requests from Infineon relating to any Infineon policy or procedure relating to the retention or destruction of documents.
6. All communication between you, on the one hand, and any agent, employee or representative of any other person or entity, on the other hand, including but not limited to other DRAM manufacturers, the FTC, Congress, members of Congress, or other governmental agencies, including but not limited to European governmental authorities, if such communications related to, mentioned, referred to or discussed DRAM, whether SDRAM, DDR SDRAM, RDRAM or other versions, Rambus, or JEDEC.
7. All communication between you and Kirkland & Ellis relating to Rambus.

8. All opinions, oral or written, you have provided to Infineon or Kirkland & Ellis relating to this action including, but not limited to, opinions relating to the infringement, enforceability, or validity or any Rambus patent.
9. The legal services you provided to Infineon relating to this action including, but not limited to, the subject matter described in the Slater & Matsil LLP invoices attached hereto as Exhibit A.

CERTIFICATE

I hereby certify that a true copy of the foregoing was served this 19th day of February,
2004 on:

Brian C. Riopelle
MCGUIREWOODS, LLP
One James Center
901 East Cary Street
Richmond, VA 23219
BY HAND

Counsel for Defendants

John M. Desmarais
Gregory S. Arovas
KIRKLAND & ELLIS
Citigroup Center
153 East 53rd Street
New York, New York 10022
BY OVERNIGHT DELIVERY



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