

Antitrust CASE STUDY

Case: Federal Trade Commission v. Rambus

Clients: Munger, Tolles & Olson

Year: 2003/2004

Venue: Federal Trade Commission Hearing, Washington, DC

The Federal Trade Commission alleged that our client, Rambus, concealed patent applications for more than four years while participating in an industry group that was developing an open standard for a widely used piece of computer chip technology. The FTC brought an antitrust complaint against Rambus, saying that its patents for “synchronous dynamic random access memory” could illegally extract more than \$1 billion from the memory chip industry. The FTC’s action threatened Rambus’ core asset, its intellectual property, and presented our client with a “bet-the-company” scenario.

Challenges

Counsel for Rambus would need to describe the process and rules of the group responsible for setting open industry standards. In particular, Think Twice would need to illustrate the disclosure policies required of group members, and their implications given Rambus’ participation in the standards setting body.

Counsel would also need to compare the patent application process, with all of its vagaries, to the complicated process of setting technology standards. Finally, the judge presiding over the matter would require a tutorial on Rambus’ technology and its market opportunity.

Solutions

Working with technical experts, economists and counsel, Think Twice created a series of demonstratives that built a foundation of understanding for the mission of the standards setting body, its complex workings and approval processes.

We created a number of still graphics, technical illustrations and animations to explain a wide variety of market and technical issues.


Think Twice provided continuous graphic support to counsel throughout more than two months of trial in Washington, DC.

Outcome

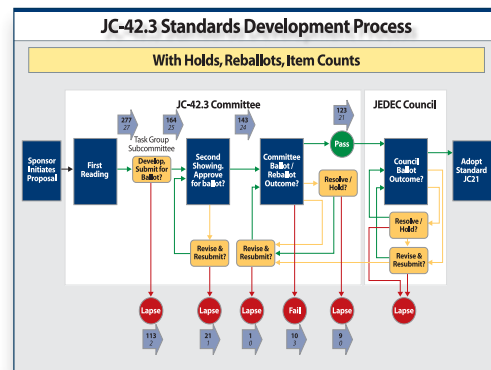
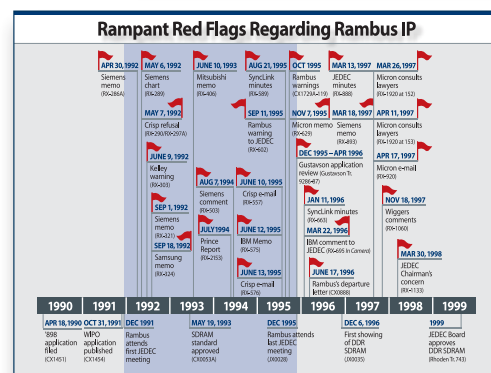
The judge ruled that the FTC failed to “sustain its burden of establishing liability for the violations alleged” and dismissed the case. Counsel for Rambus has retained Think Twice for support in patent-infringement actions against a number of other companies as a consequence of this ruling.

This Trial

Why are we here?



- 1 Farmwald and Horowitz solved a critical problem with revolutionary inventions.**
- 2 All DRAM manufacturers use at least some of the fundamental F&H inventions.**
- 3 Rambus wants to be paid by those who use its inventions.**



Services Provided

- Strategic planning
- Creative development
- Graphic design
- Technical illustrations
- Tutorials
- 2D animations
- Still graphics, slides & boards
- Document treatments
- War-room management
- Trial technicians & artists