



*Attorneys at Law*

# Consortium Standards Bulletin

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## UPDATES

### Shareholder Suit Against Rambus Dropped While FTC Trial Continues

While the Federal Trade Commission's antitrust hearing against Rambus Inc. is still continuing, Rambus has already gained one advantage. Recently, Administrative Law Judge Stephen McGuire ruled that the attorney-client privilege bars some information from being introduced, which the FTC had sought to present, including communications among Rambus management and its outside legal counsel.

The ruling is significant in two respects: First, it is the reverse of a decision made in Rambus' patent infringement trial against Infineon Technologies AG. In that action, U.S. District Court Judge Robert Payne refused to uphold the attorney-client privilege with respect to certain documents, thus allowing Infineon to obtain documents involving Rambus' patent filings. And second, it was communications between Rambus and its counsel that appeared to particularly influence the jury in that action.

Meanwhile, Rambus shareholders have abandoned a class-action suit in which they had claimed that the actions of Rambus had depleted the value of their stock. The case was dropped after a U.S. Appeals Court overturned fraud charges against Rambus in the earlier Infineon trial referred to above. The shareholders agreed to permit the case to be dismissed "with prejudice," which will prevent the original plaintiffs from refiling the suit or an appeal, although other stockholders could still file a separate suit.

*For related articles see:*

[Rambus Wins Round in FTC suit, CommsDesign.com, June 6, 2003](#)

[Stockholders Drop Suit Against Rambus, CNET News.com, May 28, 2003](#)



### H.R. 1086 Passed by US House of Representatives, Moves to Senate

H.R. 1086, The Standards Development Organization Advancement Act of 2003 was passed by the U.S. House of Representatives on June 10, 2003. The bill, addressed in depth by previous issues of the Consortium Standards Bulletin ([WHAT IS CONGRESS UP TO? WATCH OUT FOR H.R. BILL 1086](#) and [UPDATE: CSB ARTICLE SPURS ACTION TO PROTECT CONSORTIA \(H.R. 1086\)](#)), provides limited relief to standards development organizations under federal anti-trust laws. The bill has now been referred to the Senate Judiciary Committee.

For the Full Text and Status of the Legislation, see: <http://thomas.loc.gov/>



### W3C Releases New Version of Key Web Services Standard

In our last issue, we focused on web services standards, and the question of which consortia are most appropriate to set them. On June 24, another key component of the web services standards infrastructure

clicked into place with the release by the World Wide Web Consortium (W3C) of its formal "Recommendation" of its SOAP Version 1.2, developed by its XML Protocol Working Group.

*For the full release, see:* <http://www.w3.org/2003/06/soap12-pressrelease.html.en>

*For further information, see Frequently Asked Questions on SOAP Version 1.2:*  
<http://www.w3.org/2003/06/soap12faq.html>

*Other SOAP Version 1.2 documents include:*

*Primer:* <http://www.w3.org/TR/2003/REC-soap12-part0-20030624/>

*Messaging Framework:* <http://www.w3.org/TR/2003/REC-soap12-part1-20030624/>

*Adjuncts:* <http://www.w3.org/TR/2003/REC-soap12-part2-20030624/>

*Specification Assertions and Test Collection:* <http://www.w3.org/TR/2003/REC-soap12-testcollection-20030624/>



### **OpenGIS Endorses W3C Royalty-Free Policy, Approves OGC IPR Policies To Further Safeguard Open, Public Standards**

In our last issue, we reported on the announcement by the W3C that it had successfully developed and secured adoption by its broad membership of a policy that would virtually guarantee its adoption of only standards which could be implemented on a royalty free basis. We also suggested that W3C's announcement would have an impact on the decisions of other consortia. In the following press release the OpenGIS Consortium not only reaffirms its own royalty-free principles, but states "We are pleased to be able to reinforce the profoundly important statement made by the W3C in defense of the unencumbered use of open, publicly available standards specifications."

For the full release, see: [http://www.opengis.org/pressrm/pressrelease/20030609\\_IPR\\_PR.htm](http://www.opengis.org/pressrm/pressrelease/20030609_IPR_PR.htm)

To view the OpenGIS Intellectual Property Rights Policy, see:  
<http://www.opengis.org/legal/ipr.htm>