UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: Timothy J. Muris, Chairman

Mozelle W. Thompson

Orson Swindle Thomas B. Leary Pamela Jones Harbour

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In the Matter of

RAMBUS INCORPORATED,

a corporation.

Docket No. 9302

ORDER GRANTING MOTIONS FOR LEAVE TO FILE BRIEFS AMICI CURIAE AND SCHEDULING ORAL ARGUMENT

On April 16, 2004, JEDEC Solid State Technology Association; the Consumer Electronics Association, *et al.*; Micron Technology, Inc., *et al.*; and Joseph Farrell, *et al.* filed timely motions for leave to file briefs *amici curiae* in this matter. Pursuant to Commission Rule 3.52(j), 16 C.F.R. § 3.52(j), the Commission has determined to grant these four motions, because the public interest will benefit from Commission consideration of the perspectives enunciated in the four accompanying briefs.

The Commission has also determined, as a matter of discretion, to schedule the oral argument for 10:00 a.m. on Tuesday, September 21, 2004, in order to ensure that it has sufficient time prior thereto to review the voluminous record in this matter. On March 18, 2004, the Commission issued an Order granting the parties' Joint Motion for Extensions of Time and Word Count Limits Throughout the Appellate Briefing Schedule.¹ That Order provides that if Respondent perfects its cross-appeal, the final appellate brief will not be due until July 16, 2004. Moreover, as the Commission indicated in granting the Joint Motion, the record in this matter is extremely lengthy and detailed; the trial lasted 54 days, with 44 live witnesses and 15 designated deposition witnesses, more than 1,900 exhibits, and a trial transcript more than 11,800 pages in length; the parties submitted more than 3,000 pages of proposed findings of fact and reply findings of fact; post-trial briefs and reply briefs amounted to almost 450 pages; the underlying factual issues are complex, and the record contains a large quantity of highly technical evidence relating to computer design, memory architectures, memory technologies, and patent questions; and the Initial Decision is 334 pages long and contains, *inter alia*, more than 1,650 findings of fact. Furthermore, prior to the oral argument, the Commission will need to review carefully not

¹Order Granting Extensions of Time To File Appellate Briefs and Increases in Word Count Limits (March 18, 2004).

only all the appellate briefs filed by Respondent and Counsel for the Complaint, but also both the four briefs *amici curiae* permitted by this Order and any briefs *amici curiae* accepted at later points in the appellate briefing schedule.

Accordingly, for the foregoing reasons,

IT IS ORDERED THAT the motions of JEDEC Solid State Technology Association; the Consumer Electronics Association, *et al.*; Micron Technology, Inc., *et al.*; and Joseph Farrell, *et al.* for leave to file briefs *amici curiae* in this matter be, and they hereby are, granted; and

IT IS FURTHER ORDERED THAT the oral argument in this matter be, and it hereby is, scheduled for 10:00 a.m. on Tuesday, September 21, 2004.²

By the Commission.

Donald S. Clark Secretary

ISSUED: April 30, 2004

²Respondent has filed a request that the oral argument in this matter be scheduled to occur after August 25, 2004, and Counsel for the Complaint have filed an answer opposing that request. In light of the date for the oral argument adopted through the issuance of this Order, it is not necessary to address the merits of Respondent's request, and the Commission therefore denies that request as moot.