UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

Debayah Platt Majayas Chairman

COMMISSIONERS:	Orson Swindle Thomas B. Leary Pamela Jones Harbour Jon Leibowitz	
In the Matter of)	
RAMBUS INCORPORATED, a corporation.	Docket No. 936	02

COMMISSIONEDS.

ORDER GRANTING COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE APPENDICES TO THEIR APPEAL BRIEF, DENYING RAMBUS'S MOTION TO STRIKE ATTACHMENT 1 AND APPENDIX A TO COMPLAINT COUNSEL'S BRIEF, AND GRANTING RAMBUS LEAVE TO FILE AN APPENDIX

On April 16, 2004, Complaint Counsel filed a Motion for Leave to File Appendices A, B, and C to their Appeal Brief. On June 2 and 14, 2004, Rambus respectively filed in-camera and public versions of Objections to Attachment 1 and Appendix A of Complaint Counsel's Appeal Brief. On June 10, 2004, Complaint Counsel filed their response. Rambus objects to Attachment 1 to Complaint Counsel's Appeal Brief on the grounds that it is inaccurate and constitutes an attempt to evade the applicable word limits. Rambus objects to Appendix A, a Glossary of Terms, on the grounds that it is "riddled with errors" and argues the merits of the appeal (rather than comprising objective definitions of terms). Complaint Counsel point out that their Appeal Brief, including Attachment 1, did not exceed the word limits. Complaint Counsel note further that, as required by Commission Rule 3.22(c), 16 C.F.R. § 3.22(c), Rambus should have filed its opposition to their Motion for Leave to File Appendices within ten (10) days after service of the motion – not six weeks later. Rule 3.22(c) provides, in relevant part, that "the opposing party shall answer [within ten (10) days] or shall be deemed to have consented to the granting of the relief asked for in the motion."

The Commission has determined to treat Rambus's "Objections" as motions to strike Attachment 1 and Appendix A to Complaint Counsel's Appeal Brief. The Commission has determined to grant Complaint Counsel's motion and to deny those of Rambus. The Commission has also determined, as a matter of discretion, to permit Rambus to file its own "Glossary of Terms." Accordingly,

IT IS ORDERED THAT:

- 1. Complaint Counsel's Motion for Leave to File Appendices be, and it hereby is, **GRANTED**;
- 2. Rambus's motion to strike Attachment 1 to Complaint Counsel's Appeal Brief be, and it hereby is, **DENIED**;
- 3. Rambus's motion to strike Appendix A to Complaint Counsel's Appeal Brief be, and it hereby is, **DENIED**; and
- 4. Rambus is hereby **GRANTED** leave to file an Appendix containing a "Glossary of Terms" on or before October 18, 2004.

By the Commission.

Donald S. Clark Secretary

ISSUED: October 4, 2004