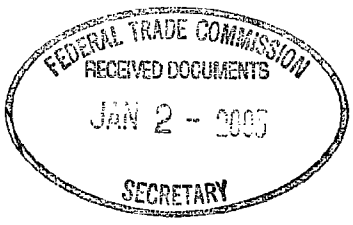
UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



In the Matter of	)	
	)	
RAMBUS INCORPORATED,	)	Docket No. 9302
	)	
a corporation.	)	
	)	

ORDER DENYING RAMBUS' MOTION TO COMPEL

On December 20, 2002, Respondent Rambus Incorporated ("Rambus") filed its Motion to Compel Mitsubishi Electric & Electronics USA, Inc. to Comply with this Court's Order to Produce Documents Responsive to the Subpoena Served by Rambus Inc. On December 31, 2002, non-party Mitsubishi Electric & Electronics USA, Inc. ("MEUS") filed its opposition. By Order dated November 12, 2002, the motion of MEUS to quash the subpoena served on it by Rambus or in the alternative for a protective order was denied and MEUS was ordered to comply with the subpoena served on it by Rambus. Respondent now seeks enforcement of that Order.

MEUS is not a party to this litigation. "[I]n instances where a *nonparty* fails to comply with a subpoena or order, [the Administrative Law Judge] shall certify to the Commission a request that court enforcement of the subpoena or order be sought." 16 C.F.R. § 3.38(c) (emphasis added). Rambus' motion to compel MEUS to produce documents pursuant to 16 C.F.R. § 3.38(a)(2) is inappropriate.

Further, Commission Rule 3.22(f) requires that each motion to compel filed pursuant to § 3.38(a) and each motion for enforcement filed pursuant to § 3.38(c) must be accompanied by a signed statement representing that counsel for the moving party has conferred with opposing counsel in an effort in good faith to resolve the issues raised by the motion and has been unable to reach such an agreement. 16 C.F.R. § 3.22(f). Although the motion by Rambus does have a 3.22(f) statement, the opposition filed by MEUS asserts Rambus failed to meet and confer with MEUS in an effort in good faith to resolve by agreement the issues raised by this motion prior to filing it. The parties are required to continue their meet and confer.

For the above stated reasons, Rambus' motion to compel is DENIED.

JAMES P. TIMONY
Administrative Law Judge

Dated: January 2, 2003