UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION



In the Matter of

RAMBUS INCORPORATED,

Docket No. 9302

a corporation.

JOINT MOTION FOR ENTRY OF REVISED SCHEDULING ORDER AND REQUEST FOR TELEPHONIC SCHEDULING CONFERENCE

Complaint Counsel and Counsel representing Respondent Rambus Inc. hereby jointly request that Your Honor approve the proposed Fourth Revised Scheduling Order attached to this motion. In addition, counsel jointly request an opportunity to speak with Your Honor, through a telephonic conference, about scheduling-related issues.

We have jointly moved at this time for additional changes to the pre-hearing schedule for several reasons. First of all, difficulties associated with recent winter weather in the Washington area have led to a need for agreed-upon extensions in certain near-term deadlines, such as the deadline for filing motions for summary decision. Weather-related difficulties have also caused certain depositions to be postponed. Independent of this, the parties have already been experiencing difficulty in scheduling the completion of non-expert depositions by the February 24 cut-off date specified in the Third Revised Scheduling Order. By agreement, the parties have already scheduled several fact depositions to take place after that date, and the cancellation of depositions this week will only compound the need to schedule some fact depositions after the February 24 cut-off date. Extensions in the dates for summary decision briefing and the

completion of fact depositions inevitably create other scheduling pressures and difficulties. In particular, deadlines for the completion of expert discovery and exhibit lists are looming. These deadlines have become increasingly difficult to meet as other deadlines have needed to be extended. The parties' agreed-upon proposal for relieving these scheduling concerns involves extending certain dates and deadlines by one week, others by two weeks, and still others by three weeks. Under our agreed scheduling proposal, the hearing start date would move by three weeks, from April 9 to April 30.

In addition to requesting that Your Honor enter the revised schedule attached hereto, we are also at this time requesting a telephonic scheduling conference. We are requesting such a conference in part for the purpose of inquiring about the potential reassignment of this case to a different Administrative Law Judge, primarily with an interest in learning when such a transition is likely to occur, if at all, and if so, what if any impact this might have on the pre-hearing schedule in this case. If such a transition is to occur, our mutual hope is that the modest scheduling extensions proposed by this motion will help to facilitate such a transition.

For the reasons stated herein, we respectfully request that Your Honor enter the proposed Fourth Revised Scheduling Order, and that Your Honor advise the parties as to the preferred date and time on which to hold a telephonic scheduling conference.

Counsel for Rambus has consented to the filing of this joint motion by Complaint

Counsel, and to Complaint Counsel's representation that Rambus concurs in all respects with the

motion and with the proposed order attached hereto.

Respectfully submitted,

M. Sean Royall Geoffrey D. Oliver

BUREAU OF COMPETITION FEDERAL TRADE COMMISSION Washington, D.C. 20580 (202) 326-3663 (202) 326-3496 (facsimile)

COUNSEL SUPPORTING THE COMPLAINT

Dated: February 19, 2003

UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

RAMBUS INC.,

Docket No. 9302

a corporation.

FOURTH REVISED SCHEDULING ORDER

It is HEREBY ORDERED that this matter shall proceed in accordance with the following Scheduling Order:

EVENT	DATE
Close of discovery other than experts	February 24, 2003
Last day for serving motions for summary decision	February 25, 2003
Last day for filing motions for summary decision	February 26, 2003
Last day to file motions to compel regarding requests for admission	March 7, 2003
Last day to file responses to motions to compel regarding requests for admission	March 18, 2003
Exchange proposed stipulations of law and fact, stipulations of authenticity	March 21, 2003
Last day to file responses to motions for summary decision	March 21, 2003
Close of expert discovery	March 25, 2003
Last day to file motions in limine and proposed stipulations	March 26, 2003
Parties that intend to offer into evidence at the hearing confidential materials of an opposing party or non-party must provide notice to the producing party, pursuant to 16 C.F.R. 3.45(b)	April 1, 2003
Exchange of final exhibit and witness lists	April 2, 2003

Last day to file motions for in camera treatment for proposed trial exhibits	April 11, 2003
Exchange responses to proposed stipulations of law and fact, stipulations of authenticity	April 11, 2003
Last day to file responses to motions in limine	April 11, 2003
Meet and confer to resolve issues regarding proposed stipulations of law and fact, stipulations of authenticity	April 16, 2003
File and serve pretrial briefs	April 22, 2003
File final stipulations of law and fact, and final stipulations of authenticity (additional stipulations may be filed as agreed between the parties or as offered by the Administrative Law Judge)	April 23, 2003
Final prehearing conference	April 25, 2003
Hearing begins	April 30, 2003

All "Additional Provisions" of the October 31, 2002 scheduling order remain in effect.

ORDERED:	
	James P. Timony Administrative Law Judge
Dated: February, 2003	

CERTIFICATE OF SERVICE

I, Beverly A. Dodson, hereby certify that on February 19, 2003, I caused a copy of the attached, *Joint Motion For Entry Of Revised Scheduling Order And Request For Telephonic Scheduling Conference*, to be served upon the following persons:

by hand delivery to:

Hon. James P. Timony Chief Administrative Law Judge Federal Trade Commission 600 Pennsylvania Ave., N.W. Washington, D.C. 20580

and by electronic transmission and overnight courier to:

A. Douglas Melamed, Esq. Wilmer, Cutler & Pickering 2445 M Street, N.W. Washington, DC 20037-1402

Steven M. Perry, Esq. Munger, Tolles & Olson LLP 355 South Grand Avenue 35th Floor Los Angeles, CA 90071

Counsel for Rambus Incorporated

Beverly A. Dodson