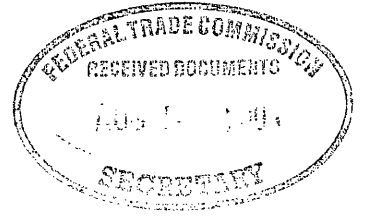


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



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

ORDER ON MICRON'S MOTION FOR *IN CAMERA* TREATMENT

I.

On July 29, 2003, pursuant to Commission Rule 3.45(b), non-party Micron Technology, Inc. ("Micron") filed a motion for *in camera* treatment for additional documents that Respondent Rambus, Inc. included on its trial exhibit list. On August 4, 2003, Respondent filed an opposition to Micron's request for *in camera* treatment as to one exhibit, RX 1922. Complaint Counsel has not filed an opposition to Micron's motion.

For the reasons set forth below, the motion of Micron is **GRANTED in part and DENIED in part.**

II.

On April 23, 2003, the Court issued an Order on Third Party and Non-Parties' Motions for *In Camera* Treatment of Documents Listed on Parties Exhibit Lists. The standards and case law for *in camera* treatment set forth in the April 23, 2003 Order govern this motion.

Micron's motion is accompanied by the Declaration of Robert Donnelly, the Vice President of Micron's Computing and Consumer Group. Donnelly asserts that several of these documents contain confidential information relating to the proceedings and technical discussions of a research collaboration. Donnelly asserts that other documents for which it seeks *in camera* treatment contain confidential information relating to prices, price plans, production, and product allocation. Three of the listed documents relate to a potential patent cross-license agreement. Donnelly asserts that disclosure of these documents would cause Micron serious competitive injury.

Micron's motion for *in camera* treatment seeks *in camera* treatment for thirty-two documents contained on Respondent's trial exhibit list. According to Respondent, only ten of those documents have been moved into evidence. Commission Rule 3.45(b) requires a party or non-party to file a motion for "*in camera* treatment for material, or portions thereof, offered into

evidence.” For the twenty-two documents listed on Respondent’s trial exhibit list, but which have not been moved into evidence, Micron’s request for *in camera* treatment is DENIED. The parties are reminded that they are prohibited from citing documents that are not in evidence in their post trial briefs. Order on Post Trial Briefs, July 10, 2003.


As to the ten exhibits that have been moved into evidence, *in camera* treatment is hereby GRANTED in full to all except RX 1922, a Micron e-mail which is in evidence. Respondent argues that the entire e-mail should be public; Respondent specifically objects to affording *in camera* treatment to the header information and first two paragraphs of the e-mail. Upon review of the arguments made by the parties and upon review of RX 1922, *in camera* treatment is DENIED as to the header information and first two paragraphs of RX 1922 and GRANTED as to the remainder of RX 1922.

III.

In camera treatment for a period of 5 years, to expire on August 5, 2008, is hereby GRANTED as described in this Order.

Respondent is hereby required to prepare an order for my signature that references this Order and lists RX 1922 as having received *in camera* treatment in part and lists the other nine documents, by bates and exhibit number, that have been granted *in camera* treatment by this Order. Respondent is further required to submit a redacted version of RX 1922 for the public record. This exhibit, RX 1992A, shall contain the header and first two paragraphs of RX 1922. Everything after the second paragraph of the document shall be redacted.

ORDERED:


Stephen J. McGuire
Chief Administrative Law Judge

August 5, 2003