

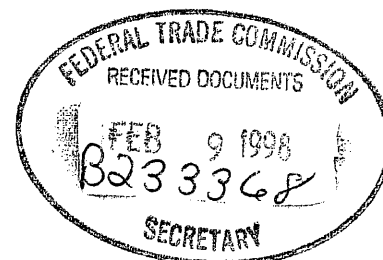
UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of )  
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ORIGINAL

TOYS "R" US, INC.,  
a corporation

Docket No. 9278



APPEAL FROM RULING FROM MOTIONS COMMISSIONER  
DENYING LEGO'S MOTION OF FEBRUARY 5, 1998

LEGO Systems, Inc. ("LEGO"), by counsel and pursuant to Reorganization Plan No. 4 of 1961 § 1(b), hereby petitions the Federal Trade Commission (the "Commission") to review and reverse the ruling from the Motions Commissioner denying LEGO's Motion of February 5, 1998. In support of this appeal, LEGO respectfully states as follows:

1. On February 5, 1998, LEGO properly filed with the Office of the Secretary the attached Motion to Intervene or, In the Alternative, To Strike or Correct Finding 334 and LEGO Systems, Inc.'s Memorandum of Points and Authorities in Support of Its Motion to Intervene or, In the Alternative, Strike or Correct Finding 334. The Motion and the accompanying 24-page Memorandum with two appendices demonstrated in detail that LEGO has incurred great injury as a direct result of the unsupported Finding No. 334 contained in the ALJ's Initial Decision and requested relief in the name of fairness, due process principles, and the public interest.

2. On February 6, 1998, the next day, the Motions Commissioner denied LEGO's Motion. The only explanation provided for that decision was the following statement:

“Although LEGO makes several arguments that it claims should prompt the Commission to view its intervention as proper and with good cause, we find these arguments without merit.”

3. The instant appeal by LEGO is timely insofar as it is submitted to the full Commission on the first business day following the ruling of the Motions Commissioner.

4. LEGO hereby incorporates by reference its Motion and Memorandum of February 5, 1998, and respectfully directs the Commission’s attention to the discussion contained therein.

5. Denial of the Motion would deprive the Commission of the opportunity to speedily redress the serious injustice inflicted upon LEGO by the erroneous Finding 334. It is not in the public interest to permit a non-party to a Commission adjudication to suffer severe and mounting harm due to an ALJ finding, particularly when the non-party has shown that finding to be unsupported by the evidence cited in the record. Yet that is precisely the situation in which LEGO now finds itself.

6. Denial of the Motion would in addition deprive the Commission of the appearance of fairness in this proceeding. LEGO has acted in an entirely lawful manner, yet now finds itself the victim of the unsupported Finding 334. If LEGO is denied permission to intervene, in the absence of other relief by the Commission, LEGO will continue to suffer the consequences of Finding 334 without ever having been afforded notice of such a possibility, or any opportunity to attend the hearing conducted by the ALJ, to cross-examine any of the witnesses presented, or to offer any evidence on its own behalf.

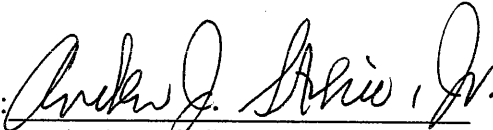
WHEREFORE, LEGO moves the Commission: to review and reverse the ruling from the Motions Commissioner denying LEGO’s Motion of February 5, 1998; or, in the

alternative, to provide LEGO with an opportunity to present oral argument to the Commission as to why the Motions Commissioner's ruling should be reviewed and reversed.

Dated: February 9, 1998

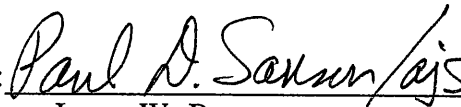
Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that I have served the foregoing Appeal of Ruling from Motions Commissioner Denying LEGO's Motion of February 5, 1998, upon the following counsel of record via U.S. mail, postage prepaid, first-class on February 9, 1998:

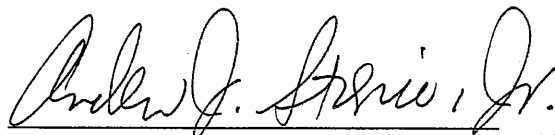
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