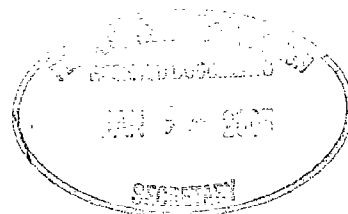


UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION



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In the Matter of )  
 )  
 )

RAMBUS INCORPORATED, )

a corporation. )  
\_\_\_\_\_ )

Docket No. 9302

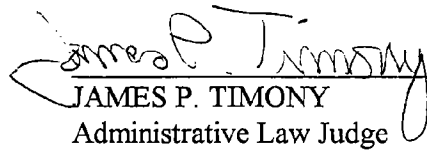
**ORDER ON MOTION BY DOJ FOR  
IN CAMERA TREATMENT OF DOCUMENTS**

On December 27, 2002, non-party United States Department of Justice (“DOJ”) filed a motion for an order directing *in camera* treatment of the DOJ’s December 27, 2002 Confidential Motion to Limit Discovery Relating to the DRAM Grand Jury and of the Declaration of R. Hewitt Pate in support of the Confidential Motion. DOJ also requests that these documents not be disclosed to any party in this action on the grounds that these materials contain information before the grand jury. DOJ requests *in camera* treatment of the documents pending conclusion of the DRAM grand jury proceedings, an undetermined period.

DOJ’s motion for *in camera* treatment is premature. The Commission’s Rules of Practice allow parties and third parties to seek *in camera* treatment for material *offered into evidence*. 16 C.F.R. § 3.45(b) (emphasis added). For materials that are not offered into evidence, the Commission’s Rules allow parties and third parties to file a confidential version of any document filed in a Part III proceeding that includes information subject to confidentiality protections pursuant to a protective order. 16 C.F.R. §§ 3.22(b), 3.45(e). Although it is not clear whether the information DOJ seeks to have shielded from public disclosure is subject to confidentiality protections of a protective order, DOJ asserts that the information is confidential.

It is ORDERED that DOJ’s motion for *in camera* treatment is DENIED IN PART on the grounds that *in camera* treatment will not be ordered for material that is not being offered into evidence in the trial in this matter. However, the Confidential Versions of the December 27, 2002 Confidential Motion to Limit Discovery Relating to the DRAM Grand Jury and of the Declaration of R. Hewitt Pate shall remain confidential and shall not be placed on the public record. Further, these two documents shall be treated as “Restricted Confidential Discovery Material,” pursuant to

paragraph 1.o. of the Protective Order entered in this case on August 5, 2002 and shall not be disclosed except as permitted by that Protective Order.

  
JAMES P. TIMONY  
Administrative Law Judge

Dated: January 9, 2003