

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



In the Matter of)
)
RAMBUS INCORPORATED,)
)
a corporation.)

Docket No. 9302

ORDER ON MOTION BY DOJ TO INTERVENE AND STAY DISCOVERY

On December 17, 2002, non-party United States Department of Justice ("DOJ") filed its Motion to Intervene and Stay Discovery Pending a Ruling on Motion to Limit Discovery Relating to DRAM Grand Jury. The parties were ordered on December 17, 2002, to file any responses by noon on December 18, 2002. On December 18, 2002, Respondent Rambus Incorporated ("Rambus") and Complaint Counsel each filed a response.

Rule 3.14(a) of the Commission's Rules of Practice sets forth that "[a]ny individual, partnership, unincorporated association, or corporation desiring to intervene in an adjudicative proceeding shall make written application in the form of a motion setting forth the basis therefor." 16 C.F.R. § 3.14(a). "The Administrative Law Judge or the Commission may by order permit the intervention to such extent and upon such terms as are provided by law or as otherwise may be deemed proper." *Id.* Before the Commission will allow intervention into its proceedings, it must be demonstrated that (1) the persons seeking such intervention desire to raise substantial issues of law or fact which would not otherwise be properly raised or argued, and (2) the issues thus raised are of sufficient importance and immediacy to warrant an additional expenditure of the Commission's limited resources on a necessarily longer and more complicated proceeding in that case, when considered in light of other important matters pending before the Commission. *In re Firestone Tire & Rubber Co.*, 77 F.T.C. 1666 (Oct. 23, 1970). "Good cause" must exist to permit intervention in a particular case. *Id.* Factors to consider in evaluating whether DOJ has demonstrated good cause include the applicant's ability to contribute to the case; the Commission's need for expedition in the handling of the case; and the possible prejudice to the rights of original parties if intervention is allowed. *Id.*

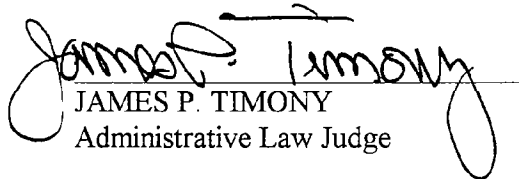
Having considered all of the views and arguments contained in all of the briefs submitted by DOJ, by Respondent, and by Complaint Counsel in connection with this matter,

It is ORDERED that DOJ's motion to intervene is GRANTED IN PART.

DOJ is permitted to intervene for the limited purpose of filing a Motion to Limit Discovery Relating to the DRAM Grand Jury, and any other related motions or oppositions.

IT IS FURTHER ORDERED that DOJ has leave to file a Motion to Limit Discovery Relating to the DRAM Grand Jury no later than December 27, 2002. Any oppositions to this motion shall be filed by January 3, 2003.

IT IS FURTHER ORDERED that the DOJ's request for a limited stay of discovery relating to the DRAM investigation is GRANTED and that, pending a ruling on the DOJ's Motion to Limit Discovery Relating to the DRAM Grand Jury: (1) no party may question any deposition witness regarding any contacts or communications between DRAM manufacturers regarding pricing to DRAM customers; and (2) no party may conduct any discovery relating to any contacts or communications with the DOJ or the grand jury relating to the ongoing DRAM grand jury investigation.


JAMES P. TIMONY
Administrative Law Judge

Dated: December 18, 2002