

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of

RAMBUS INC.,

a corporation.

Docket No. 9302

**MOTION BY RESPONDENT RAMBUS INC. TO COMPEL MITSUBISHI
ELECTRIC & ELECTRONICS USA, INC. TO COMPLY WITH THIS COURT'S
ORDER TO PRODUCE DOCUMENTS RESPONSIVE TO THE SUBPOENA
SERVED BY RAMBUS INC.**

Pursuant to Rule 3.38(a)(2) of the Federal Trade Commission Rules of Practice For Adjudicative Proceedings, respondent Rambus Inc. (“Rambus”) respectfully submits this motion to compel Mitsubishi Electric & Electronics USA, Inc. (“Mitsubishi”) to comply – in full and no later than January 3, 2003 – with this Court’s order to produce documents responsive to the subpoena served by Rambus.

On October 3, 2002, Rambus served a subpoena *duces tecum* on Mitsubishi. Mitsubishi challenged this subpoena in a motion to quash or limit, which was filed on October 29. On November 12, Your Honor denied Mitsubishi’s motion to quash, and ordered Mitsubishi to “comply with that subpoena within ten days of the entry of this order.” On November 18, Mitsubishi then filed a motion for interlocutory appeal of the order denying its motion to quash. This motion addressed only Your Honor’s ruling that Mitsubishi was obligated to produce

documents in the custody or control of its Japanese parent corporation, Mitsubishi Electronic Corporation (“MELCO”). Your Honor denied this motion on November 20, 2002.

Although this Court’s November 12 order required that Mitsubishi comply with the subpoena by November 22, Mitsubishi has not done so. *See* Declaration of Steven M. Perry (“Perry Decl.”) ¶¶ 2-4. By its own admission, Mitsubishi has a substantial quantity of responsive documents that it has not yet produced to Rambus. For example, despite repeated requests by Rambus’s counsel, Mitsubishi has not produced the files of its longtime JEDEC representative, Mr. Chen. As a result, Rambus had to reschedule Mr. Chen’s deposition from December to January. *Id.*, ¶ 3. In addition, despite this Court’s explicit instructions, Mitsubishi has not produced documents responsive to the subpoena that are in the custody of its Japanese parent corporation, MELCO. *Id.*, ¶ 4. Mitsubishi has also failed to provide a privilege log as required by Your Honor. *Id.*

Rambus’s numerous efforts to address these problems with Mitsubishi’s counsel have been unsuccessful. *Id.* As a result, Rambus respectfully requests that this Court compel Mitsubishi to produce *all* responsive documents, including all responsive documents from MELCO, no later than January 3, 2003. Mitsubishi should be required to provide a privilege log at the same time.

DATED: December 20, 2002

Respectfully submitted,

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ORDER

Upon consideration of the motion by Respondent Rambus Inc. to Compel Mitsubishi Electric & Electronics USA, Inc. ("Mitsubishi") to comply with this Court's order to produce documents responsive to the subpoena served by Rambus, and any response thereto,

IT IS HEREBY ORDERED that Rambus's Motion is GRANTED.

IT IS FURTHER ORDERED that no later than January 3, 2003, Mitsubishi must produce all documents responsive to the subpoena served by Rambus, including responsive documents in the possession of Mitsubishi Electronic Corporation. Mitsubishi must also provide a privilege log by January 3, 2003.

Date: _____

James P. Timony
Chief Administrative Law Judge