

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

COMMISSIONERS: **Deborah Platt Majoras, Chairman**
 Pamela Jones Harbour
 Jon Leibowitz
 William E. Kovacic
 J. Thomas Rosch

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

ORDER DENYING RAMBUS’S MOTION FOR ADDITIONAL ORAL ARGUMENT

On February 13, 2006, Rambus filed a motion pursuant to 16 C.F.R. § 3.54 requesting that the Commission schedule an additional oral argument in this matter. Complaint Counsel filed a response opposing this motion on February 17, 2006.

Rambus requests additional oral argument on the grounds that: (1) two new Commissioners have joined the Commission since the first two oral argument sessions were held; (2) there have been several factual and legal developments since those sessions; and (3) additional oral argument might assist the Commission in its consideration of the issues raised by this appeal.¹ Complaint Counsel oppose Rambus’s motion on the grounds that: (1) the Commission has already heard substantially more oral argument in this matter than is typical in most appeals to the Commission; (2) the new factual and legal developments cited by Rambus (e.g., reopening the record to admit previously unavailable documents, and new scholarship) do not warrant additional oral argument; (3) additional oral argument would only delay the Commission’s decision of the appeal; and (4) supplemental oral argument at this point would “set an unfortunate precedent . . . creat[ing] . . . expectation[s]” of additional oral argument for all manner of perceived developments.²

Commission Rule 3.54(c), 16 C.F.R. § 3.54(c), provides that the Commission may, in its discretion, receive additional information or views from the parties, when it “believes that it should

¹ Rambus’s Motion at 3.
² Complaint Counsel’s Response at 2-3.

have further information or additional views of the parties as to the form and content of the rule or order to be issued. . . .”³

As both parties have noted, the Commission has reopened the record to admit evidence that was not available at the time of the trial in this matter. However, the Commission also ordered detailed additional briefing by the parties, including extensive presentations of the parties’ views with respect to the new evidence.⁴ The Commission therefore finds that additional oral argument regarding the issues raised by that evidence is not necessary. Similarly, the other issues raised by Rambus do not appear to warrant additional oral argument. Accordingly,

IT IS ORDERED THAT Rambus’s Motion For Additional Oral Argument be, and it hereby is, **DENIED**.

By the Commission.



Donald S. Clark
Secretary

ISSUED: March 1, 2006

³ “[T]he Commission, in its discretion, may withhold final action pending the receipt of such additional information or views.” *Id.*

⁴ *See* Order Reopening the Record to Admit into Evidence the Supplemental Evidence Filed By the Parties in Accordance with the Provisions of the Commission’s Order of May 13, 2005, as Amended, and Directing Briefing of Issues Related to Such Supplemental Evidence (July 20, 2005). The ordered briefing expressly included supplemental and amended proposed findings of fact and conclusions of law, as well as the responses of each party to the other’s submissions.