

Complaint Counsel's Opposition does not dispute any of those points. Complaint Counsel does, however, repeatedly accuse Rambus of making "false" (Opp. at 2, 6), "seriously misleading" (*id.* at 6), and "untrue" (*id.*) statements. But Complaint Counsel seriously

with the SEC by Rambus, others made in two recent Rambus investor conference calls – to significantly misstate the short-term impact of a brief stay.

• Whether Rambus obtained any non-public information by virtue of being a

• Whether Rambus violated any JEDEC disclosure rule with respect to the DDR

■ (See Mem. Supp. Mot. Stay at 7-8.) Complaint Counsel do not dispute that these issues are

standard. Obviously, Rambus needs significant discovery on these issues from the JEDEC participants about their "understandings" and "practices". Just as obviously, however, if the Federal Circuit rules against Rambus on any of these points, then much of that discovery can perhaps be either avoided or limited. Conversely, if the Federal Circuit supports Rambus on any of these points, Complaint Counsel may concede the point or, at the very least, backpedal.

discovery can be more efficiently focused on the real issue.

Complaint Counsel make two arguments in response to the substantial overlap between issues in this case and issues in the Infringement case. Both are, in effect, misdirection. First,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Second, Complaint Counsel argue without supporting facts or evidence that issuing a stay could have the effect of prolonging “[s]erious [c]onsumer [h]arm.” (Opp. at 11.) The possibility

of such an effect can of course be avoided against the efficiencies benefits from a stay in

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

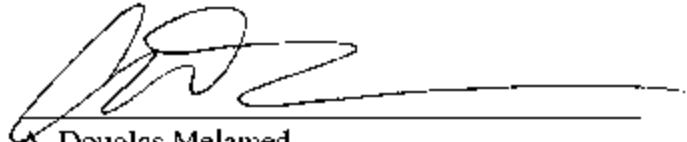
[REDACTED]

On the other side of the balance, of course, is the harm to Rambus from denying a stay.

CONCLUSION

For the foregoing reasons, Rambus's Motion for Stay pending the decision by the Federal Circuit in the *Infineon* case should be granted.

Respectfully submitted,



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July 17, 2002

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

RAMBUS INC.,)
a corporation,)
_____)

Docket No.9302

CERTIFICATE OF SERVICE

I, J. J. [Redacted], hereby certify that on [Redacted] I have served the following documents on the following persons:

[Redacted]

[Redacted]

[Redacted]

Rambus Inc.'s Reply To Complaint Counsel's Opposition To Motion To Stay to be served on the following persons by hand delivery:

Hon. James P. Timony

M. Sean Royall