UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

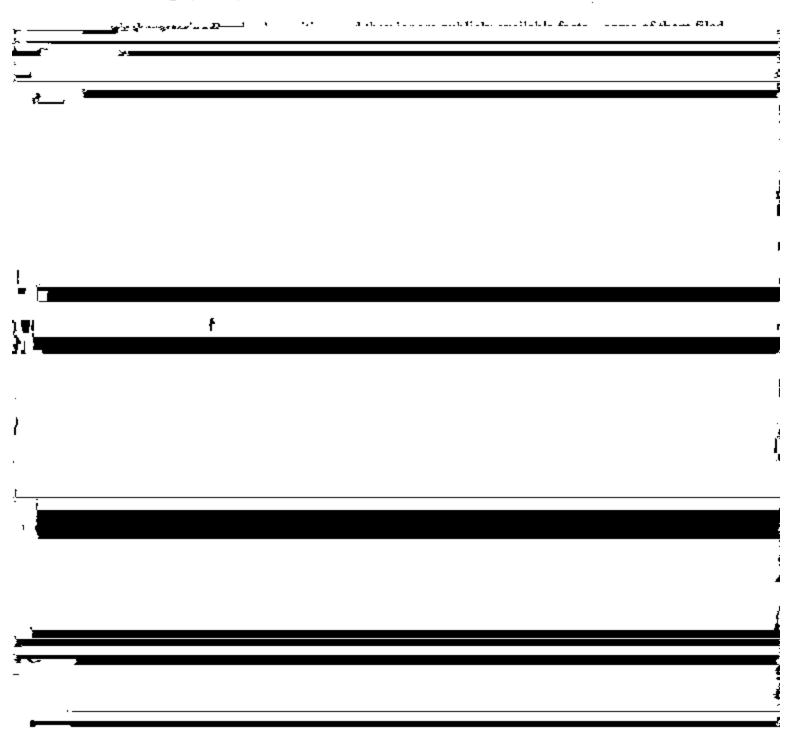
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RAMBUS INC.,)
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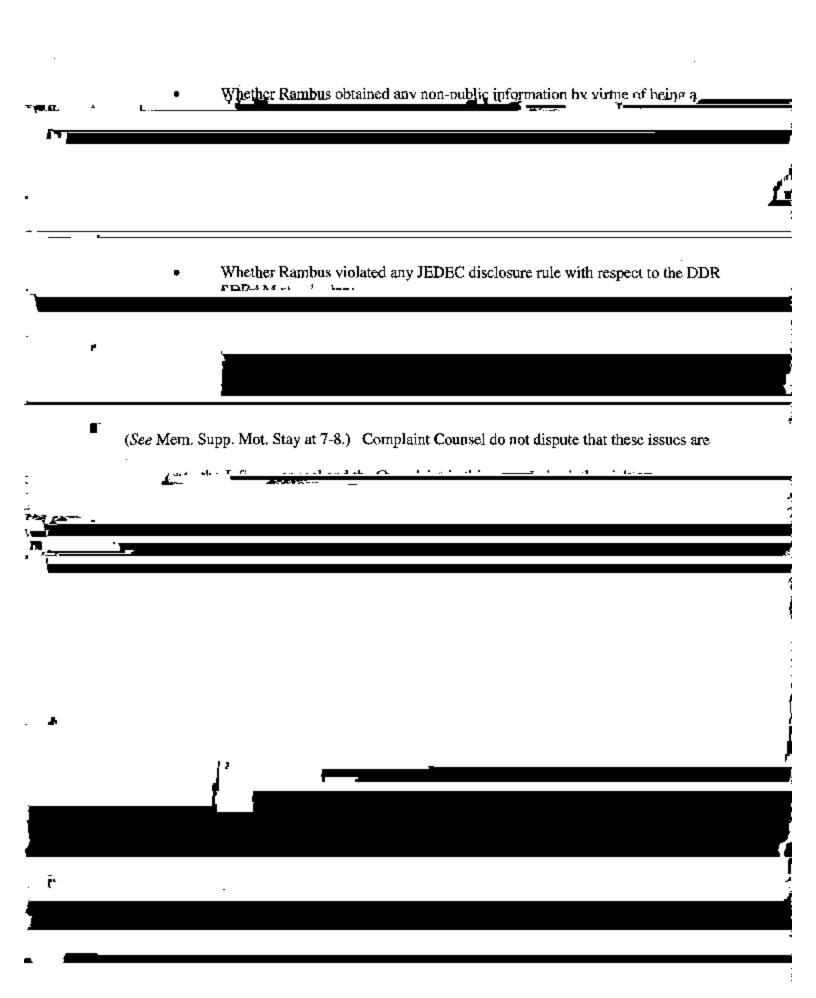
RAMBUS INC.'S REPLY TO COMPLAINT COUNSEL'S OPPOSITION TO MOTION TO STAY

In its Motion To Stay, Rambus explained how issues central to the pending appeal in Rambus Inc. v. Infineon Technologies AG ("Infineon") are "almost identical" to issues central to the Complaint here. The two matters undisputedly arise from the same 1992-95 JEDEC facts. The significant overlap is clear not only to Rambus but also to Complaint Counsel — who occupied almost a full row of seats at the Federal Circuit's June 3, 2002, oral argument on the

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



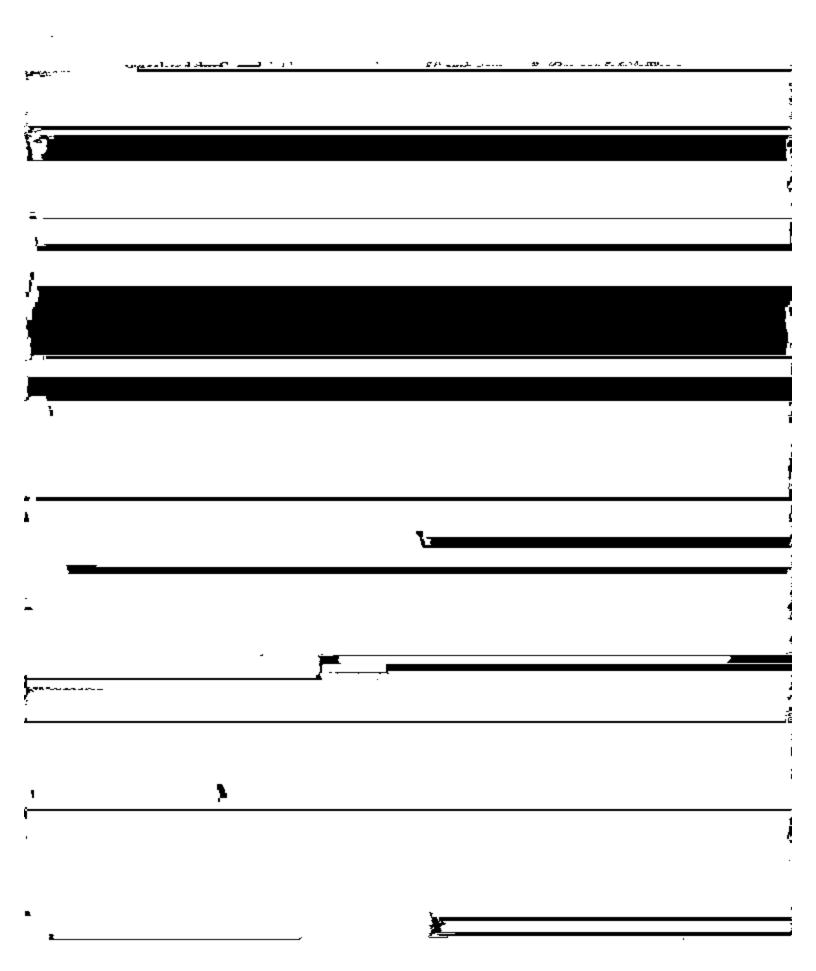
with the SEC by Rambus, others made in two recent Rambus investor conference calls – to significantly misstate the short-term impact of a brief stay.



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

discovery can be more efficiently focused on the real issue.

Complaint Counsel make two arguments in response to the substantial overlap between



SDRAM standards if it had known of Rambus's patents?" In this case, Complaint Counsel must address the very same issues – did Rambus's allegedly wrongful conduct affect the JEDEC standards and did the standards matter in the marketplace – in order to show, as they must, that Rambus gained market power as a result of its conduct, rather than simply and lawfully as a result of its superior technology.

H. Complaint Counsel's Other Arguments Are Flawed

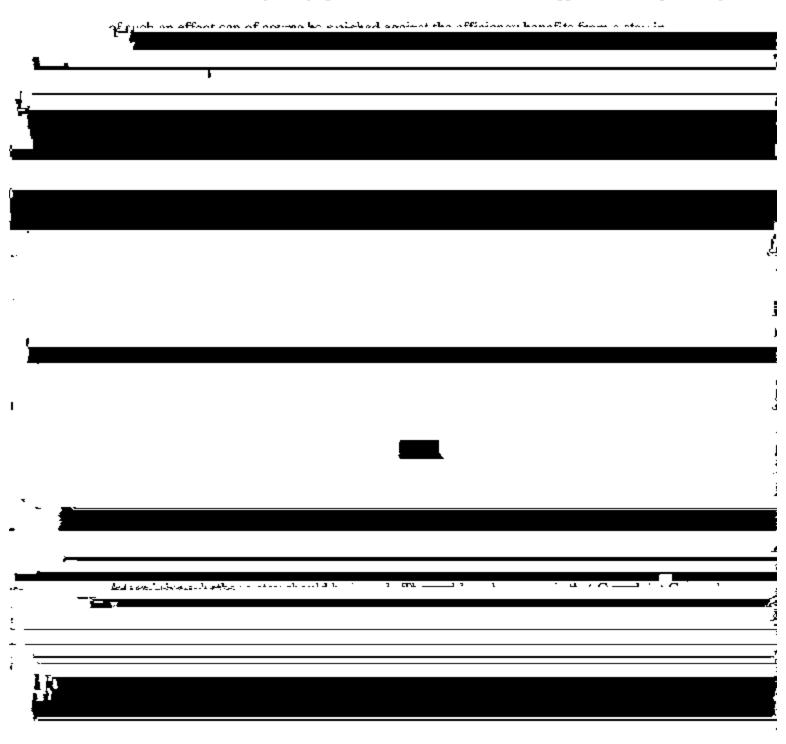
Complaint Counsel make two other principal arguments in opposition to Rambus's Motion. Both are flawed.

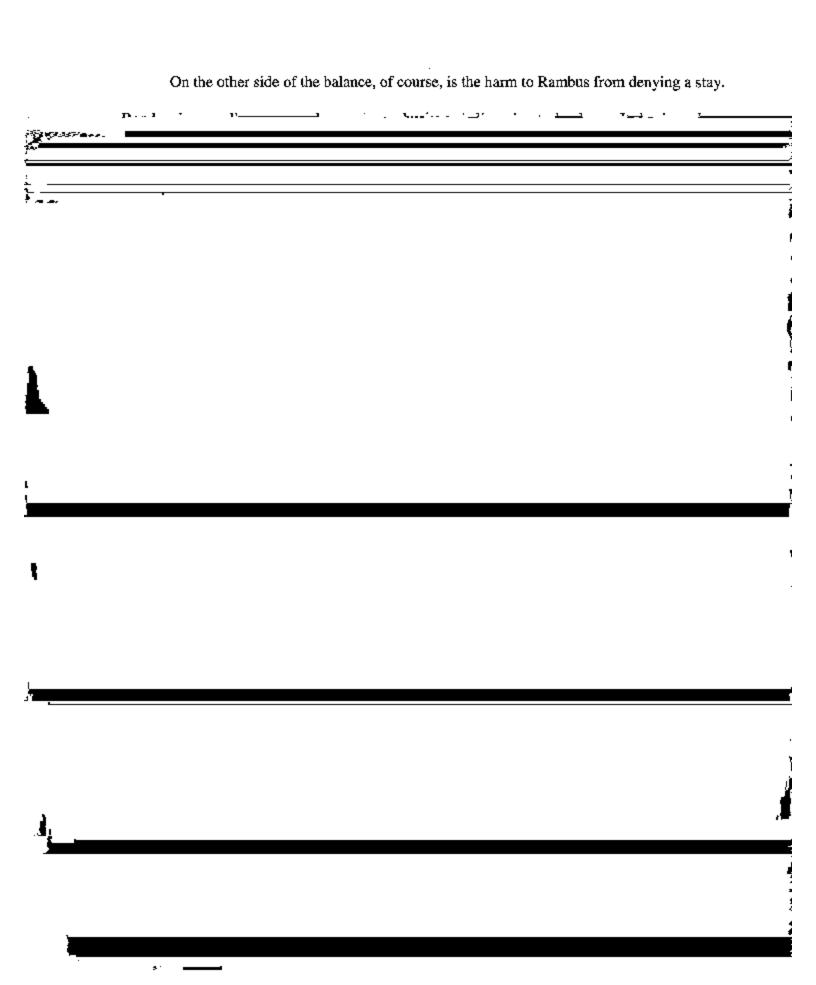
First Complaint Counsel assert that Rule 3.51(a) authorizes issuance of a stay only

"where the Commission itself has instituted a [collateral] federal court action . . . that involves

In an effort to find support for their construction of the Rule, Complaint Counsel cite two Commission cases that were stayed because of collateral actions filed by the Commission in federal court. (See Opp. at 3.) Neither, however, says that that is the only circumstance in which A ston one he immed That we be altered with the countries of the

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





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

RAMBUS INC., a corporation,) Docket No.9302))
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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