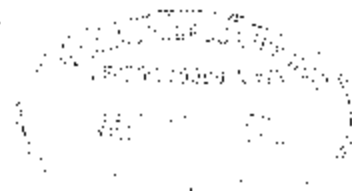


UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of)
)
)
RAMBUS, INC.,)
)
a corporation,)
_____)

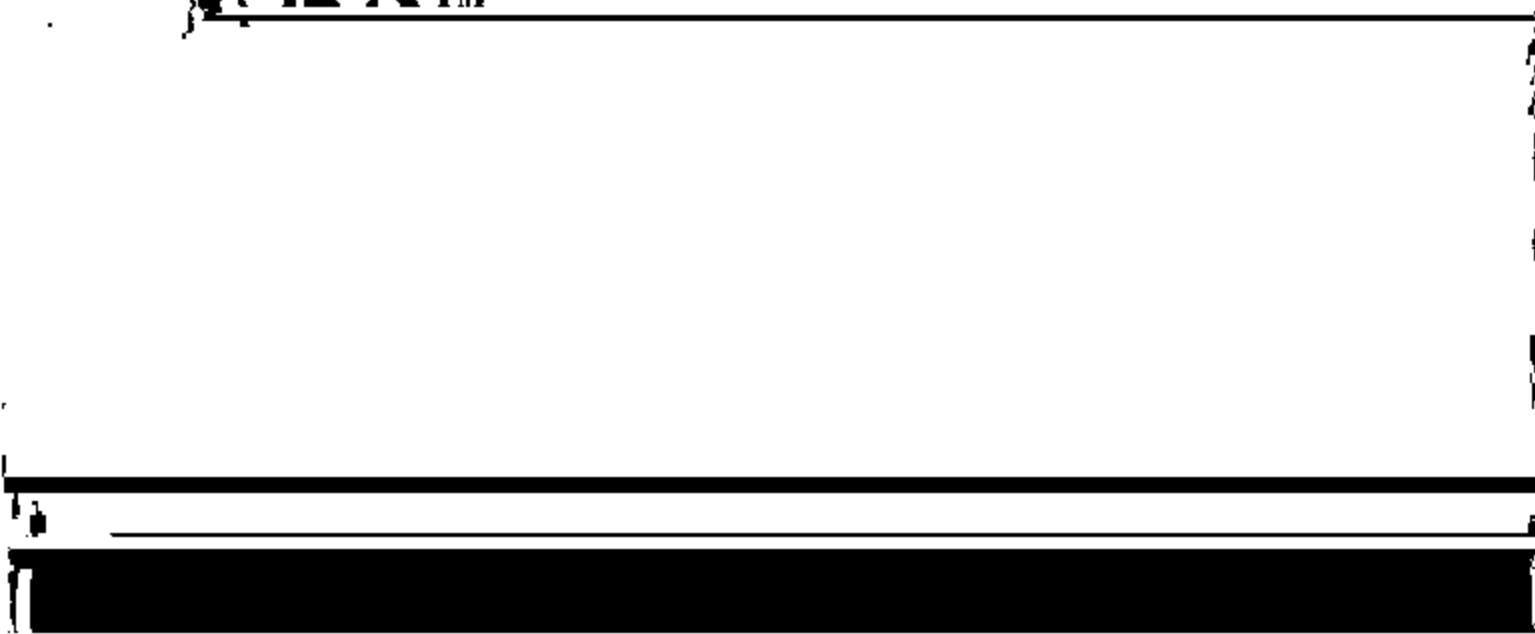
Docket No. 9302

RAMBUS, INC.'S MOTION FOR ENTRY OF SCHEDULING ORDER

After several discussions, Complaint Counsel and counsel for Respondent have been able to agree on almost all terms of a Scheduling Order to be submitted for Your Honor's approval.

Three important issues remain, however, on which the parties were not able to agree: (1) the deadline for the close of fact discovery; (2) the relationship between the timing of expert

~~discovery and the date of fact discovery and (3) the limitation on the number of experts~~



of time between the close of discovery and the start of the hearing — it is Respondent, not Complaint Counsel, whose proposal is consistent with the *Intel* Scheduling Order.

~~_____~~

The principal dispute between the parties concerns the deadline for fact discovery.

Complaint Counsel propose a deadline of December 20, 2002, approximately four-and-a-half months from now and more than two months before the proposed hearing date. Respondent proposes a deadline of January 27, 2003, less than six months from now and one month before

~~_____~~

~~_____~~

~~_____~~

negotiations and royalties, manufacturing processes and network and lock-in effects, and a host of related technical and economic matters. Much of this is likely to

likely necessitate time-consuming efforts to compel production of documents located abroad. Judging from the volume of document discovery that the much narrower private cases have required, this third party discovery will be voluminous. And of course, after the documents are provided, the parties will have to process, index for database purposes, review, and analyze them.

- Interrogatories and requests for admission: As is common for contention interrogatories and requests for admission, it is unlikely that the parties will be able to complete this aspect of the necessary discovery until after they have conducted substantial other fact discovery.
- Depositions: Although Respondent cannot know at this early stage how many depositions will be required, it seems clear that there will need to be fifty to seventy-

Respondent's proposal would allow approximately 140 days for fact discovery – still a very short, and potentially too short, period given the breadth and complexity of the case. There is no good reason to deny Respondent this time for discovery.

Exhibit A

case" (Complainant Counsel's Motion at 6) and do not dispute that Respondent needs a substantial

might be desirable if the hearing date were not just seven months away, that luxury cannot be afforded here because most of that time is needed for fact discovery.

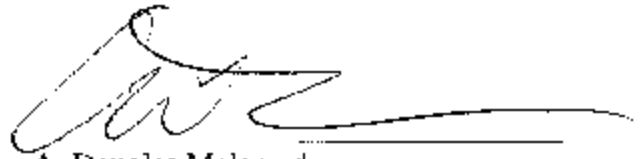
efficient expert discovery. Even under Complaint Counsel's proposal, initial expert reports

artificial limits.³ The better and more common course would be to have no such limits and to trust that the parties (with Your Honor's guidance, if necessary) will not abuse the process either by needlessly impeding multiple depositions or by needlessly scheduling them on the same day.

CONCLUSION

For the foregoing reasons, Rambus, Inc. requests that Your Honor issue its proposed Scheduling Order.

Respectfully submitted,



A. Douglas Melamed
Robert B. Bell
Llly Palansky
K. [unclear]

2445 M Street, NW

Washington, DC 20005

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

_____)
In the Matter of _____)
_____)
RAMBUS, INC., _____)
a corporation, _____)
_____)

Docket No. 9302

SCHEDULING ORDER

It is HEREBY ORDERED that this matter shall proceed in accordance with the following
Scheduling Order:

EVENT	DATE
Answer filed	7/29
Exchange initial disclosures	8/6
Last day for issuing document requests to the parties	8/30
Last day for issuing party interrogatories (except for those related to requests for admission)	9/23
Complaint Counsel provides preliminary witness list (excluding experts)	9/30
Respondent provides preliminary witness list (excluding experts)	10/14
Complaint Counsel identifies expert(s) and exchange vita, lists of publications and list of matters in which any expert has testified under oath	10/28
Complaint Counsel provides preliminary rebuttal witness list (excluding	

Last day to file motions to compel regarding responses to requests for admission	1/17
Exchange proposed stipulations of law and fact, stipulations of authenticity	
Close of discovery	1/27
Last day to file responses to motions to compel regarding requests for admission	
Last day to file motions <i>in limine</i> and proposed stipulations	1/29

[REDACTED]

[REDACTED]

[REDACTED]

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[Redacted]

[Redacted]

EVENT	DATE
Last day to identify expert(s) and exchange of vita, lists of publications and list of matters in which any expert has testified under oath	October 13, 1998
Last day to file motions to compel regarding party interrogatories (except for those related to requests for admission)	October 16, 1998
Last day to file responses to motions to compel regarding party interrogatories (except for those related to requests for admission)	October 23, 1998
Parties exchange Expert Reports and produce or identify documents and other written materials relied upon by the experts in his or her analysis or conclusions	November 2, 1998

EVENT	DATE
Meet and confer to resolve issues regarding proposed stipulations of law and fact, stipulations of authenticity	January 5, 1999
File responses to motions <i>in limine</i>	January 6, 1999

dispute, with notice to the opposing party and the Administrative Law Judge.

Respondent's counsel Joseph Kattan, Gibson, Dunn & Crutcher LLP, 1050 Connecticut Ave., N.W., Suite 900, Washington, D.C. 20036-5306. All deliveries by facsimile shall be followed promptly by delivery of an original by hand or by U.S. mail, first-class postage prepaid. It shall be the obligation of the serving party to ensure that service by facsimile has been effected.

9. All pleadings, motions, supporting briefs, objections to discovery, responses to discovery, exhibit lists, witness lists, privilege lists, master lists of documents provided, expert reports, and similar material shall be provided in hard copy (paper) and on a 3 1/2" floppy disk.

