

RAMBUS INCORPORATED)
)
 a corporation.)

Docket No. 9302

ORDER DENYING RAMBUS' MOTION TO COMPEL

On December 20, 2002 Respondent Rambus Incorporated ("Rambus") filed its Motion to

2002, non-party Mitsubishi Electric & Electronics USA, Inc. (MEUS) filed its opposition. By
Order dated November 12, 2002, the motion of MEUS to quash the subpoena served on it by

MEUS is not a party to this litigation. "[I]n instances where a *nonparty* fails to comply with a subpoena or order, [the Administrative Law Judge] shall certify to the Commission a request that court enforcement of the subpoena or order be sought." 16 C.F.R. § 3.38(c) (emphasis added). Rambus' motion to compel MEUS to produce documents pursuant to 16 C.F.R. § 3.38(a)(2) is inappropriate.

Further, Commission Rule 3.22(f) requires that each motion to compel filed pursuant to § 3.38(a) and each motion for enforcement filed pursuant to § 3.38(c) must be accompanied by a signed statement representing that counsel for the moving party has conferred with opposing counsel in an effort in good faith to resolve the issues raised by the motion and has been unable to reach such an agreement. 16 C.F.R. § 3.22(f). Although the motion by Rambus does have a 3.22(f) statement, the opposition filed by MEUS asserts Rambus failed to meet and confer with MEUS in an effort in good faith to resolve by agreement the issues raised by this motion prior to filing it. The parties are required to continue their meet and confer.

For the above stated reasons, Rambus' motion to compel is DENIED.