

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

Public

In the Matter of

RAMBUS INCORPORATED,

a corporation.

Docket No. 9302

**MOTION *IN LIMINE* TO BAR PRESENTATION OF TESTIMONY AND ARGUMENT
REGARDING PURPORTED COLLUSION AMONG DRAM MANUFACTURERS**

Complaint Counsel submits this Motion *in Limine* to bar Rambus from presenting irrelevant and immaterial testimony or arguments suggesting the possibility of purported collusion among DRAM manufacturers. Such testimony and argumentation would merely be an attempt to exonerate Rambus's own anticompetitive conduct on the ground that other companies also engaged in anticompetitive conduct. Judge Timony has already ruled that such evidence is irrelevant to this proceeding, and the law unequivocally holds that the alleged "unclean hands" of third parties is not a defense in an antitrust action. Furthermore, such evidence is not relevant to show untruthfulness of DRAM manufacturer witnesses. As explained more fully in Complaint Counsel's Memorandum in Support of this Motion, all evidence or argument offered to establish the existence or operation of collusion among DRAM manufacturers should be barred as "irrelevant" and "immaterial," pursuant to Commission Rule 3.43(b).

* * *

Respectfully submitted,

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COUNSEL SUPPORTING THE COMPLAINT

Dated: March 26, 2003

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[PROPOSED] ORDER

Upon consideration of the Motion *In Limine* to Bar Presentation of Testimony and Argument Regarding Purported Collusion Among DRAM Manufacturers, dated March 26, 2003,

IT IS HEREBY ORDERED that Complaint Counsel's Motion is Granted.

Stephen J. McGuire
Chief Administrative Law Judge

Date: _____