

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, ON COLLATERAL-ESTOPPEL
GROUNDS, OF TESTIMONY AND ARGUMENTS REGARDING ISSUES THAT
RAMBUS HAS PREVIOUSLY LITIGATED AND LOST**

Complaint Counsel hereby moves to bar Rambus from presenting testimony and arguments regarding issues that it fully litigated in *Rambus Inc. v. Infineon Technologies AG*, 155 F. Supp. 2d 668 (E.D. Va. 2001), *aff'd in part, rev'd in part, and vacated in part*, 318 F.3d 1081 (Fed Cir. 2003). Rambus is properly barred from presenting evidence or arguments on such issues on collateral-estoppel grounds, because it has already had a full and fair opportunity to litigate these issues in another forum. Permitting Rambus to relitigate these issues here would waste the resources of the Commission, create needless delay, and would create the risk of inconsistent decisions. Such evidence is therefore properly barred 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, on Collateral-estoppel Grounds, of Testimony and Arguments Regarding Issues That Rambus Has Previously Litigated and Lost, dated March 26, 2003,

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

Stephen J. McGuire
Chief Administrative Law Judge

Date: _____