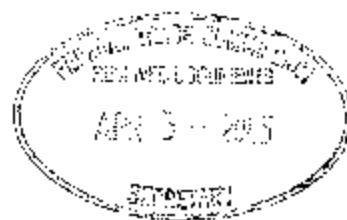


UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of  
RAMBUS INC.,

)  
)  
)  
)  
)  
Docket No. 9302

witnesses at the second proceeding.<sup>1</sup>

In opposition, Complaint Counsel asserts that JEDEC's patent disclosure policy is not a dispositive issue in this matter. Rather, Complaint Counsel asserts that Respondent's liability may rest on a broader pattern of anti-competitive practices of which the alleged violation of JEDEC's patent disclosure policies is but a single illegal practice. Additionally, Complaint

<sup>1</sup> Even in the absence of bifurcation, the Court urges counsel to focus the trial testimony of witnesses as sharply as possible.

Counsel points out that much of the testimony about JEDEC's policies and proceedings will come from non-party witnesses who, as a result of bifurcation, could be forced to come to Washington to testify twice since the scope of their testimony is far broader than just the patent disclosure policy of JEDEC (or the lack thereof).

JEDEC's disclosure policy is a matter of public record and is available to all parties.

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of  
RAMBUS INC.,  
a corporation.

Docket No. 9302

**ORDER DENYING RESPONDENT'S  
MOTION FOR PRE-HEARING DETERMINATION**

**OF ORDER OF ISSUES TO BE TRIED**

Before the Court is Respondent's Motion for Pre-hearing Determination of Order of Issues to Be Tried. Respondent essentially asserts that the trial be bifurcated, with witnesses at the second proceeding.<sup>1</sup>

In opposition, Complaint Counsel asserts that JEDEC's patent disclosure policy is not a discrimination law violation. Further, Complaint Counsel asserts that Respondent's Motion

Counsel points out that much of the testimony about JEDEC's policies and proceedings will come from non-party witnesses who, as a result of bifurcation, could be forced to come to Washington to testify unless the scope of their testimony is far broader than just the witness.

Chief Administrative Law Judge

Dated: April 3, 2003

<sup>2</sup> The Court could eliminate this inconvenience by having the witnesses testify only at the proposed initial proceeding and then, if necessary, incorporate the other aspects of their