

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
RAMBUS, INC.)	Docket No. 9302
)	
a corporation.)	
)	

**ORDER ON NON-PARTIES' MOTIONS FOR *IN CAMERA* TREATMENT
OF DOCUMENTS LISTED ON PARTIES' EXHIBIT LISTS**

I.

Pursuant to Commission Rule 3.45(b) and the Scheduling Order entered in this litigation, a third party and several non-parties have filed motions for *in camera* treatment for materials that the parties have listed on their exhibit lists as materials that might be introduced at trial in this matter.¹

In Commission proceedings, requests for *in camera* treatment must show that the public disclosure of the documentary evidence will result in a clearly defined, serious injury to the person or corporation whose records are involved. *In re Kaiser Aluminum & Chem. Corp.*, 103 F.T.C. 500 (1984); *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961). That showing can be

¹ In addition to the motions addressed in this Order, there are before the Court the following non-party motions for *in camera* treatment which will not be ripe for review in time for the Court to rule before the start of the evidentiary hearing on April 30, 2003: motion by Samsung Electronics Co. , filed on April 18, 2003; motion by Micron Technology Inc., filed on April 16, 2003; motion by Mosaid Technology Inc., filed April 15, 2003; motion by IBM, filed on April 18, 2003; and motion by Dr. Betty Prince, filed April 16, 2003. **If the parties do not intend to oppose any of these motions, a short statement to that effect will be accepted by the Court no later than 10:00 am Thursday, April 24th, to allow a ruling to be entered before the start of the evidentiary hearing.**

Moreover, Respondent Rambus, Inc., filed a motion for *in camera* treatment on April 17, 2003, which will not be ripe for review in time for the Court to rule before the start of the evidentiary hearing. Thus, in the event that the parties offer into evidence any of the documents for which *in camera* treatment was sought, provisional *in camera* treatment may be accorded such document at the time it is offered pursuant to 16 C.F.R. Sec. 3.45(g)

investments. Attached to Infineon's motion is the declaration of Henry S. Becker and Exhibits

Document 40139DOCO2057-02115 is a February 2002 Platform POR (“Plan of Record”). The document discusses, among other things, Intel’s demand for computer memory,

expire on April 23, 2008, is granted to the following documents: 40037DOCO0821-868; 40143DOCO1981-02002; 40139DOCO2057-02115; 40131DOCO1320-01331; 40132DOCO0791-00793; 40132DOCO0985-988; 5056DOCO2010-02013; and 5014DOCO0108-00124.

IV.

On April 11, 2003, non-parties Hynix Semiconductor, Inc., Hynix Semiconductor America, Inc., and Hynix Semiconductor Deutschland GmbH (collectively "Hynix"), moved for an order directing *in camera* treatment of certain highly confidential excerpts from Hynix documents that Complaint Counsel propose to enter into evidence at the hearing in this matter. The documents consist of six internal marketing strategy reports. Hynix seeks *in camera* treatment of just those portions of the reports that contain specific cost, price and yield information on the grounds that if this information were revealed to competitors, the result would be direct, immediate, and result in serious injury to Hynix in the marketplace.

The motion by Hynix is supported by a Declaration of D.S. Chung who is the Vice President of Intellectual Property Rights at Hynix Semiconductor, Incorporated. Attached to Chung's declaration are Exhibits A-F which are excerpts of analyses created by the company's internal business units and strategic marketing teams primarily for internal use and limited distribution at the company. Each of these exhibits contain current, detailed cost and price

