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ARNOLD & PORTER

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Rambus opposed the DOJ's motion. Judge Timony considered the submissions
[REDACTED] Judge Timony's order prohibited the parties from

conducting:

- (1) any discovery relating to any communications with the DOJ concerning the ongoing DRAM grand jury investigation;
- (2) discovery requests of materials produced to the grand jury;
- (3) any witness depositions on communications among DRAM manufacturers regarding

While this order tracked the specific relief sought by the DOJ, Judge Timony made clear that the general subject of collusion was irrelevant to the issues in the case. In his opinion accompanying the order, Judge Timony considered Rambus's arguments that DRAM manufacturers took actions to derail the acceptance of RDRAM, or engaged in collusive price-fixing conduct, or that, as a result of collusive actions by DRAM manufacturers, Intel rejected the RDRAM. He found that "Rambus has not shown that any of these issues are directly relevant and material in this proceeding."⁴ Indeed, he found that evidence of price fixing "is immaterial to the issues in this case, including whether Rambus' conduct alleged in the Complaint could tend to injure competition."⁵

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does not intend to entertain extensive examination on this question since the focus of this matter is on the conduct and actions of Respondent, not non-parties.”⁶

... intends to present evidence “that DRAM

