

UNITED STATES OF AMERICA
 BEFORE THE FEDERAL TRADE COMMISSION



_____)
 In the Matter of)
 _____)

_____)
 _____)
 _____)

_____)
 a corporation.)
 _____)

ORDER ON NON-PARTY MICRON TECHNOLOGY, INC.'S
 REQUEST TO LIMIT QUESTIONING OF WITNESSES

Respondent Rambus, Inc. ("Rambus") has made it clear that it intends to present and
 _____)
 _____)

On June 19, 2003, Respondent filed a response to Micron's request. Rambus asserts that it has no intention of asking Micron's witnesses about communications between Micron and the DOJ regarding the pending grand jury investigation. However, Rambus asserts that it should not

relating to pricing to DRAM customers.

In its opposition, Respondent further asserts that Micron's request should be rejected for at least three reasons: (1) the DOJ has not intervened to argue that the trial might interfere with

vol. 6 at 1155:1-4 (testimony by Infineon employee Henry Becker that memory manufacturers “can’t control the selling price but can only control the cost” of DRAM, “which means we have to do a very good job of controlling those costs”); vol. 16 at 3008:25-3009:3 (Complaint Counsel asking Richard Crisp whether customers “might be willing to leave some performance on the

trial witnesses about the purported “high cost” or “higher price” of the Rambus memory device.

E.g., Trial Transcript, vol. 24 at 4416:23-25 (testimony by Infineon employee Martin Peisl that

were anti-competitive.

When DOJ filed an earlier motion to preclude discovery of communications between DRAM manufacturers regarding pricing (filed December 27, 2002), DOJ argued that a limit on

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ORDER

The parties to this proceeding are prohibited from questioning witnesses at trial concerning communications with the DOJ regarding the pending grand jury investigation of the DRAM industry.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]