

2002 WL 31868184 (F.T.C.)

(Publication page references are not available for this document.)

In the Matter of RAMBUS INCORPORATED, a corporation.

Docket No. 9302

November 18, 2002

OPINION SUPPORTING ORDER DENYING MOTION OF MITSUBISHI ELECTRIC & ELECTRONICS USA, INC. TO QUASH OR NARROW SUBPOENA

	On October 30, 2002, non-party Mitsubishi Electric & Electronics USA, Inc. ("Mitsubishi") filed a motion seeking to quash or limit a subpoena served on it by Respondent Rambus, Inc. ("Rambus"). Respondent filed its opposition
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Mitsubishi. Browning, 435 F.2d at 104. In addition, Mitsubishi failed to meet and confer on this issue. 16 C.F.R. § 3.22(f).

Rambus Seeks Documents Reasonably Expected to Yield Relevant	nt Information
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respondent." 16 C.F.R. § 3.31(c)(1). Treasonably expected to be "generally re	s in the complaint, to the proposed relief, or to the defenses of [the The question, therefore, is whether the subpoena seeks information that is elevant to the issues raised by the pleadings." In re Kaiser Aluminum & at *4 (Nov. 12, 1976). Thus, the "relevancy of the information sought is

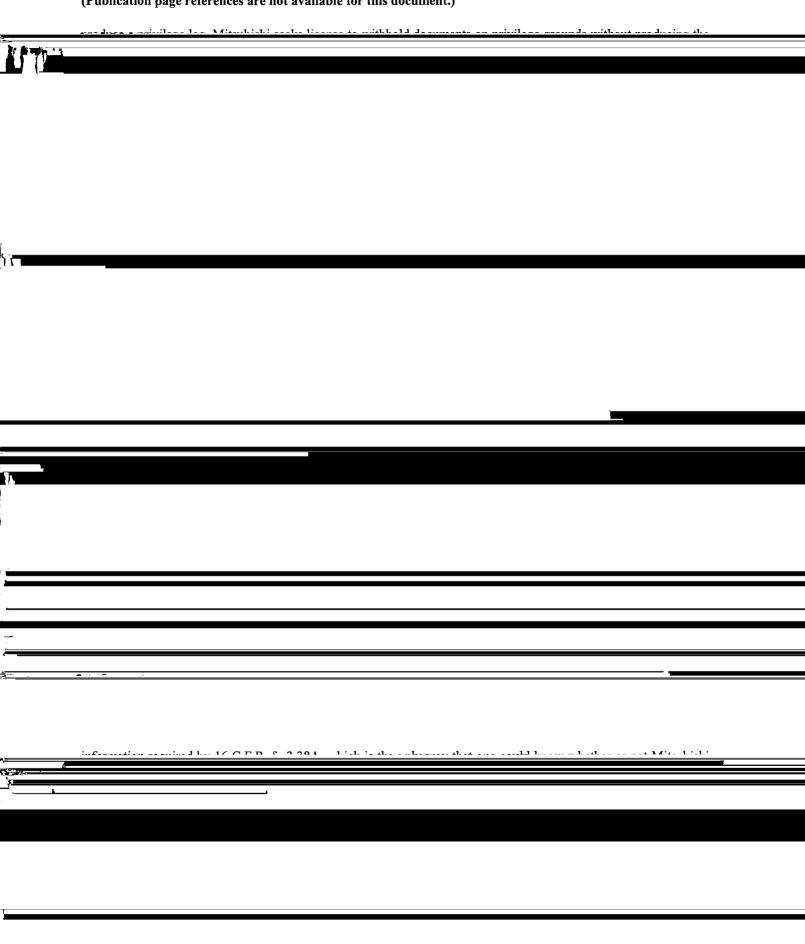
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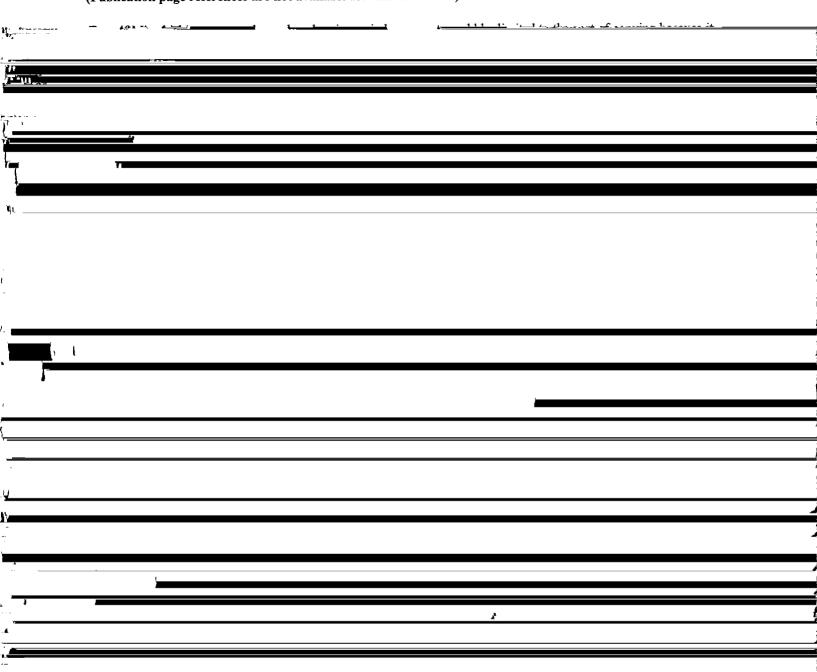
21, that the relevant JEDEC standards were adopted in 1993 and 1999, id. at \P 89-90, that the DRAM industry started manufacturing JEDEC standard-compliant parts in 1995, id. at \P 89-90, and that Rambus's conduct has and will in the future cause competitive harm, id. at \P 3. Documents created between 1991 and the present are likely to have information relevant to the allegations in the Complaint. Kaiser Aluminum, 1976 FTC LEXIS 68 at *8.

Mitsubishi's assertion that the subpoena seeks documents that are not relevant to this proceeding has no merit.

Mitsubishi's Claims of Burden

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is a participant in the DRAM industry: "Even where costs are awarded to a non-party, where the non-party is in the industry in which the alleged acts occurred and the non-party has interest in the litigation and would be affected by the judgment, only the cost of copying, and no other costs of the search, need be reimbursed." Flowers Industries, 1982 FTC LEXIS 96 at *16; Kaiser Aluminum, 1976 FTC LEXIS 68 at *20-21.

CONCLUSION

In accordance with the Order Denying Motion of Mitsubishi Electric & Electronics USA, Inc. to Quash or in the Alternative for Protective Order, issued on November 12, 2002, Mitsubishi's motion to quash or otherwise limit Rambus's subpoena is denied.

SO ORDERED:

James P. Timony