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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 to that motion on November 9, 2002. Docket No. 9302-11. On November 14, 2002, the Commission held a hearing on the motion. On November 18, 2002, the Commission issued the following order:

[REDACTED]

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 Information

~~The Commission's Discovery Rules allow parties to "obtain discovery to the extent that it may be reasonably expected to yield~~

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information relevant to the allegations in the complaint, to the proposed relief, or to the defenses of [the] respondent." 16 C.F.R. § 3.31(c)(1). The question, therefore, is whether the subpoena seeks information that is reasonably expected to be "generally relevant to the issues raised by the pleadings." In re Kaiser Aluminum & Chemical Corp., 1976 FTC LEXIS 68 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 ¶¶ 89-90, that the DRAM industry started manufacturing JEDEC standard-compliant parts in 1995, *id.* at ¶¶ 89-90, and that Rambus's conduct has and will in the future cause competitive harm, *id.* at ¶ 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

Mitsubishi argues that the subpoena should be limited because it would be overly burdensome to respond to it.

Information provided by 16 C.F.R. § 2.201. This is the substance that you would have received if you had not received this

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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