

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**            **Deborah Platt Majoras, Chairman**  
   **Orson Swindle**  
   **Thomas B. Leary**  
   **Pamela Jones Harbour**  
   **Jon Leibowitz**

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

**ORDER DENYING JOINT APPLICATION TO POSTPONE BRIEFING  
AND STAY COMMISSION ACTION ON COMPLAINT COUNSEL'S  
MOTION TO COMPEL, AND ESTABLISHING BRIEFING SCHEDULE  
FOR THAT MOTION**

On July 2, 2004, Complaint Counsel filed a Motion to Compel Production of, and to Reopen the Record to Admit, Documents Relating to Respondent Rambus Inc.'s Spoliation of Evidence ("Motion to Compel"). On July 8, 2004, Complaint Counsel and Rambus filed a Joint Stipulation and a Proposed Order that would postpone briefing and stay Commission action on the Motion to Compel until the Court of Appeals for the Federal Circuit resolved Rambus's pending Petition for Writ of Mandamus ("Petition") seeking to overturn the disclosure of documents ordered by the United States District Court for the Eastern District of Virginia. On August 18, 2004, the Court of Appeals for the Federal Circuit denied Rambus's Petition.

On August 25, 2004, Rambus filed a petition for rehearing and rehearing *en banc*. On September 1, 2004, the original Federal Circuit panel denied the petition for rehearing, but the Federal Circuit thereafter directed Infineon to respond to the petition for rehearing *en banc* by

