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 REMOVING PRIVILEGED THIRD PARTY DOCUMENT FROM TRIAL RECORD

On June 23, 2004, a joint stipulation among Complaint Counsel, counsel for Rambus Inc., and counsel for IBM, styled "Stipulation and Proposed Order Removing Privileged Third Party Document from Trial Record," was filed with the Secretary. It appears from this stipulation that IBM inadvertently provided an attorney-client privileged document to Rambus in response to a discovery subpoena and that such document should have been returned to IBM. However, that document inadvertently was marked as an exhibit in the trial record of this matter, RX 1100, and admitted into evidence. The proposed order would remove this document from the trial record and direct the return of all copies to IBM. The Commission has determined that the removal of RX 1100 from the trial record will not adversely affect the pending appeal and cross-appeal in this matter. Accordingly,

IT IS ORDERED THAT, the internal IBM document that was admitted into evidence at the hearing in this matter as RX 1100 be, and it hereby is, removed from the trial record in this matter. If they have not already done so, the parties shall return all copies of said document to counsel for IBM.

By the Commission.

Donald S. Clark
Secretary

ISSUED: October 4, 2004