

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

**Public Version**

In the Matter of

RAMBUS INCORPORATED,

a corporation.

Docket No. 9302

**COMPLAINT COUNSEL'S MOTION FOR LEAVE  
TO FILE REPLY IN SUPPORT OF MOTION FOR ADDITIONAL ADVERSE  
INFERENCES AND OTHER APPROPRIATE RELIEF NECESSARY  
TO REMEDY RAMBUS INC.'S INTENTIONAL SPOILIATION OF EVIDENCE**

On March 27, 2003, Complaint Counsel filed in this matter a Motion for Additional Adverse Inferences and Other Appropriate Relief Necessary to Remedy Rambus Inc.'s Intentional Spoliation of Evidence. Complaint Counsel now requests leave to submit a brief reply commenting on Rambus's opposition memorandum, which was filed on April 7, 2003. In its opposition memorandum, Rambus makes numerous inaccurate contentions and baseless arguments, which Complaint Counsel would like to rebut. Complaint Counsel would also like to explain why, in our view, Rambus's opposition arguments simply fail to address the core issues presented by Complaint Counsel's motion. More fundamentally, we note that the issues raised by Complaint Counsel's motion are matters of the utmost importance to this case, to the institutional interests of this agency, and to public observers of this action, including those who might entertain similar acts of spoliation affecting future FTC proceedings,

which is something Judge Timony – by imposing adverse inferences – sought to deter. Accordingly, Complaint Counsel requests that this motion be granted.

Respectfully submitted,

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M. Sean Royall  
Geoffrey D. Oliver  
Lisa D. Rosenthal  
Sarah E. Schroeder

BUREAU OF COMPETITION  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580  
(202) 326-3663  
(202) 326-3496 (facsimile)

COUNSEL SUPPORTING THE COMPLAINT

Dated: April 10, 2003

## CERTIFICATE OF SERVICE

I, Melissa Kassier, hereby certify that on April 10, 2003, I caused a copy of the following materials:

1. Complaint Counsel's Motion for Leave to File Reply in Support of Motion for Additional Adverse Inferences and Other Appropriate Relief Necessary to Remedy Rambus Inc.'s Intentional Spoliation of Evidence,

to be served upon the following persons:

by hand delivery to:

Hon. Stephen J. McGuire  
Chief Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

and by electronic mail and overnight courier to:

A. Douglas Melamed, Esq.  
Wilmer, Cutler & Pickering  
2445 M Street, NW  
Washington, DC 20037-1402

Steven M. Perry, Esq.  
Munger, Tolles & Olson LLP  
355 South Grand Avenue  
35<sup>th</sup> Floor  
Los Angeles, CA 90071

*Counsel for Rambus Incorporated*

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Melissa Kassier