

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

**In the Matter of**

**RAMBUS INC.,**

**a corporation.**

**Docket No. 9302**

**STIPULATION AND ORDER REGARDING  
ADMISSION OF CERTAIN EXHIBITS**

WHEREAS, Complaint Counsel served their Final Trial Exhibit List on or about April 3, 2003, identifying exhibits bearing exhibit numbers in the range of CX-0001 through CX-4003, although with some gaps in that numbering sequence, and Complaint Counsel subsequently provided Respondent's counsel on or about April 16, 2003 with some changes and/or additions to their exhibit list (hereinafter collectively "Complaint Counsel's original exhibit lists"); and

WHEREAS, counsel for Respondent served their Final Trial Exhibit List on or about April 3, 2003, consisting of exhibits numbered RX-0001 through RX-2288, again with some gaps in the numbering sequence, and Respondent's counsel subsequently provided Complaint Counsel on or about April 16, 2003 with some changes and/or

additions to its exhibit list (hereinafter collectively “Respondent’s original exhibit lists”);  
and

WHEREAS, Judge McGuire has advised the parties of his views regarding  
admissibility of exhibits and a general principle that objections to admissibility will be  
considered in evaluating the weight, if any, to be given to any evidence; and

WHEREAS, Judge McGuire has requested that the parties attempt to agree on a  
subset of their collective original exhibit lists that represents their “core” exhibits,  
including many of the exhibits that the parties at this time expect to rely on in their post-  
hearing argument and briefing; and

WHEREAS, counsel for Respondent have asserted and would assert various  
objections to certain of the exhibits on Complaint Counsel’s exhibit lists; and

WHEREAS, Complaint Counsel similarly have asserted and would assert various  
objections to certain of the exhibits on Respondent’s exhibit lists; and

WHEREAS, counsel for Respondent and Complaint Counsel are desirous of  
expediting this proceeding to the extent possible, as requested by Judge McGuire,

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between Complaint  
Counsel, on the one hand, and counsel for Respondent Rambus Inc., on the other hand,  
subject to the approval and order of Chief Administrative Law Judge Stephen J. McGuire,  
as follows:

1. All objections to the admissibility of exhibits contained on the shortened  
exhibit list of Complaint Counsel, a copy of which is attached hereto as Exhibit A, and the  
shortened exhibit list of Respondent, a copy of which is attached hereto as Exhibit B,

including objections on the grounds of authenticity, hearsay, double hearsay, lack of foundation, improper opinion, relevance, and other grounds, shall be deemed overruled and the exhibits on these two lists shall be admitted, with such objections going to the weight to be accorded the evidence, rather than to its admissibility, with the exceptions set forth in paragraphs 3 - 9 below.

2. As to the remainder of the exhibits listed on the original exhibit lists of Complaint Counsel and Respondent, which are not included on their respective shortened lists, all objections to the admissibility of such exhibits, including objections on the grounds of authenticity, hearsay, double hearsay, lack of foundation, improper opinion, relevance, and other grounds, shall be deemed overruled. Should any of these exhibits later be offered into evidence during the course of this proceeding, such objections shall go to the weight to be accorded the evidence, rather than to its admissibility, with the exceptions set forth in paragraphs 3 - 9 below. At this time, however, subject to later agreement of the parties to the contrary and subject to the approval of the Court, exhibits which are not listed on one of the two shortened exhibit lists will not be admitted without first being offered in evidence during the course of this proceeding.

3. This stipulation and order do not apply to documents that any party or third party now or later contends are privileged and were inadvertently produced.

4. This stipulation and order do not apply to any documents that one party contends are not complete copies of the document in question, so long as the party so contending provides counsel for the other party with a complete copy of the document, in which case the complete copy shall be substituted for the allegedly incomplete copy.

5. This stipulation and order do not apply to any reports written by experts or expert witnesses retained in connection with or identified as such in the course of this or any other proceeding.

6. This stipulation and order do not apply to exhibits 4279-4291, designated by Complaint Counsel on or about April 16, 2003, as to which the parties have agreed to confer further.

7. This stipulation and order do not apply to any exhibit lists that are themselves listed on the parties' exhibit lists.

8. This stipulation and order do not apply to deposition transcripts, except to the extent that testimony from a transcript has been designated by one or both parties and except to the extent that any objections to such designated testimony are overruled.

9. This stipulation and order do not affect in any way the treatment of certain documents in accordance with the Commission's *in camera* rules and procedures, as such rules and procedures are interpreted and applied by Judge McGuire, which matters shall be handled separately.

10. In addition those exhibits described in paragraphs 1 and 2 above, the parties may, at some later point in this proceeding but before the conclusion of trial, wish to

stipulate to the admission of a limited number of additional documents, subject to the approval and order of the Court.

DATED: May 6, 2003

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**ORDER**

IT IS SO ORDERED.

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Chief Administrative Law Judge  
Stephen J. McGuire

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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

**CERTIFICATION**

I, Adam R. Wichman, hereby certify that the electronic copy of the *Stipulation and Order Regarding Admission of Certain Exhibits* accompanying this certification is a true and correct copy of the paper version that is being filed with the Secretary of the Commission on May 7, 2003 by other means.

**Adam R. Wichman**  
**May 7, 2003**