

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

**NON-PARTY MICRON TECHNOLOGY, INC.’S REPLY
IN SUPPORT OF ITS MOTION FOR IN CAMERA TREATMENT**

Non-party Micron Technology, Inc. (“Micron”) respectfully submits this reply in support of its Motion For In Camera Treatment, which was filed in this matter on July 29, 2003.

Respondent Rambus Inc. (“Rambus”) does not oppose Micron’s motion for in camera treatment except as it relates to a single document, numbered MU00026836-7. In fact, Rambus devotes significant argument to only the first two paragraphs of that document.

Rambus’s interest in this document has no apparent connection to any issue in this matter.¹ It is not surprising, therefore, that Rambus has not bothered either to depose or call as a witness at the hearing any individual, be it author or recipient, who could have authenticated this document or testified as to its meaning or the facts surrounding it. Despite the fact that the evidentiary hearing has already ended, Rambus nevertheless seeks to use these proceedings to further some unrelated agenda that can have nothing whatsoever to do with this case. Micron

¹ For this reason, Micron will not address Rambus’s unfounded speculation about what it thinks certain language in this e-mail might mean.

respectfully submits that Rambus should not be allowed to exploit these hearings and the Commission's rules in such a manner.

Regardless of why Rambus is seeking to avoid in camera protection for this document, its arguments are without merit. Rambus makes a half-hearted argument that nothing in any part of the document is entitled to in camera protection. However, it acknowledges that portions of the document contain Micron pricing plans. See Rambus Opposition at 4. Rambus fails to note that the document also contains specific information about shortages of certain Micron parts as well as pricing and customer demand information for nine different Micron customers. In fact, the very paragraphs on which Rambus focuses include forward-looking statements of Micron's pricing plans regarding specific groups of customers on specific product types. This sensitive competitive information was not shared outside the company. As explained in the Declaration of Robert Donnelly ("Donnelly Declaration") which accompanied Micron's motion, such pricing plans are confidential and proprietary and their disclosure threatens to seriously disadvantage Micron in the marketplace. Donnelly Declaration at ¶¶ 11-12.

Rambus's contention is that the information in the document is so outdated as to be unworthy of protection. The document in question contains sensitive, forward-looking information that is less than two years old, and this Court has already granted in camera treatment for similar documents that were older. See, e.g., Additional Order On Non-Party Motions For In Camera Treatment (April 29, 2003).

* * * *

Conclusion

For all of the foregoing reasons and the reasons set forth in its Motion for In Camera Treatment, Micron respectfully requests that its Motion for In Camera Treatment be granted.

Dated: August 6, 2003

Respectfully submitted,

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