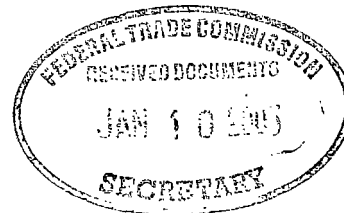




UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of Administrative Law Judges



January 10, 2003

TO: Donald S. Clark
Secretary of the Commission

FROM: Victoria C. Arthaud *VCA*
Attorney Advisor

RE: *In re Rambus Inc.*, Docket 9302

Pursuant to the Commission Rules of Practice, Rule 4.7(c), this memorandum is to document the substance and circumstances of an ex parte communication I received in the above captioned matter.

On January 9, 2003, Judge Timony issued an order in *Rambus* denying the motion of the Department of Justice ("DOJ") for *in camera* treatment of two confidential pleadings that DOJ had filed on December 27, 2002. The January 9, 2002 order directed that the two pleadings would be withheld from the public record, but authorized disclosure of the two pleadings to counsel for the parties in this matter.

Subsequent to the filing of the January 9, 2002 order, I received a voice mail message from the DOJ attorney who had filed the motion for *in camera* treatment. In that message, the DOJ attorney stated that the disclosure of the two pleadings would cause serious problems because under the 6(e) rules of Federal Criminal Procedure, the DOJ is not allowed to make this disclosure. He further stated that there is an order in place by a U.S. District Judge only allowing disclosure of this information to the ALJ for purposes of considering DOJ's motion. The DOJ attorney further stated that he intended to contest the order and inquired into the most expeditious way for doing so.