

PUBLIC VERSION

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of	)	
	)	
RAMBUS INCORPORATED,	)	DOCKET NO. 9302
	)	
a corporation.	)	
	)	
	)	
	)	

**MOTION OF NON-PARTY IBM TO COMPEL RETURN OF  
INADVERTENTLY PRODUCED PRIVILEGED MATERIAL FROM  
RAMBUS, INC.**

Pursuant to 16 C.F.R. § 3.22 and Paragraph 15(c) of the Protective Order governing discovery in this matter, non-party International Business Machines, Inc. ("IBM") hereby respectfully moves to compel Respondent Rambus, Inc. ("Rambus") to return privileged discovery material, which was inadvertently produced. IBM makes this motion on the ground that all documents at issue constitute attorney client privileged communications, for which there has been no waiver. Rambus refuses to return the privileged documents on the grounds that factual statements within them "standing alone" are not privileged, and that the documents are "relevant" and/or "at issue." Because there is no legal basis for Rambus' position, IBM requests

PUBLIC VERSION

that the Administrative Law Judge order Rambus to immediately return  
IBM's privileged documents.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By: 

Corey Roush

Columbia Square  
555 Thirteenth Street, N.W.  
Washington, D.C  
202-637-5600

Dated: April 15, 2003