

Nevertheless, as the parties indicate, the record in this matter is extremely lengthy and detailed; the trial lasted 54 days; 44 witnesses testified live at trial, and 15 testified through designated deposition testimony; more than 1,900 exhibits were admitted; the trial transcript exceeds 11,800 pages; the parties submitted more than 3,000 pages of proposed findings of fact and reply findings of fact; and post-trial briefs and reply briefs amounted to almost 450 pages. Moreover, as the parties advise, the underlying factual issues are complex, and the record contains a large quantity of highly technical evidence relating to computer design, memory architectures, memory technologies, and patent questions. Furthermore, the Initial Decision is 334 pages long and contains, *inter alia*, more than 1,650 findings of fact. As a consequence, some accommodations as to timing and brief length appear to be warranted, in order to give Respondents and Counsel Supporting the Complaint adequate time and space to prepare their respective appellate briefs.

Accordingly, for the foregoing reasons, upon consideration of the Joint Motion:

IT IS ORDERED THAT (1) Counsel Supporting the Complaint shall file their initial brief on appeal (containing up to 32,750 words) from the Initial Decision on or before April 16, 2004, and (2) the appeal of Counsel Supporting the Complaint shall be deemed perfected “by the timely filing of an appeal brief,” for purposes of Commission Rule 3.51(a), 16 C.F.R. § 3.51(a), if Counsel for the Complaint file their initial brief on appeal by that date;

IT IS FURTHER ORDERED THAT (1) Respondent shall file its initial brief on appeal (containing up to 32,750 words if a cross-appeal is not perfected, and up to 45,750 words if a cross-appeal is perfected) by June 2, 2004, and (2) Respondent’s appeal shall be deemed perfected “by the timely filing of an appeal brief” if Respondent files its brief on appeal by that date, whether or not Respondent has previously perfected its appeal; and

IT IS FURTHER ORDERED THAT the remaining appellate briefs in this matter shall be filed on the following dates, subject to the word limits specified in parentheses:

Reply Brief, if a cross-appeal is not perfected: June 16, 2004 (32,750 words);
Reply Brief, if a cross-appeal is perfected: July 2, 2004 (32,750 words);
Rebuttal Brief, if a cross-appeal is perfected: July 16, 2004 (19,500 words).

By the Commission.

Donald S. Clark
Secretary

ISSUED: March 18, 2004