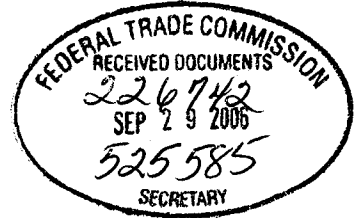


ORIGINAL

PUBLIC

UNITED STATES FEDERAL TRADE COMMISSION

Docket No. 9302



In the Matter of

RAMBUS INC.,

A CORPORATION

**MOTION OF THE AMERICAN ANTITRUST INSTITUTE, INC.
FOR LEAVE TO FILE RESPONDING *AMICUS CURIAE* BRIEF
ON ISSUES OF REMEDY IN SUPPORT OF NEITHER PARTY**

Albert A. Foer
President
American Antitrust Institute, Inc.
2919 Ellicott Street, N.W.
Washington, D.C. 20008

Jonathan Rubin
*Counsel of Record and
Senior Research Fellow*
Jonathan L. Rubin, P.A.
1717 K Street, N.W., Suite 600
Washington, D.C. 20036
(202) 415-0616

September 29, 2006

Argument

Pursuant to 16 C.F.R. §3.52(j), the American Antitrust Institute, Inc. (“AAI”) respectfully moves for an Order granting it leave to file the accompanying *amicus curiae* responding brief on the issue of remedy in support of neither party, and in support thereof states as follows:

The AAI is an independent, not-for-profit organization dedicated to economic research, the study of the antitrust laws, public education, and the systematic and consistent application of the antitrust laws. The Commission’s reasoning and decision with respect to the remedy in this matter will have a substantial impact on the future conduct of standard-setting bodies, their participants, and patentees.

AAI’s brief presents two principles that from an independent perspective should guide the Commission in fashioning a remedy. The AAI has no special insight into the facts of this case and, therefore, supports no particular outcome. It is respectfully submitted that the AAI’s independent status and concern for the vitality of competition can provide a useful perspective for determining the appropriate remedy to be ordered in this case.

An *amicus curiae* brief supporting neither side is not expressly contemplated by the Commission’s rules. Such briefs, however, are provided for by the Rules of the U.S. Supreme Court and by all federal appellate courts pursuant to Rule 29 of the Federal Rules of Appellate Procedure. Rule 29 permits *amicus curiae* briefs to be filed subsequent to the filing of the appellant’s or petitioner’s principal brief. The rationale for permitting *amici* to file briefs subsequent to the filing of the principal brief is to ensure that repetitive or superfluous material is not submitted.

Although no injustice will result from granting leave to *amicus curiae* AAI to file a responding brief, the brief may aid the Commission and benefit the public record in this matter.

Conclusion

BASED ON THE FOREGOING, the AAI respectfully requests an Order for leave to file the accompanying *amicus curiae* brief on the issue of remedy in support of neither party. A proposed Order is attached.

Respectfully submitted,

Albert A. Foer
President
American Antitrust Institute, Inc.
2919 Ellicott Street, N.W.
Washington, D.C. 20008

Jonathan Rubin
*Counsel of Record and
Senior Research Fellow*
Jonathan L. Rubin, P.A.
1717 K Street, N.W., Suite 600
Washington, D.C. 20036
(202) 415-0616

Dated: September 29, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 29, 2006, I caused true and correct copies of the Motion of the American Antitrust Institute, Inc. for Leave to File Responding *Amicus Curiae* Brief on Issues of Remedy in Support of Neither Party to be served as described below.

Service by hand delivery of paper copies, including an original, signed version, and 12 photocopies, and by electronic mail, was provided to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Rm. H-159
Washington, D.C. 20580

Service of two copies by hand delivery was provided to:

Counsel Supporting the Complaint:


Geoffrey D. Oliver, Esq.
Assistant Director
Bureau of Competition
Federal Trade Commission
Washington, D.C. 20850

Service of two copies by overnight delivery was provided to:

Counsel for Respondent:

Gregory P. Stone, Esq.
MUNGER, TOLLES & OLSON, LLP
355 South Grand Avenue, 35th Floor
Los Angeles, California 90071-1560

A. Douglas Melamed, Esq.
WILMER, CUTLER, PICKERING, HALE
& DORR, LLP
1875 Pennsylvania Ave., N.W.
Washington, D.C. 20006


Jonathan Rubin

PUBLIC

UNITED STATES FEDERAL TRADE COMMISSION

Docket No. 9302

In the Matter of
RAMBUS INC.,
A CORPORATION

[PROPOSED] ORDER

Upon consideration of the Motion of the American Antitrust Institute, Inc. (“AAI”) for Leave to File a Responding *Amicus Curiae* Brief on Issues of Remedy in Support of Neither Party the Commission finds that the proposed amicus curiae brief may assist in the determination of the matters presented in this matter. Accordingly,

IT IS ORDERED that the AAI is granted leave to file its *amicus curiae* brief.

By the Commission.

Issued: