

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Deborah Platt Majoras, Chairman**
 Pamela Jones Harbour
 Jon Leibowitz
 William E. Kovacic
 J. Thomas Rosch

) In the Matter of)	
) RAMBUS INCORPORATED,)	Docket No. 9302
) a corporation.)	
) _____)	

**ORDER REVERSING AND VACATING INITIAL DECISION AND ACCOMPANYING
ORDER, SCHEDULING SUPPLEMENTAL BRIEFING ON ISSUES OF REMEDY,
AND DENYING COMPLAINT COUNSEL’S MOTION FOR SANCTIONS**

This matter having been heard by the Commission upon the appeal of Counsel Supporting the Complaint and the cross-appeal of Respondent, and upon the respective briefs and oral arguments in support of such positions, and the Commission having determined that Respondent has violated Section 5 of the Federal Trade Commission Act – for the reasons stated in the accompanying Opinion – the Commission has therefore determined to reverse and vacate the Initial Decision, to vacate the Order accompanying the Initial Decision, and to direct supplemental briefing on issues of remedy. The Commission has also determined to deny Complaint Counsel’s Motion for Sanctions Due to Rambus’s Spoliation of Documents (Aug. 10, 2005) (“Motion for Sanctions”).

Accordingly,

IT IS ORDERED THAT the Initial Decision dismissing the Complaint in this proceeding be, and it hereby is, **REVERSED** and **VACATED**;

IT IS FURTHER ORDERED THAT all findings and conclusions in the Initial Decision, other than those expressly cited and relied upon in the Opinion accompanying this Order, be, and they hereby are, **SET ASIDE**;

IT IS FURTHER ORDERED THAT the Order accompanying the Initial Decision and dismissing the Complaint in this proceeding be, and it hereby is, **VACATED**;

IT IS FURTHER ORDERED THAT:

1. On or before September 15, 2006, Rambus and Complaint Counsel each shall file a brief, not to exceed 7,500 words – as measured pursuant to Commission Rule 3.52(b)(2) – addressing appropriate issues relating to remedy in this proceeding;¹ and
2. On or before September 29, 2006, each party may file a responding brief, not to exceed 5,000 words, as measured pursuant to Commission Rule 3.52(b)(2);

IT IS FURTHER ORDERED THAT additional oral argument relating to remedy will be scheduled by further order of the Commission after the receipt of the briefs directed by this Order; and

IT IS FURTHER ORDERED THAT the Motion for Sanctions be, and it hereby is, **DENIED.**

By the Commission.

Donald S. Clark
Secretary

ISSUED: July 31, 2006

¹ These briefs shall discuss, without limitation: (1) means for the Commission to determine, based on the existing record, reasonable royalty rates for licensing all technologies applicable to JEDEC-compliant products and covered by relevant Rambus patents; (2) alternative mechanisms and procedures for determining reasonable royalty rates, such as an independent arbitrator, a special master, or an administrative law judge; (3) qualitative characteristics descriptive of appropriate relief, against which specific royalty proposals might be evaluated; and (4) appropriate injunctive and other provisions that should be incorporated in the Final Order in this proceeding.