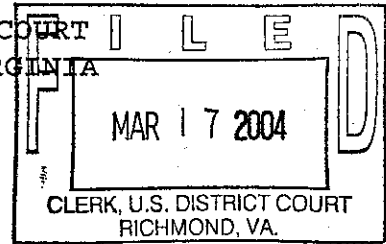


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



RAMBUS, INC.,

Plaintiff,

v.

Civil Action No. 3:00cv524

INFINEON TECHNOLOGIES AG,
et al.,

Defendants.

ORDER

Having reviewed Plaintiff's Motion for Stay of the Ordering Provisions of the Second Paragraph of the Court's February 26, 2004 Order and the response thereto, and having concluded that it was erroneous: (1) to have referred on pages 59 and 60 of Section IIB of the Memorandum Opinion issued herein on February 26, 2004 (Docket No. 535) (the "February 26 Opinion") to Duplan Corp. v. Deering Milliken, Inc., 397 F. Supp. 1146 (D.S.C. 1975); (2) to have mentioned the concept of a "control group" in analyzing the issue of waiver; or (3) to have considered, on pages 63 and 64 of the February 26 Opinion distribution of the document retention policy within Rambus; and having concluded that the bifurcated treatment given to the issue of subject matter waiver in the February 26 Opinion is not in the interests of judicial efficiency considering that an in camera review is currently underway on a related issue, it is hereby ORDERED that the February 26 Opinion and the Order implementing it (Docket No. 536) are vacated and that

the Amended Memorandum Opinion and Amended Order issued herewith shall be filed to replace them.

It is further ORDERED that Plaintiff's Motion for Stay of the Ordering Provisions of the Second Paragraph of the Court's February 26, 2004 Order is hereby DENIED AS MOOT without prejudice to the filing of a motion for stay of any subsequent order issued following completion of the pending in camera review of privileged documents. It is further ORDERED that oral argument on the motion for stay set for March 26, 2004 at 2:00 p.m. is cancelled; but the Court will hear oral argument on Rambus' Motion to Dismiss (Rule 12(b)(6)) or, in the Alternative, for Partial Summary Judgment (Rule 56(b)) Concerning Infineon's Counterclaim Count 15, Based on California Bus. & Prof. Code § 17200 at that time.

The Clerk is directed to send a copy of this Order to all counsel of record by facsimile and regular mail.

It is so ORDERED.


United States District Judge

Richmond, Virginia
Date: March 17, 2003