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UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION



In the Matter of

INTEL CORPORATION,

a corporation.

Docket No. 9288

**ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER DENYING IN-  
HOUSE COUNSEL ACCESS TO CONFIDENTIAL DISCOVERY MATERIAL, OR, IN  
THE ALTERNATIVE, FOR LEAVE TO TAKE AN INTERLOCUTORY APPEAL**

Having considered the submissions of the parties and the record evidence put before the Court, I find that Respondent Intel Corporation failed to raise new issues of law or fact or show that this Court failed to consider material facts. Further, the record evidence shows, as supplemented by Intel's Motion for Reconsideration, that third parties have lodged objections to Intel's proposed order, and Intel's counsel is involved in business decision-making generally, and patent litigation, prosecution and licensing, in particular. Disclosure of confidential information to Intel's inside counsel therefore risks substantial competitive harm. The duty of this Court is to balance the interests of the parties. In so doing, Respondent's motion for reconsideration is hereby DENIED.

The protective order at issue is a discovery dispute involving a factual issue, and therefore is not a "ruling involv[ing] a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an immediate appeal from the ruling may materially advance the ultimate termination of the litigation or subsequent review will be an inadequate remedy." Section 3.31(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.31(b). Accordingly, Respondent's motion for leave to file an interlocutory appeal is hereby DENIED.

A handwritten signature in cursive script that reads "James P. Timony".

James P. Timony  
Chief Administrative Law Judge

DATE: July 31, 1998