

Interlocutory Orders, Etc.

IN THE MATTER OF

RAMBUS INCORPORATED

Docket No. 9302 Order, May 12, 2009

Order to return the matter to adjudication and dismiss the complaint.

**ORDER RETURNING MATTER TO ADJUDICATION AND
DISMISSING COMPLAINT**

On March 6, 2009, the Commission issued an Order granting Complaint Counsel's unopposed motion to withdraw this matter from adjudication – and suspending the application of Rule 4.7, 16 C.F.R. § 4.7 – for the purpose of considering the proper resolution of this matter in light of the mandate of the United States Court of Appeals for the District of Columbia Circuit. The Commission finds that further litigation in this matter would not be in the public interest. Accordingly,

IT IS ORDERED that this matter be, and it hereby is, returned to adjudication; and

IT IS FURTHER ORDERED that the complaint in this matter be, and it hereby is, dismissed.

By the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

**WHOLE FOODS MARKET, INC.,
AND
WILD OATS MARKETS, INC.**

Docket No. 9324 Order, May 21, 2009

Order addressing Gelson's Markets' claims that Whole Foods Markets, Inc. violated the protective order by using Gelson's confidential documents for purposes that are outside the scope of the administrative proceeding.

**ORDER DENYING GELSON'S MARKETS' MOTION TO ENFORCE
PROTECTIVE ORDER**

Gelson's Markets has filed a motion requesting that the Commission enforce the Protective Order Governing Confidential Information ("Protective Order") – which the Commission issued in this administrative proceeding on October 10, 2008 – and "direct Whole Foods' counsel to return all of Gelson's documents immediately without retaining copies or summaries thereof." The Commission has considered the arguments made by Gelson's Markets and by Whole Foods in response. In particular, the Commission notes that paragraph 12 of the Protective Order provides that "the parties shall return documents obtained in this action to their submitters . . ." at "the conclusion of [the administrative] proceeding . . ." This administrative proceeding has not yet ended; it will end when the Commission determines to accord final approval to the Decision and Order accepted for public comment, and the Decision and Order becomes final. Accordingly,

IT IS ORDERED THAT Gelson's Markets' request that the Commission order Whole Foods and its counsel to immediately return Gelson's confidential documents is **DENIED**; and

IT IS FURTHER ORDERED THAT when the Decision and Order in this matter becomes final, Whole Foods need not return any