

The Supreme Court of the United States

v.

A A A

*ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT*

**BRIEF FOR THE UNITED STATES
AND THE FEDERAL TRADE COMMISSION
AS AMICI CURIAE SUPPORTING RESPONDENT**

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QUESTION PRESENTED

15. A., 1681 et seq.,

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- Crown Coat Front Co. v. United States*, 386 F.2d 503 (1967) 9, 24
- Englerius v. Veterans Admin.*, 837 F.2d 895
(1988) 14
- Herget v. Central Nat'l Bank & Trust Co.*, 324 F.2d 1945 13
- Herman & MacLean v. Huddleston*, 459 F.2d 375
(1983) 21
- Holmberg v. Armbrecht*, 327 U.S. 392 (1946) 5, 14, 20, 26
- Klehr v. A.O. Smith Corp.*, 521 U.S. 179 (1997) 14, 18, 20, 24
- Lampf, Pleva, Lipkind, Prupis & Petigrow v. Gilbertson*, 501 U.S. 350 (1991) 13
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- Rotella v. Wood*, 528 U.S. 549 (2000) 18, 28, 29
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No. 00-1045

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**BRIEF FOR THE UNITED STATES
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**INTEREST OF THE UNITED STATES AND THE
FEDERAL TRADE COMMISSION**

STATEMENT

1. On March 1, 1993, the Federal Trade Commission filed suit against American Home Products, Inc., et al., challenging the acquisition by American Home Products of the pharmaceutical division of Schering-Plough Corporation.

(1)

18. A. 15 (1996).
A. 15 (1681 *et seq.*).
A. 15 (1681).
A. 15 (23).
A. 16 (28).
A. 17 (31).
A. 18 (33).
A. 19 (35).
A. 20 (37).
A. 21 (39).
A. 22 (41).
A. 23 (43).
A. 24 (45).
A. 25 (47).
A. 26 (49).
A. 27 (51).
A. 28 (53).
A. 29 (55).
A. 30 (57).
A. 31 (59).
A. 32 (61).
A. 33 (63).
A. 34 (65).
A. 35 (67).
A. 36 (69).
A. 37 (71).
A. 38 (73).
A. 39 (75).
A. 40 (77).
A. 41 (79).
A. 42 (81).
reprinted at A. 19).¹

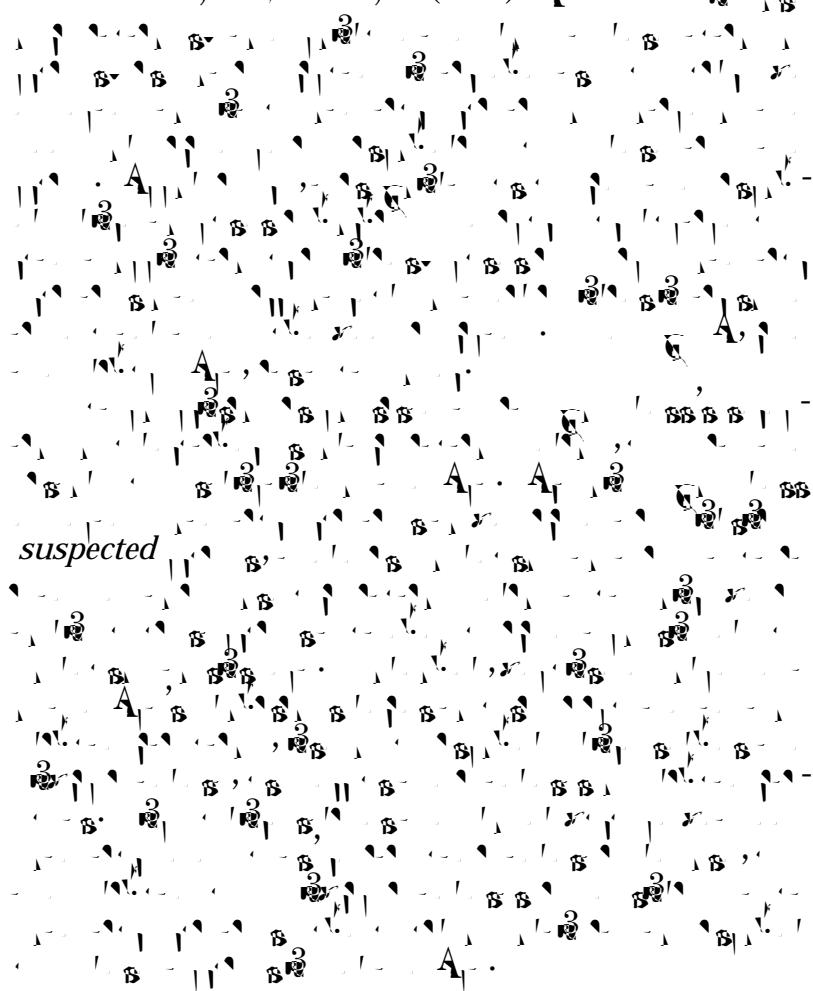
¹ 1681 (A. 17), (A. 18-19).

1681. A. 22-25. (id.
 25) 15

1681. A. 23, 25. (id.
 23-25) 15

$$(id^{\otimes 2}) \circ (\alpha_{B_1 \otimes B_2} \circ \beta_{B_1 \otimes B_2} \circ \gamma_{B_1 \otimes B_2}) \circ (\alpha_{B_1 \otimes B_2} \circ \beta_{B_1 \otimes B_2})$$

Cox. Koons, 27T . . 58, 62 (1926). A n d 2' B



suspected

ARGUMENT

A₁ . 15 . . . 1681 ()-6). A₁ . 15 . . . 1681 -1681o (1994 & 2 . 1999).

Crown Coat Front Co. v. United States, 386 U.S. 503, 517 (1967) (3 . Reading Co. v. Koons, 271 U.S. 58, 62 (1926)).

I. THE LANGUAGE OF THE FAIR CREDIT REPORTING ACT PERMITS THE USE OF A DISCOVERY RULE IN DETERMINING WHEN THE STATUTORY LIMITATION ON PRIVATE ENFORCEMENT ACTIONS BEGINS TO RUN

A. Use Of A Discovery Rule Is Consistent With The Act's Provision That The Time For Suit Runs From The Time That "Liability Arises"

The image shows a single page of musical notation from an old manuscript. The notation is organized into several staves, each with multiple lines. The notes are represented by vertical stems with horizontal dashes or strokes, often accompanied by small circles containing numbers such as '3'. Some staves begin with an asterisk (*). The page is filled with these markings, creating a complex grid-like pattern. In the top left corner, the number '618' is written above the staff lines. In the bottom right corner, the number '1681' is written below the staff lines.

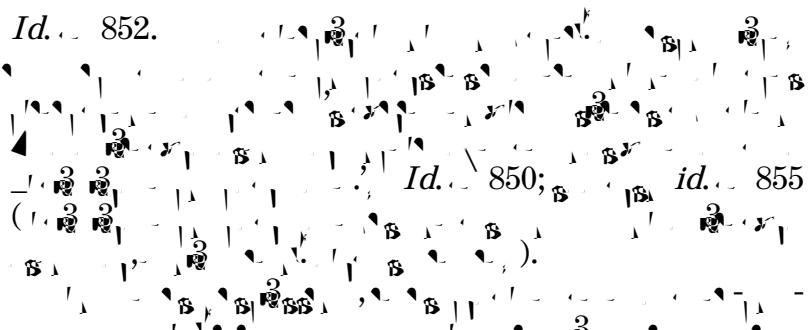
United States). *Kubrick*, 444 U.S. 111, 113, 119-122 (1979),
28 U.S.L.W. 2d 2401 (S. Ct.),
legal relief
444 U.S. 123.
113; *id.*

... **Urie**! .

United States, *Beggerly*, 52⁴ . . . 38, 48 (1998); *United States*, *Brockamp*, 51⁹ . . . 347, 350-352 (1997) (); *Lampf, Pleva, Lipkind, Prupis & Petigrow*, *Gilbertson*, 50¹ . . . 350, 360 & .6, 362 .8, 363 (1991); *Herget*, *Central Nat'l Bank & Trust Co.*, 32⁴ . . . 4 (1945).

**B. Inclusion Of An Express Anti-Concealment Provision
In Section 1681p Does Not Imply A Congressional
Intention To Prohibit Use Of A Discovery Rule**

1681 552 () (5) 20-21, 24-30, *infra*.
 1. *United States v. Brockamp*, 519 U.S. 347, 348-349 (1997), 6511,
 350-354.

Id. 852. 

Id. 850; *id.* 855 

1681 

1113()); 83 .3 855 (

15 .1 1681 . 

Wolin, 83 .3 850 (

1681 . 

Connors v. Hallmark & Son Coal Co., 935 U.S. 336, 340-341 (U.S. 1991) (. . . , . . .)

1056, 46-48 (. . . 2001). *Wolin v. Cada*,
Baxter Healthcare Corp., 920 U.S. 446, 450-453 (7
 U.S. 1990) (. . . , . . . , . . . , 501 U.S. 1261
 (1991)).
Klehr, 521 U.S. 192 (. . . *Cada* . . . , . . .
 . . .); *Rotella v. Wood*, 525 U.S. 549, 554 U.S. 2 (2000)
 (. . .); *id.* 561 (. . . *Klehr* . . . , . . .
 . . .).
Wolin, 521 U.S. 192 (. . . begin . . . , . . .
 . . . , . . . 83 U.S. 3852.
Ibid. Cada . . . , . . . (. . .
 . . . (i.e., . . . , . . .), . . . , . . .),

920 .2 . . 451.

Ibid.

Cada, 920 .2 . . 452.

Cada, 920 .2 . . 453.

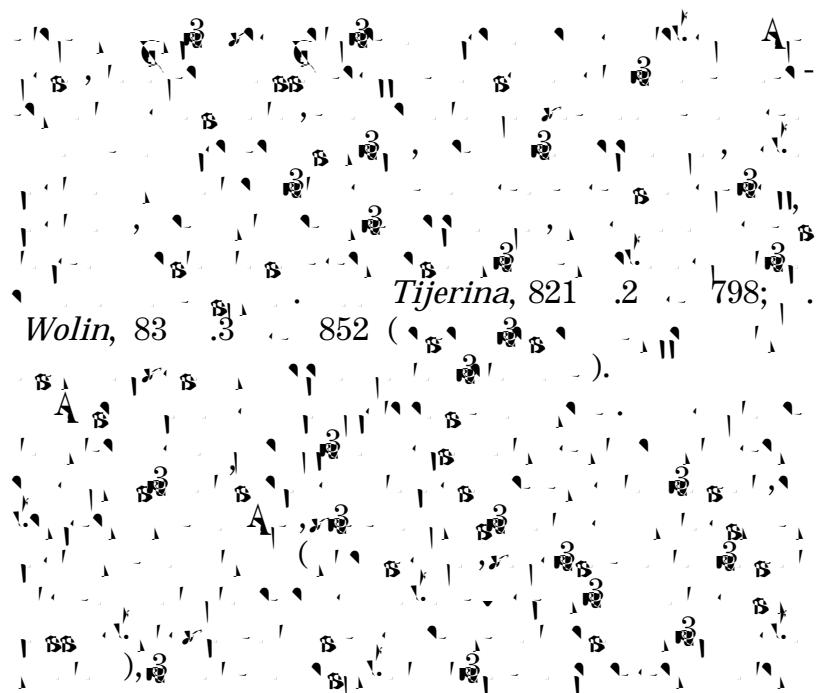
Ibid; *Wolin,* 83 .3 . . 852-853.

e.g.,
Brockamp, 519 . . . 348 (. . .); 2 . . . , *supra,*

s. 9-10. Wolin, 83 3 850, 852.
 2 , supra, 11.4 & .2; id., 11.5.6 &
 51, 11.5.8. Connors, 935
 2 342-343.
 3 Cada, 920 2
 451; e.g., Wolin, 83 3 852; Klehr, 521
 192 ();
 3 e.g., Beggerly, 524 48 ();
 3 Holmberg, 327 397 ();
 3 1681

24-30, *infra*),
 exclude
Herman & MacLean.
Huddleston, 459 . . 375, 387 .23 (1983) (*expressio
unius*).

2.
 23-25.



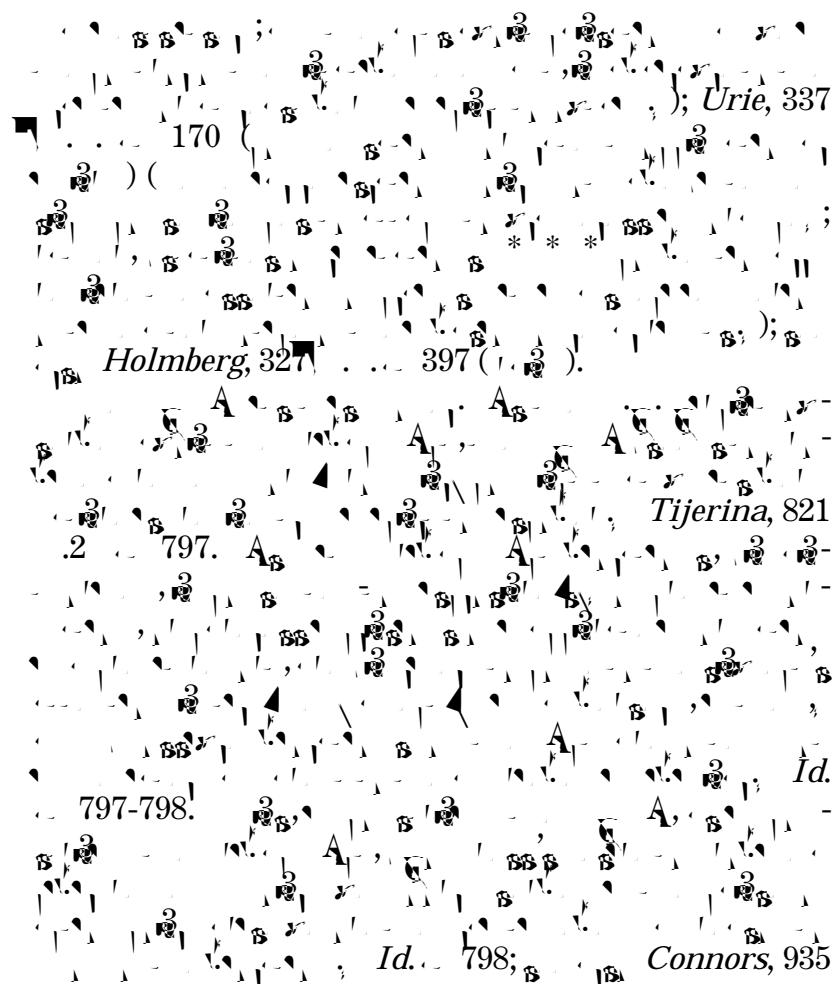
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 24.
Ibid.
 make
 e.g., Kubrick, 444-122-
 125.

24.
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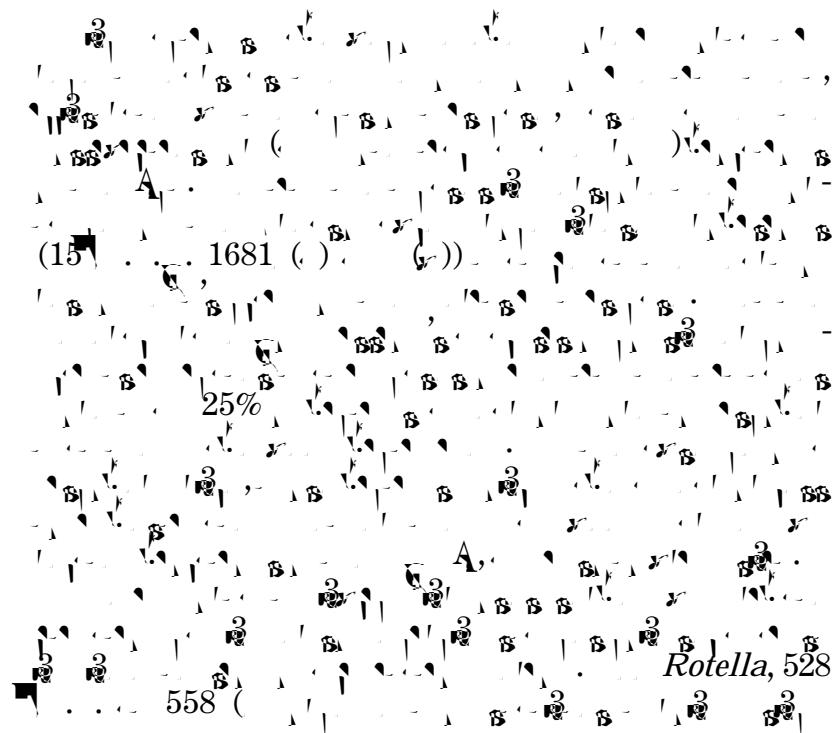
not
A.

**II. USE OF A DISCOVERY RULE BEST COMPORTS
WITH THE HISTORY, STRUCTURE, AND PUR-
POSES msTHE FAIR ETRR-**





Beggerly, 524 ss 48-49 (A_B).
12- A_B (A).
A_B (A).
A_B (A).
A_B (A).



Kubrick, 44 ² U.S. 117.

CONCLUSION

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2001