

In the Matter of

MARCON KOSCELL, INC.,
a corporation,

CARDERM CAPITAL I.P.

a limited partnership

Docket No.

and

ANDRX CORPORATION,
a corporation

MEMORANDUM OF IPSHER SMITH LABORATORIES, INC.

BY ANDRX CORPORATION

FACTS

Smith, Smith is a direct competitor of Adva in the market.

generic drugs, including particularly a generic bioequivalent of a branded marketing of other

known to the public, and the fact that the generic drug is not a duplicate of the branded drug.

Adva is a direct competitor of Smith in the market.

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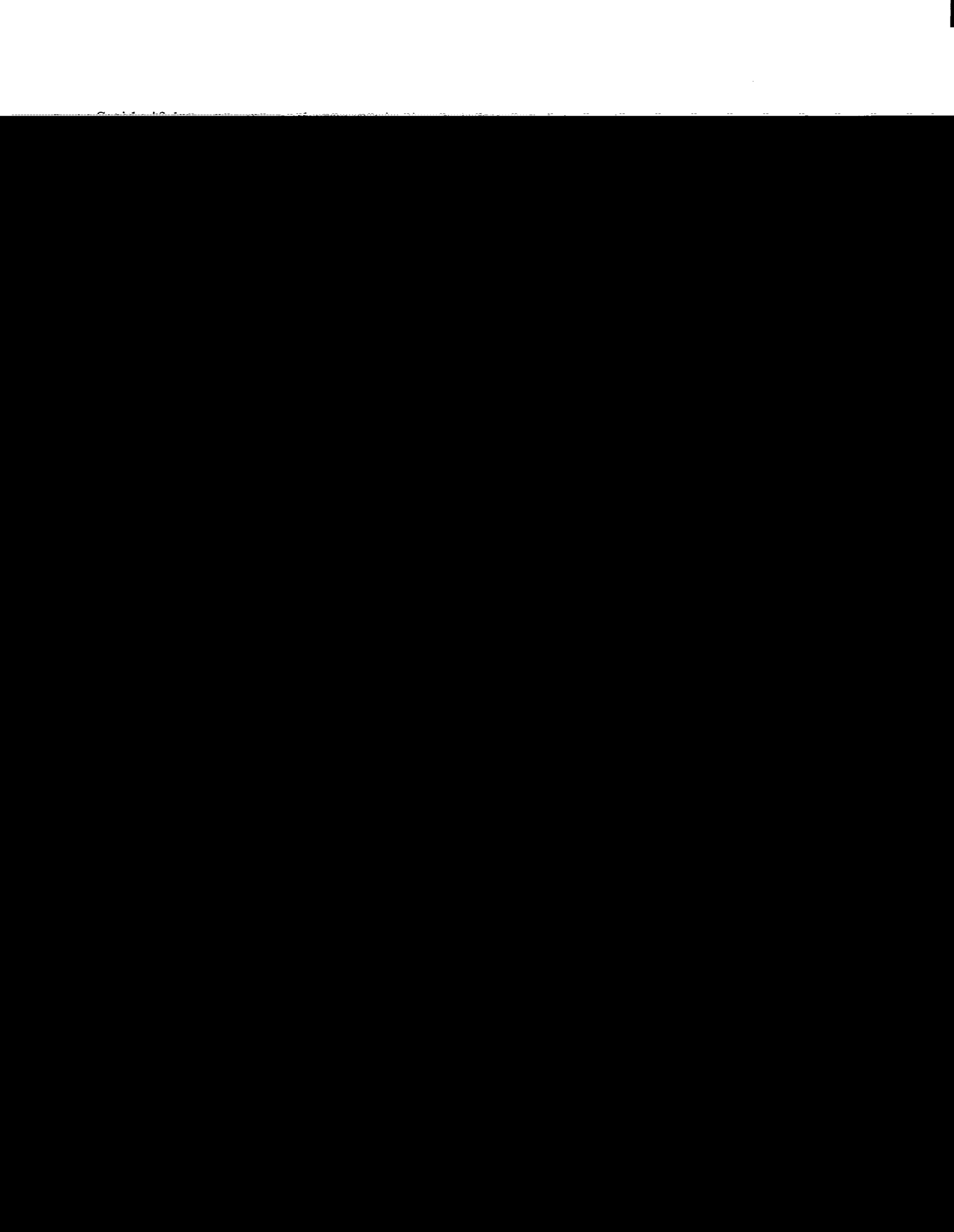
Adva is a direct competitor of Smith in the market.

Adva is a direct competitor of Smith in the market.

the contents of that document in relation to Unsher-Smith's product and launch plans would be

Andrx, a direct competitor in the [redacted] damaging to Unsher-Smith if it came into the possession of [redacted]

[redacted]



ARGUMENT

Documents which are not relevant
Proceeding.

The scope of discovery in a proceeding before the Commission is required by Rule

in the proposed rule, not the release of any response. Anon. has redacted

requests can reasonably be expected to yield information. K. Dur. None of these req

violations of the Sherman Act in its handling of a... The parties' motion... Anon. alleged

such as... J. J. Smith has no documents on... information in its no

empting to gather... for... reasons... defense... based upon... D. J. Smith has no

Diagram of Confidential Communications Between Unsher

U. S. Col. James S. Col. D.

Smith and FIC.

ications between Unsher-

The record does not reflect that there have been any commun

Diagram of Confidential Communications Between Unsher

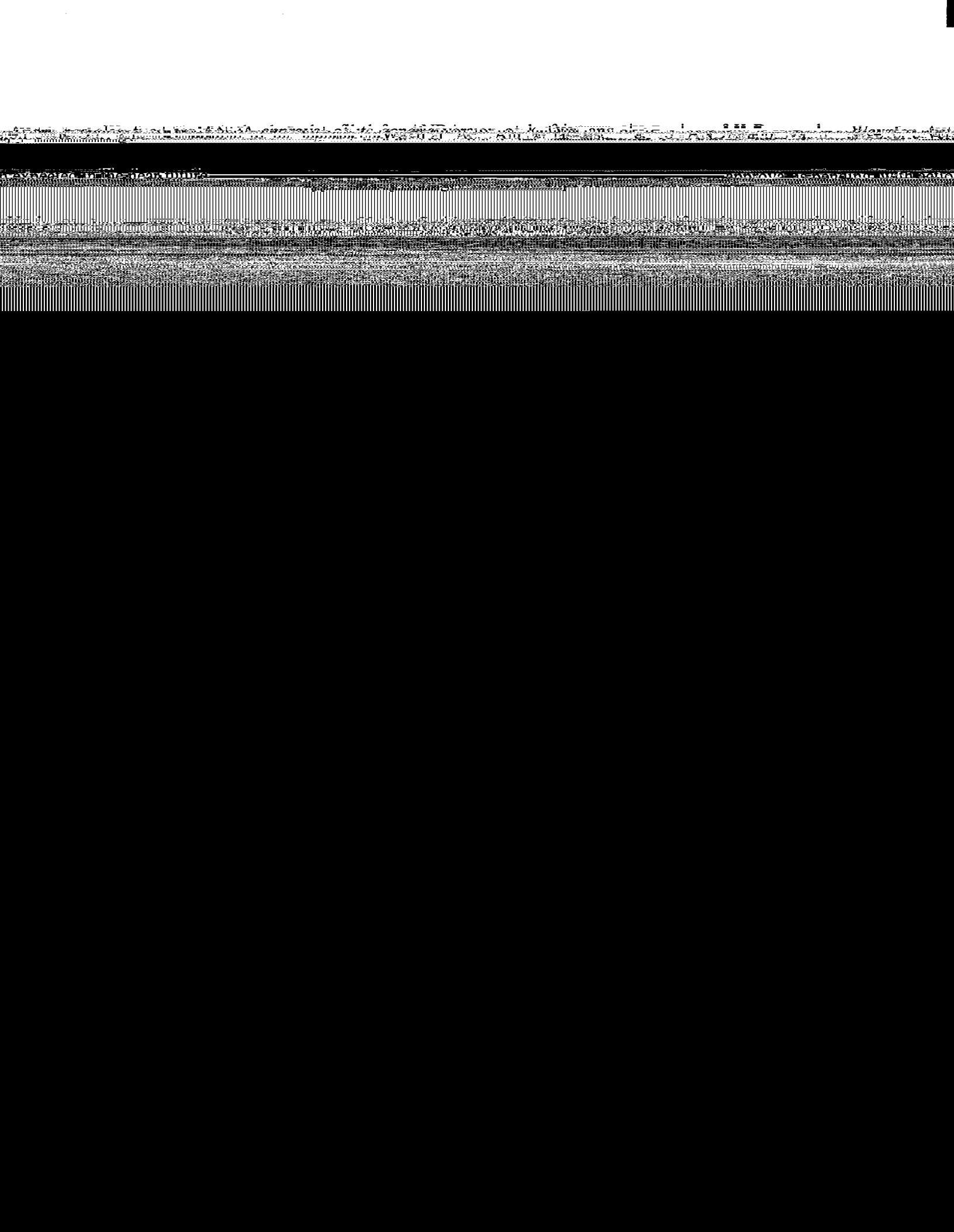
U. S. Col. James S. Col. D.

Smith and FIC.

ications between Unsher-

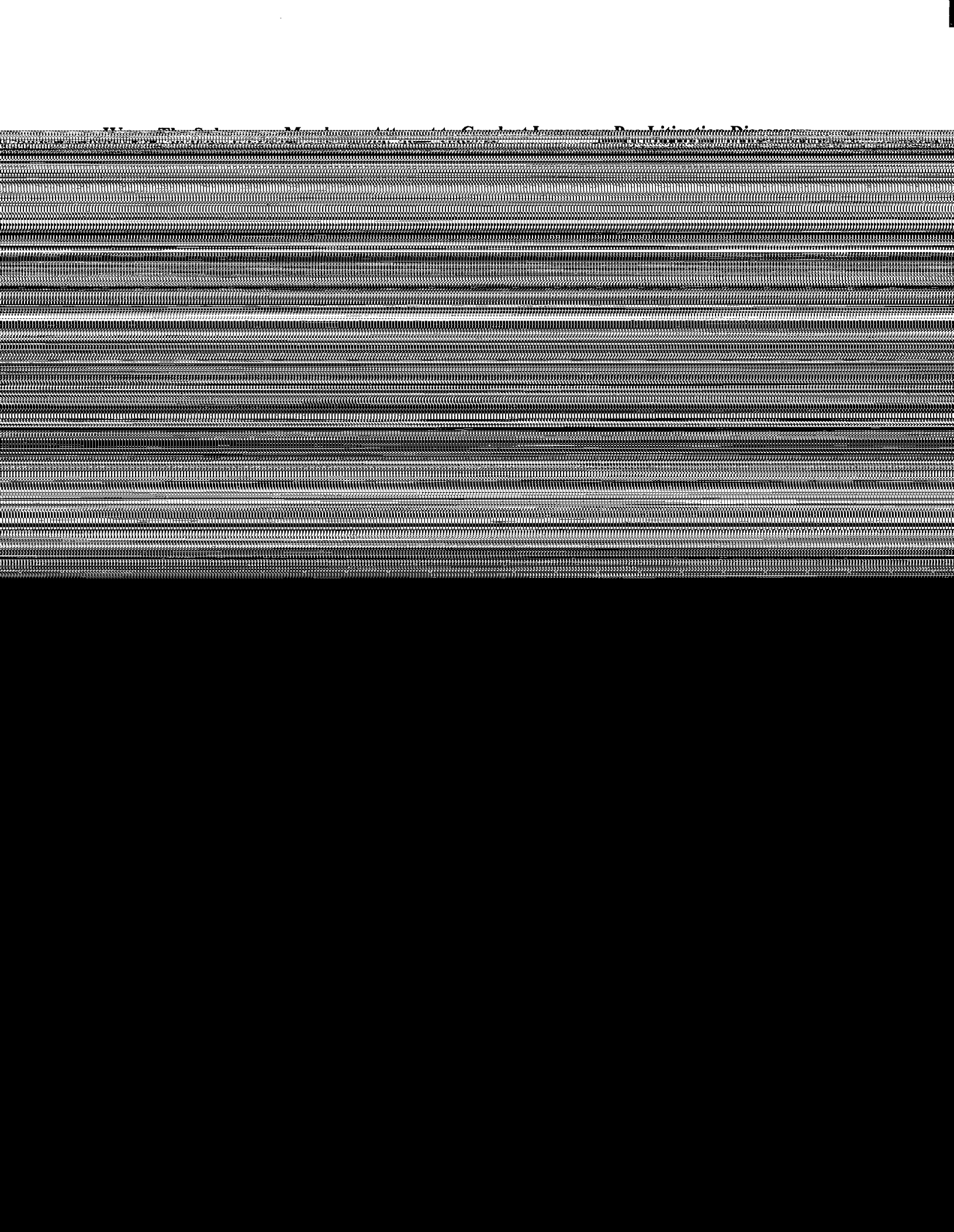
The record does not reflect that there have been any commun

(D.C. Cir. 1957) holding that a notary public is not a federal court and is not a
commander-in-chief or a state agent.



Formular y dokuce, C. marilyn caso, n. a. m. redase, all. r. r. u. g. r. v. a. n. e. j. o. l. u. w. i. a. r. i. v. n. y. d. e. e. j. i. t. x. e. l. l. a

óme reasonable showing of relevance, etc. based on the existence of a OSHE-SUMU - WILSON S





CONCLUSION

The Andy Hansen directed to Ianer Smith's Commission, which is a part of the

communications with the FBI have not had any effect on the

in the hands of a direct competitor of the FBI, particularly in the

in the hands of a direct competitor of the FBI, particularly in the

in the hands of a direct competitor of the FBI, particularly in the

subpoena

Respectfully Submitted,

[Handwritten signature]
GARY HANSEN

Gary Hansen

Attv. Rep.

45 South Seventh Street
Minneapolis, Minnesota 55402-1500

Telephone: (612) 607-7000

Fax: (612) 607-7100

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

)
in the matter of

In the Matter of

HOECHST MANCON ROUSELL, INC.,
a corporation

)
a corporation,

GARDNER CAPITAL, L.P.

)
GARDNER CAPITAL, L.P.

Docket No. 0202

a limited partnership

and

ANDRX CORPORATION

a corporation

ALL DAVID OF MARKS ROBBINS PTD.

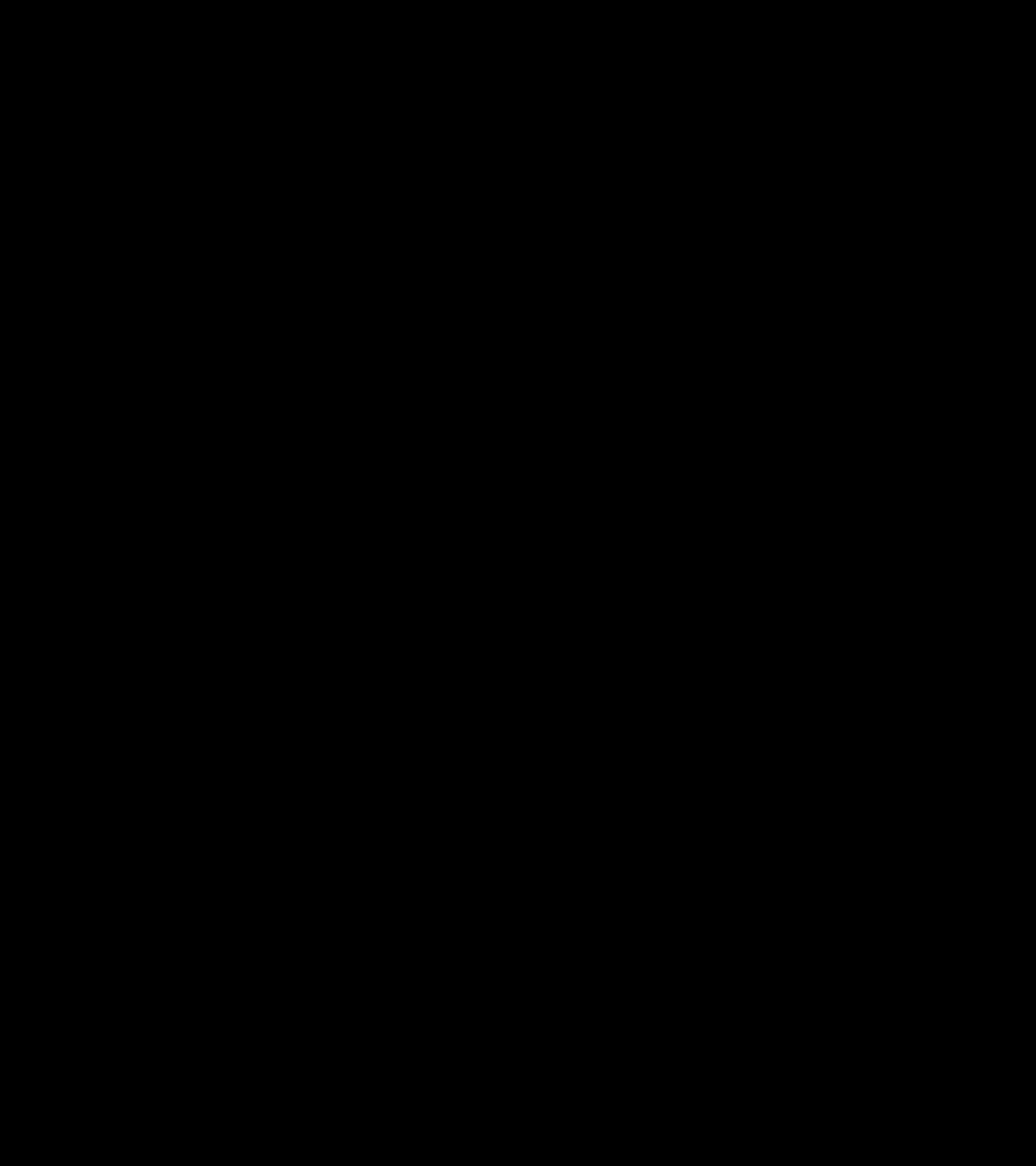
Affiant has reviewed the description of defendant, and the information

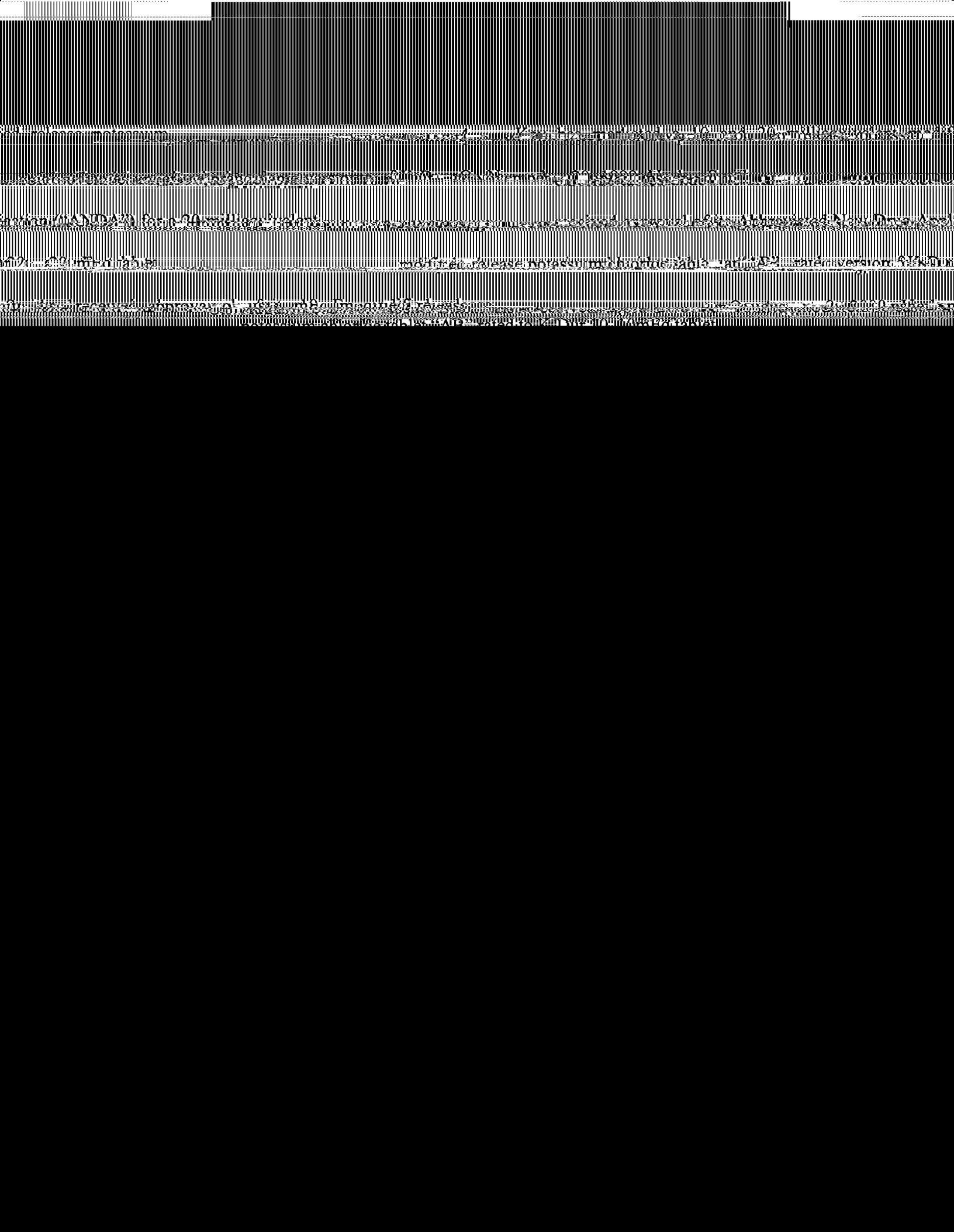
Verbatim

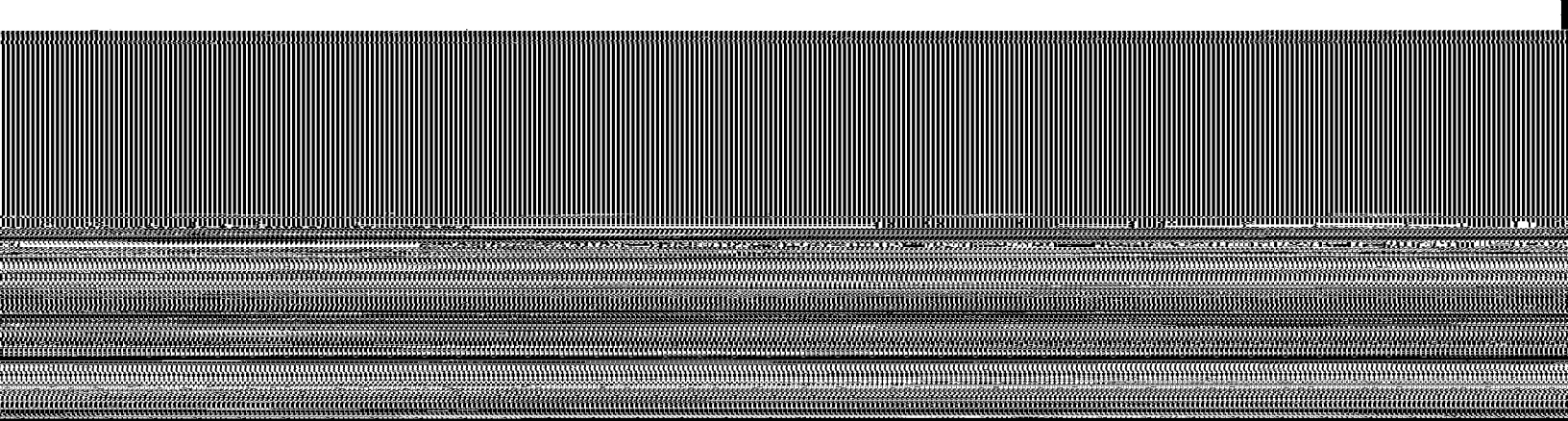
Exhibit No. 1, Exhibit of a settlement agreement entered into

between Insher Smith and Key Pharmaceuticals, Inc., a subsidiary of Schering-Plough Corp.

responsive document is a confidential settlement agreement entered into between Insher Smith and Key Pharmaceuticals, Inc., a subsidiary of Schering-Plough Corp.







...the company's agreement to maintain the confidentiality of the information contained in this
...the preceding month as a basis to improve the status of a potential non-public FIC invest

Further Affiant Saved Not

Dated: 11/29/2005 16 2000

Mark S. Robbins, F.N.C.

Signed and Sworn to Before Me

this 16 day of August

My Commission Expires Jan. 31, 2005

Notary Public



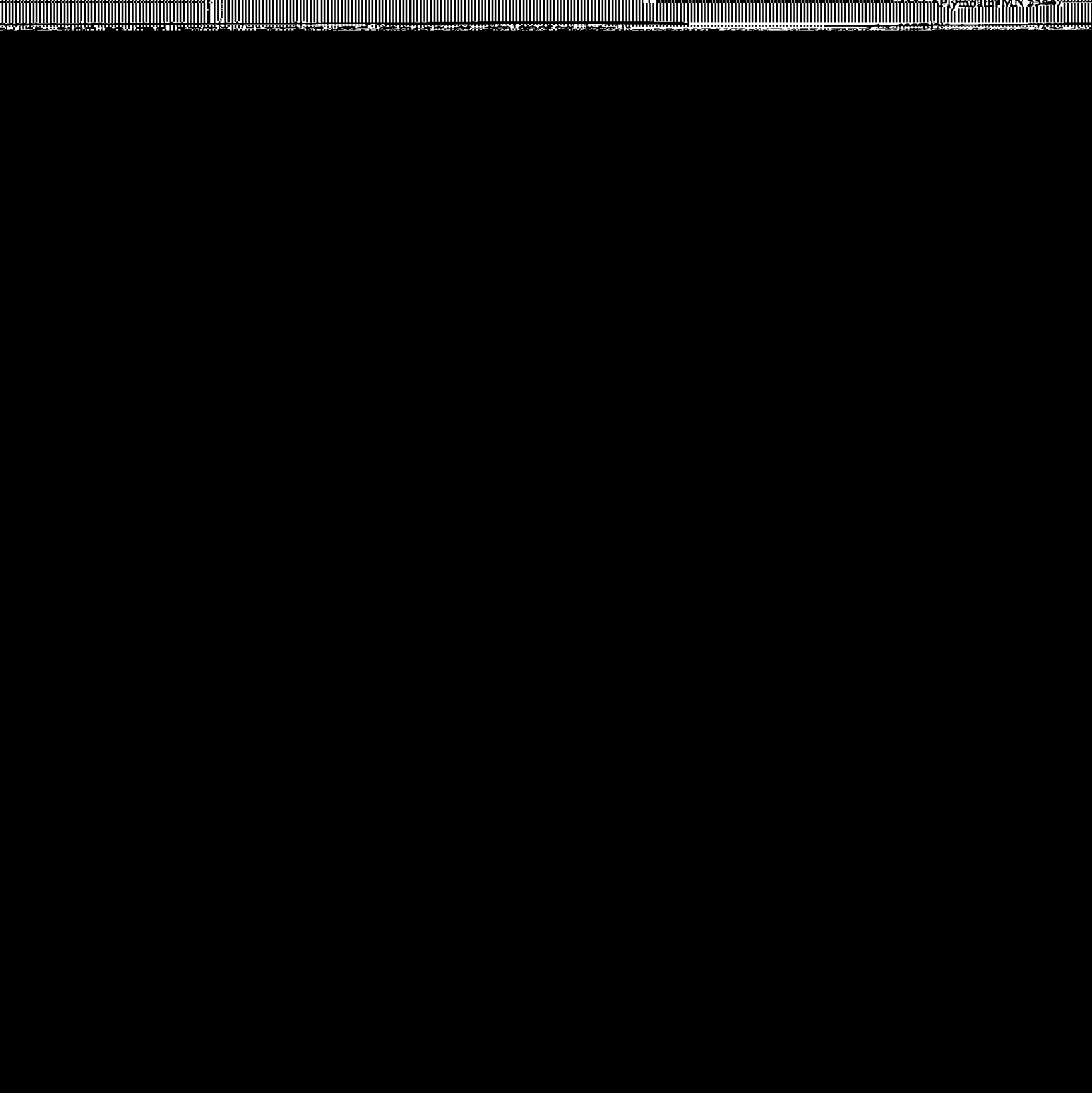
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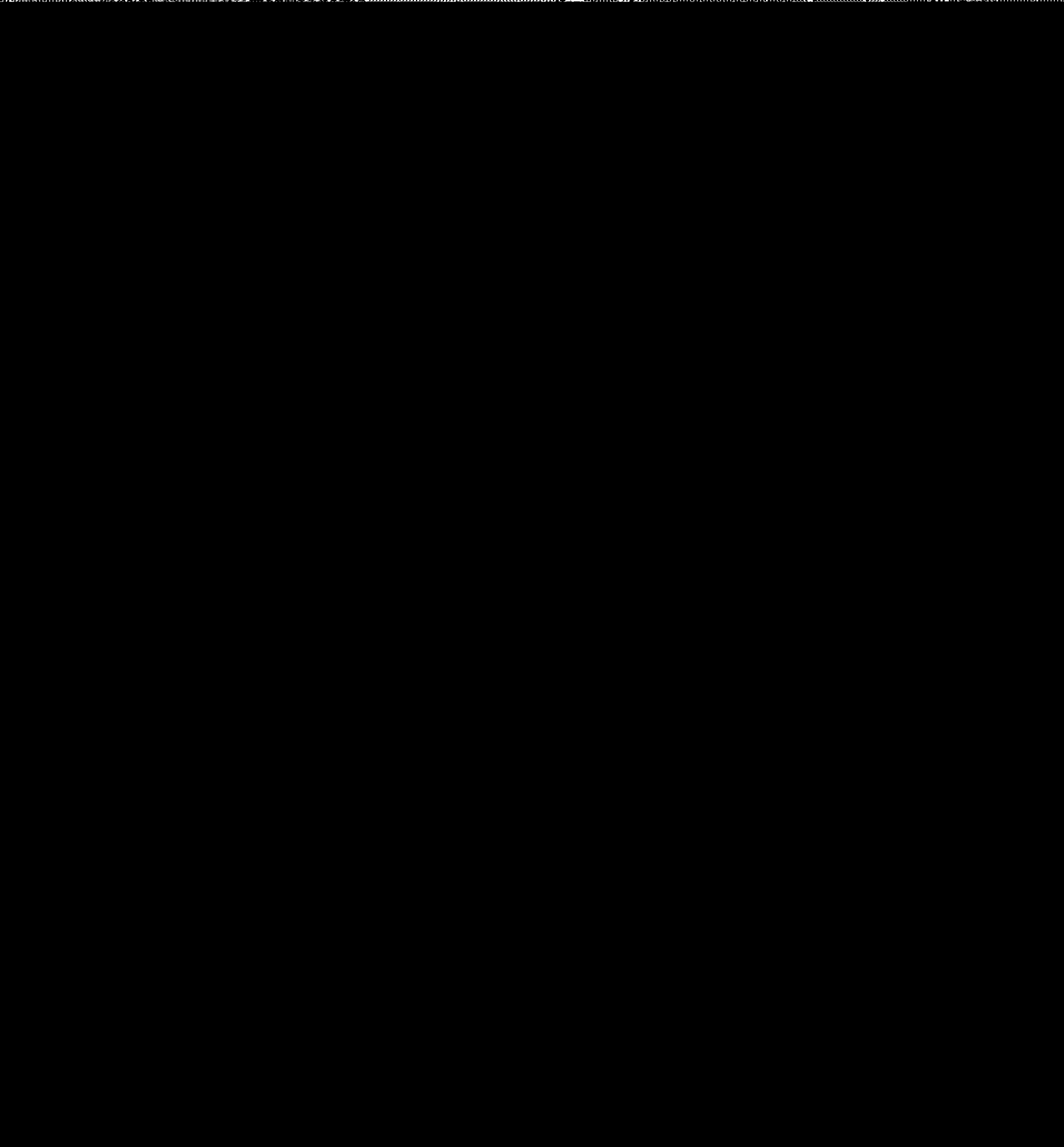
Opsner-Smith Laboratories, Inc.

EX-101

Other persons who consent to testify on its behalf concerning

PERMISSION FEDERAL TRADE COMMISSION





DEFINITIONS AND INSTRUCTIONS

As used herein, the words "you" or "have" shall

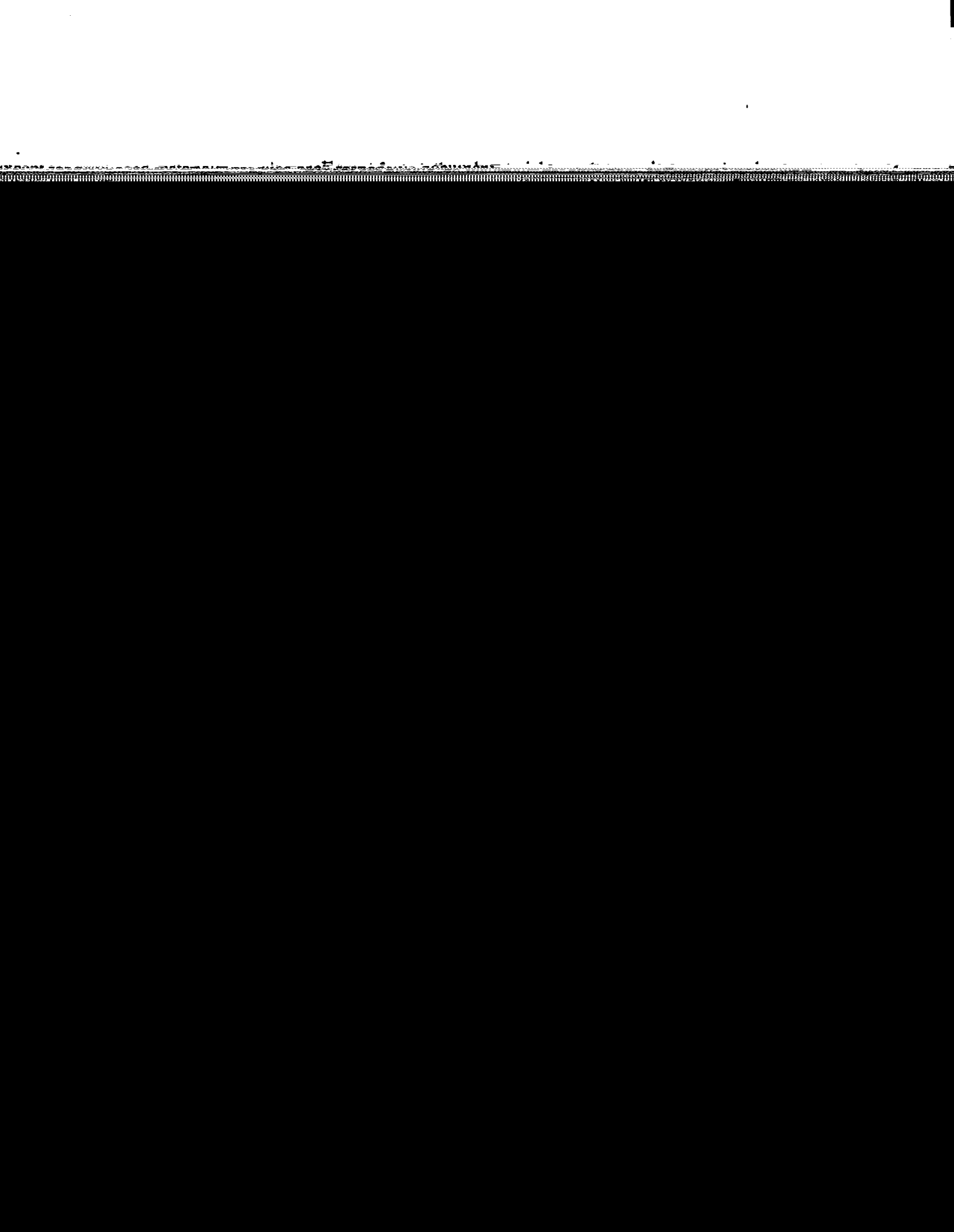
include and refer to predecessors, successors, groups, divisions, subsidiaries and

As used herein, the terms "do

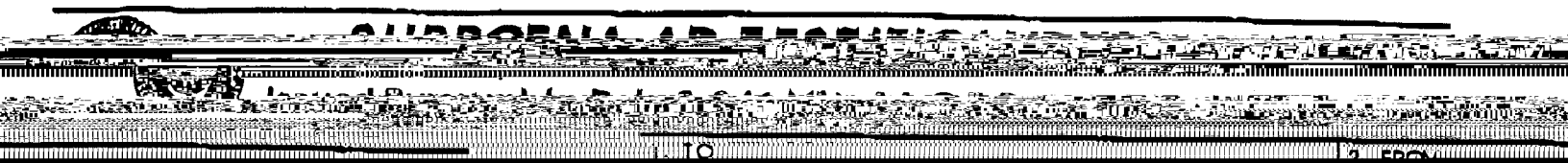
notes, invoice, memorandum, telegram, object, opinion, purchase order, report, records,

transcript, summary, study, survey, recording of any telephone or other conversation,

include data stored, maintained or organized electron



B



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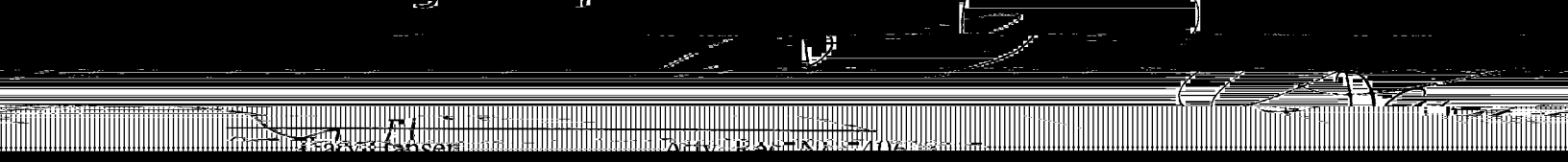
UNITED STATES OF AMERICA

FEDERAL BUREAU OF INVESTIGATION



OPPENHEIMER, WOODER & DONNEL LIMITED

Date: August 16, 20



GARDNER CAPITAL LP,

Case No. 0003

a corporation.

ORDER GRANTING FISHER SMITH'S MOTION

TO QUASH THIRD PARTY SUBPOENAE
BY ANDRY CORPORATION

TO C

Administrative Law Judge

2000

Date

CERTIFICATE OF SERVICE

to be served upon the following persons via Federal Express:

Louis M. Solomon

Solomon Zander Blahom Frisner & Shapiro
45 Rockefeller Plaza

New York, New York 10111

Markus M. Meier

Federal Trade Commission, Room 3114
601 Pennsylvania Avenue NW
Washington, D.C. 20580

James M. Snears

Shook Hardy & Bacon LLP

701 Pennsylvania Avenue NW

Washington, D.C. 20004

Peter O. Safir
Kleinfeld, Kaplan & Becker
19th Street NW

Washington, D.C. 20006

1140

and a copy sent Federal Express to:

The Honorable Michael Chabell

Administrative Building

Federal Trade Commission, Room 1004

600 Pennsylvania Avenue, N.W.

Washington, D.C. 20580