



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Competition

December 18, 2001

BY HAND

Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission, Rm. 104
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Judge Chappell:

Attached are two copies of our amended exhibit list. We have corrected some exhibits numbers that were inadvertently omitted or duplicated, and we have added one document that was inadvertently omitted from the list served on December 14, 2001. We are providing copies of the "amended exhibit list" and a copy of the omitted document to Schering-Plough and Upsher-Smith Laboratories today.

Sincerely,

Pamela L. Timus
Federal Trade Investigator
(202) 326-2390

Attachments

cc: Christopher M. Curran, Esq.
Laura S. Shores, Esq.

In the Matter of

SCHERING-PLOUGH CORPORATION,
a corporation,

UPSHER-SMITH LABORATORIES, INC.
a corporation,

| Exhibit No. | Document Description | Document No. | Source |
|--------------------------------------|---|---|-----------------|
| UPSHER IS A CORPORATION | | | |
| CX 1 | "Upsher Articles of Incorporation" | Upsher-Smith-FTC-000001 - 000025 | Upsher-Smith |
| POTASSIUM CHLORIDE SUPPLEMENT | | | |
| CX 2 | K-Dur 20 mEq Review | SP003042 - 003043 | Schering-Plough |
| CX 3 | Part I. An Introduction to Hypertension. | Upsher-Smith-FTC- 190280 - 190303 | Upsher-Smith |
| CX 4 | E-mail files | Upsher-Smith-FTC-184390 - 184445 | Upsher-Smith |
| CX 5 | Spreadsheet, Copyright IMS Health for Potassium Supplement Chloride | SP089313 - 089313c | Schering-Plough |
| CX 6 | Potassium Chloride Market Monopoly Rx Report - NRX, 10/01 | SP089314 - 089317 | Schering-Plough |
| CX 7-11 | RESERVED | | |
| MONOPOLY | | | |
| CX 12 | US Patent, Hsiao et al., No. 4,863,743, 9/5/89 | FTC0021318 - 0021406 | Schering-Plough |
| CX 13 | Memo re K-DUR Long Term Strategy, 3/8/95, Pickett to Baldini/Driscoll Schering-Plough | SP003044 - 003044 (Schering-Plough) Tj -486.75 -19.5 TD -0.3857 | |
| | CX 13C | | |
| | CX 13 | CX 13 C2081/89 | |

| Exhibit No. | Document Description | Document No. | Source |
|-----------------------------|--|------------------------------------|-----------------|
| MONOPOLY (Continued) | | | |
| CX 24 | Klor-Con M20 Market Assumptions, (Inc. Scenario 2) | USL07396 - 07401 | Upsher-Smith |
| CX 25 | Klor-Con M20 Market Assumptions, (Inc. 3 Launch Scenario) | USL07329 - 07333 | Upsher-Smith |
| CX 26 | Key Facts and Assumptions, Klor-Con M20, 9/99, Sales Forecasts, J. Adams | USL07335 - 07361 | Upsher-Smith |
| CX 27 | 1999 K-DUR Marketing Research Back grounder, 10/1/99 J to Chris, Bill and Steve | SP004658 - 004665 | Schering-Plough |
| CX 28 | Special Considerations for Klor-Con M20, 02/01/99, Rev. No.: 1999 Plan, J. Adams | Upsher-Smith-FTC-1001847 - 1001864 | Upsher-Smith |
| CX 29 | Potassium File | Upsher-Smith-FTC-1001839 - 1001846 | Upsher-Smith |
| CX 30 | Klor-Con, Bulk & Private Label Tablets, 1/10/00, J. Adams, Rev. No.: 2000 Plan | Upsher-Smith-FTC-152954 - 152993 | Upsher-Smith |
| CX 31 | Klor-Con M Team Meeting Notes 1/12/00 | Upsher-Smith-FTC-154612 - 154613 | Upsher-Smith |
| CX 32 | Memo re K-Dur Competitive Update, 4/24/00, Kastan to Hamer | SP004099 - 004107 | Schering-Plough |
| CX 33 | Klor Con M Sales Plan 7/23/01 draft, 2001 | Upsher-Smith-FTC-1009778 - 1009818 | Upsher-Smith |
| CX 34 | U.S. Pharmaceutical Market: Drugstore & Non-Retail Purchases, Potassium Supplements | SP020615 - 020657 | Schering-Plough |
| CX 35 | Potassium chloride (solid dose) Market Analysis, U.S., International, 2000-2001 | AHP13 00025 | AHP |
| CX 36 | Shering-Plough Corporation Cardiovascular Product Sales | FTC0012212 | Schering-Plough |
| CX 37 | Average of Prescription By Strength Oral Potassium, IMS 2000, Sales Prices | Upsher-Smith-FTC-152004 - 152015 | Upsher-Smith |
| CX 38 | National Prescription Audit Data - 1999 Basic Data Report by Rx Size, Potassium Chloride supplements | SP020584 - 020599 | Schering-Plough |
| CX 39 | National Prescription Audit Data - 2000 Basic Data Report by Rx Size, Potassium Chloride supplements | SP020600 - 020614 | Schering-Plough |
| CX 40 | IMS audited dollar sales 09/22/00, Potassium chloride supplements | ESILederle-AHP0000117 - 0000127 | AHP/ESI |
| CX 41 | IMS Extended Units (TRx) 9/22/00, Potassium Chloride supplements | ESILederle-AHP0000128 - 0000140 | AHP/ESI |
| CX 42 | IMS Extended Units (TRx) 9/22/00 | ESILederle-AHP0000141 - 0000153 | AHP/ESI |

| Exhibit No. | Document Description | Document No. | Source |
|-----------------------------|--|----------------------------------|-----------------|
| MONOPOLY (Continued) | | | |
| CX 43 | National Prescription Audit Data -1996-2000, Potassium Chloride supplements | SP020658 - 020685 | Schering-Plough |
| CX 44 | Market 94-97 actual dollars plus current trend projections, dollars, tab/caps, units, s. Dolan | Upsher-Smith-FTC-191779 - 191786 | Upsher-Smith |
| CX 45 | <i>Data Lists</i> , "Retail Perspective and Provider Perspective, Non-Federal Hospitals, Combined Purchases,"; Vol. 3; IMS America, 1/1997 - 12/1997. | ABT000031 - 000044 | Abbott |
| CX 46 | <i>Data Lists</i> , "Retail Perspective and Provider Perspective Non-Federal Hospitals, Combined Purchases, Reissue March 2000", Vol. 3; 1/1999 - 12/1999. | ABT000045 - 000055 | Abbott |
| CX 47 | IMS 1997-98, dollar, unit sales potassium chloride supplements | USL07428 | Upsher-Smith |
| CX 48 | Jan. - Sept. Plan vs Actuals 1999 (Sales) | USL18755 - 18761 | Upsher-Smith |
| CX 49 | Price Increase History for NDC: 00085-0263-01, K-Dur 10,20; 1995-2000 | SP049048 - 049053 | Schering-Plough |
| CX 50 | SP049048 PD 049053 | | |

| Exhibit No. | Document Description | Document No. | Source |
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MONOPOLY (Continued)

| | | | |
|-------|---|------------------------------------|------------------------------|
| CX 60 | Memo from Pickett to Baldini and Driscoll re K-DUR long term strategy, 3/8/95 | SP076520 - 076524 | Schering-Plough |
| CX 61 | K-DUR Generic strategy status report/action plan | SP076525 - 076527 | Schering-Plough |
| CX 62 | Potassium Chloride Market Monthly Rx Report NRX, 12/97 | SP089324 - 089327 | Schering-Plough |
| CX 63 | Potassium Chloride Market Monthly Rx Report NRX, 12/98 | SP089328 - 089331 | Schering-Plough |
| CX 64 | Potassium Chloride Market Monthly Rx Report NRX, 12/99 | SP089332 - 089335 | Schering-Plough |
| CX 65 | Potassium Chloride Market Monthly Rx Report NRX | SP089336 - 089339 | Schering-Plough |
| CX 66 | Direct Price List, 6/99 | Upsher-Smith-FTC-1030413 - 1030414 | Upsher-Smith |
| CX 67 | Executive Summary, Sales Plan, Klor-Con M20, 3/22/01 Draft | Upsher-Smith-FTC-137991 - 138027 | Upsher-Smith |
| CX 68 | American Home Products Corporation, Annual Report, 1999 | FTC0020194 - 0020278 | AHP |
| CX 69 | M10/M20 Market Data, 2/15/00 | Upsher-Smith-FTC-142724 - 142771 | Upsher-Smith Upsher-Smith |
| CX 70 | Forecast team, Performance, Marketing views, Weekly.086 Tc (-5-) 9 Tf 8Oi83c 0.198mmmary,cutive Su70, 3/22/95 | | |
| CX 61 | ExeAnnual" Re0DataRX, 12/97 | Upsher-Smith-23C-1427232- 089335 | Upsher-Smith |
| | | Upsher-Smith-532-14272723 138027 | Upsher-Smith |

| Exhibit No. | Document Description | Document No. | Source |
|--------------------|---|-------------------------------------|-----------------|
| CX 82 | Potassium Chloride Market, New Products Prescriptions (000), 12/95 through 12/96 | SP089321 - 089323 | Schering-Plough |
| CX 83 | Upsher's IMS Physician Exponent Data by Month/Rep, K-Dur 20, Sorted by ASR, Unit Data Only, All Physicians, 9/00 through 8/01 | Upsher-Smith-FTC- 1034802 - 1034923 | Upsher-Smith |
| CX 84-113 | RESERVED | | |
| FORECASTS | | | |
| CX 114 | Upsher-Smith 1997 Sales Plan, 1997 Actuals and forecast, revised, 5/97, J. Hughes | USL13151 - 13152 | Upsher-Smith |
| CX 115 | Five Year K-DUR Sales Forecast, 8/30/95; Birch to Monroe | SP004794 - 004799 | Schering-Plough |
| CX 116 | Schering Labs, 1995 Operating Plan Data Perspective, \$ Millions, 11/10/94 | SP23 000216 | Schering-Plough |
| CX 117 | Schering Labs, 1996 Operating Plan Data Perspective \$Millions, 11/14/95 | SP23 00021 - 00217a | Schering-Plough |
| CX 118 | Schering Labs, Sales by major product classification, 1997 Operating Plan, \$ Thousands, 11/11/96 | SP23 00218aa - 00219aa | Schering-Plough |
| CX 119 | Schering Labs, Sales by major product classification, 1999 Operating Plan, \$ Thousands | SP23 00220a | Schering-Plough |
| CX 120 | Schering Labs, Five year sales forecast by product | SP23 00297a | Schering-Plough |
| CX 121 | Schering Labs, Five year forecast (1997-2001) Assumptions | SP23 00299a - 00303a | Schering-Plough |
| CX 122 | Voluntary recall of K-Dur 20 S.R. Tablets, lot #94167, Forecasts 2001-2002, 6/5/97 | SP23 00292 - 00334 | Schering-Plough |
| CX 123 | 1996 Key Pharmaceuticals, K-DR 5 Year Unit Projection, Assumption: No Generics | SP004800 - 004826 | Schering-Plough |
| CX 124 | Five year forecast (1996-2000_, \$Millions, 3/96 | SP23 00316a | Schering-Plough |
| CX 125 | 5 Year Production Plan-Samples 1998-2002, Annual Sample Forecast (Units), 8/22/97 | SP23 00317a - 00318a | Schering-Plough |
| CX 126 | 5 Year Sales Plan-Schering Labs Products-Las Piedras-1998-2002, 11/13/97 | SP23 00319a | Schering-Plough |
| CX 127 | 5 Year Sales Plan-Schering Labs Products-Las Piedras-1998-2002, 11/13/97 | SP23 00320a - 00324a | Schering-Plough |
| CX 128 | Key Pharmaceuticals Five Year Sales Forecast (\$000's) | SP23 00325a - 00326a | Schering-Plough |



| Exhibit No. | Document Description | Document No. | Source |
|------------------------------|---|------------------------------------|--------------|
| CX 151 | Draft Long Term Plan 1999 to 2004 | Upsher-Smith-FTC-1002631 - 1002656 | Upsher-Smith |
| CX 152 | Long Term Plan 1999 to 2004 | USL08064 - 08085 | Upsher-Smith |
| CX 153 | Long Term Quantifiable Objectives (2001) | Upsher-Smith-FTC-172401 - 172522 | Upsher-Smith |
| CX 154 | E-Mail re Schering-Key-Warrick | Upsher-Smith-FTC-152404 - 152405 | Upsher-Smith |
| CX 155 | Klor Con M20 & M10 Projected Units to Manufacture (does not account for units sold) 2000 - 2001 | Upsher-Smith-FTC-169864 - 169869 | Upsher-Smith |
| CX 156 | E-mail re Qualitest Pricing M20 / M10 | Upsher-Smith-FTC-1009898 - 1009899 | Upsher-Smith |
| CX 157 | Gen 3-KDUR, USL, Warrick, PI | Upsher-Smith-FTC-151787 - 151796 | Upsher-Smith |
| CX 158 | Brand 1-KDUR, USL-Conserv SHR | Upsher-Smith-FTC-151809 - 151817 | Upsher-Smith |
| CX 159 | Brand with Warrick and PL | Upsher-Smith-FTC-151825 - 151827 | Upsher-Smith |
| CX 160 | 1999 Scenario | Upsher-Smith-FTC-151998 - 152003 | Upsher-Smith |
| CX 161 | M20 Scenario Summary | USL08302 | Upsher-Smith |
| CX 162 | 10 MEQ Microdispersable | USL06732 | Upsher-Smith |
| CX 163 | E-mail re Qualitest Klor-Con M Pricing | Upsher-Smith-FTC-1009883 - 1009884 | Upsher-Smith |
| CX 164 | Potassium chloride (20 mEq) Tablet Market Forecast | AHP13 00107 - 00125 | AHP |
| CX 165 | Letter re Potassium Chloride 20 mEq, 11/10/96 | AHP13 00128 - 00129 | AHP |
| CX 166 | Potassium Chloride 20 mEq (K-DUR) Forecast 10/9/94 | AHP13 00130 | AHP |
| CX 167 | Forecasts and attached memo, "subject: 20mEq Potassium Chloride Tablet forecast," from 1997-2001, to John Dagnello from Shafi Rahman, 1/10/97 | AHP13 00104 | |
| CX 168 | 20mEq Potassium Chloride Tablet forecast | AHP13 00106 - 00114 | AHP |
| CX 169 | K-DUR Analysis, 9/3/97, Multiple scenarios for generic entry | AHP13 00158 - 00184 | AHP |
| CX 170 | <i>Status report: pharmaceutical products</i> ; "Launch Year 1998", development remarks and comments on KCL 20 mEq; 12/4/97. | 101 DOC001239 - 001243 | AHP |
| CX 171 | M20 Development File | Upsher-Smith-FTC-138932 - 139004 | Upsher-Smith |
| CX 172 | Launch Forecast, 3/23/01 | Upsher-Smith-FTC-138067 - 138084 | Upsher-Smith |
| CX 173 | Klor-Con M Market Estimates, 3/29/01 | Upsher-Smith-FTC-138085 | Upsher-Smith |
| FORECASTS (Continued) | | | |
| CX 174 | 2001, MIC-CLEAR; Securities and Exchange Commission Form 10-K Annual Report | FTC0022249 - 0022320 | FTC |

| Exhibit No. | Document Description | Document No. | Source |
|-------------|----------------------|----------------------------------|--------------|
| CX 175 | May 2001 Inline | Upsher-Smith-FTC-142822 - 142829 | Upsher-Smith |
| CX 176 | | | |

| Exhibit No. | Document Description | Document No. | Source |
|-------------|---|--|-----------------|
| CX 225 | Complaint filed 12/15/95 by Key Pharm. against Upsher-Smith | SP08 - 00002 - 00034 | Schering-Plough |
| CX 226 | Answer (to complaint, 12/15/95) filed 1/29/96 by Upsher-Smith | SP08 00035 - 00044 | Schering-Plough |
| CX 227 | Correspondence from Paul Kravlovec to Richard Larson re updated info with regard to ongoing litigation Upsher-Smith is involved with., 6/4/96 | USL02876 - 02877 | Upsher-Smith |
| CX 228 | Upsher-Smith's memo in opposition to Key Pharm. motion to dismiss, filed 8/15/96 | SP08 00224 - 00256 | Schering-Plough |
| CX 229 | Reply brief in support of Upsher-Smith's motion to strike certain of Key Pharm's affirmative defenses, 8/22/96 | SP08 00257 - 00274 | Schering-Plough |
| CX 230 | Memo in support of Upsher-Smith's motion for summary judgement of non-infringement, 10/96 | SP08 00372 - 00414 | Schering-Plough |
| CX 231 | Reply memo in support of Upsher-Smith's motion for summary judgement of non-infringement, hearing date 3/10/97 | SP08 00454 - 00479 | Schering-Plough |
| CX 232 | Memo re monthly reports - operational committee, 2/6/97 | USL15389 - 15399 | Upsher-Smith |
| CX 233 | Memo re Klor-Con M Tentative Approval, 3/12/97 | USL13147 | Upsher-Smith |
| CX 234 | Memo re 1997-1999 long term plan, 10/9/96 | USL12781 - 12808 | Upsher-Smith |
| CX 235 | Memo re Klor-Con M tentative approval, 5/13/97 | USL06745 | Upsher-Smith |
| CX 236 | Reply of key Pharmaceuticals to Upsher's counterclaims, 2/20/96 | ESI00597 - 00601 601 DOC000431 - 000435 | AHP/ESI |
| CX 237 | Declaration accompanying opposition of Key Pharmaceuticals' to Upsher-Smith's motion for summary judgement of non-infringement, Key v. Upsher-Smith, 1/7/97 | USL PLD002760 - 002876 | Upsher-Smith |
| CX 238 | Declaration accompanying opposition of Key Pharmaceuticals' to Upsher-Smith's motion for summary judgement of non-infringement, Key v. Upsher-Smith, 1/7/97 | USL PLD002764 - 002876 | Upsher-Smith |
| CX 239 | Reply Memo in support of Upsher-Smith's motion for summary judgement of non-infringement, Key v. Upsher-Smith, 3/10/97 | USL PLD002992 - 003017 | Upsher-Smith |
| CX 240 | Supplemental statement of material facts as to which there exists no genuine issue, Key v. Upsher-Smith, 2/6/97 | USL PLD003018 - 003061 | Upsher-Smith |

SCHERING/UPSHER-SMITH PATENT LITIGATION (Continued)

Exhibit No.

Document Description

Document No.

Source

CX 241

Exhibits to reply Memo in support of Upsher's motion for

| Exhibit No. | Document Description | Document No. | Source |
|---|--|----------------------------------|-----------------|
| CX 283 | Executive Summary, Settlement discussions with Upsher-Smith and Schering | SP018780 - 018781 | Schering-Plough |
| CX 284 | Antitrust Law, "An Analysis of Antitrust Principles and Their Application," Volume XII | FTC0011087 - 0011098 | FTC |
| CX 285-294 | RESERVED | | |
| NEGOTIATIONS SCHERING/UPSHER-SMITH | | | |
| CX 295 | Correspondence re abbreviated new drug application dated 8/8/95, 3/6/97 | USL06727 - 06729 | Upsher-Smith |
| CX 296 | Correspondence from Kapur to Troup re Schering (Key Pharmaceuticals) -Upsher agreement, 6/17/97 | SP12 00313 - 00325 | Schering-Plough |
| CX 297 | Handwritten notes on negotiations | SP10 00001 | Schering-Plough |
| CX 298 | Expense Report | SP12 00367 - 00382 | Schering-Plough |
| CX 299 | Expense Report | SP12 00383 - 00387 | Schering-Plough |
| CX 300 | Expense Report | SP00359 - 00366 | Schering-Plough |
| CX 301 | Kapur travel itinerary 6/2-6/97 | SP12 00346 - 00349 | Schering-Plough |
| CX 302 | Expense Report | SP12 00338 - 00342 | Schering-Plough |
| CX 303 | Kapur Hotel receipt | SP12 00358 | Schering-Plough |
| CX 304 | Upsher-Smith Employee Expense Report | Upsher-Smith-FTC-194313 - 194325 | Upsher-Smith |
| CX 305 | Expense Report | SP12 00393 - 00401 | Schering-Plough |
| CX 306 | Expense Report | SP12 00329 - 00334 | Schering-Plough |
| CX 307 | Expense Report | SP12 00388 - 00392 | Schering-Plough |
| CX 308 | Expense Report | SP12 00335 - 00337 | Schering-Plough |
| CX 309 | Ian Troup Desk calendar | Upsher-Smith-FTC-194131 - 194247 | Upsher-Smith |
| CX 310 | Schering draft of confidentiality agreement for disclosures re Niacor, Wasserstein to Troup, 6/10/97 | SP16 00231 - 00235 | Schering-Plough |
| CX 311 | Settlement discussions | SP12 00111 - 00112 | Schering-Plough |
| CX 312 | License Terms for U-S Products, discussions | SP12 00001 | Schering-Plough |
| CX 313 | Points of Agreement with Key Pharmaceuticals., 6/17/97 | SP12 00238 - 00243 | Schering-Plough |
| CX 314 | Points of Agreement with Key Pharmaceuticals., 6/17/97 | SP12 00143 - 00148 | Schering-Plough |
| CX 315 | Upsher-Smith Financials 1995-1997 | USL01223 - 01236 | Upsher-Smith |

NEGOTIATIONS SCHERING/UPSHER-SMITH (Continued)

| Exhibit No. | Document Description | Document No. | Source |
|--|---|---------------------|-----------------|
| CX 316 | Income Statement, July Results | USL00964 - 01001 | Upsher-Smith |
| CX 317 | Financial Statements 1/3/99 and 1/4/98 | USL01636 - 01652 | Upsher-Smith |
| CX 318 | K-DUR Lozenge/Nitro-DUR Color Change Quantitative Assessment | SP002659 - 002665 | Schering-Plough |
| CX 319 | Memo re K-DUR 20 Meltab, 5/4/99 | SP004709 - 004732 | Schering-Plough |
| CX 320 | Memo re K-DUR Meltab, 6/22/99 | SP004738 - 004743 | Schering-Plough |
| CX 321 | Product Strategies, 4/2/96 | USL05245 - 05248 | Upsher-Smith |
| CX 322 | Product Strategies, 9/11/96 | USL05283 - 05288 | Upsher-Smith |
| CX 323-337 | RESERVED | | |
| BOARD APPROVAL | | | |
| CX 338 | <i>Presentation, forecasts and attached Internal Memorandum, "RE: Board of Director's Meeting- June 24, 1997", summary of proposed license agreement with Upsher-Smith; to Schering Board of Directors; from William Silbey; 6/19/97.</i> | SP12 00266 - 00275 | Schering-Plough |
| CX 339 | Board of Directors Presentation, Upsher-Smith Transactions | SP12 00254 - 00265 | Schering-Plough |
| CX 340 | Schering-Plough Corp's Meeting of the Board of Directors, 6/24/97 | SP07 00001 - 00018 | Schering-Plough |
| CX 341 | Board of Director's Presentation, Upsher-Smith License, 6/24/97 | SP12 00244 - 00253 | Schering-Plough |
| CX 342-346 | RESERVED | | |
| SCHERING/UPSHER-SMITH AGREEMENT | | | |
| CX 347 | Correspondence from Kapur to Troup re Schering (Key Pharmaceuticals) -Upsher agreement, 6/17/97 | SP12 00189 - 00199 | Schering-Plough |
| CX 348 | Settlement and License Agreement, 6/17/97 | USL03183 - 03193 | Upsher-Smith |
| CX 349-363 | RESERVED | | |
| POST AGREEMENT STAND DOWN | | | |
| CX 364 | Klor-Con M20 , 7/97 | USL12832 - 12838 | Upsher-Smith |
| CX 365 | Correspondence from Troup to Kapur re response to the status of launching the M20 product, 8/4/97 | USL02061 - 02062 | Upsher-Smith |

| Exhibit No. | Document Description | Document No. | Source |
|--|---|-------------------------------------|-----------------|
| POST AGREEMENT STAND DOWN (Continued) | | | |
| CX 366 | Audibert letter to Gorske requesting list of investigators, 8/21/97 | SP05 00024 | Schering-Plough |
| CX 367 | Kapur to Troupe letter requesting group visit to plant for chlestyramine, mentions other products Upsher could produce, 7/16/97 | SP05 00022 - 00023 | Schering-Plough |
| CX 368-387 | RESERVED | | |
| UPSHER'S ABILITY TO LAUNCH | | | |
| CX 388 | Klor-Con M20 Approval dates | USL16335 - 16341 | Upsher-Smith |
| CX 389 | Scale-Up Questions | Upsher-Smith-FTC-088079 - 088082 | Upsher-Smith |
| CX 390 | Klor Con M Team Meeting, 9/8/99 | Upsher-Smith-FTC-088490 - 088491 | Upsher-Smith |
| CX 391 | E-mail re M20 Launch Quantities, 9/15/99 | USL08250 - 08251 | Upsher-Smith |
| CX 392 | E-mail to Robert Coleman from John Adams re Klor-Con M20 Info, 1/5/99 | Upsher-Smith-FTC- 1025786 - 1025787 | Upsher-Smith |
| CX 393 | Forecasts 9/20/99 | Upsher-Smith-FTC-170084 - 170085 | Upsher-Smith |
| CX 394 | Follow-Up for IPC Meeting, 10/14/99 | Upsher-Smith-FTC-170050 - 170060 | Upsher-Smith |
| CX 395 | Year 2001 - Total Tablets - 207,000,000 | Upsher-Smith-FTC-170086 - 170124 | Upsher-Smith |
| CX 396 | Memo re Scientific affairs May Monthly Report, 5/3/00 | Upsher-Smith-FTC-171911 - 171912 | Upsher-Smith |
| CX 397-416 | RESERVED | | |
| ESI PATENT LITIGATION | | | |
| CX 417 | <i>Letter and attached amended certification</i> , Subject: ESI's amended certification, under section 505 (J) (2) (A) (vii) (IV) and 21 CFR § 314.94, concerning the '743 patent; to Harris Weinstein (Covington & Burling, also submitted to the FDA); from Deborah Somerville (Kenyon & Kenyon); 5/6/96. | 501 DOC002713 - 002714 | AHP |
| CX 418 | <i>Letter</i> , "Re: Notice under section 505(j)(2)(B)(ii) of the Federal Food, Drug and Cosmetic Act - U.S. Patent 4,863,743"; to James Nelson (Schering-Plough Counsel, VP Patents and Trademarks); from Robert Wiser (ESI-Lederle Chief Patent Counsel); 1/22/96. | 115 DOC000161 - 000163 | AHP |

| Exhibit No. | Document Description | Document No. | Source |
|--|---|------------------------|-----------------|
| CX 419 | Letter re Notice under section 505(j)(2)(B)(ii) of the Federal Food, Drug and Cosmetic Act - U.S. Patent 4,863,743, 12/29/95 | SP06 00051 - 00052 | Schering-Plough |
| ESI PATENT LITIGATION (Continued) | | | |
| CX 420 | Letter re Notice under section 505(j)(2)(B)(ii) of the Federal Food, Drug and Cosmetic Act - U.S. Patent 4,863,743, 1/30/96 | SP06 00021 - 00022 | Schering-Plough |
| CX 421 | Letter re Notice under section 505(j)(2)(B)(ii) of the Federal Food, Drug and Cosmetic Act - U.S. Patent 4,863,743, 1/30/96 | SP06 00014 - 00020 | Schering-Plough |
| CX 422 | Letter re Amended notice to patent holder and holder of approved drug pursuant to Section 505(j)(2)(B)(ii) of the Federal Food, Drug and Cosmetic Act and 21 CFR § 314.94, 5/8/96 | SP06 00006 - 00013 | Schering-Plough |
| CX 423 | <i>E-mail</i> , re: tentative ANDA approval for KCL; to Robert Alexander, etc.; from Linda O’Dea; 5/27/99. | 203 DOC000073 | AHP |
| CX 424 | Complaint; Trial by jury demanded filed by Key Pharmaceuticals against ESI-Lederle 6/20/96 | SP09 00251 - 00286 | Schering-Plough |
| CX 425 | <i>Proposed Judge’s Order, ESI Motion and Memorandum</i> , re: Key Pharmaceuticals v. ESI-Lederle, Inc. No. 96-CV-1219 , Subject: motion to dismiss and request for judgement on plaintiff’s claims, signed by Deborah Somerville (Kenyon & Kenyon), undated. | AHP10 00388 - 00408 | AHP |
| CX 426 | ESI’s memo in opposition to Key Pharmaceuticals’ substituted motion to strike ESI’s affirmative defense of patent invalidity, estoppel, and unenforceability to, in the alternative, to dismiss this action as moot, 5/31/96 | AHP10 00409 - 00424 | AHP |
| CX 427 | Letter re Key Pharmaceuticals v. ESI-Lederle, Inc., 6/12/96 | AHP10 00438 | AHP |
| CX 428 | Letter re Key Pharmaceuticals v. ESI-Lederle, Inc., 12/12/96 | AHP10 00760 - 00765 | AHP |
| CX 429 | <i>Motion of Key Pharmaceuticals and attached cover letter</i> , Key v. ESI Civil Action No. 96-CV-1219 (E.D.Pa.) ; “Plaintiff’s memorandum in opposition to defendant’s motion to dismiss and for judgement on plaintiff’s claims of unfair competition, ‘future’ infringement, and willful infringement”; 5/24/96. | 115 DOC000734 - 000762 | AHP |
| CX 430 | Amended Complaint filed 6/16/97 | SP09 00484 - 00507 | Schering-Plough |
| CX 431 | Answer of ESI-Lederle to Key Pharmaceuticals’ Amended Complaint, 7/97 | SP09 00517 - 00554 | Schering-Plough |

| Exhibit No. | Document Description | Document No. | Source |
|--|--|--|-----------------|
| CX 432 | <i>Motion of Key Pharmaceuticals and attached cover letters Key v. ESI, Civil Action No. 96-CV-1219 (E.D.Pa.); “Reply memorandum of Key in support of Key’s cross-motion for summary judgement of infringement”; 4/9/97.</i> | 115 DOC001566 - 001637 | AHP |
| ESI PATENT LITIGATION (Continued) | | | |
| CX 433 | <i>Motion of ESI-Lederle, Key v. ESI, Civil Action No. 96-CV-1219 and No. 96-CV-450 (E.D.Pa.); “1) To treat plaintiff’s second complaint as a consolidated amended complaint; 2) For a more definite statement; 3) For partial dismissal of the second complaint; and 4) To strike jury demand and certain request for relief”; 7/23/96.</i> | 115 DOC000829 - 000853 | AHP |
| CX 434 | Letter re Key Pharmaceuticals v. ESI-Lederle, Inc., 6/27/97 | AHP10 01377 - 01438 | AHP |
| CX 435 | ESI’s Trial Memo | AHP10 01497 - 01512 | AHP |
| CX 436 | Answer and Counterclaim of ESI, 4/1/96 | SP09 00032 - 00040 | Schering-Plough |
| CX 437 | Answer filed 6/29/96 | ESI00550 - 00561 601 DOC000407 - 000418 | AHP/ESI |
| CX438 | Exhibits on medical issues, patent compliance | AHP10 00083 - 00150 ESI39832 - 39976 | AHP/ESI |
| CX 439 | Complaint, 2/16/96 | AHP10 00268 - 00287 | AHP |
| CX 440 | Defendant’s motion for partial summary judgement, 2/5/97 | AHP10 01083 - 001150 | |
| CX 441 | Expert Report of Dr. Harold B. Hopfenberg, 2/22/97 | ESI EXP000716 - 000752 | ESI |
| CX 442 | Expert Report of John F. Witherspoon, 2/24/97 | ESI DEP016360 - 016382 | ESI |
| CX 443 | Expert Report of Dr. Jens T. Carstensen, 4/2/97 | ESI EXP000572 - 000615 | ESI |
| CX 444 | --- | | |

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| CX 459 | <i>Letter, Key Pharmaceuticals v. ESI-Lederle, Inc. No. 96-CV-1219</i> , Subject: Settlement; to Judge Reuter (E.D. Pa); from Anthony Herman (Covington & Burling), 4/18/97. | AHP05 00190 - 00191 | AHP |

ESI'S AGREEMENT AND NEGOTIATIONS (Continued)

CX 460

| Exhibit No. | Document Description | Document No. | Source |
|---|---|------------------------|---------------------|
| CX474 | Berman letter to Somerville rejecting ESI changes to agreement, 6/17/98 | SP13 00632 - 00635 | Schering-Plough |
| CX 475 | Letter re Key Pharmaceuticals v. ESI-Lederle, Inc., 1/26/98 | C+B-2 000006 | Covington & Burling |
| ESI'S AGREEMENT AND NEGOTIATIONS (Continued) | | | |
| CX 476 | Presentation; Licensing Agreement between SPOC and Warrick, 2/25/98 | SP13 00859 - 00866 | Schering-Plough |
| CX 477 | Minutes of Meeting 2/1998 | SP07 00019 - 00022 | Schering-Plough |
| CX 478 | <i>Letter and attached settlement agreement, re: Key Pharmaceuticals v. ESI-Lederle, Inc. No. 96-CV-1219, to Paul Berman (Covington & Burling); from Deborah Somerville (Kenyon & Kenyon), 2/9/98.</i> | AHP05 00247 - 00260 | AHP |
| CX 479 | Settlement Agreement, 6/19/98 | SP13 00070 - 00089 | Schering-Plough |
| CX 480 | License Agreement | SP15 00053 - 00152 | Schering-Plough |
| CX 481 | Letter re Notice of ANDA approval letter; settlement agreement dated 6/19/98 between Key, Schering, ESI and AHP, 5/12/99 | SP13 00636 - 00661 | Schering-Plough |
| CX 482 | Letter re Settlement agreement, Key v. ESI; Generic K-DUR KC1 Tablets 20 meq, 5/12/99 | SP13 00794 - 00820 | Schering-Plough |
| CX 483 | <i>Letter, Subject: settlement discussions between Schering and AHP, "Re: Key Pharmaceuticals Inc v. ESI Lederle, Inc., Civil Action No. 96-CV-1219"; 6/18/98.</i> | 501 DOC002692 - 002693 | AHP |
| CX 484 | <i>Settlement Agreement, re: Key Pharmaceuticals v. ESI-Lederle, Inc. No. 96-CV-1219; Signed by Richard Zahn and Egon Berg (AHP); 6/19/98.</i> | AHP05 00052 - 00071 | AHP |
| CX 485 | <i>License Agreement; Contract between Key and ESI, concerning Enalapril and Buspirone ANDA etc...; signed by David Poorvin and Egon Berg; fax date- 6/19/98.</i> | AHP05 00074 - 00171 | AHP |
| CX 486 | <i>Letters and attached settlement agreement, "Re: Notice of ANDA Approval Letter, Settlement agreement dated June 19, 1998 between Key... and AHP...", request for payment by AHP to Key; to various employees of Schering; from Lawrence Alaburda, 6/12/99.</i> | 501 DOC004034 - 004066 | AHP |
| CX 487 | <i>Letter and attached license agreement; "re: payment due under 6/19/98 license agreement... re: Potassium Chloride Tablets"; to various employees of Schering-Plough; from Lawrence Alaburda; 6/7/01.</i> | 402 DOC000085 - 000090 | AHP |

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|------------------------|---|--|-----------------|
| CX 514 | <i>Letter</i> , Subject: “feedback on Nicostatin”, possible co-promotion of Niaspan; to Mukesh Patel (Kos); from Riccardo Carbucicchio (Knoll AG), 7/13/99. | AAA0000027 - 0000028 | KOS |
| KOS (Continued) | | | |
| CX 515 | <i>Letter</i> , Subject: interest in pursuit of Niaspan business venture; to Mukesh Patel (Kos); from Alain Benoit (Pierre-Fabre), 10/28/98. | AAA0000029 | KOS |
| CX 516 | <i>Letter</i> , Subject: follow-up on Niaspan; to Valerie Magre (Pierre-Fabre); from Mukesh Patel (Kos), 3/3/99. | AAA0000033 | KOS |
| CX 517 | <i>Financial proposal</i> , “Kos Pharmaceuticals, Inc., Nicostatin Co-Promotion Proposal to Roche”; 4/4/00. | AAA0000034 - 0000036 | KOS |
| CX 518 | <i>Internal Memo</i> , Subject: Schering interest in Niaspan business venture with Kos; to Dan Bell (Kos); from Mukesh Patel (Kos); 1/7/97. | AAA0000037 | KOS |
| CX 519 | <i>Letter</i> , returned attachment of signed Niaspan CDA from Schering to Kos; to Mukesh Patel (Kos); from Karin Gast; 1/31/97. | AAA0000048 - 0000051 | KOS |
| CX 520 | Phone call to Karin Gast from Mukesh Patel re interest in Niaspan, availability of Niaspan, 1/15/97 | SPCID2 1A 00092 | Schering-Plough |
| CX 521 | Niaspan | Pharmacia0000045 FTC0005112 | Pharmacia |
| CX 522 | Memo re KOS Pharmaceuticals, 10/6/97 | Pharmacia0000041 - 0000043 FTC0005108 - 0005110 | Pharmacia |
| CX 523 | E-mail re KOS Niaspan, 11/3/97 | Pharmacia0000040 FTC0005107 | Pharmacia |
| CX 524 | E-mail re KOS Niaspan, 11/11/97 | Pharmacia0000036 - 0000039 FTC0005103 - 0005106 | Pharmacia |
| CX 525 | Letter re Meeting on Niaspan 12/7/97, 1/20/98 | Pharmacia0000031 - 0000035 FTC0005098 - 005102 | Pharmacia |
| CX 526 | Memo re KOS Niaspan | Pharmacia0000002 - 0000030 FTC0005070 - 0005097 | Pharmacia |
| CX 527 | <i>Licensing summary</i> , Niaspan License in Territories Outside North America, Kos/Astra; 5/18/98. | AAA0000171 | KOS |
| CX 528 | <i>Letter</i> , Subject: decision not to pursue Niaspan business venture; from B.J. Jordan (Synthelabo); to Mukesh Patel (Kos); 2/24/98 and 10/24/97. | AAA0000161 - 0000162 | KOS |

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|------------------------|---|---------------------------------|-----------------|
| CX 529 | Phone call re Initial contact, 1/15/97 | SP002821 | Schering-Plough |
| CX 530 | Phone Call re Initial contact, 1/15/97 | SP002819 | Schering-Plough |
| CX 531 | Phone Call re Follow Up, 1/20/97 | SP002820 | Schering-Plough |
| KOS (Continued) | | | |
| CX 532 | <i>Internal Memo</i> , Subject: Kos' plans to send a new Confidentiality Agreement to Schering, per Niaspan-Kogan-Baldini-Jaharis conversations; to Dan Bell (Kos); from Mukesh Patel (Kos); 1/22/97. | AAA0000038 | KOS |
| CX 533 | Phone call re Anything from Baldini, 1/22/97 | SP002817 | Schering-Plough |
| CX 534 | IMS World R&D Focus | SP002822 - 002823 | Schering-Plough |
| CX 535 | Phone call re Extent of our interest?, 1/22/97 | SP002818 | Schering-Plough |
| CX 536 | <i>Letter and attached Confidentiality Agreement</i> , Subject: Niaspan CDA to Schering; to Karin Gast; from Mukesh Patel (Kos); 1/30/97. | AAA0000045 - 0000047 | KOS |
| CX 537 | Project Information | SP002666 | Schering-Plough |
| CX 538 | E-mail re Niacin SR and KOS, 2/10/97 | SP002814 | Schering-Plough |
| CX 539 | Letter re confidential package on Kos' Niaspan product, 2/10/97 | SP002813 | Schering-Plough |
| CX 540 | Letter re Kos' Niaspan, 2/11/97 | SP002779 - 002812 | Schering-Plough |
| CX 541 | List All Filings Prospectus Rule 424(b)(4), 3/7/97 | FTC0012126 - 0012202 | FTC |
| CX 542 | Memo re C.V. Business Development Meeting (3/3/97), 3/10/97 | SP020703 - 020705 | Schering-Plough |
| CX 543 | Phone call re Niaspan, 3/13/97 | SP002776 - 002777 | Schering-Plough |
| CX 544 | Memo re Product Assessment, 3/14/97 | Schering-Plough White Paper EX. | |

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| Exhibit No. | Document Description | Document No. | Source |
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| CX 551 | Niaspan Financial Analysis, 4/17/97 | SP002731 - 002736 | Schering-Plough |
| CX 552 | Handwritten notes, 4/25/97 | SP002728 - 002730 | Schering-Plough |
| KOS (Continued) | | | |
| CX 553 | <i>Handwritten notes</i> , Conference Call between Kos and Schering concerning possible Niaspan business venture; taken by Mukesh Patel (Kos); 4/25/97. | AAA0000151 - 0000152 | KOS |
| CX 554 | <i>Memo and attached draft proposal</i> , Subject: Niaspan, draft proposal for Schering/Kos deal; to Dave Heatherman (Kos); from Ray Russo; 5/15/97. | AAA0000153 - 0000157 | KOS |
| CX 555 | Memo re Niaspan, 5/15/97 | SP002723 | Schering-Plough |
| CX 556 | <i>Handwritten notes</i> , last conference call between Schering | | |

| Exhibit No. | Document Description | Document No. | Source |
|------------------------|---|------------------------|-----------------|
| CX 570 | <i>Letter</i> , Subject: Patent stance in Kos-Upsher license agreement; to Rodney Bell (Holland & Knight); cc: Paul Kralovec; from Cecil Schmidt (Merchant & Gould); 7/22/97. | AAA0000380 | KOS |
| CX 571 | <i>Letter</i> , Subject: Acrimony regarding patent issues; to Ian Troup, cc: Paul Kralovec; from Dan Bell (Kos); 7/24/97. | AAA0000381 | KOS |
| KOS (Continued) | | | |
| CX 572 | <i>Letter</i> , Subject: Niaspan license agreement- patent issues, to Dan Bell (Kos); from Ian Troup; 7/30/97. | AAA0000382 - 0000383 | KOS |
| CX 573 | <i>Letter</i> , Subject: patent “boundaries” in Niaspan license agreement; to Ian Troup; from Dan Bell (Kos); 8/11/97. | AAA0000384 | KOS |
| CX 574 | Letter re Our ref: M&G 1866J09-US-LA, 8/19/97 | USL09122 - 09123 | Upsher-Smith |
| CX 575 | Letter re C.V. Business development Subcommittee Meeting (May 13, 1997) | SP020724 - 020725a | Schering-Plough |
| CX 576 | A Qualitative Evaluation Of The Opportunity For Niaspan In Multiple Lipid Disorders Telephone Interviews With Lipid Specialists (4/97) | SP020707 - 020723 | Schering-Plough |
| CX 577 | Phone Call re Niaspan, niacin, 3/13/97 | SPCID2 1A00109 - 00110 | Schering-Plough |
| CX 578-592 | RESERVED | | |
| FDA | | | |
| CX 593 | Letter re petition requesting the FDA to amend regulation controlling the effective approval dates of certain Abbreviated New Drug Applications, 3/3/97 | FTC0022341 - 0022360 | FDA |
| CX 594 | Letter re Info of developments in implementation of the Drug Price and Patent Term Restoration Act of 1984, 7/29/88 | FTC0022361 - 0022366 | FDA |
| CX 595 | | | |

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|------------------------|---|---|-------------------------|
| CX 600 | F-D-C reports Prescription Pharmaceuticals and Biotechnology, 1/20/97 | FTC0021780 - 0021781 | FTC |
| CX 601 | F-D-C reports Prescription Pharmaceuticals and Biotechnology, 5/26/97 | FTC0021689 - 0021690 | FTC |
| FDA (Continued) | | | |
| CX602 | Letter to Lipha Pharmaceuticals from Douglas Sporn re approval for Ranitidine Tabs USP, 150 mg and 300mg, 6/17/97 | FTC0021735 - 0021739 | FTC |
| CX 603 | The Wall Street Journal NOVOPHARM LTD.: Generic version of Zantac is to be sold in US, 7/7/97 | FTC0021788 | The Wall Street Journal |
| CX 604 | The Wall Street Journal FDA Ruling Snarls Race to Introduce Generic Ulcer Drug, 6/23/97 | FTC0021785 | The Wall Street Journal |
| CX 605 | F-D-C reports Prescription Pharmaceuticals and Biotechnology, 6/23/97 | FTC0021786 - 0021787 | FTC |
| CX 606 | The Wall Street Journal NOVOPHARM LTD.: Generic version of Zantac is postponed, 7/10/97 | FTC0021784 | The Wall Street Journal |
| CX 607 | Federal Register Rules and Regulations, 11/28/97 | FTC0021789 - 0021790 | FTC |
| CX 608 | Federal Register Rules and Regulations, 11/5/98 | FTC0021791 - 0021793 | FTC |
| CX 609 | Letter to Upsher-Smith from FDA re abbreviated new drug application for Klor-Con M20, 11/24/98 | USL07699 - 07700 FTC0021594 - 0021595 | Upsher-Smith |
| CX610 | Memo to Ian Troup from Mark Robbins re November Scientific Affairs Monthly Report, 12/2/98 | USL16419 | Upsher-Smith |
| CX 611 | Letter to Upsher-Smith from FDA re abbreviated new drug application for Klor-Con M20, 1/28/99 | USL07067 - 07068 FTC0021592 - 0021593 | Upsher-Smith |
| CX 612 | Letter, Re: abbreviated new drug application for Potassium Chloride extended release tablets USP, 1500 mg; faxed to ESI Lederle, Inc.; from Bonnie McNeal, 5/12/99. | AHP13 00065 - 00068 FTC0021587 - 0021590 | AHP |
| CX 613 | Letter re citizen petition dated 8/9/00, 2/6/01 | FTC0021794 - 0021801 | FTC |
| CX 614 | “Antitrust Issues in Settlement of Pharmaceutical Patent Disputes”, 11/3/00 | FTC0021564 - 0021576 | FTC |
| CX 615 | Inside Washington’s FDA Week Customs asks FDA to pre-approve purchases of foreign drugs, 5/25/01 | FTC0021802 - 0021804 | FTC |

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| CX 616 | Press Release FTC Charges Schering-Plough over Allegedly Anticompetitive Agreements with Two Other Drug Manufacturers, 4/2/01 | FTC0021805 - 0021808 | FTC |
| FDA (Continued) | | | |
| CX 617 | <i>Letter</i> ; Subject: possible business venture for generic K-Dur 20 mEq; to Ian Troup; bcc: L. Alaburda; from Michael Dey; 8/14/96. | 105 DOC1000005 | AHP |
| CX 618 | <i>Fax cover sheet and attached FDA Guidelines</i> , "Guidance for Industry, 180-Day Generic Drug Exclusivity Under the Hatch-Waxman Amendments to the Federal Food, Drug, And Cosmetic Act"; to Egon Berg; from Don Beers (Arnold & Porter); 6/23/98. | | |

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| CX 650 | Ethocel Premium Polymers, Banker EX. 3 | FTC0021692 - 0021704 | FTC |
| CX 651 | Memo to Key product managers from Steve Lindquist re 1996 Product Promotion, 2/14/96 | SP018282 - 018283 | Schering-Plough |
| RESPONDENTS' WHITE PAPERS AND EXPERT REPORTS (Continued) | | | |
| CX 652 | Memo to David Stout from Marty Driscoll re Key Plus Plan request, 6/8/95 | SP018284 - 018320 | Schering-Plough |
| CX 653 | Memo to R. Baldini, M. Driscoll from S. Linquist re 1995 Key Monthly Sales Forecast, 6/7/95 | SP018321 - 018365 | Schering-Plough |
| CX 654 | Memo to Greg Birch from Joann Androconis re Product Performance, 5/22/95 | SP018366 - 018382 | Schering-Plough |
| CX 655 | 1995 Key Plus Plan Discussion, 5/23/95 | SP018383 - 018398 | Schering-Plough |
| CX 656 | Memo to Distribution from Eileen Gaeta re 1995 L.E. Rebates Revision, 4/25/95 | SP018399 - 018421 | Schering-Plough |
| CX 657 | Memo to R. Baldini, M. Driscoll from S. Linquist re 1995 Key Monthly Sales Forecast, 5/4/95 | SP018422 - 018426 | Schering-Plough |
| CX 658 | Memo to Ray Russo from Kathleen Taylor re Nursing Home Plus Plan, 4/21/95 | SP018427 - 018444 | Schering-Plough |
| CX 659 | Key Pharmaceuticals 1995 Plus Plan Spending, 5/3/95 | SP018445 - 018462 | Schering-Plough |
| CX 660 | Memo to Driscoll from Russo re Cardiovascular Plus Plan Summary, 5/3/95 | SP018463 - 018472 | Schering-Plough |
| CX 661 | Key/Managed Care - Optimizing the Opportunity | SP018473 - 018474 | Schering-Plough |
| CX 662 | Cardiovascular Disease Management Presentation Outline | SP018475 - 018482 | Schering-Plough |
| CX 663 | Memo to Distribution from Brian Longstreet re Sales/Pricing Trend Analysis in Managed Care (1991-1995), 3/21/95 | SP018483 - 018505 | Schering-Plough |
| CX 664 | Memo to Distribution from Charlie Scammell re Key Managed Care Pricing Guidelines, 4/28/95 | SP018506 - 018509 | Schering-Plough |
| CX 665 | Memo to DeJesus, DeLuca, Ford, Huff, and Suri from Joann Androconis re Managed Care Plans Contract Status Summary, 8/15/95 | SP018510 - 018535 | Schering-Plough |
| CX 666 | Memo to Ray Russo from Steve Keogh re 1994 Major Account Sales and Rebate Figures for Imdur, K-Dur, Nitro-Dur, Lotrisone, Normodyne, and Vanceril, 6/15/95 | SP018536 - 018560 | Schering-Plough |
| CX 667 | Key Pharmaceuticals Prescription Report for April 1995 | SP018571 - 018598 | Schering-Plough |
| CX 668 | Memo to Distribution from Greg Novello re Pipeline Data graphs April 1995, 5/22/95 | SP018599 - 018619 | Schering-Plough |

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| CX 669 | Key K-DUR Data from 2/94 through 1/95 | SP018620 - 018659 | Schering-Plough |
| CX 670 | E-mail to D'ambrosio and Weintraub from Dan Valerio re Potassium Chloride labeling, 6/12/01 | SP018660 | Schering-Plough |
| RESPONDENTS' WHITE PAPERS AND EXPERT REPORTS (Continued) | | | |
| CX 671 | New Product Launch Procedure, Potassium Chloride Tablets, Launch date 9/4/01, 5/30/01 - Valerio | SP018661 - 018662 | Schering-Plough |
| CX 672 | Potassium Chloride/K-Dur Tabs, 12 Month Forecast, \$/Units, 5/9/01 | SP018663 | Schering-Plough |
| CX 673 | Potassium Chloride/K-Dur Tabs, 12 Month Forecast, \$/Units, 5/3/00 | SP018664 - 018672 | Schering-Plough |
| CX 674 | Schering-Plough, Package design/Component RIC Request, Potassium Chloride Tabs, Effective date 3/15/96, date received 1/16/96 | SP018673 - 018677 | Schering-Plough |
| CX 675 | Potassium Chloride, USP Extended Release Tabs, Label - Warrick, 2/00 | SP018678 - 018681 | Schering-Plough |
| CX 676 | Shipment of Potassium Chloride, USP Extended Release Tabs Labels to Paxton Advertising from Schering, 2/16/00 | SP018682 - 018686 | Schering-Plough |
| CX 677 | E-mail to Dan Valerio from Linda Dytrych re Potassium Chloride, 2/7/00 | SP018687 - 018693 | Schering-Plough |
| CX 678 | Packaging Approval Routing List for Potassium Chloride Tabs, 1/30/96 | SP018694 - 018700 | Schering-Plough |
| CX 679 | Package Component Specification for LBL PS ROL Potassium CH TB 10 MEQ 100, RIC No. 18983907, Schering Labs, 6/27/96 | SP018701 - 018704 | Schering-Plough |
| CX 680 | E-mail from Richard Pipala to Raman kapur re Generic K-Dur, 2/4/00 | SP018705 | Schering-Plough |
| CX 681 | K-Dur, 20 MEQ only not 10 MEQ, Warrick is user, 3/16/98 | SP018706 - 018713 | Schering-Plough |
| CX 682 | Risk Authorization, Warrick K-Dur, 3/27/97 - Kapur | SP018714 - 018718 | Schering-Plough |
| CX 683 | Letter to R. Pipala from L. Manfredi re Warrick Contingency Plan for Potassium Chloride ER Tabs, 2/26/97 | SP018719 - 018721 | Schering-Plough |
| CX 684 | K-Dur Potassium Chloride Tabs, Warrick 12 Month Forecast, 2/26/97 | SP018722 - 018723 | Schering-Plough |
| CX 685 | Standard Costs, K-Dur Potassium Chloride Tabs, Warrick 12 Month Forecast, 2/26/97 | SP018724 - 018730 | Schering-Plough |
| CX 686 | Chris DiLascia, K-Dur notes, 2/25/97 | SP018731 - 018732 | Schering-Plough |

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| CX 687 | Fax to Lou Manfredi from Vin Core re K-Dur Tabs 10 and 20 MEQ data 2/11/97, 2/25/97 | SP018733 - 018737 | Schering-Plough |
| RESPONDENTS' WHITE PAPERS AND EXPERT REPORTS (Continued) | | | |
| CX 688 | U.S. Pharmaceutical Market: Drugstore & Non-Retail Purchases, 60000 Nutrients and Supplements, 2/84 | SP018738 - 018743 | Schering-Plough |
| CX 689 | Schering-Plough Financial Manual, Acquisition/Divestiture joint venture and licensing proposals, Financial and Capital Planning , issued 9/1/96 and replaces 6/30/94 - Sponser: Wassertein and Authorized: D' Andrade | SP018744 - 018755 | Schering-Plough |
| CX 690 | Settlement and License Agreement between Schwarz Pharma, Inc. and Key Pharmaceuticals, Inc., 3/8/01 and 2/27/01 | SP018756 - 018765 | Schering-Plough |
| CX 691 | License Agreement between Hercon Labs Corp. and Key Pharmaceuticals, Inc., 3/13/00 | SP018766 - 018779 | Schering-Plough |
| CX 692 | Memo to Distribution from Toni DeMola re US New Product Team Tracking Report, 8/22/97 | SP018782 - 018789 | Schering-Plough |
| CX 693 | Pricing Analysis for the Key products from Toni DeMola to Rich Zahn, 8/21/97 | SP018790 - 018794 | Schering-Plough |
| CX 694 | Schering-Plough 2000 Annual Report | SP018795 - 018834 | Schering-Plough |
| CX 695 | Quartely Product Margin Report by Brand, 4 th Quarters 1995, \$, 3 K-DUR, 2/20/96 | SP020696 - 020702 | Schering-Plough |
| CX 696 | Memo to Lauda from Estok re Genentech Psoriasis-Pricing Models, 8/15/00 | SP058801 - 058810 | Schering-Plough |
| CX 697 | Genentech ant-cd11, 3/10/00 | SP058854 | Schering-Plough |
| CX 698 | Memo to Lauda from Mackey re Sankyo's Olmersartan US Corp Opprtunity, 3/21/01 | SP059710 - 059715 | Schering-Plough |
| CX 699 | E-mail from bette Schultz to Kathleen Madison re Olmersartan issues, 3/22/01 | SP059774 - 059776 | Schering-Plough |
| CX 700 | E-mail to Kathleen Madison from Bette Schultz re Olnersarten Revised Forecast, 3/15/01 | SP059783 - 059796 | Schering-Plough |
| CX 701 | Memo from Mackey to Androconis, Makey, Petitt, Russo, and Schultz re Olmersartan P & Ls, 2/14/01 | SP059860 - 059865 | Schering-Plough |
| CX 702 | E-mail to Kathleen Madison from Bette Schultz re Olmersartan Revised Forecast, 2/8/01 | SP059877 - 059884 | Schering-Plough |
| CX 703 | E-mail from Richard Chipkin to Gilda Clayton re Qvar, 1/31/01 | SP060155 - 060162 | Schering-Plough |



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| COMPLAINT COUNSEL'S EXPERTS (Continued) | | | |
| CX 741 | Market assumptions re Klor-Con and K-Dur, Dolan | USL06784 | Upsher-Smith |
| CX 742 | Assumptions regarding M20 | USL07073 - 07075 | Upsher-Smith |
| CX 743 | Dolan, 20 mEq assumptions for the projections, 4/30/97 | USL08541 - 08544 | Upsher-Smith |
| CX 744 | Potassium Chloride (20mEq) Market Forecast recap | AHP13 00029 | AHP |
| CX 745 | Letter to Anthony Herman from Paul Heller re information on ESI's projections for settlement discussion, 9/24/97 | AHP13 00008 - 00009 | AHP |
| CX 746 | Memo to DiLascia from Androconis re K-Dur marketing research backgrounder, 7/1/96 | SP23 00369 - 00394 | Schering-Plough |
| CX 747 | 1998 K-Dur Marketing Plan, DiLascia, 8/1/97 | SP23 00087 - 00110 | Schering-Plough |
| CX 748 | Pharmaceutical Operations Sales, 1997-2001, 6/5/97 | SP23 00307 - 00315 | Schering-Plough |
| CX 749 | Marketing Strategies/Action Plan for K-Dur | SP23 00010 - 00011 | Schering-Plough |
| CX 750 | Pharmaceutical Operations Sales, 1997-2001, 6/5/97 | SP23 00307aa | Schering-Plough |
| CX 751 | Expert Report of Professor Timothy Bresnahan | FTC0020353 - 0020433 | Bresnahan |
| CX 752 | Expert Report of Joel E. Hoffman | FTC0022224 - 0022248 | Hoffman |
| CX 753 | Expert Report of Nelson Levy, Ph.D. | FTC0020502 - 0020534 | Levy |
| CX 754 | Expert Report of Professor Martin J. Adelman, 11/14/01 | FTC0021407 - 0021506 | FTC |
| CX 755 | Rebuttal Expert Report of Professor Max Bazerman, 11/15/01 | FTC0021507 - 0021532 | FTC |
| CX 756 | Rebuttal Expert Report of Martin C. Fliesler, 11/15/01 | FTC0021552 - 0021563 | FTC |
| CX 757 | Rebuttal Expert Report of Dr. Dennis H. Robinson on the non-infringement of U.S. patent no. 4,863,743, 1/17/97 | USL EXP001074 - 001083 | ESI |
| CX 758 | Rebuttal Expert Report of Dr. Christopher T. Rhodes on the non-infringement of U.S. patent no. 4,863,743, 1/97 | USL EXH018620 - 018651 | ESI |
| CX 759 | Rebuttal Expert Report of Dr. Lawrence H. Block, 1/17/97 | USL EXH018878 - 018914 | ESI |
| CX 760 | | | |

| Exhibit No. | Document Description | Document No. | Source |
|--|---|---|-----------------|
| CX 764 | International Application Published Under The Patent Cooperation Treaty (PCT), 9/11/98 | FTC0015003 - 0015006 | FTC |
| CX 765 | Combinations of HMG-CoA Reductase Inhibitors and Nicotinic Acid Compounds and Methods for Treating Hyperlipidemia once a day at night | FTC0015007 | FTC |
| CX 766 | International Application Published Under The Patent Cooperation Treaty (PCT), 9/11/98 | FTC0015008 | FTC |
| CX 767 | “Schering-Plough, Merck Forge Pact,” Yahoo.com, 5/23/00; “Drug Makers Pair Up to Fight Key Patent Losses,” 5/24/00 | FTC0015009 | FTC |
| CX 768 | Schering-Plough, Merck forge pact to develop new drugs, 5/24 | FTC0015010 | FTC |
| CX 769 | <i>Handwritten notes</i> , meeting between Schering and Kos to discuss possible Niaspan business venture; recorded by Mukesh Patel (Kos); 4/9/97. | AAA0150 | KOS |
| CX 770 | Company Report, 9/22/97 | SP13 00849 - 00854 | Schering-Plough |
| CX 771 | Letter to Pettit re Secrecy agreement for Niacor-SR, 2/28/97 | USL11496 - 11498 | Upsher-Smith |
| CX 772 | Fax to JAn Crawford from Pettit re Niacor-SR, 3/3/97 | USL11499 | Upsher-Smith |
| CX 773 | Letter to Pettit re amendments of agreement, 3/4/97 | USL11500 | Upsher-Smith |
| CX 774 | Fax to O’Neil from Pettit re licensing considerations, 5/22/97 | USL11561 - 11567 | Upsher-Smith |
| CX 775 | Memo to Troup from Halvorsen re Pierre Fabre Presentation-6/3/97, 6/11/97 | USL11810 - 11811 | Upsher-Smith |
| CX 776 | “The Kos is clear; experienced cholesterol marketing warriors flocking to Kos”, Jerry Treppel, 7/1/97 | USL11868 | Upsher-Smith |
| CX 777 | Upsher’s presentation to TCF | USL12391 - 12394 | Upsher-Smith |
| CX 778 | Niacin Franchise; Niacor-SR, 7/97 | USL15530 - 15537 | Upsher-Smith |
| CX 779 | Fax to Oliver LeFevre from O’Neil re Niacor-SR info, 11/25/97 | USL21232 - 21238 | Upsher-Smith |
| CX 780 | Memo to Kapur from Audibert re Upsher Smith Update, 8/21/97 | SP16 00236 | Schering-Plough |
| CX 781 | Memo to Cesan from Kapur re upsher product licensing deal, 7/2/97 | SP18 00004 | Schering-Plough |
| COMPLAINT COUNSEL’S EXPERTS (Continued) | | | |
| CX 782 | Memo to Distribution from Audibert re Product Assessment, 3/14/97 | Schering-Plough White Paper Exhibits0000189 - 0000194 | Schering-Plough |
| CX 783 | Niacin info, 3/2/94 | FTC0015038 - 0015046 | FTC |

| Exhibit No. | Document Description | Document No. | Source |
|-------------|---|----------------------------------|-----------------|
| CX 784 | Evenstad et al. U.S. patent filed 6/11/90, 6/30/92 | FTC0015011 - 0015023 | FTC |
| CX 785 | O'Neil et al. U.S. Patent filed 6/29/92, 12/7/93 | FTC0015024 - 0015037 | FTC |
| CX 786 | Fax to Hoffman, Thompson, and Wassertein from Kapur re Upsher-Smith modifications to amended agreement, 7/30/97 | SP12 00075 - 00110 | Schering-Plough |
| CX 787 | Collaboration and license agreement between Neurogen Corp., Schering Corp., and Schering-Plough LTD., 6/28/95 | Schering-Plough0000180 - 0000253 | Schering-Plough |
| CX 788 | Exclusive license and supply agreement between ICN Pharmaceuticas, Inc. and Schering-Plough LTD., 7/28/95 | Schering-Plough0000254 - 0000389 | Schering-Plough |
| CX 789 | Distribution Agreement between Centocor, Inc. and Schering-Plough LTD., 4/3/98 | Schering-Plough0000422 - 0000560 | Schering-Plough |
| CX 790 | Co-Promotion agreement between Bristol-Meyers Squibb Co. and Schering Sales Management, Inc., | SPCID00537 - 00630 | Schering-Plough |
| CX 791 | Letter to Troup from Kapur re Settlement agreement between Upsher and Schering , 6/17/97 | Schering-Plough0000002 - 0000012 | Schering-Plough |
| CX 792 | RESERVED | | |
| CX 793 | Memo of Schering-Plough to the Bureau of Competition and the Bureau of Economics of the FTC concerning File no. 9910256, 12/22/00 | FTC0022001 - 0022076 | Scheing-Plough |
| CX 794 | White Papers of Upsher-Smith | FTC0022077 - 0022158 | Upsher-Smith |
| CX 795 | ICN | | |

| Exhibit No. | Document Description | Document No. | Source |
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SEARCH FOR EUROPEAN PARTNER THROUGH MORETON

| | | | |
|--------|--|----------------------------------|--------------|
| CX 834 | Letter re Identifying a Niacor-SR European partner, 11/18/96 | USL11047 - 11061 | Upsher-Smith |
| CX 835 | Letter re Assignment Letter, 1/10/96 | USL11336 - 11356 | Upsher-Smith |
| CX 836 | Letter re change to the "Product Summary" section, 1/13/97 | USL11357 - 11358 | Upsher-Smith |
| CX 837 | Preliminary Information Memo; DRAFT | USL11359 - 11365 | Upsher-Smith |
| CX 838 | Upsher's Confidential Disclosure Niacor-SR | Upsher-Smith-FTC-094106 - 094136 | Upsher-Smith |
| CX 839 | Upsher's Niacor-SR Contact Summary, 2/3/97 | USL09120 - 09121 | Upsher-Smith |
| CX 840 | Fax re Visit to Europe, 4/21/97 | USL11510 - 11512 | Upsher-Smith |
| CX 841 | Upsher's Niacor-SR Contact Summary, 4/21/97 | USL13148 - 13150 | Upsher-Smith |
| CX 842 | UPSHER-SMITH Labs Niacor-SR Contact Summary Updated 4/14/97 | USL11501 - 11503 | Upsher-Smith |
| CX 843 | Upsher's Niacor-SR Contact Summary, date illegible | USL11507 - 11509 | Upsher-Smith |
| CX 844 | Fax re Schering declining opportunity for new lipid lowering product, 2/4/97 | USL09099 - 09100 | Upsher-Smith |
| CX 845 | Fax re Possible corporate partnership with Upsher, Niacor-SR, 2/4/97 | USL09102 | Upsher-Smith |
| CX 846 | Letter re Niacor-SR rejection, 1/21/97 | USL09110 | Upsher-Smith |
| CX 847 | Letter re Niacor-SR rejection, 1/21/97 | USL09111 | Upsher-Smith |
| CX 848 | Fax re New European Licensing Opportunity-Niacor SR, 1/27/97 | USL09107 | Upsher-Smith |
| CX 849 | Letter re New European Licensing Opportunity-Niacor SR, 1/22/97 | USL09113 | Upsher-Smith |
| CX 850 | Fax re Niacor-SR rejection, 2/28/97 | USL09089 | Upsher-Smith |
| CX 851 | Fax re Niacor-SR rejection, 2/3/97 | USL09118 | Upsher-Smith |
| CX 852 | Fax re Niacor-SR rejection, 2/3/97 | USL09117 | Upsher-Smith |
| CX 853 | Fax re Niacor-SR rejection, 1/31/97 | USL09097 | Upsher-Smith |

SEARCH FOR EUROPEAN PARTNER THROUGH MORETON (Continued)

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|--------|---------------------------------------|------------------|--------------|
| CX 854 | Fax re Niacor-SR rejection, 2/28/97 | USL09090 | Upsher-Smith |
| CX 855 | Fax re Niacor-SR rejection, 2/7/97 | USL09115 | Upsher-Smith |
| CX 856 | Letter re Niacor-SR rejection, 4/9/97 | USL09086 - 09088 | Upsher-Smith |
| CX 857 | Fax re Niacor-SR rejection, 3/4/97 | USL09091 | Upsher-Smith |

| Exhibit No. | Document Description | Document No. | Source |
|--|--|----------------------|---------------|
| CX 858 | Letter re Niacor-SR rejection, 2/3/97 | USL09119 | Upsher-Smith |
| CX 859 | Fax re Niacor-SR rejection, 2/3/97 | USL09104 | Upsher-Smith |
| CX 860 | Fax re Niacor-SR rejection, 1/22/97 | USL09114 | Upsher-Smith |
| CX 861 | Letter re Niacor-SR rejection, 1/22/97 | USL09096 | Upsher-Smith |
| CX 862 | Letter re Niacor-SR rejection, 2/25/97 | USL09092 | Upsher-Smith |
| CX 863 | Letter re Niacor-SR rejection, 2/7/97 | USL09116 | Upsher-Smith |
| CX 864 | Fax re Niacor-SR rejection, 2/4/97 | USL09098 | Upsher-Smith |
| CX 865 | Letter re Niacor-SR rejection, 2/4/97 | USL09103 | Upsher-Smith |
| CX 866 | Fax re Possible partnership, 6/6/97 | USL11803 - 11804 | Upsher-Smith |
| CX 867 | Fax re Nicotinic acid, 6/26/97 | USL11865 - 11866 | Upsher-Smith |
| CX 868 | Memo re Esteve S.A. Presentation, 6/11/97 | USL11812 - 11814 | Upsher-Smith |
| CX 869 | Letter to Vickie O'Neil from Joan Miro re Niacor-SR rejection, 9/29/97 | USL11968 | Upsher-Smith |
| CX 870 | Fax to Vickie O'Neil from David Pettit re Pierre Fabre, Servier, and Dr. Esteve confirmed, 5/19/97 | USL11559 | Upsher-Smith |
| CX 871 | Fax to Moreton from David Colpman re Niacor rejection, 3/13/97 | Moreton0000477 | Moreton |
| CX 872 | Fax to David Petit from Manfred Foersch re Niacor rejection, 2/14/97 | Moreton0000384 | Moreton |
| CX 873 | Fax to Moreton from Guy Vercauteren re Niacor opportunity, 2/5/97 | Moreton0000385 | Moreton |
| CX 874 | Fax to David Petit from Ulf Ljungberg re Niacor rejection, 2/6/97 | Moreton0000377 | Moreton |
| CX 875 | Fax to David Pettit from Gustav Trilsbach re Niacor rejection, 1/22/97 | USL09108 | Upsher-Smith |
| CX 876 | Fax to Moreton from Baumann and Kluge re Niacor rejection, 1/22/97 | USL09109 | Upsher-Smith |
| SEARCH FOR EUROPEAN PARTNER THROUGH MORETON (Continued) | | | |
| CX 877 | Fax to Moreton from Harenberg re Niacor rejection, 1/21/97 | USL09105 | Upsher-Smith |
| CX 878 | Letter to David Pettit from Carine Himsworth re Niacor rejection, 1/21/97 | USL09106 | Upsher-Smith |
| CX 879 | Business Cards | FTC0020180 - 0020186 | FTC |
| CX 880 | Memo re Lacer, S.A. Presentation - 6/5/97, 6/12/97 | USL11827 - 11829 | Upsher-Smith |

| Exhibit No. | Document Description | Document No. | Source |
|--------------------|--|----------------------------------|-----------------|
| CX 881 | Memo re Pierre Fabre Presentation - 6/3/97, 6/11/97 | USL11825 - 11826 | Upsher-Smith |
| CX 882 | Fax re presentation on Pierre Fabre organization, 2/6/97 | Moreton0000308 | Moreton |
| CX 883 | Memo re Servier Presentation - 6/6/97, 6/11/97 | USL11808 - 11809 | Upsher-Smith |
| CX 884 | Memo re Lacer, S.A. Presentation - 6/5/97, 6/12/97 | USL11832 - 11864 | Upsher-Smith |
| CX 885 | Niacor-SR overhead presentation, 5/28/97 | USL11575 - 11650 | Upsher-Smith |
| CX 886 | Upsher-Smith presentation to Searle, 5/28/97 | Upsher-Smith-FTC-190621 - 190683 | Upsher-Smith |
| CX 887 | Protocol Number 920115-D, 4/30/96 | SP16 00141 - 00225 | Schering-Plough |
| CX 888 | Fax to O'Neil from Pettit re Contact list w/responses, 1/28/97 | Moreton0000165 - 0000167 | Moreton |
| CX 889-893 | RESERVED | | |

EARLY TRIAL INFORMATION

| | | | |
|--------|--|------------------------------------|--------------|
| CX 894 | Adverse Reactions to Niacor-SR | Upsher-Smith-FTC-1003760 - 1003763 | Upsher-Smith |
| CX 895 | ClinTrials Research-Upsher-Smith Labs Meeting Notes, Study 920115, 5/12/95 | Upsher-Smith-FTC-093255 - 093259 | Upsher-Smith |
| CX 896 | Fax re Discussion points , 10/22/96 | Upsher-Smith-FTC-006179 - 006181 | Upsher-Smith |
| CX 897 | Data from Niacor SR protocol 920115 | Upsher-Smith-FTC-004818 - 004983 | Upsher-Smith |
| CX 898 | Niacor SR overhead presentation | USL11712 - 11796 | Upsher-Smith |
| CX 899 | Fax from Anita Rackham to Harvey Arbit re Notes from FDA meeting 6/24/92, 6/25/92 | Upsher-Smith-FTC-090141 - 090143 | Upsher-Smith |
| CX 900 | Letter to Enid Galliera from Harvey Arbit re request for meeting about Niacor-SR, 5/29/92 | Upsher-Smith-FTC-090190 - 090191 | Upsher-Smith |
| CX 901 | Adverse Events of 900221-Attributed to study medication significant differences between treatment groups, 11/16/94 | Upsher-Smith-FTC-161465 - 161469 | Upsher-Smith |
| CX 902 | Summary of Dropout Patients Physician Designation, 10/25/94 | Upsher-Smith-FTC-161472 - 161473 | Upsher-Smith |

EARLY TRIAL INFORMATION (Continued)

| | | | |
|--------|--|----------------------------------|--------------|
| CX 903 | Niacor-SR Strategy Meeting Summary Notes between Upsher and Counsultants, 10/14/94 | Upsher-Smith-FTC-161767 - 161770 | Upsher-Smith |
| CX 904 | Memo re Minutes of FDA Meeting on 11/16/94, 11/29/94 | Upsher-Smith-FTC-161806 - 161811 | Upsher-Smith |
| CX 905 | Draft of Niacor preliminary study results, 9/26/94 | Upsher-Smith-FTC-127059 - 127097 | Upsher-Smith |
| CX 906 | Letter to Robert Freeman from Anita Rackham re meeting notes with FDA 6/24/92, 5/19/94 | Upsher-Smith-FTC-127098 - 127103 | Upsher-Smith |

Exhibit No.

Document Description

Document No.

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| Exhibit No. | Document Description | Document No. | Source |
|--|---|-------------------------------------|---------------|
| NIACOR LABELING | | | |
| CX 976 | Niacor-SR package insert | Upsher-Smith-FTC-1003779 - 1003797 | Upsher-Smith |
| CX 977 | Memo re Niacor-SR Annotated Package Insert, 6/4/97 | Upsher-Smith-FTC-077106 - 077126 | Upsher-Smith |
| CX 978 | Memo re Niacor-SR Labeling: Footnote Table IV, 6/19/97 | Upsher-Smith-FTC-077105 | Upsher-Smith |
| CX 979 | Memo re Niacor-SR Annotated Package Insert, 6/21/97 | FTC0022321 - 0022340 | Upsher-Smith |
| CX 980 | Niaspan Clinical Data Rev. 8/97 | Upsher-Smith-FTC-1033909 - 1033913 | Upsher-Smith |
| CX 981-990 | RESERVED | | |
| MARKET RESEARCH | | | |
| CX 991 | Management of Hypercholesterolemia: Teleconference with Cardiologists and Primary Care Physicians, 10/96 | USL12977 - 13002 | Upsher-Smith |
| CX 992 | Current Practices and the Role of Niacin in the management of High Cholesterol: Teleconference with Primary Care Physicians, 2/97 | USL12904 - 12923 | Upsher-Smith |
| CX 993-1017 | RESERVED | | |
| REPORTS ON CLINICAL STUDIES | | | |
| CX 1018 | Protocol 920115 Final Clinical/Statistical Report, 12/5/97 | Upsher-Smith-FTC-003492.01 - 003854 | Upsher-Smith |
| CX 1019 | Final Study Report of Protocol 920944, 5/13/98 | Upsher-Smith-FTC-175676 - 175796 | Upsher-Smith |
| CX 1020 | Fax to Marge Garske from Claude Drobnes re Table of Patients with Notable Elevations in ALT or AST, Text Table 45, 10/31/97 | Upsher-Smith-FTC-175976 - 175979 | Upsher-Smith |
| CX 1021 | Niacor-SR Protocol 920115 Safety Analysis- Introduction | Upsher-Smith-FTC-190689 - 190705 | Upsher-Smith |
| CX 1022 | Niacor-SR product description | USL11651 - 11711 | Upsher-Smith |
| CX 1023 | Niacor-SR product description | Upsher-Smith-FTC-094137 - 094199 | Upsher-Smith |
| CX 1024 | Physicians Desk Reference, PDR 55 th Edition, 2001 | FTC 0021271 - 0021275 | KOS |
| REPORTS ON CLINICAL STUDIES (Continued) | | | |
| CX 1025 | Goodman & Gilman's The Pharmacological Basis of Therapeutics, ninth edition, McGraw Hill-Health Professions Division | FTC 0021276 - 0021279 | FTC |
| CX 1026-1040 | RESERVED | | |

| Exhibit No. | Document Description | Document No. | Source |
|--|--|------------------------------------|-----------------|
| CX 1041 | Memo Kapur to Audibert, Lauda transmitting Upsher confidentiality agreement for Niacor, 4/15/98 | SP05 00026 - 00028 | Schering-Plough |
| CX 1042 | Niacor Information | SP16 00061 - 00112 | Schering-Plough |
| CX 1043 | Protocol Synopsis, Draft | SP16 00113 - 00140 | Schering-Plough |
| CX 1044 | Memo re Niacin, 6/17/97 | SP16 00040 - 00047 | Schering-Plough |
| CX 1045 | Sales/Net from Niacor SR, Audibert to Kapur, 6/17/97 | SP16 00231 - 00235 | Schering-Plough |
| CX 1046 | IMS Initial Data Cholesterol Reducing Agents, Audibert to Kapur, 6/20/97 | SP16 00447 - 00452 | Schering-Plough |
| CX 1047 | Contact Report for KOS, Miami, 4/9/97 | SP002746 - 002749 | Schering-Plough |
| CX 1048 | Niacor SR: Supplementary Information, Cholesterol/Triglic.Reduc.Prep. (B4A)-World-wide Sales, 6/23/97 | SP16 00001 - 00005 | Schering-Plough |
| CX 1049 | PDR listing for Lipitor | FTC0021708 - 021711 | FTC |
| CX 1050 | "Drug Treatment of Lipid Disorders", 8/12/99 | FTC0021712 - 0021724 | FTC |
| CX 1051 | "Moderate Dose, Three-Drug Therapy with Niacin, Lovastatin, and Colestipol to Reduce Low-Density Lipoprotein Cholesterol<100mg/dl in Patience with Hyperlipidemia and Coronary Artery Disease", 1997 | FTC0021725 - 0021729 | FTC |
| CX 1052 | "Evaluating Niacin in its Various Forms", 2000 | FTC0021730 - 0021734 | FTC |
| CX 1053 | Memo to Distribution from Dave Grewcock re Review of SCH58235, Advisory Board Meeting held 1/24/97, 2/13/97 | SP002900 - 002913 | Schering-Plough |
| CX 1054-1473 | RESERVED | | |
| OTHER LICENSED PRODUCTS | | | |
| CX 1074 | Memo re Updated Forecast-Upsher-Smith Products, 6/19/97 | SP17 00001 - 00002 | Schering-Plough |
| CX 1075 | Fax re Schering Purchase requisition, 9/18/97 | USL21254 - 21255 | Upsher-Smith |
| OTHER LICENSED PRODUCTS (Continued) | | | |
| CX 1076 | Letter from Vickie O'Neil to Bill Hisey re possible deal with IVAX Corp., 6/19/98 | Upsher-Smith-FTC-1028254 - 1028255 | Upsher-Smith |
| CX 1077-1086 | RESERVED | | |
| POST AGREEMENT | | | |
| CX 1087 | Memo Kapur to Lauda, Cesan; project leader should brief on niacin Kapur for Troupe meetings, 7/2/97 | SP16 00237 | Schering-Plough |

| Exhibit No. | Document Description | Document No. | Source |
|--------------------|--|----------------------------------|-----------------|
| CX 1088 | Letter re confirmation that Upsher has suspended all research on Niacor-SR, 10/6/98 | SP05 00004 - 00011 | Schering-Plough |
| CX 1089 | KOS Pharmaceuticals, Competitive Intelligence from IPO Docs, 8/1/97 | USL13213 - 13214 | Upsher-Smith |
| CX 1090 | Memo re Niacor-SR, 8/12/97 | Upsher-Smith-FTC-149892 - 149894 | Upsher-Smith |
| CX 1091 | Memo re Niacor-SR, 8/12/97 | USL11937 - 11939 | Upsher-Smith |
| CX 1092 | Letter re protocols on Niacor, 8/21/97 | SP002936 - 002940 | Schering-Plough |
| CX 1093 | Niacor-SR Urine PK Study | USL12363 | Upsher-Smith |
| CX 1094 | Nicor-SR, 9/22/97 | USL11934 - 11936 | Upsher-Smith |
| CX 1095 | Niacor-SR Strategy meeting, 9/23/97 | USL11946 - 11951 | Upsher-Smith |
| CX 1096 | Niacor-SR NDA Approval Strategy | USL13228 - 13239 | Upsher-Smith |
| CX 1097 | Nicor SR NDA approval strategy, 9/23/97 | Upsher-Smith-FTC-153369 - 153392 | Upsher-Smith |
| CX 1098 | Memo re October Clinical, Regulatory Affairs, and Quality Assurance Monthly Report, 11/5/97 | Upsher-Smith-FTC-153513 | Upsher-Smith |
| CX 1099 | Faxes Kapur to Audibert (11/7/97) and Kapur to Troupe (10/21/97) re delayed clinical data on Niacor-SR | SP05 00013 - 00014 | Schering-Plough |
| CX 1100 | Upsher 1998 Marketing Plans | USL16064 - 16158 | Upsher-Smith |
| CX 1101 | Correspondence from Paul Thompson to Troup re amendment agreement, 6/30/97 | USL02008 - 02023 | Upsher-Smith |
| CX 1102 | Correspondence from Troup to Kapur re Royalty payment due to Upsher-Smith, 6/11/98 | USL03221 | Upsher-Smith |
| CX 1103 | Correspondence from Troup to Kapur re modifications that need to be made to the amendment agreement, 7/29/97 | USL11879 - 11911 | Upsher-Smith |
| CX 1104 | Correspondence from Troup to Kapur re Royalty payment due to U[sher-Smith , 6/11/98 | SP12 00011 - 00012 | Schering-Plough |
| CX 1105 | E-mail frm Beni Krieger to Michael Heeney re ESI-Lederle Settlement, 6/29/? | SP049056 - 049074 | Schering-Plough |

POST AGREEMENT

| Exhibit No. | Document Description | Document No. | Source |
|-----------------------------|---|---|-----------------|
| CX 1108 | Memo re December Clinical, Regulatory Affairs, and Quality Assurance Monthly Report, 1/7/98 | Upsher-Smith-FTC-153499 | Upsher-Smith |
| CX 1109 | Memo re Monthly Report, 1/8/98 | Upsher-Smith-FTC-153496 | Upsher-Smith |
| CX 1110 | Letter re Letter re confirmation that Upsher has suspended all research on Niacor-SR, 10/6/98 | USL11985 - 11987 | Upsher-Smith |
| CX 1111 | Letter re confirmation that Upsher has suspended all research on Niacor-SR, 10/6/98 | USL13275 | Upsher-Smith |
| CX 1112 | Memo re Niacor-SR, 9/25/98 | SP002960 - 002961 | Schering-Plough |
| CX 1113 | Memo Audibert to Lauda, 9/25/98; Upsher-Smith not progressing NDA for Niacor | SP16 00057 - 00058 | Schering-Plough |
| CX 1114 | Letter re confirmation that Upsher has suspended all research on Niacor-SR, 10/6/98 | SP16 00229 - 00230 | Schering-Plough |
| CX 1115-1134 | RESERVED | | |
| EUROPEAN PRICING | | | |
| CX 1135 | Zocor/Lipitor Price comparison, Red Book Update, 11/99 | SP037680 - 037703 | Schering-Plough |
| CX 1136 | Memo re SCH 58235: Local Requirements for Establishing a Price, 1/11/99 | SP002987 - 002988 | Schering-Plough |
| CX 1137-1146 | RESERVED | | |
| OTHER SCHERING DEALS | | | |
| CX 1147 | Schering Press Release-"Schering -Plough and Centocor announce international licensing agreement for Avakine Monoclonal Antibody", 4/6/98 | 10 T-0.18TD /5 -18.7otScheriaA0.2973 Tw (Monoclonal Antibody) | |

| Exhibit No. | Document Description | Document No. | Source |
|---|--|--|-----------------|
| CX 1154 | S-P's Second Proposal vs. J-Med's Proposal for Patent License | SP053817 | Schering-Plough |
| CX 1155 | Letter re US patent #6,051,585 rejection, 5/18/00 | SP053818 - 053819 | Schering-Plough |
| CX 1156 | License Agreement covering grants of intellectual property from parents to partnership | SP018864 - 018890 | Schering-Plough |
| CX 1157 | E-mail re Project Café Update, 2/28/00 | SP061267 - 061269 | Schering-Plough |
| CX 1158 | Memo re Settlement and License Agreement between Key and Mylan, 4/9/99 | SP15 00001 - 00019 | Schering-Plough |
| CX 1159 | Letter re Leucomax, 10/17/00 | SP051541 - 051546 | Schering-Plough |
| CX 1160 | Follow-up question on Zelmac | SP051051 - 051057 | Schering-Plough |
| CX 1161 | Memo re Zelmac Update, 7/5/00 | SP051072 - 051074 | Schering-Plough |
| CX 1162 | Fax re Zelmac, 7/25/00 | SP050934 - 050937 | Schering-Plough |
| CX 1163 | Letter re Schering's interest in deal with Novartis on Zelmac, 7/26/00 | SP050908 - 050911 | Schering-Plough |
| CX 1164 | Summary of Olmesartan/Olmesartan HCTZ Co-promotion Proposed Agreement for discussion | SP059722 | Schering-Plough |
| CX 1165 | Memo re ICOS's Pafase, 1/29/01 | SP053707 - 053712 | Schering-Plough |
| CX 1166 | E-mail re Pafase, 3/20/01 | SP053697 | Schering-Plough |
| CX 1167 | Schering's Press release - "Schering-Plough and RIBI Immunochem Announce Distribution Agreement for Melacine Melanoma Vaccine", 3/16/98 | FTC0021865 - 0021866 | Schering-Plough |
| CX 1168 | E-mail re Vapreotide, 1/17/00 | SP049686 | Schering-Plough |
| CX 1169 | Schering's Press release - "Schering-Plough in Agreement with Zonagen for Worldwide Marketing Rights to Vasomax for Treatments of Male Erectile Dysfunction", 11/17/97 | FTC0021863 - 0021864 | Schering-Plough |
| OTHER SCHERING DEALS (Continued) | | | |
| CX 1170 | Proposal to create a partnership with Merck and Company to develop and market cholesterol-lowering and allergy products, 2/14/00 | SP021470 - 021546 | Schering-Plough |
| CX 1171 | Analysis of Product Alliances, transmittal 9/21/99 | SP021547 - 021662 | Schering-Plough |
| CX 1172 | Ezetimibe, 7/01 | SP040991 - 041020 | Schering-Plough |
| CX 1173 | Letter from Paul Hyman to Schering Plough, 11/3/95 | ESI00527 - 00548 601 DOC000384 - 000405 | AHP/ESI |
| CX 1174 | Merck ex US discussions with Guy Eiferman 11/01 | SP045841 - 045842 | Schering-Plough |

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Source

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| CX 1220 | Alexion and Proctor & Gamble C5 inhibitor for CPB, press release, 10/24/01 | FTC0009690 | FTC |
| CX 1221 | Millennium & Lilly Genes for atherosclerosis & cancer, press release, 10/24/95 | FTC0009711 - 0009713 | FTC |
| CX 1222 | Millennium & Lilly Genes to include select areas of oncology, press release, 4/15/96 | FTC0009708 | FTC |
| CX 1223 | Cardiome Pharma and Hoffmann-La Roche recap summary, 5/98, rev. 6/99 | FTC0009714 | FTC |
| CX 1224 | Nortran Pharmaceuticals and Hoffman-La Roche Atrial arrhythmia compounds, press release, 5/7/98 | FTC0009716 - 0009717 | FTC |
| CX 1225 | Axys Pharmaceuticals and Rhone-Poulenc Rorer, Protease inhibitors associated with inflammatory diseases, 12/18/98 | FTC0009773 - 0009774 | FTC |
| CX 1226 | Texas Biotechnology and SmithKline Beecham form alliance to market and develop Novastan IN North America, 8/6/97 | FTC0009871 - 0009872 | FTC |
| CX 1227 | Bristol-Myers Squibb and ICAGEN Initiate Ion Channel Collaboration; Alliance to focus on small molecules for atrial fibrillation, press release, 9/30/97 | FTC0009877 | FTC |
| CX 1228 | GelTex and Sankyo Pharmaceutical recap summary, 11/99, rev. 12/99 | FTC0009881 | FTC |
| CX 1229 | GelTex Pharmaceuticals and Sankyo sign letter of intent for licensing agreement for GelTex's cholesterol-lowering products, press release, 11/15/99 | FTC0009914 - 0009915 | FTC |
| CX 1230 | Interneuron licenses North American rights for Ceraxon to | | |

Exhibit No.

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Document No.

Source

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|---|---|-------------------|-----------------|
| CX 1256 | Centocor, Avakine; distribution/license/security agreement, 4/3/98 | SP066022 - 066023 | Schering-Plough |
| CX 1257 | Cephalon, Alzheimer's drug; collaboration/research, 5/23/90 | SP066024 - 066028 | Schering-Plough |
| CX 1258 | Chiroscience, asthma drug; collaboration/research, 6/24/97 | SP066029 - 066030 | Schering-Plough |
| CX 1259 | Chugai Pharmaceuticals, Psoriasis drug; license, 3/2/98 | SP066031 - 066032 | Schering-Plough |
| CX 1260 | COR Therapeutics, Integrelin; collaboration, 4/10/95 | SP066033 - 066038 | Schering-Plough |
| CX 1261 | Corvas, Hepatitis C inhibitor; collaboration/license, 6/11/97 | SP066039 - 066040 | Schering-Plough |
| CX 1262 | Endorecherche, Antiestrogen & antiandrogen; development/license | SP066041 - 066043 | Schering-Plough |
| CX 1263 | Enzon, PEG intron-A; development/license/supply, 11/14/90, amended 2/23/92 and 6/30/95 | SP066044 - 066046 | Schering-Plough |
| CX 1264 | Genome Therapeutics Corp., Genomic fungal infection treatment; collaboration/license, 9/23/97 | SP066047 - 066048 | Schering-Plough |
| CX 1265 | Genome Therapeutics Corp., Asthma product; development/license, 12/20/96 | SP066049 - 066051 | Schering-Plough |
| CX 1266 | Genome Therapeutics Corp., Any disease-treatment product developed from GTC databases (?); collaboration/license, 12/7/95 | SP066052 - 066054 | Schering-Plough |
| CX 1267 | Human Genome Sciences, Access to HGS genome technology; R&D collaboration/license, 6/28/96 | SP066055 - 066062 | Schering-Plough |
| CX 1268 | ICN, Ribavirin; license, 7/28/95 | SP066063 - 066068 | Schering-Plough |
| CX 1269 | Incyte (Synteni), Access to Incyte's microarray technology & databases; collaboration/license, 10/1/98 | SP066069 - 066071 | Schering-Plough |
| OTHER SCHERING DEALS (Continued) | | | |
| CX 1270 | Medi-ject & Becton Dickinson, Needle-free injectors, syringes, & adopters; license/supple, 1/20/98 | SP066072 - 066073 | Schering-Plough |
| CX 1271 | Myriad Genetics, "all products"; research collaboration/license, 4/22/97 | SP066074 - 066077 | Schering-Plough |
| CX 1272 | Neurogen, any product containing Program Dopamine Agonist/Antagonist technology; collaboration/license, 7/27/95 | SP066078 - 066082 | Schering-Plough |
| CX 1273 | Novopharm, all ANDA approved products, for eight years after 5/11/95; (Warrick) distribution, 5/2/94, amended 5/11/95 | SP066107 - 066109 | Schering-Plough |

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| CX 1274 | Novopharm Biotech., genetic biotechnology pharm. products from “Option Substances”; development/manufacture/marketing/supply/distribution, 2/17/97 | SP066110 - 066112 | Schering-Plough |
| CX 1275 | Orion, Toremifene tablet; supply/distribution, 3/14/95 | SP066083 - 066084 | Schering-Plough |
| CX 1276 | Ribi ImmunoChem Research, Melacine; distribution/supply, 3/14/95 | SP066085 - 066086 | Schering-Plough |
| CX 1277 | SciClone, Thymosin Alpha-1 (TA-1); license/development/supply, 1/12/93 | SP066087 - 066090 | Schering-Plough |
| CX 1278 | Sennes, SDI gene & protein patent sublicense, 8/18/99 | SP066091 - 066093 | Schering-Plough |
| CX 1279 | Sepracor, DCL (loratadine metabolite); license, 12/5/97 | SP066094 | Schering-Plough |
| CX 1280 | Sequus Pharma., Caelyx/Doxil; supply/distribution, 8/29/96 | SP066095 - 066098 | Schering-Plough |
| CX 1281 | TerraGen Diversity, bacteria extract; research collaboration/license | SP066099 - 066100 | Schering-Plough |
| CX 1282 | Transgene, S.A., use of Transgene’s adenovirus gene therapy & delivery systems; research collaboration/license/option, 2/2/98 | SP066101 - 066102 | Schering-Plough |
| CX 1283 | Univ. of Toronto, Alzheimer’s gene therapy; development/licence, 12/9/96 | SP066103 - 066106 | Schering-Plough |
| CX 1284 | Memo to Enter from Chipkin re Confidential Material from Geltex, 3/23/99 | SP003086 | Schering-Plough |
| CX 1285 | Memo to Thompson from Maetzold re Background inof on Cholesterol market for cholestagel analysis, 4/28/99 | | |

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|---|---|-------------------------|-----------------|
| CX 1292 | Cholestagel, P&L forecast w/assumptions, notes and additional figures, 5/99 | SP003065 - 003070 | Schering-Plough |
| CX 1293 | Draft, Acquisition of Geltex | SP003071 - 003077 | Schering-Plough |
| CX 1294 | Memo to Enters and Spicehandler from Chatterjee re SPRI Technical Assessment of Cholestagel from GelTex Pharmaceuticals, Inc., 9/1/99 | SP003226 - 003236 | Schering-Plough |
| CX 1295 | Atherogenics, Inc., Initial Presentation, 4/15/98 | SPCID2 1B 00001 - 00050 | Schering-Plough |
| CX 1296 | Atherogenics AGI-1067 presentation documents, 9/28/98 | SPCID 1B 00051 - 000116 | Schering-Plough |
| CX 1297 | AGI-1067 Indication | SP067042 - 067061 | Schering-Plough |
| CX 1298 | Letter to Karin Gast from Mitchell Glass re 6/9/98 request for follow-up on AGI-1067, 6/24/98 | SPCID2 1B 00209 - 00210 | Schering-Plough |
| CX 1299 | Memo to Rudy Ress from Karin Gast re Answers from AtherGenics, 10/16/98 | SPCID2 1B 00149 - 00201 | Schering-Plough |
| CX 1300 | Letter to Shutts from Andrews re Due Diligence–AtheroGenics, 12/4/98 | SPCID2 1B 00322 - 00327 | Schering-Plough |
| CX 1301 | AGI-1067 Development total Allocated Costs | SPCID2 1B 00299 - 00302 | Schering-Plough |
| CX 1302 | Memo to Roehl from Reif re AtheroGenics AGI-1067 Review, 12/10/98 | SPCID 1B 00328 - 00331 | Schering-Plough |
| CX 1303 | Pre-clinical pharmacology review of AGI-1067/DD visit Report, 12/23/98 | SPCID2 1B 00305 - 00307 | Schering-Plough |
| CX 1304 | Memo to Roehl from Halliwell re Due diligence review of AtheroGenics AGI 1067 In-Licensing Review, 1/6/99 | SPCID2 1B 00308 - 00313 | Schering-Plough |
| CX 1305 | Memo to Roehl from Lipka re Atherogenics AGI-1067 Review, 1/26/99 | SPCID2 1B 00314 - 00321 | Schering-Plough |
| CX 1306 | Memo to Roehl from Kosoglou re Clinical Pharmacology Due Dilligence Review, 5/26/99 | SPCID2 1B 00297 - 00298 | Schering-Plough |
| OTHER SCHERING DEALS (Continued) | | | |
| CX 1307 | Template for project manhour estimates: Nonsterile Pharmaceutical Developme, 8/20/99 | SPCID2 1B 00303 - 00304 | Schering-Plough |
| CX 1308 | Memo to Roehl from Tkach re WRA due diligence review of AGI-1067 from AtheroGenics, 3/22/99 | SPCID2 1B 00332 - 00338 | Schering-Plough |
| CX 1309 | AGI-1067: Athergenic's anti-restenosis compound PRB briefing document, Meeting: 7/26/99 | SPCID2 1B 00339 - 00390 | Schering-Plough |
| CX 1310 | AGI-1067, A Licensing Opportunity for the Prevention of Restenosis from Atherogenics, 9/13/99 presented to SPOC | SPCID2 1B 00391 - 00496 | Schering-Plough |

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|---|--|-------------------|-----------------|
| CX 1311 | Memo to Distribution from Qaalfa Dibeehi re Vasomax docs, 4/13/97 | SP088425 - 088484 | Schering-Plough |
| CX 1312 | Fax to Poorvin from Dourado re "vase case" comparison with Viagra, 9/30/97 | SP088347 - 088348 | Schering-Plough |
| CX 1313 | Memo to Dourado and Hurtado from Koorie and Melas re Commercial Assessment of Invicorp & Vasomax, , 8/21/97 | SP089135 - 089156 | Schering-Plough |
| CX 1314 | Memo to Dourado and Rubino from Schafroth re Licensing opportunities: Vasomax, OD fltamide, 3/4/97 | SP089157 - 089170 | Schering-Plough |
| CX 1315 | Memo to Baron, Hurato, and Poorvin from Schultz re Zonagen, 6/10/97 | SP089174 | Schering-Plough |
| CX 1316 | Memo to Chatterjee from Schultz re Vasomax, 7/9/97 | SP079927 | Schering-Plough |
| CX 1317 | E-mail to Schultz and Melas from Estok re Vasomax product profile, 8/27/97 | SP088590 - 088591 | Schering-Plough |
| CX 1318 | Letter to Richard Lorber from John Potthof re safety tabs related to adverse experiences in Zonagen, 10/2/97 | SP085732 | Schering-Plough |
| CX 1319 | Letter to Schultz from Bowman re updatd adverse advent tabs on ZON 200, 10/24/97 | SP087640 | Schering-Plough |
| CX 1320 | E-mail to Schultz from Lorber re Zonagen clinical and regulatory inof on vasomax, 9/9/97 | SP088592 - 088594 | Schering-Plough |
| CX 1321 | Memo to Distribution from Crosby re Vasomax: Draft PRB/SPOC document for review, 10/6/97 | SP088780 - 088923 | Schering-Plough |
| CX 1322 | Memo to Distribution from Lorber re Vasomax Assessment, 8/27/97 | SP088386 - 088389 | Schering-Plough |
| CX 1323 | Memo to Chatterjee from Haenick re Vasomax Tabs - Zonagen, Inc., 9/10/97 | SP088595 - 088598 | Schering-Plough |
| CX 1324 | Memo to Cesan from Jensen and Chatterjee re Vasomax: Status of issues and SPRI position, 11/7/97 | SP089019 - 089023 | Schering-Plough |
| OTHER SCHERING DEALS (Continued) | | | |
| CX 1325 | Memo to Enters from Lauda re Due diligence of Zonagen's Vasomax, 8/20/97 | SP089133 | Schering-Plough |
| CX 1326 | Fax to Schultz from Kelli Marks, re Minutes and action items from 10/2 meeting, 10/2/97 | SP088536 - 088538 | Schering-Plough |
| CX 1327 | Memo to Farrell and Weiner from Estok, re Vasomax licensing opportunity trademark evaluation, 10/13/97 | SP088606 - 088607 | Schering-Plough |
| CX 1328 | Memo to Chatterjee, Haenick, Halliwell, and Rinaldi from Bette Schultz re: Vasomax chronic tox, 9/23/97 | SP088549 - 088561 | Schering-Plough |

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| CX 1329 | Letter to Craig McCarthy from Isidoro Perez re: request review of Vasomax Marketing Authorization Application in U.K., 10/22/97 | SP088562 | Schering-Plough |
| CX 1330 | Memo to Bowman from DeSousa re Vasomax international regulatory strategy, 10/13/97 | SP088563 - 088564 | Schering-Plough |
| CX 1331 | Memo to Distribution from Enters re ad hoc PRB Meeting, 10/9/97 | SP088122 - 088293 | Schering-Plough |
| CX 1332 | memo to meeting Attendees from Enters re Minutes, ad hoc PRB Meeting 10/10/97, 10/20/97 | SP088940 - 088954 | Schering-Plough |
| CX 1333 | Memo to Collins from Schultz re Vasomax SPOC presentation, 10/13/97 | SP088486 - 088516 | Schering-Plough |
| CX 1334 | Fax to Bill Silbey from Bette Schultz re Vasomax board paper, 10/20/97 | SP088975 - 088983 | Schering-Plough |
| CX 1335 | Clinical Development Summary, 6/98 | SPCID2 1D 12257 - 12379 | Schering-Plough |
| CX 1336 | Marimastat Presentation | SPCID2 1D 12518 - 12601 | Schering-Plough |
| CX 1337 | Memo to Hurado and Schultz from Wael Fayad, re Marimastat U.S. commercial assessment, 9/22/98 | SPCID2 1D 12652 - 12671 | Schering-Plough |
| CX 1338 | Marimastat Matrix Metalloproteinase Inhibitor, British Biotech, marketing assessment, 11/11/98 | SPCID2 1D 12722 - 12753 | Schering-Plough |
| CX 1339 | Letter to Chatterjee from Peter Brown reply to 12/10/98 SPRI request for data, 12/16/98 | SPCID2 1D 09820 - 09822 | Schering-Plough |
| CX 1340 | Fax to Schultz and Chatterjee from Peter Brown, reply to questions raised in fax of 3/8/99, 3/16/99 | SPCID2 1D 09807 - 09817 | Schering-Plough |
| CX 1341 | Earnings Impact assessment, 7/23/99 | SPCID2 1D 11403 - 11405 | Schering-Plough |
| CX 1342 | Letter to Poorvin from Schultz re financial analysis, 7/22/99 | SPCID2 1D 11406 - 11426 | Schering-Plough |
| CX 1343 | Draft P&L review | SPCID2 1D 11376 | Schering-Plough |
| CX 1344 | Preliminary P&L analysis | SPCID2 1D 11388 - 11389 | Schering-Plough |
| OTHER SCHERING DEALS (Continued) | | | |
| CX 1345 | Memo to Enters and Spicehandler from Chatterjee re SPRI Assessment of Marimastat, 12/1/98 | SPCID2 1D 12799 - 12852 | Schering-Plough |
| CX 1346 | Letter to Chatterjee from Peter Brown re "boxes for tech review", 4/16/99 | SPCID2 1D 09805 - 09806 | Schering-Plough |
| CX 1347 | Marimastat, Alicensing opportunity for a novel late-stage anticancer agent from British Biotech, for presentation to PRB 6/25/99 | SPCID2 1D 10062 - 10223 | Schering-Plough |

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| CX 1364 | Plaintiff's Statement Pursuant to Rule 12G, Key v. Upsher-Smith, 1/10/97 | USL PLD 002400 - 002463 | ESI |
| CX 1365-1366 | RESERVED | | |
| CX 1367 | RESERVED | | |

CERTIFICATE OF SERVICE

I, Pamela L. Timus, hereby certify that on December 18, 2001, I caused two copies of the Plaintiff's Amended Exhibit List to be served by hand delivery upon:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

and one copy upon the following persons via hand delivery.

Christopher M. Curran, Esq.
White & Case
601 Thirteenth Street, NW
Washington, DC 20005-3807

Laura S. Shores
Howrey & Simon
1299 Pennsylvania Avenue, NW
Washington, DC 20004-2402

Pamela L. Timus
Federal Trade Investigator
(202) 326-2390