

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of

SCIERING-PLOUGH CORPORATION,  
UPSHER-SMITH LABORATORIES,

and

AMERICAN HOME PRODUCTS CORPORATION.

Docket No. 9297

NON-PARTY ANDRX CORPORATION'S  
APPLICATION FOR *IN CAMERA* PROTECTION OF  
CERTAIN OF ITS CONFIDENTIAL MATERIALS

Non-Party Andrx Corporation (Andrx) submits this memorandum, pursuant to

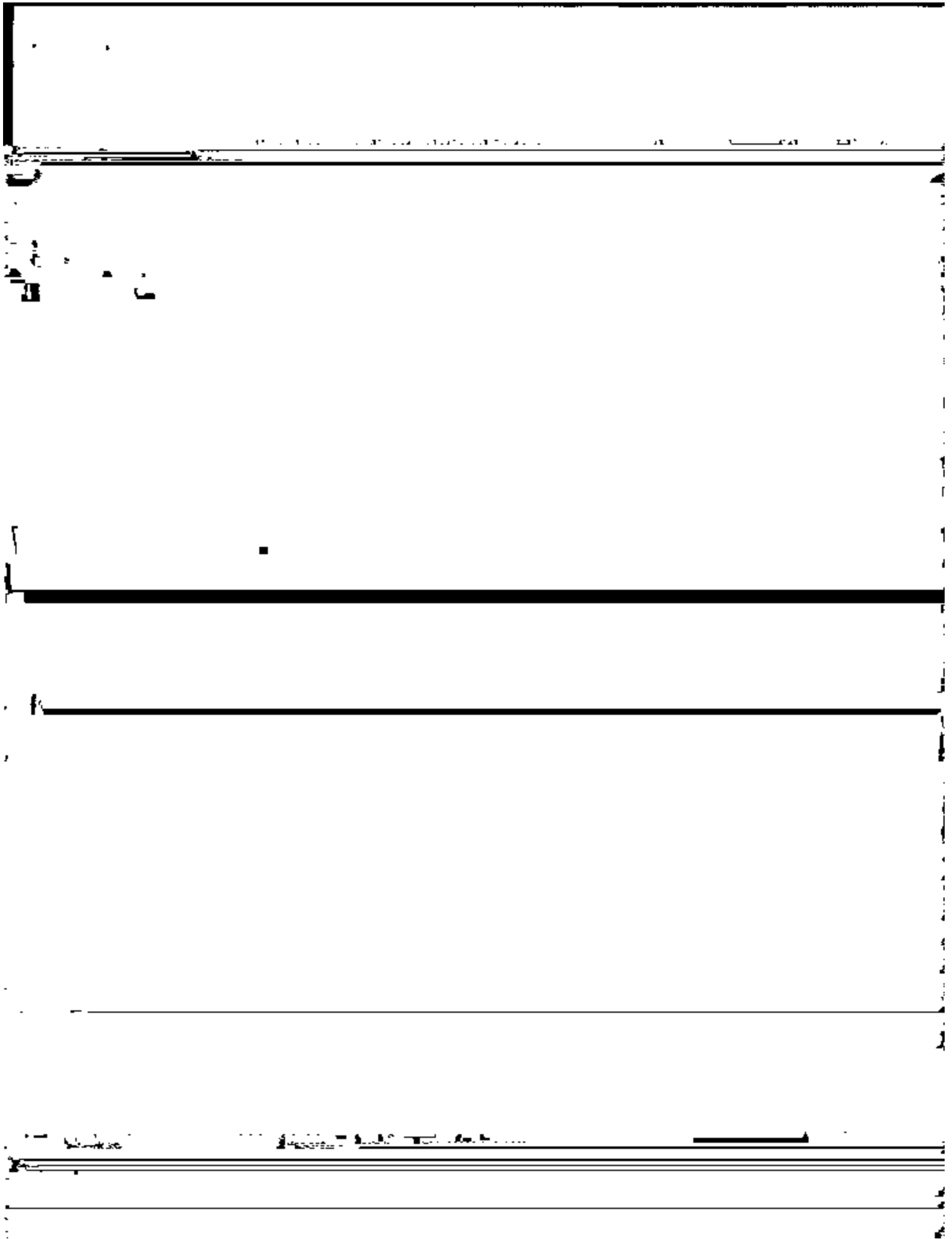
Section 2.45 of the Commission's Rules of Practice, 16 C.F.R. § 2.45, in support of its

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delivered to Andrx counsel by mail on the afternoon of December 26, respondent Upsher-

F.T.C. at 1188). Within the context of this legal backdrop, "the courts have generally attempted to protect confidential business information from unnecessary airing." *Hood*, 58 F.T.C. at 1188.

The document in question contains details concerning Andrx's financial projections and product strategies for a product still in development, a product that is specifically intended to compete directly against products marketed by others, including respondents. In the ordinary course of its business, Andrx carefully guards the confidentiality of such information, even within Andrx. This information is not already a matter of public record. In this proceeding, Andrx has taken every possible legal measure to keep the information confidential, and has never publicly disclosed it in any other context.



F. Sparks, Jr. 4955 Orange Drive Davie Florida 33314 telephone 954 595 1700

Dated: New York, New York

**CERTIFICATE OF SERVICE**

I, Peter M. Todaro, hereby certify that on December 27, 2001 I caused the foregoing Non-Party Andrx Corporation's Application For *In Camera* Protection Of Certain Of Its Confidential Materials to be served by hand delivery upon the following:

Karen Debat Esq.

Darya F. Dick Esq.

[Redacted list of names and addresses]