

PUBLIC VERSION

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



In the Matter of)
)
Schering-Plough Corporation,)
a corporation,)
)
Upsher-Smith Laboratories,)
a corporation,)
)
and)
)
American Home Products Corporation,)
)

Docket No. 9297

RESPONDENT SCHERING-PLOUGH CORPORATION'S

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**MEMORANDUM OF LAW IN SUPPORT OF
RESPONDENT SCHERING-PLOUGH CORPORATION'S
MOTION FOR *IN CAMERA* TREATMENT OF CERTAIN DOCUMENTS**

Respondent Schering-Plough Corporation ("Schering") respectfully submits this

Pharmaceuticals, Inc. v. ESI-Lederle, Inc., Civil Action No. 96-CV-1219 (E.D. Pa) (ESI)

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pursuant to 18 U.S.C. §1905⁴ and 21 U.S.C. § 331(j).⁵ (See Volume 2 of Confidential

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[Redacted]

... ..

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the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others. See *Bristol-Myers*, 90 F.T.C. at 456; *Hoechst*, 2000 F.T.C. LEXIS at *6. Further, "[t]he likely loss of business advantages is a good example

procedures and other quantitative or semi-quantitative formulas of the drug used after

voluntarily revealed to any third party, nor is it available to the public. *Id.* Moreover, all

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

efforts. (*Id.* at ¶ 8). The disclosure of such information could allow competitors to reconstruct Schering's product development process at great detriment to Schering. (*Id.*)

~~Technical information is highly sensitive and confidential.~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. CONCLUSION

English translation of the original document is attached.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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5. The NDA submission for K-Dur[®] at issue here, like any NDA, contains

information such as chemical formulations and manufacturing control information.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CERTIFICATE OF SERVICE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]