

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



In the Matter of)
)

Schering-Plough Corporation,)
a corporation,)

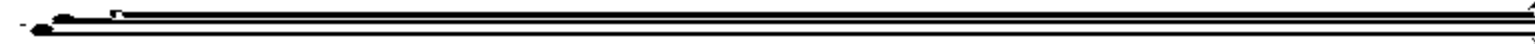
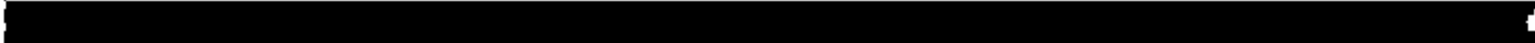
Upsher-Smith Laboratories, Inc.,)
a corporation,)

and)

American Home Products Corporation,)
a corporation)

) Docket No. 9297

) PUBLIC RECORD



Respectfully submitted,



Michael N. Sohn

Elliot Feinberg

CORPORATION

David M. Orta

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

_____)
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Lederle Oral Segment (USX 709, 110 DOC 001283-1333). See Exhibit A.¹ AHP seeks *in camera* treatment for the portions of USX 709 designated by the following bates ranges:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

138, at *6. "The likely loss of business advantages is a good example of a 'clearly defined, serious injury.'" *Id.* (citing *General Foods*, 95 F.T.C. at 355). See also *In re E.I. DuPont de Nemours & Co.*, 96 F.T.C. 116, 117 (1981) (stating that it is appropriate to infer a "clearly defined, serious injury" from the likely loss of business advantages).

disclosure of such sensitive commercial information would provide competitors with insight into AHP's confidential business strategies, thereby disadvantaging AHP's brand drug business. See *id.* ¶ 7. Page 110 DOC 1333 provides profit and loss projections for ESI Lederle, including ESI Lederle's injectable generic pharmaceutical business. AHP is

currently exploring strategic options regarding ESI Lederle's injectable

old.); In re Kaiser Aluminum & Chemical Corp., 1977 F.T.C. LEXIS 1, at *5-6 (Dec. 30, 1977) (*in camera* treatment granted for documents that revealed company's future marketing strategy). Similarly, in this case, because the public release of AHP's secret and material strategic information regarding customers, currently marketed products, and profit and loss projections would likely cause the loss of business advantage and serious injury to AHP, see Warner Decl. ¶ 10. *in camera* treatment is warranted.

**C. The Highly Sensitive Nature of the Portions of the Documents at Issue
Justifies *In Camera* Treatment for Five Years**

470 Under the proposed construction for the first five years of the proposed construction

Respectfully submitted,



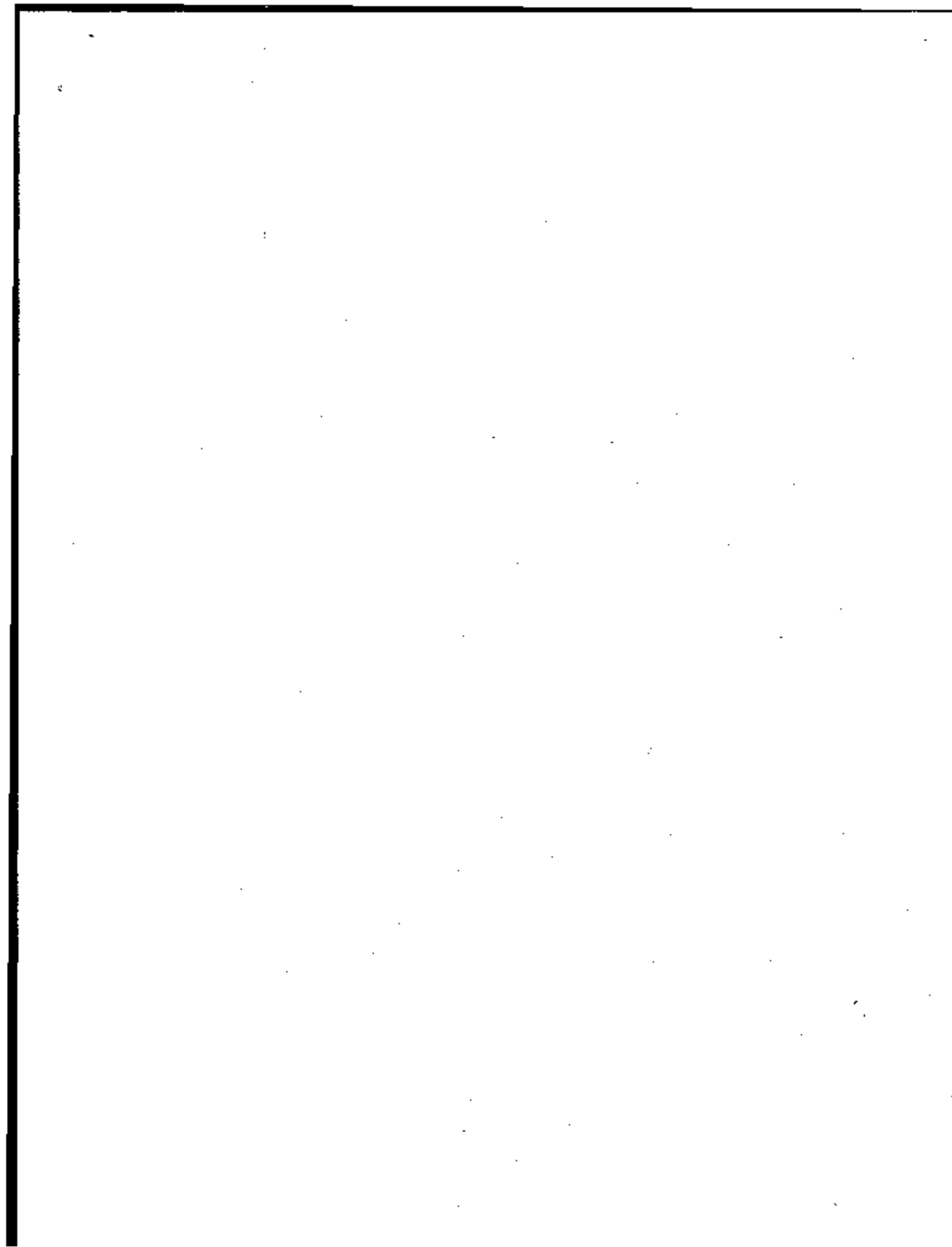
Michael N. Sohn
Cathy A. Hoffman
David M. Orta
Barbara H. Wootton
ARNOLD & PORTER

Elliot Feinberg
AMERICAN HOME PRODUCTS
CORPORATION
Five Giralda Farms
Madison, NJ 07940

CERTIFICATE OF SERVICE

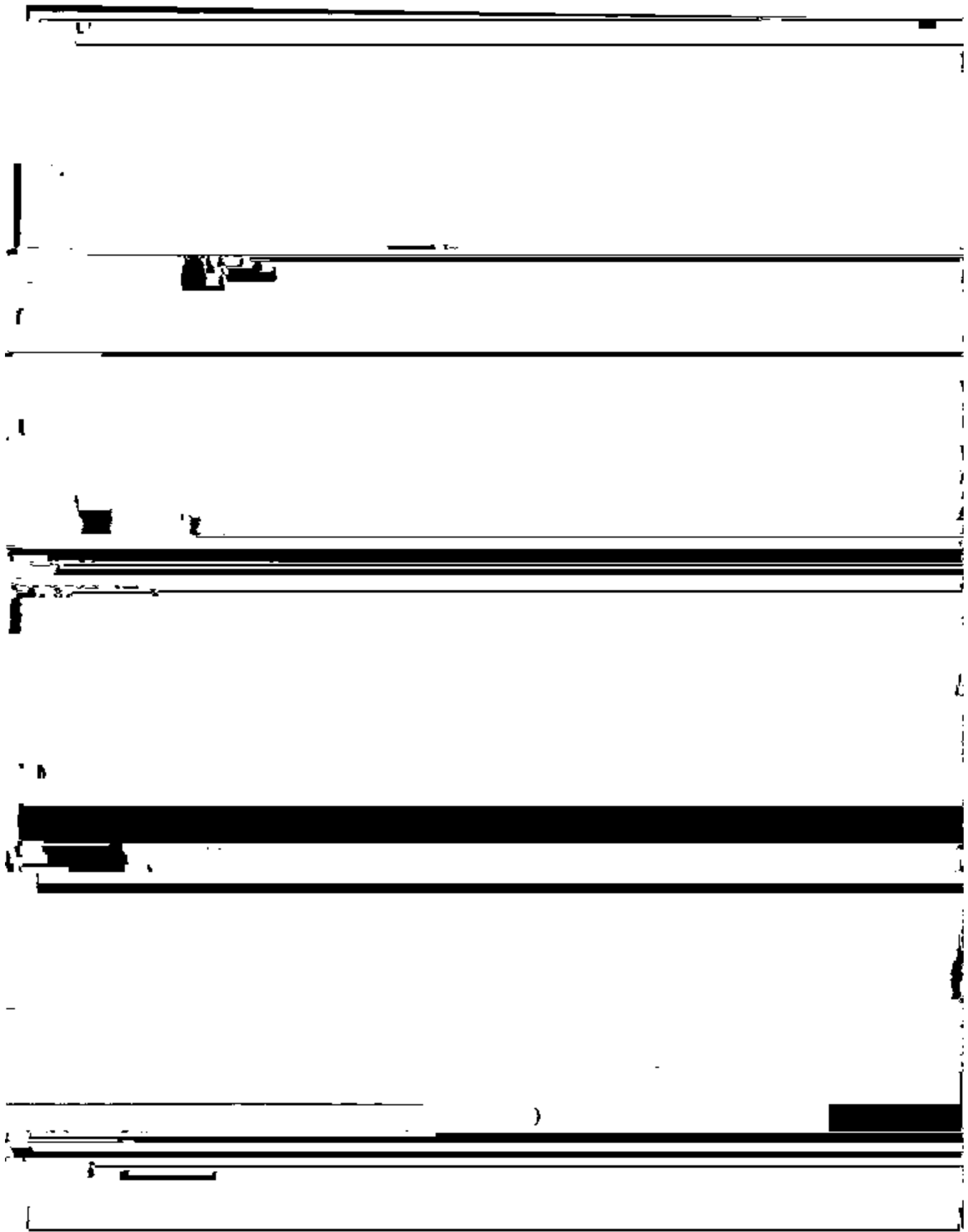
I hereby certify that this 11th day of January 2002, I caused a true and correct original,

Corporation's Motion for *In Camera* Treatment of Portions of a Certain Strategic Planning



EXHIBIT

REDACTED



likely cause serious competitive injury to AHP and could result in a substantial loss of business advantage.

5. The particular portions of USX 709 for which AHP seeks confidential *in camera*

protection are designated by the following page number ranges: 110 DOC 1207, 110 DOC 1208

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 As much as documents contain exact information whose public release is

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]