

Civil Investigative Demand ("CID") on or about January 2, 2002, after the date for filing motions for *in camera* treatment of proposed trial exhibits had passed.

3. Upsher Smith's notice to BMS, delivered via air mail, was dated Friday, December 21, 2001. BMS was closed during the week of December 24, 2001. Thus BMS did not receive or review the notice until the following week in early January. That notice had to then be directed to the

appropriate BMS employee and then to outside counsel. Confidential



BRISTOL-MYERS SQUIBB

By: Andrea C. Duvall
One of its Attorneys

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Dated: January 15, 2002

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

Schering-Plough Corporation,)
a corporation,)

) Docket No. 9297

Upsher-Smith Laboratories,)
a corporation,)

and)

American Home Products Corporation,)
a corporation,)



CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January, 2002, I caused to have served on the following persons a true copy of the Motion of Bristol Myers-

[REDACTED]

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