UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

FEDERAL TRADE COMMISSION RECEIVED FROM 2 3 2002

SECRETARY

in the Matter of

SCHERING-PLOUGH CORPORATION, a corporation,

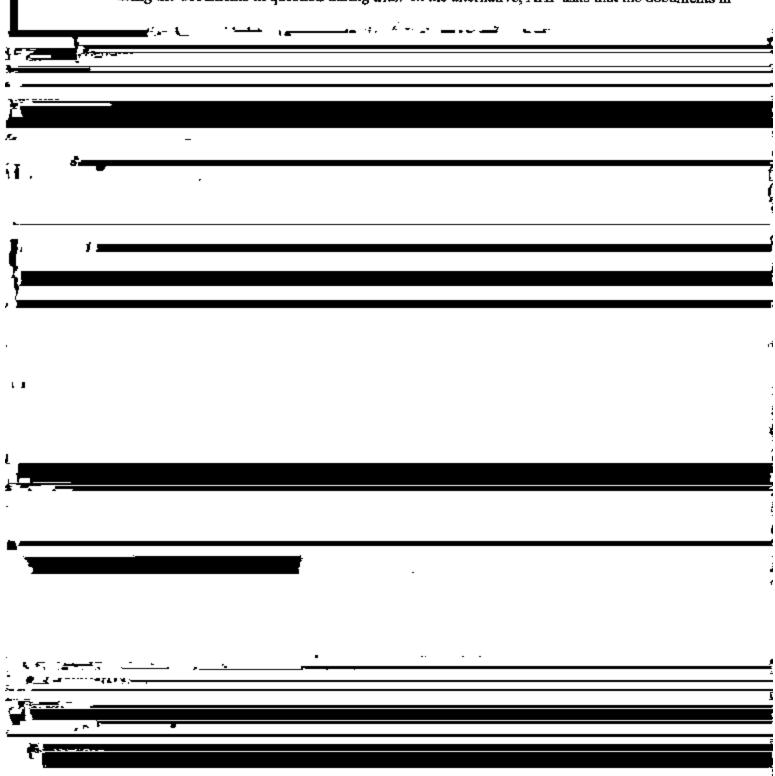
UPSHER-SMITH LABORATORIES, INC., a corporation,

and

AMERICAN HOME PRODUCTS CORPORATION, a corporation.

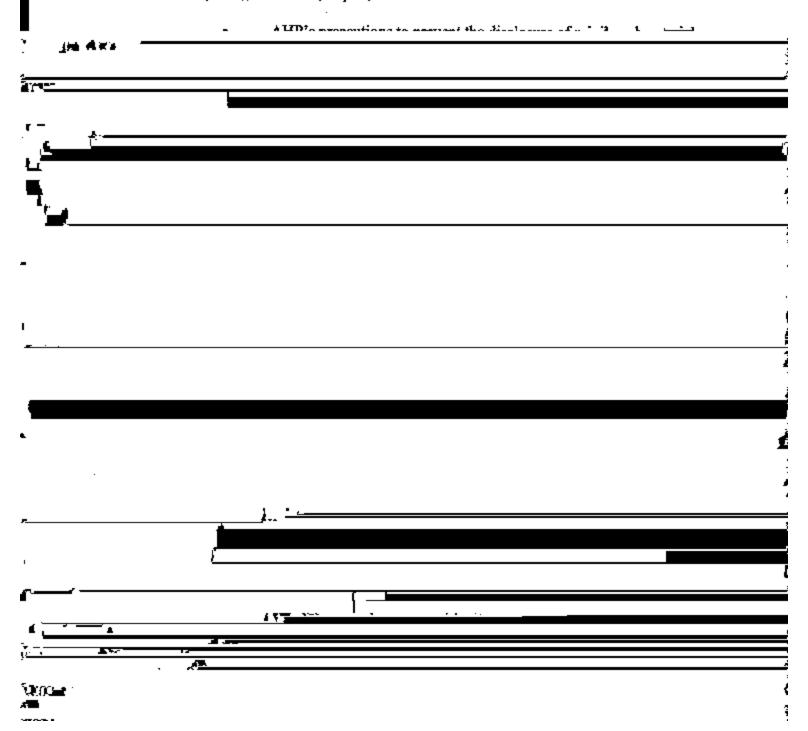
Docket No. 9297

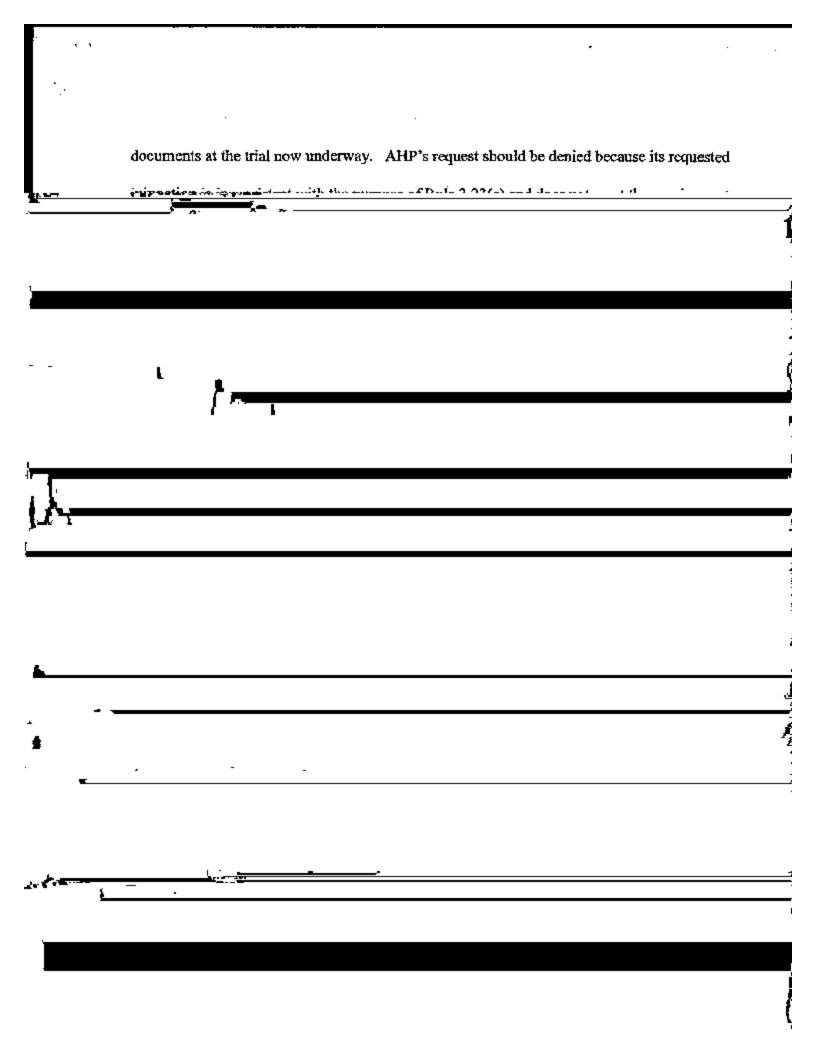
AHP moves, under Rule 3.23(c) of the Commission's Rules of Practice, that this Court stay its Order of January 15, 2001 and issue an order preventing complaint counsel or respondents from using the documents in question during trial. In the alternative, AHP asks that the documents in



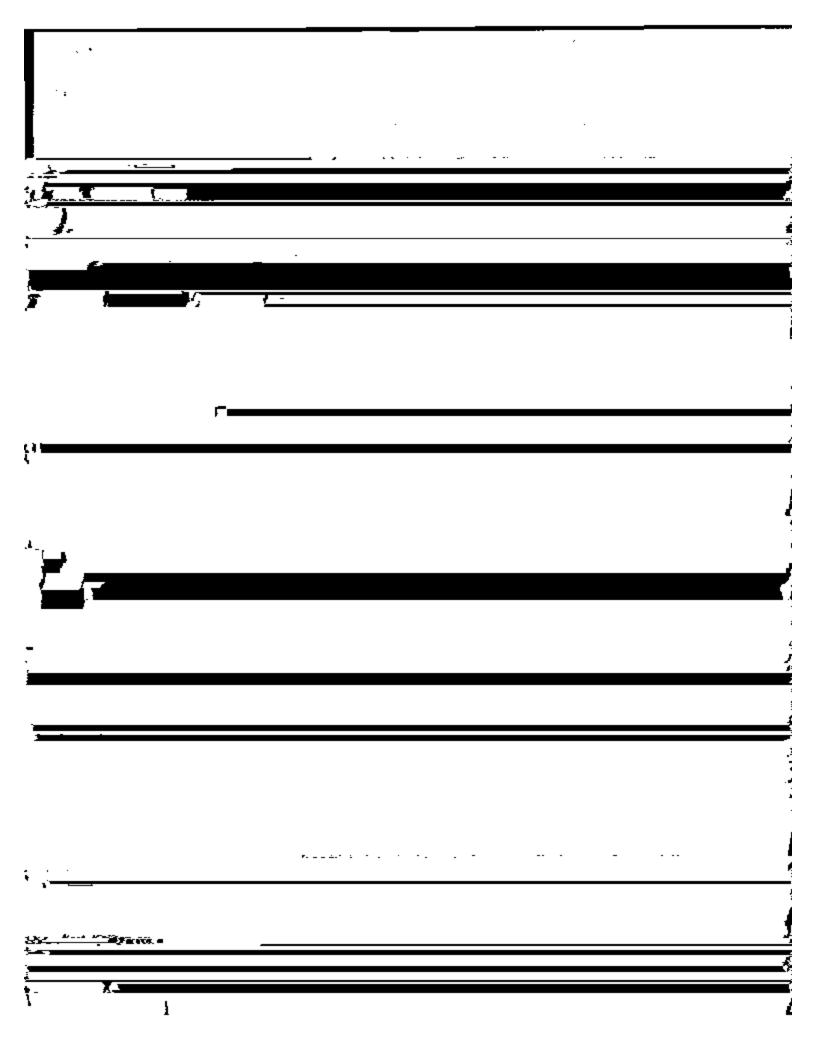
the following reasons: AHP's request contradicts the purpose of Rule 3.23(c), under which it seeks the injunction, because it asks for a change in the status quo; and AHP does not meet the requirements for an injunction pending appeal as it will not suffer irreparable injury if the injunction is denied, is not likely to will programment and the interests of commelciat coursel some desta and the ١.

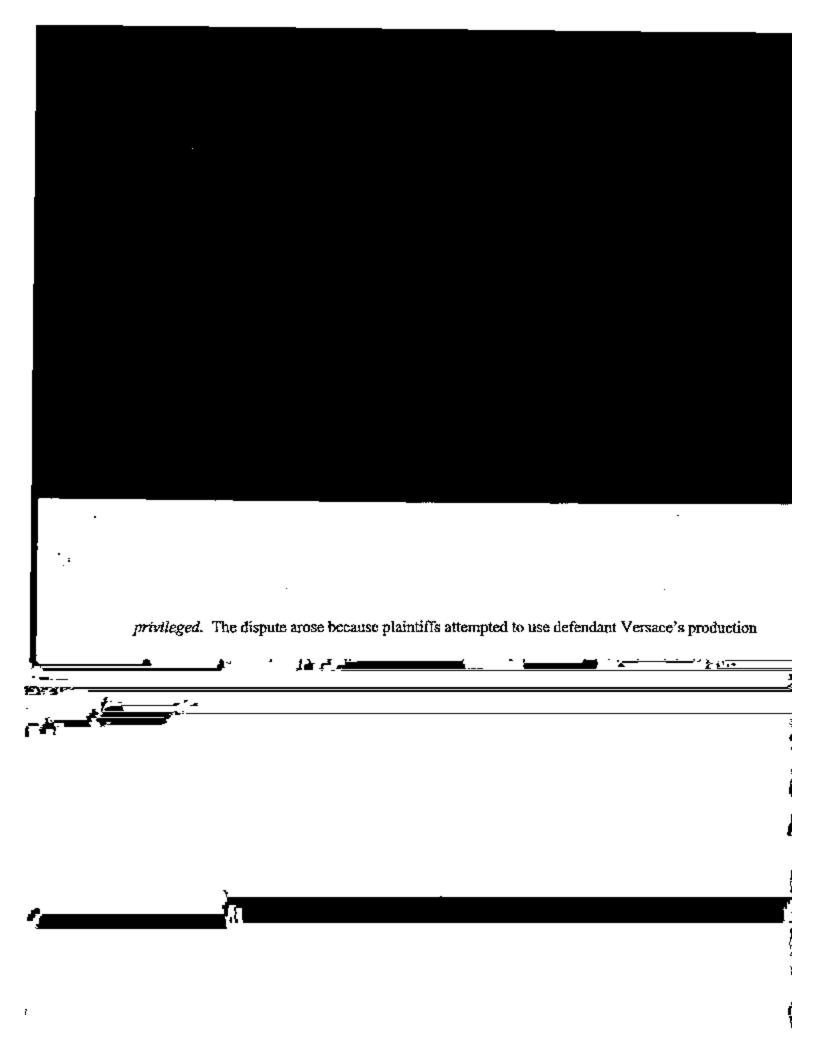
Three briefs followed the Original AHP Motion. In its recent Order Denying Protective Order, this Court applied facts to the applicable law and found AHP has waived its privileges with respect to the nine documents. Applying the five-factor balancing test used by most courts for allegedly inadvertently produced documents and adopted recently in *In re Hoechst*, 2000 FTC LEXIS 155 (2000), this Court, in part, found that

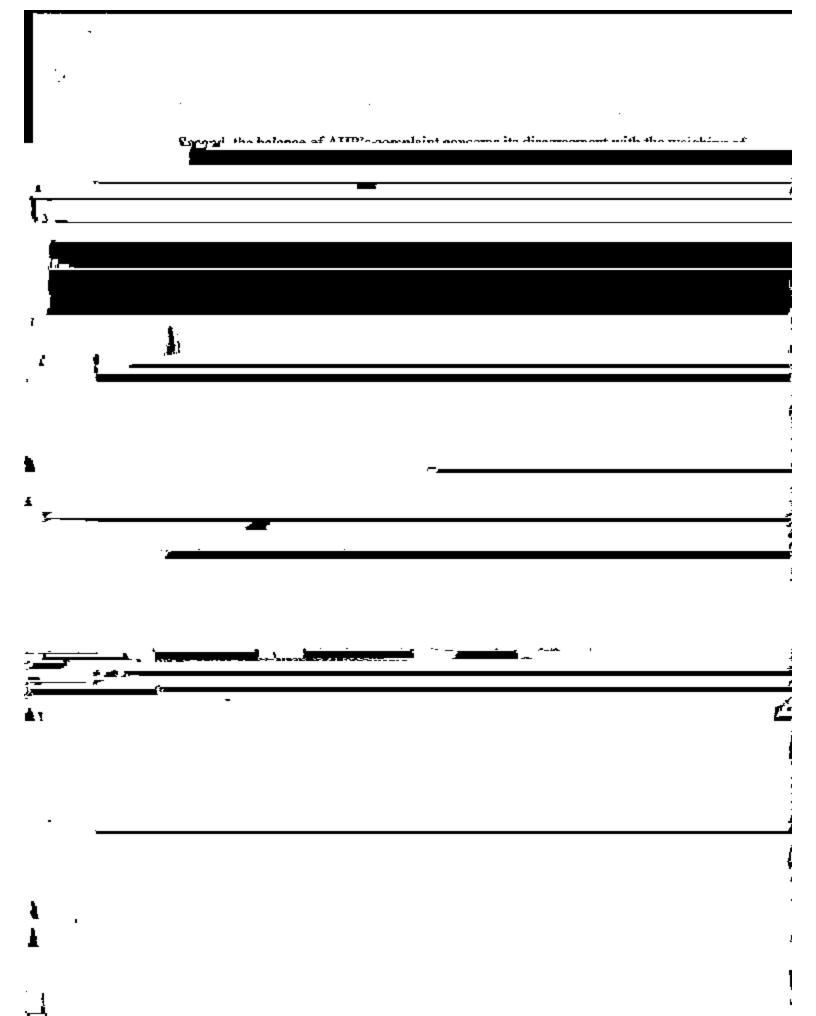




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	B. AHP D	oes Not Meet The R	equirements For A	a Injunction Peading	Appeal
	AHP also has n	ot met its burden22 of	proving it meets the	requirements for an in	iunction
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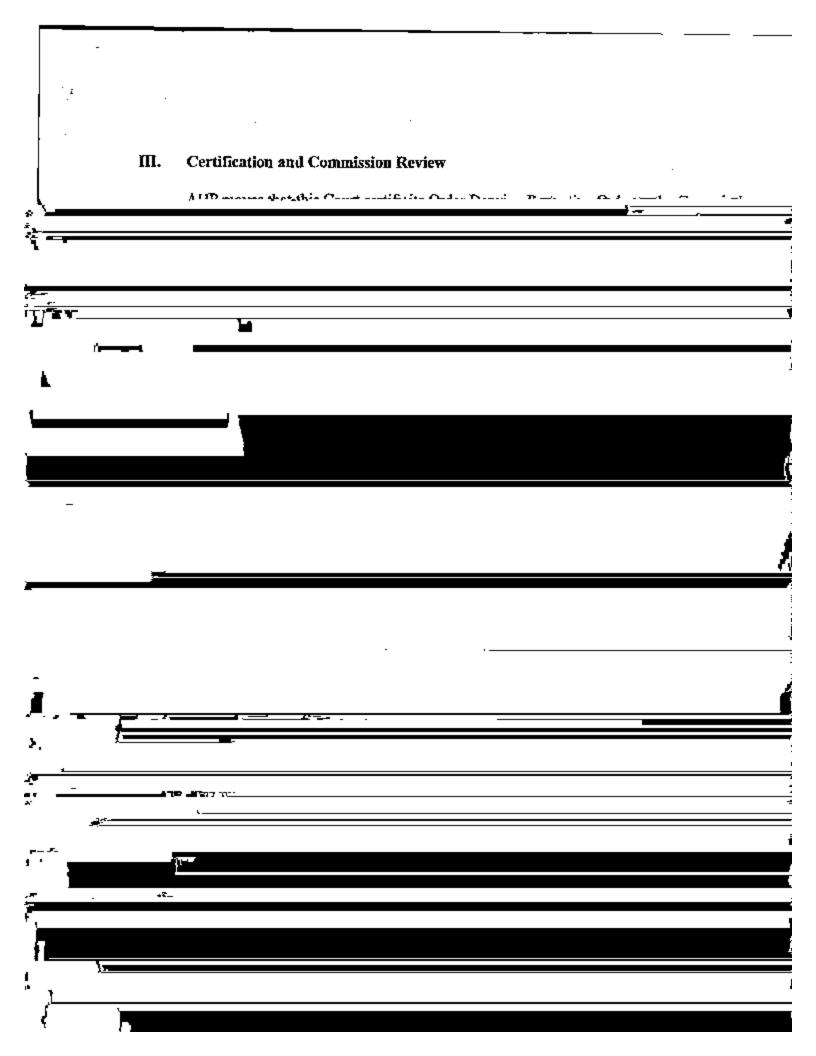


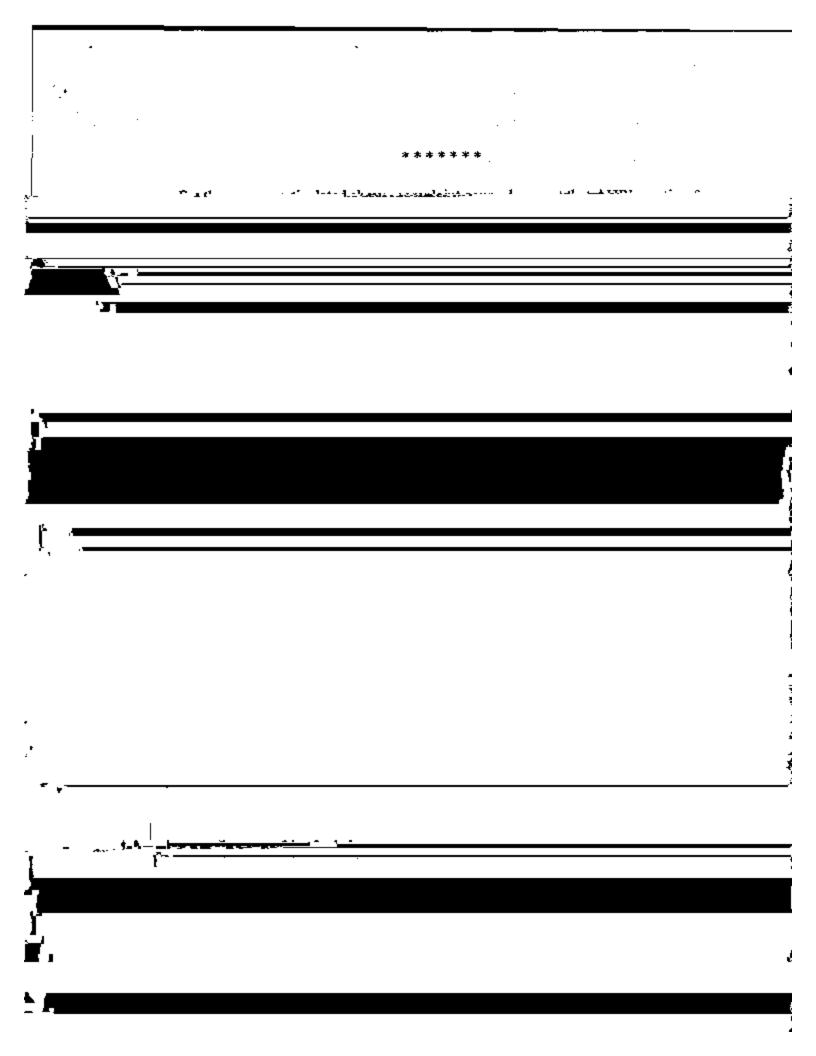




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No Public Interest In Injunction 4.





CERTIFICATE OF SERVICE I, Andrew S. Ginsburg, hereby certify that on January 23, 2002:

Christopher M. Curran, Esq.