

PUBLIC VERSION

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

\_\_\_\_\_  
In the Matter of )

Schering-Plough Corporation, )  
a corporation, )

Upsher-Smith Laboratories, )

) Docket No. 9297  
)



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Respectfully submitted, \_\_\_\_\_

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of )

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a corporation, )

Upsher-Smith Laboratories, )

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

deal. Furthermore, Schering's agreement with ICN remains in effect today and will likely govern the parties until at least 2010. Public disclosure of the information contained in these

~~documents will reveal detailed terms and conditions of Schering's ongoing business~~

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## II. ARGUMENT

### A. Legal Standard For *In Camera* Treatment.

§ 87(2)(b) [REDACTED]

■

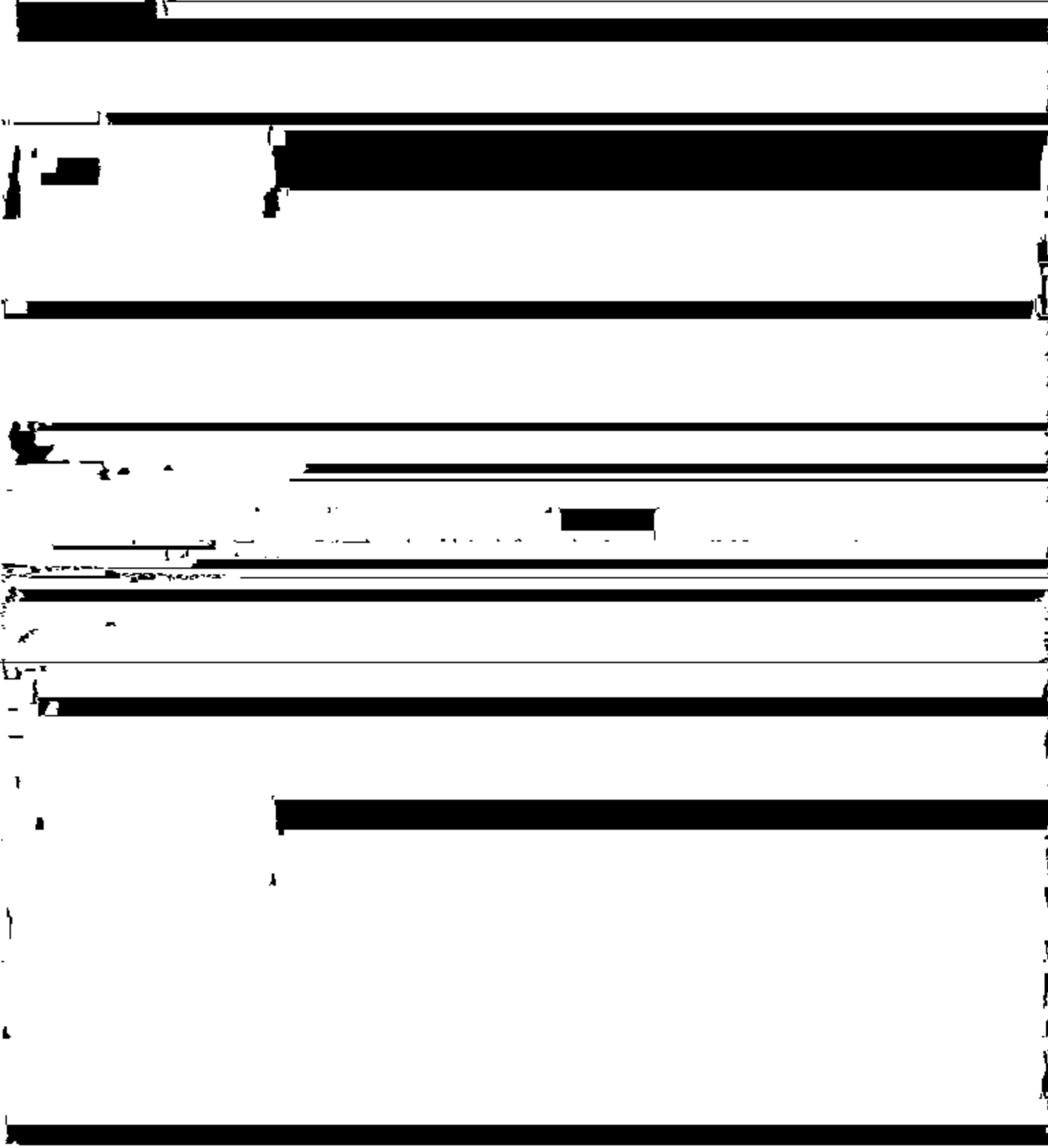
[REDACTED]

[REDACTED]

competitive injury that will occur from disclosing the information to competitors, the Commission has recognized that information such as pricing, cost and sales forecasts is sensitive business data that should be afforded *in camera* status. See, e.g., *Conference Interpreters*, 1996

Finally, the information contained in the subject documents could not be reproduced,

*Therefore, commencing the value of maintaining the secrecy of the information and the*





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In the Matter of	)	
Schering-Plough Corporation,	)	
a corporation,	)	
Upsher-Smith Laboratories,	)	Docket No. 9297
a corporation,	)	
and	)	
American Home Products Corporation,	)	
a corporation	)	

DECLARATION OF JONATHAN A. WASSERMAN

I, Jonathan A. Wasserman, do solemnly and sincerely declare as follows:

1. I am over the age of eighteen and am competent to give testimony. The information set forth is based on my own personal knowledge, information and/or belief.
2. I am the Senior Antitrust Counsel for Schering-Plough Corporation ("Schering")

6. The documents that are the subject of this motion are identical in all material

aspects to other TONI documents for which [REDACTED] has not been established.

[REDACTED]

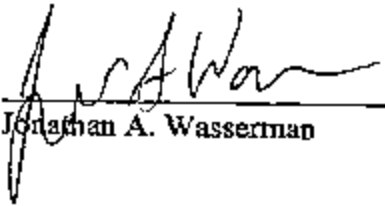
[REDACTED]

[REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 31, 2002



Jonathan A. Wasserman

**CERTIFICATE OF SERVICE**

I hereby certify that this 31st day of January 2002, I caused an original, one paper copy

and electronic copy of Defendant Sabina Bensch-Garnett's Motion to Dismiss to be filed with the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]