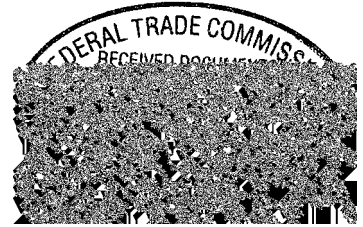


UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

ORIGINAL



In the Matter of)

Thoratec Inc. & HeartWare)
International, Inc.)

FTC File No. 091-0064

PETITION TO LIMIT OR QUASH
SUBPOENAS AD

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I. THE INFORMATION REGARDING WITNESS INTERVIEWS THAT IS SOUGHT BY THE STAFF'S DEMAND IS PROTECTED FROM DISCLOSURE UNDER THE WORK PRODUCT DOCTRINE

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Ž!!S fB! 3 /&1°1S Ž Ž1°2 Hickman v. Ta lor, IO? ...: 2Q^a, aG>IC
AC?Csee also United States v. Aidman, IOP2/ Q?Q Q?YA? 9:1:1??gP°1 #°15
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° ž ° / 1 ° fīž Ž1/°fī &1S2 Upjohn v. United States, C? ..2Qgl

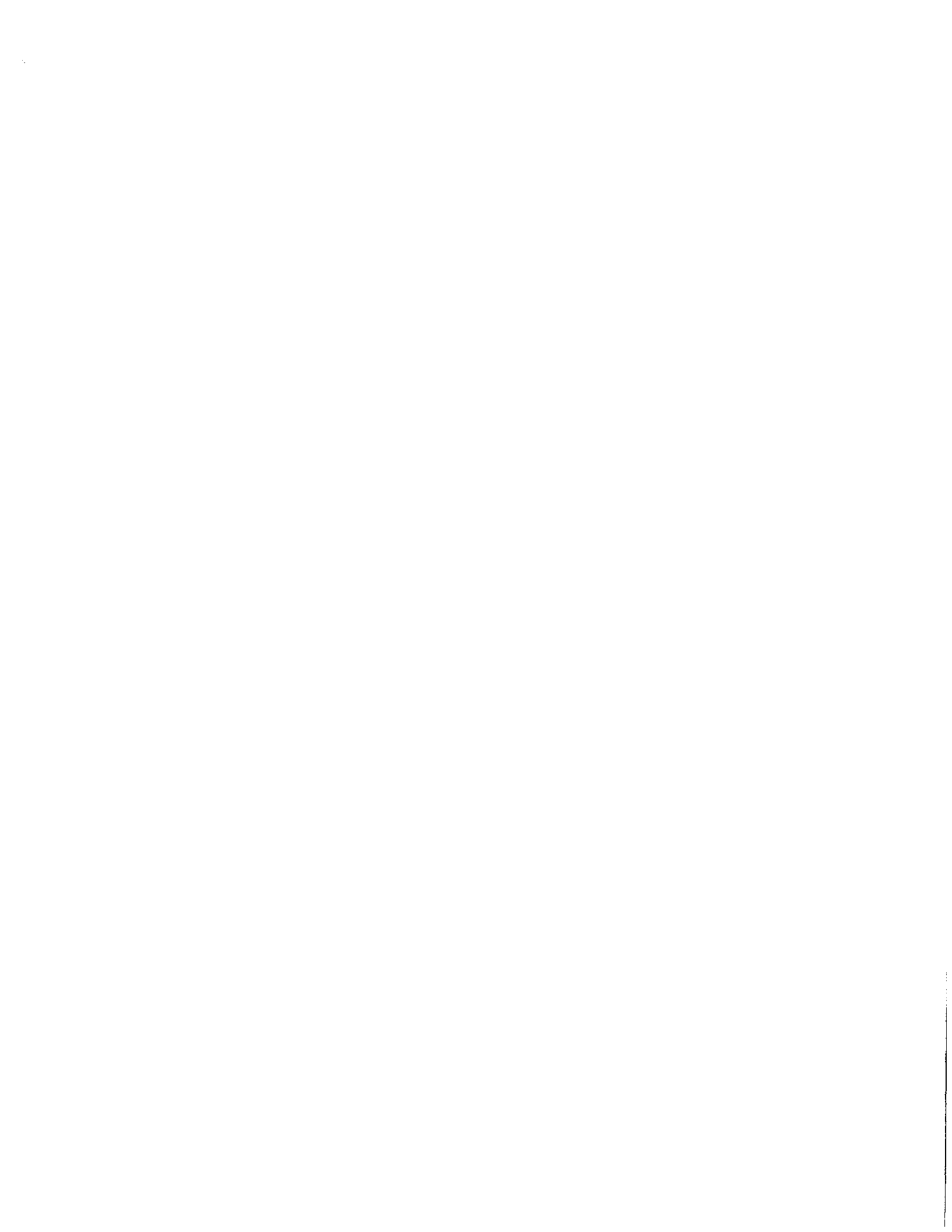
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A. The communications and other activities were performed in anticipation of litigation

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III. THE STAFF HAS ALREADY HAD A FULL OPPORTUNITY TO QUESTION M . SCHUERMAN REGARDING SALES AND MARKET SHARES AND ANY ATTEM T TO RECALL M . SCHUERMAN IS UNDULY BURDENSOME AND UNREASONABLE

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1 7c[huY] gh) Ri d(Mhg) qYvRg) gs R=J 8 q(dss) PRF M(P) Un(s) q(MP) shgM(hi i hru(g) sz) ghur) BugR, / ž , ** 4ž sRi [hg) R) Og) Ur) R) CR) E n(i hus) wh(s)] Mi R(M) P) sh) g(P) O(R) s) M(i s) M(U) f \ q(M) R) g(z) s huY] s 8hug(R) i(q) ? R(M) K M(R) q(h) N(R) C) h(g) w(s)] r(j) R(O) s(h) s] R) g(M) P) R(s) R(g) s(z) i) rhPu(CR) Ph(Q) f R(s) q(hf R(h) w) R(s) R(PR) U(r) s] R(s)] M(g) s] R(h) N(R) C) h(g) s] M(w) R(R) i M(s) Q(u) d(M) (R) P) g(E) n(> hP(q) M(E) q(g) v(R) s) Y(M) h(g) M(i) R(M) g) Y(M) P) g(h) ur) U(d) h(w) ui) d(s) R) P(M) P) C(u) g(R) 4ž , ** 4# 8hug(R) i] M(P) h(R) g(h) s \ g) s] M(O) u(d) P(R) M(P) sh) q(Q)] M(g) g(U) R) R(O) #

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CONCLUSION

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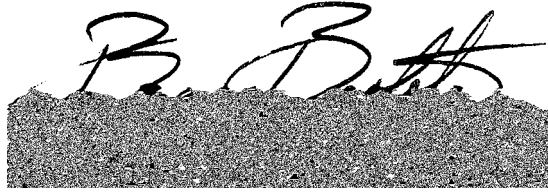
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Counsel/or HeartWare Inter ational,
Inc.

CERTIFICATE OF SERVICE

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4/24/09

J. T. Roz

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