

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

05 23 2018  
590868

**COMMISSIONERS:**     **Joseph J. Simons, Chairman**  
                          **Maureen K. Ohlhausen**  
                          **Noah Joshua Phillips**  
                          **Rohit Chopra**  
                          **Rebecca Kelly Slaughter**

**ORIGINAL**

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- Opposition briefs to be filed on Friday, August 10, 2018;
- Reply brief to be filed on Friday, August 24, 2018.

The appeal in the above-captioned matter is the first reverse-payment case to be heard by the Commission since the Supreme Court's landmark decision in *FTC v. Actavis, Inc.*. It has a voluminous record with thousands of pages of trial transcripts, findings of fact, conclusions of law, post-trial briefing, and now a 162-page Initial Decision by the Administrative Law Judge. Moreover, the attorneys for both parties have long-standing holiday and travel commitments throughout the summer months during which the briefing deadlines fall. Therefore, the parties agree that a modest extension to the briefing schedule is warranted.

The Commission has granted similar adjustments to the briefing schedule in other cases. *See, e.g.*, Order Granting Joint Motion to Extend Deadlines for Filing Appeal, Answering, and Reply Briefs, *In the Matter of 1-800 Contacts, Inc.*, Docket No. 9372 (Nov. 16, 2017); Order Granting Joint Motion to Extend Deadlines for Filing Appeal and Answering Briefs, *In the Matter of LabMD, Inc.*, Docket No. 9357 (Dec. 3, 2015). The relief requested herein is for good cause and will not result in undue delay in the adjudication of the case. No other extensions related to the appeal have been requested.

Accordingly, Complaint Counsel and Respondent respectfully request that the Commission grant their Joint Motion and issue an Order setting the deadlines for Complaint Counsel's opening brief as Monday, July 2, 2018; Respondent's answering brief as Friday, August 10, 2018; and Complaint Counsel's reply brief as Friday, August 24, 2018.

Dated: May 23, 2018

/s/ Bradley S. Albert  
Bradley S. Albert

Respectfully submitted,

/s/ Edward D. Hassi  
Edward D. Hassi



**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

May 23, 2018

By: s/ Rebecca E. Weinstein

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	)	
<b>In the Matter of</b>	)	
	)	<b>PUBLIC</b>
<b>Impax Laboratories, Inc.,</b>	)	
<b>a corporation,</b>	)	<b>DOCKET NO. 9373</b>
	)	
<b>Respondent</b>	)	
	)	

**[PROPOSED] ORDER GRANTING JOINT MOTION TO REVISE BRIEFING  
SCHEDULE FOR APPEAL**

Complaint Counsel and Respondent have filed a Joint Motion to extend the deadlines to file appeal briefs in this matter. The parties request these extensions due to the voluminous record, longstanding holiday, and travel commitments that would be impacted in the absence of an extension. Pursuant to Commission Rule 4.30(b), 16 C.F.R. § 4.3(b), the Commission has determined, for good cause shown, to gra

**IT IS FURTHER ORDERED THAT** any reply brief must be filed on or before August 24, 2018.

By the Commission

Notice of Electronic Service

**I hereby certify that on May 23, 2018, I filed an electronic copy of the foregoing Joint Motion to Revise Briefing Schedule for Appeal, with:**

D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Ave., NW  
Suite 110  
Washington, DC, 20580

Donald Clark  
600 Pennsylvania Ave., NW  
Suite 172  
Washington, DC, 20580

**I hereby certify that on May 23, 2018, I served via E-Service an electronic copy of the foregoing Joint Motion to Revise Briefing Schedule for Appeal, upon:**

Bradley Albert  
Attorney  
Federal Trade Commission  
balbert@ftc.gov  
Complaint

Daniel Butrymowicz  
Attorney  
Federal Trade Commission  
dbutrymowicz@ftc.gov  
Complaint

Nicholas Leefer  
Attorney  
Federal Trade Commission  
nleefer@ftc.gov  
Complaint

Synda Mark  
Attorney  
Federal Trade Commission  
smark@ftc.gov  
Complaint

Maren Schmidt  
Attorney  
Federal Trade Commission  
mschmidt@ftc.gov  
Complaint

Eric Sprague  
Attorney  
Federal Trade Commission  
esprague@ftc.gov  
Complaint

Jamie Towey  
Attorney  
Federal Trade Commission  
jtowey@ftc.gov



Complaint

Chuck Loughlin  
Attorney  
Federal Trade Commission  
cloughlin@ftc.gov  
Complaint

Alpa D. Davis  
Attorney  
Federal Trade Commission  
adavis6@ftc.gov  
Complaint

Lauren Peay  
Attorney  
Federal Trade Commission  
lpeay@ftc.gov  
Complaint

James H. Weingarten  
Attorney  
Federal Trade Commission  
jweingarten@ftc.gov  
Complaint

Edward D. Hassi  
O'Melveny & Myers, LLP  
ehassi@omm.com  
Respondent

Michael E. Antalics  
O'Melveny & Myers, LLP  
mantalics@omm.com  
Respondent

Benjamin J. Hendricks  
O'Melveny & Myers, LLP  
bhendricks@omm.com  
Respondent

Eileen M. Brogan  
O'Melveny & Myers, LLP  
ebrogan@omm.com  
Respondent

Anna Fabish  
O'Melveny & Myers, LLP  
afabish@omm.com  
Respondent

Stephen McIntyre  
O'Melveny & Myers, LLP  
smcintyre@omm.com  
Respondent

Rebecca Weinstein  
Attorney  
Federal Trade Commission

rweinstein@ftc.gov  
Complaint

Garth Huston  
Attorney  
Federal Trade Commission  
ghuston@ftc.gov  
Complaint

Rebecca Weinstein  
Attorney