

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

**06 08 2017
587045**

In the Matter of:

IMPAX LABORATORIES, INC.,

a corporation.

Docket No. 9373

**RESPONDENT IMPAX LABORATORIES, INC.'S OPPOSITION
TO COMPLAINT COUNSEL'S MOTION TO COMPEL RESPONSES TO
INTERROGATORY NOS. 2 & 3**

2 & 3

I. INTRODUCTION

2. Identify all procompetitive justifications and benefits to consumers and the public interest referenced in the Eighth Defense in Your Answer to the Complaint in this case, and explain the factual basis for Your answer to this Interrogatory, including identifying all facts and documents You rely on in Your answer to this Interrogatory.

A. **Impax Need Not Respond to Complaint Counsel's Interrogatory Nos. 2 and 3 Until the Close of Discovery.**

Interrogatory Nos. 2 and 3 are classic cont

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[defendant]”); Scheffler v. Molin, 2012 WL 3292894, at *6 (D. Minn. Aug. 10, 2012)

(defendants not required to answer interrogatory asking for factual basis for defenses until “the close of fact discovery”).

The cases cited by Complaint Counsel are not to the contrary. For example, while the court in

4327395, at *1-2 (N.D. Ill. Aug. 17, 2012) (ordering defendants to answer interrogatories about procompetitive benefits where “[t]he end of fact discovery [was] near”).

In short, the fact that Interrogatory Nos. 2 and 3 are directed to Impax’s defenses provides no reason for straying from the requirements of Rule 3.35(b)(2).

B. Even as “Narrowed,” Interrogatory Nos. 2 and 3 Are Premature Contention Interrogatories.

Complaint Counsel insists that Impax should at least be required to identify each

C.

IV. CONCLUSION

Impax respectfully requests that the Court deny the motion in full.

Dated: June 8, 2017

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Counsel for Impax Laboratories, Inc.

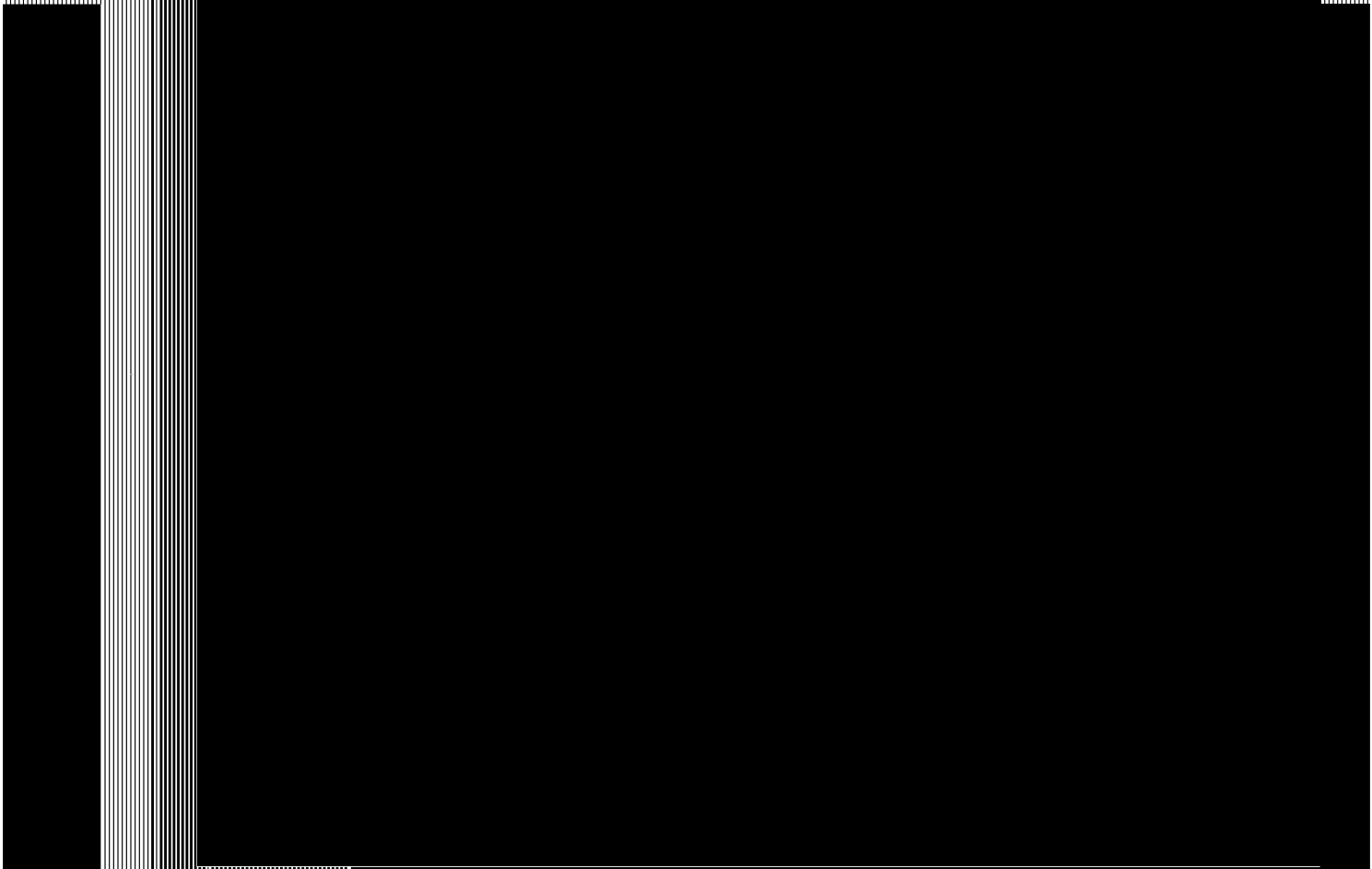
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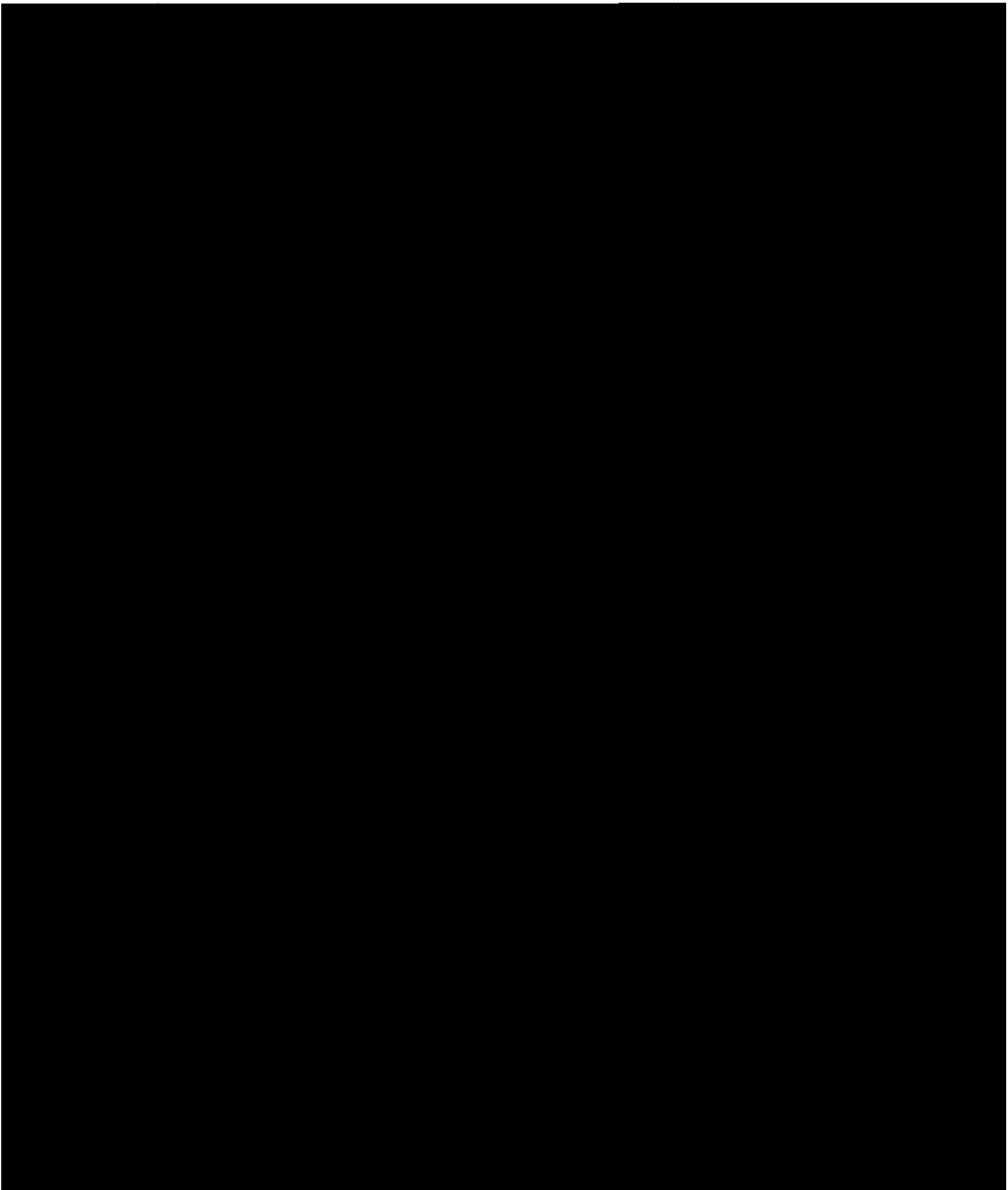
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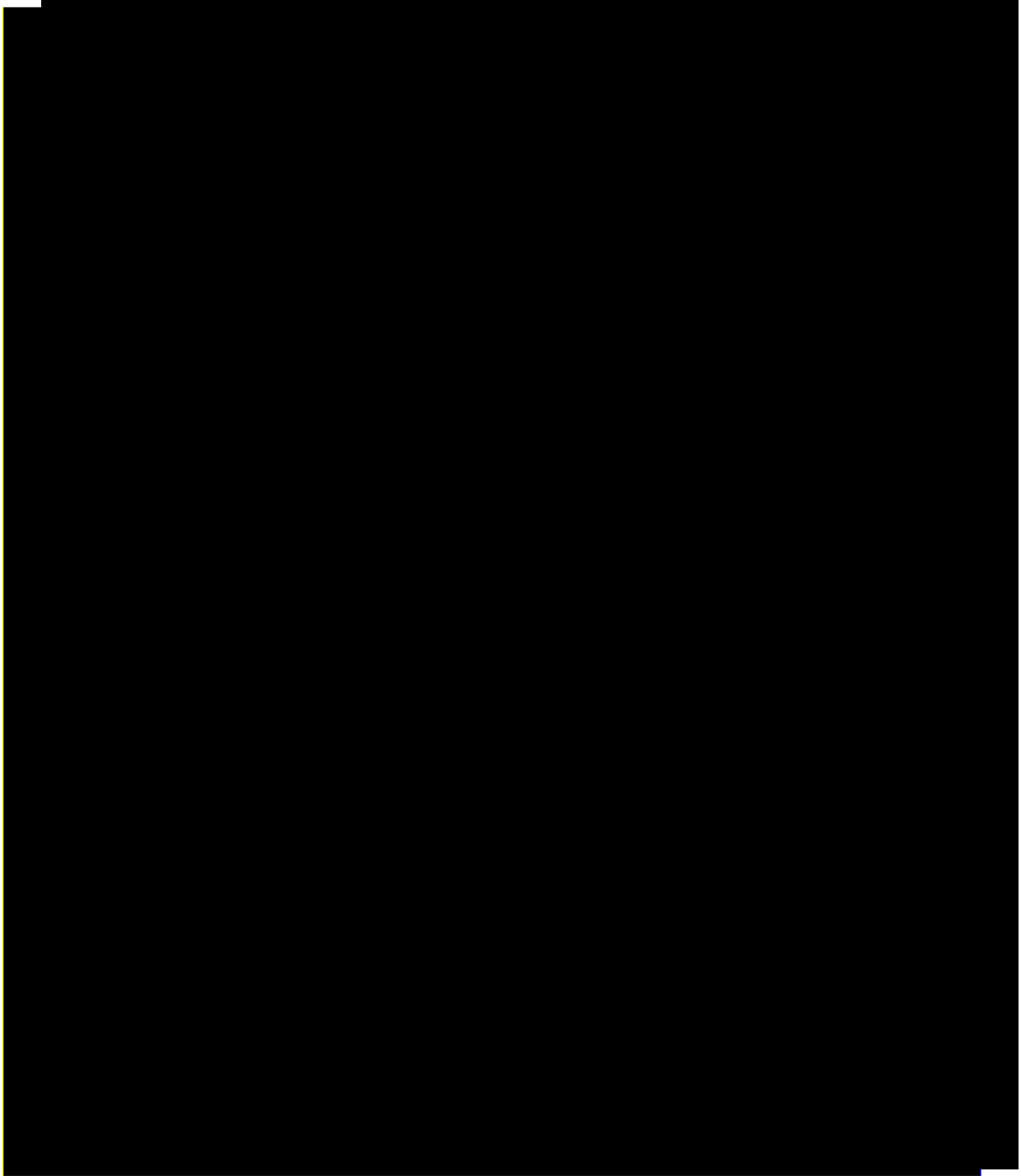
Jamie Towey

EXHIBIT A

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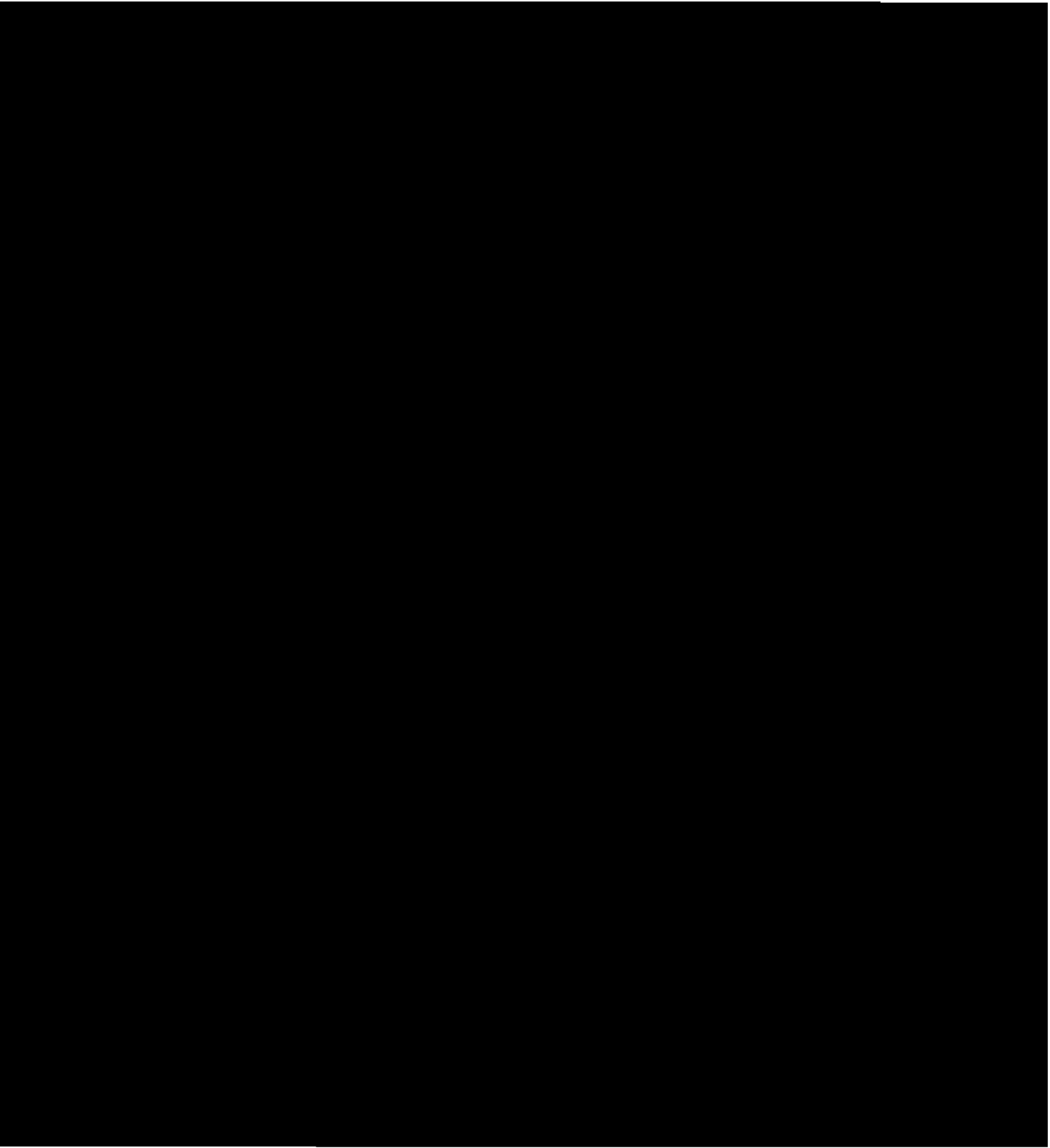
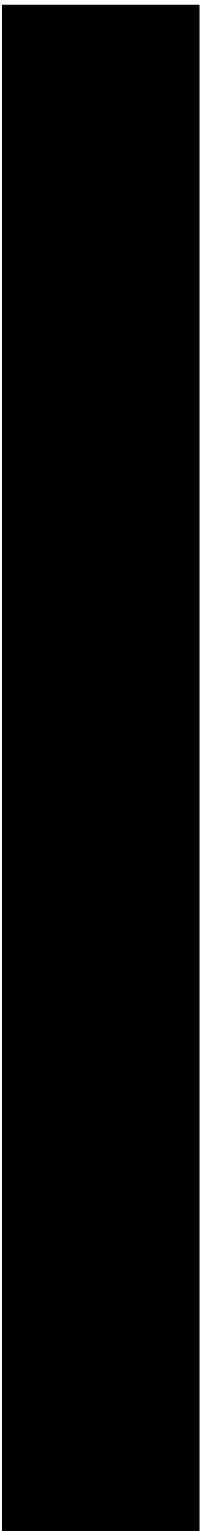


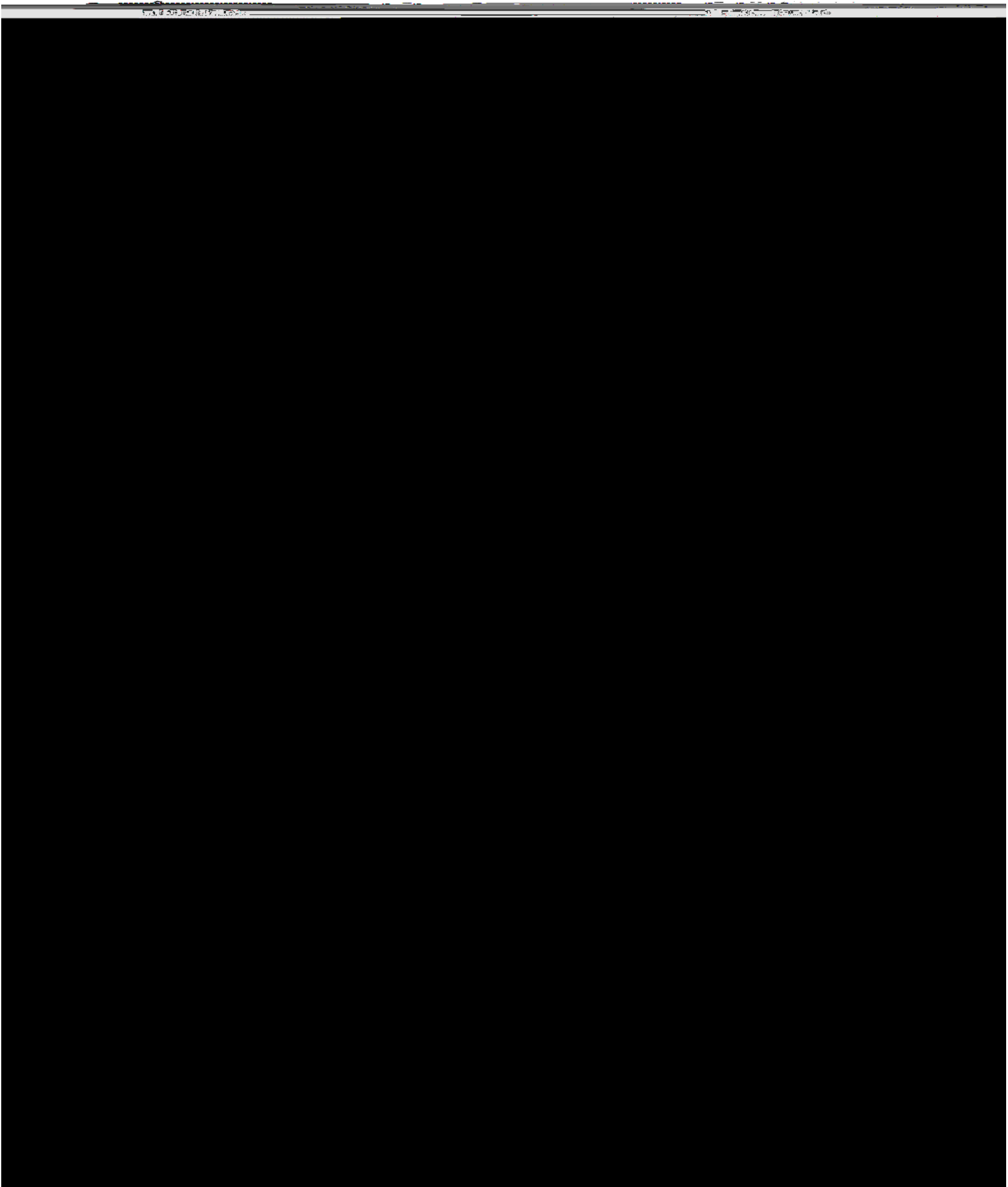






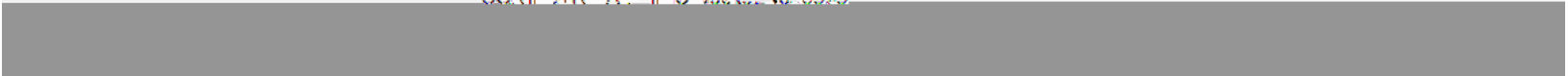
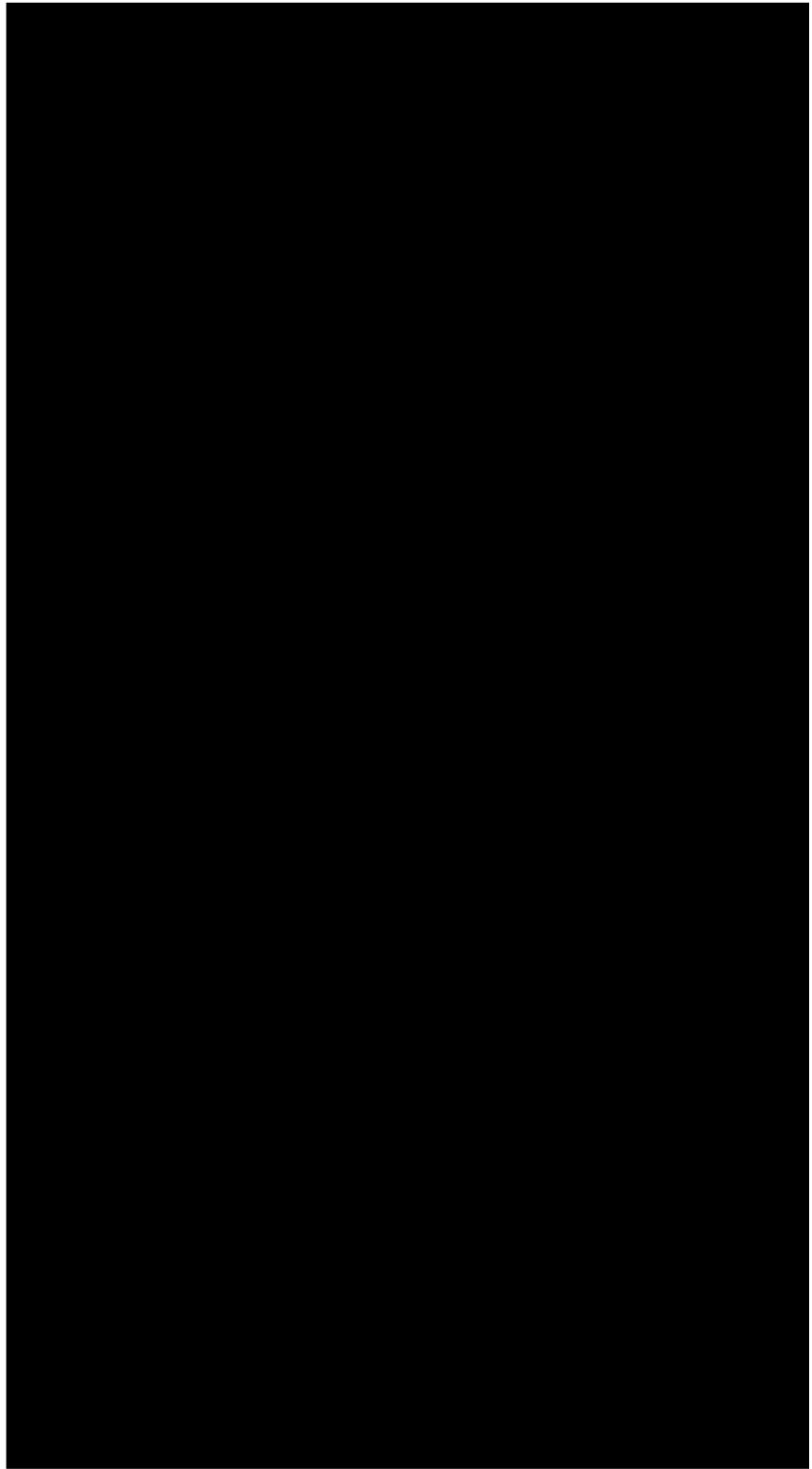
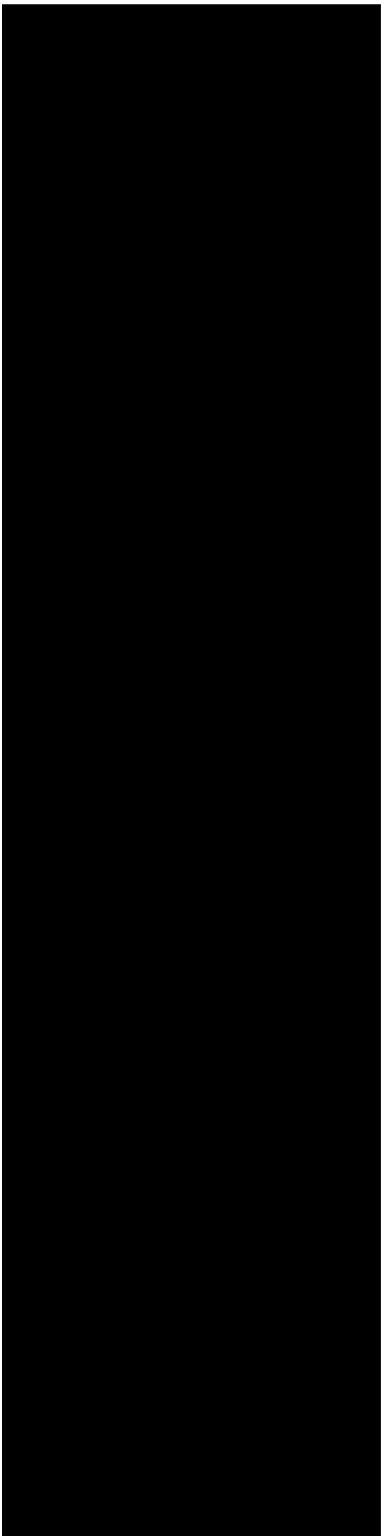
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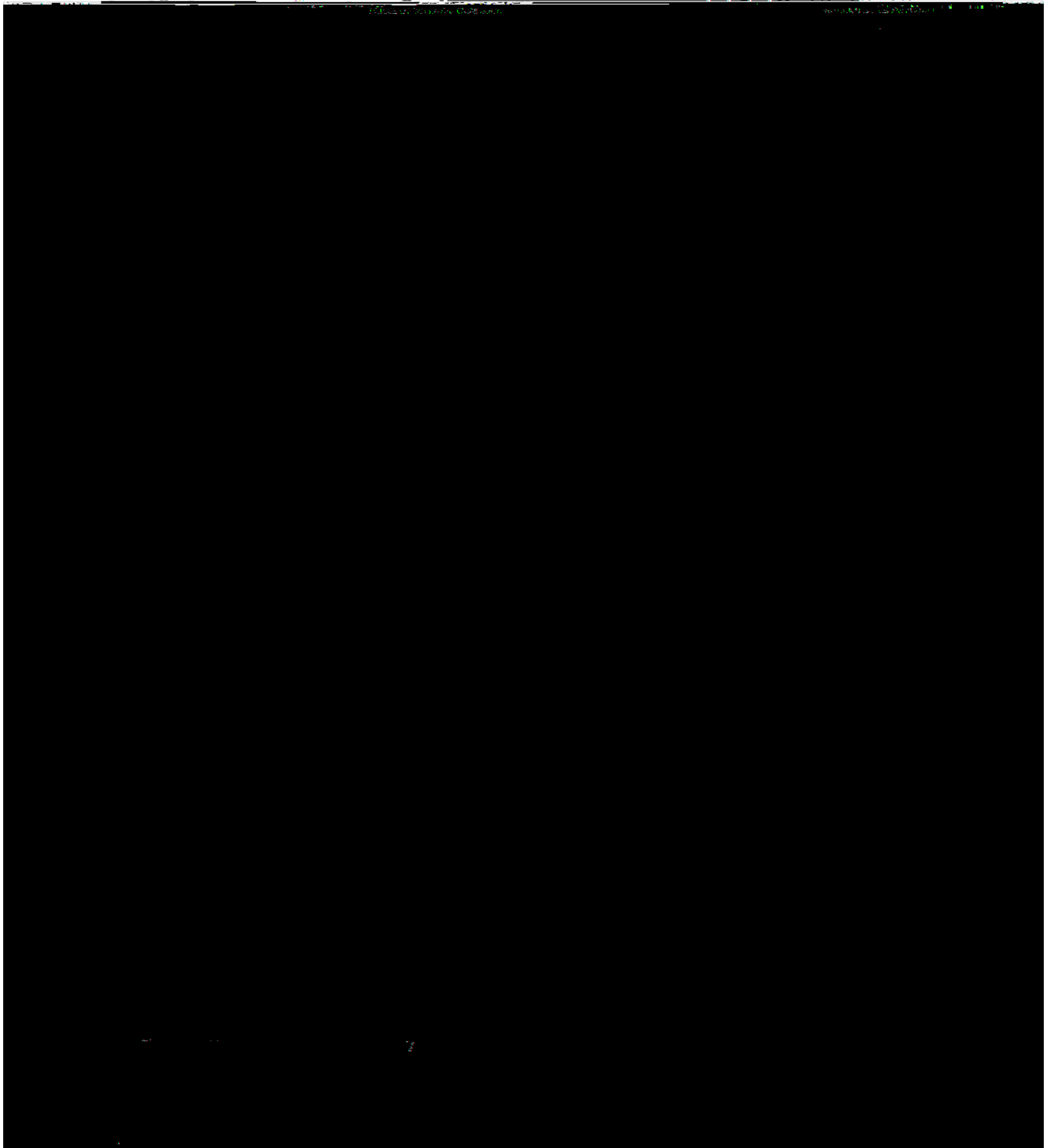


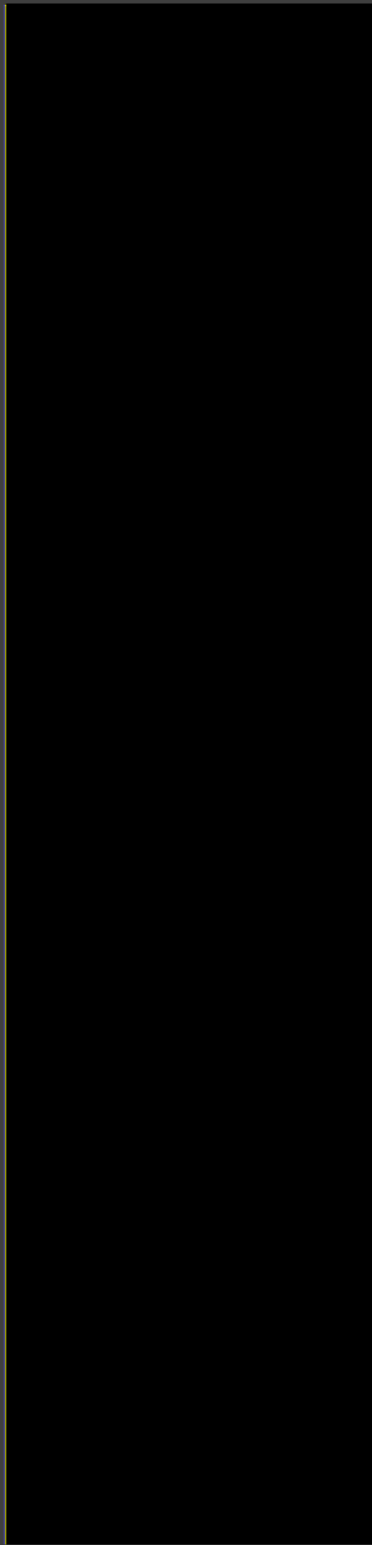
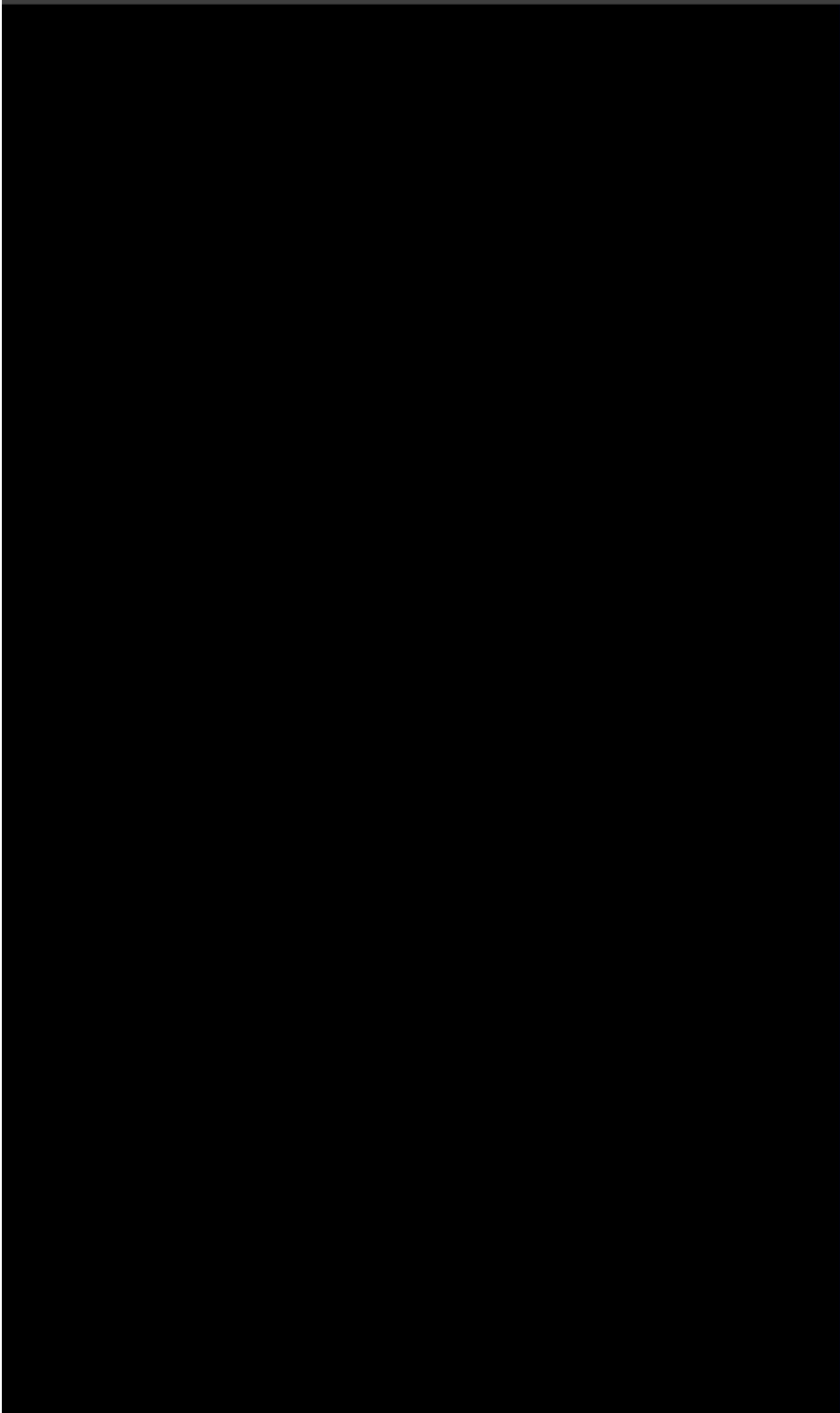


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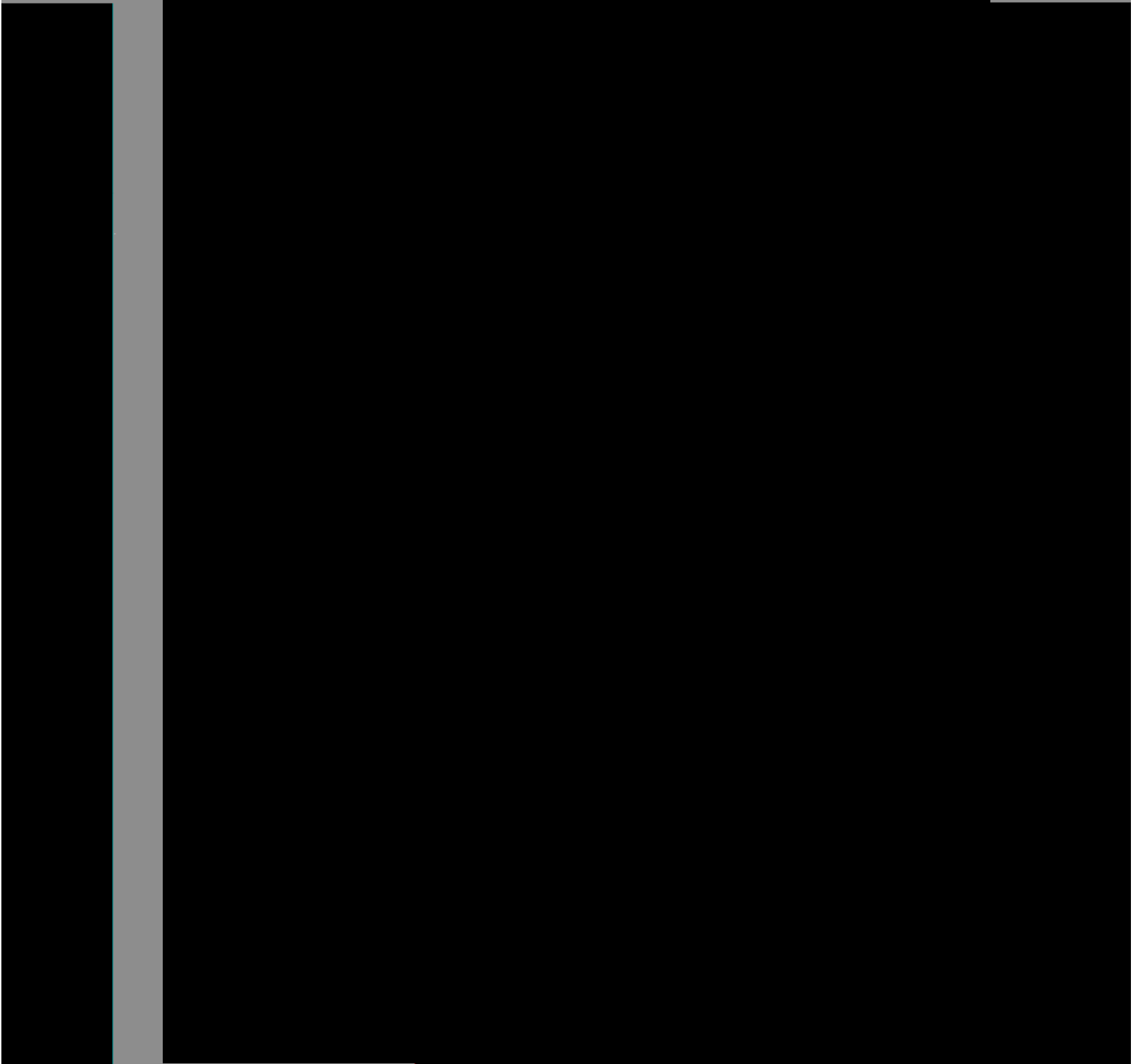


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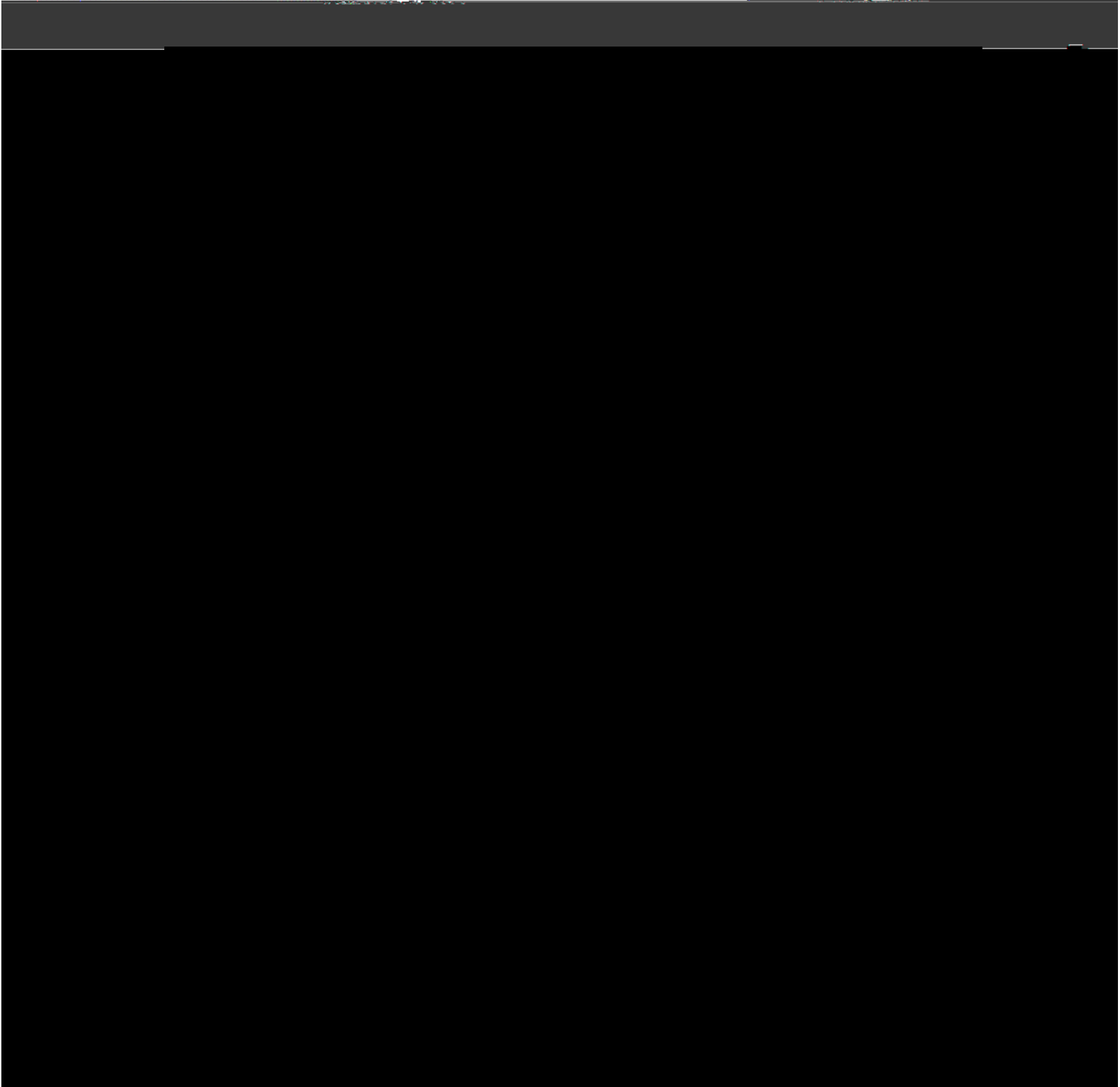
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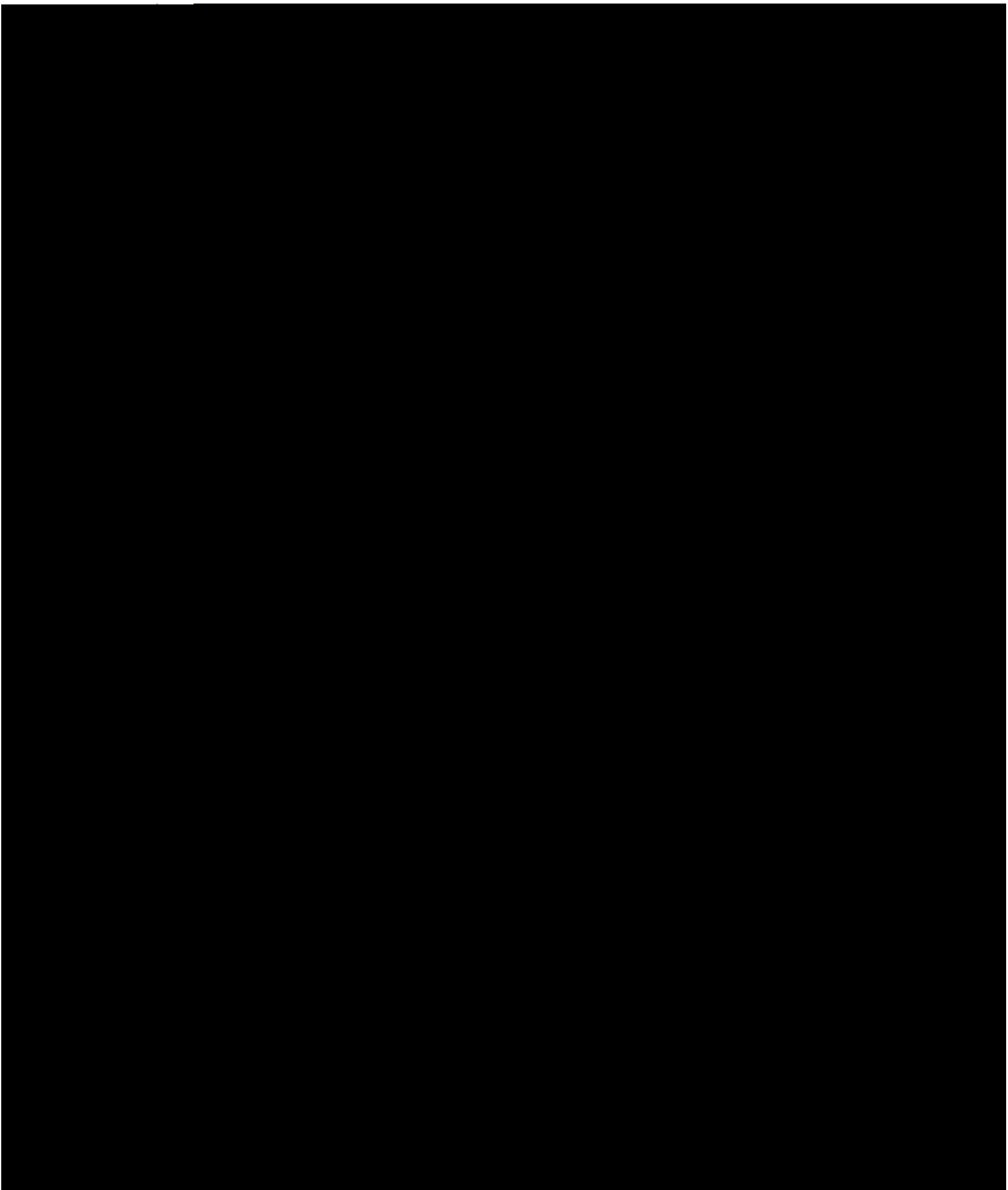
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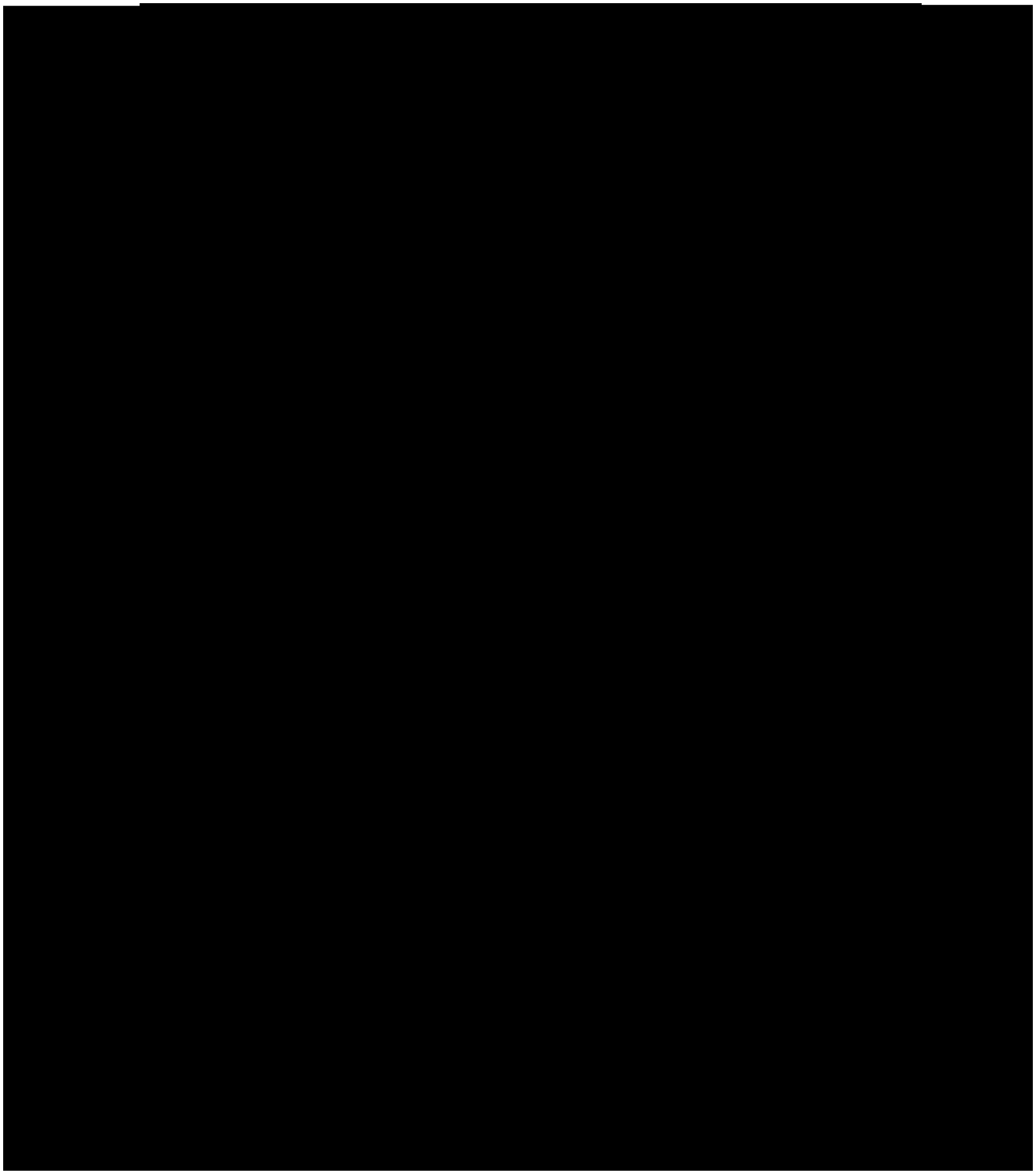
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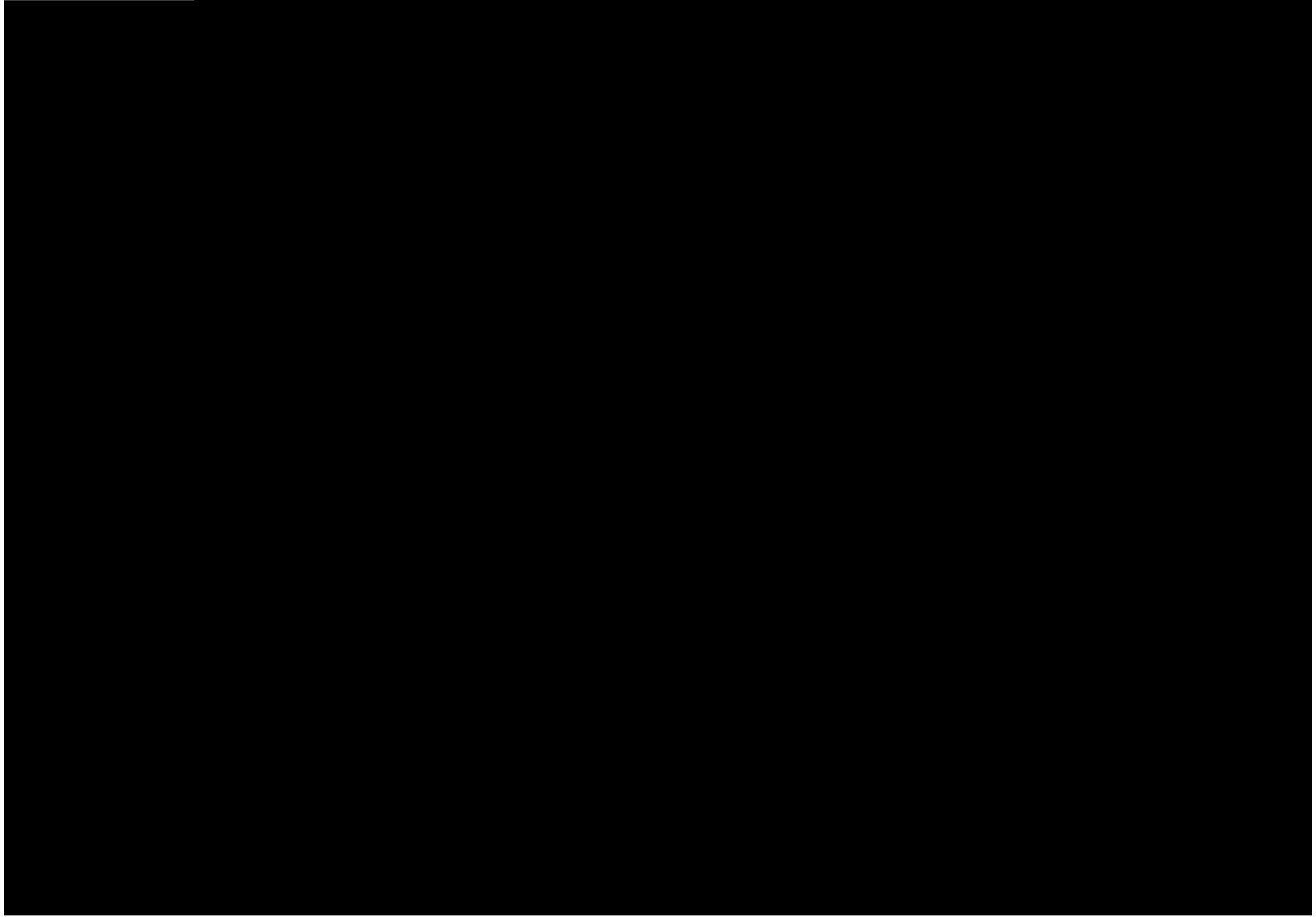
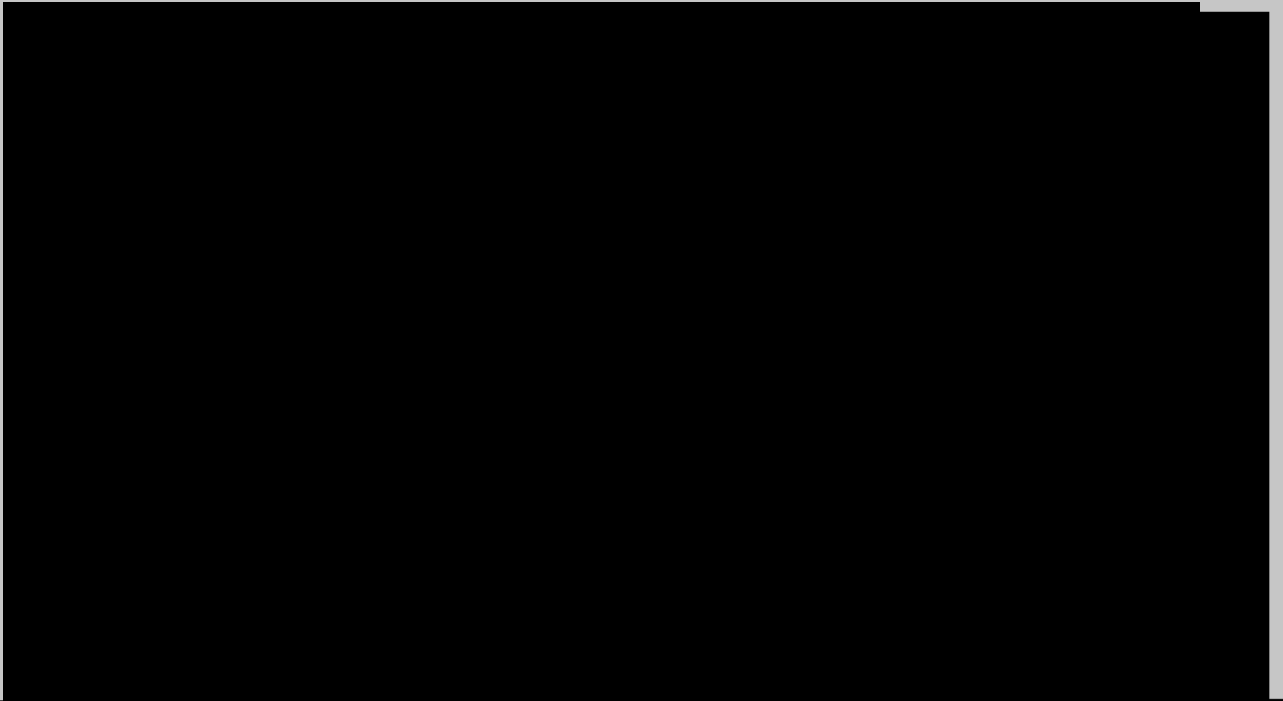




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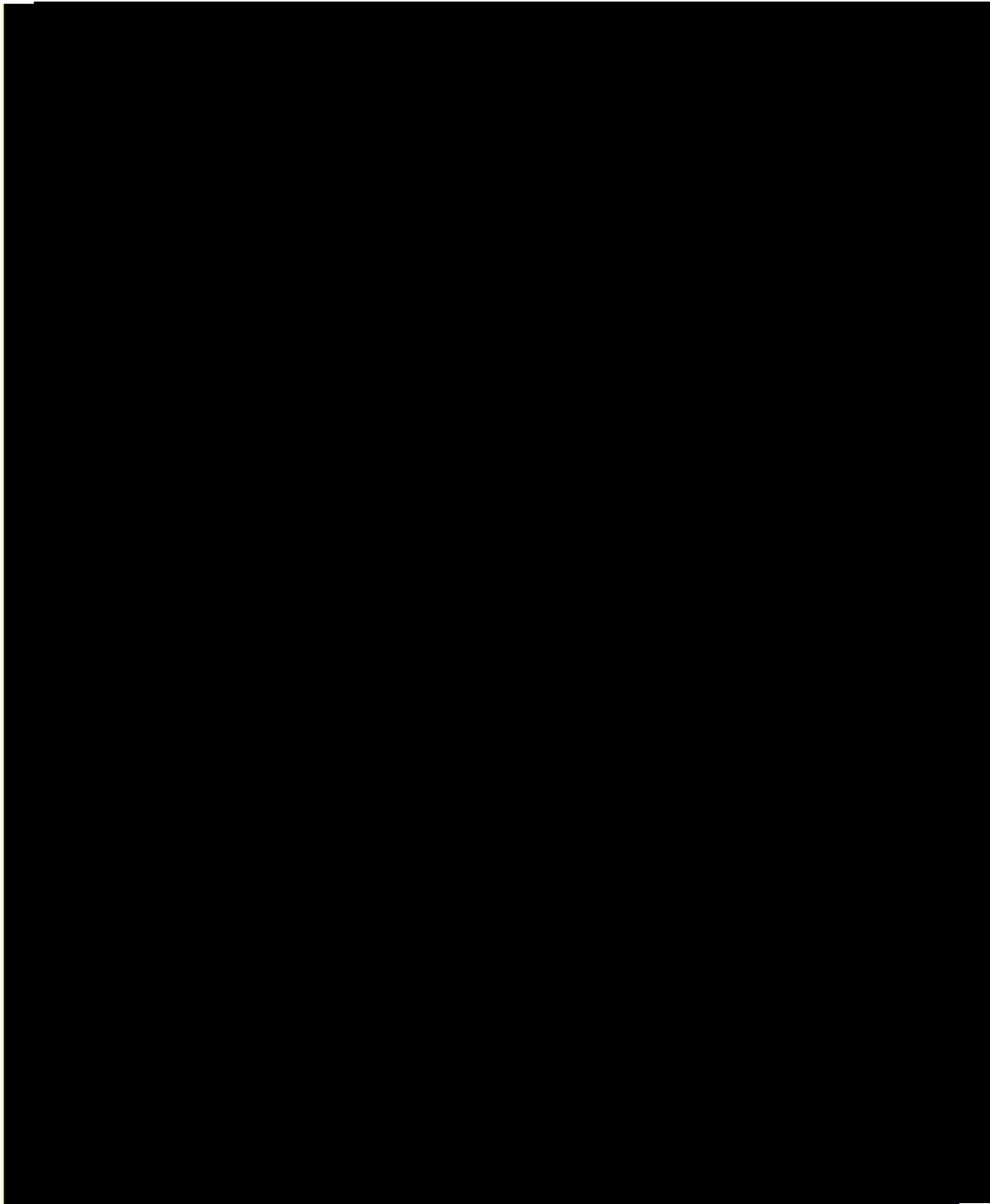
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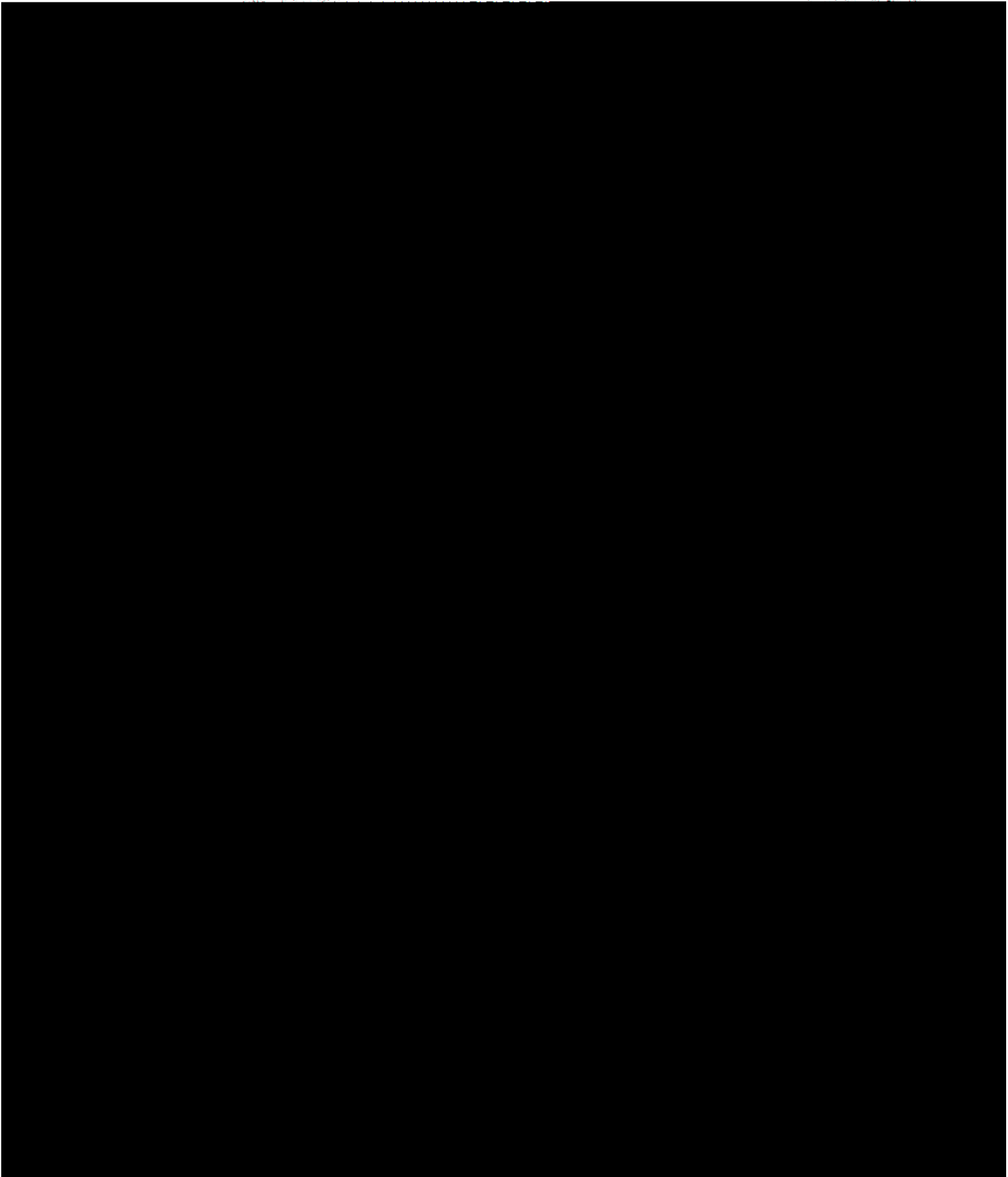


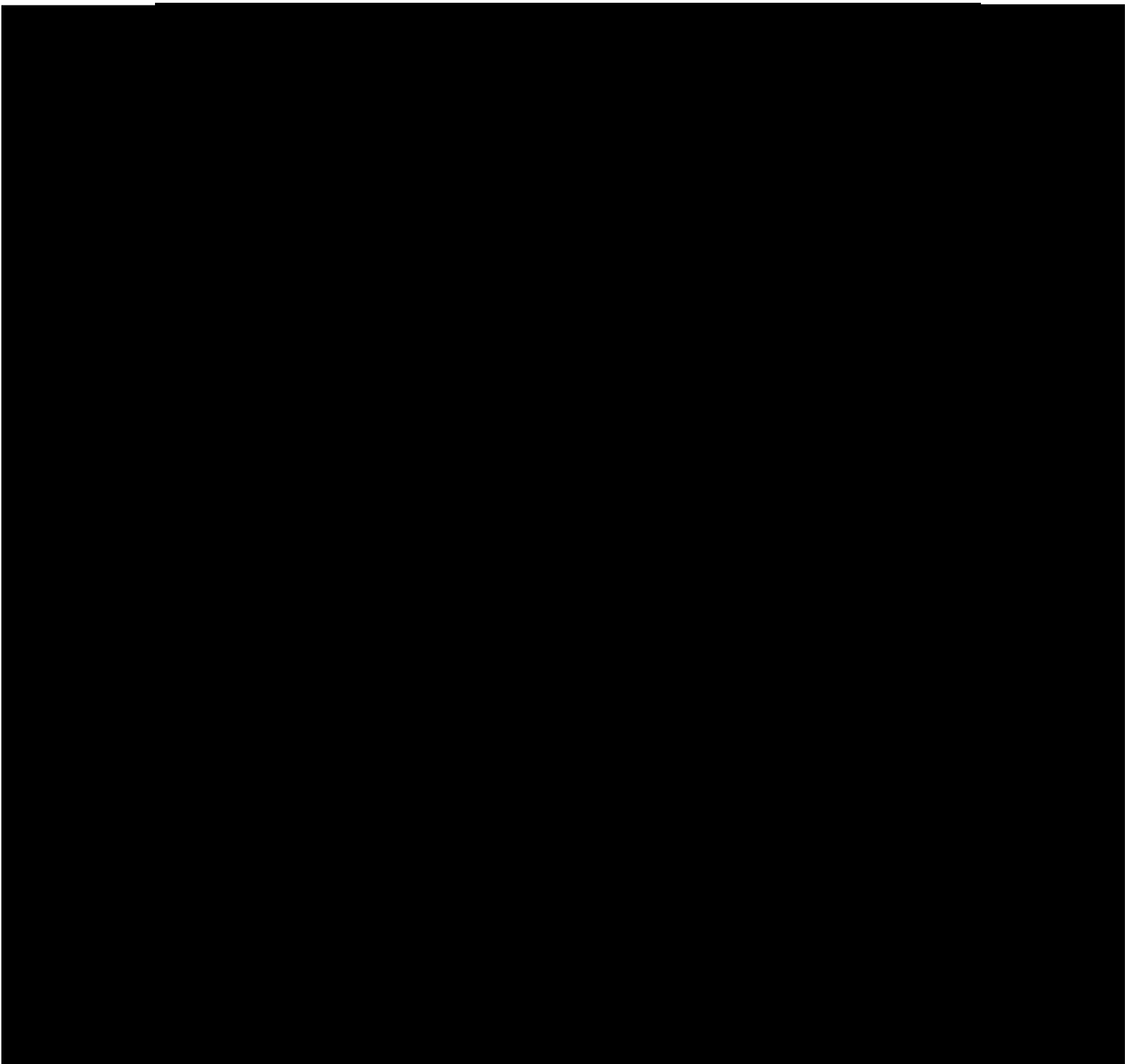


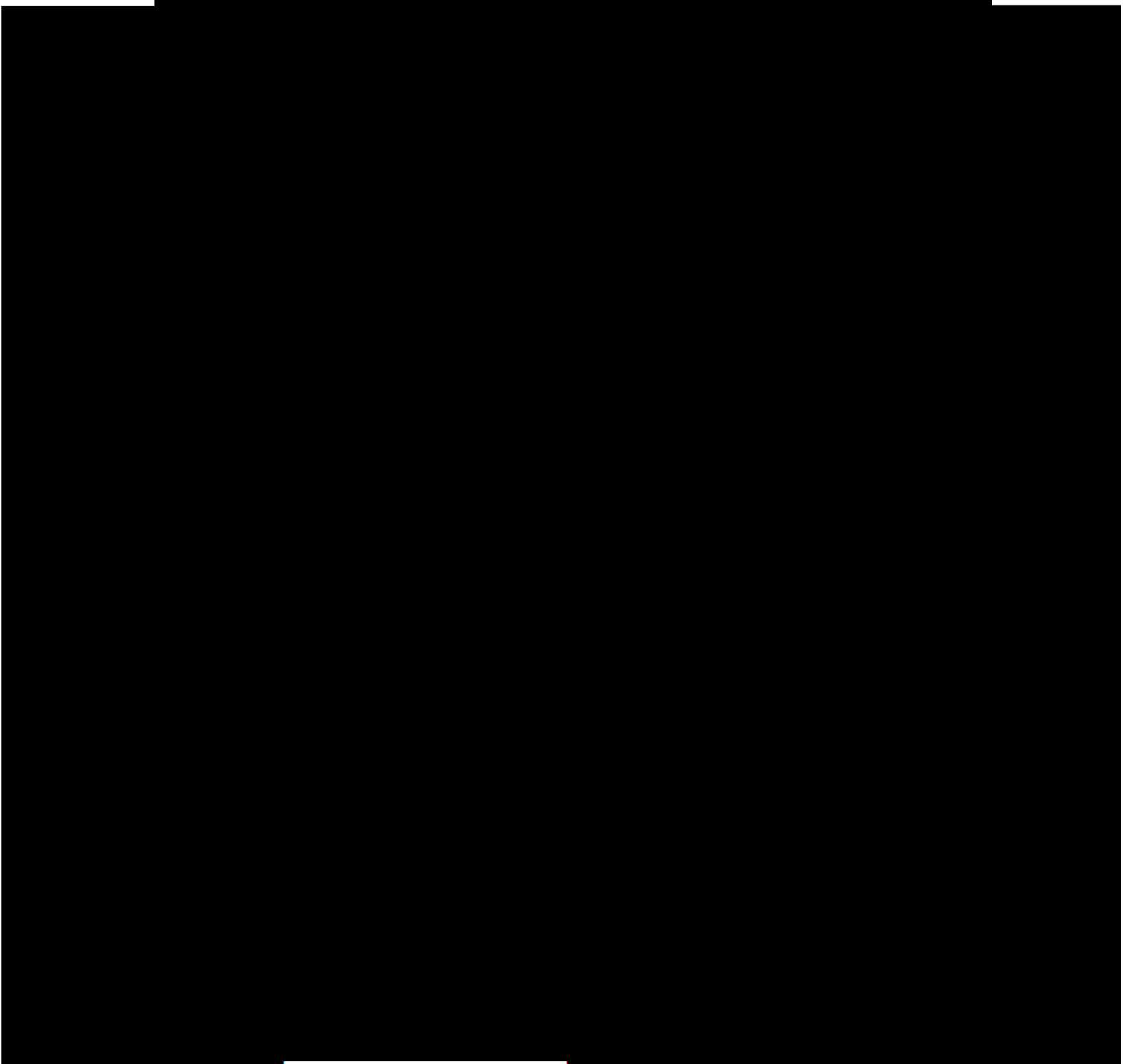
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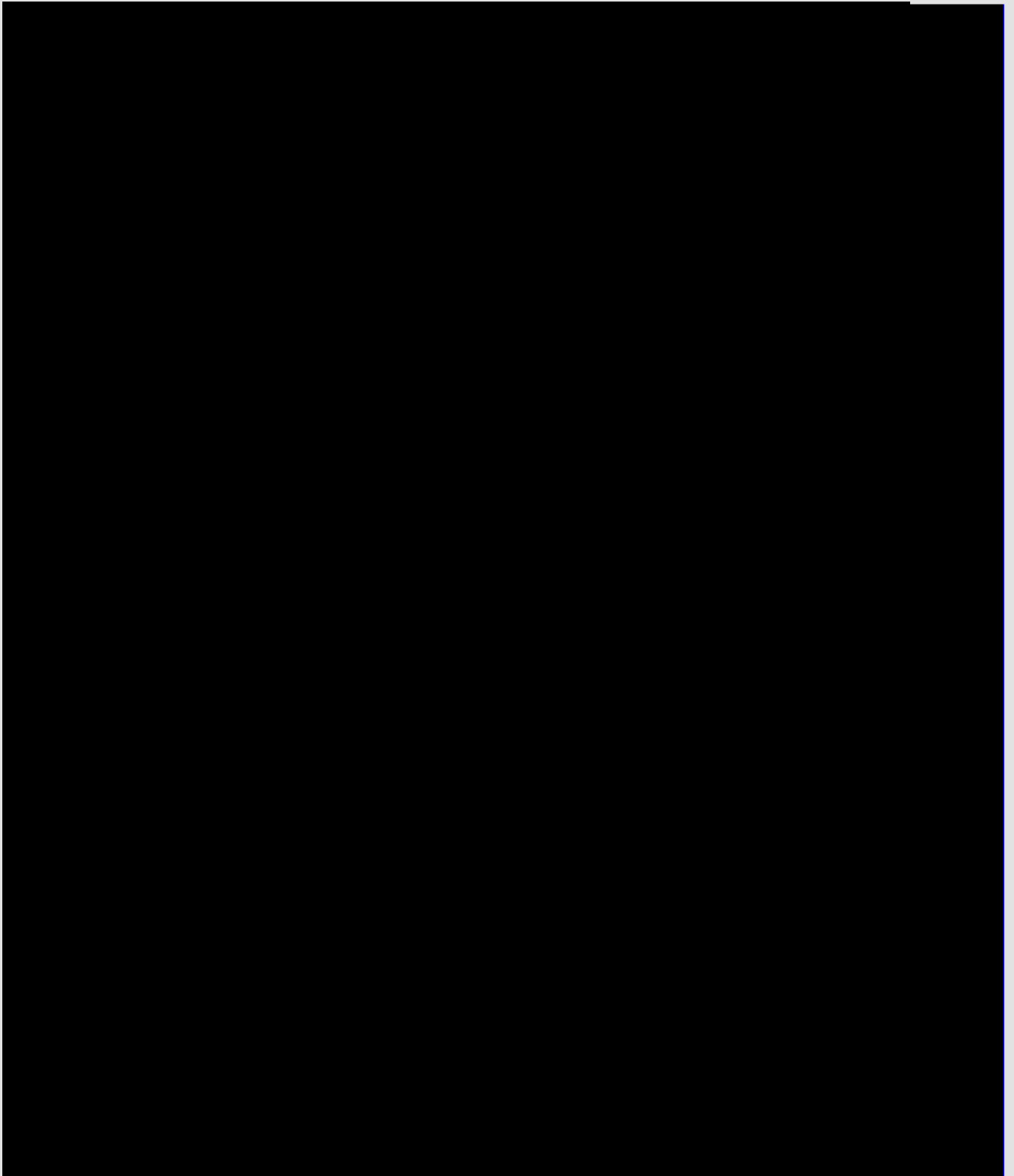






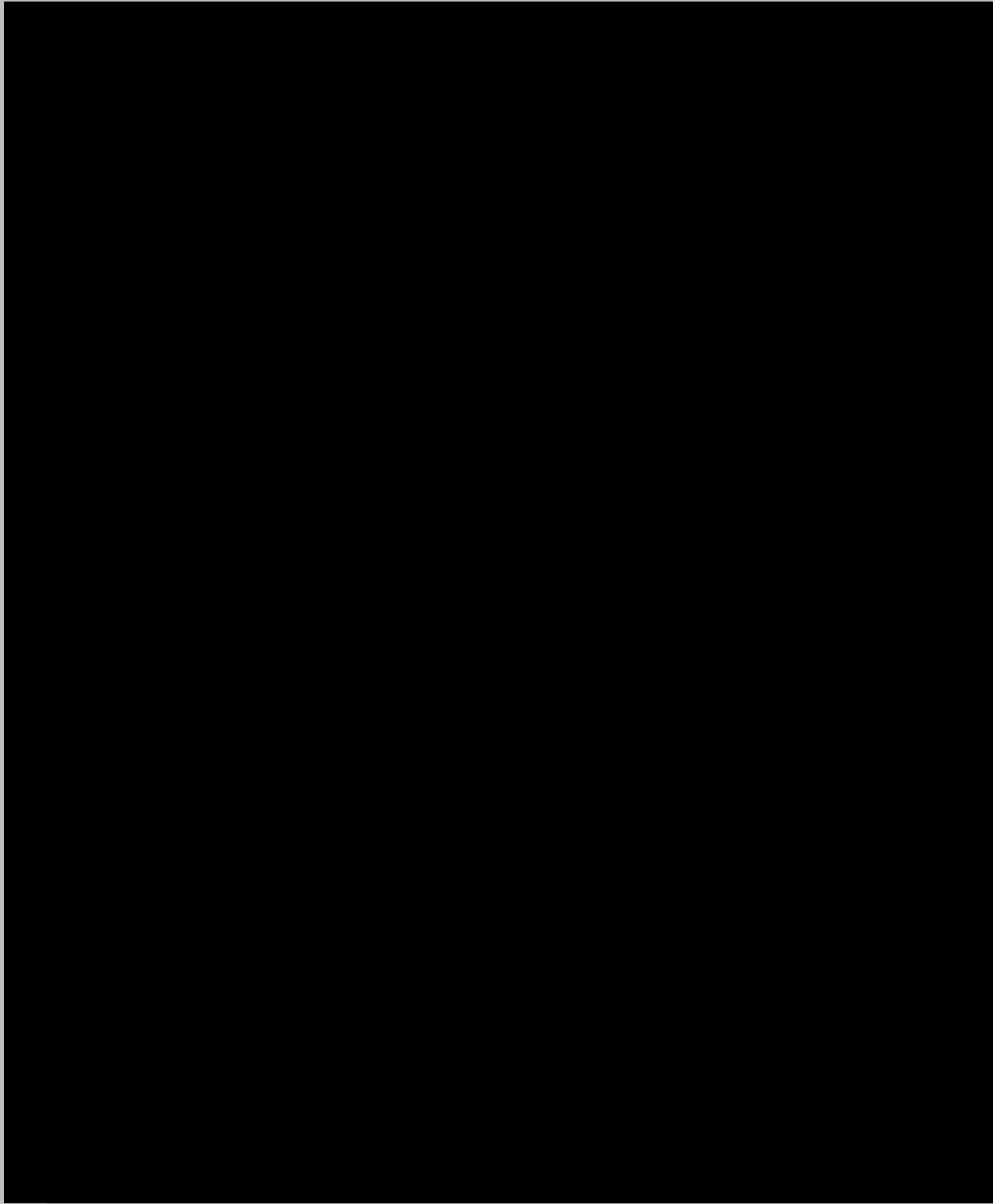
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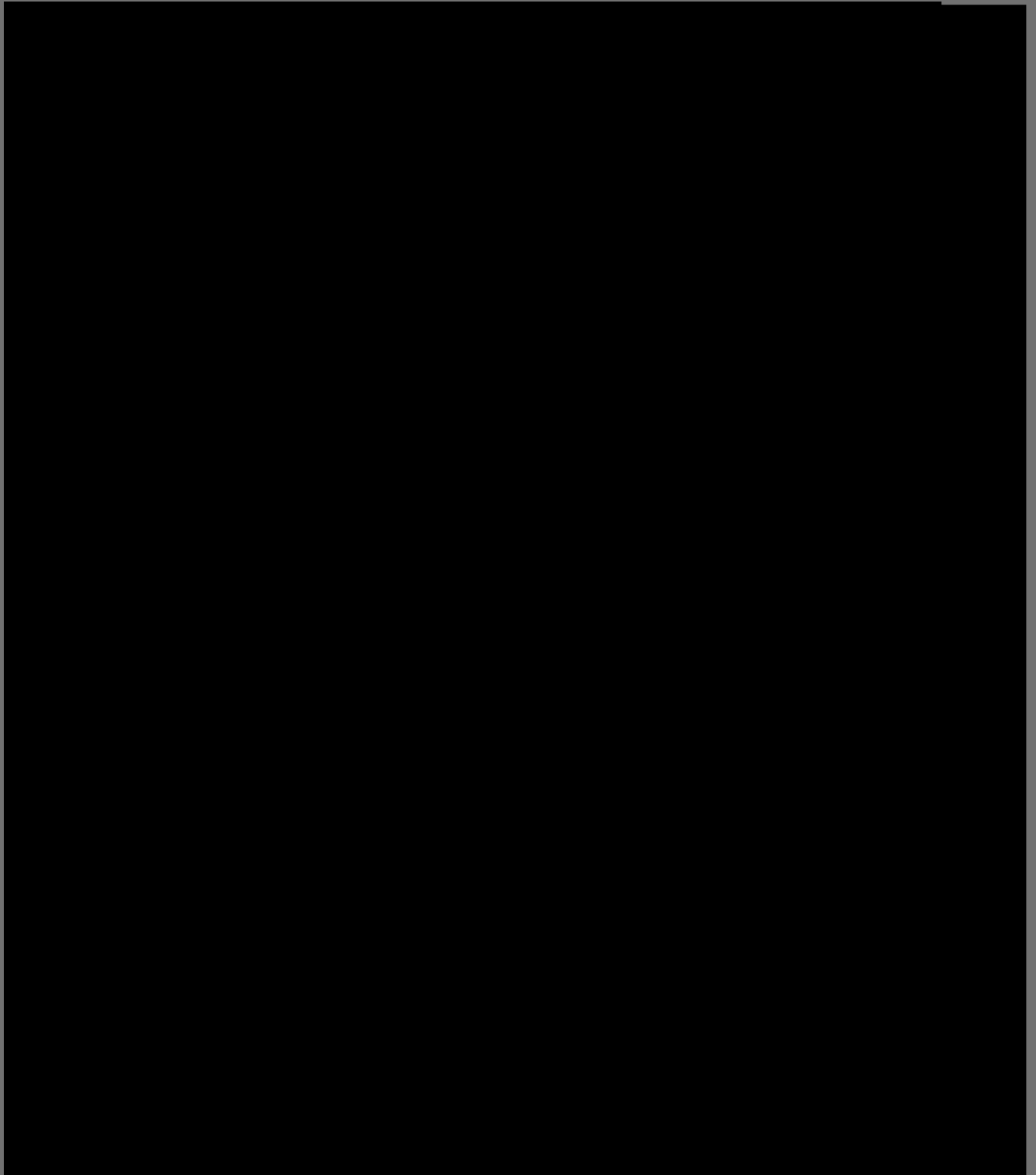
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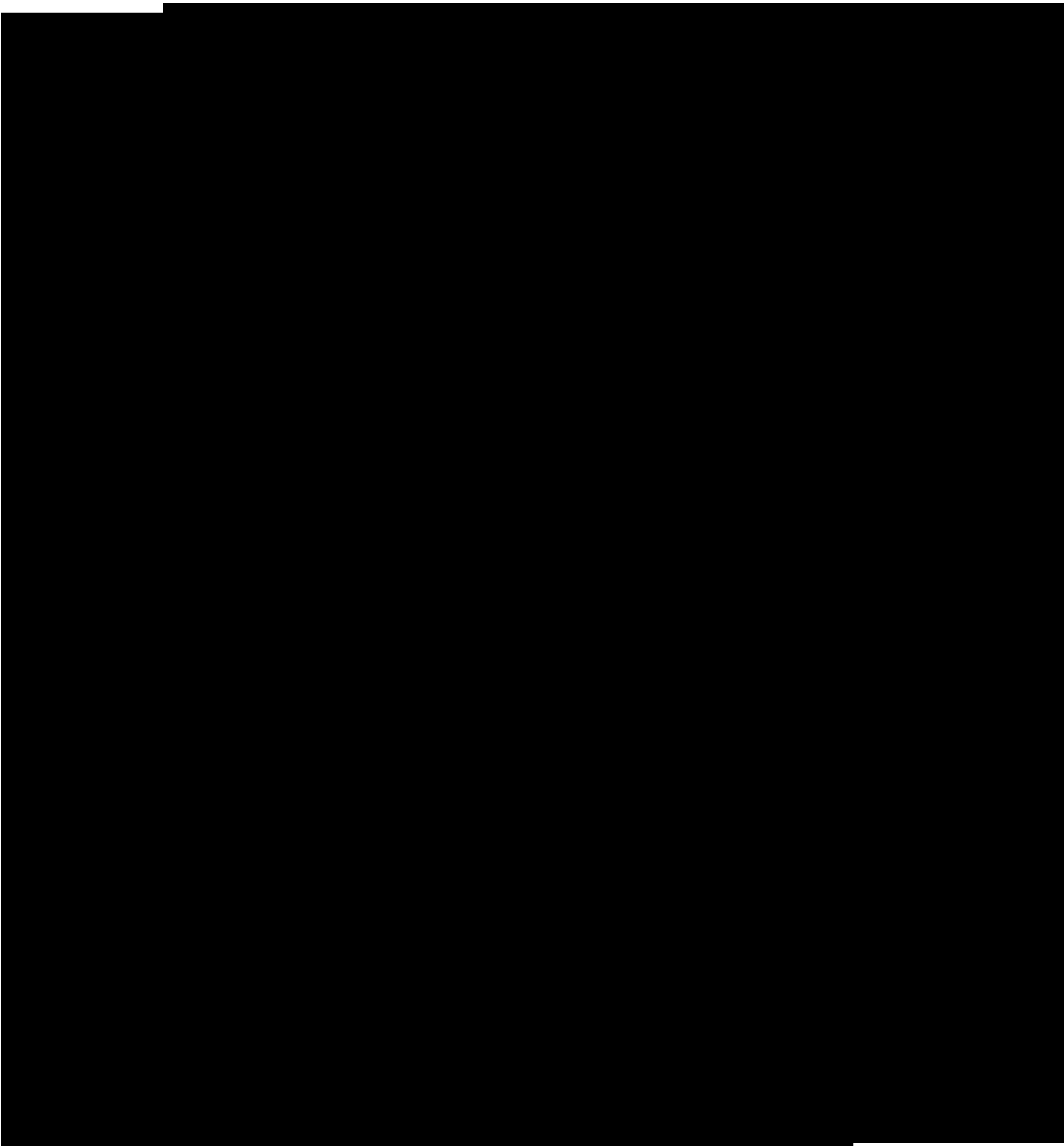
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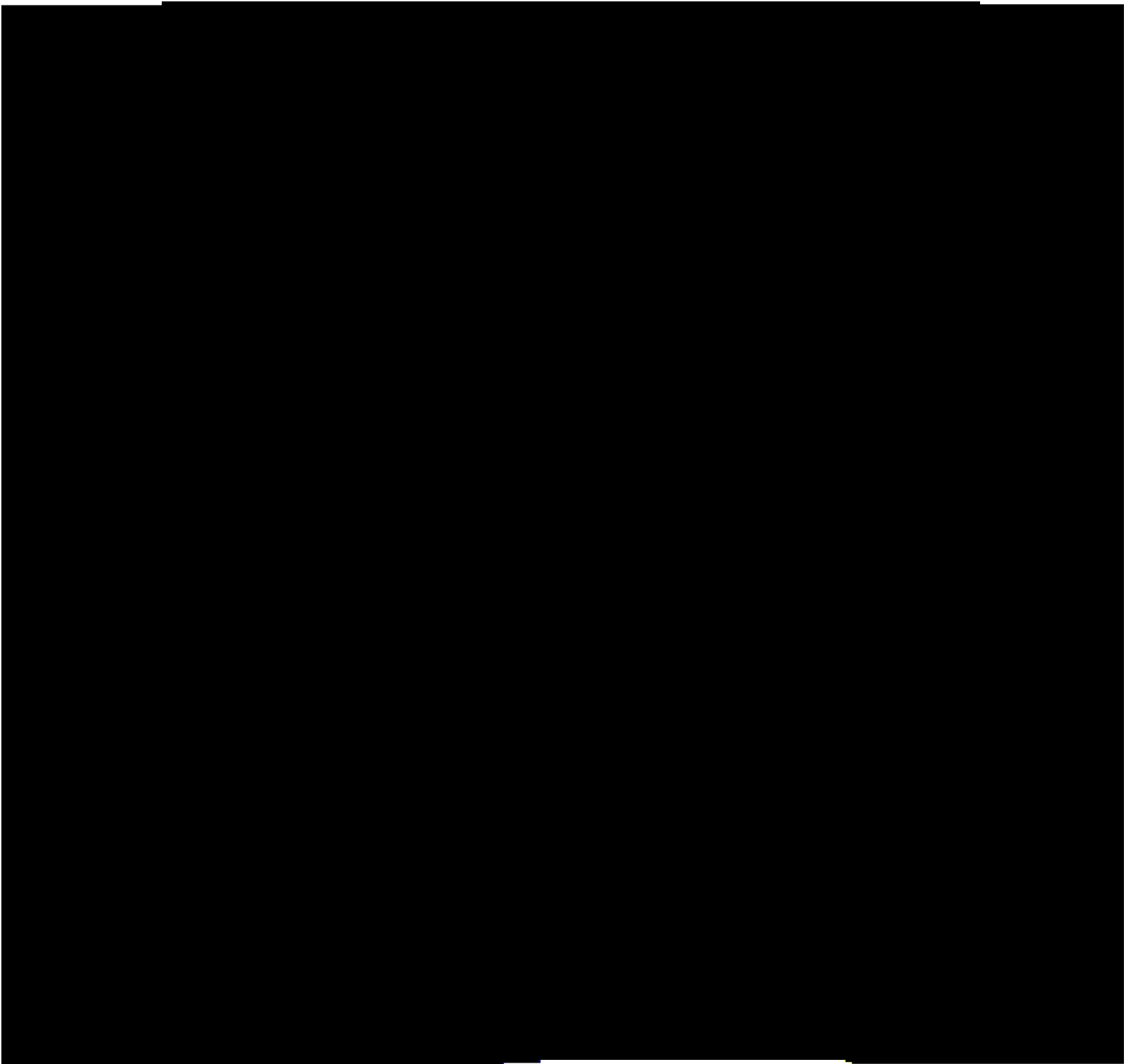
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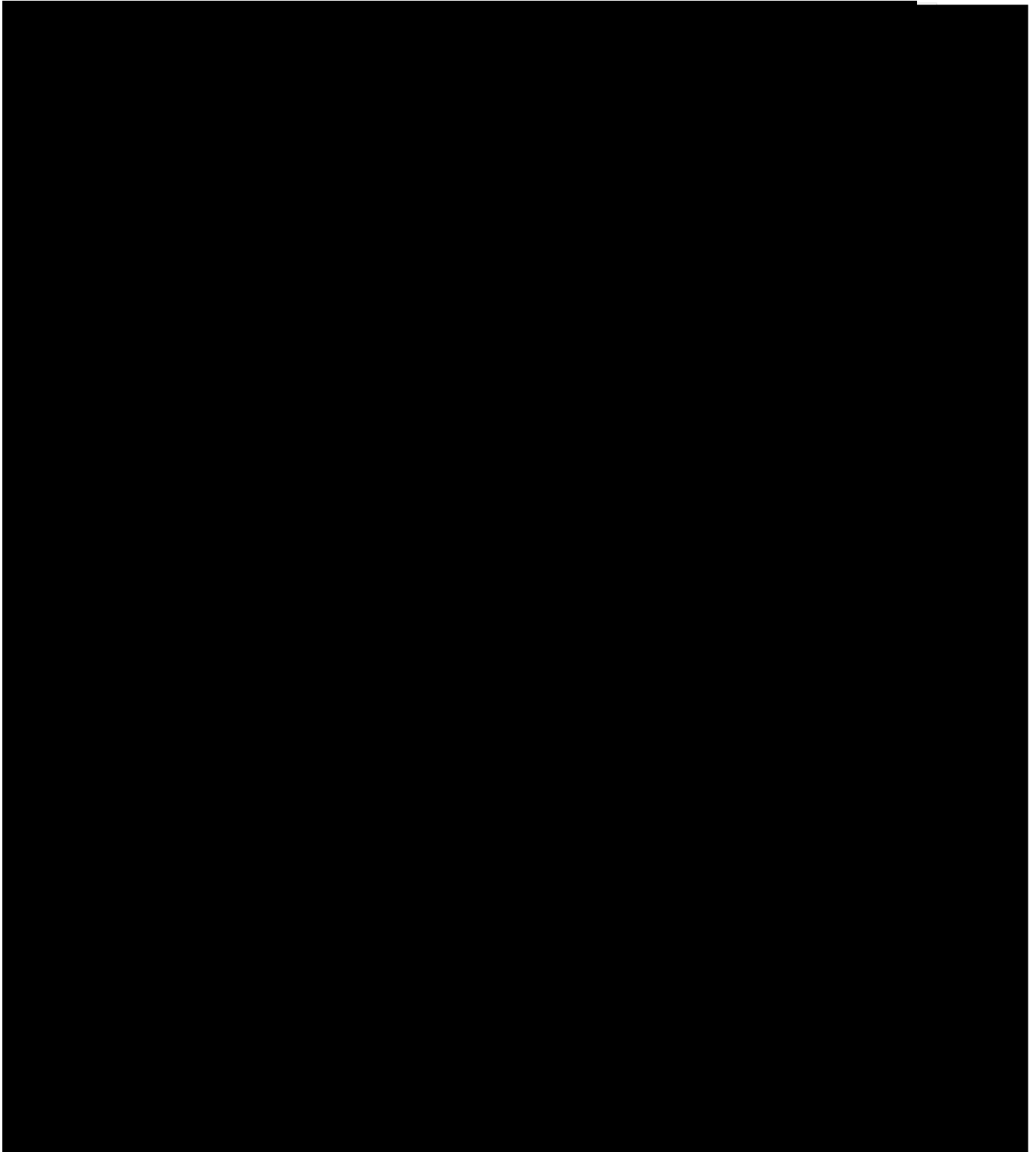
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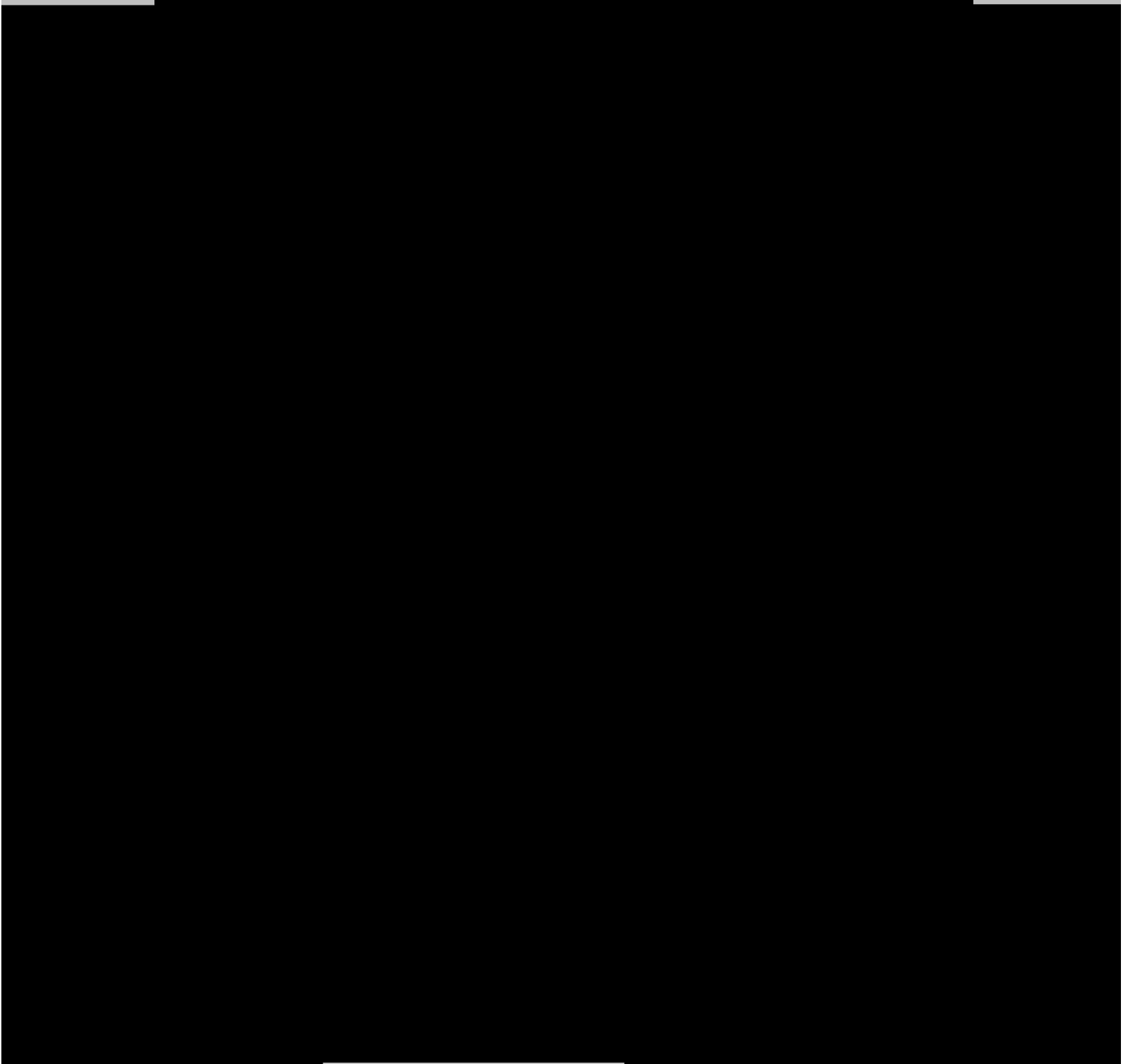
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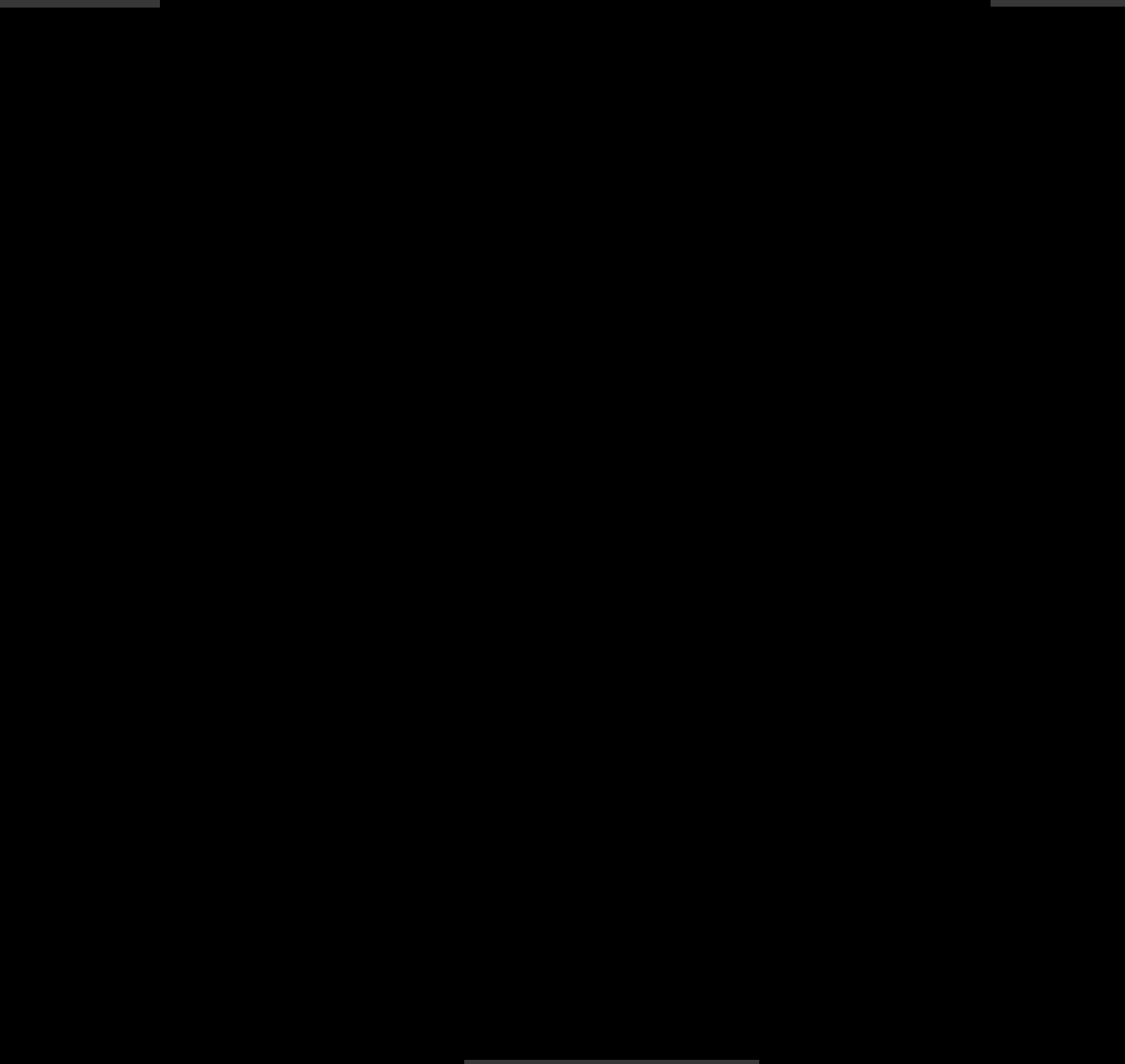
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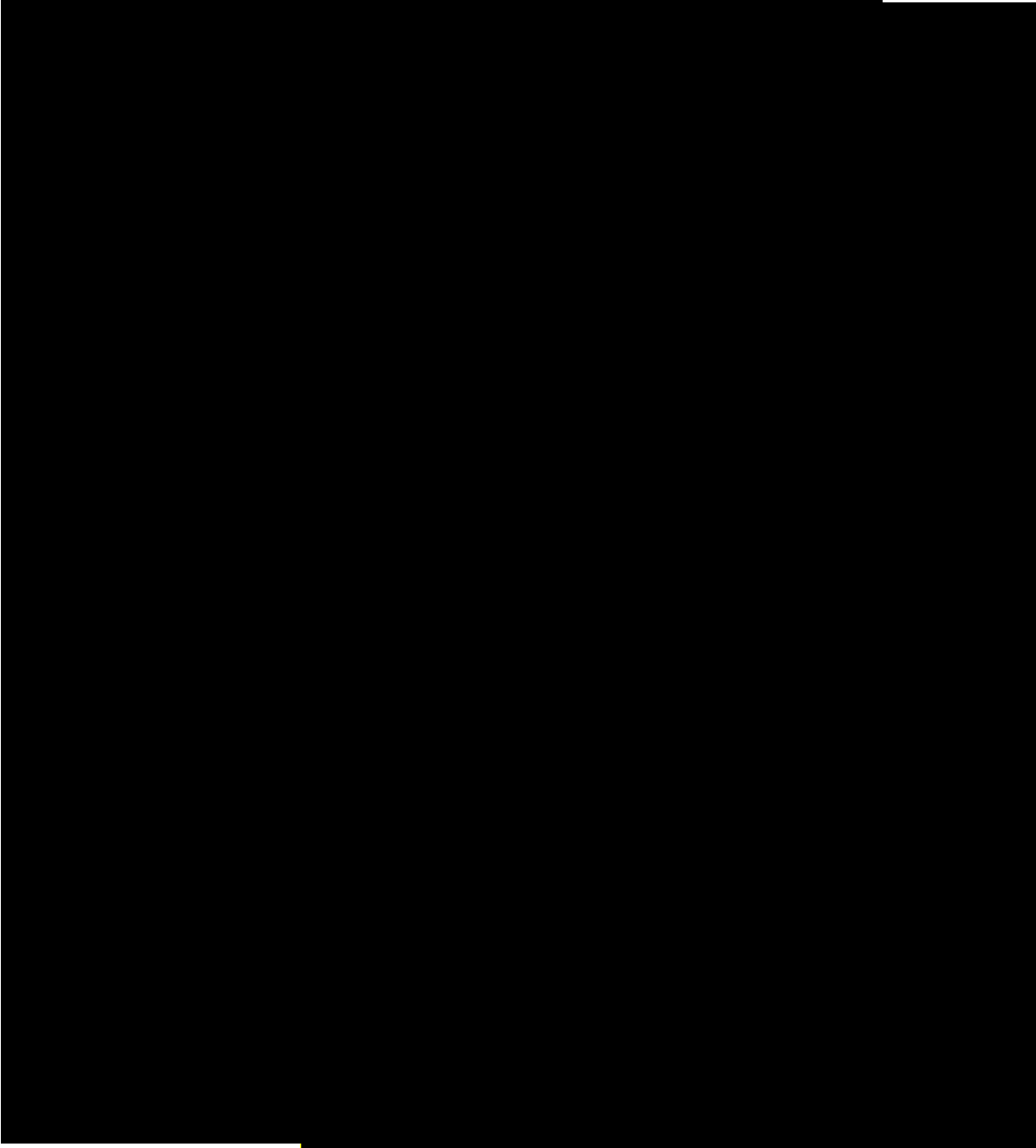
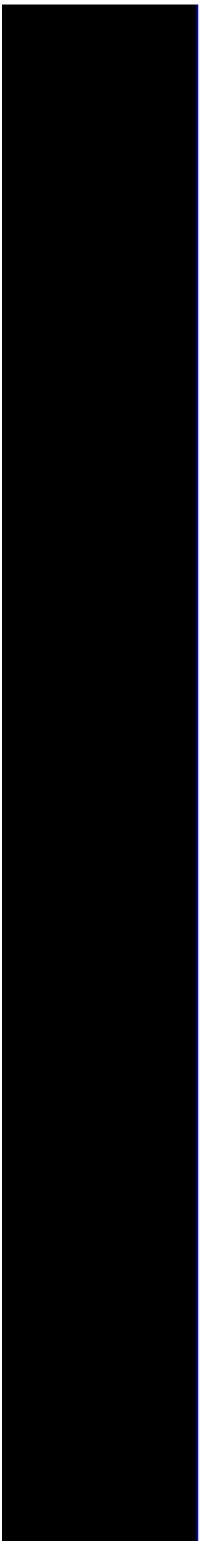


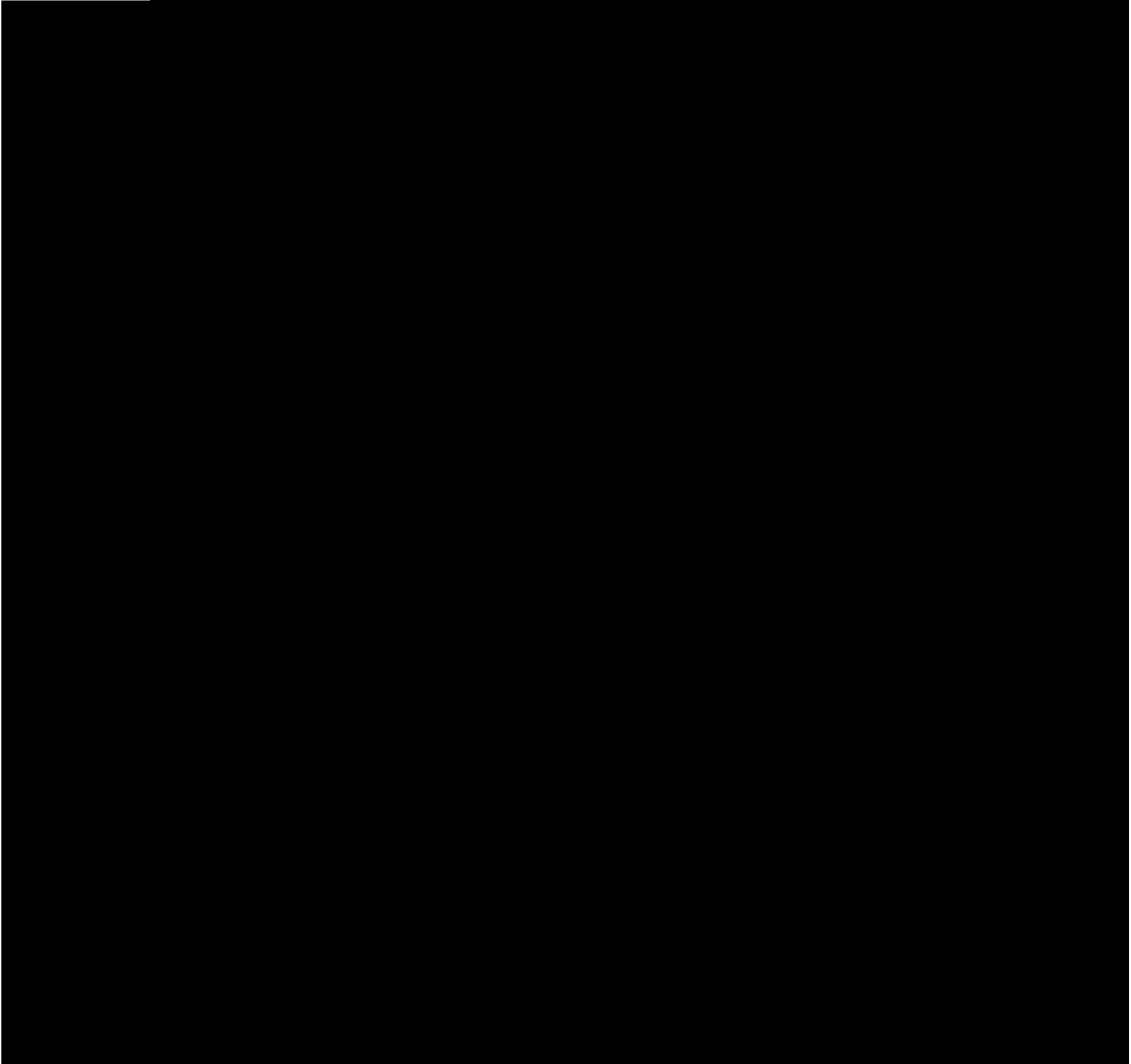
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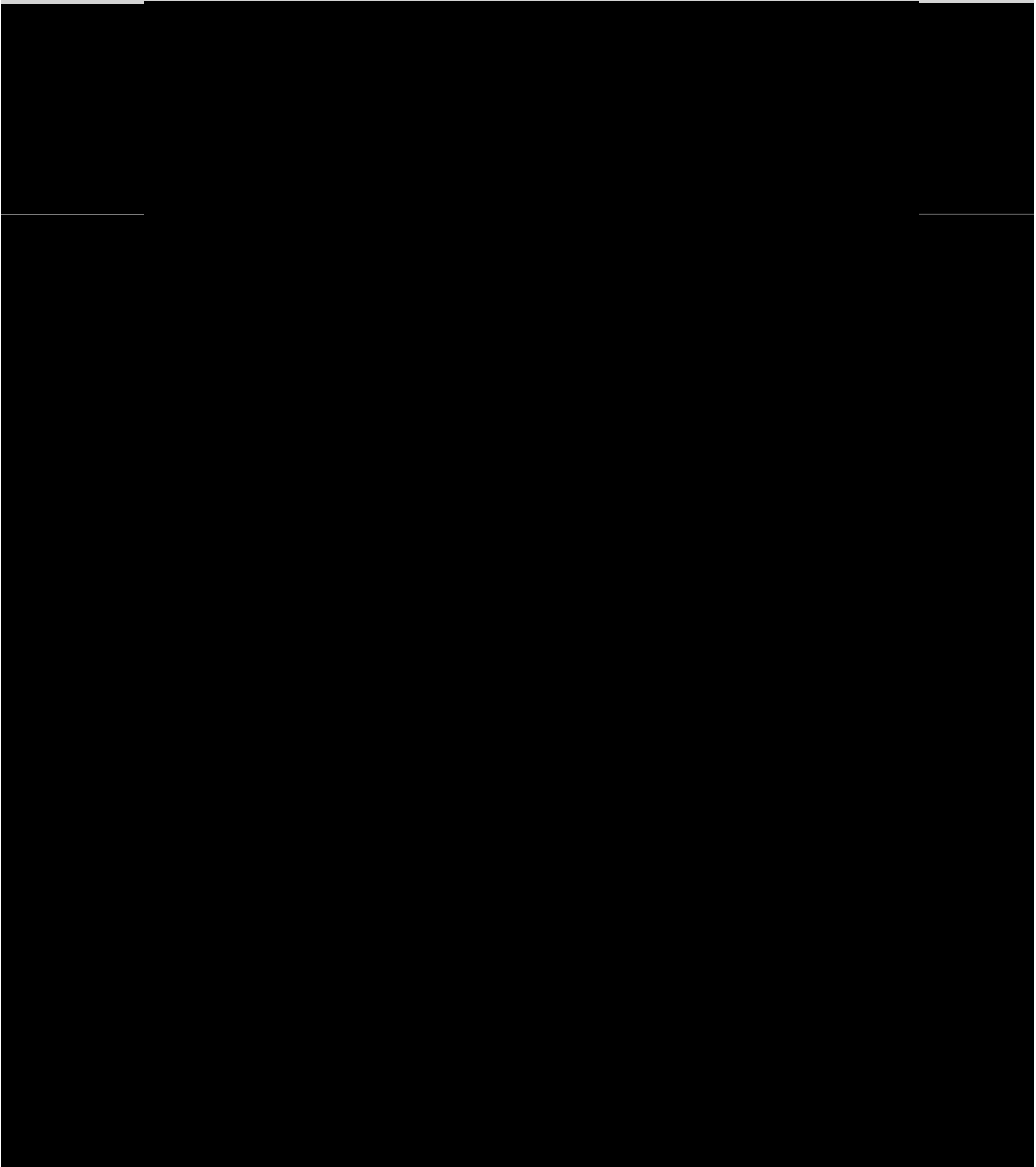


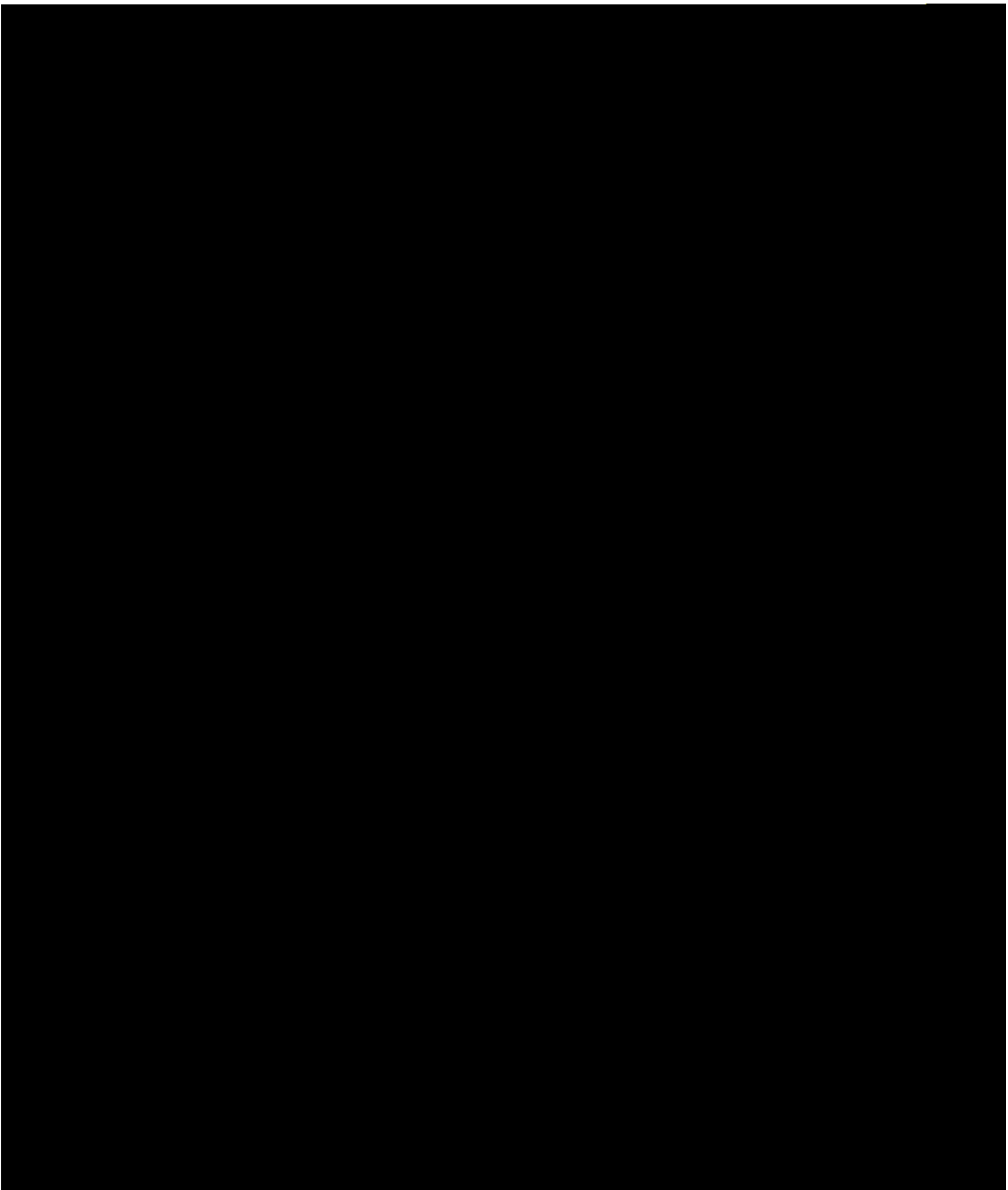


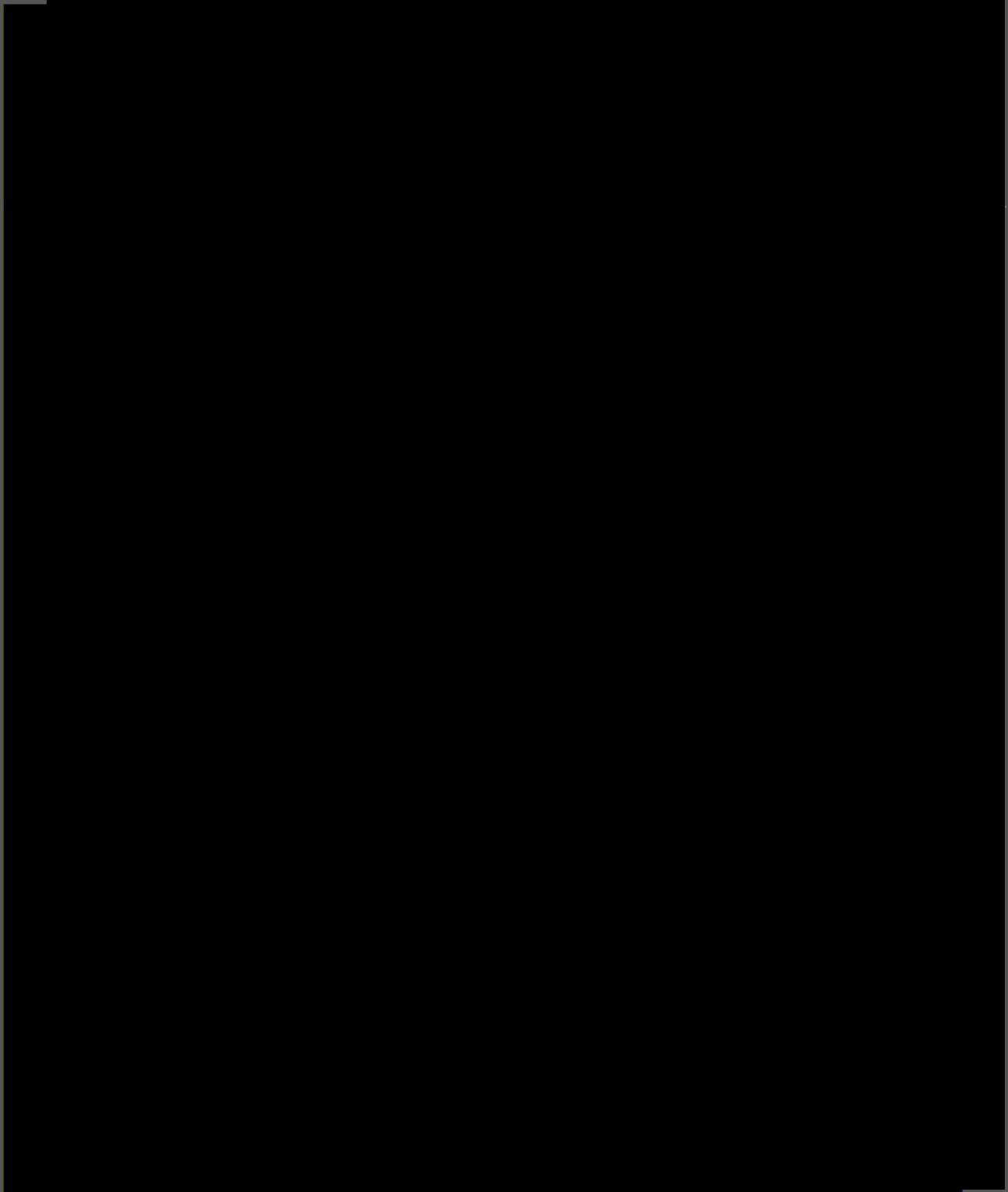


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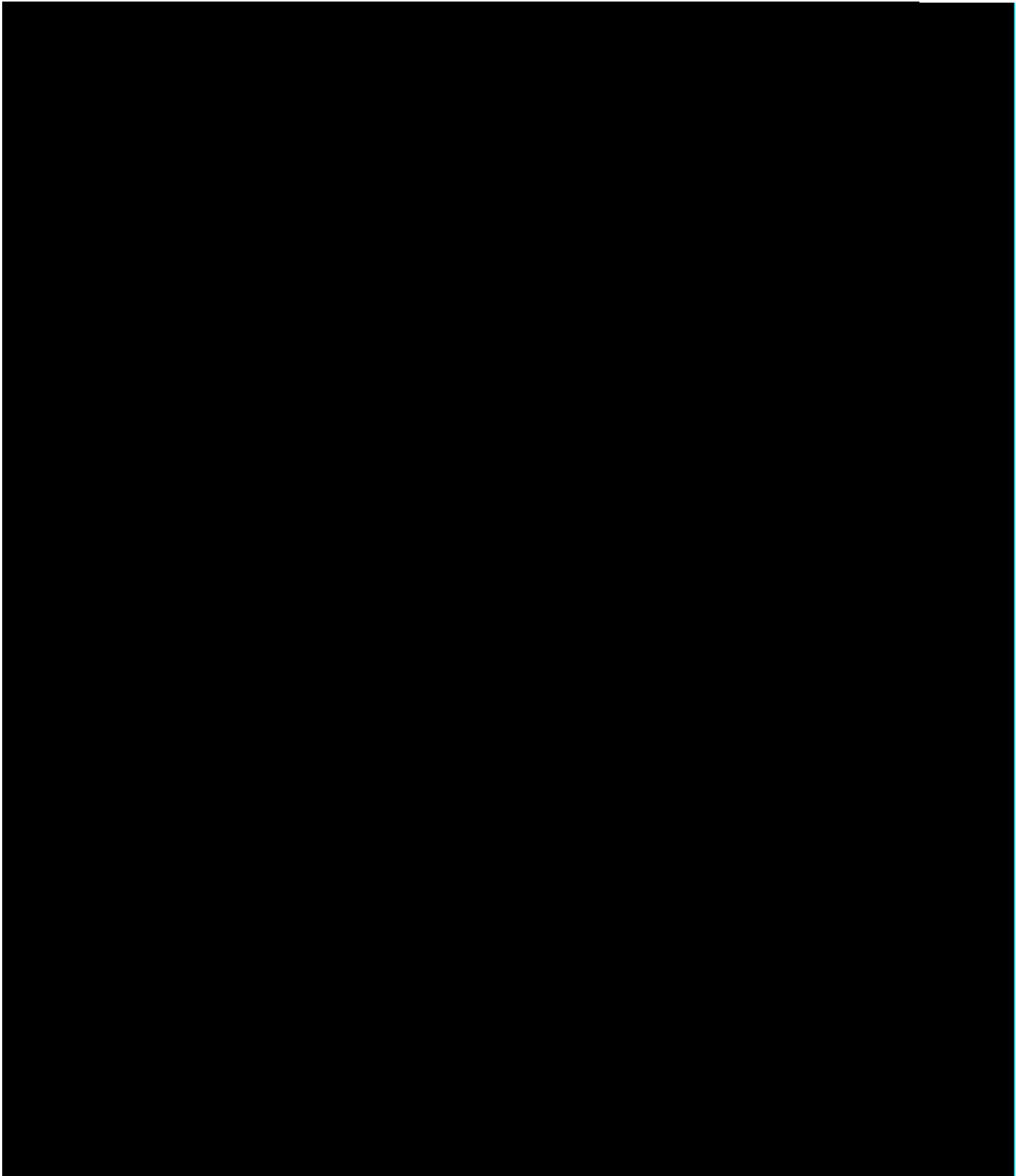


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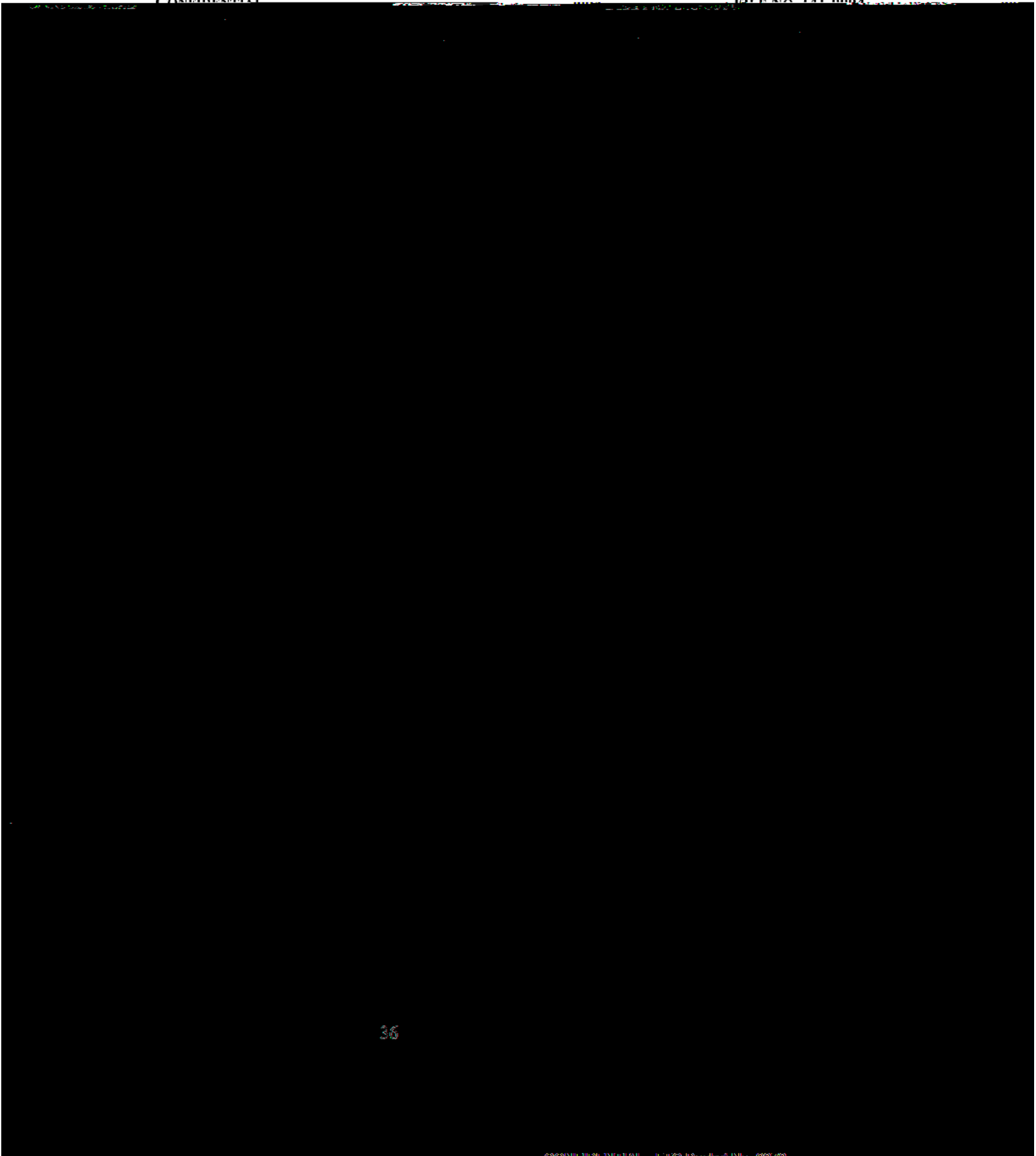
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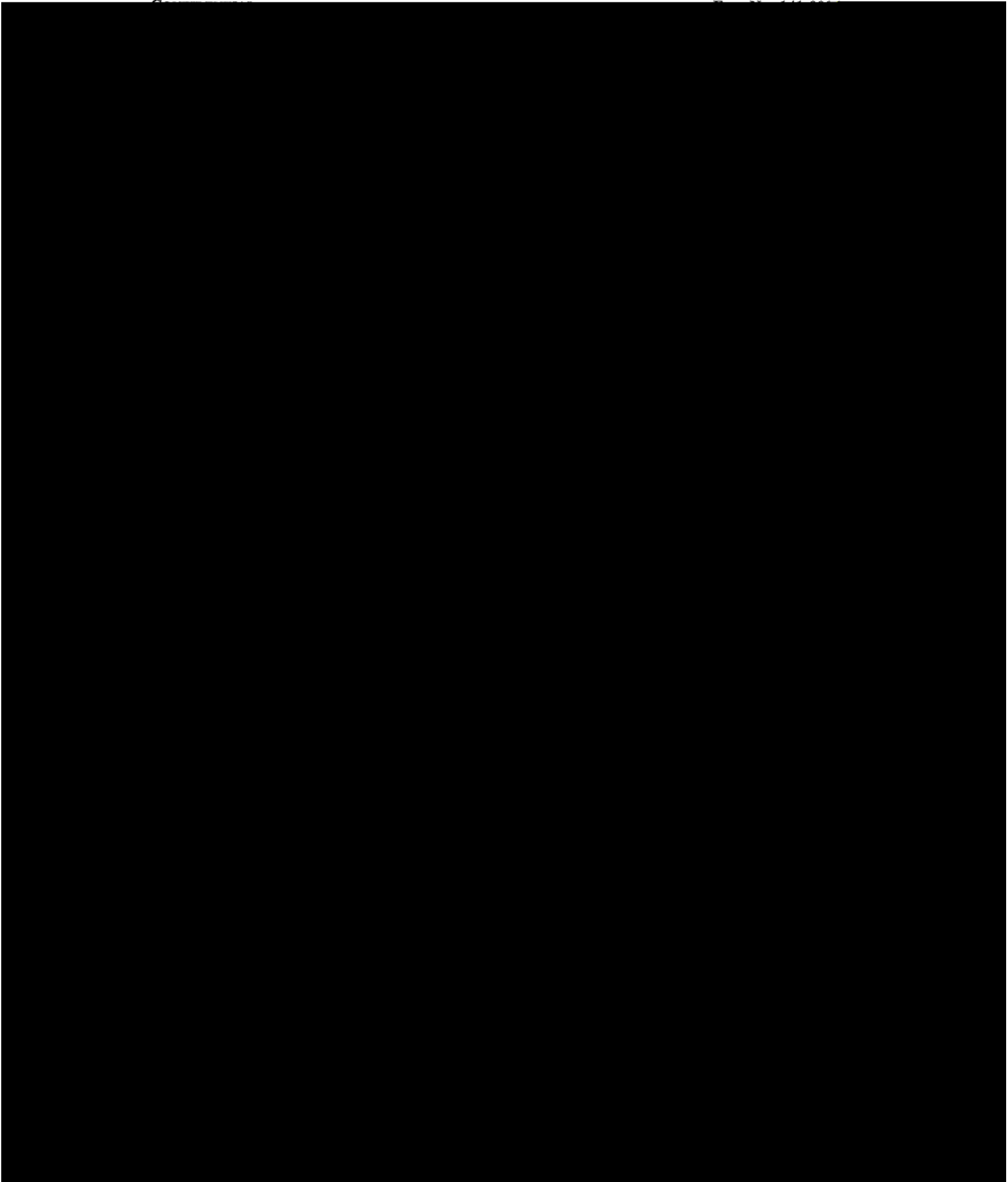
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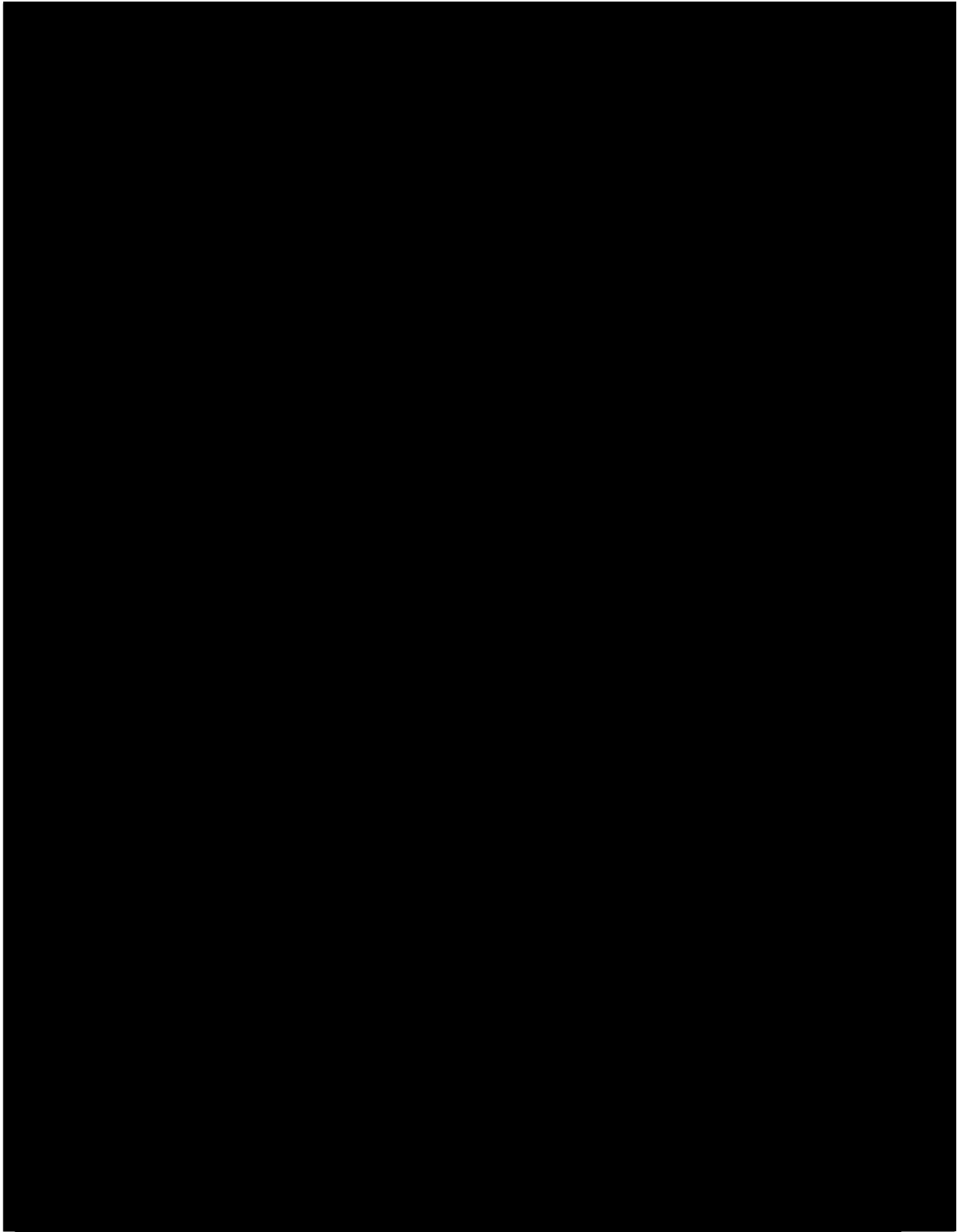
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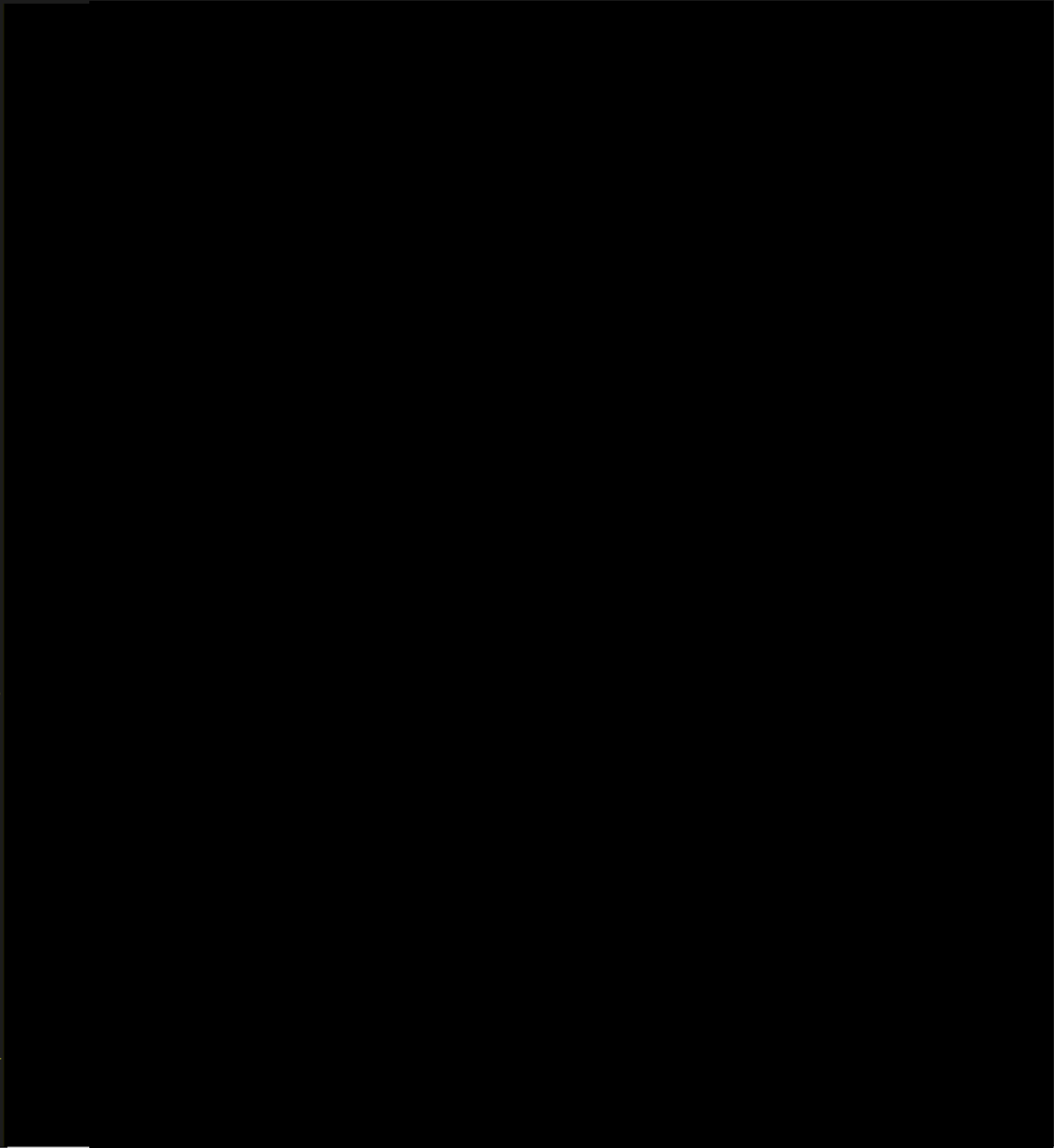
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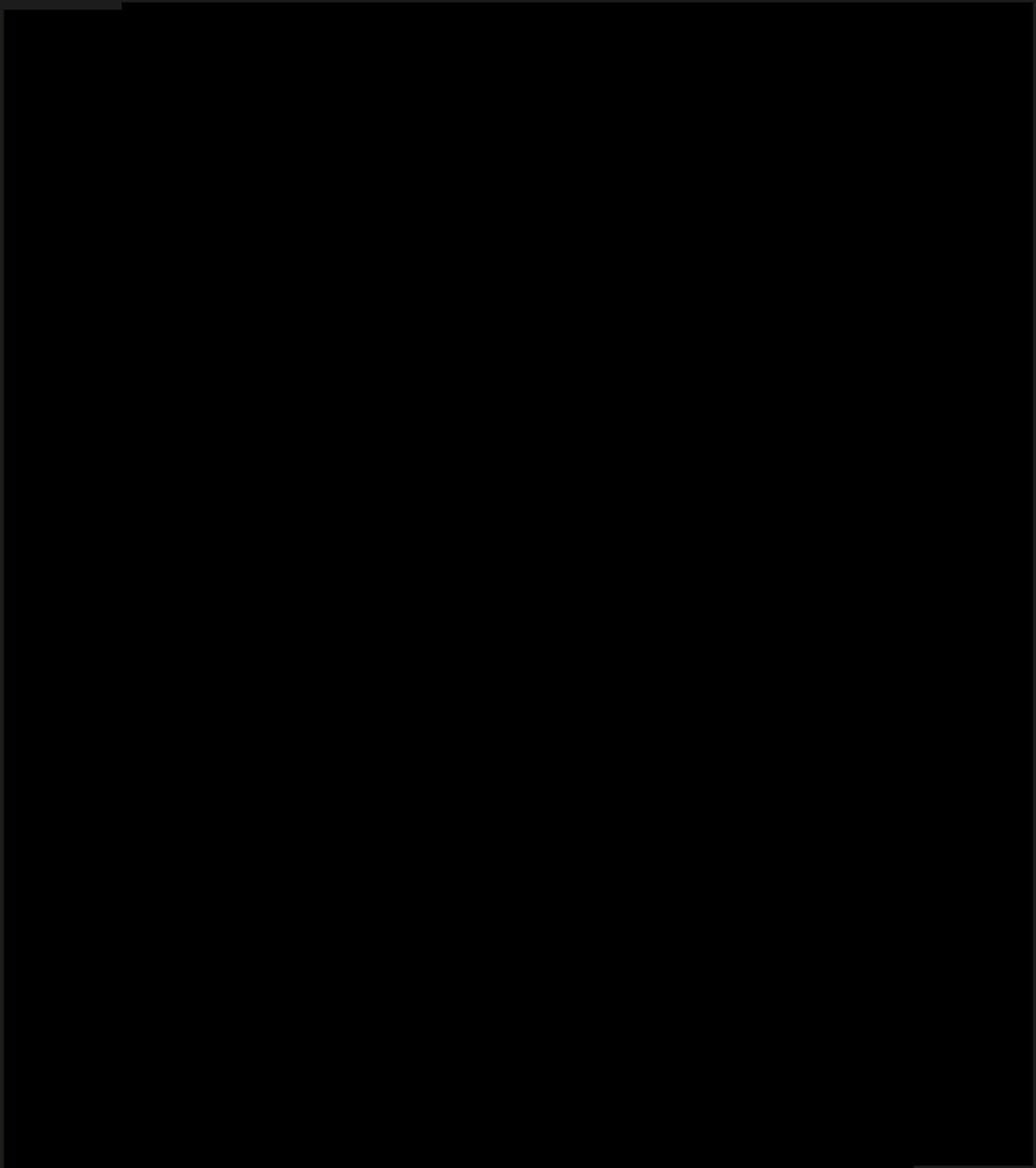
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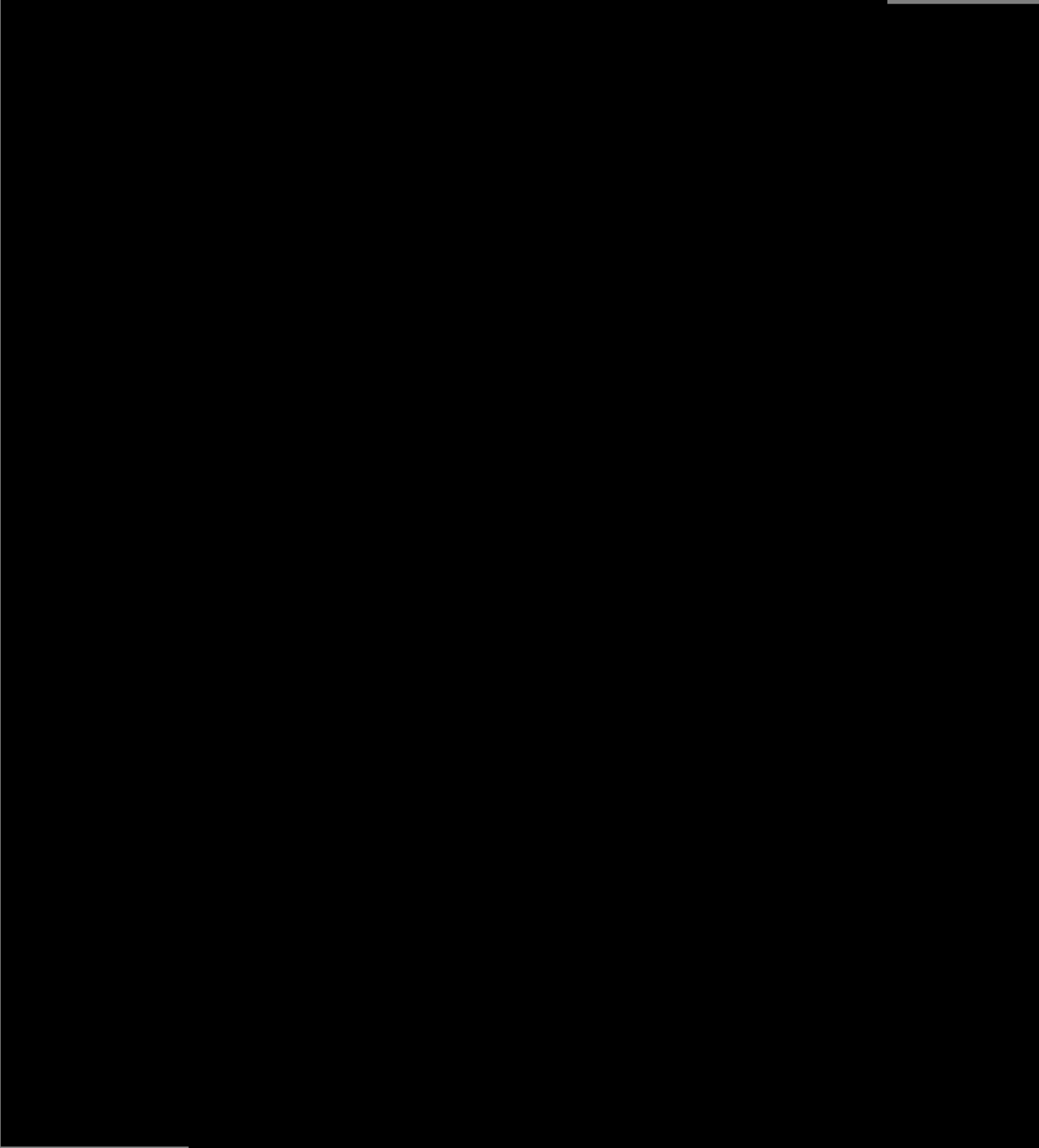


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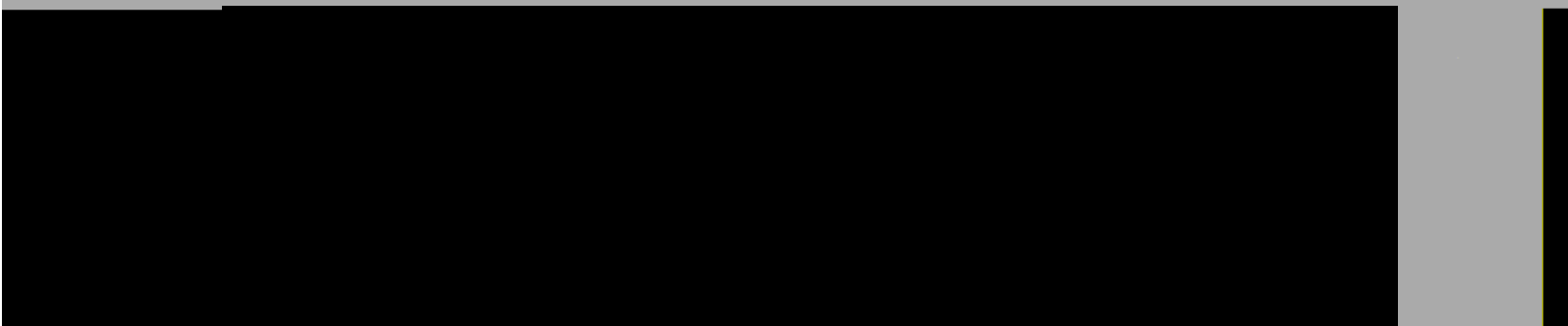
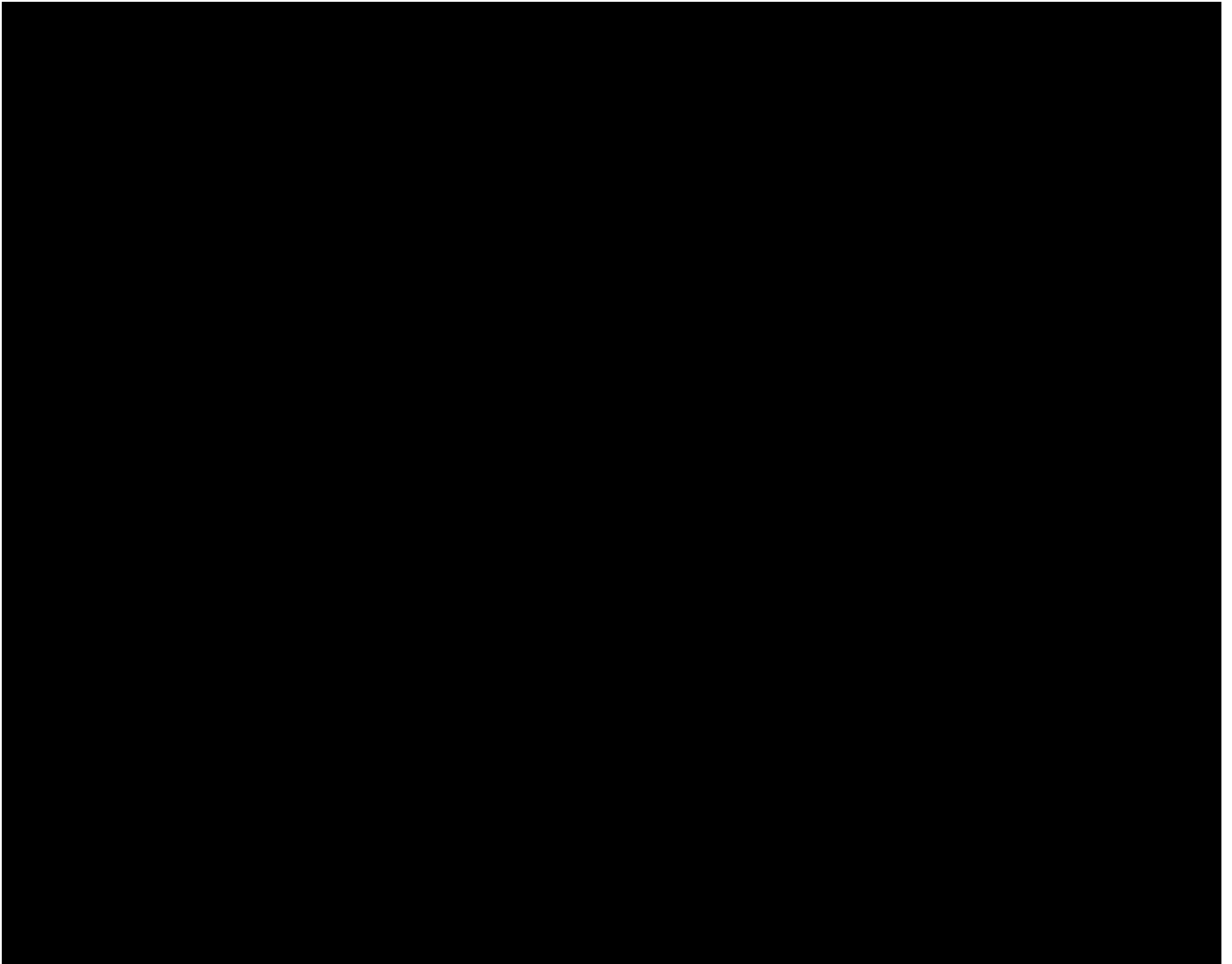
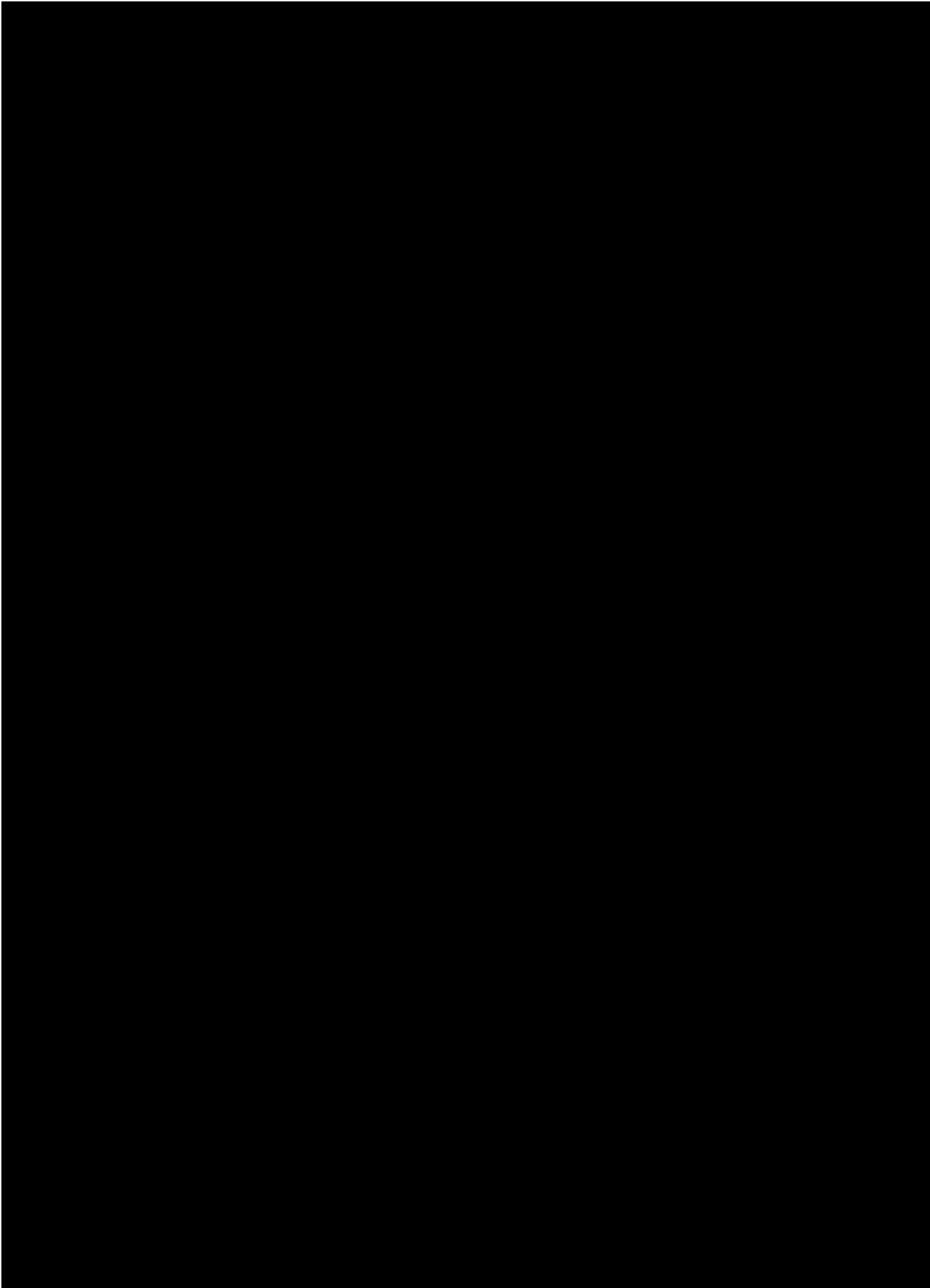
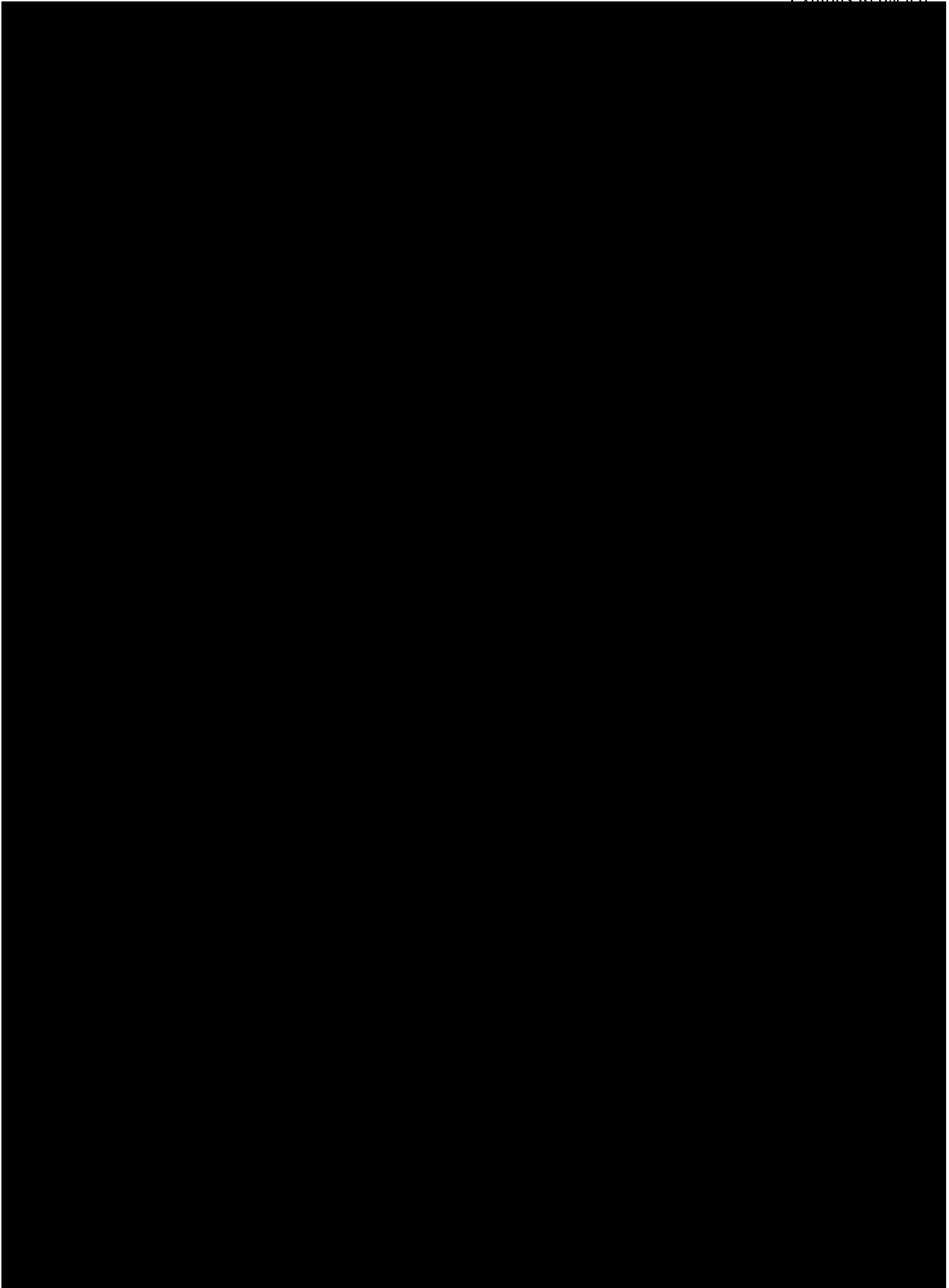
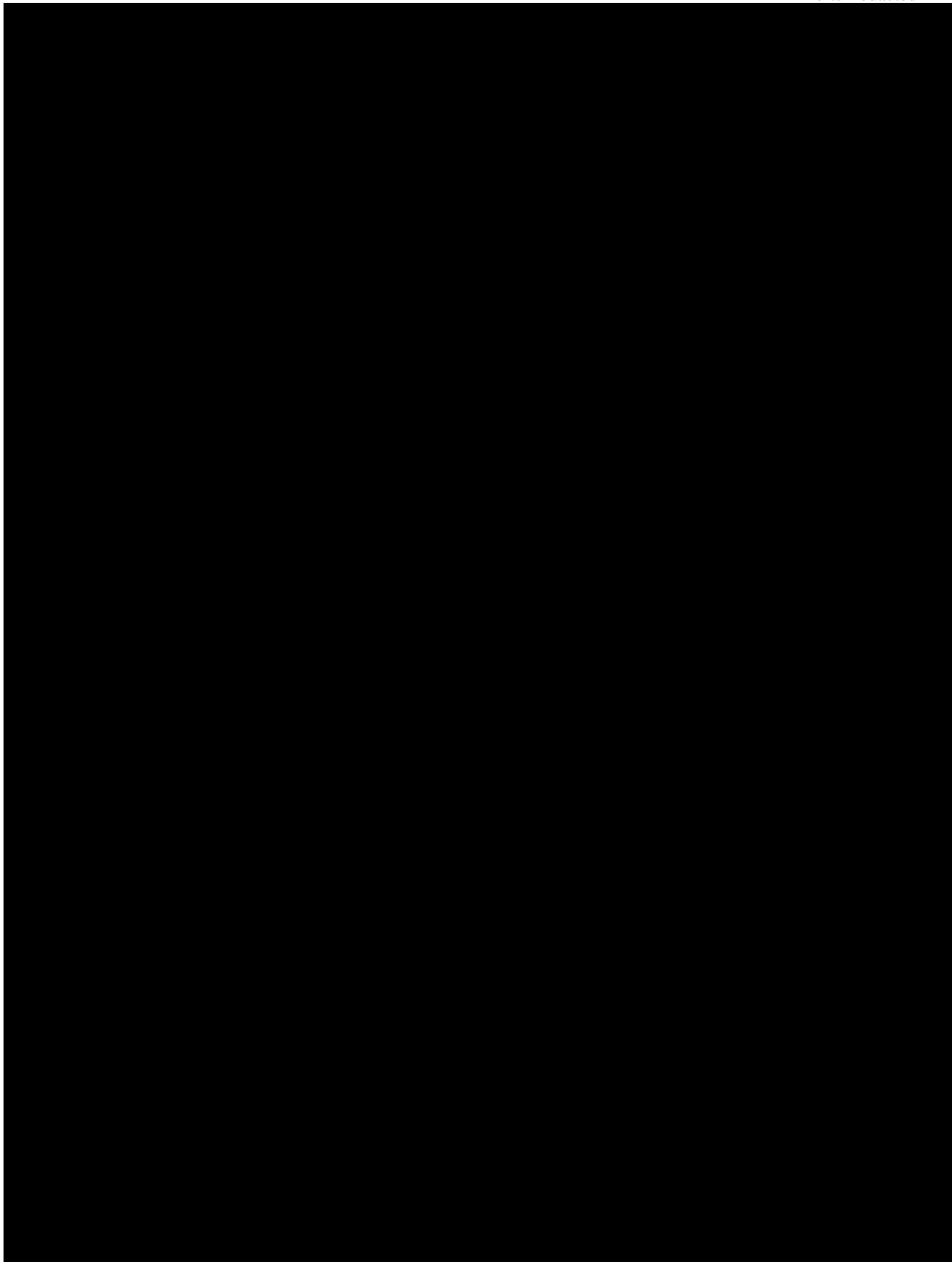


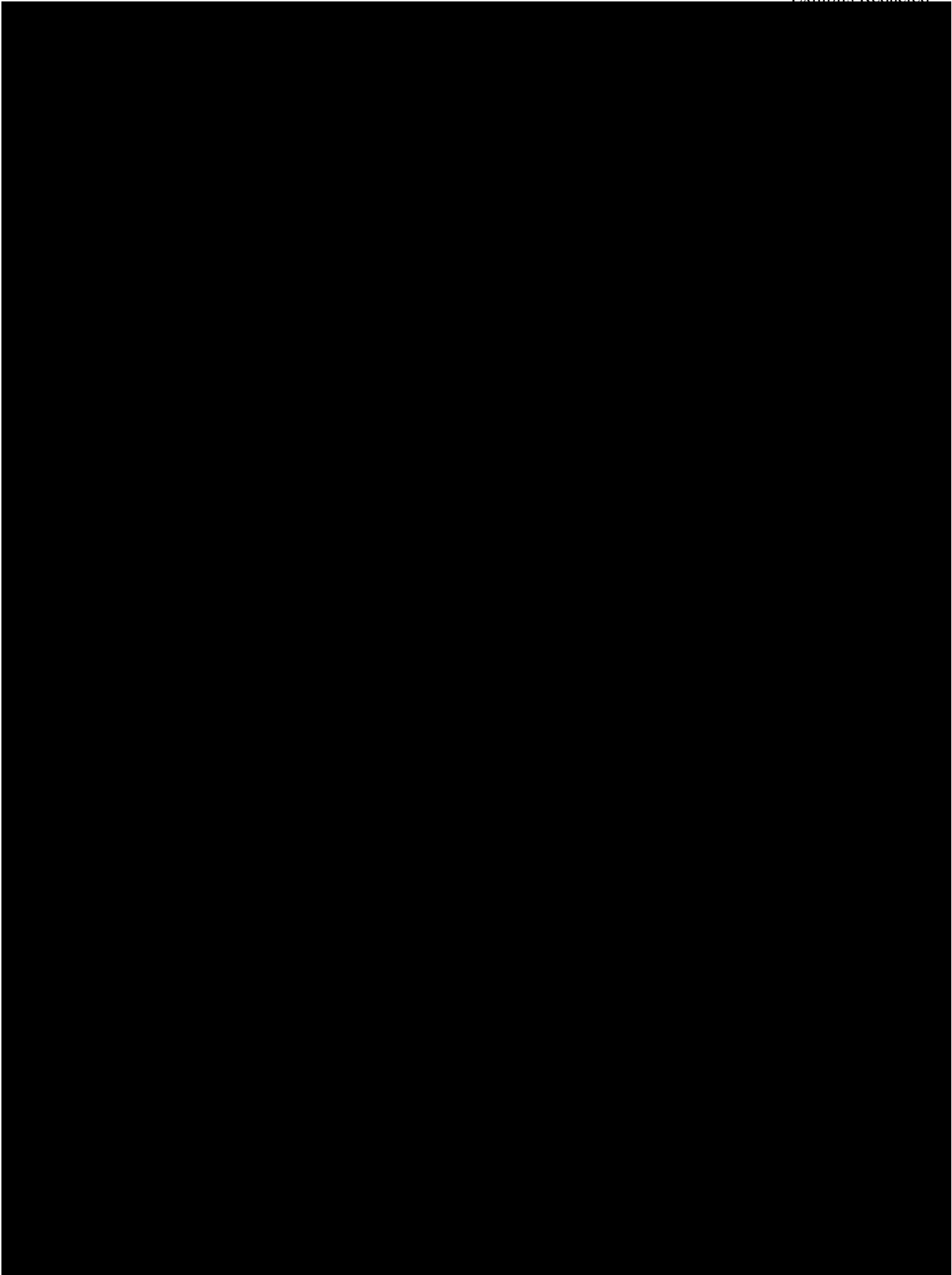
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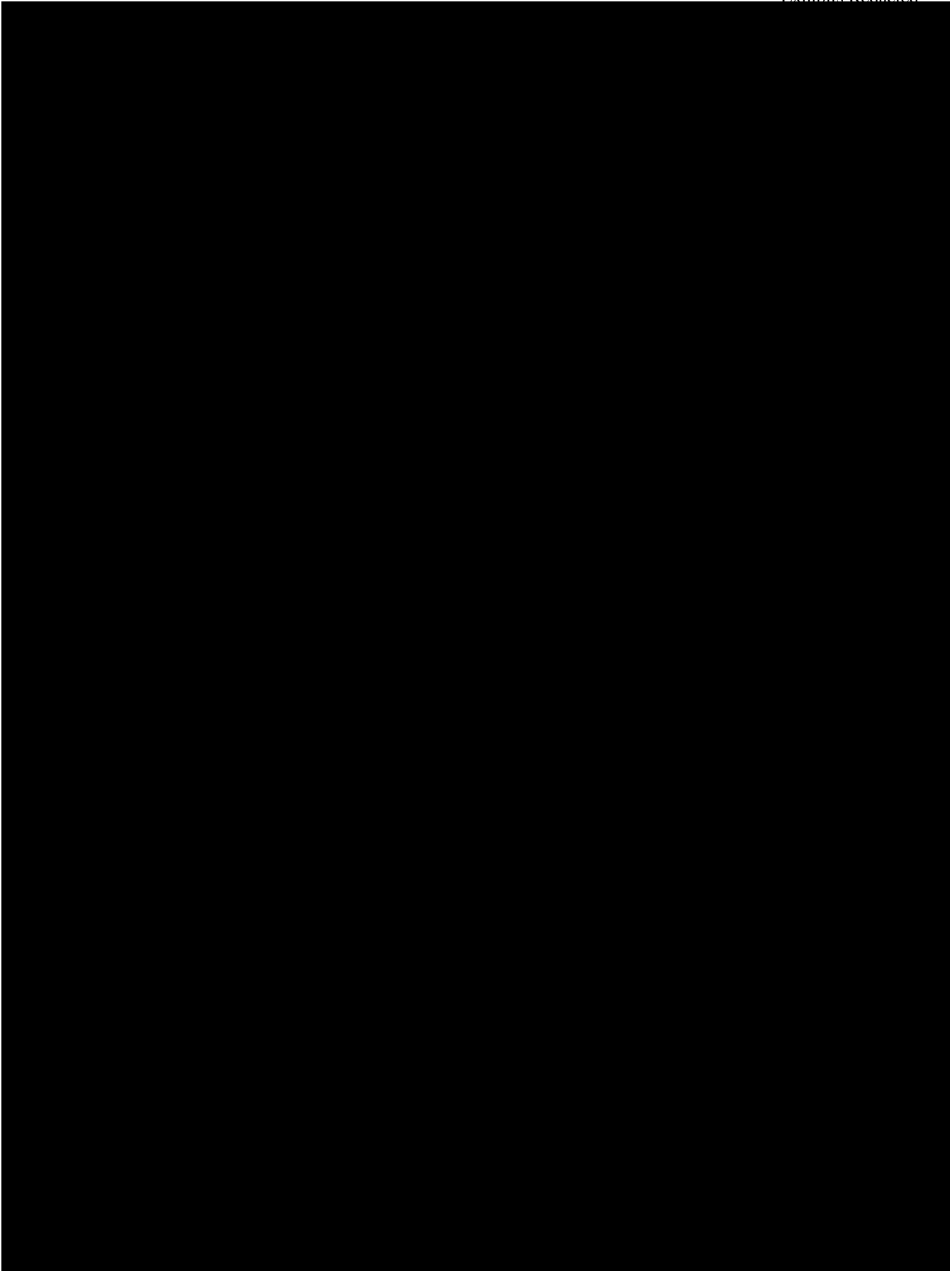


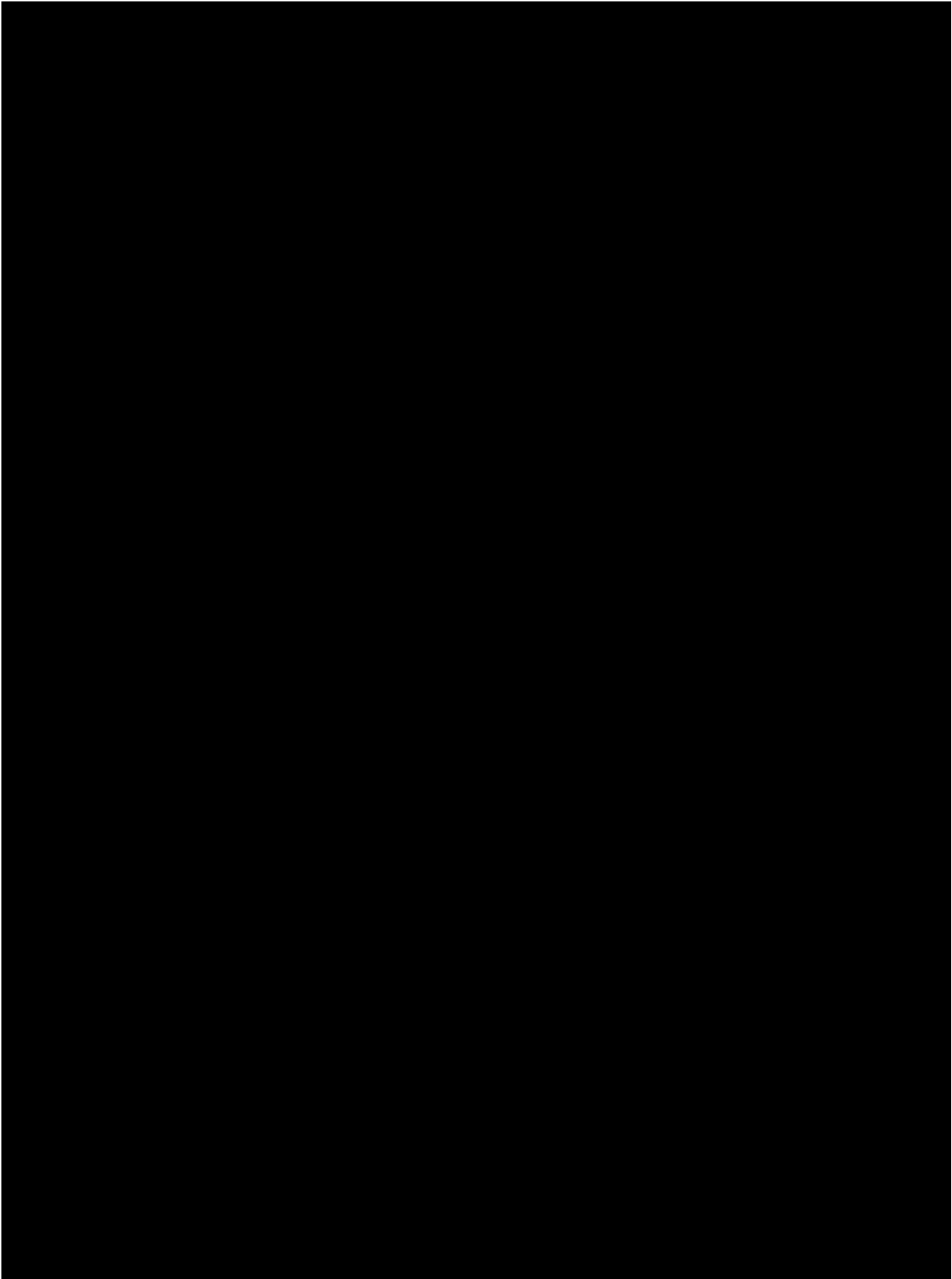












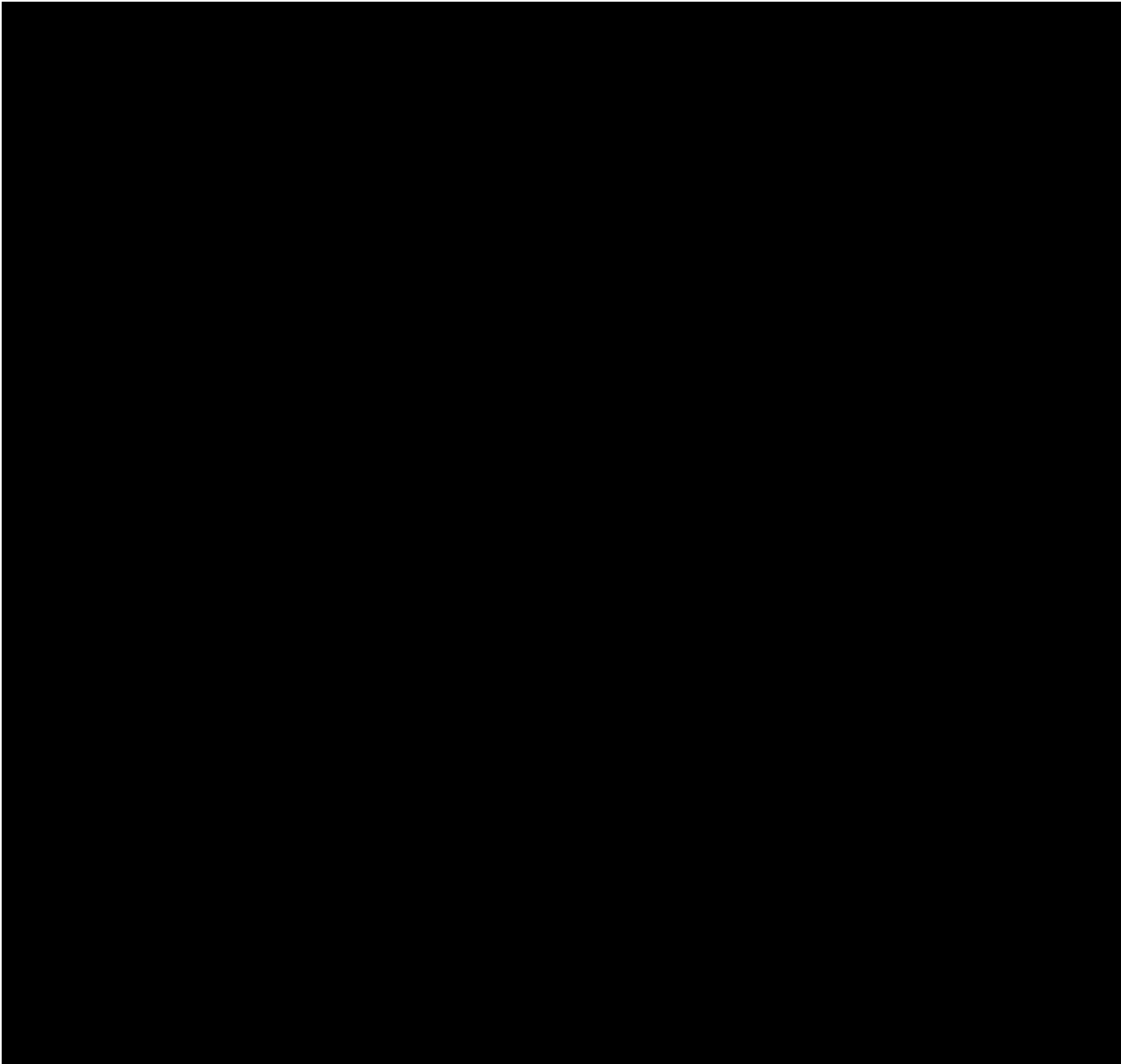
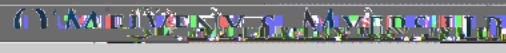


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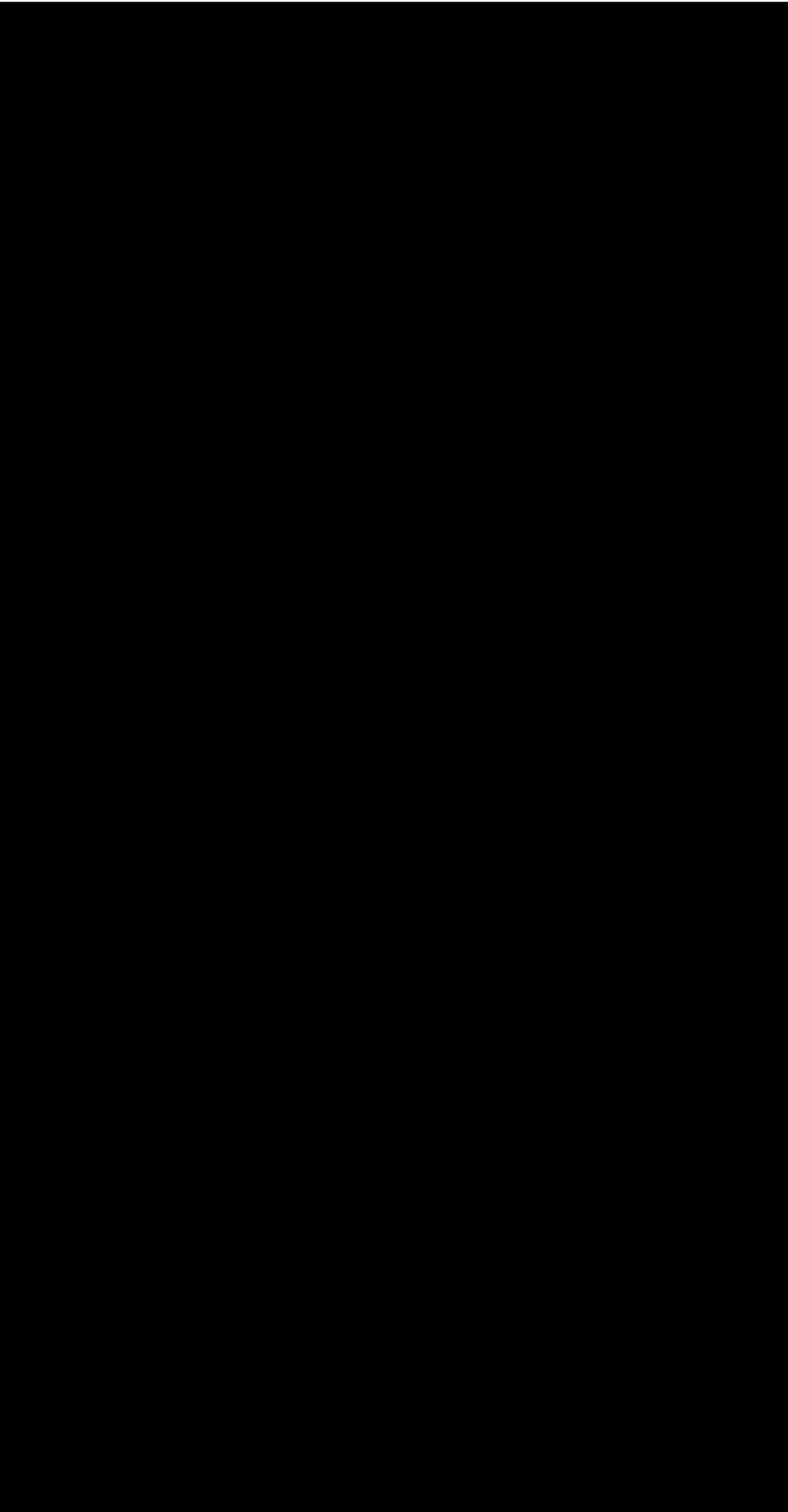
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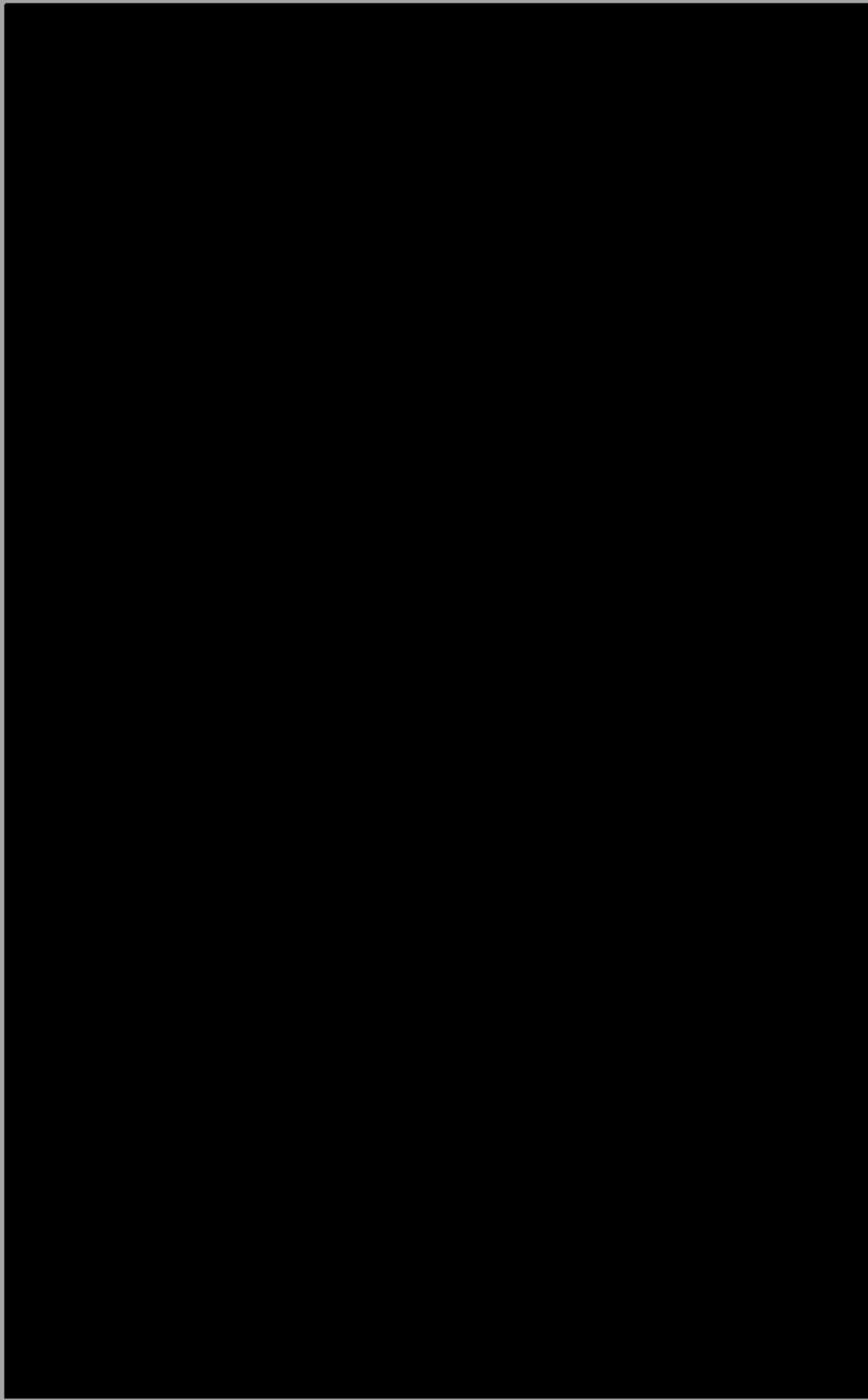
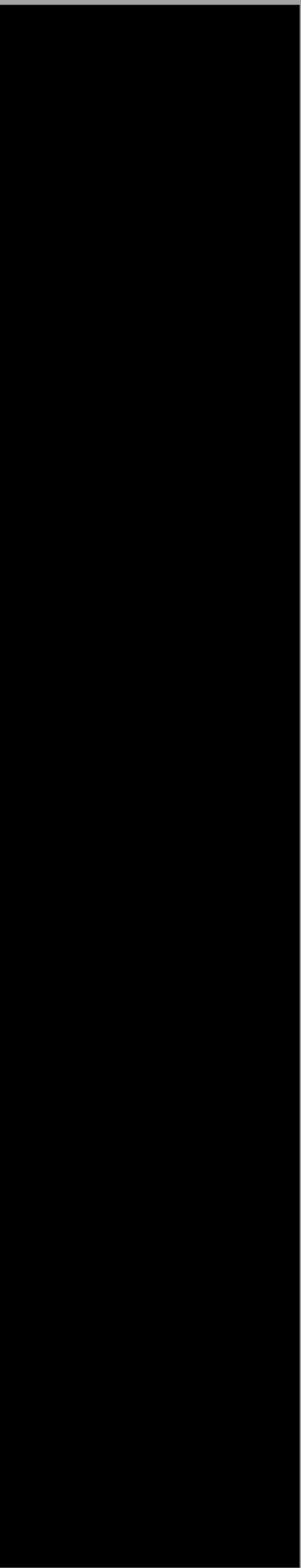
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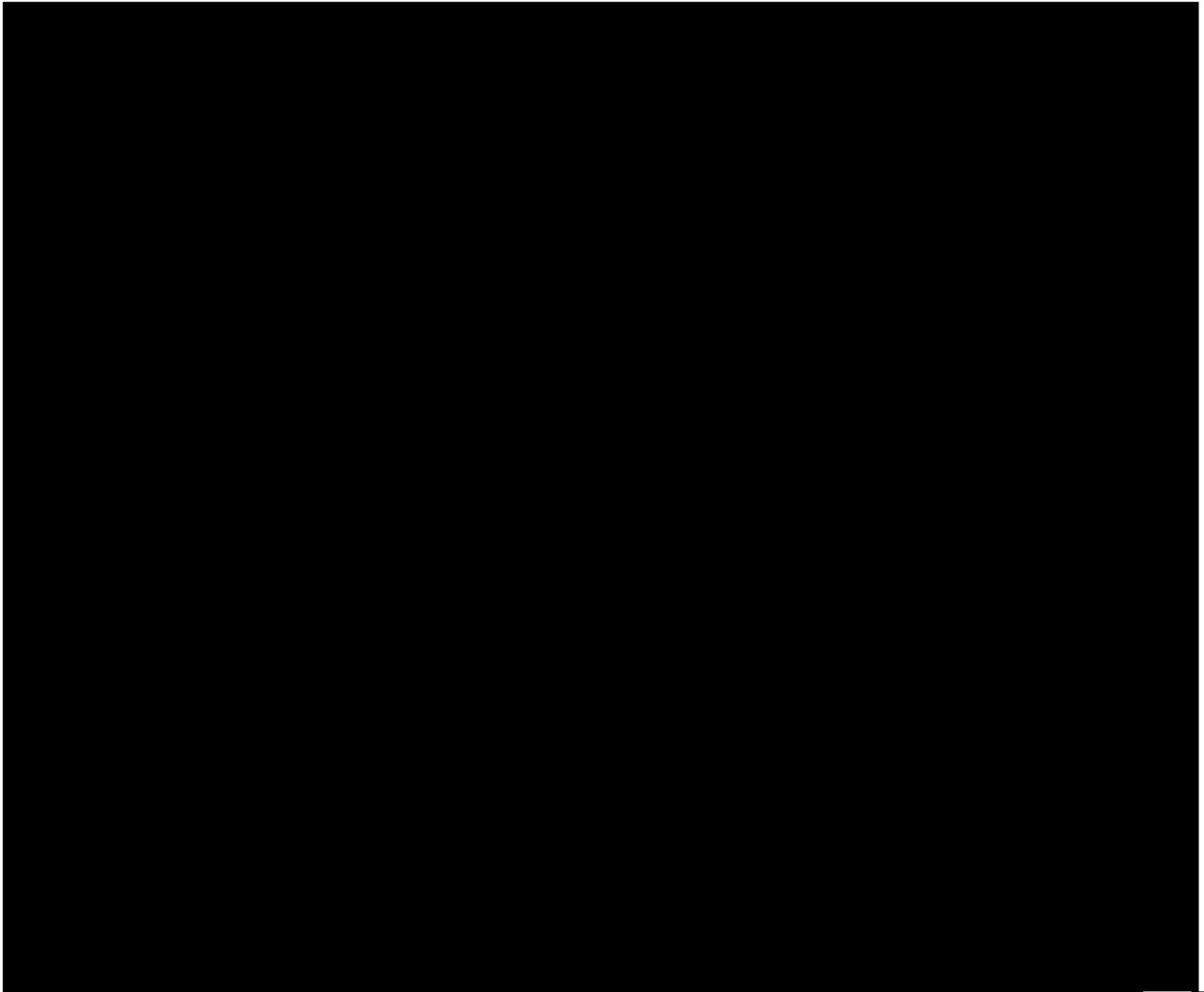
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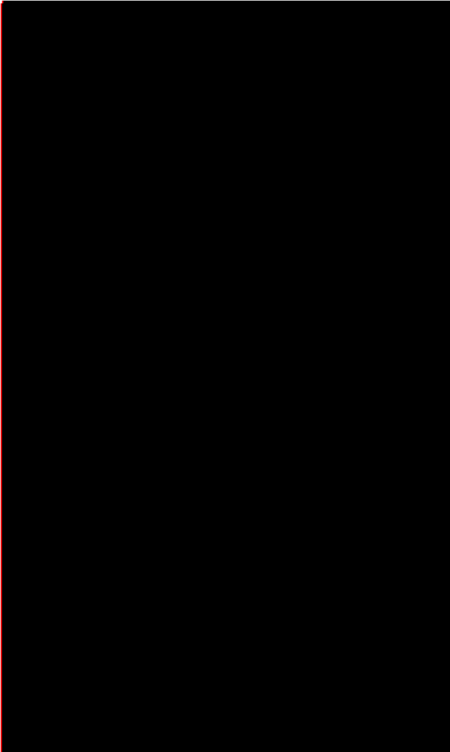
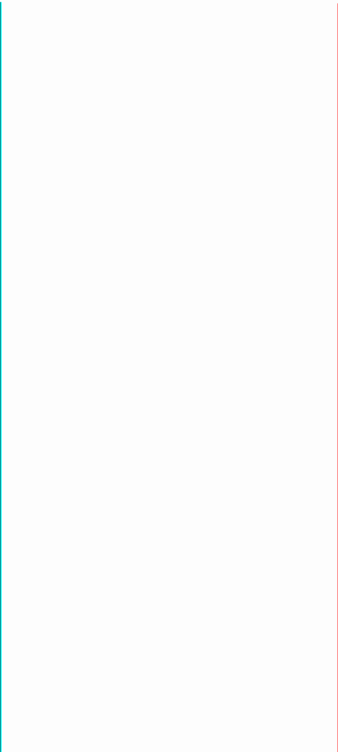
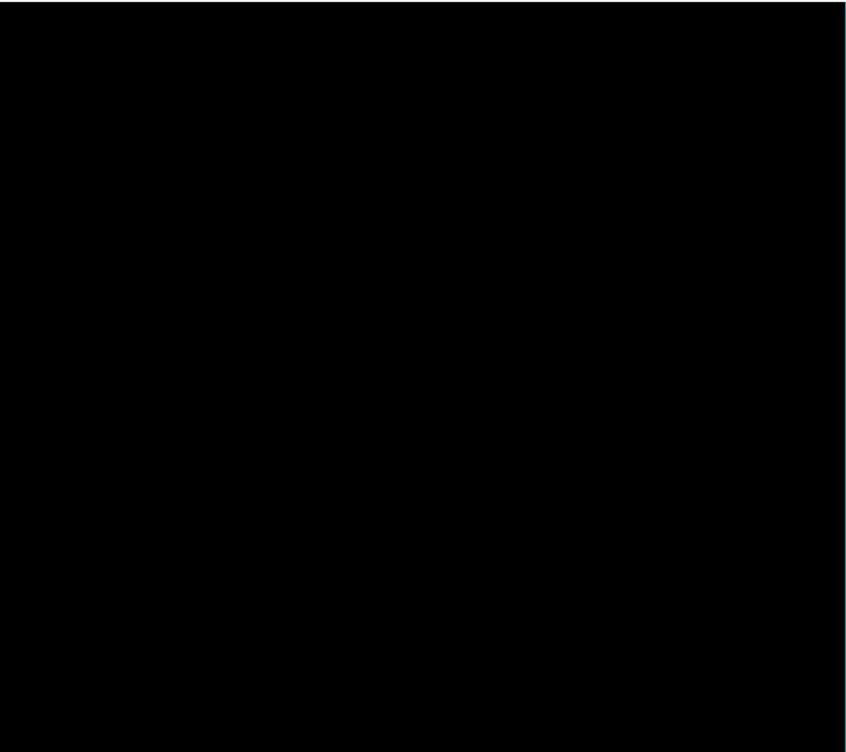
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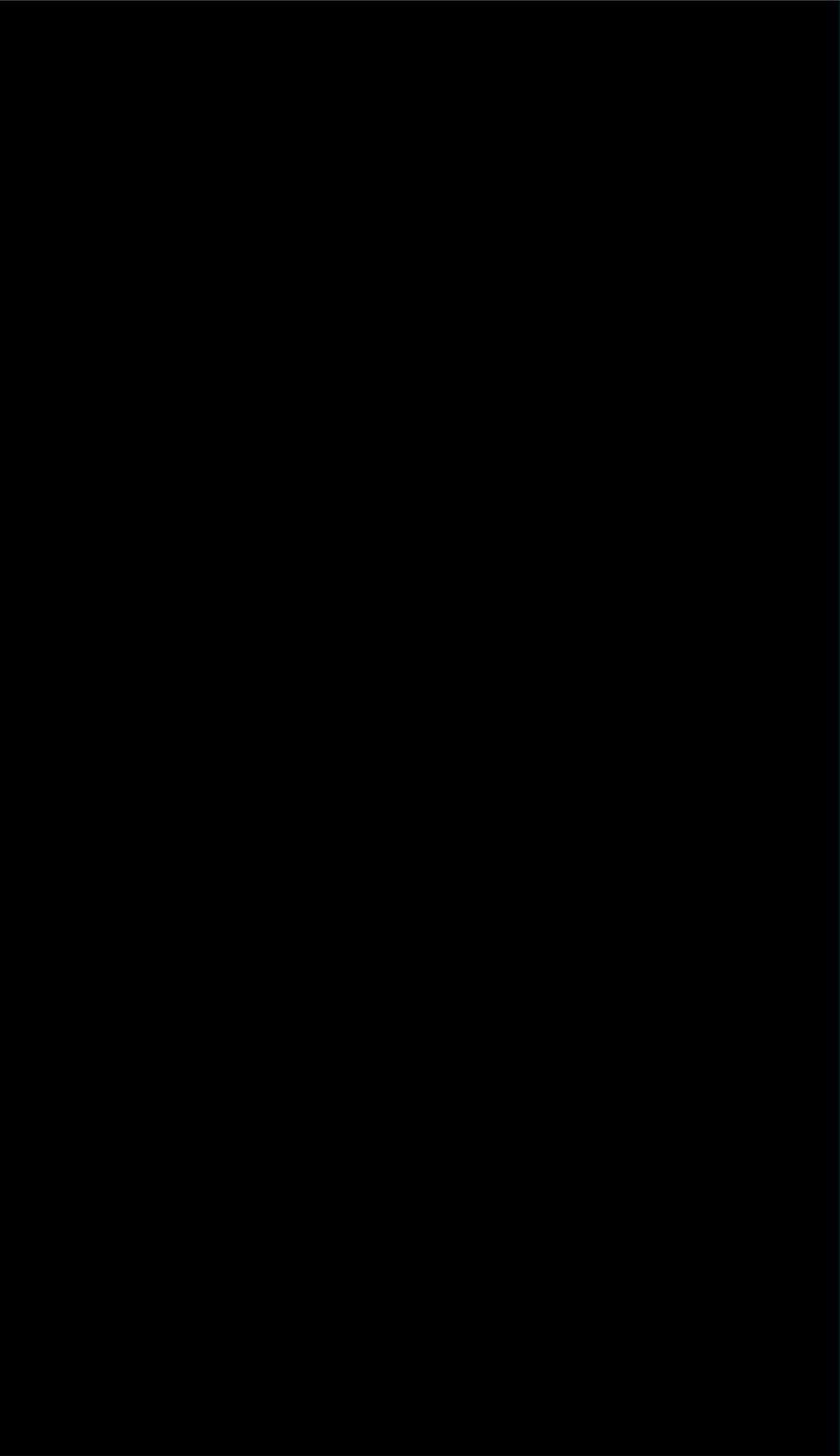
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