

# EXHIBIT 3

COVINGTON & BURLING LLP

1201 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004-2401  
TEL 202.662.6000  
FAX 202.662.6291  
WWW.COV.COM

BEIJING  
BRUSSELS  
LONDON  
NEW YORK  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY  
WASHINGTON

DAVID J. SHAW  
TEL 202.662.5094  
FAX 202.778.5094  
DSHAW@COV.COM

September 18, 2012

**VIA HAND DELIVERY**

June Im, Esq.  
Federal Trade Commission  
Bureau of Competition  
601 New Jersey Avenue, N.W.

Re: File No. 121-0062: ViroPharma

Dear June:

Please find enclosed responses, in part, to Specification 20, 21, 23, 28, and 35.

Confidential

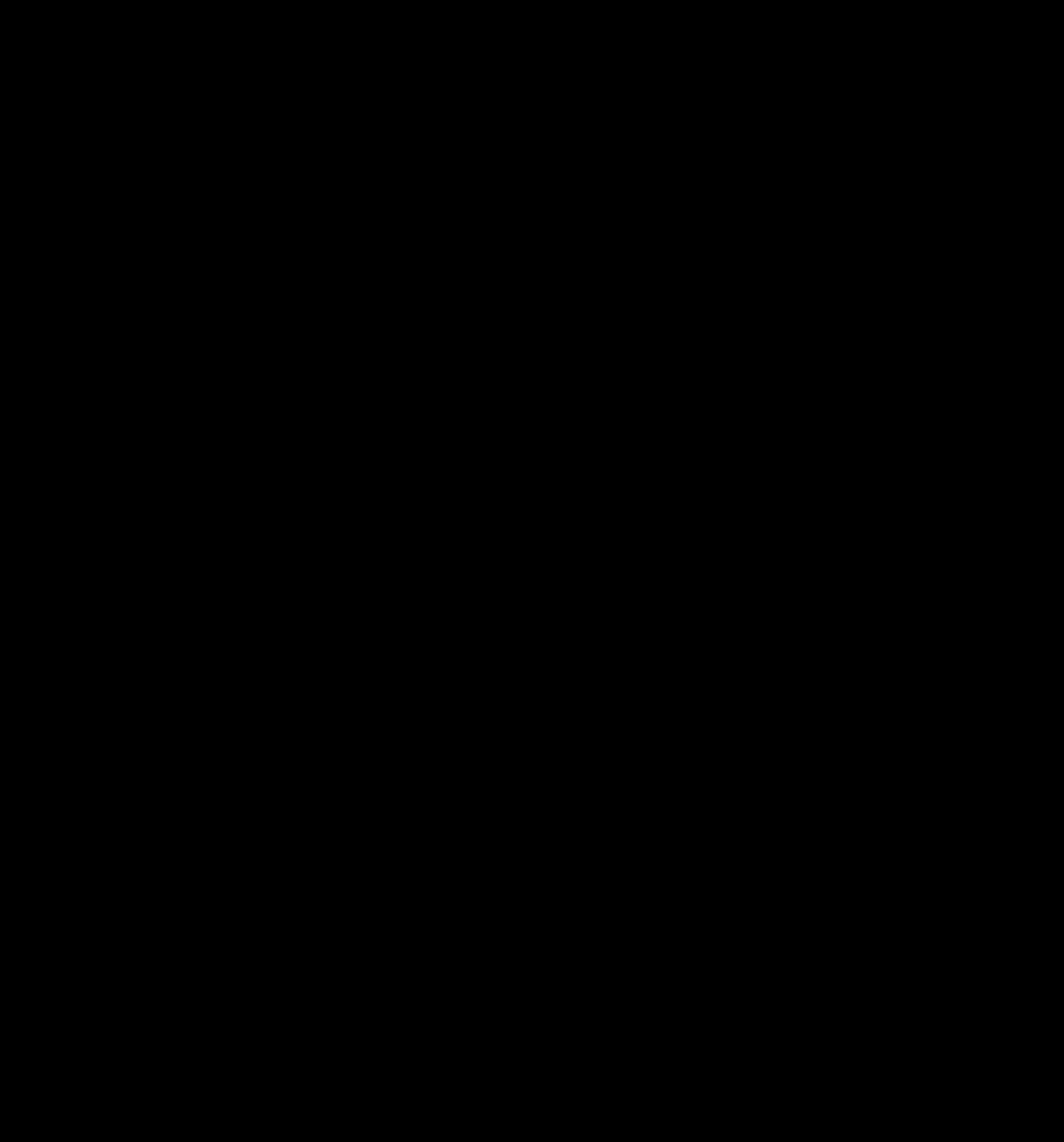
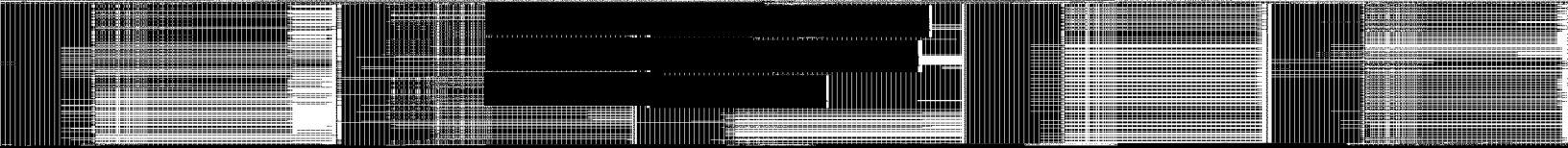
Objections.

A. his/her role;





**Confidential**



in FDA

**SPECIFICATION 21:** Identify ViroPharma's reason(s) for filing the Vancocin Submissions and submit all documents relating to your response.

**Response:**

ViroPharma notified the FDA in order to minimize significant scientific and regulatory issues that arise in connection with the FDA's consideration and adoption of new bioequivalence standards for approving generic versions of Vancocin. Submissions were generally reactive to shifting FDA positions on bioequivalence standards for generic versions of Vancocin. Specific FDA administrative actions (e.g., the convening of advisory committees) and the resulting information made available to the public are necessary to

FOIA litigation, from tests performed by ViroPharma, and from the scientific community.

generally with regard to the documents relating to this specific FOIA request, and to the scientific, legal and regulatory issues raised by the FDA Submissions.

**SPECIFICATION 23:** Identify and describe any assessment ViroPharma made regarding the merits of its Vancocin FDA Submissions, including the names of the individuals responsible for such assessments, and submit all documents relating to your response.

**Response:**

ViroPharma has provided a copy of scientific data to Scientific and Materials

the FDA and other regulatory agencies. ViroPharma has also provided documents regarding the merits of its position on non-privileged documents regarding the Vancocin FDA Submissions. ViroPharma will identify any further specific non-privileged