

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



\_\_\_\_\_  
In the Matter of )  
 )  
Schering-Plough Corporation, )  
a corporation, )  
 )  
Upsher-Smith Laboratories, )  
a corporation, )  
 )  
and )  
 )  
American Home Products Corporation, )  
a corporation )  
\_\_\_\_\_ )

Docket No. 9297

**SCHERING-PLOUGH CORPORATION'S EMERGENCY UNOPPOSED MOTION  
FOR AN EXTENSION OF TIME TO RESPOND TO  
COMPLAINT COUNSEL'S MOTION TO LIMIT OR EXCLUDE  
DUPLICATIVE AND IMPROPER EXPERT WITNESS TESTIMONY**

Respondent Schering-Plough Corporation ("Schering") moves pursuant to Rule 4.3(b), 16 C.F.R. § 4.3(b) for an extension of time from close of business January 10, 2002 until January 14, 2002 at 2:00 p.m. to respond to Complaint Counsel's Motion *In Limine* To Limit Or Exclude Duplicative And Improper Expert Testimony.

Under the Third Revised Scheduling Order, Schering's response to Complaint Counsel's motion *in limine* to limit or exclude testimony by Schering's experts is due on January 10, 2002. In its Order dated January 8, 2002, the Court granted complaint counsel's motion for an extension until January 14 at 2:00 p.m. to respond to the motions *in limine* filed by respondents in this matter. After receiving the Court's order, one of Schering's lead counsel who is working on Schering's response to Complaint Counsel's motion *in limine* learned that he would have to be out of town on January 10. A second lead counsel who is working on Schering's response

will also have to be out of town all day on January 10. In light of the Court's January 8 Order and Schering's counsel's unexpected travel, Complaint Counsel has consented to Schering's request that its response to Complaint Counsel's motion *in limine* be due on the same day as Complaint Counsel's responses to Schering's motions. Therefore, Schering respectfully requests that it be permitted to respond to Complaint Counsel's motion by January 14 at 2:00 p.m.

While Complaint Counsel filed only one motion *in limine* against Schering, the motion raises challenges to testimony by six different experts on several distinct factual and legal grounds. An extension of its response date until January 14 will permit Schering to provide the Court with more fully developed responses to the important issues.

For the foregoing reasons, Schering requests that it be granted an extension to January 14, 2002 at 2:00 p.m. to respond to Complaint Counsel's Motion To Limit Or Exclude Duplicative And Improper Expert Testimony.

Respectfully submitted,



---

John W. Nields, Jr.  
Marc G. Schildkraut  
Laura S. Shores  
Charles A. Loughlin  
HOWREY SIMON ARNOLD & WHITE LLP  
1299 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(202) 783-0800

Attorneys for Respondent  
Schering-Plough Corporation

Dated: January 9, 2002

CERTIFICATE OF SERVICE

I hereby certify that this 9th day of January 2002, I caused an original, one paper copy and an electronic copy of Respondent Schering-Plough Corporation's Emergency Unopposed Motion for an Extension of Time to Respond to Complaint Counsel's Motion to Limit or Exclude Duplicative and Improper Expert Witness Testimony and accompanying papers to be filed with the Secretary of the Commission, and that two paper copies were served by hand upon:

Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
Room 104  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

and one paper copy was hand delivered upon:

David Pender  
Assistant Director, Bureau of Competition  
Federal Trade Commission  
Room S-3115  
601 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Karen Bokar  
Federal Trade Commission  
Room 3410  
601 Pennsylvania Ave, N.W.  
Washington, D.C. 20580

Christopher Curran  
White & Case LLP  
601 13th St., N.W.  
Washington, D.C. 20005



Erik T. Koons

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

In the Matter of )

Schering-Plough Corporation, )  
a corporation, )

Upsher-Smith Laboratories, )  
a corporation, )

and )

American Home Products Corporation, )  
a corporation )

Docket No. 9297

**ORDER GRANTING SCHERING-PLOUGH CORPORATION'S  
EMERGENCY UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO  
RESPOND TO COMPLAINT COUNSEL'S MOTION TO LIMIT OR EXCLUDE  
DUPLICATIVE AND IMPROPER EXPERT WITNESS TESTIMONY**

IT IS HEREBY ORDERED that Schering-Plough Corporation's Emergency Unopposed Motion for an Extension of Time To Respond to Complaint Counsel's Motion to Limit or Exclude Duplicative and Improper Expert Witness Testimony is hereby GRANTED.

\_\_\_\_\_  
D. Michael Chappell  
Administrative Law Judge

Date: \_\_\_\_\_, 2002