

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



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

Docket No. 9297

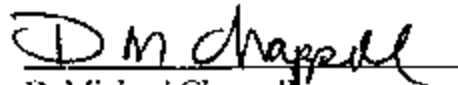
**ORDER ON BRISTOL-MYERS SQUIBB COMPANY'S
UNOPPOSED MOTION FOR *IN CAMERA* TREATMENT**

On January 22, 2002, non-party Bristol-Myers Squibb Co. ("BMS") filed an unopposed motion seeking *in camera* treatment for certain highly confidential information, pursuant to 16 C.F.R. § 3.45(b). In support of its motion, outside counsel for BMS argues that the documents consist of confidential proprietary information pertaining to prices, profits and strategies for one of its generic products. BMS seeks *in camera* treatment for a period of five years.

BMS has narrowly tailored its request. Upon review of the material submitted and the arguments made by outside counsel, the documents for which BMS seeks *in camera* treatment appear to qualify for such protection for a period of five years. However, BMS has not provided a declaration or affidavit from a person within the company in a position to provide evidence that public disclosure of the documents would result in a clearly defined, serious injury to the corporation whose records are at issue.

BMS's motion is DENIED WITHOUT PREJUDICE. BMS has until February 5, 2002 to file a declaration or affidavit in support of its motion. Pursuant to 16 C.F.R. § 3.45(g), BMS's documents will be given a provisional grant of *in camera* status until February 15, 2002.

ORDERED:


D. Michael Chappell
Administrative Law Judge

Date: January 25, 2002