

PUBLIC VERSION

UNITED STATES OF AMERICA  
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

**KOS PHARMACEUTICALS, INC.'S  
MOTION FOR EXTENSION OF TIME TO  
RE-FILE MOTIONS FOR *IN CAMERA* TREATMENT**

KOS PHARMACEUTICALS, INC. ("Kos"), by and through undersigned counsel hereby files this Motion for Extension of Time to Re-File Motions for *In Camera* Treatment, and in support thereof, states as follows:

1. On January 24, 2002, this Court entered an Order denying, without prejudice, Kos' previous motions for protective order or in the alternative for *in camera* treatment of several documents and allowing Kos until January 31, 2002 to re-file its motions meeting the standards set forth in 16 C.F.R. § 3.45.

2. In an effort to appropriately comply with this Court's Order, Kos requests an extension of time, up to and including February 8, 2002, to re-file its motions.

3. Kos needs this extension due to the fact that the documents at issue were identified by the Federal Trade Commission's own bates numbers which are different from Kos' bates numbers. Accordingly, Kos must match the subject documents with the different bates numbers to ensure accuracy and make the proper determination as to which Kos documents meet the standards for *in camera* treatment.

4. Thus, on the basis of the foregoing, it is respectfully submitted that good cause exists to allow Kos up to and including February 8, 2002 to re-file its motions requesting *in camera* treatment of certain documents. It is respectfully submitted that said request is not being propounded for dilatory purposes.

WHEREFORE, Kos moves this Court for entry of an Order extending the time, up to and including February 8, 2002, to re-file its motions requesting *in camera* treatment of certain documents.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this 30<sup>th</sup> day of January, 2002, I caused an original, one paper copy and an electronic copy of the foregoing Kos Pharmaceuticals, Inc.'s Motion for Extension to Re-File Motions for *In Camera* Treatment to be filed with the Secretary of the Commission, and that two paper copies were served by Federal Express upon:

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

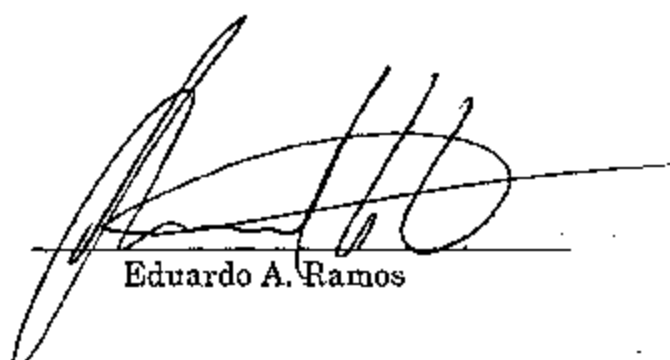
and one paper copy was mailed to:

David Pender, Esquire, Assistant Director  
Federal Trade Commission, Bureau of Competition, Health Care Division  
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