

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

COMMISSIONERS: Timothy J. Muris, Chairman
Sheila F. Anthony
Mozelle W. Thompson
Orson Swindle
Thomas B. Leary

In the Matter of

SCHERING-PLOUGH CORPORATION,
a corporation,

UPSHER-SMITH LABORATORIES, INC.,
a corporation,

and

AMERICAN HOME PRODUCTS CORPORATION,
a corporation.

Docket No. 9297

**COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE
INDEX RELATING INITIAL DECISION FINDINGS OF FACT TO
COMPLAINT COUNSEL'S REPLY FINDINGS**

Complaint counsel believe an index that correlates initial decision findings of fact that are based on respondents' proposed findings with our reply findings would aid the Commission's review of the initial decision. Because inclusion of the attached index in our appeal brief might exceed the word limit set forth in the Commission's July 25, 2002 order, we request leave to file this index.

Respectfully submitted

Karen G. Bokat
Bradley S. Albert
Counsel Supporting the Complaint

Dated: August 6, 2002

Index Relating Initial Decision Findings of Fact to Complaint Counsel’s Reply Findings

Abbreviations

- “IDF” Initial Decision Finding of Fact
- “CCRF” Complaint Counsel’s Reply Finding (filed April 26, 2002)

Reply Finding Citation Format

- U-I: [#] Complaint Counsel’s Reply to Volume I, Upsher-Smith’s Proposed Findings of Fact
- U-II: [#] Complaint Counsel’s Reply to Volume II, Upsher-Smith’s Proposed Findings of Fact
- U-III: [#] Complaint Counsel’s Reply to Volume III, Upsher-Smith’s Proposed Findings of Fact¹
- S-U-I: [#.#] Complaint Counsel’s Reply to Volume I, Schering-Plough’s Proposed Findings of Fact Relating to the Settlement with Upsher-Smith
- S-U-II: [#.#] Complaint Counsel’s Reply to Volume II, Schering-Plough’s Proposed Findings of Fact Relating to the Settlement with Upsher-Smith
- S-ESI: [#.#] Complaint Counsel’s Reply to Schering-Plough’s Proposed Findings of Fact Relating to the Settlement with ESI-Lederle
- S-Econ: [#.#] Complaint Counsel’s Reply to Schering-Plough’s Proposed Economic and Policy Findings
- S-Patent: [#.#] Complaint Counsel’s Reply to Schering-Plough’s Proposed Findings of Fact Relating to the Underlying Patent Cases

¹ Cover page for volume is mislabeled as “Complaint Counsel’s Reply to Schering-Plough’s Proposed Findings of Fact Relating to the Settlement with Upsher-Smith Volume III.”

**Index Relating Initial Decision Findings of Fact
to Complaint Counsel's Reply Findings**

IDF	CCRF
------------	-------------

IDF	CCRF
------------	-------------

IDF	CCRF
------------	-------------

38	U-I: 95
39	S-Econ: 3.20
40	S-Econ: 3.21
41	S-Econ: 3.22
42	S-Econ: 3.9
43	S-Econ: 3.23
44	S-Econ: 3.24
45	S-Econ: 3.25
46	S-Econ: 3.26
47	S-Econ: 3.98
48	S-Econ: 3.100
49	S-Econ: 3.28
50	U-I: 111
51	U-I: 113
52	S-Econ: 3.28
53	S-Econ: 3.29
54	S-Econ: 3.30
55	S-Econ: 3.31
56	S-Econ: 3.32
57	S-Econ: 3.33
58	S-Econ: 3.34

59	S-Econ: 3.36-37
60	U-I: 135, 136
61	S-Econ: 3.41
62	S-Econ: 3.43
63	S-Econ: 3.44
64	S-Econ: 3.47
65	S-Econ: 3.48
66	S-Econ: 3.50
67	S-Econ: 3.51
68	S-Econ: 3.53
69	S-Econ: 3.57
70	S-Econ: 3.68
71	S-Econ: 3.69
72	S-Econ: 3.70
73	S-Econ: 3.70
74	S-Econ: 3.37, 3.60, 3.73
75	S-Econ: 3.76
76	S-Econ: 3.82
77	S-Econ: 3.83
78	S-Econ: 3.84

79	S-Econ: 3.85
80	S-Econ: 3.87
81	U-I: 96
82	U-I: 164
83	U-I: 98, 101
85	U-I: 167
86	U-I: 168
87	U-I: 169
88	U-I: 170
89	U-I: 171
90	U-I: 172
91	U-I: 173
92	U-I: 175
93	U-I: 176
94	U-I: 177
95	U-I: 178
96	U-I: 179
97	U-I: 180
98	U-I: 181
99	U-I: 182
100	U-I: 183

**Index Relating Initial Decision Findings of Fact
to Complaint Counsel's Reply Findings**

IDF	CCRF
-----	------

IDF	CCRF
-----	------

IDF	CCRF
-----	------

102	U-I: 185
103	U-I: 186
104	U-I: 191
105	U-I: 192
106	U-I: 194-95
107	U-I: 197
108	S-Econ: 3.135
109	U-I: 200
110	U-I: 202
111	U-I: 203
112	U-I: 204
113	U-I: 205
114	U-I: 208-09, 213
115	U-I: 211
116	U-I: 212
117	U-I: 218
118	U-I: 228
125	U-II: 460-461
127	S-U-I: 1.3
129	U-II: 465
131	U-II: 472, 506

132	S-U-I: 1.4
133	U-II: 513 S-U-I: 1.5
134	S-U-I: 1.6
135	S-U-I: 1.7
136	S-U-I: 1.8
137	S-U-I: 1.9
138	S-U-I: 1.10
139	S-U-I: 1.13
140	U-II: 543
141	S-U-I: 1.14-15
142	S-U-I: 1.15
143	U-II: 547
144	S-U-I: 1.17
145	U-II: 549-50
146	S-U-I: 1.18
148	S-U-I: 1.20
149	S-U-I: 1.21
150	S-U-I: 1.22
151	S-U-I: 1.283
152	S-U-I: 1.23, 1.25, 1.27

153	S-U-I: 1.27
154	S-U-I: 1.31-32
155	S-U-I: 1.35
157	U-II: 567
158	U-II: 568
159	U-II: 569
160	U-II: 570
161	U-II: 571
162	S-U-I: 1.39
163	S-U-I: 1.36-37
164	S-U-I: 1.38
166	S-U-I: 1.38
167	U-II: 568
168	U-III: 903
169	S-U-II: 1.508
170	U-III: 905
171	S-U-II: 1.509
173	U-II: 330-31
174	S-U-I: 1.62
175	S-U-I: 1.59

**Index Relating Initial Decision Findings of Fact
to Complaint Counsel's Reply Findings**

IDF	CCRF
-----	------

IDF	CCRF
-----	------

IDF	CCRF
-----	------

176	U-II: 342 S-U-I: 1.63
177	S-U-I: 1.64
178	S-U-I: 1.66
179	S-U-I: 1.67
180	U-II: 355
181	U-II: 328
182	U-II: 356
183	U-II: 357, 366
184	U-II: 377, 379
185	U-II: 381
186	U-II: 396-97
187	U-II: 421-22
188	U-II: 423-24
189	U-II: 426
190	U-II: 427
191	U-II: 430
192	U-II: 432
193	U-II: 397
195	U-II: 404
196	U-II: 409

198	U-II: 449-50
199	U-II: 451-54
202	S-U-I: 1.222
203	S-U-I: 1.95
204	S-U-I: 1.90
207	S-U-I: 1.101, 1.17-19
208	S-U-I: 1.102
209	S-U-I: 1.95
210	S-U-I: 1.96, 1.99
211	S-U-I: 1.104
212	S-U-I: 1.107
213	S-U-I: 1.122; S-U-II: 1.313
214	S-U-I: 1.142
215	S-U-I: 1.146
218	S-U-I: 1.150-53
219	S-U-I: 1.156-57
220	S-U-I: 1.162
221	S-U-I: 1.172
222	S-U-I: 1.176, 1.178

223	S-U-I: 1.186-87
225	S-U-I: 1.189-90
228	S-U-I: 1.232
231- 237	S-U-I: 1.207- 211; 1.213-16
239- 241	S-U-I: 1.97-98, 1.224-26
242	S-U-I: 1.229
243	S-U-I: 1.237
244	S-U-I: 1.242
245	S-U-I: 1.244
246	S-U-I: 1.245-47
247	S-U-I: 1.250
248	S-U-I: 1.275
249	S-U-I: 1.276-81
250	S-U-I: 1.282
251	S-U-I: 1.283
252	S-U-I: 1.284
253	S-U-I: 1.306
254	S-U-I: 1.278- 283; 1.307-08
255	S-U-I: 1.222

**Index Relating Initial Decision Findings of Fact
to Complaint Counsel's Reply Findings**

IDF	CCRF
-----	------

IDF	CCRF
-----	------

IDF	CCRF
-----	------

256	S-U-II: 1.309-310
257	S-U-II: 1.313
258	S-U-II: 1.326-27
259	S-U-II: 1.328
260	S-U-II: 1.328
261	S-U-II: 1.330
262	S-U-II: 1.403
263	S-U-II: 1.404
264	S-U-II: 1.410
265	S-U-II: 1.411
267	U-II: 606
268	U-II: 607, 609
269	U-II: 610
270	U-II: 611-12
271	U-II: 643-44
272	U-II: 646
273	U-II: 648
274	U-II: 655, 658
275	S-U-II: 1.419-20
276	S-U-II: 1.421

277	S-U-II: 1.422
278	S-U-II: 1.424
279	S-U-II: 1.425
280	S-U-II: 1.426
281	S-U-II: 1.428
282	U-II: 660
283	U-II: 662, 664
284	U-II: 668
285	U-II: 672, 675
286	U-II: 676
287	U-II: 685
288	U-II: 686
289	U-II: 689
290	U-III: 933
291	U-III: 935-36
292	U-III: 937, 939-41
293	U-III: 942-43, 949
294	U-III: 944-45
295	U-II: 458
296	S-U-II: 1.332-40

297	S-U-II: 1.341
298	S-U-II: 1.342-43
299	S-U-II: 1.344-45, 1.349
300	S-U-II: 1.350-51
301	S-U-II: 1.374
302	S-U-II: 1.375
303	S-U-II: 1.383-85
304	S-U-II: 1.360
305	S-U-II: 1.365-66
306	S-U-II: 1.367-71
307	S-U-II: 1.373
308	U-III: 971-72
309	U-III: 961
310	U-III: 963
311	U-III: 964
312	U-III: 965
313	U-III: 981-82
314	S-U-I: 1.273
315	U-III: 951
316	U-III: 957-58

**Index Relating Initial Decision Findings of Fact
to Complaint Counsel's Reply Findings**

IDF	CCRF
-----	------

317	U-III: 954-55
318	U-III: 959
320	S-U-II: 1.386
321	S-U-II: 1.389-93
323	S-U-II: 1.396
324	S-U-II: 1.396-97, 1.399
325	S-U-II: 1.401-02
335	S-ESI: 2.15
336	S-ESI: 2.16
337	S-ESI: 2.17
338	S-ESI: 2.18
339	S-ESI: 2.20
340	S-ESI: 2.21
341	S-ESI: 2.23
343	S-ESI: 2.35
346	S-ESI: 2.44
348	S-ESI: 2.46
349	S-ESI: 2.49
350	S-ESI: 2.50
351	S-ESI: 2.51

IDF	CCRF
-----	------

353	S-ESI: 2.54
354	S-ESI: 2.55
355	S-ESI: 2.56
356	S-ESI: 2.57
358	S-ESI: 2.63
359	S-ESI: 2.69
361	S-ESI: 2.71
362	S-ESI: 2.72
364	S-ESI: 2.78
365	S-ESI: 2.83
366	S-ESI: 2.84
368	S-ESI: 2.87
369	S-ESI: 2.91
370	S-ESI: 2.93
371	S-ESI: 2.94
372	S-ESI: 2.95
377	S-ESI: 2.98
384	S-Econ: 3.361
385	S-Patent: 3.392
386	S-Patent: 3.394
389	U-I: 28

IDF	CCRF
-----	------

390	U-I: 30
391	U-II: 495; U-III: 715, 799-800
394	S-Econ: 3.339
395	U-III: 899-901
396	S-U-II: 1.500
397	U-III: 894
399	U-II: 573; U-III: 912
400	S-Econ: 3.119
401	S-Econ: 3.123, 3.125
403	S-Econ: 3.118
404	S-Econ: 3.126
405	S-Econ: 3.128
406	S-Econ: 3.130
407	S-Econ: 3.135
409	S-Econ: 3.138
410	S-Econ: 3.139
411	U-I: 313
416	S-Econ: 3.2

**Index Relating Initial Decision Findings of Fact
to Complaint Counsel's Reply Findings**

IDF	CCRF
-----	------

IDF	CCRF
-----	------

IDF	CCRF
-----	------

419	U-I: 294
420	U-I: 298
421	U-I: 299
422	U-I: 301-02
423	U-I: 303-04
424	U-I: 305-06
425	U-I: 307
426	U-I: 308
427	U-I: 313
428	U-I: 316
429	U-I: 317-18
430	S-Econ: 3.105
431	U-I: 323

CERTIFICATE OF SERVICE

I, Clifton L. Smith, hereby certify that on the 6th day of August 2002:

I caused one original and twelve copies of “Complaint Counsel’s Motion for Leave to File Index Relating Initial Decision Findings of Fact To Complaint Counsel’s Reply Findings” to be served by hand delivery, and one copy to be served by electronic mail, upon:

Office of the Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, N.W.
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I caused copies of “Complaint Counsel’s Motion for Leave to File Index Relating Initial Decision Findings of Fact To Complaint Counsel’s Reply Findings” to be served upon the following persons via electronic mail and Federal Express:

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