UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of	)	
Schering-Plough Corporation, a corporation,	)	
Upsher-Smith Laboratories, a corporation,	)	Docket No. 9297
and	)	
American Home Products Corporation, a corporation.	)	

ORDER DENYING SCHERING-PLOUGH CORPORATION'S MOTION FOR A PROTECTIVE ORDER

I.

On October 26, 2001, Respondent Schering-Plough Corporation ("Schering") filed a motion for a protective order to prevent Complaint Counsel from taking the depositions of one current and one former employee of Schering. Complaint Counsel filed an opposition on November 5, 2001. On November 7, 2001, Schering filed a motion for leave to file a reply brief and its reply brief.

Schering's motion to file a reply brief is GRANTED. For the reasons set forth below, Schering's motion for a protective order is DENIED.

II.

Complaint Counsel, on October 4, 2001, served notices of deposition on Schering's counsel seeking to depose a current and a former employee of Schering. Complaint Counsel asserts that these two individuals possess significant relevant information regarding the issues involved in this litigation. According to Complaint Counsel, one proposed deponent served as head of business development at the time Schering entered into the agreement with Upsher-Smith Laboratories that is at issue in this proceeding, and is a key official involved in numerous other Schering licensing deals. The other proposed deponent was Schering's product manager for K-Dur who Complaint Counsel asserts is reasonably expected to have information relevant to the performance of the K-Dur brand in the potassium supplement market.