

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

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

PUBLIC VERSION

To: The Honorable D. Michael Chappell
Administrative Law Judge

**MOTION FOR LEAVE TO FILE RESPONSE TO AHP'S REPLY IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER**

Complaint counsel requests leave to file a brief response to Respondent American Home Products' November 13, 2001 reply in support of its Motion for Protective Order, which concerns AHP's claim of privilege for nine documents it turned over to FTC staff during the pre-complaint investigation. We make this motion because:

- AHP and complaint counsel have been unable to resolve the issues raised by AHP's motion; and
- AHP's reply suggests that complaint counsel acted improperly in sending one of the documents in question over to economic expert, Professor Bresnahan, and makes new assertions regarding Professor Bresnahan's reliance on five of the contested documents.

Respectfully submitted,

Karen Bokat
Counsel Supporting the
Complaint

Dated: November 27, 2001