

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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DOCKET NO. 9297

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IN THE MATTER OF

SCHERING-PLOUGH CORPORATION,

UPSHER-SMITH LABORATORIES, INC.,

and

AMERICAN HOME PRODUCTS CORPORATION

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**MOTION FOR LEAVE TO FILE RESPONSE OF *AMICUS CURIAE*  
NATIONAL ASSOCIATION OF CHAIN DRUG STORES TO  
RESPONDENTS' OPPOSITION TO MOTION FOR LEAVE  
TO FILE *AMICUS* BRIEF**

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[PUBLIC]

S. Lawrence Kocot  
Donald L. Bell II  
Mary Ellen Fleck  
National Association of Chain Drug Stores  
413 North Lee Street  
P.O. Box 1417-D49  
Alexandria, VA 22313-1480  
(703) 549-3000

Dated: September 25, 2002

National Association of Chain Drug Stores (“NACDS”) respectfully moves for leave to file the attached Response of *Amicus Curiae* National Association of Chain Drug Stores to Respondents’ Opposition to Motion For Leave to File *Amicus* Brief [the “Response”]. In support of the motion, NACDS asserts as follows:

1. The Respondents' opposition to NACDS's motion for leave to file an amicus brief raises issues and relies upon authority not cited or considered in NACDS' initial motion seeking leave to file a brief *amicus curiae*.

2. The attached Response addresses the issues raised by the Respondents and refutes the authority upon which they rely.

3. The Response will be of assistance to the Commission in resolving the motion for leave to file the amicus brief, and the amicus brief itself will be of assistance to the Commission in resolving the merits of this litigation. Accordingly, NACDS respectfully requests that the Commission consider the attached Response.

WHEREFORE, NACDS respectfully requests leave to file the attached Response of *Amicus Curiae* National Association of Chain Drug Stores to Respondents’ Opposition to Motion for Leave to File *Amicus* Brief.

Respectfully submitted,

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National Association of Chain Drug Stores  
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(703) 549-3000

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2002, I served a true and correct copy of the MOTION FOR LEAVE TO FILE RESPONSE OF *AMICUS CURIAE* NATIONAL ASSOCIATION OF CHAIN DRUG STORES TO RESPONDENTS' OPPOSITION TO MOTION FOR LEAVE TO FILE *AMICUS* BRIEF as follows:

*Original (with original signature) and 12 copies by hand deliver, as well as, an electronic version, which is a true and correct of the paper original, to:*

Office of the Secretary  
Federal Trade Commission - Room H-159  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

*One copy by hand delivery to the following:*

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

Joseph J. Simons, Director  
Bureau of Competition  
Federal Trade Commission, H-374  
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S. Lawrence Kocot