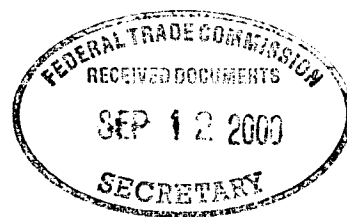


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION



\_\_\_\_\_)  
In the Matter of )  
 )  
HOECHST MARION ROUSELL, INC., )  
a corporation, )  
 )  
CARDERM CAPITAL L.P., )  
a limited partnership, )  
 )  
and )  
 )  
ANDRX CORPORATION, )  
a corporation. )  
\_\_\_\_\_)

Docket No. 9293

REQUEST FOR ORAL ARGUMENT

Upsher-Smith Laboratories, Inc. ("Upsher-Smith") requests that the Administrative Law Judge hear oral argument on its Motion to Quash Third Party Subpoenae by Andrx Corporation, which was filed on August 17, 2000. The response of Andrx Corporation ("Andrx") was due to be filed on September 5, 2000.

This request is made because of the unique and serious issues raised by Andrx's attempt to obtain vital information from Upsher-Smith regarding a product, the generic equivalent of K-Dur, in which Andrx and Upsher-Smith are direct competitors and because Andrx's requests seek documents which are clearly irrelevant under the test of FTC Rule of Practice 3.31 (c) (1). Similar issues are presented in a Motion to Quash filed by Schering-Plough Corporation on August 24, 2000, regarding another Andrx subpoena. Moreover, Andrx has apparently served similar subpoenae on numerous other third parties, so the issues presented by Upsher-Smith's

Motion to Quash will likely have application well beyond the two subpoenae served on  
Upsher-Smith.

Dated: 9/5/00

Respectfully submitted,

OPPENHEIMER WOLFF & DONNELLY LLP



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*Attorneys for Upsher-Smith Laboratories*

**CERTIFICATE OF SERVICE**

I, Edward F. Fox, hereby certify that on September 6, 2000, I caused a copy of Upsher-Smith's Request for Oral Argument to be served upon the following persons via First Class Mail:

Hal S. Shaftel/Louis M. Solomon  
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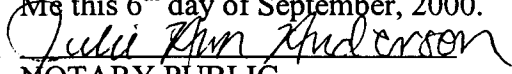
The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission, Room 104  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Dated: September 6, 2000



Edward F. Fox

Subscribed and Sworn to Before  
Me this 6<sup>th</sup> day of September, 2000.

  
NOTARY PUBLIC

