

UNITED STATES OF AMERICA
BEFORE 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

To: The Honorable D. Michael Chappell
Administrative Law Judge

COMPLAINT COUNSEL'S INDEX TO WITNESSES
AND INDEX TO EXHIBITS

[PUBLIC VERSION]

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Counsel Supporting the Complaint

Pamela L. Timus
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Federal Trade Investigators

May 13, 2002

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COMPLAINT COUNSEL'S WITNESS INDEX

Witnesses Who Appeared at Trial

Name	Identification	Public Transcript	In-Camera Transcript
Martin Adelman	Patent Expert Witness , a professor of patent law and director of the intellectual law program at George Washington University School of Law	Rebuttal Case: 32:7697-7783 3/14/02	
Timothy F. Bresnahan	Economic Expert Witness , a professor at Stanford University since 1979, received a doctorate in economics at Princeton University and currently directs the Stanford Institute for Economic and Policy Research	Case in Chief: 3:379-7:1283 1/25 - 1/31/02 Rebuttal Case: 34:8007-8243 3/18/02	Case in Chief: 3:547-552- 1/25/02 4:776-793- 1/28/02 5:1065-1076- 1/29/02 6:1249-1253- 1/30/02
Max Bazerman	Negotiations and Dispute Resolution Expert Witness , a professor at Harvard Business school, also has an appointment at the Kennedy School of Government's Program on Negotiation	Rebuttal Case: 36:8472-8609 3/22/02	
James Egan	Fact Witness , Formerly Senior Director of Licensing and Business Development at Searle Pharmaceuticals	Rebuttal Case: 33:7852-7988 3/15/02	

Name	Identification	Public Transcript	In-Camera Transcript
Dean Goldberg	Fact Witness, Vice-President of Clinical Pharmacy Management at United Healthcare	Case in Chief 1:104-175 1/24/02	
Nelson L. Levy	Licensing Expert Witness, currently the Chairman and CEO of Coretechs Corporation, a consulting company; previously the head of pharmaceutical development at Fujisawa	Case in Chief: 7:1284-1397 1/31/02 9:1756-10:2188 2/5 - 2/6/02	Case in Chief: 7:1457-1528 1/31/02 9: 968-2028 2/05/02 Rebuttal: 35:8255-8424 3/21/02
Mukesh Patel	Fact Witness, formerly Vice-President of licensing at Kos Pharmaceuticals	Rebuttal Case: 31:7493-7591 3/13/02	Rebuttal Case: 31:7600-7689
Larry Rosenthal	Fact Witness, Vice-President of Sales and Marketing at Andrx	Case in Chief: 8:1535-1599 1/31/02	Case in Chief: 8:1700-1749
J. Russell Teagarden	Fact Witness, Vice-President of Clinical Practices & Therapeutics and Clinical Analysis & Outcomes Research at Merck-Medco and a visiting scholar at the NIH department of Bioethics	Case in Chief: 2:185-281 01/24/02	

**Deposition and Investigational Hearing Designations Read into the Record
or Admitted into Evidence**

Name	Identification	Public Transcript (wherein admitted excerpts from depositions and investigational hearings were read into the record during trial)	Complaint Counsel Exhibits Admitted into Evidence
Lawrence Alaburda	Senior patent attorney, currently in-house litigation counsel at American Home Products		CX 1482 Investigational Hearing CX 1547 Deposition
James Audibert	Senior director of commercial optimization at Schering-Plough	8:1657-1691: 01/31/02 11:2391-2460 02/07/02	CX 1483 Investigational Hearing CX 1484 Deposition
Hans Becherer	Member of the Schering Board of Directors		CX 1485 Deposition
Nicholas M. Cannella	Law partner at Fitzpatrick, Culla, Harper & Scinto, represented Upsher in the patent litigation		CX 1488 Deposition
Raul Cesan	President of Schering- Plough Pharmaceuticals Worldwide at the time the agreements were signed		CX 1489 Deposition
Bob Coleman	Director of marketing at Upsher-Smith since 5/1/97		CX 1490 Deposition
Antonia DeMola	Director of field information and sales force strategy at Schering-Plough		CX 1491 Deposition

Name	Identification	Public Transcript (wherein admitted excerpts from depositions and investigational hearings were read into the record during trial)	Complaint Counsel Exhibits Admitted into Evidence
Michael Dey	President of ESI-Lederle since 1995		CX 1492 Investigational Hearing CX 1492A Investigational Hearing excerpt CX 1548 Deposition
Martin Driscoll	Vice-President of Sales & Marketing for Key Pharmaceutical's Primary Care Business Unit at the time of the Upsher and ESI agreements	2:316-327 1/24/02 7:1400-1423 1/31/02	CX 1494 Investigational Hearing CX 1494A Investigational Hearing excerpt CX 1495 Deposition
Philip Dritsas	Vice-President of sales and marketing at Upsher since the mid '90's		CX 1496 Deposition
Lori Freese	Professional services manager at Upsher, was a member of the Niacor-SR project team		CX 1499 Deposition
David C. Garfield	Member of Schering- Plough Board of Directors from 1975 to 2000		CX 1500 Deposition
Karin Gast	Senior Director of Business Development within Schering-Plough pharmaceutical operations business development group		CX 1501 Deposition
Scott Gould	Purchasing manager at Upsher since 1996		CX 1502 Deposition

Name	Identification	Public Transcript (wherein admitted excerpts from depositions and investigational hearings were read into the record during trial)	Complaint Counsel Exhibits Admitted into Evidence
Dave Grewcock	Senior product manager for integrelin and director of marketing for respiratory products at Schering during the relevant time period		CX 1503 Deposition CX 1504 Deposition
Mark Halvorsen	Upsher employee since 1993; clinical projects manager and manager of clinical and regulatory affairs at Upsher during the relevant time period		CX 1505 Deposition
John Hoffman	Staff member, litigation and anti-trust in Schering's legal department	2:347-355 1/24/02 7:1424-1427 1/31/02	CX 1508 Investigational Hearing CX 1509 Deposition CX 1509A Deposition excerpt
Raman Kapur	President of Warrick Pharmaceuticals	2:327-347 1/24/02 7:1427-1440 1/30/02	CX 1510 Investigational Hearing CX 1511 Deposition
Richard Kogan	Chairman and CEO of Schering starting in 1986		CX 1512 Deposition
Paul D. Kralovec	Chief financial officer and vice-president at Upsher		CX 1513 Investigational Hearing CX 1514 Deposition
Thomas Lauda	Head of global marketing at Schering-Plough	8:1615-1655 1/31/02	CX 1515 Investigational Hearing CX 1516 Deposition
Larry Miller	Former Senior Director of pharmaceutical research at Schering		CX 1517 Deposition
H. Barclay Morley	Member of Schering's Board of Directors		CX 1518 Deposition

Name	Identification	Public Transcript (wherein admitted excerpts from depositions and investigational hearings were read into the record during trial)	Complaint Counsel Exhibits Admitted into Evidence
Carl E. Mundy	Member of Schering's Board of Directors		CX 1519 Deposition
Vickie O'Neill	Vice President of Business Development & Project Management at Upsher		CX 1520 Investigational Hearing CX 1521 Deposition
David W. Poorvin	Vice President of Business Development at Schering		CX 1550 Deposition
Charles Rule	Outside antitrust counsel to Key in Key/ ESI litigation		CX 1525 Deposition
Patricia A. Russo	Member of Schering's Board of Directors		CX 1526 Deposition
Raymond Russo	Senior director of marketing for cardiovascular products at Schering		CX 1527 Deposition
William A. Schreyer	Member of Schering's Board of Directors		CX 1528 Deposition
John "Ian" Troup	President and Chief Operating Officer at Upsher	2:309-315 1/24/02	CX 1529 Investigational Hearing CX 1529A Investigational Hearing excerpt CX 1530 Deposition
Jeffrey Wasserstein	Vice-President, Business Development at Schering- Plough, at the time of the June 17, 1997 agreement	2:355-363 1/24/02: 7:1440-1448 1/30/02 8:1606-1615 1/31/02	CX 1531 Investigational Hearing CX 1532 Deposition
Charles Woodruff	Vice-President of Operations at Upsher		CX 1534 Deposition

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhib
CX 2	SPX 914	
CX 3		USX 410
CX 4		USX 1548
CX 13	SPX 141 & SPX 970	
CX 17	SPX 142	
CX 18	SPX 993	USX 262
CX 19		USX 626
CX 21	SPX 961	
CX 22	SPX 902 & SPX 993	USX 263
CX 23		USX 506
CX 26		USX 504
CX 27	SPX 1110	USX 195
CX 35		USX 41
CX 36	SPX 911	
CX 49	SPX 905	USX 729
CX 52	SPX 148	USX 50
CX 53	SPX 88	
CX 56		USX 130
CX 57		USX 129
CX 69		USX 384
CX 71		USX 380
CX 72		USX 383
CX 73		USX 386
CX 74		USX 384
CX 83		USX 711
CX 116		USX 270
CX 119	SPX 123	
CX 122	SPX 1000	
CX 130		USX 271

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhibits
CX 131		USX 271
CX 132		USX 267
CX 133	SPX 1006	
CX 136		USX 270
CX 137	SPX 916	
CX 138		USX
CX 139	SPX 997	USX 269
CX 140	SPX 906 & SPX 991	USX 261
CX 142	SPX 907-908, 912-913, 919 & SPX 1006	USX 734
CX 144		USX 260
CX 145	SPX 910 & SPX 1003	USX 271
CX 147		USX 588
CX 148	SPX 114	
CX 149	SPX 1033	
CX 150	SPX 1044	
CX 162	SPX 1032	
CX 164A-B	SPX 1123	USX 42-45
CX 166	SPX 964	
CX 167	SPX 963	USX 42
CX 169	SPX 965 & SPX 1125	USX 46
CX 232		USX 633 & USX 830
CX 234		USX 589
CX 235		USX 496
CX 256	SPX 1034	
CX 257	SPX 1034	
CX 258	SPX 1035	USX 495
CX 259		USX 636 USX 831
CX 260		USX 496
CX 261		USX 290

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhibits
CX 262	SPX 121	USX 636
CX 265	SPX 1031	
CX 266	SPX 103	USX 747 & USX 497
CX 267	SPX 918	USX 266, 267, 268, 269 & 270
CX 296	SPX 120	USX 237
CX 297	SPX 90	USX 228
CX 298	SPX 337	
CX 299	SPX 338	
CX 302	SPX 340	
CX 305	SPX 341	
CX 306	SPX 343	
CX 307	SPX 118	
CX 308	SPX 342	
CX 310		USX 248
CX 311	SPX 119	
CX 312	SPX 126	USX 229
CX 313	SPX 91	USX 233
CX 316	SPX 102 & SPX 1026	USX 448
CX 321		USX 493
CX 322		USX 494
CX 338	SPX 12 & SPX 604	USX 235
CX 339	SPX 986	USX 234
CX 340	SPX 27, SPX 868 & SPX 869	
CX 341	SPX 117 & SPX 985	
CX 347	SPX 92	USX 232
CX 348		USX 476
CX 364	SPX 1047	USX 590
CX 366	SPX 10	USX 223
CX 367		USX 222

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhib
CX 388	SPX 1054	USX 644
CX 390		USX 287
CX 457	SPX 78	
CX 460	SPX 94	
CX 461	SPX 94	USX 238
CX 462	SPX 49	
CX 463	SPX 983	
CX 466	SPX 100	
CX 469	SPX 1	USX 39
CX 472	SPX 84	
CX 476	SPX 97	
CX 477	SPX 869	
CX 479	SPX 93	
CX 480	SPX 99	
CX 484		USX 38
CX 507		USX 6
CX 508		USX 4
CX 509		USX 1
CX 510		USX 25
CX 512		USX 8
CX 514		USX 12
CX 515		USX 13
CX 516		USX 16
CX 517		USX 17
CX 518		USX 18
CX 524	SPX 50	
CX 526		USX 165
CX 527		USX 34
CX 528	SPX 1286	USX 27 & USX 28

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhib
CX 529	SPX 558	USX 181
CX 530	SPX 559	USX 181
CX 531	SPX 560	USX 181
CX 533		USX 181
CX 535	SPX 561	USX 181
CX 536	SPX 135	
CX 537	SPX 56	USX 169
CX 538	SPX 143	USX 726
CX 539		USX 179
CX 540	SPX 16 & SPX 924	USX 725
CX 541	SPX 28	USX 108
CX 542	SPX 42	USX 209
CX 543	SPX 18	USX 178
CX 544	SPX 20	USX 106
CX 545	SPX 618	
CX 546	SPX 21	USX 177
CX 547	SPX 564 & SPX 1285	
CX 548	SPX 44	USX 175
CX 549	SPX 1022	
CX 550	SPX 45	USX 176
CX 551	SPX 46	USX 174
CX 552	SPX 565	
CX 553		USX 23
CX 555	SPX 222 & SPX 619	
CX 557	SPX 222 & SPX 230	USX 173
CX 558	SPX 47 & SPX 222	USX 172
CX 559	SPX 222 & SPX 48	
CX 563	SPX 140	
CX 564	SPX 566	

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhib
CX 565	SPX 19	USX 182
CX 566		USX 531, 532 & 533
CX 568		USX 391
CX 574	SPX 286	
CX 575	SPX 929	
CX 576		USX 210
CX 577	SPX 1033	
CX 609	SPX 174	
CX 610	SPX 176	
CX 611	SPX 175	USX 500
CX 612	SPX 177	USX 712
CX 622		USX 287
CX 647	SPX 1281	
CX 652	SPX 958	
CX 667		USX 202
CX 670	SPX 1114	
CX 671	SPX 1100 & SPX 1114	
CX 672	SPX 1100 & SPX 1114	USX 203
CX 673	SPX 110 & SPX 1114	USX 204
CX 680		USX 205
CX 682	SPX 1115	
CX 684	SPX 1116	
CX 685	SPX 1117	
CX 697	SPX 982	
CX 705		USX 446 & USX 447
CX 707		USX 515
CX 713		USX 305
CX 714	SPX 71	USX 244
CX 738	SPX 1048	USX 598

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhibits
CX 739	SPX 1037	USX 499
CX 740	SPX 1038	
CX 743	SPX 1045	
CX 746	SPX 921	USX 733
CX 747	SPX 901	USX 264
CX 749	SPX 992	
CX 769		USX 22
CX 770	SPX 247	USX 239
CX 771		USX 534
CX 772		USX 534
CX 773		USX 534
CX 774		USX 537
CX 775		USX 544
CX 776		USX 549
CX 777		USX 554
CX 779		USX 671
CX 780	SPX 11	USX 249
CX 781	SPX 8	USX 257
CX 784		USX 109
CX 785		USX 110
CX 786		USX 231
CX 796	SPX 251	
CX 797	SPX 315	USX 298
CX 837		USX 530
CX 838	SPX 62	USX 295
CX 840	SPX 538	
CX 841		USX 595
CX 843	SPX 538	
CX 844		USX 517 & USX 518

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhibits
CX 868	SPX 65	USX 545
CX 871		USX 160
CX 872		USX 160
CX 873		USX 160
CX 874		USX 160
CX 880	SPX 1046	USX 548
CX 881	SPX 66	USX 547
CX 882	SPX 134	USX 156
CX 883		USX 543
CX 885	SPX 59	USX 538 & USX 539
CX 886		USX 411
CX 887	SPX 268 & SPX 274	USX 247
CX 888		USX 147
CX 895		USX 293
CX 896	SPX 171	
CX 898	SPX 60	USX 541
CX 903	SPX 318	
CX 917	SPX 63	
CX 961	SPX 132	USX 336
CX 963	SPX 334	USX 555 thru USX 587
CX 992		USX 593
CX 1018	SPX 170	USX 278
CX 1019		USX 407
CX 1021		USX 411
CX 1022	SPX 51	USX 540
CX 1023	SPX 61	USX 295
CX 1041	SPX 13	USX 224
CX 1042	SPX 3	USX 245
CX 1043	SPX 4 & SPX 72	USX 246

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhib.
CX 1044	SPX 2	USX 242
CX 1045	SPX 89	USX 248
CX 1046	SPX 5	
CX 1047	SPX 22	USX 734
CX 1048	SPX 235	USX 240
CX 1053	SPX 144	
CX 1074	SPX 128	USX 255
CX 1075		USX 674
CX 1087	SPX 7	USX 250
CX 1088	SPX 451	USX 217 & USX 731
CX 1090	SPX 70	
CX 1091	SPX 39	
CX 1092		USX 717
CX 1095	SPX 246	USX 550
CX 1097		USX 395 & USX 396
CX 1099	SPX 12 & SPX 648	USX 218 & USX 219
CX 1100		USX 643
CX 1101	SPX 104 & SPX 589	USX 452
CX 1102		USX 478
CX 1103	SPX 107 & SPX 233	
CX 1104	SPX 14	USX 230
CX 1105		USX 212, 213, 214, & 215
CX 1111	SPX 106	
CX 1113	SPX 15	USX 243
CX 1114	SPX 253	
CX 1136	SPX 23	
CX 1181	SPX 110	
CX 1199	SPX 857	
CX 1210	SPX 884	

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhibits
CX 1211	SPX 888	
CX 1214	SPX 880	
CX 1222	SPX 887	
CX 1244	SPX 939	
CX 1246	SPX 940	
CX 1247	SPX 1095	
CX 1251	SPX 863	
CX 1256	SPX 865	
CX 1260	SPX 850	
CX 1267	SPX 856	
CX 1268	SPX 858	
CX 1286	SPX 616 & SPX 937	
CX 1287	SPX 938	
CX 1294	SPX 2004	
CX 1314	SPX 931	
CX 1325	SPX 933	
CX 1328	SPX 934	
CX 1331	SPX 935	
CX 1332	SPX 939	
CX 1334	SPX 932	
CX 1355	SPX 894	
CX 1356	SPX 101	USX 523
CX 1364	SPX 741	
CX 1378		USX 307
CX 1380		USX 307
CX 1382	SPX 63	
CX 1401	SPX 852	
CX 1467	SPX 851	
CX 1470	SPX 22 & SPX 112	USX 724

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhibits
CX 1482		USX 1500
CX 1483		USX 1502
CX 1484		USX 1503
CX 1485		USX 1504
CX 1488		USX 1544
CX 1489		USX 1545
CX 1490		USX 1505
CX 1491		USX 1506
CX 1492		USX 1507
CX 1493		USX 1509
CX 1495	SPX 2011	USX 1510 & USX 1546a
CX 1496		USX 1511
CX 1499		USX 1512
CX 1500		USX 1513
CX 1501		USX 1514
CX 1502		USX 1515
CX 1503		USX 1516
CX 1504		USX 1517
CX 1505		USX 1518
CX 1506		USX 1547
CX 1508	SPX 2006	USX 1519
CX 1509		USX 1520 & USX 1520a
CX 1510	SPX 2007	USX USX 1521
CX 1511	SPX 2012	USX 1522
CX 1512		USX 1523
CX 1513		USX 1524
CX 1514		USX 1525
CX 1515		USX 1526
CX 1516		USX 1527

Complaint Counsel's Admitted Exhibits That Are Also On Respondent's Exhibit Lists

Complaint Counsel's Exhibit	Cross Referenced Schering Exhibits	Cross Referenced Upsher Exhibits
CX 1517		USX 1528
CX 1518		USX 1529
CX 1519		USX 1530
CX 1520		USX 1531
CX 1521		USX 1532
CX 1523		USX 1534
CX 1524		USX 1535
CX 1526		USX 1536
CX 1527		USX 1537
CX 1528		USX 1538
CX 1529	SPX 2005	USX 1539 & USX 1539a
CX 1530	SPX 2013	USX 1540
CX 1531		USX 1541
CX 1532		USX 1542
CX 1534		USX 1543
CX 1547		USX 1501
CX 1548		USX 1508
CX 1550		USX 1533
CX 1651	SPX 859	
CX 1726	SPX 69	

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1	"Upsher Articles of Incorporation"	1284		
CX 2	K-Dur 20 mEq Review	PTH - 183 ¹		
CX 3	Part I. An Introduction to Hypertension.	PTH - 183		
CX 4	E-mail files	PTH - 183		Yes
CX 5	Spreadsheet, Copyright IMS Health for Potassium Supplement Chloride	1284		
CX 6	Potassium Chloride Market Monopoly Rx Report - NRX, 10/01	1284		
CX 12	US Patent, Hsiao et al., . 4,863,743, 9/5/89	PTH - 183	2907-2910, 3047-3051, 3089-3094, 3096-3100, 3104-3116, 3397-3403, 5210-5212, 5217-5222, 5311-5313, 6380-6384, 6474-6487, 6535-6536, 6543 7704-7706	
CX 13	Memo re K-DUR Long term Strategy, 3/8/95, Pickett to Baldini/Driscoll	PTH - 183	18, 21, 479-482, 5878-5880, 6015-6019	

¹ Transcript pages from the pretrial hearing are represented by "PTH".

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 14	Quarterly Product Margin Report by brand, 4 th Quarter 1998, \$(000), 2/3/99	PTH - 183		
CX 15	Memo re K-DUR Generic Situation, 11/30/95, Driscoll to Stout	PTH - 183		
CX 16	Memo re K-DUR marketing research back grounder, 7/1/96, Androcoals to DiLascia	PTH - 183	3490-3941, 6040-6041	
CX 17	Memo re K-DUR marketing research back grounder, 7/1/96, Androuonis to DiLascia, DeMola Driscoll Russo	PTH - 183	3466-3468, 3489-3941	
CX 18	1997 K-DUR Marketing Plan, DiLascia, 9/10/96	PTH - 183	455-456, 476-478, 492, 3468-3472, 6039-6040, 6214	
CX 19	Klor-Con Tablets 1997 Marketing Plan, Dolan, 12/96	PTH - 183	4839-4841, 5986-5987	
CX 20	1998 K-DUR marketing Plan, DiLascia, 8/1/97	PTH - 183	5881, 5883-5886, 6037-6038, 6039	
CX 21	Marketing Two Pagers, (for Klor-Con) Denise Dolan, 7/1/97	PTH - 183	4853-4855, 6025-6027	
CX 22	1999 K-DUR 20 mEq Marketing Plan, DiLascia, 9/28/98	PTH - 183	489-491	
CX 23	Klor-Con M20 Market Assumptions	PTH - 183		
CX 24	Klor-Con M20 Market Assumptions, (Inc. Scenario 2)	PTH - 183	4864-4865	Yes
CX 25	Klor-Con M20 Market Assumptions, (Inc. 3 Launch Scenario)	PTH - 183		

Index To Complaint Counsel's Admitted Exhibits

Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 26	Key Facts and Assumptions, Klor-Con M20, 9/99, Sales Forecasts, J. Adams	PTH - 183		Yes
CX 27	1999 K-DUR Marketing Research Back grounder, 10/1/99 J to Chris, Bill and Steve	PTH - 183		
CX 28	Special Considerations for Klor-Con M20, 02/01/99, Rev. : 1999 Plan, J. Adams	PTH - 183		
CX 29	Potassium File	PTH - 183		
CX 30	Klor-Con, Bulk & Private Label Tablets, 1/10/00, J. Adams, Rev. 2000 Plan	PTH - 183		Yes
CX 31	Klor-Con M Team Meeting tes 1/12/00	PTH - 183		
CX 32	Memo re K-Dur Competitive Update, 4/24/00, Kastan to Hamer	1284		
CX 33	Klor Con M Sales Plan 7/23/01 draft, 2001	PTH - 183		Yes
CX 34	U.S. Pharmaceutical Market: Drugstore & non-Retail Purchases, Potassium Supplements	PTH - 183	6007-6008	
CX 35	Potassium chloride (solid dose) Market Analysis, U.S., International, 2000-2001	PTH - 271 ²		Yes
CX 36	Shering-Plough Corporation Cardiovascular Product Sales	1284	3772-3774, 4210-4213, 6686-6689	

² Admitted under the co-conspirator rule subject to satisfying the judge that it is entitled to come in at some point in trial.

Index To Complaint Counsel's Admitted Exhibits

Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 37	Average of Prescription By Strength Oral Potassium, IMS 2000, Sales Prices	PTH - 183		
CX 38	National Prescription Audit Data - 1999 Basic Data Report by Rx Size, Potassium Chloride supplements	PTH - 183		
CX 39	National Prescription Audit Data - 2000 Basic Data Report by Rx Size, Potassium Chloride supplements	PTH - 183		
CX 40	IMS audited dollar sales 09/22/00, Potassium chloride supplements	PTH - 183	5619, 5622-5624	
CX 41	IMS Extended Units (TRx) 9/22/00, Potassium Chloride supplements	PTH - 183	5619-5621	
CX 42	IMS Extended Units (TRx) 9/22/00	PTH - 183		
CX 43	National Prescription Audit Data -1996-2000, Potassium Chloride supplements	PTH - 183	8122-8124, 6010-6015, 6212-6213	
CX 44	Market 94-97 actual dollars plus current trend projections, dollars, tab/caps, units, s. Dolan	PTH - 183		
CX 47	IMS 1997-98, dollar, unit sales potassium chloride supplements	PTH - 183		
CX 48	Jan. - Sept. Plan vs Actuals 1999 (Sales)	PTH - 183		
CX 49	Price Increase History for NDC: 00085-0263-01, K-Dur 10,20; 1995-2000	PTH - 183	2738-2741	
CX 50	New Business Opportunities Klor-Con Tablets, April 1999, Market info, costs, competition	PTH - 183	6138-6142	

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CX 51	Memo re potassium supplement pricing, 7/29/99, : 521.007; Marketing Scenario to U-S Sales Department	PTH - 183		
CX 52	Correspondence to Douglas Sporn, FDA from Jacqueline Davis, Andrx re Original Abbreviated New Drug Application for potassium chloride extended-release tablets USP, 10 mEq & 20 mEq, 3/22/99	1546	1545-1555, 1604	
CX 53	Patent Certification Under 21 CFR §314.94 and Notice of Certification of Invalidity or Non-infringement of a Patent Under 21 CFR §314.95 (Andrx)	PTH - 183		
CX 55	2002 Preferred Drug List, United Healthcare	113	112-129	
CX 56	Rx Selections Formulary	207	205-210	
CX 57	Preferred Prescriptions Formulary	205	204-205 273-278	
CX 59	Correspondence to Mark Ifalvorsen, US from Douglas Sporn, FDA, approving ANDA for Kler-Con 20, 11/20/98	PTII - 183	2273-2274, 2377-2378, 7013	
CX 60	Memo from Pickett to Baldini and Driscoll re K-DUR long term strategy, 3/8/95	PTH - 183	2731-2732	
CX 61	K-DUR Generic strategy status report/action plan	PTH - 183		
CX 62	Potassium Chloride Market Monthly Rx Report NRX, 12/97	PTH - 183		
CX 63	Potassium Chloride Market Monthly Rx Report NRX, 12/98	PTH - 183		
CX 64	Potassium Chloride Market Monthly Rx Report NRX, 12/99	PTH - 183		

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CX 65	Potassium Chloride Market Monthly Rx Report NRX	PTH - 183		
CX 66	Direct Price List, 6/99	PTH - 183		
CX 67	Executive Summary, Sales Plan, Klor-Con M20, 3/22/01 Draft	PTH - 183		Yes
CX 68	American Home Products Corporation, Annual Report, 1999	PTH - 183		
CX 69	M10/M20 Market Data, 2/15/00	PTH - 183		
CX 70	Forecast team, Performance, Marketing views, Weekly Sales Summary, 7/01	PTH - 183		
CX 71	"Perspective Report", 10/15/97	PTH - 183		
CX 72	Klor-Con Market Data 1 of 3	PTH - 183		
CX 73	December 2000 In Line	PTH - 183		
CX 74	M10/M20 Market Data, 2/15/00	PTH - 183		Yes
CX 75	Marie Von Ende, Klor-Con Market Data, 2000, 2001	PTH - 183		
CX 76	Klor-Con 8 & 10 Potassium Chloride Extended Release Tabs, USP, Private Label 8 & 10mEq Tabs, 1/00	PTH - 183		
CX 77	Potassium Market Conditions	PTH - 183		
CX 78	E-mail to John Adams from Chris Evenstad re K-Dur Price Increases 8/99-8/00, 8/16/00, forwarded to Terri Johnson 8/19/01	PTH - 183		

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CX 79	Potassium Cumulative Market Projection	PTH - 183		
CX 80	E-mail from Annamarie Lee to Sherry Dann re Potassium Pharmacy Data, 7/11/01	PTH - 183		
CX 81	Potassium Chloride Market, New Products Prescriptions (000), 12/94 through 12/95	PTH - 183		
CX 82	Potassium Chloride Market, New Products Prescriptions (000), 12/95 through 12/96	PTH - 183		
CX 83	Upsher's IMS Physician Exponent Data by Month/Rep, K-Dur 20, Sorted by ASR, Unit Data Only, All Physicians, 9/00 through 8/01	PTH - 183		
CX 114	Upsher-Smith 1997 Sales Plan, 1997 Actuals and forecast, revised, 5/97, J. Hughes	PTH - 183	6103-6104	
CX 115	Five Year K-DUR Sales Forecast, 8/30/95; Birch to Monroe	PTH - 183		
CX 116	Schering Labs, 1995 Operating Plan Data Perspective, \$ Millions, 11/10/94	PTH - 183		
CX 117	Schering Labs, 1996 Operating Plan Data Perspective \$Millions, 11/14/95	PTH - 183		
CX 118	Schering Labs, Sales by major product classification, 1997 Operating Plan, \$ Thousands, 11/11/96	PTH - 183	450-451, 5873-5875	
CX 119	Schering Labs, Sales by major product classification, 1999 Operating Plan, \$ Thousands	PTH - 183		
CX 120	Schering Labs, Five year sales forecast by product	PTH - 183		

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CX 121	Schering Labs, Five year forecast (1997-2001) Assumptions	PTH - 183		
CX 122	Voluntary recall of K-Dur 20 S.R. Tablets, lot #94167, Forecasts 2001-2002, 6/5/97	PTH - 183	19	
CX 123	1996 Key Pharmaceuticals, K-DR 5 Year Unit Projection, Assumption: Generics	PTH - 258		Yes
CX 124	Five year forecast (1996-2000), \$Millions, 3/96	PTH - 183		
CX 125	5 Year Production Plan-Samples 1998-2002, Annual Sample Forecast (Units), 8/22/97	PTH - 183		
CX 126	5 Year Sales Plan-Schering Labs Products-Las Piedras-1998-2002, 11/13/97	PTH - 183		
CX 127	5 Year Sales Plan-Schering Labs Products-Las Piedras-1998-2002, 11/13/97	PTH - 183		
CX 128	Key Pharmaceuticals Five Year Sales Forecast (\$000's)	PTH - 183		
CX 129	1996-1998 Plan	PTH - 255 ³		Yes
CX 130	5 Year Sales Plan-Schering Labs Products-1998-2002, 8/22/97	PTH - 183		
CX 131	Key Pharmaceuticals Five Year Sales (Net), \$(000)'s, 7/30/97	PTH - 183		

³ Admitted subject to Schering's right to demonstrate lack of authenticity during its case.

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CX 132	1997 K-DUR Forecast	PTH - 183		
CX 133	Key Pharmaceuticals, 1997 Operating Plan, K-DUR Generic Module, Lindquist to Inserra, 3/2/97	PTH - 183	436-441, 443-445, 1252-1253	Yes
CX 134	K-DUR Base Case Financial Analysis, 6/28/98, with and without Lazenge	PTH - 183		
CX 136	Schering 1995 Operating Plan Data Perspective	PTH - 183		
CX 137	<i>Product Forecast</i> , K-Dur: 1996 sales plan, 1997-2000 forecasts; 1996.	PTH - 183		
CX 138	Klor-Con M20 Sept Launch with Private Label and Warrick (Units)	PTII - 183	4866-4869, 4919-4920	Yes
CX 139	Strategic Business Objectives	PTH - 258		Yes
CX 140	K-DUR: For the treatment and prevention of hypokalemia	PTH - 183		
CX 142	Correspondence re Warrick Contingency Plan for Potassium Chloride ER Tablets, 2/26/97	PTH - 258	5966-5967	Yes
CX 143	Handwritten note with attached correspondence re Warrick Contingency Plan for Potassium Chloride ER Tablets, 2/26/97	PTII - 183		
CX 144	Standard Costs K-DUR: Potassium Chloride Tablets Warrick 12 month forecast	PTH - 258	5967-5973	Yes
CX 145	Warrick Five Year Forecast Feb. 1996 Assumptions: K-DUR generic launch 7/97	PTII - 183		

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CX 147	Long Term Planning Meeting 9/11/96	PTH - 183	6102-6103	
CX 148	Memo re Monthly Report, 3/5/97	PTH - 183		
CX 149	20 MEQ KCL Market, D. Dolan, 4/15/97	PTH - 183		
CX 150	20 mEq Projection Notes, Dolan, 5/97	PTH - 183	457-460, 5903-5904, 5973-5974, 5987-5988	
CX 151	Draft Long Term Plan 1999 to 2004	PTH - 183		Yes
CX 152	Long Term Plan 1999 to 2004	PTH - 183		Yes
CX 153	Long Term Quantifiable Objectives (2001)	PTH - 183		
CX 154	E-Mail re Schering-Key-Warriek	PTH - 183		
CX 155	Klor Con M20 & M10 Projected Units to Manufacture (does not account for units sold) 2000 - 2001	PTH - 183		Yes
CX 156	E-mail re Qualitest Pricing M20 / M10	PTH - 183		Yes
CX 157	Gen 3-KDUR, USL, Warriek, Pl	PTH - 183	4922-4924	Yes
CX 158	Brand 1-KDUR, USL--Conserv SHR	PTH - 183		Yes

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CX 159	Brand with Warrick and PL	PTH - 183		Yes
CX 161	M20 Scenario Summary	PTH - 183		
CX 162	10 MEQ Microdispersable	PTH - 183		
CX 163	E-mail re Qualitest Klor-Con M Pricing	PTH - 183		Yes
CX 164 A	Potassium chloride (20 mEq) Tablet Market Forecast	PTH - 276 ⁴		Yes
CX 164 B	Potassium chloride (20 mEq) Tablet Market Forecast	PTH - 258		Yes
CX 164 C	Potassium chloride (20 mEq) Tablet Market Forecast	PTH - 276 ⁴		Yes
CX 165	Letter re Potassium Chloride 20 mEq, 11/10/96	PTH - 280 ⁴		Yes
CX 166	Potassium Chloride 20 mEq (K-DUR) Forecast 10/9/94	PTH - 280 ⁴		Yes
CX 167	Forecasts and attached memo, "subject: 20mEq Potassium Chloride Tablet forecast," from 1997-2001, to John Dagnello from Shafi Rahman, 1/10/97	PTH - 280 ⁴		Yes
CX 169	K-DUR Analysis, 9/3/97, Multiple scenarios for generic entry	PTH - 276 ⁴	461-462, 547-551, 788-789	Yes
CX 170	Status report: pharmaceutical products; "Launch Year 1998", development remarks and comments on KCL 20 mEq; 12/4/97.	PTH - 280 ⁴		Yes

⁴ Admitted subject to a co-conspirator being proven in complaint counsel's case in chief.

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CX 171	M20 Development File	PTH - 183		Yes
CX 172	Launch Forecast, 3/23/01	PTH - 183		Yes
CX 173	Klor-Con M Market Estimates, 3/29/01	PTH - 183		Yes
CX 174	2001, MIC-CLFAR; Securities and Exchange Commission Form 10-K Annual Report	PTH - 183		
CX 175	May 2001 Inline	PTH - 183		
CX 176	Klor-Con M, 8/8/00	PTH - 183		Yes
CX 177	E-mail to Mark Evenstad from Mike McBride re K-DUR price analysis, 6/13/01	PTH - 183		Yes
CX 178	Monthly Upsher Sales Reports, Forecasts, and Historical, 11/97 thru 7/01	PTH - 183		
CX 179	E-mail to John Lund from Marie Von Ende re Rolling Forecast, 8/15/01	PTH - 183		
CX 180	E-mail to Robert Coleman from John Adams re M20 Pricing, 4/15/01	PTH - 183		Yes
CX 181	E-mail to Mike McBride from John Adams re M20 April 2001 Pricing Scenarios, 4/13/01	PTH - 183		Yes
CX 182	E-mail to Mike McBride from John Adams re M20 Pricing, Price Workbook, 2/16/01	PTH - 183		Yes

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CX 183	E-mail to Jim Tempesta from John Adams re M20 Stuff, 20 mEq and 10 mEq, 1/22/01	PTH - 183		
CX 184	E-mail to Mike McBride from John Adams re KC M20/M10 Pricing, 11/21/00	PTH - 183		Yes
CX 185	E-mails re 2001 Sales Plan in \$(000's) and units, 10/4/00 and 10/23/00	PTH - 183		
CX 186	Upsher-Smith Labs, Klor-Con M, 8/8/00	PTH - 183		Yes
CX 187	Executive Summary Sales Plan, Klor-Con M20 2001	PTH - 183		Yes
CX 188	Klor-Con M total tablets	PTH - 183		Yes
CX 189	Klor-Con M20 & M10 Launch Forecasts, Sales-National Accounts, 3/23/01, Sales Plan Totals	PTH - 183		Yes
CX 190	Klor-Con M20 Development File	PTH - 183		
CX 191	E-mail to Mark Evenstad from John Adams re Klor-Con M20/M10 NPV, 8/30/00	PTH - 183		Yes
CX 192	E-mail to Nancy Wolter from John Adams re Klor-Con M20/M10 Units, 8/30/00	PTH - 183		
CX 193	E-mail to Mark Evenstad from Marie Von Ende re M10/M20 Units & Extended Units, 8/10/00	PTH - 183		
CX 225	Complaint filed 12/15/95 by Key Pharm. against Upsher-Smith	PTH - 183		

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CX 226	Answer (to complaint, 12/15/95) filed 1/29/96 by Upsher-Smith	PTH - 183		
CX 227	Correspondence from Paul Kraviovec to Richard Larson re updated info with regard to ongoing litigation Upsher-Smith is involved with., 6/4/96	PTH - 183		
CX 232	Memo re monthly reports - operational committee, 2/6/97	PTH - 183		
CX 233	Memo re Klor-Con M Tentative Approval, 3/12/97	PTH - 183		
CX 234	Memo re 1997-1999 long term plan, 10/9/96	PTH - 183	5534-5535	
CX 235	Memo re Klor-Con M tentative approval, 5/13/97	PTH - 183		
CX 254	Upsher-Smith long term plan, 4/2/96, Assuming 11/97 launch Klor-Con M20	PTH - 183		
CX 255	Klor-Con -M20, 3/12/97	PTH - 183	4855-4859	
CX 256	Meeting tes from the time line meeting for Klor-Con M20 on 4/29/97	PTH - 183	506-508, 4860-4861	
CX 257	20 mEq assumptions for the projections, 4/30/97	PTH - 183		
CX 258	20 mEq unit projection	PTH - 183		
CX 259	Memo re monthly reports, 5/7/97	PTH - 183		
CX 260	Memo re Klor-Con M tentative approval, 5/13/97	PTH - 183		

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CX 261	E-mail re Packaging of June's Klor-Con M Validation Lots, 5/19/97	PTH - 183	5168-5169	
CX 262	Memo re May business development monthly report, 6/4/97	PTH - 183		
CX 263	Klor-Con 20, 5/12/95	PTH - 183		
CX 264	Memo re Organizational structure and resources, 10/2/96	PTH - 183		
CX 265	Klor-Con M20 info, 4/10/97	PTH - 183	4863-4864	
CX 266	E-mail from Scott Gould to Denise Dolan re Klor-Con M20 IPC Production, 5/19/97	PTH - 183	509-511, 5164-5167	
CX 267	Key Business Unit Five Year Forecast	PTH - 183	2736-2738	
CX 283	Executive Summary, Settlement discussions with Upsher-Smith and Schering	PTH - 258	560, 776-783	Yes
CX 295	Correspondence re abbreviated new drug application dated 8/8/95, 3/6/97	PTH - 183		
CX 296	Correspondence from Kapur to Troop re Schering (Key Pharmaceuticals) -Upsher agreement, 6/17/97	PTH - 183		
CX 297	Handwritten notes on negotiations	PTH - 258		Yes
CX 298	Expense Report	PTH - 183		
CX 299	Expense Report	PTH - 183		

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CX 300	Expense Report	PTH - 183		
CX 301	Kapur travel itinerary 6/2-6/97	PTH - 183		
CX 302	Expense Report	PTH - 183		
CX 303	Kapur Hotel receipt	PTH - 183		
CX 304	Upsher-Smith Employee Expense Report	PTH - 183		
CX 305	Expense Report	PTH - 183		
CX 306	Expense Report	PTH - 183		
CX 307	Expense Report	PTH - 183		
CX 308	Expense Report	PTH - 183		
CX 309	Ian Troup Desk calendar	PTH - 183		
CX 310	Schering draft of confidentiality agreement for disclosures re Niacor, Wasserstein to Troup, 6/10/97	PTH - 183		
CX 311	Settlement discussions	PTH - 183		
CX 312	License Terms for U-S Products, discussions	PTH - 183		
CX 313	Points of Agreement with Key Pharmaceuticals, 6/17/97	PTH - 183		

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CX 314	Points of Agreement with Key Pharmaceuticals,, 6/17/97	PTH - 183		
CX 315	Upsher-Smith Financials 1995-1997	PTH - 183		
CX 316	Income Statement, July Results	PTH - 183		Yes
CX 317	Financial Statements 1/3/99 and 1/4/98	PTH - 183	6222-6223	Yes
CX 318	K-DUR Lozenge/Nitro-DUR Color Change Quantitative Assessment	PTH - 183		
CX 319	Memo re K-DUR 20 Meltab, 5/4/99	PTH - 183		
CX 320	Memo re K-DUR Meltab, 6/22/99	PTH - 183		
CX 321	Product Strategies, 4/1/96	PTH - 183		
CX 322	Product Strategies, 9/11/96	PTH - 183	5527-5528	
CX 338	<i>Presentation, forecasts and attached Internal Memorandum, "RE: Board of Director's Meeting- June 24, 1997", summary of proposed license agreement with Upsher-Smith; to Schering Board of Directors; from William Silbey; 6/19/97.</i>	PTH - 183	3580-3581, 3782-3785, 3807-3808, 6581-6586, 6680	
CX 339	Board of Directors Presentation, Upsher-Smith Transactions	PTH - 258		Yes
CX 340	Schering-Plough Corp's Meeting of the Board of Directors, 6/24/97	PTH - 183		

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CX 341	Board of Director's Presentation, Upsher-Smith License, 6/24/97	PTH - 183	571-575, 1231-1232 1268-1269, 1374 - 1375, 1441-1442, 1446-1447	
CX 347	Correspondence from Kapur to Troup re Schering (Key Pharmaceuticals) -Upsher agreement, 6/17/97	PTII - 183	1374, 1644-1646, 3565-3567	
CX 348	Settlement and License Agreement, 6/17/97	PTH - 183	9-12, 409-410, 535-537, 5551-5556, 5616-5618, 6599-6603	
CX 364	Klor-Con M20 , 7/97	PTH - 183	493-497	
CX 365	Correspondence from Troup to Kapur re response to the status of launching the M20 product, 8/4/97	PTH - 183		
CX 366	Audibert letter to Gorske requesting list of investigators, 8/21/97	PTH - 183	2161-2164, 4017	
CX 367	Kapur to Troupe letter requesting group visit to plant for cholestyramine, mentions other products Upsher could produce, 7/16/97	PTH - 183		
CX 388	Klor-Con M20 Approval dates	PTII - 183		
CX 389	Scale-Up Questions	PTH - 183		
CX 390	Klor-Con M Team Meeting, 9/8/99	PTH - 183		
CX 391	E-mail re M20 Launch Quantities, 9/15/99	PTII - 183		

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CX 392	E-mail to Robert Coleman from John Adams re Klor-Con M20 Info, 1/5/99	PTH - 183		
CX 393	Forecasts 9/20/99	PTH - 183		
CX 394	Follow-Up for IPC Meeting, 10/14/99	PTH - 183		Yes
CX 395	Year 2001 - Total Tablets - 207,000,000	PTH - 183		Yes
CX 396	Memo re Scientific affairs May Monthly Report, 5/3/00	PTH - 183		
CX 417	<i>Letter and attached amended certification, Subject: ESI's amended certification, under section 505 (J) (2) (A) (vii) (IV) and 21 CFR § 314.94, concerning the '743 patent; to Harris Weinstein (Covington & Burling, also submitted to the FDA); from Deborah Somerville (Kenyon & Kenyon); 5/6/96.</i>	PTH - 183		
CX 418	<i>Letter, "Re: tire under section 505(j)(2)(B)(ii) of the Federal Food, Drug and Cosmetic Act - U.S. Patent 4,863,743"; to James Nelson (Schering-Plough Counsel, VP Patents and Trademarks); from Robert Wiser (ESI-Lederle Chief Patent Counsel); 1/22/96.</i>	PTH - 183		
CX 419	Letter re Notice under section 505(j)(2)(B)(i) of the Federal Food, Drug and Cosmetic Act - U.S. Patent 4,863,743, 12/29/95	PTH - 183		
CX 420	Letter re Notice under section 505(j)(2)(B)(ii) of the Federal Food, Drug and Cosmetic Act - U.S. Patent 4,863,743, 1/30/96	PTH - 183		
CX 421	Letter re Notice under section 505(j)(2)(B)(ii) of the Federal Food, Drug and Cosmetic Act - U.S. Patent 4,863,743, 1/30/96	PTH - 183		
CX 422	Letter re Amended Notice to patent holder and holder of approved drug pursuant to Section 505(j)(2)(B)(ii) of the Federal Food, Drug and Cosmetic Act and 21 CFR § 314.94, 5/8/96	PTH - 183		

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CX 424	Complaint; Trial by Jury demanded filed by Key Pharmaceuticals against ESI-Lederle 6/20/96	PTH - 183		
CX 430	Amended Complaint filed 6/16/97	PTH - 183		
CX 431	Answer of ESI-Lederle to Key Pharmaceuticals' Amended Complaint, 7/97	PTH - 183		
CX 436	Answer and Counterclaim of ESI, 4/1/96	PTH - 183		
CX 445	Certificate of Correction requested by Key Pharmaceuticals, Inc., filed 2/16/96, to Commissioner of Patents, 2/20/96	PTH - 183		
CX 456	Letter re Key Pharmaceuticals v. ESI-Lederle, Inc., 12/6/96	PTH - 183		
CX 457	Letter re ESI has sales force, 2/20/97	PTH - 183		
CX 458	Letter re ESI concerns about settlement proposal raising anti-trust risks, 3/19/97	PTH - 183	2659-2660, 2662	
CX 459	Letter, Key Pharmaceuticals v. ESI-Lederle, Inc. . 96-CV-1219, Subject: Settlement; to Judge Reuter (E.D. Pa); from Anthony Nerman (Covington & Burling), 4/18/97.	PTH - 183	2661-2663	
CX 460	Handwritten note, 9/26	PTH - 258		Yes
CX 461	ESI projections of Potassium Chloride Sales, 9/97	PTH - 183		
CX 462	Letter re Key Pharmaceuticals v. ESI-Lederle, Inc., 7/25/97	PTH - 183		

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CX 463	Letter re Key Pharmaceuticals v. ESI-Lederle, Inc., 9/9/97	PTH - 183	2625-2627	
CX 464	Letter and attached summary, "Key Pharmaceuticals, Inc. v. ESI-Lederle, Inc. C.A. No. 96-1219 (E.D.Pa.)", summary agreement; to Paul Heller (Kenyon & Kenyon); from Anthony Herman (Covington & Burling); 9/12/97.	PTH - 183	2544-2546	
CX 465	Letter re interest for new generic products in the European market, 10/14/97	PTH - 183		
CX 466	Letter Dey to Driscoll: ESI wants to sell Key 20mEq tablet for a fee, 2/20/97	PTH - 183		
CX 467	E-mail, "subject: KCL FDA communication"; to Nick Tantillo; from Michael Dey; 11/11/97.	PTH - 280 ⁵		Yes
CX 468	Letter: Key Pharmaceuticals v. ESI-Lederle, Inc. . 96-CV-1219, Subject: Settlement Conference; to Judge Reuter (E.D. Pa); from Anthony Herman (Covington & Burling), 11/12/97.	PTH - 183		
CX 469	Letter and attached summary: Key Pharmaceuticals v. ESI-Lederle, Inc. . 96-CV-1219, Subject: ANDA correspondence between ESI and FDA; to Paul Heller and Deborah Somerville (Kenyon & Kenyon); from Anthony Herman (Covington & Burling); 12/15/97.	PTH - 183		
CX 470	Letter re Key Pharmaceuticals v. ESI-Lederle, Inc., 12/17/97	PTH - 183	2638-2639	
CX 471	Correspondence re Proposed settlement between Schering and ESI	PTH - 183		

⁵ Admitted but subject to the judge's satisfaction that they come under the co-conspirator exception.

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CX 472	Handwritten notes	PTH - 183	2651-2652	
CX 473	<i>Letter: Key Pharmaceuticals v. ESI-Lederle, Inc. . 96-CV-1219, Subject: 12/22/97, Settlement proposal, 12/22/97; to Anthony Herman (Covington & Burling); from Paul Heller (Kenyon & Kenyon), 12/22/97.</i>	PTH - 183	2639-2640	
CX 474	Berman letter to Somerville rejecting ESI changes to agreement, 6/17/98	PTH - 183		
CX 475	Letter re Key Pharmaceuticals v. ESI-Lederle, Inc., 1/26/98	PTH - 183		
CX 476	Presentation; Licensing Agreement between SPOC and Warrick, 2/25/98	PTH - 183		
CX 477	Minutes of Meeting 2/19/98	PTH - 183		
CX 478	<i>Letter and attached settlement agreement, re: Key Pharmaceuticals v. ESI-Lederle, Inc. . 96-CV-1219, to Paul Berman (Covington & Burling); from Deborah Somerville (Kenyon & Kenyon), 2/9/98.</i>	PTH - 183		
CX 479	Settlement Agreement, 6/19/98	PTH - 183		
CX 480	License Agreement	PTH - 183		
CX 481	Letter re Notice of ANDA approval letter; settlement agreement dated 6/19/98 between Key, Schering, ESI and AHP, 5/12/99	PTH - 183		
CX 482	Letter re Settlement agreement, Key v. ESI; Generic K-DUR KC1 Tablets 20 meq, 5/12/99	PTH - 183		

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CX 483	<i>Letter - Subject: settlement discussions between Schering and AHP, "Re: Key Pharmaceuticals Inc v. ESI Lederle, Inc., Civil Action . 96-CV-1219"; 6/18/98.</i>	PTH - 183		
CX 484	<i>Settlement Agreement, re: Key Pharmaceuticals v. ESI-Lederle, Inc. . 96-CV-1219; Signed by Richard Zahn and Egon Berg (AHP); 6/19/98.</i>	PTH - 183	411-412, 627-631	
CX 485	<i>License Agreement; Contract between Key and ESI, concerning Enalapril and Busprone ANDA etc...; signed by David Poorvin and Egon Berg; fax date- 6/19/98.</i>	PTH - 183		
CX 486	<i>Letters and attached settlement agreement, "Re: file of ANDA Approval Letter, Settlement agreement dated June 19, 1998 between Key... and AHP...", request for payment by AHP to Key; to various employees of Schering; from Lawrence Alaburda, 6/12/99.</i>	PTH - 183		
CX 487	<i>Letter and attached license agreement; "re: payment due under 6/19/98 license agreement... re: Potassium Chloride Tablets"; to various employees of Schering-Plough; from Lawrence Alaburda; 6/7/01.</i>	PTH - 183		
CX 488	<i>Letters and attached license agreement, "Re: payment due under June 19, 1998 License Agreement Between Schering-Plough Ltd.,... and ESI... Re: Potassium Chloride Tablets"; to various employees of Schering; from Lawrence Alaburda, 6/7/01.</i>	PTH - 183		
CX 489	<i>Letters, re: Key Pharmaceuticals v. ESI-Lederle, Inc. . 96-CV-1219, Subject: rejection of Schering's changes (concerning ancillary restraints) to proposal before Magistrate; to Paul Berman (Covington & Burling); from Deborah Somerville (Kenyon & Kenyon), 6/18/98.</i>	PTH - 183		
CX 490	<i>Order discussing case after settlement, 1/26/98</i>	PTH - 183		
CX 491	<i>Letter from judge DuBois to parties on settlement, 1/26/98</i>	PTH - 183		

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CX 507	<i>Letter</i> , Subject: Analysis of Niaspan information pursuant to possible business venture; to Mukesh Patel (Kos); from Fritz Casselman (Smith-Kline Beecham); 10/16/97.	7635 ⁶	7540, 7634-7635, 7646	Yes
CX 508	<i>File Note</i> , notes of Niaspan marketing meeting between Kos and Smith-Kline Beecham; cc: Dan Bell (Kos); from Mukesh Patel (Kos); 8/13/97.	7538	7537-7540	
CX 509	<i>Letter</i> , Subject: lack of interest in pursuing Niaspan business venture; to Mukesh Patel (Kos); from Alain Beit, Pierre Fabre; 3/10/99.	7635 ⁷	7634-7635	Yes
CX 510	<i>Letter</i> , Subject: decision not to pursue Niaspan business venture; from Monte Parto (Bristol-Myers Squibb); to Mukesh Patel (Kos); 8/4/97.	7638 ⁸	7623-7630	Yes
CX 512	<i>Letter and Data Tables</i> , Subject: possible co-promotion of Niaspan- attached sales activity summary and prescription data charts; to James Egan (Searle); from Mukesh Patel (Kos); 1/20/98.	7652	7651-7654	Yes
CX 513	<i>Notes of Conference Call</i> , Subject: pursuit of Niaspan business venture by Kos and Smith-Kline Beecham, "Outstanding Technical & Commercial Review Matters"; 11/6/97.	7657	7656-7658	Yes
CX 514	<i>Letter</i> , Subject: "feedback on Nicostatin", possible co-promotion of Niaspan; to Mukesh Patel (Kos); from Riccardo Carbucchio (Kl AG); 7/13/99.	7635 ⁹	7634-7635	Yes

⁶ Not offered for the truth of the matter.

⁷ Not offered for the truth of the matter.

⁸ Not offered for the truth of the matter.

⁹ Not offered for the truth of the matter.

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CX 515	<i>Letter</i> , Subject: interest in pursuit of Niaspan business venture; to Mukesh Patel (Kos); from Alain Beit (Pierre-Fabre), 10/28/98.	7635 ¹⁰	7634-7635, 7646-7647	Yes
CX 516	<i>Letter</i> , Subject: follow-up on Niaspan; to Valerie Magre (Pierre-Fabre); from Mukesh Patel (Kos), 3/3/99.	7648	7646-7649	Yes
CX 517	<i>Financial proposal</i> , "Kos Pharmaceuticals, Inc., Nicostatin Co-Promotion Proposal to Roche"; 4/4/00.	7654	7654-7656	Yes
CX 518	<i>Internal Memo</i> , Subject: Schering interest in Niaspan business venture with Kos; to Dan Bell (Kos); from Mukesh Patel (Kos); 1/7/97.	7513	7512-7516	
CX 519	<i>Letter</i> , returned attachment of signed Niaspan CDA from Schering to Kos; to Mukesh Patel (Kos); from Karin Gast; 1/31/97.	7520	7518-7523	
CX 520	Phone call to Karin Gast from Mukesh Patel re interest in Niaspan, availability of Niaspan, 1/15/97	PTH - 183		
CX 524	E-mail re KOS Niaspan, 11/11/97	7909	7909-7918	
CX 526	Memo re KOS Niaspan	7928 ¹¹	7919-7921, 7929-7932	
CX 527	<i>Licensing summary</i> , Niaspan License in Territories Outside North America, Kos/Astra; 5/18/98.	7650	7649-7651	Yes

¹⁰ Not offered for the truth of the matter.

¹¹ Only the first page was admitted into evidence. The remainder of the document was not admitted.

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CX 528	<i>Letter</i> , Subject: decision not to pursue Niaspan business venture; from B.J. Jordan (Synthelabo); to Mukesh Patel (Kos); 2/24/98 and 10/24/97.	7635 ¹²	7630-7645	Yes
CX 529	Phone call re Initial contact, 1/15/97	PTH - 183		
CX 530	Phone Call re Initial contact, 1/15/97	PTH - 183		
CX 531	Phone Call re Follow Up, 1/20/97	PTH - 183		
CX 532	<i>Internal Memo</i> , Subject: Kos' plans to send a new Confidentiality Agreement to Schering, per Niaspan-Kogan-Baldini-Jaharis conversations; to Dan Bell (Kos); from Mukesh Patel (Kos); 1/22/97.	7517	7516-7517	
CX 533	Phone call re Anything from Baldini, 1/22/97	PTH - 183		
CX 534	IMS World R&D Focus	PTH - 183		
CX 535	Phone call re Extent of our interest?, 1/22/97	PTH - 183		
CX 536	<i>Letter and attached Confidentiality Agreement</i> , Subject: Niaspan CDA to Schering; to Karin Gast; from Mukesh Patel (Kos); 1/30/97.	7518	7517-7518	
CX 537	Project Information	PTH - 183		
CX 538	E-mail re Niacin SR and KOS, 2/10/97	PTH - 183		

¹² Not offered for the truth of the matter.

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CX 539	Letter re confidential package on Kos' Niaspan product, 2/10/97	PTH - 183		
CX 540	Letter re Kos' Niaspan, 2/11/97	PTH - 183	3751-3754, 6646-6651	
CX 541	List All Filings Prospectus Rule 424(b)(4), 3/7/97	PTH - 183	6604-6617	
CX 542	Memo re C.V. Business Development Meeting (3/3/97), 3/10/97	PTH - 183		
CX 543	Phone call re Niaspan, 3/13/97	PTH - 183	1646-1648, 3517	
CX 544	Memo re Product Assessment, 3/14/97	PTH - 183	2441-2442, 3779-3780, 6595-6597	
CX 545	Reaction: to a vel Niacin Agent	PTH - 183		
CX 546	Memo re Niaspan Opportunity, 3/26/97	PTH - 183	3494-3500, 6653-6658	
CX 547	Handwritten notes, 4/9/97	PTH - 258		Yes
CX 548	Niaspan Financial Analysis, 4/17/97	PTH - 183		
CX 549	Niaspan Financial Analysis, 4/17/97	PTH - 183		
CX 550	Ray's Forecast - Base	PTH - 183	3472-3474, 3481-3483	

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CX 551	Niaspan Financial Analysis, 4/17/97	PTH - 183		
CX 552	Handwritten tes, 4/25/97	PTH - 258		Yes
CX 553	<i>Handwritten tes, Conference Call between Kos and Schering concerning possible Niaspan business venture; taken by Mukesh Patel (Kos); 4/25/97.</i>	7601	7600-7604	Yes
CX 554	<i>Memo and attached draft proposal, Subject: Niaspan, draft proposal for Schering/Kos deal; to Dave Heatherman (Kos); from Ray Russo; 5/15/97.</i>	3589	7588-7589 7604-7605	Yes
CX 555	Memo re Niaspan, 5/15/97	PTH - 183	1416	
CX 556	<i>Handwritten notes, last conference call between Schering (Gast and Russo) and Kos to discuss Niaspan business venture; recorded by Mukesh Patel (Kos), 5/21/97.</i>	7606	7606-7609	Yes
CX 557	Phone call re Conference call, 5/21/97	PTH - 183		
CX 558	Memo re KOS' Niaspan, 6/9/97	PTH - 183	3517-3522, 4217-4219	
CX 559	Phone call re Status?, 7/15/97	PTH - 183		
CX 560	Project Information	PTH - 183		
CX 561	Memo re Niacin SR - Discussion guide for use with HMO Formulary decision makers, 8/22/94	PTH - 183		

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CX 562	Hypercholesterolemia focus groups with physicians; Discussion Guide	PTH - 183		
CX 563	Memo re review of the Niaspan NDA Integrated Summary, 6/30/94	PTH - 183		
CX 564	Memo re Kos generic ISMN, 6/16/98	PTH - 183		
CX 565	Sustained-released Niacin	PTH - 183		
CX 566	KOS/Upsher-Smith agreements, 2/7/97; and letter Bell to Troup, 1/27/97, to settle KOS/Upsher-Smith patent issues	PTH - 183		Yes
CX 568	Letter re License Agreement with KOS , 2/7/97	PTH - 183	3877-3880, 4306-4307, 5603 5647-5648, 6766-6769	Yes
CX 574	Letter re Our ref: M&G 1866J09-US-LA, 8/19/97	PTH - 183	3760-3763	
CX 575	Letter re C.V. Business development Subcommittee Meeting (May 13, 1997)	PTH - 183		
CX 576	A Qualitative Evaluation Of The Opportunity For Niaspan In Multiple Lipid Disorders Telephone Interviews With Lipid Specialists (4/97)	PTH - 183	3500-3512, 3532-3534, 6659-6664, 8266-8276	
CX 577	Phone Call re Niaspan, niacin, 3/13/97	PTH - 183		
CX 594	Letter re Info of developments in implementation of the Drug Price and Patent Term Restoration Act of 1984, 7/29/88	PTH - 183		

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CX 595	Letter re 180-day exclusivity provisions from FDA, 6/18/97	PTH - 258	2240-2241, 2264-2266	
CX 598	Guidance for Industry Court Decisions, ANDA Approvals, and 180-Day Exclusivity Under the Hatch-Waxman Amendments to the Federal Food, Drug, and Cosmetic Act, 3/00	PTH - 183		
CX 599	General Docket US Court of Appeals for the DC Circuit filings, 3/26/97	PTH - 183		
CX 600	F-D-C reports Prescription Pharmaceuticals and Biotechnology, 1/20/97	2230	2229-2230	
CX 602	Letter to Lipha Pharmaceuticals from Douglas Sporn re approval for Ranitidine Tabs USP, 150 mg and 300mg, 6/17/97	PTH - 258	2239-2240, 2264-2265	
CX 605	F-D-C reports Prescription Pharmaceuticals and Biotechnology, 6/23/97	2243	2241-2246, 2266-2271	
CX 609	Letter to Upsher-Smith from FDA re abbreviated new drug application for Klor-Con M20, 11/24/98	PTH - 183		
CX 610	Memo to Ian Troup from Mark Robbins re November Scientific Affairs Monthly Report, 12/2/98	PTH - 183		
CX 611	Letter to Upsher-Smith from FDA re abbreviated new drug application for Klor-Con M20, 1/28/99	PTH - 183	2274-2275, 2377-2378, 4021-4024, 7013-7019	
CX 612	Letter, Re: abbreviated new drug application for Potassium Chloride extended release tablets USP, 1500 mg; faxed to ESI Lederle, Inc.; from Bonnie McNeal, 5/12/99.	PTH - 183	2280-2281	

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CX 613	Letter re citizen petition dated 8/9/00, 2/6/01	PTH - 183	7029-7032	
CX 618	<i>Fax cover sheet and attached FDA Guidelines, "Guidance for Industry, 180-Day Generic Drug Exclusivity Under the Hatch-Waxman Amendments to the Federal Food, Drug, And Cosmetic Act"; to Egon Berg, from Don Beers (Arlid & Porter); 6/23/98.</i>	PTH - 183		
CX 620	Memo re Mova and Granotec Decisions, 4/24/98	PTH - 258		Yes
CX 621	Memo re ANDA Exclusivity, 8/6/99	PTH - 183		
CX 622	Klor-Con M Team Meeting, 10/14/99	PTH - 183		Yes
CX 623	Letter to Upsher-Smith from Douglas Sporn re 11/20/98 approval for Klor-Con M20	PTH - 183		
CX 636	F-D-C reports, 5/26/97	2237	2235-2239	
CX 647	Patent License Application, regular Utility Form PFO-436, 02/19/86	PTH - 183	7606-7719	
CX 648	1998 PDR listing for Mevacor	PTH - 183		
CX 651	Memo to Key product managers from Steve Lindquist re 1996 Product Promotion, 2/14/96	PTH - 183		
CX 652	Memo to David Stant from Marty Driscoll re Key Plus Plan request, 6/8/95	PTH - 183		
CX 653	Memo to R. Baldini, M. Driscoll from S. Linquist re 1995 Key Monthly Sales Forecast, 6/7/95	PTH - 183		

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CX 654	Memo to Greg Birch from Joann Androconis re Product Performance, 5/22/95	PTH - 183		
CX 655	1995 Key Plus Plan Discussion, 5/23/95	PTH - 183		
CX 656	Memo to Distribution from Eileen Gaeta re 1995 L.E. Rebates Revision, 4/25/95	PTH - 183		
CX 657	Memo to R. Baldini, M. Driscoll from S. Linquist re 1995 Key Monthly Sales Forecast, 5/4/95	PTH - 183		
CX 658	Memo to Ray Russo from Kathleen Taylor re Nursing Home Plus Plan, 4/21/95	PTH - 183		
CX 659	Key Pharmaceuticals 1995 Plus Plan Spending, 5/3/95	PTH - 183		Yes
CX 660	Memo to Driscoll from Russo re Cardiovascular Plus Plan Summary, 5/3/95	PTH - 258		Yes
CX 661	Key/Managed Care - Optimizing the Opportunity	PTH - 183		
CX 662	Cardiovascular Disease Management Presentation Outline	1284		
CX 663	Memo to Distribution from Brian Longstreet re Sales/Pricing Trend Analysis in Managed Care (1991-1995), 3/21/95	PTH - 183		
CX 664	Memo to Distribution from Charlie Scammell re Key Managed Care Pricing Guidelines, 4/28/95	PTH - 183		
CX 665	Memo to DeJesus, DeLuca, Ford, Huff, and Suri from Joann Androconis re Managed Care Plans Contract Status Summary, 8/15/95	PTH - 183		

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CX 666	Memo to Ray Russo from Steve Keogh re 1994 Major Account Sales and Rebate Figures for Imdur, K-Dur, Nitro-Dur, Lotrisone, rmodyne, and Vanceril, 6/15/95	PTH - 183		
CX 667	Key Pharmaceuticals Prescription Report for April 1995	PTH - 258		Yes
CX 668	Memo to Distribution from Greg vello re Pipeline Data graphs April 1995, 5/22/95	PTH - 183		
CX 669	Key K-DUR Data from 2/94 through 1/95	PTH - 183		
CX 670	E-mail to D'Ambrosie and Weintraub from Dan Valerio re Potassium Chloride labeling, 6/12/01	PTH - 183		
CX 671	New Product Launch Procedure, Potassium Chloride Tablets, Launch date 9/4/01, 5/30/01 - Valerio	PTH - 183		
CX 672	Potassium Chloride/K-Dur Tabs, 12 Month Forecast, S/Units, 5/9/01	PTH - 183		
CX 673	Potassium Chloride/K-Dur Tabs, 12 Month Forecast, S/Units, 5/3/00	PTH - 183		
CX 674	Schering-Plough. Package design/Component RIC Request, Potassium Chloride Tabs, Effective date 3/15/96, date received 1/16/96	PTH - 183		
CX 675	Potassium Chloride, USP Extended Release Tabs, Label - Warrick, 2/00	PTH - 183		
CX 676	Shipment of Potassium Chloride, USP Extended Release Tabs Labels to Paxton Advertising from Schering, 2/16/00	PTH - 183		

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CX 677	E-mail to Dan Valerio from Linda Dytrych re Potassium Chloride, 2/7/00	PTH - 183		
CX 678	Packaging Approval Routing List for Potassium Chloride Tabs, 1/30/96	PTH - 183		
CX 679	Package Component Specification for LBL PS ROI. Potassium CH TB 10 MEQ 100, RJC No. 18983907, Schering Labs, 6/27/96	PTH - 183		
CX 680	E-mail from Richard Pipala to Raman kapur re Generic K-Dur, 2/4/00	PTH - 183		
CX 681	K-Dur, 20 MEQ only t 10 MEQ, Warrick is user, 3/16/98	PTH - 183		
CX 682	Risk Authorization, Warrick K-Dur, 3/27/97 - Kapur	PTH - 183	503-504	
CX 683	Letter to R. Pipala from L. Manfredi re Warrick Contingency Plan for Potassium Chloride ER Tabs, 2/26/97	PTH - 183		
CX 684	K-Dur Potassium Chloride Tabs, Warrick 12 Month Forecast, 2/26/97	PTH - 183		
CX 685	Standard Costs, K-Dur Potassium Chloride Tabs, Warrick 12 Month Forecast, 2/26/97	PTH - 183		
CX 686	Chris DiLascia, K-Dur notes, 2/25/97	PTH - 258		Yes
CX 687	Fax to Lou Manfredi from Vin Core re K-Dur Tabs 10 and 20 MEQ data 2/11/97, 2/25/97	PTH - 183		
CX 688	U.S. Pharmaceutical Market: Drugstore & n-Retail Purchases, 60000 Nutrients and Supplements, 2/84	PTH - 183		

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CX 689	Schering-Plough Financial Manual, Acquisition/Divestiture venture and licensing proposals, Financial and Capital Planning , issued 9/1/96 and replaces 6/30/94 - Sponser: Wassertein and Authorized: D'Andrade	PTII - 183	1606-1608, 2411, 4399-4403	
CX 690	Settlement and License Agreement between Schwarz Pharma, Inc. and Key Pharmaceuticals, Inc., 3/8/01 and 2/27/01	PTH - 183		Yes
CX 691	License Agreement between Hercon Labs Corp. and Key Pharmaceuticals, Inc., 3/13/00	1284		Yes
CX 692	Memo to Distribution from Toni DeMola re US New Product Team Tracking Report, 8/22/97	PTH - 183		
CX 693	Pricing Analysis for the Key products from Toni DeMola to Rich Zahn, 8/21/97	PTH - 183		Yes
CX 694	Schering-Plough 2000 Annual Report	PTII - 183		
CX 695	Quarterly Product Margin Report by Brand, 4 th Quarters 1995, §, 3 K-DJR, 2/20/96	PTH - 183	2741-2747, 3491-3493, 5816, 6125-6126, 6214-6215	
CX 696	Memo to Lauda from Estok re Genentech Psoriasis-Pricing Models, 8/15/00	PTII - 183		Yes
CX 697	Genentech ant-cd11, 3/10/00	PTH - 183		
CX 698	Memo to Lauda from Mackey re Sankyo's Olmesartan US Corp Opportunity, 3/21/01	PTH - 183		Yes
CX 699	E-mail from Bette Schultz to Kathleen Madison re Olmesartan issues, 3/22/01	PTH - 183		

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CX 700	E-mail to Kathleen Madison from Bette Schultz re Olmersartan Revised Forecast, 3/15/01	PTH - 183		
CX 701	Memo from Mackey to Androconis, Makey, Pettit, Russo, and Schultz re Olmersartan P & Ls, 2/14/01	PTH - 183		
CX 702	E-mail to Kathleen Madison from Bette Schultz re Olmersartan Revised Forecast, 2/8/01	PTH - 183		
CX 703	E-mail from Richard Chipkin to Gilda Clayton re Qvar, 1/31/01	PTH - 183		Yes
CX 704	E-mail to Gilda Clayton from Richard Chipkin re Proposal on co-marketing of Qvar and Airmir from Dainippon, 5/01	PTH - 183		Yes
CX 705	Memo from John Lund to Profit Performance Team re PPT Meeting, 7/18/97, 7/11/97	PTH - 183	6101-6102	
CX 706	Meeting Notes from the timeline meeting for Klor-Con M20 on 4/29/97	PTH - 183		
CX 707	Letter to Ian Troup from Michael Dey re discussion of possible business arrangement for generic version of K-Dur 20 mEq, 8/14/96	PTH - 183		
CX 708	Economic Analysis of the Key/ESI Patent Settlement, Carl Shapiro, 3/20/	7285	1250-1252, 7284-7295	Yes
CX 710	Upsher-Smith's responses to Complaint Counsel's First Set of Interrogatories, 10/22/01	PTH - 183		
CX 711	Upsher-Smith's objections and response to FTC CID issued 8/18/00	PTH - 183		

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CX 712	Upsher-Smith's objections and response to FTC CID issued 8/18/00, 9/29/00	PTH - 183		
CX 713	Final Clinical/Statistical Report, Niacor-SR/Niacin, 4/21/97	PTH - 183		
CX 714	Protocol Synthesis for Niacor-SR/Fluvastatin study, 6/12/97	PTH - 183	1372, 4025	
CX 715	Schering's supplemental response to complaint counsel's first set of interrogatories, 12/7/01	PTH - 183		
CX 738	Memo to Troup and Evenstad re Pierre Fabre Presentation- 6/3/97, 6/12/97	PTH - 183		
CX 739	Klor-Con M20, 7/97	PTH - 183		
CX 740	K-Dur 20, Key Pharmaceuticals, a division of Schering Plough	PTH - 183		
CX 741	Market assumptions re Klor-Con and K-Dur, Dolan	PTH - 183		
CX 742	Assumptions regarding M20	PTH - 183		
CX 743	Dolan, 20 mEq assumptions for the projections, 4/30/97	PTH - 183		
CX 744	Potassium Chloride (20mEq) Market Forecast recap	PTH - 280 ¹³		Yes
CX 745	Letter to Anthony Herman from Paul Heller re information on ESI's projections for settlement discussion, 9/24/97	PTH - 183		

¹³ Admitted but subject to the judge's satisfaction that they come under the co-conspirator exception.

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CX 746	Memo to DiLascia from Androconis re K-Dur marketing research backgrounder, 7/1/96	PTH - 183	505-506, 2734-2735	
CX 747	1998 K-Dur Marketing Plan, DiLascia, 8/1/97	PTH - 183	488-489	
CX 748	Pharmaceutical Operations Sales, 1997-2001, 6/5/97	PTH - 183		
CX 749	Marketing Strategies/Action Plan for K-Dur	PTH - 183		
CX 750	Pharmaceutical Operations Sales, 1997-2001, 6/5/97	PTH - 183	448-449	
CX 760	<i>Handwritten notes, meeting between Schering and Kos to discuss possible Niaspan business venture; recorded by Mukesh Patel (Kos); 4/9/97.</i>	7530	7523-7536	
CX 770	Company Report, 9/22/97	1284		
CX 771	Letter to Pettit re Secrecy agreement for Niacor-SR, 2/28/97	PTH - 183		
CX 772	Fax to Jan Crawford from Pettit re Niacor-SR, 3/3/97	PTH - 183		
CX 773	Letter to Pettit re amendments of agreement, 3/4/97	PTH - 183		
CX 774	Fax to O'Neil from Pettit re licensing considerations, 5/22/97	PTH - 183	5541-5544	
CX 775	Memo to Troup from Halvorsen re Pierre Fabre Presentation-6/3/97, 6/11/97	PTH - 183		
CX 776	"The Kos is clear; experienced cholesterol marketing warriors flocking to Kos", Jerry Treppel, 7/1/97	PTH - 183		

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CX 777	Upsher's presentation to TCF	PTH - 183		
CX 778	Niacin Franchise; Niacor-SR, 7/97	PTH - 183	5537-5538	
CX 779	Fax to Oliver LeBevre from O'Neil re Niacor-SR info, 11/25/97	PTH - 183		
CX 780	Memo to Kapur from Audibert re Upsher Smith Update, 8/21/97	PTH - 183	1671-1672	
CX 781	Memo to Cesan from Kapur re upsher product licensing deal, 7/2/97	PTH - 183	1670	
CX 782	Memo to Distribution from Audibert re Product Assessment, 3/14/97	PTH - 183		
CX 784	Evenstad et al. U.S. patent filed 6/11/90, 6/30/92	PTH - 183		
CX 785	O'Neil et al. U.S. Patent filed 6/29/92, 12/7/93	PTH - 183		
CX 786	Fax to Hoffman, Thompson, and Wassertein from Kapur re Upsher-Smith modifications to amended agreement, 7/30/97	PTH - 183		
CX 787	Collaboration and license agreement between Neurogen Corp., Schering Corp., and Schering-Plough LTD., 6/28/95	PTH - 183	4535-4536, 4538-4539	Yes
CX 788	Exclusive license and supply agreement between ICN Pharmaceuticas, Inc. and Schering-Plough LTD., 7/28/95	PTH - 183	3444-3449	Yes
CX 789	Distribution Agreement between Centocor, Inc. and Schering-Plough LTD., 4/3/98	PTH - 183		Yes
CX 790	Co-Promotion agreement between Bristol-Meyers Squibb Co. and Schering Sales Management, Inc.,	PTH - 183		Yes

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CX 796	Letter to Vickie O'Neil from Desiree Malanga, re: executed confidentiality agreements, 1) Warrick & Upsher, 2) Schering & Upsher, 4/20/98	PTH - 183		
CX 797	Memo to IND #37,984, Niacor-SR from Harvey Arbit and Dianne Gibbs, re: Minutes of FDA Meeting 6/24/92, 7/8/92	PTH - 183		
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CX 834	Letter re Identifying a Niacor-SR European partner, 11/18/96	PTH - 183		
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CX 836	Letter re change to the "Product Summary" section, 1/13/97	PTH - 183		
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CX 838	Upsher's Confidential Disclosure Niacor-SR	PTH - 183		
CX 839	Upsher's Niacor-SR Contact Summary, 2/3/97	PTH - 183	3767-3768	
CX 840	Fax re Visit to Europe, 4/21/97	PTH - 183		
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CX 845	Fax re Possible corporate partnership with Upsher, Niacor-SR, 2/4/97	PTH - 183		
CX 846	Letter re Niacor-SR rejection, 1/21/97	PTH - 183		
CX 847	Letter re Niacor-SR rejection, 1/21/97	PTH - 183		
CX 848	Fax re New European Licensing Opportunity-Niacor SR, 1/27/97	PTH - 183		
CX 849	Letter re New European Licensing Opportunity-Niacor SR, 1/22/97	PTH - 183		
CX 850	Fax re Niacor-SR rejection, 2/28/97	PTH - 183		
CX 851	Fax re Niacor-SR rejection, 2/3/97	PTH - 183		
CX 852	Fax re Niacor-SR rejection, 2/3/97	PTH - 183		
CX 853	Fax re Niacor-SR rejection, 1/31/97	PTH - 183		
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CX 859	Fax re Niacor-SR rejection, 2/3/97	PTH - 183		
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CX 871	Fax to Moreton from David Colptman re Niacor rejection, 3/13/97	PTH - 183		
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CX 900	Letter to Enid Galliera from Harvey Arbit re request for meeting about Niacor-SR, 5/29/92	PTH - 183		
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CX 903	Niacor-SR Strategy Meeting Summary Notes between Upsher and Consultants, 10/14/94	PTH - 183		
CX 904	Memo re Minutes of FDA Meeting on 11/16/94, 11/29/94	PTH - 183		
CX 905	Draft of Niacor preliminary study results, 9/26/94	PTH - 183		
CX 906	Letter to Robert Freeman from Anita Rackham re meeting with FDA 6/24/92, 5/19/94	PTH - 183		
CX 907	USLNiacin Advisory Group, 4/16/97	PTH - 183		
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CX 991	Management of Hypercholesterolemia: Teleconference with Cardiologists and Primary Care Physicians, 10/96	PTH - 183	4882-4884	
CX 992	Current Practices and the Role of Niacin In the management of High Cholesterol: Teleconference with Primary Care Physicians, 2/97	PTH - 183	4882, 4884-4885	
CX 1018	Protocol 920115 Final Clinical/Statistical Report, 12/5/97	PTH - 183		
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CX 1020	Fax to Marge Garske from Claude Drobnes re Table of Patients with table Elevations in ALT or AST, Text Table 45, 10/31/97	PTH - 183		
CX 1021	Niacor-SR Protocol 920115 Safety Analysis- Introduction	PTH - 183		
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CX 1087	Memo Kapur to Lauda, Cesari; project leader should brief on niacin Kapur for Troupe meetings, 7/2/97	PTH - 183	1667-1670	
CX 1088	Letter re confirmation that Upsher has suspended all research on Niacor-SR, 10/6/98	PTH - 183		
CX 1089	KOS Pharmaceuticals, Competitive Intelligence from IPO Docs, 8/1/97	PTH - 183		
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CX 1100	Upsher 1998 Marketing Plans	PTH - 183	4843-4845	
CX 1101	Correspondence from Paul Thompson to Troup re amendment agreement, 6/30/97	PTH - 183	5597-5598	
CX 1102	Correspondence from Troup to Kapur re Royalty payment due to Upsher-Smith, 6/11/98	PTH - 183		
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CX 1108	Memo re December Clinical, Regulatory Affairs, and Quality Assurance Monthly Report, 1/7/98	PTH - 183		
CX 1109	Memo re Monthly Report, 1/8/98	PTH - 183		
CX 1110	Letter re Letter re confirmation that Upsher has suspended all research on Niacor-SR, 10/6/98	PTH - 183		
CX 1111	Letter re confirmation that Upsher has suspended all research on Niacor-SR, 10/6/98	PTH - 183	3744-3745, 4206-4207, 4428-4429, 4432, 5102-5103, 5609-5610 6623-6625, 6695,	
CX 1112	Memo re Niacor-SR, 9/25/98	PTH - 183		
CX 1113	Memo Audibert to Lauda, 9/25/98; Upsher-Smith t progressing NDA for Niacor	PTH - 183	1674-1675, 6644-6646	
CX 1114	Letter re confirmation that Upsher has suspended all research on Niacor-SR, 10/6/98	1284		
CX 1135	Zocor/Lipitor Price comparison, Red Book Update, 11/99	PTH - 183		
CX 1136	Memo re SCH 58235: Local Requirements for Establishing a Price, 1/11/99	PTH - 183		
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CX 1149	Memo re Fournier's Lipidil (fibrate), 3/18/96	PTH - 258		Yes
CX 1169	Schering's Press release - "Schering-Plough in Agreement with Zonagen for Worldwide Marketing Rights to Vasomax for Treatments of Male Erectile Dysfunction", 11/17/97	1284		
CX 1170	Proposal to create a partnership with Merck and Company to develop and market cholesterol-lowering and allergy products, 2/14/00	PTH - 183		Yes
CX 1171	Analysis of Product Alliances, transmittal 9/21/99	PTH - 183		Yes
CX 1172	Ezetimibe, 7/01	1284		Yes
CX 1174	Merck ex US discussions with Guy Eiferman 11/01	1284		Yes
CX 1175	Atherogenics, 10-K filing, 12/31/00	1284		
CX 1176	Cor Thera. and Schering Intergrelin for acute MI & angina, Press Release, 4/11/95	1284		
CX 1177	COR Therapeutics 10-K filing, 12/31/96	1284		
CX 1178	Transgene and Schering collaborate on gene delivery technology, Press Release, 2/4/98	PTH - 183		
CX 1179	Corvas Int'l and Schering Thrombin & Factor Xa inhibitors, Press Release, 12/19/94	PTH - 183		

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CX 1181	Genzyme Molecular Oncology and Schering collaborate on gene therapy delivery technology, Press Release, 1/5/98	PTH - 183		
CX 1182	Genzyme Corp. 10-K filing, 12/31/98	PTH - 183		
CX 1183	Pharmacoptia, research into therapy for cancer/asthma, Recap analysis, 12/94	PTH - 183		
CX 1184	Neurogen and Schering, Press Release agreement to develop neuro-psychiatric drugs, 6/15/95	PTH - 183		
CX 1185	Neurogen Corp. 10-K-filing, 12/31/95	PTH - 183		
CX 1186	Genome Therapeutics and Schering, Asthma Therapeutics, press release, research & milestones, 12/23/96	PTH - 183		
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CX 1201	SciClone and Schering Recap analysis, 1/93	PTH - 183		
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CX 1205	Enzytech and Schering license agreement, 2/4/92	PTH - 183		Yes

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CX 1209	Univ. of Toronto and Schering recap summary, 1/97	PTH - 183		
CX 1210	Protein DESIGN Labs & Boehringer Mannheim, agreements include equity investment, product licensing and manufacturing, press release, 10/29/93	PTH - 183		
CX 1211	Parke-Davis & Pfizer recap analysis, 3/96	PTH - 183		
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CX 1214	Regeneron & Proctor and Gamble 10-K filing, 12/31/98	PTH - 183		
CX 1215	Warner-Lambert sells Parke-Davis facility and certain brand products to King Pharmaceuticals, press release, 3/2/98	PTH - 183		
CX 1216	Scios and Genetech Auriculla for acute renal failure, press release, 1/31/95	PTH - 183		
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CX 1221	Millennium & Lilly Genes for atherosclerosis & cancer, press release, 10/24/95	PTH - 183		
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CX 1224	Nortran Pharmaceuticals and Hoffman-La Roche Atrial arrhythmia compounds, press release, 5/7/98	PTH - 183		
CX 1225	Axys Pharmaceuticals and Rhone-Poulenc Rorer, Protease inhibitors associated with inflammatory diseases, 12/18/98	PTH - 183		
CX 1226	Texas Biotechnology and SmithKline Beecham form alliance to market and develop Novastan in North America, 8/6/97	PTH - 183		
CX 1227	Bristol-Myers Squibb and ICAGEN Initiate Ion Channel Collaboration; Alliance to focus on small molecules for atrial fibrillation, press release, 9/30/97	PTH - 183		
CX 1228	GeTex and Sankyo Pharmaceutical recap summary, 11/99, rev. 12/99	PTH - 183		

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CX 1231	Cytel and Schwartz Pharma recap summary, 5/95	PTH - 183		
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CX 1233	Scios and Wyeth-Ayerst Trafermin for stroke and cardio, press release, 10/23/96	PTH - 183		
CX 1234	Gensia Pharmaceuticals and Boehringer Mannheim Geomatrix nifedipine for hypertension, press release, 10/11/94	PTH - 183		
CX 1235	3-Dimensional Pharmaceuticals and Wyeth-Ayerst, stock purchase agreement, 6/97	PTH - 183		
CX 1236	3-Dimensional Pharmaceuticals and Wyeth-Ayerst, Orally active thrombin inhibitors, press release, 6/16/97	PTH - 183		
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CX 1243	Memo to David Poorvin from Jim Audibert re JAMI46.doc, 8/7/98	PTH - 256		Yes
CX 1244	Memo to Enters and Dr. Spicchandler from Dr. Chatterjee, re SPRI Review of Frovatriptan, 6/18/98	PTH - 256		Yes
CX 1245	E-mail to Poorvin from Rubi re Zelman Deal Analysis: vartis Perspective, 7/25/00	PTH - 256		Yes
CX 1246	Fax to Poorvin from Sundar Kodiyalam, re Zelman Update, 7/21/00	PTH - 256		Yes
CX 1247	Memo to Raul Cesan from Poorvin, re Levovir (ICN), 5/10/01	PTH - 256		Yes
CX 1248	E-mail to Roehl and Estol from Chipkin, re Genentech PAC document/BD Section, 8/2/00	PTH - 256		Yes
CX 1249	E-mail to Roehl, Reisinger, Cuffie-Jackson, and Grint from Chipkin, re Genentech's bul 1124, 4/7/00	PTH - 256		Yes
CX 1250	Memo to Spicchandler and Enters from Roehl, re Licensing opportunity: bul1124-Genentech's monoclonal antibody for psoriasis, 3/27/00	PTH - 256		Yes
CX 1251	Atherogenics, AGI-1067; license, 10/22/99	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1252	Alkermes (formerly Enzytech), injectable delivery system for Alpha Interferon; development/license, 2/10/92, amended 7/26/95	PTH - 183		Yes
CX 1253	Bristol-Myers Squibb, Tequin; co-promotion, 1/1/00	PTH - 183		Yes
CX 1254	British Biotech, Marimastat; development/license/stock subscription, 9/6/99	PTH - 183		Yes
CX 1255	Celitech, antibody to gamma interferon receptor; license/E.C. co-promotion, 12/10/92, amended 4/27/95	PTH - 183		Yes
CX 1256	Centocor, Avakine; distribution/license/security agreement, 4/3/98	PTH - 183		Yes
CX 1257	Cephalon, Alzheimer's drug; collaboration/research, 5/23/90	PTH - 183		Yes
CX 1258	Chiroscience, asthma drug; collaboration/research, 6/24/97	PTH - 183		Yes
CX 1259	Chugai Pharmaceuticals, Psoriasis drug; license, 3/2/98	PTH - 183		Yes
CX 1260	COR Therapeutics, Integrelin; collaboration, 4/10/95	PTH - 183		Yes
CX 1261	Corvas, Hepatitis C inhibitor; collaboration/license, 6/11/97	PTH - 183		Yes
CX 1262	Endorecherche, Antiestrogen & antiandrogen; development/license	PTH - 183		Yes
CX 1263	Enzon, PEG intron-A; development/license/supply, 11/14/90, amended 2/23/92 and 6/30/95	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Car
CX 1264	Genome Therapeutics Corp., Gemic fungal infection treatment; collaboration/license, 9/23/97	PTH - 183		Yes
CX 1265	Genome Therapeutics Corp., Asthma product; development/license, 12/20/96	PTH - 183		Yes
CX 1266	Genome Therapeutics Corp., Any disease-treatment product developed from GTC databases (?); collaboration/license, 12/7/95	PTH - 183		Yes
CX 1267	Human Genome Sciences, Access to HGS gene techlogy; R&D collaboration/license, 6/28/96	PTH - 183		Yes
CX 1268	ICN, Ribavirin; license, 7/28/95	PTH - 183	1474-1484	Yes
CX 1269	Incyte (Synteni), Access to Incyte's microarray techlogy & databases; collaboration/license, 10/1/98	PTH - 183		Yes
CX 1270	Medi-ject & Becton Dickinson, Needle-free injectors, syringes, & adapters; license/supple, 1/20/98	PTH - 183		Yes
CX 1271	Myriad Genetics, "all products"; research collaboration/license, 4/22/97	PTH - 183		Yes
CX 1272	Neurogen, any product containing Program Dopamine Agonist/Antagonist technology; collaboration/license, 7/27/95	PTH - 183		Yes
CX 1273	Novopharm, all ANDA approved products, for eight years after 5/11/95; (Warrick) distribution, 5/2/94, amended 5/11/95	PTH - 183		Yes
CX 1274	Novopharm Biotech., genetic biotechnology pharm. products from "Option Substances"; development/manufacture/marketing/supply/distribution, 2/17/97	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1275	Orion, Toremifene tablet; supply/distribution, 3/14/95	PTH - 183		Yes
CX 1276	Ribi ImmuChem Research, Melacine; distribution/supply, 3/14/95	PTH - 183		Yes
CX 1277	SciClone, Thymosin Alpha-1 (TA-1); license/development/supply, 1/12/93	PTH - 183		Yes
CX 1278	Sennas, SBI gene & protein patent sublicense, 8/18/99	PTH - 183		Yes
CX 1279	Sepracor, DCI. (loratadine metabolite); license, 12/5/97	PTH - 183		Yes
CX 1280	Sequus Pharma., Coelyx/Doxil; supply/distribution, 8/29/96	PTH - 183		Yes
CX 1281	TerraGen Diversity, bacteria extract; research collaboration/license	PTH - 183		Yes
CX 1282	Transgene, S.A., use of Transgene's adavirus gene therapy & delivery systems; research collaboration/license/option, 2/2/98	PTH - 183		Yes
CX 1283	Univ. of Toronto, Alzheimer's gene therapy; development/license, 12/9/96	PTH - 183		Yes
CX 1284	Memo to Enter from Chipkin re Confidential Material from Geltex, 3/23/99	PTH - 183		Yes
CX 1285	Memo to Thompson from Maetzold re Background if on Cholesterol market for cholestagel analysis, 4/28/99	PTH - 183		Yes
CX 1286	E-mail to Audibert, Lauda, Poorvin, Chipkin, Veltri, Ress, and Mackey from Derek Maetzold, re Geltex Acquisition Paper, 6/4/99	PTH - 183	4309-4314, 4326-4329	Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1287	Memo to Enters from Audibert re Geltex, 6/24/99	PTH - 183	4316-4320	Yes
CX 1288	Fax to Audibert from Collins re Updated financial model runs for Gel-Tex , 6/5/99	PTH - 183		Yes
CX 1289	Fax to Audibert from Collins re Modified Geltex model-Scenario 3C, 8/18/99	PTH - 183		Yes
CX 1290	Memo to Chipkin from Maetzold re Cholestagel Forecast, 5/5/99	PTH - 183		Yes
CX 1291	Memo to Lauda from Maetzold, re Cholestagel Forecast	PTH - 183		Yes
CX 1292	Cholestagel, P&I, forecast w/assumptions, tes and additional figures, 5/99	PTH - 183		Yes
CX 1293	Draft, Acquisition of Geltex	PTH - 183		Yes
CX 1294	Memo to Enters and Spicchandler from Chatterjee re SPRI Technical Assessment of Cholestagel from GelTex Pharmaceuticals, Inc., 9/1/99	PTH - 183	4314-4316	Yes
CX 1295	Atherogenics, Inc., Initial Presentation, 4/15/98	PTH - 183		Yes
CX 1296	Atherogenics AGI-1067 presentation documents, 9/28/98	PTH - 183		Yes
CX 1297	AGI-1067 Indication	PTH - 183		Yes
CX 1298	Letter to Karin Gast from Mitchell Glass re 6/9/98 request for follow-up on AGI-1067, 6/24/98	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Case
CX 1299	Memo to Rudy Ress from Karin Gast re Answers from AtherGenics, 10/16/98	PTH - 183		Yes
CX 1300	Letter to Shurts from Andrews re Due Diligence—AtheroGenics, 12/4/98	PTH - 183		Yes
CX 1301	AGI-1067 Development total Allocated Costs	PTH - 183		Yes
CX 1302	Memo to Roehl from Reif re AtheroGenics AGI-1067 Review, 12/10/98	PTH - 183		Yes
CX 1303	Pre-clinical pharmacology review of AGI-1067/DD visit Report, 12/23/98	PTH - 183		Yes
CX 1304	Memo to Roehl from Halliwell re Due diligence review of AtheroGenics AGI 1067 In-Licensing Review, 1/6/99	PTH - 183	4575-4577	Yes
CX 1305	Memo to Roehl from Lipka re Atherogenics AGI-1067 Review, 1/26/99	PTH - 183		Yes
CX 1306	Memo to Roehl from Kosoglou re Clinical Pharmacology Due Diligence Review, 5/26/99	PTH - 183		Yes
CX 1307	Template for project manhour estimates: Nonsterile Pharmaceutical Development, 8/20/99	PTH - 183		Yes
CX 1308	Memo to Roehl from Tkach re WRA due diligence review of AGI-1067 from AtheroGenics, 3/22/99	PTH - 183	4577-4578	Yes
CX 1309	AGI-1067: Athergenic's anti-restenosis compound PRB briefing document, Meeting: 7/26/99	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1310	AGI-1067, A Licensing Opportunity for the Prevention of Restenosis from Atherogenics, 9/13/99 presented to SPOC	PTH - 183	4568-4574	Yes
CX 1311	Memo to Distribution from Qaalfa Dibeethi re Vasomax docs, 4/13/97	PTH - 183		Yes
CX 1312	Fax to Poorvin from Dourado re "vase case" comparison with Viagra, 9/30/97	PTH - 183		Yes
CX 1313	Memo to Dourado and Hurtado from Koorie and Melas re Commercial Assessment of Invicorp & Vasomax, , 8/21/97	PTH - 183		Yes
CX 1314	Memo to Dourado and Rubi from Schafroth re Licensing opportunities: Vasomax, OD Itamide, 3/4/97	PTH - 183	1500-1501	Yes
CX 1315	Memo to Baron, Hurato, and Poorvin from Schultz re Zonagen, 6/10/97	PTH - 183		Yes
CX 1316	Memo to Chatterjee from Schultz re Vasomax, 7/9/97	PTH - 183		Yes
CX 1317	E-mail to Schultz and Melas from Estok re Vasomax product profile, 8/27/97	PTH - 183		Yes
CX 1318	Letter to Richard Lorber from John Potthof re safety tabs related to adverse experiences in Zonagen, 10/2/97	PTH - 183		Yes
CX 1319	Letter to Schultz from Bowman re updated adverse advent tabs on ZON 200, 10/24/97	PTH - 183		Yes
CX 1320	E-mail to Schultz from Lorber re Zonagen clinical and regulatory if on vasomax, 9/9/97	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1310	AGI-1067, A Licensing Opportunity for the Prevention of Restenosis from Atherogenics, 9/13/99 presented to SPOC	PTH - 183	4568-4574	Yes
CX 1311	Memo to Distribution from Qaalfa Dibeehi re Vasomax docs, 4/13/97	PTH - 183		Yes
CX 1312	Fax to Poorvin from Dourado re "vase case" comparison with Viagra, 9/30/97	PTH - 183		Yes
CX 1313	Memo to Dourado and Hurtado from Kvoric and Melas re Commercial Assessment of Invicorp & Vasomax, , 8/21/97	PTH - 183		Yes
CX 1314	Memo to Dourado and Rubi from Schafroth re Licensing opportunities: Vasomax, OD flamide, 3/4/97	PTH - 183	1500-1501	Yes
CX 1315	Memo to Baron, Hurato, and Poorvin from Schultz re Zonagen, 6/18/97	PTH - 183		Yes
CX 1316	Memo to Chatterjee from Schultz re Vasomax, 7/9/97	PTH - 183		Yes
CX 1317	E-mail to Schultz and Melas from Estok re Vasomax product profile, 8/27/97	PTH - 183		Yes
CX 1318	Letter to Richard Lorber from John Putthof re safety tabs related to adverse experiences in Zonagen, 10/2/97	PTH - 183		Yes
CX 1319	Letter to Schultz from Bowman re updated adverse advent tabs on ZON 200, 10/24/97	PTH - 183		Yes
CX 1320	E-mail to Schultz from Lorber re Zonagen clinical and regulatory if on vasomax, 9/9/97	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1321	Memo to Distribution from Crosby re Vasomax: Draft PRB/SPOC document for review, 10/6/97	PTH - 183		Yes
CX 1322	Memo to Distribution from Lorber re Vasomax Assessment, 8/27/97	PTH - 183		Yes
CX 1323	Memo to Chatterjee from Haenick re Vasomax Tabs - Zonagen, Inc., 9/10/97	PTH - 183		Yes
CX 1324	Memo to Cesan from Jensen and Chatterjee re Vasomax: Status of issues and SPII position, 11/7/97	PTH - 183		Yes
CX 1325	Memo to Enters from Lauda re Due diligence of Zonagen's Vasomax, 8/20/97	PTH - 183	1501-1504	Yes
CX 1326	Fax to Schultz from Kelli Marks, re Minutes and action items from 10/2 meeting, 10/2/97	PTH - 183		Yes
CX 1327	Memo to Farrell and Weiner from Estok, re Vasomax licensing opportunity trademark evaluation, 10/13/97	PTH - 183		Yes
CX 1328	Memo to Chatterjee, Haenick, Halliwell, and Rinaldi from Bette Schultz re: Vasomax chronic tox, 9/23/97	PTH - 183	1504-1505	Yes
CX 1329	Letter to Craig McCarthy from Isidoro Perez re: request review of Vasomax Marketing Authorization Application in U.K., 10/22/97	PTH - 183		Yes
CX 1330	Memo to Bowman from DeSousa re Vasomax international regulatory strategy, 10/13/97	PTH - 183	1507-1508	Yes
CX 1331	Memo to Distribution from Enters re ad hoc PRB Meeting, 10/9/97	PTH - 183	1508-1512, 8458-8463	Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1332	Memo to meeting Attendees from Enters re Minutes, ad hoc PRB Meeting 10/10/97, 10/20/97	PTH - 183		Yes
CX 1333	Memo to Collins from Schultz re Vasomax SPOC presentation, 10/13/97	PTH - 183	1512-1516	Yes
CX 1334	Fax to Bill Silbey from Bette Schultz re Vasomax board paper, 10/20/97	PTH - 183		Yes
CX 1335	Clinical Development Summary 6/98	PTH - 183		Yes
CX 1336	Marimastat Presentation	PTH - 183		Yes
CX 1337	Memo to Hurado and Schultz from Wael Fayad, re Marimastat U.S. commercial assessment, 9/22/98	PTH - 183		Yes
CX 1338	Marimastat Matrix Metalloproteinase Inhibitor, British Biotech, marketing assessment, 11/11/98	PTH - 183		Yes
CX 1339	Letter to Chatterjee from Peter Brown reply to 12/10/98 SPR1 request for data, 12/16/98	PTH - 183		Yes
CX 1340	Fax to Schultz and Chatterjee from Peter Brown, reply to questions raised in fax of 3/8/99, 3/16/99	PTH - 183		Yes
CX 1341	Earnings Impact assessment, 7/23/99	PTH - 183		Yes
CX 1342	Letter: Poorva from Schultz re financial analysis, 7/22/99	PTH - 183		Yes
CX 1343	Draft P&L review	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1344	Preliminary P&L analysis	PTH - 183		Yes
CX 1345	Memo to Enters and Spicenhändler from Chatterjee re SPRI Assessment of Marimastat, 12/1/98	PTH - 183		Yes
CX 1346	Letter to Chatterjee from Peter Brown re "boxes for tech review", 4/16/99	PTH - 183		Yes
CX 1347	Marimastat, A licensing opportunity for a vel late-stage anticancer agent from British Biotech, for presentation to PRB 6/25/99	PTH - 183		Yes
CX 1348	Marimastat, A licensing opportunity for a vel late-stage anticancer agent from British Biotech, for presentation to SPOC 6/28/99	PTH - 183	4590-4591	Yes
CX 1349	Development, license and supply agreement between Schering Corp., Schering-Plough LTD. and R.P. Scherer Corp., 3/24/99	PTH - 183		Yes
CX 1350	Exclusive license and supply agreement between Becton Dickinson and Co. and Schering Corp., 5/15/99	PTH - 183		Yes
CX 1351	Development, License and Supply Agreement between Schering Corp. and Enzon, Inc., 10/29/90	PTH - 183		Yes
CX 1352	Exclusive License Agreement between Atherogenics, Inc. and Schering Corp., 10/25/99	PTH - 183		Yes
CX 1383	Agreement between British Biotech Pharmaceuticals LTD. and Schering Corp., 9/6/99	PTH - 183		Yes
CX 1354	Option Agreement between Schering Corp. and Silicon Microdevices, Inc., 12/18/98	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1355	Collaboration and license agreement between Pharmacoceia, Inc. and Schering Corp., 10/29/98	PTH - 183		Yes
CX 1356	Letter to Kade Kadrie from Joe Wardell re Status of Niacor-SR Licensing Effort, 9/16/93	PTH - 183		
CX 1357	Memo to Distribution from Bob Coleman re Niacor-SR, changes in the marketplace that may significantly impact the potential marketability of the Niacor-SR product, 8/12/97	PTH - 183		
CX 1361	Schering's response to complaint counsel's first set of interrogatories, 10/22/01	PTH - 183		
CX 1362	Schering's response to complaint counsel's corrected first set of interrogatories, 11/16/01	PTH - 183		
CX 1363	Letter to Tara Koslov from John Nields re other Schering deals, 3/29/01	PTH - 183		
CX 1364	Plaintiff's Statement Pursuant to Rule 12G, Key v. Upsher-Smith, 1/30/97	PTH - 183		Yes
CX 1368	Upsher's letter to FDA with minutes from the January 31, 1990 meeting, dated 3/19/1991	PTH - 183		
CX 1369	Upsher's letter to FDA, Re: Notes from the September 12, 1991 meeting, dated 9/26/91	PTH - 183		
CX 1370	FDA's letter to Upsher, Re: Study recommendations, dated 12/11/91	PTH - 183		
CX 1371	Upsher's Notes on telephone communication with the FDA, dated 12/16/91	PTH - 183		

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CX 1372	Upsher's Letter to the FDA, Re: FDA's letter of 12/11/91, dated 3/31/92	PTH - 183		
CX 1373	Upsher's letter to the FDA, Re: Request for 6/92 meeting, dated 5/29/92	PTH - 183		
CX 1374	Phoenix's notes from the 6/24/92 FDA meeting, dated 6/25/92	PTH - 183		
CX 1375	Upsher's notes from the 6/24/92 FDA meeting, dated 7/8/92	PTH - 183		
CX 1376	Phoenix's memo with notes from the 6/24/92 and 9/12/91 FDA meetings, dated 5/19/94	PTII - 183		
CX 1377	Upsher's minutes of the 11/16/94 FDA meeting, dated 11/29/94	PTII - 183		
CX 1378	Upsher's memo to the FDA, Re: Summary of PK study results & request for a meeting, dated 11/25/96	PTH - 183		
CX 1379	Faxed comments from FDA, Re: Biopharm review, dated 1/13/97	PTH - 183	3723-3728, 4182-4186, 4415-4418, 6625-6629	
CX 1380	Upsher's response to the FDA's Biopharm review, dated 1/20/97	PTH - 183		
CX 1381	Upsher's list of objectives for the 2/5/97 FDA meeting, dated 2/5/97	PTH - 183		

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1382	Upsher's letter to the FDA with minutes from the 2/5/97 FDA meeting, Re: Proposed research protocol, dated	PTH - 183	2144-2150, 3729-3733, 3739-3741, 4188-4195, 4197-4203, 4419-4425, 6629-6632	
CX 1383	FDA's fax, Re: Proposed protocol, dated 3/25/97	PTH - 183	3742-3744, 4203-4205, 4426-4427, 6633-6634	
CX 1384	Confidential slide presentation on Gelrex's Cholestagel, dated 3/23/99	PTH - 183		Yes
CX 1385	Finance press release from Yahoo! Printed 3/16/99	PTH - 183		
CX 1386	Audibert's Niacor NPV analysis, dated 6/17/97	PTH - 183	1374	
CX 1387	Upsher's lab study #900221 - a listing of adverse events data, dated 9/24/97	PTH - 183		
CX 1388	Upsher's lab study #900221- a listing of adverse events data, dated 9/24/97	PTH - 183		
CX 1389	Schering-Plough's Competitive pricing analysis as of 1/15/00	PTH - 183		
CX 1390	Schering/Pharmacopeia 11/3/98 press release, dated 11/3/98	PTH - 183		
CX 1391	Schering/British Biotech 9/7/99 press release, dated 9/7/99	PTH - 183		

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1392	Document: "Intron-A Long Acting Injection", dated 6/28/95	PTH - 183		Yes
CX 1393	Document: A Licensing Opportunity for the Prevention of Restenosis from AtheroGenics, dated for the 9/13/99 presentation	PTH - 183		Yes
CX 1394	Memo: from Sundar Kodiyalam to Distribution, Re: Tequin Financials, dated 1/18/2000	PTH - 183		Yes
CS 1395	Memo: from David Poorvin, Ph.D. to Mr. Richard J. Kogan, Re: Board document for review, dated 1/18/2000	PTH - 183		Yes
CX 1396	Document: A Licensing Opportunity for a vel Late-Stage Anticancer Agent, dated 6/28/99	PTH - 183		Yes
CX 1397	Document: Centocor's Avastin Monoclonal Antibody, dated 3/17/98	PTH - 183		Yes
CX 1398	Document: Proposal for Extension of Our Alzheimer's Disease Research Agreement, dated 9/5/95	PTH - 183		Yes
CX 1399	Document: Proposed Chironscience/SPRI Collaboration on PDE IV Inhibitors for Asthma, unknown dated	PTH - 183		Yes
CX 1400	Document: Proposal for a Collaboration with Chugai Pharmaceutical Co., Ltd., for the Development and Marketing of 22-Oxacalcitriol (OCT) for Psoriasis, dated 12/5/97	PTH - 183	4588-4589	Yes
CX 1401	Memo: from Thomas Lauda to the Distribution list, Re: Integrelin Financial/Sensitivities, dated 3/21/95	PTH - 183		Yes
CX 1402	Memo with attachment: From Tom Milner to Tom Lauda, re: COR Therapeutics, dated 3/30/95	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1403	Document: Proposal for a Research Collaboration with Corvas international, Inc., dated 4/17/97	PTH - 183		Yes
CX 1404	Table regarding Corvas Collaboration Earnings Impact, dated 4/11/97	PTH - 183		Yes
CX 1405	Table regarding Corvas Collaboration Earnings Impact, dated 4/14/97	PTH - 183		Yes
CX 1406	Memo with table summarizing the status on potential deal terms, dated 2/10/97	PTH - 183		Yes
CX 1407	Memo with table regarding potential deal terms between Schering-Plough and Corvas, dated 1/20/97	PTH - 183		Yes
CX 1408	Document: Proposal for a Research Collaboration with Gene Therapeutics Corporation (GTC) to Create Genomic Screens for the Discovery of Novel Anti-infective Agents, dated for 10/25/95 presentation	PTH - 183		Yes
CX 1409	Document: Proposal for a Research Collaboration with Genome Therapeutics Corporation (GTC) to Create Genomic Screens for the Discovery of Novel Antifungal Agents, dated for 4/23/97 presentation	PTH - 183		Yes
CX 1410	Document: ICN Pharmaceuticals, Inc., Proposal for a Development/Marketing Agreement for Ribavirin/Intron A Combination for Treatment of Hepatitis C, unknown date	PTH - 183		Yes
CX 1411	Table regarding CANJI's base case, unknown date	PTH -183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1412	Document: Neurogen Corporation: Proposal for the Discovery and Development of a Schizophrenia Drug, dated for 6/27/95 presentation	PTH - 183	4537-4539, 4553-4554	Yes
CX 1413	Proposal for U.S. Supply and Distribution Agreement for Orion Corporation's Farestan, dated 3/3/95	PTH - 183		Yes
CX 1414	Melacine SPOC Document, unknown date	PTH - 183		Yes
CX 1415	Thymosin Alpha-1, In-Licensing Candidate for Japan, dated 1/93	PTH - 183		Yes
CX 1416	Document: Sequus Pharmaceuticals, Proposal to Acquire Rights to Caelyx (DOX-SL) for International Excluding Japan, dated for 8/96 presentation	PTH - 183		Yes
CX 1417	Memo regarding Financial Implications of PTCA Failure, dated 1/9/95	PTH - 183		Yes
CX 1418	Memo regarding Business Development's Section for the COR PRB Document, dated 1/23/95	PTH - 183		Yes
CX 1419	Memo regarding Integrelin P7L's, dated 2/10/95	PTH - 183		Yes
CX 1420	Briefing Document for the 2/13/95 pre-agreement meeting to discuss financial responsibilities and payment structure	PTH - 183		Yes
CX 1421	Memo regarding Integrelin P&L Scenarios, dated 3/15/92	PTH - 183		Yes
CX 1422	Faxed table regarding Integrelin Milestone, faxed 3/16/95	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	Is Cam
CX 1423	Memo regarding COR Deal Financial Scenarios, dated 3/20/95	PTH - 183		Yes
CX 1424	Faxed chart regarding COR-Integrelin; Patent Roofing Prevents US & Japanese Launches, dated 3/20/95	PTH - 183		Yes
CX 1425	Faxed chart regarding COR/Integrelin Downside Scenario, dated 3/20/95	PTH - 183		Yes
CX 1426	Faxed chart regarding Schering-Plough Global Marketing Analysis, dated 3/20/95	PTH - 183		Yes
CX 1427	Memo regarding Global Marketing - Integrelin Financials/Sensitivities, dated 3/21/95	PTH - 183		Yes
CX 1428	Faxed chart regarding the correct base case, dated 3/30/95	PTH - 183		Yes
CX 1429	Handwritten notes on 6/22/94 - Integrelin meeting with COR, dated 6/22/94	PTH - 183		Yes
CX 1430	Handwritten notes on 1/9/95 - COP conference call, dated 1/9/95	PTH - 183		Yes
CX 1431	Memo regarding expected milestone and press release analysis, dated 12/2/94	PTH - 183		Yes
CX 1432	Memo regarding Integrelin S.P. Update	PTH - 183		Yes
CX 1433	Faxed memo and chart regarding COR's Phase II results, dated 1/10/95	PTH - 183		Yes
CX 1434	Copy of email regarding Integrelin, dated 1/10/95	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1435	Memo regarding notes taken at the 1/27/95 COR telephone conference, dated 1/30/95	PTH - 183		Yes
CX 1436	Memo regarding additional notes taken at the 1/27/95 COR telephone conference, dated 1/31/95	PTH - 183		Yes
CX 1437	Memo regarding COR's UA Trial, Letter from FDA to COR, dated 1/31/95	PTH - 183		Yes
CX 1438	Letter from COR to David Poorvin, Ph. D. regarding Integrelin phone call, dated 2/15/95	PTH - 183		Yes
CX 1439	Faxed letter from COR with attachments regarding questions raised by Schering-Plough, dated 2/16/95	PTH - 183		Yes
CX 1440	Report of COR's teleconference on 2/17/95, dated 2/21/95	PTH - 183		Yes
CX 1441	Handwritten notes about the 2/17/95 teleconference, unknown date	PTH - 183		Yes
CX 1442	Typed report and notes about the 2/17/95 teleconference, dated 2/21/95	PTH - 183		Yes
CX 1443	Chipkin draft report about the 2/17/95 teleconference, dated 2/21/95	PTH - 183		Yes
CX 1444	Timeline COR information on CANDA/ANDA, dated 2/21/95	PTH - 183		Yes
CX 1445	Copy of email regarding PRB action item on CMC issues, dated 3/7/95	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1446	Memo regarding Integrelin questions, dated 3/3/95	PTH - 183		Yes
CX 1447	Memo regarding a request for SP consultant's meeting with a COR staff member, dated 3/7/95	PTH - 183		Yes
CX 1448	Copy of email regarding due diligence visit/audit schedules, dated 3/15/95	PTH - 183		Yes
CX 1449	Letter to SP regarding an invitation to practice meeting for FDA summit, dated 3/15/95	PTH - 183		Yes
CX 1450	Typed notes from a 3/16/95 SP internal meeting on COR's Integrelin regarding follow-up actions, dated 3/17/95	PTH - 183		Yes
CX 1451	Memo regarding proposed study costs, dated 3/20/95	PTH - 183		Yes
CX 1452	Faxed letter regarding information requested from COR, dated 3/21/95	PTH - 183		Yes
CX 1453	Memo regarding estimated capital requirements, dated 3/27/95	PTH - 183		Yes
CX 1454	Memo regarding Integrelin capital requirements for manufacturing facility, dated 3/27/95	PTH - 183		Yes
CX 1455	Memo regarding Integrelin manufacturing forecast, dated 3/28/95	PTH - 183		Yes
CX 1456	Handwritten notes regarding a conference call on 3/28/95 on clinical audits, unknown date	PTH - 183		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1457	COR's minutes for meetings held on 3/2/95 and 3/3/95, dated 3/29/95	PTH - 183		Yes
CX 1458	Memo on Integrelin chemical structure from COR IP person, dated 3/30/95	PTH - 183		Yes
CX 1459	Visit report on possible Integrelin bulk supplier, dated 3/30/95	PTH - 183		Yes
CX 1460	Brussels visit report on possible Integrelin bulk supplier, dated 3/31/95	PTH - 183		Yes
CX 1461	PRB Integrelin slides from a presentation on 2/16/95	PTH - 183		Yes
CX 1462	PRB document from a meeting on 2/17/95 with attached strategic development plan	PTH - 183	1519-1523, 4581-4587	Yes
CX 1463	R. Chipkin's copy of notes with attachments taken at a PRB meeting held on 2/17/95, dated 3/1/95	PTH - 183		Yes
CX 1464	Minutes from a 3/14/95 PRB meeting, dated 3/20/95	PTH - 183		Yes
CX 1465	Memo with attachment of Draft Board Director's Document, dated 3/28/95	PTH - 183		Yes
CX 1466	SPOC slides from a 3/27/95 presentation, dated 3/29/95	PTH - 183		Yes
CX 1467	SPOC briefing document, dated 3/29/95	PTH - 183	1522-1525, 4542-4550	Yes
CX 1468	Board slides from a 4/3/95 presentation	PTH - 183	4525-4533	Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1470	Contact Report: KOS Pharmaceuticals, Inc. April 9, 1997	PTH - 183		
CX 1480	Weekly New Rx Report: IMS Data Dec. 2000 thru v. 2001	PTH - 183	5974-5977	
CX 1481	U.S. Department of Health and Human Services FDA Internet Article: http://www.fda.gov	PTH - 183		
CX 1482	Transcript: Investigational Hearing of Lawrence Alaburda Dated: August 23, 2000	PTH - 297 ¹⁴		
CX 1483	Transcript: Investigational Hearing of James Audibert Dated: September 21, 2000	PTH - 299 ¹⁵	1655-1676, 2172-2174	
CX 1484	Transcript: Deposition of James Audibert Dated: October 24, 2001	PTH - 220	2391-2247, 4289-4290	
CX 1485	Transcript: Deposition of Han Becherer Dated: August 8, 2001	PTH - 220		
CX 1488	Transcript: Deposition of Nicholas M. Cannella Dated: October 23, 2001	3537	3862-3866	
CX 1489	Transcript: Deposition of Raul Cesan Dated: November 5, 2001	3537		

¹⁴ Admitted under rule 801-D-2-E as the statement of a co-conspirator, subject to the proof of conspiracy.

¹⁵ Admitted under rule 801-D-2-A.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Case
CX 1490	Transcript: Deposition of Bob Coleman Dated: October 11, 2001	PTH - 225	5977-5981, 6004-6005	
CX 1491	Transcript: Deposition of Antonia Demola Dated: October 25, 2001	PTH - 220		
CX 1492	Transcript: Investigational Hearing of Michael Dey Dated: October 5, 2000	PTH - 297 ¹⁶	622-624, 5844- 5846	Yes
CX 1492A	Transcript excerpt page for Michael Dey's Investigational Hearing held on October 5, 2000	8625		
CX 1493	Transcript: Deposition of Denise Dolan Dated: June 27, 2001	PTH - 225	484-486	
CX 1494	Transcript: Investigational Hearing of Martin Driscoll Dated: July 10, 2000	PTII - 299 ¹⁷	561-565, 625-626, 1400-1406, 3485-3486, 5515	
CX 1494A	Transcript excerpt page for Martin Driscoll's Investigational Hearing held on July 10, 2000	8625		
CX 1495	Transcript: Deposition of Martin Driscoll Dated: October 31, 2001	3537	1412-1417, 5532 6022-6023	
CX 1496	Transcript: Deposition of Philip Dritsas Dated: August 1, 2001	PTH - 225	486-487	

¹⁶ Admitted under rule 801-D-2-E as the statement of a co-conspirator, subject to the proof of conspiracy.

¹⁷ Admitted under rule 801-D-2-A.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1499	Transcript: Deposition of Lori Freese Dated: October 9, 2001	PTH - 225	4996-4997	
CX 1500	Transcript: Deposition of David C. Garfield August 6, 2001	PTH - 220		
CX 1501	Transcript: Deposition of Karin Gast Dated: October 17, 2001	PTH - 220		
CX 1502	Transcript: Deposition of Scott Gould Dated: October 4, 2001	PTH - 225	5171-5173	
CX 1503	Transcript: Deposition of David Grewcock Dated: October 24, 2001	PTH - 220		
CX 1504	Transcript: Reconvened Deposition of David Grewcock Dated: November 2, 2001	PTH - 220		
CX 1505	Transcript: Deposition of Mark Halvorsen Dated: October 10, 2001	PTH - 225	4009, 4013-4014	
CX 1506	Transcript: Deposition of Anthony Herman Dated: October 30, 2001	3537		
CX 1508	Transcript: Investigational Hearing of John Hoffman Dated: July 25, 2000	PTH - 299 ¹⁸	507-571, 1424- 1425, 2640-2642, 3552-3556	
CX 1509	Transcript: Deposition of John Hoffman Dated: October 26, 2001	PTH - 220		

¹⁸ Admitted under rule 801-D-2-A.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1509A	Transcript excerpt page for John Hoffman's Deposition held on October 26, 2001	8625		
CX 1510	Transcript: Investigational Hearing of of Raman Kapur Dated: July 21, 2000	PTH - 299 ¹⁹	1233-1234, 1427-1431	
CX 1511	Transcript: Deposition of Raman Kapur Dated: October 18, 2001	PTH - 220	1436-1440	
CX 1512	Transcript: Deposition of Richard Kogan Dated: November 2, 2001	PTH - 220		
CX 1513	Transcript: Investigational Hearing of Paul D. Kralovec Dated: May 23, 2000	PTH - 299 ²⁰	5089-5091 5097-5100	
CX 1514	Transcript: Deposition of Paul D. Kralovec Dated: September 7, 2001	PTH - 225	5091-5095	
CX 1515	Transcript: Investigational Hearing of Thomas C. Lauda Dated: September 12, 2000	PTH - 299 ²¹	1615-1627	
CX 1516	Transcript: Deposition of Thomas C. Lauda Dated: September 24, 2001	PTH - 220	1631-1649	
CX 1517	Transcript: Deposition of Larry Miller Dated: October 26, 2001	PTH - 220	3298-3300, 3373	

¹⁹ Admitted under rule 801-D-2-A.

²⁰ Admitted under rule 801-D-2-A.

²¹ Admitted under rule 801-D-2-A.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Carr
CX 1518	Transcript: Deposition of H. Barclay Morley Dated: August 23, 2001	PTH - 220		
CX 1519	Transcript: Deposition of Carl E. Mundy, Jr. Dated: August 29, 2001	PTH - 220		
CX 1520	Transcript: Investigational Hearing of Vickie O'Neill Dated: August 30, 2000	PTH - 299 ²²	1266-1267	
CX 1521	Transcript: Deposition of Vickie O'Neill Dated: September 5, 2001	PTH - 225		
CX 1523	Transcript: Investigational Hearing of Mark S. Robbins Dated: May 24, 2000	PTH - 299 ²³		
CX 1524	Transcript: Deposition of Mark Robbins Dated: September 6, 2001	PTH - 225		
CX 1525	Transcript: Deposition of Charles F. (Rick) Rule Dated: November 15, 2001	3537		
CX 1526	Transcript: Deposition of Patricia A. Russo Dated: August 21, 2001	PTH - 220	3484-3485	
CX 1527	Transcript: Deposition of Raymond Russo Dated: October 12, 2001	PTH - 220		

²² Admitted under rule 801-D-2-A.

²³ Admitted under rule 801-D-2-A.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1528	Transcript: Deposition of William A. Schreyer Dated: August 13, 2001	PTH - 220		
CX 1529	Transcript: Investigational Hearing of Ian Troup Dated: May 25, 2000	PTH - 299 ²⁴	566-569, 5503-5507 5548-5551, 5599-5601	
CX 1529A	Transcript excerpt page for Ian Troup's Investigational Hearing held on May 25, 2000	8625		
CX 1530	Transcript: Deposition of Ian Troup Dated: October 25, 2001	PTH - 225	5596	
CX 1531	Transcript: Investigational Hearing of Jeffrey Wasserstein Dated: September 14, 2000	PTH - 299 ²⁵	1440-1447	
CX 1532	Transcript: Deposition of Jeffrey Wasserstein Dated: October 10, 2001	PTH - 220	1606-1611	
CX 1534	Transcript: Deposition of Charles Woodruff Dated: October 3, 2001	PTH - 225		
CX 1547	Transcript: Deposition of Lawrence Alaburda Dated: December 6, 2001	PTH - 297 ²⁶		

²⁴ Admitted under rule 801-D-2-A.

²⁵ Admitted under rule 801-D-2-A.

²⁶ Admitted under rule 801-D-2-E as the statement of a co-conspirator, subject to the proof of conspiracy.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1548	Transcript: Deposition of Michael S. Dey Dated: December 14, 2001	PTH - 297 ²⁷		
CX 1550	Transcript: Deposition of David W. Poorvin Dated: December 10, 2001	PTH - 220		
CX 1559	Letter: From Jayne Lange to Dr. Richard Chipkin Dated 6/21/94	1284	1517-1519, 1525	Yes
CX 1568	Demonstrative: "Incentive to Pay for Delay"	8625 ²⁸	408	
CX 1569	Demonstrative: "Opinions"	8625 ²⁹	410-411	
CX 1570	Demonstrative: "Evidence of Monopoly Power"	8625 ³⁰	433-435	
CX 1572	Demonstrative: "Schering Paid for Delay"	8625 ³¹		
CX 1574	Demonstrative: "The Schering-AHP Agreement Delayed Entry"	8625 ³²	619-620	

²⁷ Admitted under rule 801-D-2-E as the statement of a co-conspirator, subject to the proof of conspiracy.

²⁸ Admitted as a demonstrative exhibit only.

²⁹ Admitted as a demonstrative exhibit only.

³⁰ Admitted as a demonstrative exhibit only.

³¹ Admitted as a demonstrative exhibit only.

³² Admitted as a demonstrative exhibit only.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1576	Demonstrative: "Niaspan vs. Niaco-SR"	8625 ³³	1315-1319	
CX 1577	Demonstrative: "\$60 Million was not for Niaco-SR"	8625 ³⁴		
CX 1578	Demonstrative: "Forecasted 1997 K-Dur Sales Generic Entry v. No Generic Entry"	8625 ³⁵	582-585	
CX 1579	Demonstrative: "Forecasted 1997 K-Kur Sales Generic Entry v. No Generic Entry"	8625 ³⁶		
CX 1580	Demonstrative: "Differences in K-Dur Forecasts"	8625 ³⁷	451-453	
CX 1581	Demonstrative: "The Schering-Upsher Agreement Delayed Entry"	8625 ³⁸		
CX 1582	Demonstrative: "Incentives to Pay to Delay Expected Competition"	8625 ³⁹		

³³ Admitted as a demonstrative exhibit only.

³⁴ Admitted as a demonstrative exhibit only.

³⁵ Admitted as a demonstrative exhibit only.

³⁶ Admitted as a demonstrative exhibit only.

³⁷ Admitted as a demonstrative exhibit only.

³⁸ Admitted as a demonstrative exhibit only.

³⁹ Admitted as a demonstrative exhibit only.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Carr
CX 1584	Demonstrative: "Market Test for Niacor-SR"	8625 ⁴⁰	599-602	
CX 1585	Demonstrative: "K-Dur Actual Sales vs. Forecasts"	8625 ⁴¹		
CX 1586	Demonstrative: "Estimated TRXx for Selected Potassium Chloride Products: January 2001 - November 2001"	8625 ⁴²	5901-5902	
CX 1599	Demonstrative: "Classes of Cholesterol-Lowering Drugs Percentage of Total Sales, 1996"	8625 ⁴³	1310-1315	
CX 1604	Demonstrative: "Schering's Pharmaceutical Licensing Agreements Non-Contingent Payments"	8625 ⁴⁴	1464-1471, 2150-2156, 8447-8448	Yes
CX 1606	Demonstrative: "Pharmaceutical Licensing Evaluation Process"	8625 ⁴⁵	1342-1364	
CX 1607	Demonstrative: "Niacor-SR Licensing Evaluation Process"	8625 ⁴⁶	1367-1370	
CX 1613	Memo to K. Hurtado from J.J. Garaude, MD. Re: Ribavarin Product Profile, dated 1/9/95	1284		Yes

⁴⁰ Admitted as a demonstrative exhibit only.

⁴¹ Admitted as a demonstrative exhibit only.

⁴² Admitted as a demonstrative exhibit only.

⁴³ Admitted as a demonstrative exhibit only.

⁴⁴ Admitted as a demonstrative exhibit only.

⁴⁵ Admitted as a demonstrative exhibit only.

⁴⁶ Admitted as a demonstrative exhibit only.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1614	Memo to Ms. DeBerardine from Chris Baker Re: Strategies for Approvals of Ribavirin, dated 1/20/95	1284		Yes
CX 1615	Memo to Dr. Poorvin from Chris Baker Re: Development Cost Estimates for Ribavirin, dated 1/11/95	1284		Yes
CX 1616	Memo to Lisa DeBerardine from Craig Grawitz Re: Revised Combination INTRON A + Ribavirin Marking Assessment, dated 1/12/95	1284		Yes
CX 1617	Memo to Dr. Poorvin from Chris Baker Re: Further Details on Estimated Ribavirin Costs, dated 1/13/95	1284		Yes
CX 1618	Email to David Poorvin, Karin Gast, Lisa Deberardine & Gary Enters from Christine Baker Re: IRA's Assessment of the Consolidated Comments on Ribavirin, dated 1/18/95	1284		Yes
CX 1619	Memo to Ms. Karin Gast from Carmine Campo Re: Distribution Agreement - Schering Corp./ICN Pharm., dated 1/31/95	1284		Yes
CX 1620	Fax to Chris Baker from Karin Gast, dated 2/1/95	1284		Yes
CX 1621	Fax to Tom Milner from Karin Gast, dated 2/1/95	1284		Yes
CX 1622	Memo to Karin Gast from Craig Grawitz Re: IMS Audited European Ribavirin Pricing, dated 2/6/95	1284		Yes
CX 1623	Fax to Gary Enters from David Poorvin, dated 2/8/95	1284		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1624	Memo to Distribution from Thomas Lauda Re: Ribavirin, dated 2/10/95	1284		Yes
CX 1625	Memo to Meeting Attendees from Gary Enters Re: Minutes, ad hoc Project Review Board (PRB) Meeting, 2/8/95	1284		Yes
CX 1626	Business Development chart Re: Patents, Data Exclusivity, Business Terms, etc.	1284		Yes
CX 1627	Fax to Mr. S. Szmulewicz from Martin Knuth Re: ICN - Your fax of February 10, 1995, dated 2/14/95	1284		Yes
CX 1628	Fax to Dr. Tom Shepherd/ICN from Karin Gast, dated 2/14/95	1284		Yes
CX 1629	Fax to Dr. Poorvin from Curtis Feldt, dated 2/16/95	1284		Yes
CX 1630	Telefax to Mr. T. Lauda from Dr. J.P. Osselaere Re: Ribavirin, dated 2/20/95	1284		Yes
CX 1631	Email to Lisa Deberardine, Karin Gast, David Poorvin, etc., from Joseph Lamendola Re: Information from ICN on Regulatory Issues, dated 2/28/95	1284		Yes
CX 1632	Fax to Mr. Sol Szmulewicz from Luis Ricciardulli Re: ICN, dated 3/3/95	1284		Yes
CX 1633	Memo to Mrs. B. Schultz from W.K. Heiden Re: Ribavirin, dated 3/3/95	1284		Yes
CX 1634	Fax to Dr. D. Poorvin, dated 3/8/95	1284		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
CX 1635	Memo to Mr. Raul Cesan from David Poorvin Re: ICN Refusal Letters, dated 3/9/95	1284		Yes
CX 1636	Email to Karin Gast from Anthony Angiuoli Re: Ribavirin Telephone call of March 9; as per Dr. Grint, dated 3/10/95	1284		Yes
CX 1637	Memo to Dr. Poorvin from C.Donrado Re: Ribavirin - EU Regulatory Status, dated 3/29/95	1284		Yes
CX 1638	Memo to Tom Lauda from Anthony Angiuoli Re: Ribavirin - Why we are opposed to conditional approval, dated 3/31/95	1284		Yes
CX 1639	Record of FDA Contact, dated 4/12/95	1284		Yes
CX 1640	Memo to Karin Gast from C. Grawitz, dated 4/14/95	1284		Yes
CX 1641	Fax to Mr. Richard Kogan from David Poorvin, dated 4/17/95	1284	1484-1487	Yes
CX 1642	Memo to Mr. Cesan to Dr. Garaud Re: Ribavirin & Intron A. in the USA, dated 4/19/95	1284		Yes
CX 1643	Email to David Poorvin & Karin Gast Re: Ribavirin, dated 4/20/95	1284		Yes
CX 1644	Memo to File from David Poorvin Re: Ribavirin - ICN Internal Program, dated 4/21/95	1284		Yes
CX 1645	Memo to Mr. Raul Cesan from David Poorvin Re: ICN Ribavirin Negotiations Telephone call 4/21/95, dated 4/24/95	1284		Yes

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1646	Memo to file from David Puorvin Re: ICN Negotiations, dated 4/24/95	1284		Yes
CX 1647	Memo to Karin Gast from Craig Grawitz Re: Revised Ribavirin Global P&Ls, dated 4/27/95	1284		Yes
CX 1648	Memo to Thoms Landa from Craig Grawitz Re: Draft Response to ICN - Minimum Royalty Payments, dated 6/6/95	1284		Yes
CX 1649	PRB Document: ICN - Ribavirin 1995	1284	1488-1490, 4559-4568	Yes
CX 1650	Presentation - Ribavirin, dated 6/29/95	1284		Yes
CX 1651	Proposal - Ribavirin, dated 7/24/95	1284		Yes
CX 1652	Presentation/Overheads - ICN Contract Review, dated 8/25/95	1284		Yes
CX 1653	U.S. Department of Health and Human Services FDA Internet Article: http://www.fda.gov (Replacement of CX 1481)	2281	2275-2279, 7019-7026	
CX 1655	Demonstrative: "Successful Defense Chronology"	2259 ⁴⁷	2222-2228, 2253-2259	
CX 1656	Demonstrative: "Court Decision Trigger Chronology"	2284	2260-2264 2282-2284	

⁴⁷ Admitted for identification purposes only.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	is Can
CX 1668	Transcript of Proceeding before Judge William Walls on March 27, 1997	6779	6749-6755, 6777-6779	Yes
CX 1696	Docket Sheet: Mylan Pharmaceutical v. Thompson, et al., Docket # 01-1554	7033	7032-7037	
CX 1697	Docket Sheet: Mylan Pharmaceutical v. Thompson, et al., Docket # 01 cv 23	7033	7033-7037	
CX 1705	Letter to Judge William Walls from Donna Hughes regarding Key Pharmaceuticals, Inc., v. Upsher-Smith Laboratories, Inc., Civil Action No. C95-62821 (WHW), dated 3/13/97.	6743	6743-6745	Yes
CX 1706	Order Granting Upsher-Smith's Request For Emergent Scheduling	6779	6745-6749, 6755-6757 6777-6779	Yes
CX 1712	Report on "Improving Public Health Through Human Drugs" from the Center for Drug Evaluation and Research 1999 Report to the Nation	6054	6044-6047	
CX 1724	Preliminary Study Results of "A Double-Blind, Placebo-Controlled, Parallel Study Evaluation The Study and Efficacy of Slow-Release Niacin In The Treatment of Hyperlipidemia"	8625		
CX 1725	Memo to Anita Rackman from Claude Drobnes regarding Additional Safety Data to Prepare for the End of Phase II Meeting at the FDA - Niacin, Upsher-Smith	8625		
CX 1726	Upsher-Smith Laboratories, Inc., Clinical Development Program Summary of Patient Exposure to Drug	8625		
CX 1727	Upsher-Smith Laboratories, Inc., July 17, 1995 Meeting Minutes with FDA regarding Niacor-SR, IND #37,984	8625		

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
CX 1729	Letter to Mikesh Patel from Monte Partee regarding Bristol-Myers Squibb's interest in working relationships discussed in a previous meeting, dated 6/25/97	7621	7622-7623	Yes
CX 1731	Declaration of Vickie A. O'Neill	6782	5351, 6780-6783	Yes
CX 1738	Exhibit - Willig-4	8625	8097-8102	
CX 1759	Demonstrative: "Professor Willig's Misplaced Optimism Model"	8625 ⁴⁸	8114-8120, 8241-8242	
CX 1760	Demonstrative: "Professor Willig's Varied Assessment Model: Settlements with entry dates A and C"	8625 ⁴⁹	8102-8113	
CX 1765	Demonstrative: "Estimated TRXs for Selected Potassium Chloride Products: January 1997 - August 2001"	8625 ⁵⁰	8036-8038	
CX 1766	Demonstrative: "Estimated TRXs for Selected Potassium Chloride Products: January 1997 - August 2001"	8625 ⁵¹	8034-8035	
CX 1778	Declaration of William Groth	8425 ⁵²	8425	

⁴⁸ Offered as a demonstrative exhibit only.

⁴⁹ Offered as a demonstrative exhibit only.

⁵⁰ Offered as a demonstrative exhibit only.

⁵¹ Offered as a demonstrative exhibit only.

⁵² Admitted for identification purposes only.

Index To Rejected/Withdrawn Complaint Counsel's Exhibits

Exhibit No.	Document Description	Transcript Page Rejected/Withdrawn	Rejected or Withdrawn	In Can
CX 160	1999 Scenario	PTU 264	Rejected	
CX 168	20 mEq Potassium Chloride Tablet forecast	PTH 282	Rejected	
CX 423	E-mail re: Tentative ANDA approval for KCL; to Robert Alexander, etc.; from Linda O'Dea, 5/27/99.	PTU 284	Withdrawn	
CX 526	Memo re KOS Niaspan	7928	1 st page admitted Rejected 2 nd & remaining pages	
CX 596	Granulec, Inc. v. Health and Human Services, et al., Order (Zantac), 7/10/97	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 597	Abbreviated new Drug Application Regulations; Patent and Exclusivity Provisions; Final Rule, 10/3/94	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 607	Federal Register Rules and Regulations, 11/28/97	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 608	Federal Register Rules and Regulations, 11/5/98	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 617	Letter from Michael Dey re possible business venture for generic K-DUR 20 mEq; to Ian Troup; bcc: L. Alaburda, Dated 8/14/96	PTH 282	Rejected	

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Exhibit No.	Document Description	Transcript Page Rejected/Withdrawn	Rejected or Withdrawn	In Can
CX 619	Correspondence, ESI e-mail and FDA deficiency letter for ANDA 74-812 of KCI. 20 mEq; 4/14/97 and 5/15/97.	PTH 282	Withdrawn	
CX 633	Letter to Czaban and Levitt from Jaffe re request for amendment of ANDA, 3/3/97	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 634	Letter to all NDA and ANDA Holders and applicants from FDA, 7/29/88	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 635	Federal register, ANDA; Patent Exclusivity provisions; Final Rule, 10/3/94	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 709	Respondent Schering's Statement of the case involving Schering and Upsher-Smith,	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 737	Hatch-Waxman Act	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 793	Memo of Schering-Plough to the Bureau of Competition and the Bureau of Economics of the FTC concerning File no. 9910256, 12/22/00	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 794	White Papers of Upsher-Smith	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	Yes

Index To Rejected/Withdrawn Complaint Counsel's Exhibits

Exhibit No.	Document Description	Transcript Page Rejected/Withdrawn	Rejected or Withdrawn	In Cam
CX 802	Memo of Schering to the FTC, re: file 9910256, 3/23/01	Withdrawn by Complaint Counsel Letter to respondents dated - 1/17/02	Withdrawn	
CX 1541	Transcript: Deposition of Kenneth McVey Dated: November 16, 2001	378	Withdrawn	

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
SPX 2	Memo to Kapur to Lauda regarding TLM197a.doc the commercial assessment for Niacin	1284	1663-1664, 2412-2418, 2426, 2429-2430, 2439-2441, 3734-3735, 4162-4163, 4167, 4195-4197, 4327-4328, 4384	
SPX 3	Upsher-Smith Presentation re Niacor-SR	1284	1659-1662, 2418-2420	
SPX 4	Protocol Synopsis re Niacor-SR	1284	2421-2425, 4171-4173,	
SPX 6	Memo from Audibert to Kapur re profits sales analysis re Niacin	1284	1615-1627, 4167	
SPX 7	Memo from Kapur to Lauda re Upsher-Smith product licensing deal	1284	1667-1670	
SPX 8	Memo from Kapur to Cesan re Upsher-Smith product licensing deal in re products covered by the deal	1284	1670	
SPX 11	Memo from Audibert to Kapur re Health registration dossier in re Niacor-SR	1284	1671-1672	
SPX 12	Fax from Kapur to Audibert re Health registration dossier in re Niacor-SR	1284	1672-1673	
SPX 15	Memo from Audibert to Lauda re conversation with Ian Troup and review status of Niacor-SR	1284	1674-1675	

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
SPX 18	Report re conference call between Russo, Audibert, Gast, Bell and Heathcote in re more detailed discussion of concerns about Niaspan	1284	1646-1648	
SPX 22	Contact report re SP 4/9 visit to KOS Pharmaceuticals	1284	2403-2404	
SPX 71	Protocol Synopsis: A randomized, open-label, multicenter study comparing three dosing schedules of Niacor-SR in the treatment of hyperlipidemia	1284	4173-4178	
SPX 72	Protocol Synopsis: A randomized, open-label, multicenter study comparing Niacor-SR and Fluvastatin alone and in combination for the treatment of hyperlipidemia	1284	3735-3739	
SPX 92	Executed settlement agreement between Key Pharmaceuticals and Upsber-Smith Laboratories	1284	1644-1646	
SPX 130	Protocol No. 920837B: An open label follow-on study for patients completing study protocol 900221: An Evaluation of Long-Term Safety, and efficacy, of Controlled-Release Niacin In the Treatment of Hyperlipidemia	1284	2165	
SPX 131	Protocol No. 920944: An open label follow-on study for patients completing study protocol 920115: An Evaluation of Long-Term Safety and Efficacy of Niacor-SR Tablets in the Treatment of Hyperlipidemia	1284	2165	Yes
SPX 225	Report: Cowen Perspectives: KOS Pharmaceuticals	2071	6620-7722	
SPX 235	Niacor-SR Supplementary Information	1284	3781-3782	
SPX 245	Memo from Audibert to Carlock re review of USL agreements	1284	2166-2167	

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Car
SPX 264	Protocol 900221 (revised through May 1992)	1284	2165	Yes
SPX 267	Telephone Communication Record	3537	2143-2144 3718	Yes
SPX 619	Letter from Russo to Heatherman	1284	1416	
SPX 677	Upsher's "Paragraph IV Certification: notice mailed to Key"	3537	6536-6537	Yes
SPX 687	Exhibits and a portion of the hearing transcript associated with defendant's motion for a Markman ruling on patent claim construction and/or for partial summary judgement of literal infringement and response to plaintiff's cross-motion for summary judgement of infringement in Key Pharmaceuticals, Inc. v. ESI-Lederle, Inc.	7806	3386-3388	Yes
SPX 710	Deposition testimony submitted on behalf of the parties of Key Pharmaceuticals, Inc. v. Upsher-Smith Laboratories, Inc. by Vickie O'Neill pp. 401-404 and 481-484	7806	6537-6538	Yes
SPX 713	DSC Study Report by Robert S. Langer Jr.	7806	2839-2848	Yes
SPX 734	G.S. Banker. <u>Film Coating Theory & Practice</u> 55 J. Pharm. Sci. 81 (1966)	7806	5304-5305	
SPX 735	4,526,847 Patent, entitled Image receiving transparency and method making, assignee Weber, inventor Stephen L. Walker et al.	3537	5277	Yes
SPX 752	Article: The Theory and Practice of Industrial Pharmacy	7806	5369	

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Can
SPX 1277	Written statement of Peter O. Safir	7039	6974-6975, 6976-6978, 6986-6987, 7000-7006, 7015-7016, 7022	
SPX 2045	Demonstrative Exhibit: Release Rate Studies of ESI's Product	7803 ¹	3208-3209	
SPX 2060	Demonstrative Exhibit: Schering Settlement with ESI-Lederle	7803 ²	3372	
SPX 2065	Demonstrative Exhibit: The Correct Test for Evaluating the Competitive Effects of a "Reverse Payment"	8625 ³	7241-7242	
SPX 2069	Demonstrative Exhibit: K-Dur 20 did not enjoy a price premium 1996-2000	7784 ⁴	8031-8033, 8035-8036	
SPX 2243	Demonstrative Exhibit: Pricing and Reimbursement in France	8625 ⁵	4288	
SPX 2266	Demonstrative Exhibit: Total Investment Pre-Approval	8625 ⁶	4534, 4538-4539, 4522-4523	

¹ Offered as a demonstrative only.

² Offered as a demonstrative only.

³ Offered as a demonstrative only.

⁴ Offered as a demonstrative only.

⁵ Offered as a demonstrative only.

⁶ Offered as a demonstrative only.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
SPX 2295	Demonstrative Exhibit: Risk Aversion (6) Quotes from Samuelson, Nordhaus, and Arrow	8625 ⁷	8073-8073, 8526-8529	
SPX 2296	Demonstrative Exhibit: Risk Aversion (7) Quotes from Doherty; Scherer	7784 ⁸	8073-8074, 8526	
SPX 2309	Demonstrative Exhibit: Settlements with Misplaced Optimism	7201	7329-7339	
SPX 2332	Demonstrative Exhibit: Cash-Strapped Generic	7201 ⁹	7308-7316	
SPX 2333	Demonstrative Exhibit: Varied Assessments of Success	7784 ¹⁰	8243-7245, 7247-7254, 7316-7326	
SPX 2334	Demonstrative Exhibit: Entry by a Third Party	7784 ¹¹	7260-7277	
SPX 2335	Demonstrative Exhibit: Signaling	7213 ¹²	7326-7329	

⁷ Offered as a demonstrative exhibit only.

⁸ Offered as a demonstrative exhibit only.

⁹ Offered as a demonstrative exhibit only.

¹⁰ Offered as a demonstrative exhibit only.

¹¹ Offered as a demonstrative exhibit only.

¹² Offered as a demonstrative exhibit only.

Index To Upsher-Smith's Exhibits Used By Complaint Counsel

Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Case
USX 21	Kos Pharmaceuticals Common Stock Offering	2068 ¹³	7503-7504	
USX 123	Draft of P & T Therapeutic Interchange Proposal	246	269-271	
USX 124	Final of P & T Therapeutic Interchange Proposal with minutes of the meeting dated 5/3/99	246	269	
USX 127	Preferred Prescriptions Formulary	241	273-274	
USX 131	Fax from A. Palmisano to G. Chirello with various documents: Proposed addition/Deletions to Paid National Formulary; Preferred Brand Changes for Paid National Formulary; Excerpts of Agreement; Fax dated 5/23/94, Letter dated 6/6/94; Excerpts of Amendment to Agreement; Excerpt of page 28 of the Paid National Formulary; and Excerpt of page 29 of the 1994 Preferred Prescription Formulary	221	268-269	
USX 132	Letter from D. Pettit to Upsher-Smith re: assignment for European licensees	PTH 183	5078-5082	
USX 308	Memo from C. Farner to M. Halvorsen, T. Crane, L. Freese, C. Drohnes, and M. Robbins re Niacor -SR Annotated Package Insert	PTH 183	5004-5005	
USX 380	J. Adams email to P. Dritsas re Apothecon pricing	4764	4869-4872	
USX 410	Klor-Con Training Information	4774	4999	
USX 411	Searle International/Upsher-Smith Meeting Agenda	3173	3193-3194	

¹³ Not offered for the truth.

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Exhibit No.	Document Description	Transcript Page Admitted	Transcript Page(s) Discussed	In Cam
USX 477	Ian Troup handwritten notes	PTH 183	5502	
USX 538	Niacor-sR Overhead presentaion	PTH 183	7881-7884, 7932-7934	
USX 595	Niacor-SR Contact Summary	PTH 183	8279	
USX 660	Prevalite Key Dates	PTH 183	4875-4876	
USX 690	Merck-Medco Universal Formulary	246	271-272	