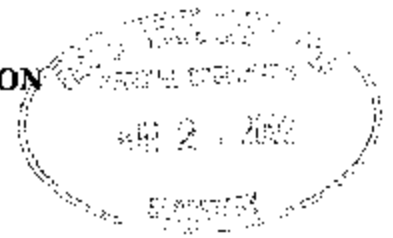


UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



\_\_\_\_\_  
IN THE MATTER OF )  
 )  
MSC SOFTWARE CORPORATION, )  
 )  
a corporation )  
 )  
 )  
 )  
\_\_\_\_\_ )

Docket No. 9299

THIRD PARTY LOCKHEED MARTIN CORPORATION'S  
MOTION FOR *IN CAMERA* TREATMENT OF  
DESIGNATED HEARING EXHIBITS


Lockheed Martin Corporation ("Lockheed Martin"), by and through its undersigned counsel, hereby submits this Motion For *In Camera* Treatment of Designated Hearing Exhibits. Lockheed Martin respectfully requests that the Commission enter an Order pursuant to Rule 3.45(b) of the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.45(b), granting *in camera* treatment for the documents and deposition testimony listed in the Appendices to the attached Memorandum and proposed Order. The documents and testimony are secret and material to Lockheed Martin's ongoing and future business. Disclosure of these materials would harm Lockheed Martin. In support of this Motion, Lockheed Martin respectfully refers the court to the accompanying Memorandum and Confidential Declarations of Warren Smith, Michael Meyer, William A. Rogers, Mark Westphal, Janice M. Miller and Carlos M. Bivins.

WHEREFORE, third party Lockheed Martin respectfully prays that this Court enter an ORDER granting *in camera* treatment to the documents specified in the attached Memorandum.

Dated: June 21, 2002

Respectfully Submitted,  
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UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

PUBLIC VERSION

_____	)	
IN THE MATTER OF	)	
	)	
MSC.SOFTWARE CORPORATION,	)	
	)	
a corporation	)	Docket No. 9299
	)	
	)	
_____	)	

THIRD PARTY LOCKHEED MARTIN CORPORATION'S  
MEMORANDUM IN SUPPORT OF MOTION FOR  
IN CAMERA TREATMENT OF DESIGNATED HEARING EXHIBITS

Pursuant to Rule 3.45 of the Federal Trade Commission's Rules of Practice, third party Lockheed Martin Corporation ("Lockheed Martin"), by and through its undersigned counsel, hereby submits this Memorandum in Support of its Motion for *In Camera* Treatment of Designated Hearing Exhibits and accompanying Confidential Declarations in support thereof.<sup>1</sup>

**I. INTRODUCTION**

On May 28, 2002, Complaint Counsel and counsel for MSC Software Corporation ("MSC") notified Lockheed Martin that they intended to include highly confidential documents produced by Lockheed Martin and deposition testimony of five

<sup>1</sup> The Confidential Declarations are submitted with the Confidential Version of this Memorandum served on the court and parties to this action.

current and former Lockheed Martin employees on their respective exhibit lists.<sup>2</sup> The total number of documents on both lists exceeds 400 documents. In addition, Complaint Counsel and MSC designated approximately 1000 pages of deposition testimony on their respective exhibit lists. Lockheed Martin has diligently marked all of the documents and transcripts at issue as "Restricted Confidential, Attorneys Eyes Only" pursuant to the terms of the November 21, 2001 Protective Order Covering Discovery Material. As a major supplier to the United States Department of Defense, Lockheed Martin goes to great lengths to preserve the secrecy and security of its facilities and operations, including documents within its possession. Lockheed Martin believes that these documents and the deposition testimony contain information that is secret and material to Lockheed Martin's current and prospective business. Accordingly, pursuant to the court's Order of June 10, 2002, extending the deadline for Lockheed Martin to file this motion, Lockheed Martin hereby respectfully submits this Memorandum in Support of its Motion for *In Camera* Treatment of Designated Hearing Exhibits.

## II. STANDARD FOR *IN CAMERA* TREATMENT

Materials merit *in camera* treatment when "public disclosure will likely result in a clearly defined, serious injury to the...corporation requesting their *in camera* treatment." 16 C.F.R. § 3.45(b). An applicant faces "serious injury" when the "information in question is secret and material to the applicant's business..." *In the Matter of Bristol-Meyers Co.*, 90 F.T.C. 455, 456 (1977). In determining whether the

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<sup>2</sup> Both Complaint Counsel and counsel for Respondent, MSC Software Corporation ("MSC"), have previously served subpoenas on Lockheed Martin requesting production of documents and witnesses. In response, Lockheed Martin produced 13 boxes of documents and five current and former Lockheed Martin employees as witnesses.

information is "secret" the Commission considers the following six factors: (1) the extent to which the information is known outside of the business; (2) the extent to which it is known by employees and others involved in the business; (3) the extent of measures taken to guard the secrecy of the information; (4) the value of the information to the applicant and its competitors, including the age of the information; (5) the amount of effort or money expended in developing the information; and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others. *Id.* Lockheed Martin is not required to show how the specific injury would occur; rather it is proper to infer that the disclosure of sensitive information would harm Lockheed Martin's position. *In re E.I. DuPont de Nemours & Co.*, 97 F.T.C. 116 (1981).

Third party requests for *in camera* treatment are entitled to "special solicitude." *In re Kaiser Aluminum & Chemical Corp.*, 1984 FTC LEXIS 60 at \*2 (reasoning that "[a]s a policy matter, extensions of...*in camera* treatment in appropriate cases involving third party bystanders encourages cooperation with future adjudicative discovery requests"). Requests from third parties for *in camera* treatment "should be received as favorably as possible." *In re Kaiser Aluminum & Chemical Corp.*, 1977 FTC LEXIS 1, at \*11-12; *see also In re R. R. Donnelley & Sons Co.*, 1993 FTC LEXIS 32; *In re The Coca-Cola Co.*, 1990 FTC LEXIS 364.

As discussed below, many of the documents and all of the deposition transcripts designated by Complaint Counsel and MSC meet the above standards and merit *in camera* treatment.

### III. CERTAIN HEARING EXHIBITS MERIT *IN CAMERA* TREATMENT.

Due to the large number of documents and testimony identified by Complaint Counsel and MSC, Lockheed Martin has categorized the confidential documents into several groupings.<sup>3</sup>

#### A. Documents Relating to Lockheed Martin's Evaluation and Selection of Finite Element Analysis Solver Software Merit *In Camera* Treatment.

Documents listed in Appendix A relate to Lockheed Martin's evaluation and selection of finite element analysis ("FEA") software. *See* Appendix A. As described in the attached declarations, these documents contain impressions of Lockheed Martin engineers about the use of FEA software on engineering projects, such as the Joint Strike Fighter and various missiles. *See* Smith Decl. ¶ 4 and Rogers Decl. ¶4. Lockheed Martin does not disclose this information to third parties and often restricts internal distribution of this information to protect its secrecy. Because these documents reflect proprietary information of the company, they are extremely competition sensitive and constitute trade secrets. The documents relate to programs and processes that Lockheed Martin expects to continue using for the foreseeable future. *See id.*

#### B. Documents Relating to the Internal Personnel Structure of Lockheed Martin Merit *In Camera* Treatment.

The document listed in Exhibit B is a confidential and proprietary personnel chart. *See* Appendix B. The document describes the internal personnel

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<sup>3</sup> These documents and testimony are attached as Appendices to the Motion and Memorandum submitted to the Administrative Law Judge, but are not served on the parties. *See In re Hoechst Marion Russell, Inc.*, 2000 FTC LEXIS 138, \*9.

structure at Lockheed Martin Missiles and Fire Control. The document is not available to the public, as it would reveal confidential personnel information that would be damaging to the employees of Lockheed Martin as well as the company itself. *See* Smith Decl. ¶ 5.

**C. Documents Relating to FEA Software Procurement Merit *In Camera* Treatment.**

The documents listed in Appendix C relate to negotiations with current and former FEA software providers and the prices Lockheed Martin pays for FEA software. *See* Appendix C. Lockheed Martin considers this information confidential, proprietary and competition sensitive. These documents reveal Lockheed Martin's strategies on pricing and terms for negotiating with vendors of all types of software. *See* Smith Decl. ¶ 6; Meyer Decl. ¶5; Rogers Decl. ¶5; Miller Decl. ¶4 and Westphal Decl. ¶5. Pricing and cost terms such as those contained in the listed documents have repeatedly been found deserving of *in camera* treatment. *See, e.g., In re International Telephone & Telegraph Corp., et al.*, 104 F.T.C. 280 (1984); *In re E. I. DuPont de Nemours & Co.*, 103 F.T.C. 533 (1984); *Kaiser Aluminum*, 1984 FTC LEXIS 60; *In re General Foods Corp.*, 96 F.T.C. 168 (1980).

These documents also reveal internal Lockheed Martin procurement and negotiations practice. Vendors of all types of software could use this information to unfairly improve their leverage in future dealings with Lockheed Martin. *See* Smith Decl. ¶ 6; Meyer Decl. ¶ 5; Rogers Decl. ¶ 5; Miller Decl. ¶ 4 and Westphal Decl. ¶ 5. Public disclosure of this information also could enable competitors to learn how Lockheed Martin uses FEA software as well as Lockheed Martin's costs, which would damage Lockheed Martin's competitive position in the marketplace. *See id.* Such a loss

of a competitive "business advantage" has traditionally been "a good example of a 'clearly defined, serious injury'" warranting *in camera* treatment. *In re Hoechst Marion Russell, Inc.*, 2000 F.T.C. LEXIS 138, \*6 (2000); *see also Intel Corp.*, FTC Docket No. 9288 (Feb. 23, 1999) (Order re *In Camera* Treatment of Evidence at Trial); *In re Int'l Ass'n of Conference Interpreters*, 1996 FTC LEXIS 298, \*4. Lockheed Martin does not publicly disclose this information and considers it to be proprietary and commercially sensitive. *See* Smith Decl. ¶ 6; Meyer Decl. ¶ 5; Rogers Decl. ¶ 5; Miller Decl. ¶ 4 and Westphal Decl. ¶ 5.

**D. Documents Relating to Lockheed Martin's Internal Evaluation of FEA Software Merit *In Camera* Treatment.**

The documents listed in Appendix D relate to a competitive benchmarking study of FEA software performed in 1997 to 1998 by Lockheed Martin. *See* Appendix D. These documents relate to an extensive evaluation of FEA software involving many different Lockheed Martin business units. Lockheed Martin developed problems for vendors that represented actual engineering problems performed when designing Lockheed Martin's products. Disclosure of these materials would substantially harm Lockheed Martin by revealing Lockheed Martin proprietary information on engineering processes, trade secrets, internal impressions of FEA software and other highly sensitive information. *See* Smith Decl. ¶ 7; Meyer Decl. ¶ 6; Rogers Decl. ¶ 8 and Westphal Decl. ¶ 6. Lockheed Martin anticipates benchmarking FEA solver software in the future, and disclosure of these documents could compromise future benchmarks by revealing Lockheed Martin's methods, problems, and scoring of these competitions. *See* Westphal Decl. ¶ 6.



**E. Documents Relating to Lockheed Martin's Usage of FEA Software are Entitled to *In Camera* Treatment.**

The documents listed in Appendix E relate to the usage of FEA solver software. *See* Appendix E. These documents contain sensitive information on the actual and forecasted use of FEA software, often divided into specific programs. Because many of Lockheed Martin's software contracts are based on historical usage patterns, disclosure of this information could be harmful when it negotiates future software licenses. *See* Rogers Decl. ¶ 7. In addition, Lockheed Martin's competitors would gain access to Lockheed Martin's design and manufacturing requirements and forecasts. As such, Lockheed Martin considers this information to be proprietary and commercially sensitive. *See id.*

**F. Documents Relating to Lockheed Martin's Technical Requirements for FEA Software Merit *In Camera* Treatment.**

The documents listed in Appendix F relate to Lockheed Martin's technical requirements for FEA Software. *See* Appendix F. This information reveals the customized needs of Lockheed Martin for the design its products, including military aircraft. The methods by which Lockheed Martin designs such products could be revealed by the disclosure of these materials, which would harm Lockheed Martin's position in the marketplace vis-à-vis its competitions. *See* Rogers Decl. ¶ 6. Accordingly, Lockheed Martin considers this information to be proprietary and confidential and to constitute trade secrets of the company. *See id.*

**G. Documents Relating to a Contemplated Technology Transfer and Licensing Agreement Merit *In Camera* Treatment.**

Documents listed in Appendix G relate to a contemplated technology transfer and licensing agreement between Lockheed Martin [

]. See Appendix G. These documents contain competition sensitive and proprietary information of both Lockheed Martin and [ ], the disclosure of which would competitively disadvantage both companies. See Meyer Decl. ¶ 7. Lockheed Martin protects the materials in Appendix G from disclosure outside this limited agreement and enforces the protection of its materials from disclosure outside [ ]. See *id.*

**H. Documents Relating to Lockheed Martin's Evaluation of the Relationship with Existing and Former FEA Software Vendors Merit *In Camera* Treatment.**

The documents listed in Appendix H relate to the evaluation of the relationship with current and former FEA software vendors. See Appendix H. This information is considered proprietary and confidential and is extremely competition sensitive. Lockheed Martin does not disclose this information to third parties, including MSC, and often restricts internal distribution of this information to protect its secrecy. See Westphal Decl. ¶ 4.

**I. Documents Relating to Lockheed Martin's Trade Studies for FEA Software Merit *In Camera* Treatment.**

The documents listed in Appendix I, relate to Lockheed Martin Missiles and Space Operations' trade studies for FEA software. See Appendix I. These documents contain impressions of Lockheed Martin engineers about the use of FEA software on

engineering projects, which Lockheed Martin does not share outside the company. These documents may also contain historical and forecasted cost data for FEA software. See Meyer Decl. ¶ 4. Lockheed Martin considers these materials to be proprietary and highly sensitive. Lockheed Martin often restricts internal distribution of this information to protect its secrecy. See Meyer Decl. ¶ 9. Lockheed Martin expects to continue using the materials and information contained therein for the foreseeable future in its work on current and future programs. See Meyer Decl. ¶ 4.

**J. Deposition Testimony Merits *In Camera* Treatment.**

The depositions of Warren Smith, Janice M. Beights (now Janice M. Miller), Carlos M. Bivins, Mark Westphal and Donald Westerheide include highly sensitive commercial information including information described in some or all of the above categories. See Appendix J. The depositions of Warren Smith, Janice M. Beights, Carlos M. Bivins, Mark Westphal and Donald Westerheide include discussion of: competitive assessments, Lockheed Martin requirements, pricing and negotiations, contracts, coordination with other Lockheed Martin business units, and future plans. See Smith Decl. ¶ 8, Miller Decl. ¶ 5, Bivins Decl. ¶ 3-4, Westphal Decl. ¶ 7 and Meyer Decl. ¶ 8. The depositions of Carlos M. Bivins, Mark Westphal, and Warren Smith also include information about the processes by which Lockheed Martin Engineering Process Improvement Center evaluated FEA software. See Bivins Decl. ¶ 3-4 and Westphal Decl. ¶ 7 and Smith Decl. ¶ 8. The disclosure of any of this information would competitively disadvantage Lockheed Martin.

#### IV. EXPIRATION DATE

Lockheed Martin requests that all of the documents and deposition testimony described above be granted *in camera* treatment indefinitely. The length of *in camera* protection is often increased beyond the standard three-year period where the information in question will remain competitively sensitive. See, e.g., *In re DuPont de Nemours & Co.*, 2000 FTC LEXIS 177 (extending *in camera* protection of cost information that was already over ten years old for an additional ten years); *Kaiser Aluminum*, 1984 FTC LEXIS 60; *DuPont*, 103 F.T.C. at 533; *DuPont*, 97 F.T.C. at 116. The materials listed in the attached Appendices will continue to be of a sensitive nature for some time. They all relate to ongoing and future business practices of Lockheed Martin. As Lockheed Martin regularly tests, negotiates for and purchases FEA software, the information contained within the listed documents will remain secret and material to Lockheed Martin's business for the foreseeable future.


V. CONCLUSION

For the above reasons, Lockheed Martin respectfully requests that this tribunal issue an *in camera* Order for the above designated hearing exhibits.

Dated: June 21, 2002

Respectfully Submitted,  
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**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

\_\_\_\_\_  
IN THE MATTER OF )

MSC.SOFTWARE CORPORATION, )

a corporation )

Docket No. 9299

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2002, upon consideration of Third Party Lockheed Martin Corporation's Motion For *In Camera* Treatment of Designated Hearing Exhibits and Memorandum and Confidential Declarations in support thereof it is hereby ORDERED that said Motion is granted. For the reasons set forth in the Memorandum in Support of Third Party Lockheed Martin Corporation's Motion For *In Camera* Treatment of Designated Hearing Exhibits, it is further ORDERED that the documents and deposition testimony identified in the attached appendices are afforded indefinite *in camera* treatment.

\_\_\_\_\_  
D. Michael Chappell  
Administrative Law Judge

# APPENDIX A

LMC-GPT-03-0036-37  
LMC-GPT-03-0038-42  
LMC-MAR-01-0033  
LMC-MAR-09-0001-07  
LMC-FWT-09-0046-49

# APPENDIX B

LMC-GPT-03-1009-11



## APPENDIX C

LM-DAI-000092	LMC-FWT-02-3621-30	LMC-OR-000325
LM-DAL-000095-96	LMC-FWT-02-4033-36	LMC-OR-000335
LM-DAL-000099-104	LMC-FWT-06-0061-62	LMC-OR-000343
LM-DAI-000660-61	LMC-FWT-06-0072-76	LMC-DEN-01-0005-06
LM-DAI-000691-92	LMC-FWT-06-0132-44	LMC-DEN-01-0007-08
LMC-GPT-01-0163	LMC-FWT-06-0339-44	LMC-DEN-03-0001-05
LMC-GPT-02-00004	LMC-FWT-06-0356-65	LMC-DEN-03-0047-48
LMC-GPT-02-00005	LMC-FWT-06-0409-10	LMC-DEN-03-0049-50
LM-DAI--000112-16	LMC-FWT-07-0008	LMC-DEN-03-0064-67
LM-DAL-000117	LMC-FWT-09-0044-45	LMC-DEN-03-0068-69
LM-DAL-000133-38	LMC-FWT-09-0054-57	LMC-DEN-02-0014-26
LM-DAI-000204	LMC-FWT-09-0115-25	LMC-DEN-02-0045-46
LM-DAL-000220-25	LMC-DEN-03-0006-26	LMC-DEN-02-0047
LM-DAL-000509-13	LMC-DEN-03-0035	LMC-DEN-02-0048
LM-DAI-000566-67	LMC-DEN-03-0036	LMC-DEN-02-0067-74
LM-DAL-000568-69	LMC-DEN-03-0038-39	LMC-DEN-02-0221-33
LM-DAL-000595-97	LMC-DEN-03-0040-42	LMC-DEN-02-0263
LM-DAI-000739-40	LMC-DEN-03-0044-46	LMC-DEN-02-0265
LM-DAL-001629-32	LMC-DEN-03-0070	LMC-DEN-02-0266
LMC-GPT-01-0120	LMC-DEN-03-0071	LMC-DEN-02-0309-32
LMC-GPT-01-0115	LMC-DEN-03-0072	LMC-DEN-02-0340-341
LMC-GPT-02-0015-16	LMC-DEN-03-0073	LMC-DEN-02-0346
LMC-GPT-02-0029	LMC-DEN-03-0074	LMC-DEN-02-0347-48
LMC-GPT-02-0031-35	LMC-DEN-03-0076-78	LMC-DEN-02-0386-411
LMC-GPT-02-0039	LMC-DEN-03-0082-84	LMC-DEN-02-0412
LMC-GPT-02-0040	LMC-DEN-03-0085	LMC-DEN-02-0413-36
LMC-GPT-02-0041	LMC-DEN-03-0090-92	LMC-DEN-02-0465-72
LMC-GPT-02-0042	LMC-DEN-03-0113-23	LMC-DEN-02-0473-74
LMC-GPT-02-0045	LMC-DEN-03-0124-26	LMC-DEN-02-0475
LMC-GPT-02-0046	LMC-ORL-01-0146-774	LMC-DEN-02-0513-17
LMC-GPT-03-1001-08	LMC-ORL-01-0135	LMC-DEN-02-0518-23
LMC-GPT-03-0055	LMC-ORL-01-0136	LMC-DEN-02-0524-26
LMC-ORL-01-0094-95	LMC-ORL-01-0137	LMC-DEN-02-0531-32
LMC-ORL-01-0103-04	LMC-OR-000104-07	LMC-DEN-02-0533-34
LMC-ORL-01-0128-30	LMC-OR-000109	LMC-DEN-02-0537-40
LM-PAL-000001-02	LMC-OR-000110-29	LMC-DEN-02-0543
LM-PAL-000010	LMC-OR-000286-287	LMC-LCO-01-0007
LMC-PCA-01-0158-181	LMC-OR-000288	LMC-LCO-01-0029
LMC-PCA-04-0342-67	LMC-OR-000290-292	LMC-LCO-01-0054
LM-FW-000288	LMC-OR-000296	LMC-LCO-01-0055-67
LM-FW-000651-85	LMC-OR-000311	LM-CAM-000003-4
LMC-FWT-01-0001-14	LMC-OR-000317	LM-CAM-000007-12
LMC-FWT-02-2092-109	LMC-OR-000319	LM-CAM-000027-45

## APPENDIX C

LM-CAM-01-0001-03  
LM-CAM-01-0035  
LM-CAM-01-0046-47  
LM-CAM-02-0077  
LM-CAM-02-0108-09  
LM-CAM-02-0130-54  
LM-CAM-02-0157-68  
LM-CAM-02-0177-81  
LM-CAM-02-0201  
LM-CAM-02-0228-33  
LM-CAM-02-0237-43  
LM-CAM-02-0341  
LM-CAM-02-0350-54  
LM-CAM-02-0362  
LM-CAM-02-0371  
LM-0000031-32  
LM-0000034-36

LM-0000038-63  
LM-0000065-66  
LM-0000068-69  
LM-0000071-91  
LMC-EG-000107  
LMC-MOT-000246  
LMC-MOT-000280-281  
LMC-MOT-000420-421  
LMC-MOT-000422  
LMC-MOT-000423  
LMC-MOT-000656  
LMC-MOT-000657  
LMC-MOT-000658-673  
LMC-MOT-000674-689  
LMC-MOT-000690  
LMC-MOT-000691-695  
LMC-MOT-000696-698

LMC-MOT-000699-700  
LMC-MOT-000701  
LMC-MOT-000702  
LMC-ORL-01-0775  
LM-NO-0000798-801  
LM-NAS-000350  
LM-NAS-000421-422  
LM-NAS-000423-424  
LMC-SUN-01-0022-24  
LMC-SUN-02-0001-51  
LMC-SUN-04-00002-10  
LMC-SUN-04-00087-96  
LMC-SUN-04-00099-108  
LMC-SUN-04-00273-278  
LMC-SUN-04-00281-287  
LMC-SUN-04-00296-323  
LMC-SUN-04-00325-57

## APPENDIX D

LMC-GPT-01-0001-48  
LMC-GPT-01-0049-76  
LMC-GPT-01-0112,0165  
LMC-GPT-01-0239-621  
LMC-GPT-01-0622-731  
LMC-GPT-01-0732-894  
LMC-GPT-01-0895-1140  
LMC-GPT-01-1142-219  
LMC-GPT-01-1120-262  
LMC-GPT-01-1263-329  
LMC-GPT-01-1130-940  
LMC-PCA-01-0552-54  
LMC-PCA-01-0546-51  
LMC-FWT-02-1340-43  
LMC-FWT-02-1348-50  
LMC-FWT-02-1360-62  
LMC-FWT-02-3316-48  
LMC-FWT-02-3670  
LMC-FWT-06-0389-90  
LMC-FWT-09-0084-85  
LMC-FWT-09-0103-06  
LMC-FWT-09-0172-76  
LM-CAM-000065  
LM-CAM-000199-275  
LM-CAM-000473-720  
LM-0000005-29  
LMC-SLN-03-0498-654

## APPENDIX E

LMC-MAR-01-0032  
LMC-MAR-04-0013  
LMC-PCA-04-0665-66  
LMC-FWT-06-0145-46  
LMC-FWT-06-0396  
LMC-FWT-06-0416-17

## APPENDIX F

LMC-MAR-02-0054-56  
LM-FW-000295-300  
LMC-FWT-09-0058-73  
LMC-FWT-09-0080-83  
LMC-FWT-09-0113-14  
LMC-FWT-09-0185-87

## APPENDIX G

LMC-SUN-01-0012-19  
LMC-SUN-04-0124-38  
LMC-SUN-04-00464-74  
LMC-SUN-04-00486-99

## APPENDIX H

LMC-CAM-01-0004-10  
LMC-CAM-01-0017-18  
LMC-CAM-01-0021-22  
LMC-CAM-01-0065-67  
LM-0000002-3  
LMC-EG-000017  
LMC-EG-000019  
LMC-EG-000036  
LMC-EG-000125-126  
LMC-EG-000127-128  
LMC-EG-000130  
LMC-EG-000133  
LMC-EG-000146  
LMC-EG-000200  
LMC-EG-000201  
LMC-EG-000202  
LMC-EG-000269  
LMC-EG-000274-275  
LMC-EG-000276-277  
LM-OR-000035-38

## APPENDIX I

LMC-SUN-04-00061-66  
LMC-SUN-04-139-165  
LMC-SUN-04-00167-237  
LMC-SUN-04-00501-03  
LMC-SUN-04-00358-89  
LMC-SUN-04-00396-463  
LMC-SUN-04-00059-60  
LMC-SUN-04-00067-73  
LMC-SUN-04-00114-22  
LMC-SUN-04-00238-72  
LMC-SUN-04-00475-85  
LMC-SUN-04-00504-26  
LMC-SUN-04-00527-48  
LMC-SUN-04-00012-23  
LMC-SUN-04-00024-51  
LMC-SUN-04-00052-54  
LMC-SUN-04-00279  
LMC-SUN-04-00055-58  
LMC-SUN-04-00074-86  
LMC-SUN-04-00097-98  
LMC-SUN-04-00288-295  
LMC-SUN-04-00109-113  
LMC-SUN-04-00391-393  
LMC-SUN-04-00394-395  
LMC-SUN-04-00500



# APPENDIX J

DEPOSITION TESTIMONY OF WARREN SMITH  
DEPOSITION TESTIMONY OF JANICE M. BEIGHTS  
DEPOSITION TESTIMONY OF CARLOS M. BIVINS  
DEPOSITION TESTIMONY OF MARK WESTPHAL  
DEPOSITION TESTIMONY OF DONALD WESTERHEIDE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this 21st day of June, 2002, I caused an original and one paper copy of a Public version of the foregoing Third Party Lockheed Martin Corporation's Motion for *In Camera* Treatment of Designated Hearing Exhibits, and Memorandum in Support thereof to be filed with the Secretary of the Commission, and that two paper copies of the Confidential version were served by hand upon:

Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
Room 104  
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