

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

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In the Matter of	)	
	)	
Schering-Plough Corporation,	)	
a corporation,	)	
	)	
Upsher-Smith Laboratories,	)	Docket No. 9297
a corporation,	)	
	)	
and	)	
	)	
American Home Products Corporation,	)	
A corporation.	)	
_____	)	

**JOINDER OF RESPONDENT SCHERING-PLOUGH CORPORATION IN  
UPSHER-SMITH’S MOTION TO DISMISS DUE TO COMPLAINT COUNSEL’S  
FAILURE TO ESTABLISH A PRIMA FACIE CASE**

Respondent Schering-Plough Corporation (“Schering”) joins in Upsher-Smith Laboratories Inc.’s (“Upsher”) Motion to Dismiss Due to Complaint Counsel’s Failure to Establish a Prima Facie Case. For the reasons set forth in Upsher’s motion and supporting memorandum, Schering respectfully requests dismissal of complaint counsel’s case in its entirety.

Respectfully submitted,

Of Counsel:

Jonathan Wasserman, Esq.  
Senior Antitrust Counsel  
Schering-Plough Corporation  
2000 Galloping Hill Road  
Kenilworth, NJ 07033-0530

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John W. Nields, Jr.  
Marc G. Schildkraut  
Laura S. Shores  
Charles A. Loughlin  
HOWREY SIMON ARNOLD & WHITE, LLP  
1299 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(202) 783-0800

Attorneys for Respondent

Dated: March 11, 2002

Schering-Plough Corporation

## **CERTIFICATION**

I hereby certify that this 11th day of March, 2002, I caused an electronic copy of Schering's Joinder In Upsher-Smith's Motion to Dismiss Due to Complaint Counsel's Failure to Establish a Prima Facie Case, to be filed with the Secretary of the Commission. I further certify that these are true and correct copies of the paper originals and that a paper copy with an original signature of each motion is being filed with the Secretary of the Commission.

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Erik T. Koons

CERTIFICATE OF SERVICE

I hereby certify that this 11th day of March 2002, I caused an original, one paper copy and an electronic copy of Schering-Plough Corporation's Joinder In Upsher-Smith's Motion to Dismiss Due to Complaint Counsel's Failure to Establish a Prima Facie Case, to be filed with the Secretary of the Commission, and that two paper copies were served by hand upon:

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

and one paper copy was hand delivered upon:

David Pender  
Assistant Director, Bureau of Competition  
Federal Trade Commission  
Room S-3115  
601 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Karen Bokat  
Federal Trade Commission  
Room 3410  
601 Pennsylvania Ave, N.W.  
Washington, D.C. 20580

Christopher Curran  
White & Case LLP  
601 13th St., N.W.  
Washington, D.C. 20005

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Erik T. Koons