

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)	
)	
ASPEN TECHNOLOGY, INC.)	Docket No. 9310
)	
A corporation)	

NON-PARTY ROHM AND HAAS COMPANY’S
MOTION FOR *IN CAMERA* TREATMENT

Rohm and Haas Company (“Rohm and Haas”), which is not a party to the above-captioned action, respectfully requests that this Court grant *in camera* treatment pursuant to 16 CFR 3.45(b) to the documents attached hereto as Exhibit A, which are demonstrative exhibits that Rohm and Haas understands are intended to be used in the trial of this action. These documents contain competitively sensitive and confidential information of Rohm and Haas.¹ This motion is supported by the declaration of Rohm and Haas employee Susan M. Lee (“Lee Declaration”), attached hereto as Exhibit B.

The attached materials contain Rohm and Haas commercially proprietary and confidential information regarding Rohm and Haas’s processes for the manufacture of monomers and polymers products, and contain the pricing and other contractual terms of Rohm and Haas’s relationship with Aspen Technology, Inc., a party to this action. All of this information is held in strict confidence by Rohm and Haas. If such information were

¹ The documents attached as Exhibit A are the only portion of this motion that is being filed on a non-public basis.

publicly disclosed, Rohm and Haas would suffer serious competitive injury because its competitors could use this non-public information to their advantage and nullify the competitive advantages gained by Rohm and Haas in the manner in which it manufactures its products and negotiates its relationships with its suppliers.

Rohm and Haas submits that *in camera* treatment is warranted for this information because (1) Rohm and Haas will suffer serious competitive harm if the documents at issue are disclosed to the public; (2) the information contained in these documents is secret; and (3) the risk of harm is not outweighed by the importance of the information to the matter decided by the Commission. Rohm and Haas believes that, as discussed in the Lee Declaration, *in camera* treatment for an indefinite period is warranted, or alternatively, that the pricing and other contract information receive *in camera* treatment for five years until the contract expires.

Rohm and Haas requests that the documents be treated as Restricted Confidential Discovery Material as provided under the September 16, 2003 Protective Order Governing Discovery Material.

For the foregoing reasons, Rohm and Haas requests that its motion be granted.

Respectfully submitted,

Dennis O. Wilson, Esq.
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Counsel for Rohm and Haas Company

April 21, 2004

CERTIFICATE OF SERVICE

I, Dennis O. Wilson, hereby certify that, on this the 21st day of April 2004, I caused copies of the foregoing NON-PARTY ROHM AND HAAS COMPANY'S MOTION FOR *IN CAMERA* TREATMENT and the supporting DECLARATION OF SUSAN M. LEE to be served by the method indicated upon the following:

Dennis O. Wilson

By Overnight Delivery

Hon. Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N.W. Room 106
Washington, D.C. 20580

Mary N. Lehner, Esq.
Federal Trade Commission
601 New Jersey Avenue, N.W.
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Washington, D.C. 20006-1801
Attorney for Aspen Technology, Inc.

COPY CERTIFICATION

I certify that the electronic versions of NON-PARTY ROHM AND HAAS COMPANY'S MOTION FOR IN CAMERA TREATMENT and supporting DECLARATION OF SUSAN M. LEE accompanying this certification are true and accurate copies of the paper originals and that paper copies have been filed with the Secretary of the Commission on this date. The documents for which *in camera* treatment is sought are not attached to the electronic filing.

Dated: April 21, 2004

Dennis O. Wilson