

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)

Benco Dental Supply Co.,)
a corporation,)

Henry Schein, Inc.,)
a corporation, and)

Patterson Companies, Inc.,)
a corporation.)

Respondents.)

Docket No. 9379

ORDER ON RESPONDENTS' *IN CAMERA* DOCUMENTS

Pursuant to Rule 3.45(b) of the Commission's Rules of Practice and the Scheduling Order entered in this matter, Respondents Benco Dental Supply Co. ("Benco"), Henry Schein, Inc., ("Schein"), and Patterson Companies, Inc. ("Patterson") each filed motions for *in camera* treatment for certain materials that the parties listed on their exhibit lists. Those motions were resolved by the Orders issued on October 30, 2018 and November 6, 2018. Attachment A of this Order lists the documents for which *in camera* treatment has been granted by those Orders, the corresponding PX or RX numbers, and each document's *in camera* treatment expiration date.

ORDERED:

Dm Chappell
D. Michael Chappell
Chief Administrative Law Judge

Date: February 21, 2019

ATTACHMENT A

For Benco:

<u>Exhibit</u>	<u>Page/Line Numbers</u>	<u>In Camera Expiration</u>
CX0002	CX0002-002 – CX00002-004	October 1, 2023
CX0003	Entire Document	October 1, 2023
CX0041	Entire Document	October 1, 2023
CX0042	Entire Document	October 1, 2023
CX0043	CX0043-002 – CX0043-007	October 1, 2023
CX0046	CX0046-002	October 1, 2023
CX0048	CX0048-001 – CX0048-003	October 1, 2023
CX0051	CX0051-001	October 1, 2023
CX0057	CX0057-001 CX0057-005 – CX0057-007 CX0057-011	October 1, 2023
CX0066	CX0066-001 – CX0066-002	October 1, 2023
CX0067	CX0067-002 – CX0067-003 CX0067-005 – CX0067-021	October 1, 2023
CX0068	CX0068-001 CX0068-003 CX0068-006 – CX0068-007 CX0068-010 – CX0068-017 CX0068-019 – CX0068-020	October 1, 2023
CX0069	CX0069-001 CX0069-004 – CX0069-012	October 1, 2023
CX0071	Entire Document	October 1, 2023
CX0301	26:20 27:5-7; 9-25 29:1-15 30:7-19; 23 30:7-19; 23 31:4; 4-9; 12; 13-23 32:13-16; 21-24 41:11-16; 20-21 42:3-7 43:6-9; 17-25 44:4-24 49:13-25 50:1-5; 16-25 51:6-22	October 1, 2023

<u>Exhibit</u>	<u>Page/Line Numbers</u>	<u>In Camera Expiration</u>
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<u>Exhibit</u>	<u>Page/Line Numbers</u>	<u>In Camera Expiration</u>
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<u>Exhibit</u>	<u>Page/Line Numbers</u>	<u>In Camera Expiration</u>
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<u>Exhibit</u>	<u>Page/Line Numbers</u>	<u>In Camera Expiration</u>
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CX0304	28:25 29:1-25 30:1-25 31:1-14 32:10-21 33:3-16 44:1-8 54:21-25 55:1-2; 11-13 60:11-20 61:2-10; 13; 19-25 62:1-24 63:1-3; 20-25 64:1-23 65:1-5 68:6-25 69:1-2 72:4-25	October 1, 2023

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CX1006	CX1006-003 – CX1006-009	October 1, 2023
CX1007	CX1007-002 – CX1007-005	October 1, 2023
CX1009	Entire Document	October 1, 2023
CX1018	CX1018-002 – CX1018-003	October 1, 2023
CX1025	CX1025-002 – CX1025-004	October 1, 2023
CX1026	CX1026-002 – CX1026-003	October 1, 2023
CX1030	Entire Document	October 1, 2023
CX1031	CX1031-005 – CX1031-008 CX1031-011 CX1031-013 – CX1031-016 CX1031-019	October 1, 2023
CX1047	CX1047-001 – CX1047-002	October 1, 2023
CX1060	CX1060-001 – CX1060-003	October 1, 2023
CX1061	Entire Document	October 1, 2023
CX1065	CX1065-001 – CX1065-003	October 1, 2023
CX1068	CX1068-001 – CX1068-004	October 1, 2023
CX1069	CX1069-002 – CX1069-008 CX1069014 CX1069-016 – CX1069-018 CX1069-021 – CX1069-031 CX1069-035	October 1, 2023
CX1071	CX1071-001 – CX1071-002	October 1, 2023

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CX1072	CX1072-002 – CX1072-003	October 1, 2023
CX1076	CX1076-004 – CX1076-005 CX1076-007 – CX1076-014 CX1076-017	October 1, 2023
CX1078	CX1078-001	October 1, 2023
CX1080	Entire document	October 1, 2023
CX1082	CX1082-002	Indefinite
CX1084	CX1084-001 – CX1084-007	October 1, 2023
CX1088	CX1088-001 – CX1088-003	October 1, 2023
CX1089	CX1089-001	October 1, 2023
CX1090	Entire document	October 1, 2023
CX1098	CX1098-001 – CX1098-003	October 1, 2023
CX1099	CX1099-001 – CX1099-003	October 1, 2023
CX1101	Entire document	October 1, 2023
CX1102	CX1102-033 CX1102-601	Indefinite
CX1115	Entire document	October 1, 2023
CX1117	CX1117-001 – CX1117-003	October 1, 2023
CX1129	CX1129-0013 CX1129-0374 CX1129-0644 CX1129-0653 CX1129-1389	Indefinite
CX1141	CX1141-001 – CX1141-0002	October 1, 2023
CX1154	CX1154-001 – CX1154-0003	October 1, 2023
CX1159	CX1159-001	October 1, 2023
CX1172	CX1172-004 CX1172-007 – CX1172-012 CX1172-018	October 1, 2023
CX1184	CX1184-001	October 1, 2023
CX1187	CX1187-001	October 1, 2023
CX1188	CX1188	October 1, 2023
CX1218	CX1218-001 – CX1218-007	October 1, 2023
CX1222	CX1222-001 – CX1222-002	October 1, 2023
CX1225	CX1225-001 – CX1225-004	October 1, 2023
CX1237	CX1237-001 – CX1237-002	October 1, 2023
CX1239	CX1239-001 – CX1239-002 CX1239-004	Indefinite
CX1248	Entire document	October 1, 2023
CX1262	Entire document	October 1, 2023
CX1269	CX1269-001 CX1269-003 – CX1269-009	October 1, 2023
CX1281	Entire document	October 1, 2023

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CX1286	CX1286-001 – CX1286-004	October 1, 2023
CX1300	CX1300-001 – CX1300-002	October 1, 2023
CX1307	CX1307-009 – CX1307-010 CX1307-014 – CX1307-016	October 1, 2023
CX1309	CX1309-005 – CX1309-008 CX1309-011 CX1309-013 – CX1309-016 CX1309-020 CX1309-022 – CX1309-024	October 1, 2023
CX1316	18 25-43 46-47 49-54 64 66-67 73-74 79-80 89-91	October 1, 2023
CX1330	CX1330-001 – CX1330-005	October 1, 2023
CX1337	CX1337-001 – CX1337-003	October 1, 2023
CX1351	CX1351-004 – CX1351-005 CX1351-007 – CX1351-014 CX1351-017	October 1, 2023
CX1371	CX1371-052 – CX1371-053 CX1371-055 – CX1371-070	October 1, 2023
CX1374	CX1374-006 – CX1374-011 CX1374-014	October 1, 2023
CX1396	CX1396-001 – CX1396-003	October 1, 2023
CX1397	CX1397-009	Indefinite
CX1413	CX1413-004 CX1413-010	October 1, 2023
CX1414	Entire document	October 1, 2023
CX1417	CX1417-003 CX1417-006	October 1, 2023
CX1421	CX1421-002 – CX1421-003	October 1, 2023
CX1437	CX1437-094 CX1437-122	Indefinite
CX1457	CX1457-001 – CX1457-003	October 1, 2023
CX1458	CX1458-001 – CX1458-003	October 1, 2023
CX1499	CX1499-001 – CX1499-003	October 1, 2023
CX1500	CX1500-001	Indefinite
CX1502	CX1502-001 – CX1502-003	October 1, 2023
CX1505	CX1505-001 – CX1505-003	October 1, 2023
CX1507	CX1507-002 – CX1507-003	October 1, 2023

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CX7100	CX7100-036 CX7100-048 CX7100-059 CX7100-079 CX7100-132 CX7100-136 – CX7100-137 CX7100-141 CX7100-155 – CX7100-156 CX7100-165 CX7100-173 CX7100-184 CX7100-196 – CX7100-197 CX7100-441 – CX7100-442 CX7100-445 CX7100-454 – CX7100-455	October 1, 2023
CX8015	53:18-23 54:2-24 55:8-9; 11-25 56:2-7 57:22-25 58:2-25 59:2-25 60:2-25 61:2-21 62:2-21 63:2-24 64:2-15; 20-23 69:14-15 78:13-17 83:4-9 91:3-17; 23 92:4-5; 16; 25 93:2; 17; 24-25 94:5-6; 9-10; 13-14 99:17-19 100:4-6; 15-16; 24-25 101:2; 5-6 148:20-22 151:21-24 153:20-21 155:21-22 182:9-13; 19-20 183:18-23 184:2-25	October 1, 2023

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Benco's Transactional Data	All transactional data	October 1, 2023
RX0050	RX0050-001	October 1, 2023
RX0059	RX0059-001 – RX0059-002	October 1, 2023
RX0093	RX0093-001 – RX0093-002	October 1, 2023
RX0101	Entire document	October 1, 2023
RX0130	RX0130-001	October 1, 2023
RX0209	RX0209-001 – RX0209-005 RX0209-007 – RX0209-011 RX0209-015	October 1, 2023
RX0380	28-29 31 33-37 39-42 44-49 51-57 60 63-64 72-77 79-80 86-87	October 1, 2023

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RX0470	RX0470-001 – RX0470-002	October 1, 2023
RX0638	RX0638-001 – RX0638-003	October 1, 2023
RX1003	Entire document	October 1, 2023
RX1015	RX1015-004 – RX1015-008 RX1015-011 RX1015-013 – RX1015-016	October 1, 2023
RX1018	RX1018-002	October 1, 2023
RX1025	RX1025-004 – RX1025-011 RX1025-013 RX1025-016 – RX1025-019 RX1025-021 – RX1025-022 RX1025-026 – RX1025-032 RX1025-034 – RX1025-035 RX1025-038	October 1, 2023
RX1026	Entire document	October 1, 2023
RX1031	4-5 8-14 16-17	October 1, 2023
RX1034	RX1034-006 RX1034-008 – RX1034-009 RX1034-012 RX1034-014 RX1034-016 – RX1034-017	October 1, 2023
RX1048	RX1048-002 – RX1048-005	October 1, 2023
RX1052	RX1052-001 RX1052-005 RX1052-007	October 1, 2023
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For Schein:

1. The following documents are to be provided partial *in camera* treatment to the redacted portions submitted by Schein on November 2, 2018 for five years, to expire on **October 1, 2023:**

Exhibit Number	<i>In Camera</i> Time Period
CX2165; CX2187; CX2288; CX2404; CX2428; CX2481; CX2610; CX2700; CX2724; CX2736; CX2737; CX2920; CX2938; CX4001; CX4091; CX4099; CX4128; CX4140; CX4142; CX6598; CX6599; CX6600; CX6602; CX6603; CX6606; RX0489; RX0602; RX2033; RX2079; RX2162; RX2196; RX2221; RX2250; RX2261; RX2262; RX2263; RX2265; RX2266; RX2267; RX2269; RX2274; RX2275; RX2276; RX2282; RX2287; RX2295; RX2341; RX2348; RX2352; RX2353; RX2354; RX2356; RX2359; RX2452; RX2468; RX2469; RX2470; RX2471; RX2503; RX2504; RX2527; RX2628; RX2644; RX2654; RX2655; RX2656; RX2657; RX2659; RX2662; RX2675; RX2681; RX2682; RX2683; RX2684; RX2695; RX2697; RX2698; RX2699; RX2700; RX2723; RX2724; RX2737; RX2769; CX2204; CX2626; RX2136; RX2151; RX2234; RX2448; CX2319; RX2249	5 years

2. The following documents are to be provided *in camera* treatment for five years, to expire on **October 1, 2023:**

Exhibit Number	<i>In Camera</i> Time Period
RX2324; RX2358; RX2479; RX2480; RX2481; RX2622; RX2670; RX2671; RX2672; RX2680; RX2685; RX2687; RX2692; RX2693; RX2694; RX2696; RX2721; RX2722; RX2735; RX2736; RX2745; RX2746; RX2748; RX2750; RX2730	5 years

3. The following documents are to be provided *in camera* treatment for ten years, to expire on **October 1, 2028:**

Exhibit Number	<i>In Camera</i> Time Period
CX2632; RX2180; RX2474; RX2627; CX2651; RX3062; RX3061; RX3066; RX3069	10 years

For Patterson:

1. A redacted version of CX0102, with redactions on pages CX102-002-5, be permanently kept in the public record;

2. Redacted versions of the following exhibits be kept in the public record until October 1, 2023: CX0086-009, 012-13; CX3105-004-5, 012, 022, 029, 040-41, 046, 057-58; CX3105-068-117; CX3280-031-39, 044-62; CX3285-004-5, 012, 022, 029, 040-41, 046, 057-58; CX3285-068-117; RX0182-00012-13; RX0544-00004-5, 11, 21, 28, 37-38, 43, 55-56; RX0572-00002 at 1-2, 9, 19, 26, 37-38, 42-43, 54-55; RX0572-00003 at 1-49; RX0640-00003 at 2, 4-6, 8, 10, 12-27; RX1097-001 at 1-2, 9, 19, 26, 37-38, 43, 54; RX2833 at 8-9, 11, 21, 23-24, 27-29, 31-32, 35, 38-40, 42, 44-51, 53-54, 57-59, 119 (Ex. 3), 120 (Ex. 4), 121 (Ex.5A), 122 (Ex. 5B), 123 (Ex. 5C), 124 (Ex.6), 125 (Ex. 7), 126 (Ex. 8), 127 (Ex. 9), 128 (Ex. 10), 129 (Ex. 11), 130 (Ex. 12A), 131 (Ex. 12B), 132 (Ex. 12C), 133 (Ex. 12D), 134 (Ex. 12E), 135 (Ex. 13A), 136 (Ex. 13B), 137 (Ex. 4 – Amended), 138 (Ex. 5A – Amended), 139 (Ex. 5B – Amended), 140 (Ex. 5C – Amended), 141 (Ex. 12B – Amended), 142 (Ex. 13A – Amended), 143 (Ex. 13B – Amended); and

3. The following exhibits be granted *in camera* treatment until October 1, 2023: CX0083; CX0152; CX0153; CX0154; CX3058; CX3104; CX3135; CX3136; CX3137; CX3138; CX3140; CX3142; CX3180; CX3239; CX3258; CX3259; CX3261; CX3262; CX3289; CX3292; CX3376; RX0074; RX0082; RX0175; RX0217; RX0222; RX0407; RX0408; RX0420; RX0445; RX0450; RX0455; RX0468; RX0488; RX0491; RX0528; RX0538; RX0540; RX0542; RX0559;

RX0568; RX0576; RX0600; RX0603; RX0604; RX0607; RX0608; RX0613; RX0614; RX0622;
RX0627; RX0631; RX0633; RX0635; RX0636; RX0639; RX0645; RX0661; RX0662; RX0666;
RX0669; RX0670; RX0672; RX0674; RX0676; RX0677; RX0679; RX0680; RX0681; RX0685;
RX0687; RX0688; RX0691; RX0693; RX0695; RX0696; RX0697; RX0698; RX0700; RX0701;
RX0703; RX0704; RX0706; RX0710; RX0713; RX0717; RX0718; RX0719; RX0724; RX0725;
RX0726; RX0728; RX0730; RX0731; RX0733; RX0734; RX0737; CX0312 (Composite
Exhibit: Wesley Fields I.H. Deposition Transcript Vols.1 and 2 10:9-11:23; 15:7-19; 68:2-22;
256:15-258:6; 274:2-20); CX0314 (Paul Guggenheim I.H. Deposition Transcript 99:23-102:1;
113:10-114:17; 144:9-147:9); CX0315 (Neal McFadden I.H. Deposition Transcript 39:16-40:12;
67:24-68:17; 98:15-100:13; 112:17-22; 128:18-133:25; 134:2-136:21; 162:16-163:20; 227:13-
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108:19-22); CX8002 (Devon Nease Deposition Transcript 27:21-29:10); CX8004 (Neal
McFadden Deposition Transcript 84:2-86:16; 99:2-20); CX8013 (Anthony Fruehauf Deposition
Transcript 31:18-55:11; 84:10-98:20; 156:10-158:6); CX8017 (Timothy Rogan Deposition
Transcript 14:3-13; 206:9-207:19; 209:19-216:10); CX8023 (Paul Guggenheim Deposition
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