

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGE



\_\_\_\_\_)  
In the Matter of )  
)  
BENCO DENTAL SUPPLY CO, a )  
corporation, )  
)  
HENRY SCHEIN, INC., )  
a corporation, and )  
)  
PATTERSON COMPANIES, INC., )  
a corporation. )  
\_\_\_\_\_)

Docket No. 9379

PUBLIC

**NON-PARTY STRATEGIC DATA MARKETING LLC'S  
MOTION FOR EXTENSION OF TIME TO SEEK *IN CAMERA* TREATMENT**

Pursuant to Rule 3.21 of the Federal Trade Commission's Rules of Practice ("Rules of Practice"), 16 C.F.R. § 3.45(b), non-party Strategic Data Marketing LLC ("SDM") respectfully moves this Court for an extension of time to file a motion for *in camera* treatment. On Monday, September 17, 2018, the Federal Trade Commission ("Complaint Counsel") notified SDM's attorney that it intends to introduce all materials produced to the FTC by SDM pursuant to a subpoena in this matter and which were previously given confidential status ("Confidential Materials") into evidence during the trial of this matter. *See* Letter from the FTC dated September 17, 2018, attached as Exhibit A. Pursuant to the current scheduling order, motions for *in camera* treatment are due on September 26, 2018.

SDM intends to file a Motion for *In Camera* Treatment for portions or all of the Confidential Materials, but is unable to do so today. Counsel for SDM and SDM could not until yesterday access the voluminous Confidential Materials. SDM and counsel were able to do so only yesterday September 25, 2018.

Further, SDM is a very small business and its managing director was not able to review the documents before today.

Pursuant to 16 C.F.R. § 3.45, a Motion for *In Camera* Treatment must include a copy of the documents for which *in camera* treatment is sought and an affidavit by a person qualified to explain the confidential nature of the material. *In re 1-800 Contacts, Inc.*, 2017 WL 1345290 (F.T.C.), Docket No. 9372 (Apr. 4, 2017). SDM cannot comply with these requirements by today because it needs additional time to review what appears to be dozens of raw data files and multiple documents. Indeed, it will likely be impossible to attach to a declaration the various documents; in particular, the data files.

For the reasons set forth above, SDM respectfully requests an extension of seven (7) days to file a Motion for *In Camera* Treatment.

Respectfully submitted,

**STRATEGIC DATA MARKETING, LLC**

/s/ Dustin F. Hecker

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Dated: September 26, 2018

**STATEMENT REGARDING MEET AND CONFER**

The undersigned certifies that counsel for non-party Strategic Data Marketing, LLC notified counsel for the parties via e-mail on September 26, 2018 that it would be filing a motion to extend deadline for seeking *in camera* treatment of confidential documents. Counsel for the Federal Trade Commission, Benco Dental Supply Co., and Henry Schein, Inc. indicated they would not object to SDM's motion. I have not yet heard from counsel for the Patterson Companies.

Respectfully submitted,

**STRATEGIC DATA MARKETING, LLC**

*/s/ Dustin F. Hecker*

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Notice of Electronic Service

I hereby certify that on September 26, 2018, I filed an electronic copy of the foregoing Non-Party Strategic Data Marketing, LLC's Motion for Extension of Time, with:

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**I hereby certify that on September 26, 2018, I served via other means, as provided in 4.4(b) of the foregoing Non-Party Strategic Data Marketing LLC's Motion For Extension Of Time To Seek In Camera Treatment, upon:**

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