

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



In the Matter of

Otto Bock HealthCare North
America, Inc.,
a corporation.

Docket No. 9378

**RESPONDENT'S REPLY¹ SUPPORTING ITS
MOTION FOR LEAVE TO AMEND ITS EXHIBIT LIST AND TO ADMIT INTO
EVIDENCE CERTAIN ADDITIONAL EXHIBITS**

¹ Respondent submits this Reply pursuant to the Court's September 6, 2018 order from the bench.

Nothing in the Opposition to Respondent, Otto Bock HealthCare North America, Inc.’s (“Ottobock”) Motion shows why good cause does not exist [REDACTED]

[REDACTED]

[REDACTED] Ottobock is not attempting “to extend a deadline” as Complaint Counsel inaccurately contends. Opp. at 1.

Instead, good cause exists for Ottobock to amend its exhibit list [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Complaint

Counsel attempts to paint a picture where Ottobock blew a deadline [REDACTED]

[REDACTED] Nothing could be further from the truth.

As the Court has recognized, [REDACTED]

Of course, the Scheduling Order specifically allows for the addition of exhibits after the parties' final exhibit lists have been submitted. Scheduling Order, ¶ 16. As set forth in Ottobock's opening brief at 2-4, [REDACTED]

[REDACTED]

Complaint Counsel's reliance on *Chicago Bridge & Iron Company N.V.* is misplaced. There, this Court decided whether Complaint Counsel could call certain witnesses to testify at trial after Complaint Counsel did not timely disclose them. Opp. Exh. B at 1. The reason for the late disclosure was a late document production from Respondents. *Id.* at 2.

Here, Ottobock seeks leave to amend its exhibit list [REDACTED]

[REDACTED] Hence, good cause exists to allow Ottobock to amend its final exhibit list.

Additional discovery is not needed for Complaint Counsel [REDACTED]

[REDACTED]

On the one hand, Complaint Counsel complains it is prejudiced because [REDACTED]

[REDACTED]

[REDACTED]

Respectfully submitted,

Date: September 17, 2018

/s/ William Shotzbarger

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In the Matter of

Otto Bock HealthCare North
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Docket No. 9378

**DECLARATION OF WILLIAM SHOTZBARGER IN SUPPORT OF RESPONDENT'S
REPLY SUPPORTING ITS MOTION FOR LEAVE TO AMEND ITS EXHIBIT LIST
AND TO ADMIT INTO EVIDENCE CERTAIN ADDITIONAL EXHIBITS**

I, William Shotzbarger, pursuant to 28 U.S.C. § 1746, state and declare as follows:

1. I am an attorney at Duane Morris LLP. I am licensed to practice law in the Commonwealth of Pennsylvania. I am over the age of 18, am capable of making this Declaration, know all of the following facts of my own personal knowledge, and, if called and sworn as a witness, could and would testify competently thereto.

2. Attached as **Exhibit A** is a true and correct copy of [REDACTED]

3. Attached as **Exhibit B** is a true and correct copy of [REDACTED]

4. Attached as **Exhibit C** is a true and correct copy of [REDACTED]

5. Attached as **Exhibit D** is a true and correct copy of [REDACTED]

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of September, 2018 in Philadelphia, Pennsylvania.

/s/ William Shotzburger
William Shotzburger

PUBLIC

EXHIBIT A

REDACTED IN ENTIRETY

PUBLIC

EXHIBIT B

REDACTED IN ENTIRETY

PUBLIC

EXHIBIT C

REDACTED IN ENTIRETY

PUBLIC

EXHIBIT D

REDACTED IN ENTIRETY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 17, 2018, I caused a true and correct copy of the foregoing Respondent's Reply Supporting Its Motion for Leave to Amend Respondent's Exhibit List and to Admit into Evidence Certain Additional Exhibits to be served via the FTC E-Filing System and e-mail upon the following:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Rm. H-110
Washington, DC, 20580

Donald S. Clark
Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Washington, DC 20580

Meghan Iorianni
Jonathan Ripa
Steven Lavender
William Cooke
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Lynda Lao
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Lisa De Marchi Sleigh
Catherine Sanchez
Sarah Wohl
Joseph Neely
Dylan Brown
Betty McNeil
Stephen Rodger
Jordan Andrew

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600 Pennsylvania Ave., NW
Washington, DC, 20580

/s/ William Shotzbarger
William Shotzbarger

Notice of Electronic Service

I hereby certify that on September 17, 2018, I filed an electronic copy of the foregoing Public - Respondent's Reply Supporting Its Motion for Leave to Amend Respondent's Exhibit List and to Admit into Evidence Certain Additional Exhibits, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on September 17, 2018, I served via E-Service an electronic copy of the foregoing Public - Respondent's Reply Supporting Its Motion for Leave to Amend Respondent's Exhibit List and to Admit into Evidence Certain Additional Exhibits, upon:

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