



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Bureau of Competition  
Health Care Services  
and Products Division

September 26, 2003

**FACSIMILE ((213) 620 1398)**

Carlton Varner, Esquire  
Sheppard, Mullin, Richter & Hampton LLP  
333 South Hope Street, 48<sup>th</sup> Floor  
Los Angeles, CA 90071-1448


Re: File No. 001-0221

Dear Mr. Varner:

The Commission has conducted an investigation to determine Bristol-Myers Squibb Company, American Bioscience, Inc., or other persons, partnerships, or corporations have engaged or are engaging in unfair methods of competition in or affecting commerce in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, as amended, by monopolizing, attempting to monopolize, or conspiring to monopolize the market for paclitaxel by entering into any agreement or taking other action to prevent or slow generic competition to Taxol. The Commission entered a consent order in this matter. *Bristol-Myers Squibb Company*, Docket No. 4076, on April 18, 2003.

Upon further review of this matter, it now appears that no further action is warranted by the Commission at this time. Accordingly, the investigation has been closed. This action is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

  
Jeffrey W. Brennan  
Assistant Director