UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of HOECHST MARION ROUSSEL, INC., a corporation, CARDERM CAPITAL L.P., a limited partnership, and ANDRX CORPORATION, a corporation.	Docket No. 9293

RESPONDENT'S SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS

Pursuant to Federal Trade Commission ("FTC") Rules of Practice for Adjudicative Proceedings ("Rule of Practice") § 3.37, Respondent Aventis Pharmaceuticals, Inc., formerly known as Hoechst Marion Roussel, Inc., by counsel, submits these requests for production of documents to the FTC. Respondent requests that the FTC begin producing documents or things responsive to these requests, within its possession, custody or control, within twenty (20) business days for inspection and copying by counsel for respondent at the offices of Shook, Hardy & Bacon LLP, 600 14th Street, N.W., Suite 800, Washington, D.C. 20005, in accordance with the Instructions set forth below.

INSTRUCTIONS AND DEFINITIONS

As used herein, "agreement" means any oral or written contract, arrangement or understanding, whether formal or informal, between two or more persons, together with modifications or amendments thereto.

1. As used herein, "ANDA" means an Abbreviated New Drug Application filed with the FDA pursuant to 21 U.S.C. § 355(j), including but not limited to the original application and any supplements thereto.

2. As used herein, "Andrx" means Andrx Pharmaceuticals, Inc., and its predecessors, successors, assigns and present and/or former affiliates and subsidiaries and any of its respective officers, directors, employees, agents, attorneys, representatives, economic consultants, lobbyists, public relations consultants or any person acting or purporting to act on its behalf.

3. As used herein, "Biovail" shall refer to Biovail Corporation with its principal place of business in Mississauga, Ontario, Canada, and its predecessors, successors, assigns and present and/or former affiliates and subsidiaries and any of its respective officers, directors, employees, agents, attorneys, representatives, economic consultants, lobbyists, public relations consultants or any person acting or purporting to act on its behalf.

4. As used herein, "cardiovascular pharmaceutical products" means the products within code 31000 of the IMS Uniform System of Classification.

5. As used herein, "Cardizem® CD" means the diltiazem product sold under that trademark.

6. As used herein, "Compliance Investigation" means FTC File No. 971-0055.

7. As used herein, "Consent Order" means Hoechst AG; Proposed Consent Agreement with Analysis to Aid Public Comment, 60 Fed.Reg. 49609 (1995).

8. As used herein, "diltiazem product" means any pharmaceutical product containing diltiazem and/or its salts including diltiazem hydrochloride as an active pharmaceutical ingredients.

9. As used herein, "document" or "documents" shall include, without limitation, originals, masters and every copy of writings and printed, typed and other graphic or photographic matter, including microfilm of any kind or nature, recordings (tape, diskette or other) of oral communications, other data compilations and every other tangible thing from which information can be obtained, including, without limitation, magnetic or electronic media, in the possession, custody or control of plaintiff or any present or former officer, employees or agents thereof, or known by plaintiff to exist. The term "document" or "documents" shall include, without limiting the generality of the foregoing, all computer files, electronic mail, letters, telegrams, teletypes, correspondence, contracts, agreements, notes to the files, notebooks, reports, memoranda, mechanical and electronic sound recordings or transcripts thereof, blueprints, flow sheets, formal or information drawings or diagrams, calendar or diary entries, memoranda of telephone or personal conversations of meetings or conferences, studies, reports, interoffice communications, price lists, bulletins, circulars, statements, manuals, summaries of compilations, minutes of meetings, maps, charts, graphs, order papers, articles, announcements, books, catalogs, records, tables, books of account, ledgers, vouchers, canceled checks, invoices or bills. A draft or nonidentical copy is a separate document within the meaning of this term.

10. As used herein, "Faulding" means Faulding Inc. and its predecessors, successors, assigns and present and/or former affiliates and subsidiaries and any of its respective officers, directors, employees, agents, attorneys, representatives, economic consultants, lobbyists, public relations consultants or any person acting or purporting to act on its behalf.

11. As used herein, "FDA" means the United States Food and Drug Administration, including without limitation its employees, scientists, technicians, agents, examiners, laboratories, consultants and special governmental employees.

12. As used herein, "FTC" means the United States Federal Trade Commission, including without limitations its employees, investigators, agents, consultants and special governmental employees.

13. As used herein, "formulary" means a list of prescription medications covered under a pharmacy benefit plan maintained by a governmental entity or third-party payor.

14. As used herein, "HMR" means Hoechst Marion Roussel, Inc., its successors, predecessors and the officers, directors, employees, partners, subsidiaries, corporate parents, affiliates and divisions of each of the foregoing.

15. As used herein, "Hoechst/Andrx Investigation" means Hoechst Marion Roussel, Inc. and Andrx Corporation, FTC File No. 981-0368; Andrx-Hoechst Generic Cardizem, FTC Docket No. 9293; and Hoechst A.G./Watson Pharmaceuticals, Inc., FTC File No. 981-0006 as it pertains to the Stipulation and Agreement between Hoechst Marion Roussel, Inc. and Andrx Corporation.

16. As used herein, "Hoechst/Biovail Rights Agreement" means the Rights Agreement between Biovail and Hoechst Roussel Pharmaceuticals, Inc. dated as of June 30, 1993.

17. As used herein, "Hoechst/Biovail Settlement Agreement" means the Settlement Agreement and Release between Biovail, Hoechst A.G., Hoechst Roussel Pharmaceuticals, Inc., Marion Merrill Dow and Carderm Capital, L.P. dated April 28, 1995.

18. As used herein, "Hoechst/MMD Merger" means the acquisition by Hoechst A.G. of Marion Merrell Dow Inc., FTC File No. 951-0090, as it relates to the Hoechst/Biovail Settlement Agreement.

19. As used herein, "NDA" means a New Drug Application filed with the FDA pursuant to 21 U.S.C. § 355(b), including but not limited to the original application and any supplements thereto.

20. As used herein, "person" includes any natural person, corporate entity, sole proprietorship, partnership, association, governmental entity, or trust.

21. As used herein, "Probucol Negotiations" means the discussions occurring after July 1997 between HMR and Biovail relating to development of new indications for Probucol and any related or contemporaneous discussions, which included, but are not limited to, settlement negotiations.

22. As used herein, "relate" means concerns, refers to, describes, forms the basis for, evidences or constitutes, and the term "relating" means concerning, referring to, describing, evidencing or constituting.

23. As used herein, "Stipulation and Agreement" means that agreement between Hoechst Marion Roussel, Inc., Carderm Capital, L.P. and Andrx Pharmaceuticals entered into on or about September 26, 1997.

24. As used herein, "Stipulation and Order" means that agreement between Hoechst Marion Roussel, Inc., Carderm Capital, L.P. and Andrx Pharmaceuticals entered into on or about June 8, 1999.

25. As used herein, "Third Parties" means any person that is not a named party in FTC File No. 981-0368 or FTC Docket No. 9293 and includes, but is not limited to Biovail,

Faulding, Quatro Scientific Inc., Teva Pharmaceuticals and their respective officers, directors, employees, agents, attorneys, representatives, economic consultants, lobbyists, public relations consultants or any person acting or purporting to act on their behalf.

26. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

27. The term "all" shall be construed as all and each, and the term "each" shall be construed as all and each.

28. The use of the singular form of any word includes the plural, and vice versa.

29. Except for privileged materials, produce each responsive document in its entirety by including all attachments and all pages, regardless of whether they directly relate to the specified subject matter. Submit any appendix, table, or other attachment by either physically attaching it to the responsive document or clearly marking it to indicate the responsive document to which it corresponds. Except for privileged material, do not mask, cut, expunge, edit, or delete any responsive document or portion thereof in any manner.

30. Unless otherwise stated, the scope of this request is from January 1, 1993 through the present and is continuing in nature. If, after producing documents, the FTC obtains or becomes aware of any further documents, or information responsive to this request for production of documents, the FTC is required to produce to HMR such additional documents and/or to provide HMR with such additional information.

31. Compliance with this document request requires a search of all documents in the possession, custody, or control of the FTC's current or former officers, directors, employees, agents, or representatives, whether or not such documents are on the premises of the FTC. If any

person is unwilling to have his or her files searched, or is unwilling to produce responsive documents, the FTC must provide counsel serving this request with the following information as to each such person: his or her name, address, telephone number, and relationship to the FTC.

This subpoena covers documents in your possession, custody or control, wherever the documents are located.

32. If any requested documents cannot be produced in full, produce the remainder and state whatever information, knowledge, or belief the FTC has concerning the unproduced portion.

33. In addition to hard-copy documents, the search will include all the FTC's electronically stored data. Sources of such data include, but are not limited to, the following:

(a) Desktop personal computers ("PCs") and workstations; PCs, workstations, minicomputers and mainframes used as file servers, application servers, or mail servers; laptops, notebooks, hand-held devices and other portable computers available for shared use; and home computers used for work related purposes;

(b) Backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether stored onsite with the computer used to generate them, stored offsite in another facility or stored offsite by a third-party, such as in a disaster recovery center; and

(c) Computers and related offline storage used by agents, consultants, and other persons as defined herein, which may include persons who are not employees of the FTC or who do not work on FTC premises.

34. The FTC will submit all documents, including electronically-stored documents, in hard copy. In addition to the hard copies, the FTC will submit the electronically-stored documents in machine readable form.

35. The source and location of each responsive document shall be designated, including the person from which it was obtained. Responsive documents from each person's files shall be produced together, in file folders or with other enclosures that segregate the files by

request number. If a document is responsive to more than one request, it shall be produced in response to the request to which it is primarily responsive. An index of responsive documents is requested in hard copy and machine-readable form identifying for each document produced: (1) the identification and consecutive control number; (2) the numbered request(s) to which it is responsive; (3) the person from whom the document was obtained; and (4) for documents generated by the recipient, the person and/or file name or number from which it was obtained.

36. In the event that the FTC withholds any document on the basis that it is privileged, subject to work-product immunity, or is otherwise excludable from discovery, the FTC is requested to list such documents by request number and to provide the following information:

(a) the identity of the authors;

(b) the identity of all recipients;

(c) the date of the document;

(d) the subject matter or purpose of the document or report;

(e) the nature of the relationship between the authors and counsel with sufficient particularity to sustain the asserted privilege;

(f) whether direct quotes or paraphrases of advice from counsel were identified;

(g) whether such quotes could be redacted, leaving non-privileged information; and,

(h) any other information necessary to reveal the basis upon which the document is withheld to provide HMR with sufficient information to determine whether the stated basis for withholding the document is proper.

37. If any document responsive to these requests once existed but has been destroyed, lost, discarded or is otherwise not available for production, the recipient shall identify in writing each such document, including the date of the document's creation, a description of the

document's subject matter, the name and address of each person who prepared, received, viewed, or had possession, custody or control of the document or otherwise had knowledge of its subject matter, and a statement of the circumstances under which the document was destroyed, lost, discarded or why such document is otherwise not available for production.

38. If the FTC has produced documents to HMR responsive to this request as part of the Third Party materials collected during the course of the pre-complaint investigation of this matter, FTC File No. 981-0368, those documents need not be produced again, provided that the FTC clearly indicates in its answers to the document request the location within the Third Party materials where responsive information resides.

39. If the FTC believes documents responsive to this request originated from HMR, the FTC need not produce those documents, provided that the FTC provides the location within the HMR materials where responsive information resides.

DOCUMENT REQUESTS

Request No. 1: All documents submitted to the FTC voluntarily or through compulsory process by any Third Party in connection with or relating in any manner to the Hoechst/Andrx Investigation.

Request No. 2: All transcripts of all depositions, investigational hearings, or formal, informal or sworn statements, including all exhibits thereto, taken by the FTC of or from Third Parties in connection with or relating in any manner to the Hoechst/Andrx Investigation.

Request No. 3: All statements, including but not limited to responses to interrogatories, responses to civil investigative demands and subpoenas, statements, memoranda and white papers, and affidavits and declarations provided to the FTC by Third Parties in connection with or relating in any manner to the Hoechst/Andrx Investigation.

Request No. 4: All communications, including but not limited to letters, notes, documents relating to telephonic communications or meetings, electronic mail messages or voice mail messages, between the FTC and any Third Party in connection with or relating in any manner to the Hoechst/Andrx Investigation.

Request No. 5: All documents sufficient to identify each person with whom the FTC communicated in connection with or relating in any manner to the Hoechst/Andrx Investigation.

Request No. 6: All documents reflecting statements made by third parties in meetings, interviews, or other communications with the FTC in connection with or relating in any manner to the Hoechst/Andrx Investigation.

Request No. 7: All civil investigative demands, subpoenas or other formal or informal requests for materials and information issued by the FTC to Third Parties in connection with or relating in any manner to the Hoechst/Andrx Investigation.

Request No. 8: All documents submitted to the FTC, voluntarily or through compulsory process, by any Third Party relating in any manner to the negotiation, operation or termination of the Hoechst/Biovail Rights Agreement or the Hoechst/Biovail Settlement Agreement, including but not limited to documents submitted during the course of the Compliance Investigation or the Hoechst/MMD Merger.

Request No. 9: All transcripts of all depositions, investigational hearings, or formal, informal or sworn statements, including all exhibits thereto, taken by the FTC of or from Third Parties in connection with or relating in any manner to the negotiation, operation, interpretation or termination of the Hoechst/Biovail Rights Agreement or the Hoechst/Biovail Settlement Agreement, including but not limited to documents submitted during the course of the Compliance Investigation or the Hoechst/MMD Merger.

Request No. 10: All statements, including but not limited to responses to interrogatories, responses to civil investigative demands and subpoenas, statements, memoranda and white papers, and affidavits and declarations, provided to the FTC by Third Parties in connection with or relating in any manner to the negotiation, operation, interpretation or termination of the Hoechst/Biovail Rights Agreement or the Hoechst/Biovail Settlement Agreement, including but not limited to documents submitted during the course of the Compliance Investigation or the Hoechst/MMD Merger.

Request No. 11: All communications, including but not limited to letters, notes, documents relating to telephonic communications or meetings, electronic mail messages or voice mail messages, between the FTC and any Third Party in connection with or relating in any manner to the negotiation, operation, interpretation or termination of the Hoechst/Biovail Rights Agreement or the Hoechst/Biovail Settlement Agreement, including but not limited to documents submitted during the course of the Compliance Investigation or the Hoechst/MMD Merger.

Request No. 12: All documents sufficient to identify each person with whom the FTC communicated in connection with or relating in any manner to the negotiation, operation, interpretation or termination of the Hoechst/Biovail Rights Agreement or the Hoechst/Biovail Settlement Agreement, including but not limited to documents submitted during the course of the Compliance Investigation or the Hoechst/MMD Merger.

Request No. 13: All documents reflecting statements made by Third Parties in meetings, interviews, or other communications with the FTC in connection with or relating in any manner to the negotiation, operation, interpretation or termination of the Hoechst/Biovail Rights Agreement or the Hoechst/Biovail Settlement Agreement, including but not limited to

documents submitted during the course of the Compliance Investigation or the Hoechst/MMD Merger.

Request No. 14: All documents submitted to the FTC, voluntarily or through compulsory process, by any Third Party in connection with or relating in any manner to the Probucol Negotiations.

Request No. 15: All transcripts of all depositions, investigational hearings, or formal, informal or sworn statements, including all exhibits thereto, taken by the FTC of or from Third Parties in connection with or relating in any manner to the Probucol Negotiations.

Request No. 16: All statements, including but not limited to responses to interrogatories, responses to civil investigative demands and subpoenas, statements, memoranda and white papers, and affidavits and declarations, provided to the FTC by Third Parties in connection with or relating in any manner to the Probucol Negotiations

Request No. 17: All communications, including but not limited to letters, notes, documents relating to telephonic communications or meetings, electronic mail messages or voice mail messages, between the FTC and any Third Party in connection with or relating in any manner to the Probucol Negotiations.

Request No. 18: All documents sufficient to identify each person with whom the FTC communicated in connection with or relating in any manner to the Probucol Negotiations.

Request No. 19: All documents reflecting statements made by Third Parties in meetings, interviews, or other communications with the FTC in connection with or relating in any manner to the Probucol Negotiations.

Request No. 20: All documents, transcripts of all depositions, investigational hearings, statements, submissions or other communications between the FTC and Andrx Pharmaceuticals, Inc. in connection with or relating in any manner to the Hoechst/Andrx Investigation.

Request No. 21: All documents, transcripts, statements, submissions or other communications between the FTC and Biovail in connection with or relating in any manner to the Hoechst/Andrx Investigation, the Hoechst/Biovail Rights Agreement, the Hoechst/Biovail Settlement Agreement, the Probucol Negotiations, or the Hoechst/MMD Merger.

Request No. 22: All documents reflecting statements made by Biovail in connection with or relating in any manner to the Hoechst/Andrx Investigation, the Hoechst/Biovail Rights Agreement, the Hoechst/Biovail Settlement Agreement, the Probucol Negotiations, or the Hoechst/MMD Merger.

Request No. 23: All documents including but not limited to the marketing documents, sales plans and budgets, sales forecasts, marketing and pricing strategies of any pharmaceutical manufacturer that relate to the sales, marketing or promotion of any cardiovascular pharmaceutical product which may have been provided to or received by the FTC in connection with the Hoechst/Andrx Investigation or any other Commission proceeding, investigation or enforcement action.

Request No. 24: All documents reflecting the sales of any cardiovascular pharmaceutical product and all documents reflecting any measure of the sale, price, revenues and profits of each cardiovascular pharmaceutical product, including but not limited to:

(a) gross and net sales to all customers in units and dollars;

(b) gross number and dollar value of promotional sample units distributed;

(c) sales returns in units and dollars;

(d) cost of goods sold in dollars;

(e) gross and net profit in dollars;

(f) sales, promotion, or marketing expenses;

(g) the list price and wholesale acquisition cost;

(h) product returns in units and dollars; and

(i) rebates, credits, allowances, chargebacks, and any other adjustment to price.

Request No. 25: All data and reports, including but not limited to data and reports provided by third-party vendors such as IMS, that reflect the sales of any cardiovascular pharmaceutical product and any analysis that might consider: (1) the extent to which these products compete against each other and compete against Cardizem® CD and other sustained release diltiazem products; (2) the extent to which sales of the products respond to/or are affected by variations in price or manufacturer discounts, rebates, credits or other price adjustments; and (3) the extent to which sales of the products respond to changes in the manner in which they are listed in formularies maintained by third-party payors, insurers and other health care providers.

Request No. 26: All documents which reflect in any way standards of care for the treatment of hypertension and/or angina through the use of cardiovascular pharmaceutical products.

Request No. 27: All documents which reflect, in any way, the substitutability of any cardiovascular pharmaceutical product for any other cardiovascular pharmaceutical product.

Request No. 28: All documents sufficient to identify the government entities or third-party payors who maintain prescription pharmaceutical formularies and with whom the FTC communicated in connection with or relating in any manner to the Hoechst/Andrx Investigation.

Request No. 29: All documents which relate in any manner to the categories into which prescription pharmaceutical products are grouped in formularies, including categories of drug types and categories used for determining co-payments or reimbursement amounts for individual participants and/or payments to pharmacies.

Request No. 30: All documents which describe any process or criteria used to determine the pharmaceutical products to be included in any formulary.

Request No. 31: All documents which reflect in any manner the policies or criteria for making any initial classification in formularies as well as any reclassification of any previously classified pharmaceutical product in subsequent formulary listings.

Request No. 32: All documents which describe the formularies in which Cardizem® CD has been listed, including but not limited formularies identifying all categories in which Cardizem® CD has been listed, as well as the other pharmaceutical products included in each categories so described.

Request No. 33: All documents which relate in any way to programs, campaigns or activities undertaken by governmental entities and/or third-party payors which are designed to encourage the use or substitution of any cardiovascular pharmaceutical product for any other cardiovascular pharmaceutical product.

Request No. 34: All documents which relate in any way to the reimbursements paid by any governmental entity or third-party payor for cardiovascular pharmaceutical products.

Request No. 35: All documents that relate in any way to the negotiation of contracts or other agreements regarding discounts, rebates, credits, allowances, chargebacks and other price adjustments between government entities or third party payors and any manufacturer or distributor of cardiovascular pharmaceutical products.

Request No. 36: All specimen pharmacy or prescription benefit policies or riders maintained by any government entities or third-party payors that apply to cardiovascular pharmaceutical products.

Request No. 37.: All documents relating in any manner to the Hoechst/Andrx Investigation given or transmitted to any FTC Commissioner by the Bureau of Competition or the Bureau of Economics.

Request No. 38: All documents, transcripts, statements, submissions or other communications between the FTC and any Third Party that relate to formularies or other prescription pharmaceutical benefit plans.

Request No. 39: All documents, transcripts, statements, submissions or other communications between the FTC and any other agency or instrumentality of the federal government, including but not limited to the FDA and the Congress, that relates in any manner to the Hoechst/Andrx Investigation; the negotiation, operation, interpretation or termination of the Hoechst/Biovail Rights Agreement or the Hoechst/Biovail Settlement Agreement; the Consent Order or the Probucol Negotiations.

Request No. 40: All documents, transcripts, statements, submissions or other communications between the FTC and any Third Party that may relate or pertain to the settlement or partial settlement of patent litigation involving an innovator or brand name pharmaceutical company, and a generic company, that involve any form of payment from the brand name company to the generic company, or any form of licensing and/or royalty arrangement between the brand name company and the generic company.

Request No. 41: All documents which relate in any manner to any allegations in the complaint issued in Andrx-Hoechst Generic Cardizem, FTC Docket No. 9293.

Request No. 42: All documents which relate to communications between the FTC and the FDA from January 1, 1995 to the present (including without limitation documents provided by the FTC to the FDA and transcripts of testimony before the FDA, and vice versa), concerning generic exclusivity, including, but not limited to, comments on Docket No. 98D-0481, Guidance on 180-Day Generic Drug Exclusivity.

Request No. 43: All documents which relate to communications between the FTC and any Third Party from January 1, 1995 to the present (including without limitation comments or documents provided by the FTC to the FDA and transcripts of testimony before the FDA, and vice versa), concerning generic exclusivity, including, but not limited to, comments on Docket No. 98D-0481, Guidance on 180-Day Generic Drug Exclusivity.

Request No. 44: All document or articles relating to descriptions, policy considerations, and discussions of legal and economic implications relating to the Drug Price Competition and Patent Term Restoration Act of 1984 ("Hatch-Waxman").

Request No. 45: All documents relating to communications between the FTC and the FDA on the status of, and the likely date of final FDA approval for, the application for the bioequivalent or generic version of Cardizem® CD filed by Andrx.

Request No. 46: All documents relating to communications between the FTC and any Third Party on the status of, and the likely date of final FDA approval for, the application for the bioequivalent or generic version of Cardizem® CD filed by Andrx.

Request No. 47: All documents relating to the product encompassed by Andrx's ANDA 74-752, including but not limited to documents obtained from the FDA, Andrx and/or any Third Party.

Request No. 48: All documents relating to communications between the FTC and the FDA on the status of, and the likely date of final FDA approval for, the application for the bioequivalent or generic version of Cardizem® CD filed by Faulding.

Request No. 49: All documents relating to communications between the FTC and any Third Party on the status of, and the likely date of final FDA approval for, the application for the bioequivalent or generic version of Cardizem® CD filed by Faulding.

Request No. 50: All documents relating to the product encompassed by Faulding's ANDA 79-984, including but not limited to documents obtained from the FDA, Faulding and/or any Third Party.

Request No. 51: All documents relating to communications between the FTC and the FDA on the status of, and the likely date of final FDA approval for, the applications for bioequivalent or generic versions of Cardizem® CD filed by Biovail.

Request No. 52: All documents relating to communications between the FTC and any Third Party on the status of, and the likely date of final FDA approval for, the applications for bioequivalent or generic versions of Cardizem® CD filed by Biovail.

Request No. 53: All documents relating to the product encompassed by Biovail's ANDA 75-116, including but not limited to documents obtained from the FDA, Biovail and/or any Third Party.

Request No. 54: All documents relating to the product encompassed by Biovail's NDA 20-939, including but not limited to documents obtained from the FDA, Biovail and/or any Third Party.

Request No. 55: All documents relating to communications between the FTC and the FDA concerning *Mova Pharmaceuticals Corp. v. Shalala*, 955 F.Supp. 128 (D.D.C. 1997), *Mova*

Pharmaceuticals Corp. v. Shalala, 140 F.3d 1060 (D.C. Cir. 1998), *Granutec, Inc. v. Shalala*, No. CA 97-485-5-BO (E.D.N.C. 1997), and/or *Granutec, Inc. v. Shalala*, 139 F.3d. 889, 1998 WL 153410 (4th Cir. 1998).

Request No. 56: All documents relating to communications between the FTC and any Third Party concerning *Mova Pharmaceuticals Corp. v. Shalala*, 955 F.Supp. 128 (D.D.C. 1997), *Mova Pharmaceuticals Corp. v. Shalala*, 140 F.3d 1060 (D.C. Cir. 1998), *Granutec, Inc. v. Shalala*, No. CA 97-485-5-BO (E.D.N.C. 1997), and/or *Granutec, Inc. v. Shalala*, 139 F.3d. 889, 1998 WL 153410 (4th Cir. 1998).

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of **Hoechst Marion Roussel, Inc., et al.,** **Respondents**	Docket No. 9293

CERTIFICATE OF SERVICE

I, Peter D. Bernstein, hereby certify that on May 12, 2000, a copy of the Second Request for the Production of Documents of Respondent Aventis Pharmaceuticals, Inc., formerly known as Hoechst Marion Roussel, Inc., was served upon the following persons by hand delivery and/or Federal Express as follows:

Donald S. Clark, Secretary
Federal Trade Commission
Room 172
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

Richard Feinstein
Federal Trade Commission
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Washington, D.C. 20580

Hon. D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
Room 104
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Markus Meier
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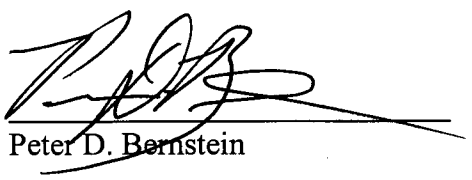

Peter D. Bernstein