

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



_____)
In the Matter of)
)
MSC.SOFTWARE CORPORATION,) Docket No. 9299
a corporation.)
_____)

**MSC.SOFTWARE CORPORATION'S MOTION FOR LEAVE TO FILE A
CORRECTED VERSION OF ITS MOTION FOR EXTENSION OF TIME TO SEEK
IN CAMERA TREATMENT FOR PROPOSED TRIAL EXHIBITS**

MSC requests leave to file the attached corrected version of Respondent MSC Software Corporation's Motion for Extension of Time to Seek *In Camera* Treatment for Proposed Trial Exhibits. This motion should be granted in order to allow MSC to correct a typographic error in the title of the filing, which incorrectly indicates that Complaint Counsel does not oppose MSC's request for this extension of time.

Respectfully submitted,

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Counsel for Respondents,
MSC Software Corporation

Dated: June 19, 2002

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
MSC.SOFTWARE CORPORATION,)	Docket No. 9299
a corporation.)	
)	

**RESPONDENT MSC.SOFTWARE CORPORATION'S
MOTION FOR EXTENSION OF TIME TO SEEK
IN CAMERA TREATMENT FOR PROPOSED TRIAL EXHIBITS**

On June 10, 2002, this Court granted MSC's request for an extension to the time provided by the Scheduling Order for MSC to review for potential *in camera* treatment over 60,000 pages of its documents identified by Complaint Counsel as potential trial exhibits. MSC made such a request in light of the laborious effort required to perform such a review, while adhering to the standards of case law which advocate striking a balance between "the need for a public record and the interest of businesses in avoiding disclosure of sensitive information." *In re General Foods Corp.*, 1980 FTC LEXIS 99, *10 (F.T.C. 1980).

What MSC did not realize at the time of its June 7 filing was that Complaint Counsel had not yet provided MSC with copies of all of the documents listed on its June 4 final exhibit list. In fact, since the filing of that motion, MSC has been receiving modified exhibit lists and electronic copies of Complaint Counsel's exhibit list documents on a rolling basis, *the most recent submission occurred on Friday, June 14*, after the close of business. While Complaint Counsel has represented to MSC that Complaint Counsel's June 14 submission completes its provision of exhibit list documents to MSC, there are still discrepancies between the June 10 revised exhibit list that MSC received from Complaint Counsel and the universe of documents that MSC has received to date.

In order for MSC's personnel and attorneys to have adequate time to thoroughly review these documents, ensuring that sensitive documents whose "disclosure would result in serious competitive injury" receive adequate protection, additional time is needed. *In re General Foods Corp.*, 1980 FTC LEXIS 99, *10 (F.T.C. 1980). The two days remaining pursuant to this Court's June 10 Order unfortunately will not suffice. Therefore, MSC respectfully requests that the deadline for seeking *in camera* treatment of proposed trial exhibits be extended to June 25, 2002.

Respectfully submitted,



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Counsel for Respondents, —
MSC Software Corporation

Dated: June 19, 2002

CERTIFICATE OF SERVICE

This is to certify that on June 19, 2002, I caused a copy of the **Respondent MSC Software Corporation's Motion for Leave to File a Corrected Version of its Motion for Extension of Time to Seek *In Camera* Treatment for Proposed Trial Exhibits** to be served upon the following persons by hand delivery:

Honorable D. Michael Chappell
Administrative Law Judge
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