

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)
)
ASPEN TECHNOLOGY, INC.)
)
A corporation)
_____)

Docket No. 9310

THIRD-PARTY HEAT TRANSFER RESEARCH, INC.'S
MOTION FOR LEAVE TO FILE MOTION FOR
IN CAMERA TREATMENT

Pursuant to 16 C.F.R. §§ 3.22, 3.45(a) and 4.3(b), third-party Heat Transfer Research, Inc. (“HTRI”) hereby moves for contemporaneous leave to file its Motion For *In Camera* Treatment of certain competitively sensitive business documents. HTRI received written notification from counsel for Respondent and Complaint Counsel of their respective designation of certain HTRI documents as potential trial exhibits only after the April 23, 2004 deadline for filing motions for *in camera* treatment specified in the March 8, 2004 Second Revised Scheduling Order had expired. Specifically, as reflected in correspondence attached as Exhibit A, HTRI received written notification from Respondent Aspen Technology, Inc. on May 5, 2004 and from Complaint Counsel on May 11, 2004. HTRI has filed this motion and the accompanying Motion For *In Camera* Treatment as expeditiously as circumstances have

allowed. Such circumstances are described in the Declaration of Claudette D. Beyer, HTRI's President and Chief Executive Officer attached hereto as Exhibit B.

Respectfully submitted,

Diana L. Dietrich, Esq.
Baker Botts L.L.P.
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 639-7726 (phone)
(202) 639-7890 (facsimile)
diana.dietrich@bakerbotts.com

Counsel for HTRI

Dated: May 21, 2004

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)
)
ASPEN TECHNOLOGY, INC.)
)
A corporation)
_____)

Docket No. 9310

ORDER GRANTING HEAT TRANSFER RESEARCH, INC.'S
MOTION FOR *IN CAMERA* TREATMENT

After consideration of third-Party Heat Transfer Research, Inc.'s Motion For Leave To File Motion For *In Camera* Treatment, it is hereby ORDERED that Heat Transfer Research, Inc.'s motion is granted for the reasons set forth therein.

Date: _____

Administrative Law Judge

CERTIFICATE OF SERVICE

I, Diana L. Dietrich, certify that on May 21, 2004, I caused an original and one (1) copy of the Motion of Third-Party Heat Transfer Research, Inc. For Leave To File Motion For *In Camera* Treatment to be filed by hand and one electronic copy of the Motion to be filed with:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-159
Washington, DC 20580
secretary@ftc.gov

I also certify that on May 21, 2004, I caused two (2) copies of the Motion to be served by hand upon:

The Honorable Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-112
Washington, DC 20580

I also certify that on May 21, 2004, I caused one copy of the Motion to be served by hand delivery upon:

Phillip L. Broyles
Assistant Director
Bureau of Competition
Federal Trade Commission
601 New Jersey Avenue, N.W.
Room NJ-7172-A
Washington, DC 20001

Peter Richman
Lead Staff Attorney
Bureau of Competition
Federal Trade Commission
601 New Jersey Avenue, N.W.
Room NJ-7172-A
Washington, DC 20001

Vadim Brusser
Bureau of Competition
Federal Trade Commission
601 New Jersey Avenue, N.W.
Room NJ-7172-A
Washington, DC 20001

Complaint Counsel

Tanya N. Dunne
Counsel for Aspen Technology
Cleary, Gottlieb, Steen & Hamilton
2000 Pennsylvania Avenue, N.W.
Washington, DC 20006

Counsel for Aspen Technology, Inc.

Diana L. Dietrich
BAKER BOTTS LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 639-7726 (phone)
(202) 639-7890 (facsimile)
diana.dietrich@bakerbotts.com

COPY CERTIFICATION

I, Diana L. Dietrich, certify that the electronic version of the Motion of Third-Party Heat Transfer Research, Inc. for *In Camera* Treatment filed with the Secretary of the Federal Trade Commission is a true and accurate copy of the paper original and that a paper copy with an original signature was filed on the same day.

Diana L. Dietrich (DC Bar No.: 443683)
BAKER BOTTS LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 639-7726 (phone)
(202) 639-7890 (facsimile)
diana.dietrich@bakerbotts.com

Dated: May 21, 2004