

Per Curiam

451 U.S.

STAATS, COMPTROLLER GENERAL OF THE UNITED
STATES, ET AL. v. BRISTOL LABORATORIES
DIVISION OF BRISTOL-MYERS CO.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
SECOND CIRCUIT

No. 80-264. Argued March 24, 1981—Decided April 29, 1981

620 F. 2d 17, affirmed by an equally divided Court.

Mark I. Levy argued the cause for petitioners. With him on the briefs were *Solicitor General McCree*, *Acting Assistant Attorney General Martin*, *Deputy Solicitor General Geller*, *Michael Kimmel*, *Robert Kaplan*, and *Milton J. Socolar*.

Gilbert H. Weil argued the cause for respondent. With him on the brief was *Robert L. Sherman*.*

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE STEWART took no part in the consideration or decision of this case.

**Philip Lacovara*, *Ronald A. Stern*, *Stanley L. Temko*, *Charles Lister*, and *Clare Dalton* filed a brief for Merck & Co., Inc., et al. as *amici curiae* urging affirmance.