

**Prepared Statement of  
the Federal Trade Commission**

**Before the  
Antitrust Task Force**

**of the Committee on the Judiciary  
United States House of Representatives**

**Washington, D.C.  
September 25, 2007**

## I. Introduction

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<sup>3</sup> *In the Matter of Watson Pharms., Inc., and Andrx Corp.*, F C D... .. C-4172  
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<http://.../0610139/061212...> 0610139...

<sup>4</sup> *In the Matter of Johnson & Johnson and Pfizer Inc.*, F C D... .. C-4180  
(... 16, 2007) (... ..), available at  
[http://.../0610220/0610220\\_4180...](http://.../0610220/0610220_4180...)

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**1. Agreements that Delay Generic Entry**

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<sup>5</sup> *In the Matter of Hospira, Inc. and Mayne Pharma Ltd.*, F C D . C-4182 ( 21, 2007) ( ), available at [http://www.fda.gov/oc/2007/0710002/070323\\_0710002.pdf](http://www.fda.gov/oc/2007/0710002/070323_0710002.pdf).

<sup>6</sup> *In the Matter of Actavis Group*, F C D . C-4190 ( 18, 2007) ( ), available at <http://www.fda.gov/oc/2007/0710063/0710063.pdf>.

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<sup>9</sup> F. C. [redacted], *Consumers Win as FTC Action Results in Generic Ovcon Launch* (Oct. 23, 2006), available at

2006,  $\text{\$}27$   
Guidant  $\text{\$}$   
 $90$   
 $85$   
F C-11

A 2006,  $\text{\$}$  Hologic  
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D 2006,  $\text{\$}12.8$   
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<sup>12</sup> *In the Matter of Boston Scientific Corp. and Guidant Corp.*, F C D  $\text{\#}$  C-4164 (  $\text{\#}$  21, 2006) ( $\text{\$}$  ), available at <http://www.fda.gov/oc/foia/0610046/0607250610046>.

<sup>13</sup> *In the Matter of Hologic, Inc.*, F C D  $\text{\#}$  C-4165 (A  $\text{\#}$  9, 2006) ( $\text{\$}$  ), available at <http://www.fda.gov/oc/foia/0510263/0510263>.

<sup>14</sup> *In the Matter of Thermo Electron Corp.*, F C D  $\text{\#}$  C-4170 (  $\text{\#}$  30, 2006) ( $\text{\$}$  ), available at <http://www.fda.gov/oc/foia/0610187/0612050610187>.



### C. Hospitals and Clinics

The Commission has also examined the operations of several other hospitals and clinics in the state, including Evanston Northwestern Healthcare, St. Joseph Hospital and Clinics, and Parkland Hospital. In 2005, the Commission examined Evanston Northwestern Healthcare's financial performance, operations, and governance. The Commission also examined St. Joseph Hospital and Clinics' financial performance, operations, and governance in 2007. The Commission has also examined Parkland Hospital's financial performance, operations, and governance in 2007. The Commission has also examined the operations of several other hospitals and clinics in the state, including St. Joseph Hospital and Clinics, Parkland Hospital, and several other hospitals and clinics. The Commission has also examined the operations of several other hospitals and clinics in the state, including St. Joseph Hospital and Clinics, Parkland Hospital, and several other hospitals and clinics. The Commission has also examined the operations of several other hospitals and clinics in the state, including St. Joseph Hospital and Clinics, Parkland Hospital, and several other hospitals and clinics.

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<sup>15</sup> *In the Matter of Evanston Northwestern Healthcare Corp.*, F C D No. 9315 (A . 6, 2007) ( ), available at <http://www.fcd.com/9315/070806>.

<sup>16</sup> *In the Matter of Evanston Northwestern Healthcare Corp.*, F C D No. 9315 ( . 20, 2005) ( ), available at <http://www.fcd.com/9315/051021>.

**D. Physicians and Dentists**

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<sup>17</sup> *In the matter of American Renal Associates, Inc.*, F C R , ● . 051-0234 (● . . . . .), available at <http://www.fcr.gov/0510234/>.

<sup>18</sup> *In the Matter of Puerto Rico Ass'n of Endodontists, Corp.*, F C D . . . . . ● . C-4166 (● . . . . . A . 24, 2006) (● . . . . .), available at [http://www.fcd.gov/0510170/0510170\\_4166](http://www.fcd.gov/0510170/0510170_4166).

<sup>19</sup> *In the Matter of New Century Health Quality Alliance, Inc.*, F C D . . . . . ● . C-4169 (● . . . . . 29, 2006) (● . . . . .), available at <http://www.fcd.gov/0510137/0510137>.

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<sup>22</sup> F C ... , *FTC Challenges Acquisition of Interests in Kinder Morgan, Inc. by The Carlyle Group and Riverstone Holdings* ( . 25, 2007), available at <://.../2007/01/>...

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<sup>23</sup> *FTC v. Equitable Resources, Inc., Dominion Resources, Inc., et al.*, 2007-1-490 (D. Md., Aug. 13, 2007) (No. 07-1-490), available at <https://www.ftc.gov/enforcement/complaints-files/2007-1-490>.

<sup>24</sup> F.C.I. v. Equitable Resources, Inc., *FTC Files Complaint in Federal District Court Seeking to*

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... § 360 ... 20 ...  
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<sup>25</sup> See *Enbridge Energy Services, Inc. v. Chevron*, 2006 WL 18, 2006, available at <http://www.fedcourts.com/1817256145>.

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<sup>26</sup> *In the Matter of American Petroleum Company, Inc.*, F C R ¶ 061-0229 (April 14, 2007) ( ), available at <http://www.federalregister.gov/doc/2006/04/14/0610229/0610229>.

<sup>27</sup> *Go. B. F. 2006 (A. 25, 2006)*, available at <http://www.federalregister.gov/doc/2006/04/20/20060425>.



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<sup>28</sup> *Federal Trade Commission Report on Spring Summer 2006 Nationwide Gasoline Price Increases*. (August 30, 2006), available at

[http://www.ftc.gov/ftc/06/040101G\\_06](http://www.ftc.gov/ftc/06/040101G_06). See [http://www.ftc.gov/ftc/010401\\_06](http://www.ftc.gov/ftc/010401_06).

<sup>29</sup> *Federal Trade Commission, Investigation of Gasoline Price Manipulation and*

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[Faint, mostly illegible text in the middle section]

<sup>30</sup> F.C. , FTC Issues 2006 Report to Congress on Ethanol Market Concentration (D. 5, 2006), available at <http://www.ftc.gov/2006/12/200612150678>.

<sup>31</sup> F.C. , 2006 Report on Ethanol Market Concentration (D. 1, 2006), available at <http://www.ftc.gov/Ethanol/2006>.



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A ... (2) ... A ... (3) ...

E ... (4) ... A ...

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<sup>35</sup> *In the Matter of MIREALSOURCE, Inc.*, F C D ... 9321 ( ... 10, 2006) ( ... ), available at [.../9321/061012](http://.../9321/061012); *In the Matter of REALCOMP II LTD.*, F C D ... 9320 ( ... 10, 2006) ( ... ), available at [.../9320/061012](http://.../9320/061012).

<sup>36</sup> *In the Matter of MIREALSOURCE, Inc.*, F C D ... 9321 (F ... 5, 2007) ( ... ), available at [.../9321](http://.../9321).

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<sup>37</sup> F C I D O , , , , *FTC Charges Real Estate Groups with Anticompetitive Conduct in Limiting Consumers' Choice in Real Estate Services* ( D . . 12, 2006), available at <http://www.ftc.gov/ftc/press/061001realty.htm>; F C I D O , , , , *FTC Approves Final Consent Orders in Real Estate Competition Matters* ( D . . 1, 2006), available at <http://www.ftc.gov/ftc/press/061201realty.htm>.



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 D. . . . D. . . . G. . . .  
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 G. . . . D. . . . C. . . .  
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 D. . . . A. . . . 43

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<sup>42</sup> *In the Matter of Lockheed Martin Corp. and The Boeing Co.*, F C E , . 051 0165 ( . . . 3, 2006) ( . . . ), available at <http://www.fedreg.com/0510165/0510165>; *In the Matter of Lockheed Martin Corp. and The Boeing Co.*, F C E , . 051 0165 ( . . . 3, 2006) ( . . . ), available at <http://www.fedreg.com/0510165/0510165>.

<sup>43</sup> *In the Matter of General Dynamics Corp.*, F C D . . . C-4181 (F . . 7, 2007) ( . . . ), available at <http://www.fedreg.com/0610150/0610150>; *In the Matter of General Dynamics Corp.*, F C D . . . C-4181 (D . . 28, 2006) ( . . . ).

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2007, ... B ...  
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2006, ... AG ... B C G ... C ...

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<sup>47</sup> *In the Matter of Missouri Board of Embalmers and Funeral Directors*, F C R, 061 0026 (9, 2007) ( ), available at <http://www.federalregister.gov/doc/2007/06/06/0610026/0610026>.

<sup>48</sup> *In the Matter of Service Corp. Int'l and Alderwoods Group Inc.*, F C D, C-4174 (D, 29, 2006) ( ), available at <http://www.federalregister.gov/doc/2006/07/01/0610156/0610156>.

VII. Merger Review Process Improvements

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<sup>49</sup> In the Matter of Linde AG and The BOC Group PLC, F C D ... C-4163 (A . 29, 2006) ... available at ... /0610114/0610114 4163 ... B CD

<sup>50</sup> F C ... FTC Chairman Announces Merger Review Process Reforms (F . 16, 2006), available at ... /2006/02/

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<sup>51</sup> *Reforms to the Merger Review Process: Announcement by Deborah Platt Majoras, Chairman, Federal Trade Commission* (Feb. 16, 2006), available at <http://www.ftc.gov/ftc/2006/02/>

<sup>52</sup> *Commentary on the Horizontal Merger Guidelines* (2006), available at <http://www.ftc.gov/ftc/2006/03/>

<sup>53</sup> *Federal Trade Commission and Department of Justice Allow Electronic Submission of Premerger Notification Filings* (Feb. 20, 2006), available at <http://www.ftc.gov/ftc/2006/06/>



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<sup>55</sup> *Petroleum Industry Consolidation, Hearing Before the Joint Economic Committee* (2007) (U.S. House of Representatives, D. A.), available at <https://www.govinfo.gov/070523>.

<sup>56</sup> *Market Forces, Competitive Dynamics, and Gasoline Prices: FTC Initiatives to Protect Competitive Markets: Hearing Before the H. Subcomm on Oversight and Investigations* (2007) (U.S. House of Representatives, E.), available at <https://www.govinfo.gov/070522F C %20>.

<sup>57</sup> *American Innovation at Risk: The Case for Patent Reform: Hearing Before the H. Subcomm. on Internet and Intellectual Property* (2007) (U.S. House of Representatives), available at <https://www.govinfo.gov/2007/02/02152007>.

<sup>58</sup> *Anticompetitive Patent Settlements in the Pharmaceutical Industry - The Benefits of a Legislative Solution: Hearing Before the Senate Committee on the Judiciary* (2007) (U.S. Senate, F C, E.), available at <https://www.govinfo.gov/070117>;  
*On Protecting Consumer Access To Generic Drugs: The Benefits Of A Legislative Solution To Anticompetitive Patent Settlements In The Pharmaceutical Industry*, H. B. E. (2007) (U.S. House of Representatives, F C, E.), available at <https://www.govinfo.gov/859910%20> %20A.

<sup>59</sup> *An Overview of Commission Antitrust Enforcement Activities, Hearing before the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights* (U.S. House of Representatives, C. D.), available at [https://www.govinfo.gov/072104A E A 0 41.9\(, 0\)8 691E 1, .0172](https://www.govinfo.gov/072104A E A 0 41.9(, 0)8 691E 1, .0172).

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<sup>60</sup> F.C.T.D. (Sept. 14, 2006), available at <http://www.fctd.org/2006/09/060020>.  
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<sup>64</sup> F, D, G, A, § 18, 2005), available at <http://www.fda.gov/oc/ohrt/2005/10/051020.html>, 4849.

<sup>65</sup> F, G, D, G, A, § 30, 2007), available at <http://www.fda.gov/oc/ohrt/2007/050021.html>.



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66 F.C.D. ... available at ... 2007, ... D.C. ... F.C. ... A ... D. ... ( ... 8, 2007), available at ...

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<sup>67</sup> *B. v. A. C. S., Leegin Creative Leather Prods., Inc. v. PSKS, Inc*

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## X. Hearings, Conferences, Workshops, and Reports

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<sup>73</sup> F.C.I. 2007, available at <http://www.federalreserve.gov/publications/2007/070807.htm>, available at <http://www.federalreserve.gov/publications/2007/070807.htm>.

<sup>74</sup> F.C.I. 2007, available at <http://www.federalreserve.gov/publications/2007/070807.htm>, *Competition in the Real Estate Brokerage Industry* (A.S. 2007), available at <http://www.federalreserve.gov/publications/2007/070807.htm>.









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**XI. International Coordination and Technical Assistance**

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<sup>82</sup> F C *FTC Proposes Study of Competitive Impacts of Authorized Generic Drugs* (Jan. 29, 2006), available at <http://www.ftc.gov/2006/03/>

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