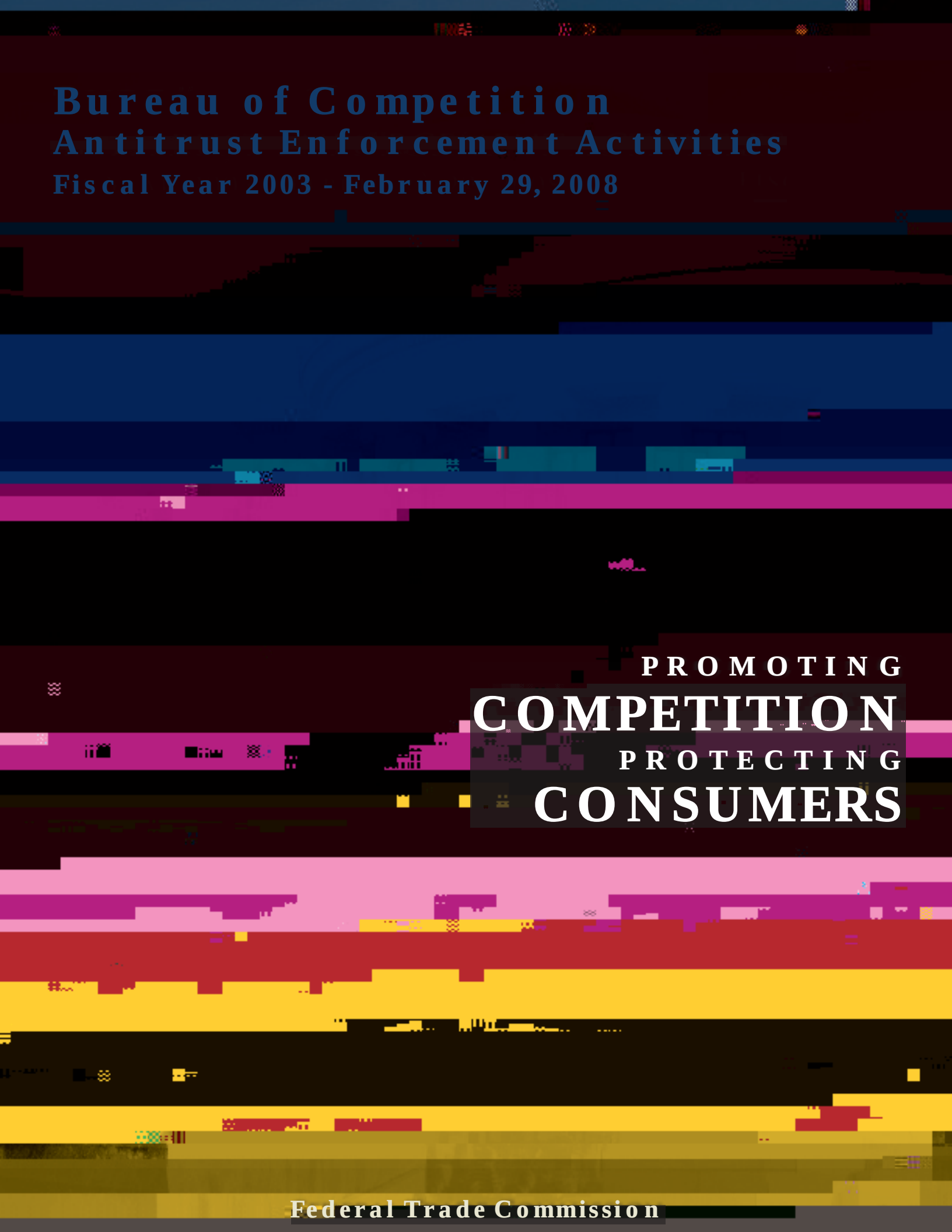
Bureau of Competition
Antitrust Enforcement Activities
Fiscal Year 2003 - February 29, 2008



Federal Trade Commission

ABA ANTITRUST SECTION
SPRING MEETING

Summary of Bureau of Competition Activity
Fiscal Year 2004 Through February 29, 2008

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ABA ANTITRUST SECTION
SPRING MEETING

Bureau of Competition Activity
Fiscal Year 2004 through February 29, 2008

Fiscal Year	Total Enforcement Actions	Consents		Complaints	Preliminary and/or Permanent Injunctions	Civil Penalty Cases	Abandoned or Fix-it-First Transactions
		Merger	Non Merger	Merger and Non Merger			
2004	26	10	7	2	2	2	3
2005	20	9	4	0	1	2	4
2006	22	9	5	0	1	0	7
2007	33	14	9	5*	3*	1	5
2008 (Oct-Feb)	9	4	2	0	1	1	1

* In FY 2007 the Commission authorized both a PI and an Administrative Complaint in matters 0610140 - Equitable Resources/Dominion, 0610259 -

American Air Liquide, Inc.

Boston Scientific Corp
(Final Order July 25, 2006): The consent order settles chargers that the $27 billion acquisition of Guidant Corporation by Boston Scientific Corporation would harm competition and consumers in several significant medical device markets. Guidant Corporation by Boston Scientific Corporation are the largest market shareholders in several coronary medical device markets in the U.S., together accounting for 90% of the U.S. PTCA balloon catheter market and 85% of the U.S. coronary guidewire market. The consent order required the divestiture of Guidant's vascular business to an FTC-approved buyer.

Cemex, S.A.
(Final Order March 25, 2005): Cemex S.A. agreed to settle concerns stemming from its proposed $5.8 billion acquisition of RMC Group PLC. The final consent order required Cemex to divest RMC's five ready-mix concrete plants in the Tucson, Arizona area, at no minimum price to a Commission-approved buyer.

Cephalon, Inc.
(Final Order September 20, 2004): The consent order settled charges that Cephalon's proposed acquisition of Cima Labs, Inc. would allow Cephalon to continue its monopoly in the United States market for drugs that eliminate or reduce the spikes of severe pain that chronic cancer patients experience. The consent order required Cephalon to grant Barr Laboratories, Inc. a fully paid, irrevocable license to make and sell a generic version of Cephalon's breakthrough cancer pain drug, Actiq, in the United States.

Chevron Texaco Corporation
(Final Order July 27, 2005): Under the terms of the consent orders Chevron and Unocal will cease enforcing Unocal's patents covering reformulated gasoline that complies with California Air resources Board Standard, will not undertake any new enforcement efforts related to the particular patents, and will cease all attempts to collect damages, royalties, or other payments related to the use of any of the patents. In addition, the companies will dismiss all pending legal actions related to alleged infringement of the patents. According to the complaint, the acquisition of the Unocal patents by Chevron would have facilitated coordinated interaction among downstream refiners and marketers of CARB gasoline.

Cytec Industries, Inc.
(Final Order April 7, 2005): A final consent order requires Cytec Industries, Inc. to divest UCB's Amino Resins Business in Massachusetts and Germany to a Commission-approved buyer. According to the complaint issued with the agreement, the acquisition as proposed would eliminate direct competition between the two firms in the market for amino resins used for

GenCorp Inc.
(Final Order December 19, 2003): A consent order allowed GenCorp Inc. to acquire Atlantic Research Corporation while requiring the divestiture of Atlantic's in-space liquid propulsion business within six months of consummating the transaction. According to the complaint issued with the consent order, the transaction as originally planned would have lessened competition in the United States in four different types of in-space propulsion engines: monopropellant thrusters; bipropellant apogee thrusters; dual mode apogee thrusters; and biopropellant attitude control thrusters.

General Dynamics Corporation
(Final Order February 9, 2007): The consent order settled charges that General Dynamics' proposed $275 million acquisition of SNC Technologies, Inc. and SNC Technologies, Corp. (collectively, SNC) would likely undermine competition by bringing together two of only three competitors providing the U.S. military with melt-pour load, assemble, and pack (LAP) services used during the manufacture of ammunition for mortars and artillery. Absent relief, the proposed acquisition would likely force the U.S. military to pay higher prices for these munitions. General Dynamics is required to sell its interest in American Ordnance to an FTC-approved buyer within four months of acquiring SNC.

General Electric Company
(Final Order January 28, 2004): A final consent order settled antitrust concerns stemming from General Electric Company's proposed acquisition of Agfa-Gevaert N.V.'s nondestructive testing business. According to the complaint issued with the consent order, the transaction as proposed would have eliminated competition in the United States markets for portable flaw detectors, corrosion thickness gages, and precision thickness gages - equipment used to inspect the tolerance of materials without damaging them or impairing their future usefulness. The consent order requires General Electric to divest its worldwide Panametrics Ultrasonic NDT business to R/D Tech, Inc. within 20 days after the transaction is completed.

General Electric Company
(Final Order October 25, 2004): General Electric was permitted to acquire InVision Technologies, Inc. with conditions that it divest InVision's YXLON x-ray nondestructive testing and inspection equipment to a Commission approved acquirer. According to the complaint issued with the consent order, the two firms are direct competitors in a highly concentrated market. The consent order protects competition in the United States market for specialized x-ray testing and inspection including standard x-ray cabinets; x-ray systems equipped with automated defect recognition software; and high-energy x-ray generators.

Genzyme Corporation
(Final Order January 31, 2005): A consent order allowed Genzyme's acquisition of ILEX Oncology, Inc., but requires the companies to divest certain assets in the market for solid organ transplant acute therapy drugs. Specifically, Genzyme is required to divest all contractual rights related to ILEX's Campath®, an immunosuppressant antibody used in solid organ transplants to Schering AG.

Great Atlantic & Pacific Tea Company (A&P)
(Final Order January 4, 2008): The Commission intervened in the proposed $1.3 billion acquisition of Pathmark Stores by Great Atlantic & Pacific Tea (A&P), alleging the transaction would have reduced competition among grocery stores in the highly concentrated markets of Staten Island and Shirley, Long Island, New York. A&P operates stores under the A&P, A&P Super Foodmart, Food Basics, Food Emporium, Super Fresh, and Waldbaum's banners. The Commission's consent order required A&P to divest five supermarkets in Staten Island, and one supermarket in Shirley.

Hologic, Inc.
(Final Order August 9, 2006): The Commission approved a final consent order to ensure the maintenance of competition in the market for prone stereotactic breast biopsy systems (SBBSs). The Commission had challenged this merger which was consummated in 2005. The order required the divestiture of all prone SBBS assets to Siemens, a company well-positioned to become a competitor in this market.

Hospira, Inc.
(Final Order March 23 18, 2007): The consent order settles charges that Hospira Inc.'s proposed $2 billion acquisition of rival drug manufacturer Mayne Pharma Ltd. Would likely reduce competition and harm consumers. In settling the Commission's charges, the companies have agreed to divest to Barr Pharmaceuticals, Inc. (Barr), within 10 days of the acquisition, Mayne's rights and assets related to the following products: hydromorphone hydrochloride

fully paid-up, non-exclusive, irrevocable license, enabling that third party to make and sell drug eluting stents with the Rapid Exchange delivery system, 2) divest to a third party J&J's endoscopic vessel harvesting product line, and 3) end its agreement to distribute Novare Surgical System, Inc.'s proximal anastomotic assist device. On May 31st, 2006 the Commission granted a petition filed by Johnson and Johnson Corporation, requesting that the FTC reopen and set aside the entire decision and order concerning the proposed acquisition of Guidant Corporation.

Johnson & Johnson
(Final Order January 19, 2007): The consent order settles charges that Johnson & Johnson's (J&J) proposed $16.6 billion acquisition of Pfizer Inc.'s (Pfizer) Consumer Healthcare business would likely reduce competition in the U.S. markets for over-the-counter (OTC) H-2 blockers used to prevent and relieve heartburn, OTC hydrocortisone anti-itch products, OTC night-time sleep aids, and OTC diaper rash treatments. In settling the Commission's charges, the companies have agreed to sell Pfizer's Zantac H-2 blocker business to Boehringer Ingelheim Pharmaceuticals Inc. (Boehringer), and Pfizer's Cortizone hydrocortisone anti-itch business, Pfizer's Unisom night-time sleep aid business, and J&J's Balmex diaper rash treatment business to Chattem, Inc.

Kinder Morgan, Inc.
(Final Order March 16, 2007): The order settles charges that the proposed $22 billion deal

localities across the United States. The consent order aims to maintain competition in the markets for liquid oxygen, liquid helium, and bulk refined helium in several U.S. markets.

Mylan
(Final Order November 6, 2007) The Commission ordered divestitures to resolve competitive concerns in the U.S. market for five generic drugs stemming from Mylan Laboratories' proposed acquisition of the generic arm of Merck Pharmaceuticals, a transaction valued at approximately $6.6 billion. Under a September 2007 consent order with the Commission, Mylan and Merck must divest all assets relating to flecainide acetate tablets, acebutolol hydrochloride capsules, guanfacine hydrochloride tablets, nicardipine hydrochloride capsules, and sotalol hydrochloride. The generic drugs at issue are used for the treatment of many conditions, including hypertension and heart arrhythmia. The order requires the divestiture of all assets related to the relevant products to Amneal Pharmaceuticals, a generic drug manufacturer.

Magellan Midstream Partners, L.P.
(Final Order November 23, 2004): Under terms of a consent order, Magellan completed its acquisition of pipelines and terminals in the Midwestern United States and a refined petroleum products terminal in Oklahoma City that supplies light petroleum products such as gasoline and diesel fuel from the Shell Oil Company. The consent order required Magellan to divest the Shell Oklahoma City terminal to a Commission-approved buyer within six months after the transaction is consummated.

Novartis AG
(Final Order September, 21 2005): To resolve overlaps for three generic pharmaceuticals that arose from Novartis AG's acquisition of Eon Labs, Inc., under the terms of a consent order, Novartis is required to divest all the assets necessary to manufacture and market generic desipramine hydrochloride tablets, orphenadrine citrate extended release (ER) tablets, and rifampin oral capsules in the United States to Amide within 10 days of Novartis's acquisition of Eon. Further, Novartis, through its Sandoz generic pharmaceuticals division, will supply Amide with orphenadrine citrate ER and desipramide hydrochloride tablets until Amide obtains Food and Drug Administration (FDA) approval to manufacture the products itself, and will assist Amide in obtaining all necessary FDA approvals.

Occidental Chemical Corporation
(Final Order July 13, 2005): A consent order allows Occidental Chemical Company's purchase of the chemical assets of Vulcan Materials Company, provided Occidental divests Vulcan's Port Edwards, Wisconsin, chemical facility and related assets. The consent order alleviates the alleged anticompetitive impact of the acquisition in the markets for potassium hydroxide, anhydrous potassium carbonate (APC), and potassium carbonate, which includes APC and liquid potassium carbonate. The Port Edwards facility will be divested to ERCO Worldwide or to another Commission-approved buyer within six months if a problem is encountered with ERCO sale.

Owens Corning
(Final Order December 7, 2007): The Commission remedied competitive problems raised by Owens Corning's proposed acquisition of glass fiber reinforcements and composite fabric assets

from Compagnie de Saint Gobain. The investigation involved cooperation among staff of the FTC, the European Commission, and Mexico's Federal Competition Commission. After staff from the competition agencies raised antitrust concerns, the parties modified their agreement to exclude Saint Gobain's glass fiber reinforcement assets in the U.S. and certain assets in Europe. The Commission's consent order addressed additional competitive problems in the highly concentrated North American market for continuous filament mat, which is used in the production of non-electrical laminate, marine parts and accessories, and other products. The order requires Owens Corning to divest sufficient U.S. continuous filament mat facilities, assets, and intellectual property to enable the buyer effectively to produce and sell the products in competition with the new Owens Corning/Saint Gobain joint venture.

Schering-Plough Corp
(Final Order January 4, 2008): The Commission charged that Schering-Plough's proposed $14.4 billion acquisition of Organon Biosciences N.V. threatened to substantially reduce competition

Valero L.P.
(Final Order July 27, 2005): The consent order permitted Valero L.P. to acquire Kaneb Services LLC and Kaneb Pipe Line Partners subject to the divestitures of assets that will preserve existing competition for petroleum transportation and terminaling in Northern California, Pennsylvania, and Colorado, and avoid a potential increase in bulk gasoline and diesel prices. The order also requires Valero to develop an information firewall and maintain open, non-discriminatory access to two retained Northern California terminals, in order to ensure access to ethanol terminaling in Northern California.

Watson Pharmaceuticals, Inc.
(Final Order December 12, 2006): A consent order settled charges that Watson Pharmaceuticals, Inc.'s proposed $1.9 billion acquisition of Andr

Equitable Resources, Inc.
(April 13, 2007): The Commission filed a federal court injunction action to block Equitable Resources' proposed acquisition of The Peoples Natural Gas Company, a subsidiary of Dominion Resources; previously, on March 15, 2007, the Commission had filed an administrative complaint. The Commission challenged the merger-to-monopoly in natural gas distribution as detrimental to nonresidential customers in certain areas of Allegheny County, Pennsylvania, which includes Pittsburgh. In May 2007, the federal district court in Pittsburgh denied the FTC's motion for a preliminary injunction and dismissed the complaint, ruling that because the Pennsylvania Utility Commission has the power to approve the merger, the Commission is barred from taking action under the state action doctrine. In June 2007, the U.S. Court of Appeals for the Third Circuit granted the Commission's motion for an injunction pending appeal. The parties abandoned the transaction in January 2008, and in February 2008 the Commission dismissed the administrative complaint. Subsequently, on March 3, 2008, the US Court of Appeals for the Third Ciruit vacated the disctrict court opinion.

Western Refining
(April 10, 2007): The Commission issued an administrative complaint and initiated federal court action to block Western Refining, Inc.'s $1.4 billion proposed acquisition of rival energy company Giant Industries, Inc. to preserve competition in the supply of bulk light petroleum products, including motor gasoline, diesel fuels, and jet fuels, in northern New Mexico. After a week-long trial, the federal district court denied the Commission's motion for a preliminary injunction, rejecting arguments that Giant had unique opportunities to increase supply and lower fuel prices in northern New Mexico. In October, the Commission dismissed its administrative complaint, concluding that further prosecution would not be in the public interest.

Whole Foods
(June 7, 2007): The Commission sought a federal court temporary restraining order (TRO) and preliminary injunction, and issued an administrative complaint, against Whole Food Market, Inc.'s proposed acquisition of its chief rival, Wild Oats Markets, Inc. According to the complaint, the approximately $670 million deal raised competition problems in 21 local markets where Whole Foods and Wild Oats both operated stores and were each other's closest competitors among premium national and organic supermarkets. The district court granted the TRO, but subsequently denied the preliminary injunction after an abbreviated hearing, concluding that the merger's likely effect would not be substantially to reduce competition in violation of Section 7 of the Clayton Act. The Commission has appealed the district court's ruling on grounds that the lower court failed to apply the proper legal standard that governs preliminary injunction applications by the Commission in Section 7 cases. Oral arguments in the Court of Appeals for the District of Columbia are set for April 23, 2008.

C. Commission Opinions/Initial Decisions

Chicago Bridge & Iron Company
(January 25, 2008): The U.S. Court of Appeals for the Fifth Circuit upheld a Commission order requiring Chicago Bridge & Iron Co., N.V. and its United States subsidiary ("CB&I") to divest assets acquired from Pitt-Des Moines, Inc. used in the business of designing, engineering and building field-erected cryogenic storage tanks. In its 2005 order, the Commission had ruled that

CB&I's acquisition of these assets in 2001, during a pending FTC investigation, would likely result in a substantial lessening of competition or tend to create a monopoly in four markets for industrial storage tanks in the Untied States, in violation of Section 7 of the Clayton Act and Section 5 of the FTC Act. The court endorsed the Commission's findings, based on an extensive review of many years of bidding data, that the merged firms controlled over 70 percent of the market, and that new entry was unlikely given the high entry barriers based on the incumbents' reputation and control of skilled crews

On January 7, 2005 the Commission upheld in part the ruling of an administrative law judge that Chicago Bridge & Iron's acquisition of the Water Division and the Engineered Construction Division of Pitt-Des Moines, Inc. created a near-monopoly in four separate markets involving the design and construction of various types of field-erected specialty industrial storage tanks in the United States. In an effort to restore competition as it existed prior to the merger, the Commission ordered Chicago Bridge to reorganize the relevant product business into two separate, stand-alone, viable entities capable of competing in the markets described in the complaint and to divest one of those entities within six months.

On June 27, 2004, an administrative law judge upheld the complaint and ordered the divestiture all of the assets acquired in the acquisition. In December 2004, the Commission approved an interim consent order prohibiting Chicago Bridge & Iron from altering the assets acquired from Pitt-Des Moines, Inc. except "in the ordinary course of business." These assets included but were not limited to real property; personal property; equipment; inventories; and intellectual property.

In an administrative complaint issued on October 25, 2001, the Commission challenged the February 2001 purchase of the Water Division and Engineered Construction Division of Pitt-Des Moines, Inc. alleging that the acquisition signcompetint is

F. Other Commission Orders

None

G. Administrative Complaints

Equitable Resources, Inc.
(March 15, 2007): The Commission filed an administrative complaint, and on April 13, 2007 a federal court injunction action to block Equitable Resources' proposed acquisition of The Peoples Natural Gas Company, a subsidiary of Dominion Resources. The Commission challenged the merger-to-monopoly in natural gas distribution as detrim

H. Other

Horizontal Merger Investigation Data
Fiscal Years 1996 – 2005. Staff analysis of horizontal investigations. The staff tabulated certain market structure information as it relates to the Commission's decision whether or not to seek relief in specific markets investigated. Released January 25, 2007.

2007 Report on Ethanol Market Concentration
The study examines the current state of ethanol production in the United States and measures market concentration using capacity and production data. Released November 29, 2007.

2006 Report on Ethanol Market Concentration
The study examines the current state of ethanol production in the United States and measures market concentration using capacity and production data. Released December 5, 2006.

2005 Report on Ethanol Market Concentration
The study examines the current state of ethanol production in the United States and measures market concentration using capacity and production data. Released December 2, 2005.

Conference on the Price Effects of Mergers and Concentration in the United States Petroleum Industry
(January 14, 2005, Washington, DC.) The conference reviewed two studies that examined price effects within the petroleum industry: the March 2004 case study of the effects of the Marathon/Ashland Corporation joint venture; the second, the May 2004 report by the Government Accountability Office that examined the effects of mergers and market concentration in the United States petroleum industry.

Horizontal Merger Investigation Data
Fiscal Years 1996 – 2003. Staff analysis of horizontal investigations. The staff tabulated certain market structure information as it relates to the Commission's decision whether or not to seek relief in specific markets investigated. Released February 2004.

Merger Enforcement Workshop
(February 17 - 19, 2004) sponsored by the Federal Trade Commission and the Department of Justice. Topics discussed:

- Hypothetical Monopolist Test
- Concentration & Market Shares
- Monopsony
- Non-Price Competition/Innovation
- Unilateral Effects
- Coordinated Effects
- Uncommitted Entry
- Efficiencies/Dynamic Analysis/Integrated Analysis

D. Complaints - Authorized

Arch Coal, Inc.
(February 23, 2004): The Commission authorized staff to file a complaint in federal district court for a temporary restraining order under Section 7A(g)(2) of the Clayton Act to block Arch Coal's proposed acquisition of Triton Coal Company until Arch Coal substantially complied with the Commission's request for addition information under the Hart-Scott-Rodino Act. After Arch Coal was notified that the Commission authorized a Section 7A(g)(2) complaint, Arch withdrew its Certification of Substantial Compliance with the second request and provided additional information. On June 13, 2005 the Commission announced that it was closing its investigation, saying that it will not continue with administrative litigation challenging the deal.

E. Rules and Formal Interpretations

Hart-Scott Final Rulemaking
(Effective January 29, 2008): The notification and filing thresholds under the premerger rules have been revised as required by the 2000 amendments to Section 7A of the Clayton Act. Section 7A(a)(2) requires the Commission to revise the jurisdictional thresholds annually, based on the change in gross national product, in accordance with section 8(a)(5) for each fiscal year beginning after September 30, 2004.

Hart-Scott Final Rulemaking
(Effective February 21, 2007): The notification and filing thresholds under the premerger rules have been revised as required by the 2000 amendments to Section 7A of the Clayton Act. Section 7A(a)(2) requires the Commission to revise the jurisdictional thresholds annually, based on the change in gross national product, in accordance with section 8(a)(5) for each fiscal year beginning after September 30, 2004.

Hart-Scott Final Rulemaking
(Effective July 23, 2006): The Federal Trade Commission and the Department of Justice's Antitrust Division implemented an electronic filing system that allows merging parties to submit via the Internet premerger notification filings required by the Hart-Scott-Rodino Act.

Hart-Scott Final Rulemaking
(Effective February 18, 2006): The notification and filing thresholds under the premerger rules have been revised as required by the 2000 amendments to Section 7A of the Clayton Act. Section 7A(a)(2) requires the Commission to revise the jurisdictional thresholds annually, based on the change in gross national product, in accordance with section 8(a)(5) for each fiscal year beginning after September 30, 2004.

Reforms to the Merger Review Process
(Effective February 16, 2006): Reforms to the agency's merger review process establishing that the FTC will:

limit the number of employees required to provide information in response to a second request, provided the party complies with specified conditions;
reduce the time period for which a party must provide documents in response to the second request;
allow a party to preserve far fewer backup tapes and produce documents on those tapes only when responsive documents are not available through more accessible sources; and
significantly reduce the amount of information parties must submit regarding documents they consider to be privileged.

Hart-Scott Rodino Reform / Amended Final Rules
(Effective January 11, 2006): Amendments to Parts 801 and 802 of the Premerger Notification Rules allowing filing persons to provide an Internet address linking directly to the documents required by Items 4(a) and (b) in lieu of providing paper copies.

Hart-Scott Rodino Reform / Amended Final Rules
(Effective December 12, 2005): Amendments to Parts 801 and 802 of the Premerger Notification Rules requiring use of 2002 NAICS rather than 1997 NAICS when reporting economic data by industry and product codes.

Hart-Scott Rodino Final Rulemaking
(Effective April 7, 2005): Final rules adopted from proposed rules published April 8, 2004. The amendments require notification of acquisitions of interests in unincorporated entities and formations of unincorporated entities. The rules also extend the application of certain exemptions, including the intraperson exemption, to unincorporated entities.

Hart-Scott Final Rulemaking
(Effective March 2, 2005): The notification and filing thresholds under the premerger rules have been revised as required by the 2000 amendments to Section 7A of the Clayton Act. Section 7A(a)(2) requires the Commission to revise the jurisdictional thresholds annually, based on the change in gross national product, in accordance with section 8(a)(5) for each fiscal year beginning after September 30, 2004.

F. Other

Premerger Notification Annual Report to Congress Pursuant to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976
(July 24, 2007): Twenty-ninth Annual Report (Fiscal Year 2006).

Premerger Notification Annual Report to Congress Pursuant to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976
(September 8, 2006): Twenty-eight Annual Report (Fiscal Year 2005).

Premerger Notification Annual Report to Congress Pursuant to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976
(August 16, 2005): Twenty-seventh Annual Report (Fiscal Year 2004).

Premerger Notification Annual Report to Congress Pursuant to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976
(September 7, 2004): Twenty-sixth Annual Report (Fiscal Year 2003).

Model Retail Second Request
(April 28, 2004) Model Request for Additional Information and Documentary Material (Second Request) for transactions involving retail industries.

III. Non-Merger Enforcement

A. Commission Opinions/Initial Decisions

Kentucky Household Goods Carriers Association, Inc.
(June 21, 2004): An administrative law judge upheld an administrative complaint that charged a group of affiliated intrastate movers with engaging in horizontal price-fixing by filing collective rates on behalf of its member motor common carriers for the intrastate transportation of property within the Commonwealth of Kentucky. The judge also ruled that the association's conduct was not protected by the state action doctrine because the State of Kentucky did not supervise the rate-making practices of the group. On July 12, 2004, the Kentucky Household Goods Carriers Association, Inc. filed an appeal of the initial decision with the Commission. The oral argument was held January 24, 2005. On June 22, 2005, the Commission issued a unanimous opinion upholding the Initial Decision finding that the Kentucky Household Goods Carriers Association, Inc., consisting of competing firms, engaged in illegal price-fixing by jointly filing tariffs containing collective rates on behalf of its members, and that the state action doctrine does not immunize that activity from antitrust liability. On August 22, 2006, the Sixth Circuit Court of Appeals affirmed the opinion of the Commission in Kentucky Household Goods Carriers Association, Inc., finding that the Association's ratemaking activities constituted unlawful price fixing and were not exempt from the antitrust laws under the state action doctrine.

The administrative complaint issued on July 8, 2003 by the Commission charged that the association composed of competing household goods movers filed collective rates for intrastate moving services in the state of Kentucky. According to the complaint, these activities were not protected under the state action doctrine and are not immune from federal antitrust scrutiny.

North Texas Specialty Physicians
(November 8, 2004): An administrative law judge upheld the administrative complaint that charged that the North Texas Specialty Physicians, a physician group practicing in Forth Worth, Texas, collectively determined acceptable fees for physician services in negotiating contracts with health insurance plans and other third party payers. The judge ruled that complaint counsel proved that North Texas Specialty Physicians engaged in horizontal price fixing. The accompanying order prohibits the group from negotiating, on behalf of its members, collective

pricing of contracts with health plan services for the provision of physician services. On January 14, 2005, North Texas Specialty Physicians filed a notice of appeal of the initial decision. On December 1, 2005, the Commission issued a unanimous decision upholding the allegations that North Texas Specialty Physicians negotiated agreements among participating physicians on price and other terms, refused to negotiate with payers except on terms agreed to among its members, and refused to submit payor offers to members if the terms did not satisfy the group's demands. The Commission concluded that the group's contracting activitifnds.

Section 2 of the Sherman Act and contributed significantly to Rambus's acquisition of monopoly power in the four relevant markets.

(February 5, 2007) Chairman Majoras issued the opinion of the Commission on remedy in the Rambus matter. In this opinion, the Commission prescribed a set of remedies barring Rambus from making misrepresentations or omissions to standard-setting organizations, requiring Rambus to license its SDRAM and DDR SDRAM technology and setting limits to the royalty rates it can collect under the licensing agreements including with those firms that may have already incorporated its DRAM technology, and requiring Rambus to employ a Commission-approved compliance officer to ensure it discloses relevant patent information to any standard-setting organizations in which it participates.

(April 4, 2007) Rambus appealed the Commission's order to the U.S. Court of Appeals for the District of Columbia Circuit, wh

restrict the advertising of products they have produced independently. The administrative complaint, issued on July 30, 2001, generally known as The Three Tenors and involving respondents PolyGram Holding, Inc.; Decca Music Group Limited; UMG Recordings Inc.; and Universal Music & Video Distribution Corporation charged PolyGram with entering into an illegal price fixing agreement not to advertise or discount earlier albums and video recordings of concerts featuring the Three Tenors in an effort to promote the latest co

Clark County, Washington Attorneys
(Final Order July 23, 2004): Private attorneys in Clark County, Washington who provide criminal legal services for indigent defendants under a county contract settled charges that they illegally entered into an agreement known as the "Indigent Defense Bar Consortium Contract" to collectively demand higher fees for certain types of cases and refuse to accept specific additional cases unless the Clark County complied with their demands. The county was forced to substantially increase the reimbursement rate for each of the case categories specified in the Consortium Contract. According to the Commission, the conduct of the attorneys was identical to the boycott staged by criminal defense attorneys in Washington, DC which was ruled to be price fixing by the U.S. Supreme Court in the matter of Superior Court Trial Lawyers Association. Robert Lewis, James Sowder, Gerald Wear, and Joel R. Yoseph, the four attorneys who led the activities and served as the representatives of the 43 attorneys who signed the Consortium Contract, were named in the complaint and in the consent order.

Colegio de Optometras de Puerto Rico
(Final order September 11, 2007): The Commission charged in July 2007 a group of optometrists in Puerto Rico with violating the FTC Act by orchestrating agreements among members of the Colegio de Optometras to refuse, or threaten to refuse, to accept vision and health care contracts except on collectively agreed-upon terms. Two leaders of the group were also charged with facilitating the agreement by urging members not to participate in the vision network. The Commission's consent order settling these charges bars the group and the two leaders from engaging in such conduct, while allowing them to undertake certain kinds of joint contracting arrangements by which physician participants control costs and improve quality by managing the provision of services. FTC staff worked with the Office of Monopolistic Affairs of Puerto Rico's Department of Justice on this case.

Evanston Northwestern Healthcare Corporation
(Final Order May 17, 2005): Under terms of a consent order, Evanston Northwestern Healthcare Corporation agreed not to collectively negotiate fee-for-service contracts. The order settled charges of one count of an administrative complaint issued February 10, 2004. The count alleged that a physician group associated with a hospital negotiated prices for several hundred independent physicians who were not financially or clinically integrated with the group.

Health Care Alliance of Laredo, L.C.,
(Final Order March 28, 2006): A physicians' independent practice association in Texas agreed to settle charges that it engaged in unlawful collective bargaining to set fees its members would accept from health insurance plans and advised its members against dealing individually with plans. The Commission charged that both practices resulted in higher medical costs for consumers. The consent order settling the FTC's charges will prohibit the IPA from engaging in such anticompetitive conduct in the future.

Information and Real Estate Services, LLC.
(Final Order December 1, 2006): The Commission settled charges that Information and Real Estate Services, LLC (IRES) adopted rules that withheld valuable benefits of the Multiple Listing Services (MLSs) they control from consumers who chose to enter into non-traditional

from federal antitrust scrutiny. Under terms of a final consent order the Movers Conference agreed to stop filing tariffs containing collective intrastate rates.

Motor Oil Importers of Puerto Rico
(Final Order August 28, 2008): The Commission charged that a motor oil lubricant importer illegally conspired with its competitors to restrict the importation and sale of these products in Puerto Rico, which resulted in higher prices paid by consumers. According to the FTC's complaint, during 2005 and 2006, American Petroleum joined with numerous others in the Puerto Rico lubricants industry to lobby for the delay, modification, or repeal of Puerto Rico Law 278, which imposes an environmental recovery fee of 50 cents per quart. With the effective date of the law approaching, the importers adopted a strategy of refusing to import lubricants as a means of forcing a change. The consent order settling the charges bars American Petroleum from conspiring with its competitors to restrict output, refuse to deal, or boycott any lubricant buyer or potential buyer.

Multiple Listing Service, Inc.
(Proposed Consent Agreement Accepted for Public Comment on December 12, 2007): The FTC settled charges that Multiple Listing Service, Inc. (MLS), a group of real estate professionals based in Milwaukee, Wisconsin, adopted rules that withheld valuable benefits of the multiple listing service it controls from consumers who chose to enter into nontraditional listing contracts with real estate brokers. The rules blocked less-than-full-service listings from being transmitted by MLS to popular Internet web sites, but provided this important benefit for traditional forms of listings. Under the terms of the December 2007 consent, MLS is barred from adopting or enforcing any rule that treats one type of real estate listing agreement more advantageously than any other, and from interfering with the ability of its members to enter into any kind of lawful listing agreement with home sellers.

Negotiated Data Solutions, LLC
(Proposed Consent Agreement Accepted for Public Comment on January 23, 2008): The Commission charged that Negotiated Data Solutions LLC (N-Data) violated Section 5 of the FTC Act by engaging in unfair methods of competition. N-Data acquired patent rights originally held by National Semiconductor Corp. which were included in an IEEE industry standard for autonegotiation technology, which allows Ethernet devices made by different manufacturers to work together. Ethernet is a computer networking standard that is used in nearly every computer sold in the U.S. N-Data reneged on National Semiconductor's commitment to charge a one-time royalty of $1000 to manufacturers or sellers of products using the IEEE standard, and demanded higher royalties from users. In a proposed consent agreement resolving the charges, the Commission proposes to order N-Data to stop enforcing the patents at issue unless N-Data has first offered a license under the original terms.

New Hampshire Motor Transport Association
(Final Order December 4, 2003): The New Hampshire Motor Transport Association settled charges that it filed tariffs containing rules that called for automatic increases in intrastate rates. In addition, the organization agreed to void its collectively filed tariffs current in effect in New Hampshire.

New Century Health Quality Alliance, Inc.
(Final Order October 6, 2006): The Commission approved a final consent order settling Commission charges alleging that two independent practice associations (IPAs) and 18 member physician practices in the Kansas City, MO area, refused to deal with health care plans, except on collectively agreed-upon prices and other terms.

New Millennium Orthopaedics
(Final Order June 13, 2005): The Commission settled charges with two small groups of orthopaedic physicians in the Cincinnati area that had formed an independent practice association that jointly negotiated contracts regarding the rates its physician members would charge health plans and other payors for their services. In addition to the usual prohibitions on joint negotiations, the Commission's order disbanded the IPA and prohibited future collective bargaining.

Northern New England Real Estate Network, Inc.
(Final Order December 1, 2006): The Commission settled charges that Northern New England Real Estate Network, Inc. adopted rules that withheld valuable benefits of the Multiple Listing Services (MLSs) they control from consumers who chose to enter into non-traditional listing contracts with real estate brokers. The consent order settling the FTC's charges will prohibit Northern New England Real Estate Network, Inc. from discriminating against non-traditional listing arrangements.

Partners Health Network, Inc.
(Final Order September 23, 2005): A physician-hospital organization operating in northwestern South Carolina, agreed to settle charges that it orchestrated and carried out agreements among its physician members to set the prices they would accept from health plans, and to refuse to deal with health plans that did not agree to its collectively determined prices. The consent order settling the FTC's charges prohibits the PHO from collectively negotiating with health plans on behalf of its physicians and from setting terms of dealing with purchasers.

Piedmont Health Alliance, Inc.
(Final Order October 1, 2004): With an administrative complaint issued on December 22, 2003 the Commission charged Piedmont Health Alliance, Inc. with collectively setting prices it demanded for physician services with third party payers. According to the complaint, the physician-hospital organization entered into signed agreements on behalf of its member physicians to participate in all contracts negotiated and to accept the negotiated physician fees. The complaint further alleges that these practices eliminated price competition among physicians in the North Carolina counties of Alexander, Burke, Caldwell and Catawba. The complaint also names ten individual physicians who participated in the alleged price fixing services. On August 10, 2004, the organization and physicians agreed to settle charges that they fixed prices for medical services. A final consent order prohibited Piedmont Health Alliance, Inc. and the ten physicians from entering into any such agreements with physicians in the area that negotiate fees or terms of services with health insurance companies or other third party payers. Also refer to settlement entered with Tenet Healthcare Corporation (Frye Regional Medical Center, Inc.).

Preferred Health Services, Inc.
(Final Order April 13, 2005): The order prohibits

South Georgia Health Partners, L.L.C.
(Final Order October 31, 2003): A Georgia physician-hospital organization and its other associated physician groups settled charges that they entered into agreements to fix physician and hospital prices and refused to deal with insurance companies, except on collectively agreed-upon terms.

Surgical Specialists of Yakima
(Final Order November 11, 2003): The Surgical Specialists of Yakima, Cascade Surgical Partners, Inc., P.S. and Yakima Surgical Associates, P.S. settled charges that they jointly entered into agreements for their members to fix prices and terms for the provision of medical services when dealing with health care insurers.

Tenet Healthcare Corporation
(Final Order January 29, 2004): A consent order prohibits Frye Regi

that the conduct was collusive and exclusionary

agreements filed with the Commission in fiscal year 2006 (ending September 30, 2006) by generic and branded drug manufacturers.

Municipal Provision of Wireless Internet: A Report of the Staff of the Federal Trade Commission (October 10, 2006): The report describes the various wireless Internet technologies currently in use or under development, identifies a range of operating models that have been used to provide or facilitate wireless Internet service, summarizes the major arguments for and against municipal participation, and describes various types of legislative proposals related to municipal Internet service.

Investigation of Gasoline Price Manipulation and Post-Katrina Gasoline Price Increases: A Report by the Federal Trade Commission (May 22, 2006): The report details the results of an intensive, Congressionally-mandated Commission investigation into whether gasoline prices nationwide were "artificially manipulated by reducing refinery capacity or by any other form of market manipulation or price gouging practices" and into gasoline pricing by refiners, large wholesalers, and retailers in the aftermath of Hurricane Katrina.

Agreements Filed With the Federal Trade Commission Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003: Summary of Agreements Filed in Fiscal Year 2005: A Report by the Bureau of Competition (April 24, 2006): Summary of agreements filed with the Commission in fiscal year 2006 (ending September 30, 2005) by generic and branded drug manufacturers.

Agreements Filed with the Federal Trade Commission under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003: Summary of Agreements Filed in FY 2004: A Report by The Bureau of Competition (January 7, 2005): Information regarding the 22 agreements that were filed with the Commission in fiscal year 2004.

The Petroleum Industry: Mergers, Structural Change and Antitrust Enforcement: A Report of the Staff of the Federal Trade Commission, Bureau of Economics (August 2004): The staff report describes the Commission's merger enforcement actions in petroleum-related markets during the past 20 years; provides an overview of industry trends in production and pricing; provides an analysis of merger activity for the period 1985 through 2001; and examines trends at specific industry levels: crude oil production and reserves; bulk transport of crude oil; refining; bulk transport of refined products; and product terminals and gasoline marketing.

Improving Health Care: A Dose of Competition: A Report by the Federal Trade Commission and the Department of Justice (July 23, 2004): Joint report to inform consumers, businesses, and policy-makers on a range of issues affecting the cost, quality, and accessibility of health care.

Fulfilling the Original Vision: The FTC at 90 (April 2, 2004): Report highlights some of the Commission's accomplishments from the past year and outlines several goals to guide the agency's twin missions of competition and consumer protection.

Possible Anticompetitive Barriers to E-Commerce: Contact Lenses: A Report from the Staff of the Federal Trade Commission (March 29, 2004): The staff report concludes that e-commerce offers consumers greater choices and more convenience in the contact lens market.

Pharmaceutical Agreement Notification Filing Requirements (Effective January 7, 2004): Agreements between Brand-name and generic pharmaceutical companies regarding the manufacture, marketing, and sale of generic versions of brand-name drug products are required to be filed with the Commission and the Department of Justice, pursuant to Section 1112 of the Medicare Prescription Drug, Improveme

Organization member hospitals and the 192 primary care physicians that, in total, they employ (March 28, 2006).

North Mississippi Health Services. Staff letter concerning the transfer of pharmaceuticals at cost by non-profit hospital to patients of non-profit clinic and hospice (August 16, 2005).

Stevens Hospital, of Edmonds, Washington. Staff letter concerning the Applicability of the Non-Profit Institutions Act Amendments to the Robinson-Patman Act to Stevens Proposed Pricing of Pharmaceuticals (April 18, 2005).

Bristol-Myers Squibb. Staff advised Bristol-Myers Squibb that its proposed settlement with Teva Pharmaceuticals USA, inc. does not raise issues under Section 5 of the Federal Trade Commission Act. (May 2004)

Dunlap Memorial Hospital in Orville, Ohio. Staff concluded that Dunlap's provision of pharmaceuticals to the Viola Startzman Free Clinic falls within the scope of the Non-Profit Institutions Act. (January 9, 2004)

Medical Group Management Association: Letter from Jeffrey W. Brennan to Gerald Niederman. An association of medical practice administrators requested an opinion concerning its proposal to conduct and publish the results of a survey of physician practices. (November 3, 2003)

Partlinx LLC. Letter advising that FTC staff does not presently intend to recommend law enforcement action in connection with Partlinx's proposed e-commerce joint venture. (October 10, 2003)

Advocacy Filings

Comment of the Federal trade Commission to the Standing Committee on Health, Education, and Social Services of the state of Alaska's House of Representatives concerning health care competition, Alaska's certificate of need (CON) laws, and House Bill 337 (H.B. 337), which would modify or repeal certain aspects of the state's CON requirements.

Comments of the Federal Trade Commission Staff to The Honorable William J. Seitz, Senator, State of Ohio Senate, Regarding Ohio Executive Order 2007-23S, Establishing Collective Bargaining for Home Health Care Workers (February 15, 2008)

Comments of the Federal Trade Commission Staff to the Puerto Rico House of Representatives Regarding Senate Bill 2190 Concerning Health Care Collective Bargaining (February 1, 2008)

Brief Amicus Curiae Federal Trade Commission In Support

Hoechst Marion Roussel, Inc., et al., Defendants-Appellees; and Barr Laboratories, Inc., Defendant-Appellee (January 29, 2008)

Comments of the Federal Trade Commission and Department of Justice to the Supreme Court of Hawaii Regarding Proposed Rules Governing the Practice of Law in Hawaii (January 29, 2008)

Comments of the Federal Trade Commission Staff before the Massachusetts Department of Public Health Concerning Proposed Regulation of Limited Service Clinics (October 2, 2007)

Comments of the Federal Trade Commission Staff before the Federal Energy Regulatory Commission Concerning Wholesale Competition in Regions with

Comments of the Federal Trade Commission Staff before the Florida Bar Concerning Proposed Changes to the Florida Rules of Professional Conduct on Computer-Accessed Communications (March 23, 2007)

Comments of the Federal Trade Commission Staff before the Louisiana State Bar Association Rules of Professional Conduct Committee regarding proposed rules on lawyer advertising and solicitation (March 14, 2007).

Joint Amicus Brief Filing with the U.S. Department of Justice in Leegin Creative Leather Products, Inc., Petitioner, v. PSKS, Inc concerning vertical minimum resale price maintenance Agreements in the Supreme Court of the United States, On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit) (Case No. 06-480) (January 22, 2007).

Joint Amicus Brief Filing with the U.S. Department of Justice in Credit Suisse Securities (USA) LLC, et al. Petitioners, v. Glen Billing, et al., concerning certain antitrust immunity issues (In the Supreme Court of the United States, On Writ of Certiorari to the United States Court of Appeals for the Second Circuit) (Case No. 05-1157) (January 22, 2007).

Comments of the Federal Trade Commission Staff to The Honorable Terry G. Kilgore Concerning Virginia House Bill No. 945 to regulate the contractual relationship between pharmacy benefit managers and both health benefit plans and pharmacies (October 2, 2006).

Comments of the Federal Trade Commission Staff before the Office of Court Administration of the New York State Unified Court System concerning proposed amendments to rules governing attorney advertisement (September 14, 2006).

Joint Amicus Brief Filing with the U.S. Department of Justice in Weyerhauser Co. v. Ross-Simmons Hardwood Lumber Co., Inc. concerning predatory bidding in the Supreme Court of the United States, On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit (Case No. 05-381) (August 25, 2006)

Joint Comments of the Federal Trade Commission and the Department of Justice to the Honorable Helene E. Weinstein Regarding New York A.B. A05596 to establish that certain services related to real estate transactions may be provided only by attorneys (June 21, 2006).

Joint Amicus Brief Filing with the U.S. Department of Justice in Latino Quimica-Amtex, S.A. et al. v. Atofina S.A. et al. Concerning the D.C. Circuit's Empagran Decision in the Second Circuit (Case No.: 05-5754-cv) (June 1, 2006).

Joint Amicus Brief Filing with the U.S. Department of Justice in Weyerhauser Co. v. Ross-Simmons Hardwood Lumber Co., Inc. concerning predatory bidding in the Supreme Court (Case No.: 05-381) (May 31, 2006).

Comments of the Federal Trade Commission Staff before the Professional Ethics Committee of the State Bar of Texas concerning online attorney matching programs (May 26, 2006).

Comments of the Federal Trade Commission Staff to the Honorable Noble E. Ellington

Federal Antitrust Enforcement Institutions : Antitrust Modernization Commission (November 3, 2005).

Joint Comments of the Federal Trade Commission and the Department of Justice to The Honorable Alan Sanborn Concerning Michigan H.B. 4849, Which Would Impose Minimum Service Requirements on Real Estate Brokers (October 18, 2005)

State Action Doctrine: Antitrust Modernization Commission (September 29, 2005).

Comments of Staff of the Federal Trade Commission, Bureau of Economics, Bureau of Competition and the Office of Policy Planning to the Honorable Wesley Chesbro Concerning the Proposed California Franchise Act to Govern Contractual Relationships Between Beer Manufacturers and Wholesalers (August 26, 2005).

Comment of the Federal Trade Commission to the Federal Energy Regulatory Commission Concerning Information Requirements for Available Transfer Capability (August 23, 2005).

Comments of Staff of the Federal Trade Commission to the Federal Energy Regulatory Commission concerning Long Term Transmission Rights in Markets Operated by Regional Transmission Organizations and Independent System Operators (August 23, 2005).

Brief Amicus Curiae Illinois Tool Works, Inc. et al. v. Independent Ink, Inc. (Supreme Court) (Case. No. 04-1329)) Supporting Petitioners on the Issue of Whether a Patent is Presumed to Confer Market Power in a Tying Case (August 5, 2005).

Brief Amicus Curiae Texaco, Inc. v. Dagher et al. (Supreme Court (Case Nos. 04-805 and 04-814)). Concerning Whether an Agreement on Pricing Between Joint Venture Owners is a Per se Violation of the Sherman Act When the Owners do not Compete in those Products (May 31, 2005).

Joint Comments of the Federal Trade Commission and the Department of Justice to the Honorable Matt Blunt Concerning Missouri H.B. 174 to Impose Minimum Service Requirements on Real Estate Brokers (May 24, 2005).

Joint Comments of the Federal Trade Commission and the Department of Justice to the Alabama Senate Concerning Alabama H.B. 156 to Impose Minimum Service Requirements on Real Estate Brokers (May 12, 2005).

Joint Comments of the Federal Trade Commission and the Department of Justice before the Texas Real Estate Commission Concerning Proposed Amendments to 22 Tex. Admin Code § 535.2 to Impose Minimum Service Requirements on Real Estate Brokers (April 20, 2005)

Comment of the Federal Trade Commission to the Food and Drug Administration Concerning Response to Citizen Petition by IVAX Pharmaceuticals Relating to Generic Drug Application (Apr. 2005).

Comments of Staff of the Federal Trade Commission Bureau of Competition, Bureau of Economics and the Office of Policy Planning regarding three bills that the Virginia Assembly considered: HB 2518 - would loosen current restrictions on competition between commercial and independent optometrists; and HB 160 and SB 272 - would further impair competition between these groups of eye care professionals. (March 9, 2005)

Comments of Staff of the Federal Trade Commission Bureau of Competition, Bureau of Economics and the Office of Policy Planning to North Dakota State Senator Richard L. Brown concerning HB 1332 which might have the unintended consequences of increasing the price of pharmaceuticals within the state and ultimately decrease the number of North Dakotans with insurance coverage for pharmaceuticals. (March 8, 2005)

Joint Amicus Brief Filing with the U.S. Department of Justice: Empagran, S.A. v. Hoffmann-LaRoche, Ltd., No. 01-7115 (D.C. Cir.). International cartels. (February 18, 2005)

Brief Amicus Curiae Teva Pharmaceuticals USA, Inc. v. Pfizer, Inc. Case No. 04-1186 (Fed. Cir.) Teva, in an effort to market its generic version of Pfizer's Zoloft drug, sued Pfizer challenging the patent for Zoloft. (February 11, 2005)

Joint Comments of the Federal Trade Commission and the Department of Justice to Chief Justice McFarland of the Kansas Supreme Court concerning the Unauthorized Practice of Law Committee of the Kansas Bar Association's proposal to define the practice of law. (February 4, 2005)

Joint Comments of the Federal Trade Commission and the Department of Justice urging the Massachusetts Bar Association to narrow or reject a proposal that would reduce competition between nonlawyers and lawyers to provide certain services. (December 16, 2004)

Joint Comments of the Federal Trade Commission and the Department of Justice to The Honorable Paul Kujawski, Member of the Massachusetts House of Representatives, concerning the adoption of HB 180, a bill that would enable nonlawyers to compete with lawyers to perform certain real estate closing services. (October 12, 2004)

Comments of Staff of the Federal Trade Commission to California Assembly Member Greg Aghazaian concerning a bill (AB 1960) that requires pharmacy benefit managers to disclose certain information to purchasers of their services. (September 10, 2004)

Brief Amicus Curiae Cleveland Bar Association v. CompManagement, Inc. (Case No.: UPL 02-04) Matter on appeal from a decision rendered by Ohio's UPL Board finding that CompManagement, an actuarial firm, had engaged in the unauthorized practice of law through its representation of employers in workers' compensation matters before the Ohio Industrial Commission. (August 5, 2004)

Joint Brief Amicus Curiae Federal Trade Commission and the Department of Justice Andrx Pharmaceuticals, Inc. v. Kroger Company, et al. (U.S. Court of Appeals for the Sixth Circuit) Private antitrust matter concerning an interim se

case, in which the alleged infringer agreed not to market its product while the infringement litigation was pending. (July 16, 2004)

Comments of the Federal Trade Commission to the Federal Energy Regulatory Commission concerning revisions to the conditions under which FERC will permit electric utilities to sell wholesale power at market rather than regulated rates. (July 16, 2004)

Comments of the Federal Trade Commission to the Federal Energy Regulatory Commission concerning FERC's policies governing electric utility procurement of wholesale electric supply

Comments of Staff of the Federal Trade Commission Bureau of Competition, Bureau of Economics, and the Office of Policy Planning. Comments to the Speaker Pro Tempore of the Alabama State House of Representatives Concerning the Alabama Motor fuels Marketing Act. (January 29, 2004)

Joint Comments of the Federal Trade Commission and the Department of Justice on a draft of the proposed amendment to the Indiana Supreme Court Admissions & Discipline Rule regarding Unauthorized Practice of Law to the Indiana State Bar Association. (October 10, 2003)

Comments of the Staff of the Federal Trade Commission Bureau of Competition, Bureau of Economics, and the Office of Policy Planning. Analysis of Wisconsin's Unfair Sales Act: Letter to Wisconsin State Representative Shirley Krug. (October 1, 2003)

Workshops/Hearings/Conferences

Single-Firm Conduct

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. May 8, 2007: Conclusion

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. May 1, 2007: Section 2 Policy Issues

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. March 28, 2007: Remedies

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. March 7, 2007: Monopoly Power.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. February 9, 2007: Business Testimony.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. January 26, 2007: Business/Academic Testimony.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. January 10, 2007: Business Testimony.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. December 1, 2006: Misleading and Deceptive Conduct.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. November 17, 2006: Loyalty Discounts.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. November 7, 2006: Exclusive Dealing.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. October 27, 2006: Tying.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. October 20, 2006: Tying, Exclusive Dealing, and Loyalty Discounts.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. September 18, 2006: Empirical Perspectives.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. September 6, 2006: International Issues.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. July 10, 2006: Refusals to Deal.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. June 20, 2006: Predatory Pricing.

Healthcare

Roundtable on The Economics of the Pharmaceutical Industry (October 20, 2006)
This Roundtable brought together academic economists, government economists and industry professionals to discuss a number of important topics including the economic impact of direct-to-consumer advertising, spillovers and mergers in pharmaceutical R&D, and.00olfcd.00ol,u23cal Perspeoe7cdchm

• Remedies: Civil/Criminal

Intellectual Property and Patent Law

Ideals into Action: Implementing Reform of the Patent System (April 15 - 16, 2004) The Commission , the National Academy of Sciences, and the Berkeley Center for Law and Technology sponsored a conference to address patent reform and how it might be implemented.

Town Meetings on Patent System Reform Three meetings in San Jose, California, February 18, 2005; Chicago, Illinois on March 4, 2005; and Boston, Massachusetts on March 18, 2005 to

Competition Policy and the Real Estate Industry (October 25, 2005)
The Federal Trade Commission and the Department of Justice's (DOJ) Antitrust Division hosted a joint workshop covering new and innovative brokerage business models, multiple listing services, and the implications of state-imposed minimum-service requirements.

Oil Industry Merger Effects (January 14, 2005)
The public conference discussed two recent studies that focused on the price effects of mergers and concentration in the United States petroleum industry.

90th Anniversary Symposium (September 22 - 23, 2004)
The Federal Trade Commission honored the agency's 90th anniversary and featured over 50 participants, current Commissioners and other agency officials, as well as prominent academics and practitioners, many of whom are Federal Trade Commission alumnae.

IV. International Activities

Cooperation with antitrust agencies abroad is a key component of the FTC=s competition enforcement agenda, resulting in closer collaboration on cross-border actions, and convergence toward internationally consistent consumer welfare-based competition policies. Through the Office of International Affairs, the FTC closely coordinates its efforts with antitrust agencies abroad to resolve cases of mutual concern, resulting in more effective review and enforcement of multijurisdictional mergers and suspected anticompetitive behavior. In the past year, the Commission coordinated its international efforts in its merger enforcement program in several cases including:

> **Google/DoubleClick**. In December 2007, the Commission closed its investigation of Google's proposed $3.1 billion acquisition of internet advertising server DoubleClick Inc., concluding that the acquisition was unlikely to substantially lessen competition. While the Commission noted that the acquisition would not harm competition in the relevant market, it noted its potential impact on consumer privacy and issued a set of proposed behavioral marketing principles. FTC staff cooperated closely on the transaction with agency staff in Australia, Canada and the EU.
>
> **Owens Corning/St. Gobain**. The FTC worked closely with the European Commission, Canada's Competition Bureau, and the Mexican Federal Competition Commission to resolve the proposed combination of Owens Corning and St. Gobain, which competed in markets for certain types of glass fibre reinforcements used in the construction, automotive, and electronics sectors. The FTC and EC both accepted consent agreements with the parties in October 2007.

Through OIA, the FTC continues to build bilateral connections through ongoing discussions and continuing case coordination both in the United States and abroad. OIA regularly communicates with our sister law enforcement partners abroad, including Canada, Mexico, the European Union (EU) and its members, Australia, Japan, and Korea on competition cases and policy matters. FTC staff held formal bilateral consultations with the EU and Japan,

“Discussion Questions on Standard Setting and Technology Pools” (November 15, 2007) William Blumenthal, General Counsel. "Monopolization and Dominance: Legal Standards for Single-Firm Conduct" at the ABA Antitrust Section Fall Forum, Washington

"Navigating the Merger Waters at the Federal Trade Commission: What Matters" (November 2, 2007) Jeffrey Schmidt, Director, Bureau of Competition. “24th Annual Antitrust and Consumer Protection Seminar, Washington State Bar Association”, Seattle, Washington

“The Common Law of Section 2: Is It Still Alive and Well?” (October 31, 2007) Thomas Rosch, Commissioner. “George Mason Law Review 11th Annual Antitrust Symposium”, Washington, D.C.

“The Role of Economists in Antitrust: Getting the Most from Your Economic Expert”, (October 17, 2007) Michael R. Baye, Director, Bureau of Economics. “Economics and Federal Civil Enforcement Committees of the American Bar Association's Antitrust Section Brownbag” , Kirkland and Ellis, Washington, DC

“Convergence, Conflict, and Comity: The Search for Coherence in International Competition Policy” (September 27, 2007) Deborah Platt Majoras, Chairman. “34th Annual Conference on International Antitrust Law & Policy” New York City

“The Challenge of Non-Horizontal Merger Enforcement” (September 27, 2007) Thomas Rosch, Commissioner. “Fordham Competition Law Institute’s 34th Annual Conference on International Antitrust Law & Policy”, New York City

"Clinical Integration in Antitrust: Prospects for the Future" (September 17, 2007) Thomas Rosch, Commissioner. “American Health Lawyers Association, ABA Antitrust Section and ABA Health Law Section, 2007 Antitrust in Health Care Conference”, Washington, D.C.

“I say Monopoly, You say Dominance: The Continuing Divide on the Treatment of Dominant Firms, is it the Economics?” (September 8, 2007) Thomas Rosch, Commissioner. “International Bar Association, Antitrust Section Conference”, Florence, Italy

“Addressing Dominance under China’s Anti-Monopoly Law” (July 21, 2007) William Blumenthal, General Counsel. “Symposium on Abuse of Dominance: Theory and Practice” The Competition Law Center of the University of International Business and Economics and the State Administration for Industry and Commerce, Beijing, China

“China’s Anti-Monopoly Law” (July 11, 2007) William Blumenthal, General Counsel. “Challenging the United States: Intellectual Property Issues in China” organized by the U.S. Patent and Trademark Office, Alexandria, Virginia

"Has The Pendulum Swung Too Far? Some Reflections on U.S. and EC Jurisprudence" (June 25, 2007) Thomas Rosch, Commissioner.

The Competitive Implications of Generic Biologics (June 14, 2007) Pamela Jones Harbour, Commissioner. "ABA Sections of Antitrust and Intellectual Property Law", "Intellectual Property Antitrust: Strategic Choices, Evolving Standards, and Practical Solutions"

"Vertical Restraints & Sherman Act § 2" (June 13, 2007) Thomas Rosch, Commissioner. "The Conference on Current Topics in Antitrust Economics and Competition Policy", Washington, D.C.

Discussant Comments on Exploitative Abuses under Article 82 EC (June 9, 2007) William Blumenthal, General Counsel. "Robert Schuman Centre of the European University Institute, Twelfth Annual Competition Law and Policy Workshop", Florence, Italy

"Antitrust Enforcement in the Pharmaceutical Industry: Successes and Challenges" (May 16, 2007) Deborah Platt Majoras, Chairman. New York City

"The Role of Competition Analysis in Regulatory Decisions" (May 15, 2007) Deborah Platt Majoras, Chairman. AEI/Brookings Joint Center Workshop, Washington, D.C.

"The Three Cs: Convergence, Comity, and Coordination," (May 10, 2007) Thomas Rosch, Commissioner. "St. Gallen International Competition Law Forum", St. Gallen University, St. Gallen, Switzerland

"The Rule of Law in Chicago and Around the Globe" (May 2, 2007) Deborah Platt Majoras, Chairman. "Jones Day Chicago Office 20th Anniversary Celebration", Chicago, IL

FTC Litigation at the Antitrust/Intellectual Property Interface: (April 26, 2007) Thomas Rosch, Commissioner. "Law Seminars International's Pharmaceutical Antitrust Conference", Washington, D.C.

Remarks before the 2007 American Bar Association 55th Antitrust Law Spring Meeting (April 20, 2007) Jeffrey Schmidt, Director, Bureau of Competition. Washington D.C.

"Opening Remarks" (April 10, 2007) Deborah Platt Majoras, Chairman. FTC Public Conference on "Energy Markets in the 21st Century: Competition Policy in Perspective" Washington, D.C.

"Vertical Restraints: Federal and State Enforcement of Vertical Issues" (March 8, 2007) Pamela Jones Harbour, Commissioner. ALI-ABA Course of Study, Product Distribution and Marketing in Coral Gables, FL.

"A New Direction for Antitrust at the Supreme Court?" (March 1, 2007) Thomas Rosch, Commissioner. Minnesota State Bar Antitrust Section Meeting in Minneapolis, MN.

"Navigating Between Dystopian Worlds on Network Neutrality, With Misery and Wretchedness on Each Side, Can We Find A Third Way?" (February 13, 2007) Jon

Leibowitz, Commissioner. FTC Broadband Connectivity Competition Policy Workshop, Washington D.C.

Keynote Address (February 13, 2007) Deborah Platt Majoras, Chairman. FTC Workshop on Broadband Connectivity Competition Policy, Washington, D.C.

"Update of Recent Enforcement Activities and Priorities" (February 2, 2007) Jeffrey Schmidt, Director, Bureau of Competition. 46th Annual Advanced Antitrust Seminar:

"Lessons from the Masters" (September 28, 2006) Deborah Platt Majoras, Chairman. ABA Antitrust Section Masters Program, Kiawah Island, SC.

"The Federal Trade Commission in the Online World: Promoting Competition and Protecting Consumers" (August 21, 2006) Deborah Platt Majoras, Chairman. The Progress & Freedom Foundation's Aspen Summit, Aspen CO.

"Looking for the Keys Under the Lamppost: Insights from Economics into Standards for Unilateral Conduct" (July 24, 2006) Michael A. Salinger, Director, Bureau of Economics. ABA Section of Antitrust Law, Economics and Section 2 Committees Brown Bag, Washington, D.C.

"Perspectives on Three Recent Votes: The Closing of the Adelphia Communications Investigation, the Issuance of the Valassis Complaint & the Weyerhaeuser Amicus Brief" (July 6, 2006) Thomas Rosch, Commissioner. National Economic Research Associates, 2006 Antitrust & Trade Regulation Seminar, Santa Fe, NM.

"Antitrust Modernization Commission Remarks" (June 8, 2006) Thomas Rosch, Commissioner. ABA Antitrust Modernization Commission Conference, Georgetown University Law Center, Washington, D.C.

"A Government Perspective on IP and Antitrust Law" (June 21, 2006) Deborah Platt Majoras, Chairman. The IP Grab: the Struggle Between Intellectual Property Rights and Antitrust, American Antitrust Institute, Washington, D.C.

"The Consumer Reigns: Using Section 2 to Ensure a "Competitive Kingdom"" (June 20, 2006) Deborah Platt Majoras, Chairman. Federal Trade Commission, Washington, D.C.,

"The Relationship between Competition Agencies and Other Units of Government" (May 19, 2006) William Blumenthal, General Counsel. International Seminar on Review of Anti-Monopoly Law organized by the Ministry of Commerce, Asian Development Bank, and Organisation for Economic Cooperation and Development, in Hangzhou, China.

"Reflections on the DG Competition Discussion Paper on the Application of Article 82 to Exclusionary Abuses" (May 11, 2006) Thomas Rosch, Commissioner. 13th Annual International Competition Law Forum, St. Gallen University, St. Gallen, Switzerland.

"Exclusion Payments to Settle Pharmaceutical Patent Cases: They're B-a-a-a-ck! (The Role of the Commission, Congress, and the Courts)" (April 24, 2006) Jon Leibowitz, Commissioner. Second Annual In-House Counsel's Forum on Pharmaceutical Antitrust Philadelphia, PA.

"Promoting a Culture of Competition" (April 10, 2006) Deborah Platt Majoras, Chairman. Chinese Academy of Social Sciences, Beijing, China.

"Distinguishing Unilateral Conduct From Aggressive Competition" (April 3, 2006) Deborah Platt Majoras, Chairman. Tokyo American Center, Tokyo, Japan.

"Assessing Whether What We Know is So" (March 31, 2006) Michael A. Salinger, Director, Bureau of Economics Salinger. ABA, 54th Antitrust Law Spring Meeting, Washington D.C.

"Breakfast with the Bureau Directors" (March 31, 2006) Jeffrey Schmidt, Director, Bureau of Competition. 2006 American Bar Association 54th Antitrust Law Spring Meeting, Washington D.C.

Statement (March 21, 2006) Deborah Platt Majoras, Chairman. Antitrust Modernization Commission, Washington D.C.

"Moneyball and Price Gouging" (February 27, 2006) Michael A. Salinger, Director, Bureau of Economics. Boston Bar Association, Antitrust Committee, Boston, MA.

"Economic Competition" (February 1, 2006)

"**Health Care" An Interview with Commissioner Thomas B. Leary** (October 2005) Thomas B. Leary, Commissioner. This is an interview with Commissioner Leary conducted by the ABA Antitrust Section Health Care Committee Newsletter, published in the ABA's Antitrust Health Care Chronicle, Vol. 19, No. 3.

"**Recognizing the Procompetitive Potential of Royalty Discussions in Standard Setting**" (September 23, 2005) Deborah Platt Majoras, Chairman. Stanford University, Stanford, California.

"Municipal Broadband: Should Cities Have a Voice?" (September 22, 2005) Jon Leibowitz, Commissioner. National Association of Telecommunications Officers and Advisors (NATOA), 25th Annual Conference - Washington, D.C.

"**State Intervention: A State of Displaced Competition**" (September 20, 2005) Deborah Platt Majoras, Chairman. George Mason University Law School: George Mason Law Review Antitrust Symposium.

"Is It Live Or Is It Memorex? Models of Vertical Mergers and Antitrust Enforcement" (September 8, 2005) Michael A. Salinger, Director, Bureau of Economics. Association of Competition Economics (ACE) Seminar on Non-Horizontal Mergers, Competition Commission, London, UK, September 7, 2005, and Fondation Universitaire, Brussels, Belgium.

Remarks to the 2005 ABA Annual Meeting (August 6, 2005) Deborah Platt Majoras, Chairman. Chicago, Illinois,

"**Challenges in Identifying Anticompetitive Dominant Firm Behavior**" (July 7, 2005) Michael A. Salinger, Director, Bureau of Economics. Speech before the National Economic Research Associates (NERA) 2005 Antitrust and Trade Regulation Seminar, Santa Fe, New Mexico.

"**The Bipartisan Legacy**" (June 21, 2005) Thomas B. Leary, Commissioner. Written version of a speech delivered at the American Antitrust Institute's Sixth Annual Conference at the National Press Club in Washington, D.C. on. The remarks are to be published in an edition of the Tulane University Law Journal.

"Competition Policy, Patent Law, and Innovation: Welcoming Remarks for the Patent Reform Conference" (June 9, 2005) Deborah Platt Majoras, Chairman. Washington, D.C.

"**Vertical Restraints: What Does the Evidence Imply for Policy**" (May 12, 2005) Luke M. Froeb, Director, Bureau of Economics. Presentation before the AEI-Brookings Joint Center , Washington, D.C.

"Health Care and the FTC: The Agency as Prosecutor and Policy Wonk" (May 12, 2005) Jon Leibowitz, Commissioner. Antitrust in HealthCare Conference, American Bar Association/American Health Lawyers Association, Washington, D.C.

"The Federal Trade Commission: Fostering a Competitive Health Care Environment That Benefits Patients" (February 28, 2005), Deborah Platt Majoras, Chairman. World Congress Leadership Summit, New York, New York.

Steering Committee of the Antitrust and Consumer Law Section of the D.C. Bar (February 23, 2005) Deborah Platt Majoras, Chairman. Keynote Speaker, Washington, DC.

"Current Topics in Antitrust, Economics and Competition Policy" (February 8, 2005) Deborah Platt Majoras, Chairman and Susan Creighton, Director, Bureau of Competition. Keynote Speakers, Charles River Associates Program, Washington, DC.

Cheap Exclusion (February 8, 2005) Susan Creighton, Bureau of Competition Director. Remarks Before the Charles River Associates 9th Annual Conference on Current Topics in Antitrust Economics and Competition Policy, Washington, D.C.

"The Use of Economics in Merger Analysis" (January 27, 2005) Luke M. Froeb, Director, Bureau of Economics. The IBC Conference: The Use of Economics in Competition Law, Brussels, Belgium.

"Promoting International Convergence: Spring Training for Antitrust Professionals" (January 25, 2005) Deborah Platt Majoras, Chairman. Final Keynote at ABA International Forum, Miami, Florida.

"Recent Actions at the Federal Trade Commission" (January 18, 2005) Deborah Platt Majoras, Chairman. The Dallas Bar Association's Antitrust and Trade Regulation Section, Dallas, Texas.

"Estimating the Price Effects of Mergers and Concentration in the Petroleum Industry: An Evaluation of Recent Learning" (January 14, 2005) Deborah Platt Majoras, Chairman. Opening Remarks, Federal Trade Commission.

"Quantitative Methods in Merger Control" (December 3, 2004) Luke Froeb, Director, Bureau of Economics. King's College, London, England.

"Looking Forward: Merger and Other Policy Initiatives at the FTC" (November 18, 2004) Deborah Platt Majoras, Chairman. ABA Antitrust Section Fall Forum, Washington, DC.

"From Theory to Praxis: Quantitative Methods in Merger Control" (October 30, 2004) Luke M. Froeb, Director, Bureau of Economics. Summit at Como: A Discussion of Competition Policy, Law and Economics, Como, Italy.

"The Art and Science of Cost-Effective Counseling" (October 2, 2004) Thomas B. Leary, Commissioner. ABA Antitrust Section 2004 Antitrust Masters Course, Atlanta, Georgia.

"Presenting Your Case to the FTC and DOJ - The Keys to Success" (October 1, 2004) Pamela Jones Harbour, Commissioner. ABA Antitrust Section 2004 Antitrust Masters Course, Atlanta, Georgia.

ABA Antitrust Section 2004 Antitrust Masters Course (September 30, 2004) Deborah Platt Majoras, Chairman. Atlanta, Georgia.

"Antitrust Policy and Intellectual Property" (September 27, 2004) Thomas B. Leary, Commissioner. Andrews' Publications Intellectual Property 2004 Litigation Conference. Chicago, Illinois.

"Competition Law and Consumer Protection Law: Two Wings of the Same House" (September 22, 2004) Thomas B. Leary, Commissioner. Written version of a speech delivered at the FTC 90th Anniversary Symposium.

The Economic Roots of Antitrust - An Outline by Thomas B. Leary, Commissioner. Speech given by Alden Abbott, Assistant Director, Office of Policy and Coordination, Federal Trade Commission. Japan.

The Economic Roots of Antitrust - An Outline by Thomas B. Leary, Commissioner. (July 31, 2004) Outline prepared for a presentation at the International Seminar on Antitrust Law and Economic Development, Chinese Academy of Social Sciences Institute of Law. Beijing, China.

Prepared Remarks (May 17, 2004) Thomas B. Leary, Commissioner. The American Antitrust Institute's Roundtable Discussion on Antitrust and Category Captains, Washington, DC.

Report from the Bureau of Competition (April 2, 2004) Barry Nigro, Deputy Director, Bureau of Competition. 52nd Annual ABA Antitrust Section Spring Meeting.

"Unilateral Merger Effects & Economic Models" (March 3, 2004) Luke M. Froeb, Director, Bureau of Economics. The 2004 Antitrust Conference: Antitrust Issues in Today's Economy, New York, New York.

"Diagnosing Physician-Hospital Organizations" (January 22, 2004) Susan A. Creighton, Director, Bureau of Competition. American FaPgah Aaw.yrsaAnsscialion, Frotgraeon

"A Federal-State Partnership on Competition Policy: State Attorneys General as Advocates" (October 1, 2003), National Association of Attorneys General, 2003, Antitrust Seminar, Washington, DC.

Total Merger and Nonmerger Enforcement - 33

Note: In FY 2007 the Commission authorized both a PI and an Administrative Complaint in matters 0610140 - Equitable Resources/Dominion, 0610259 - Giant Industries/ Western refining and 0710114 Whole Fods/Wild Oats. For reporting purposes, however, these matters are only counted once as enforcement actions do avoid double counting.

C. Fiscal Year 2006

Part II Consent Agreements Accepted for Comment - 14
Mergers and Joint Ventures – 9
DaVita Inc./Gambro Healthcare, Inc.
Johnson & Johnson/Guidant Corporation
Teva Pharmaceutical Industries Ltd / Ivax Corporation
Allegran / Inamed Corporation
Fresenius AG/Renal Care Group
Boston Scientific Corp / Guidant Corp
Hologic, Inc./Fischer Imaging
Linde/BOC
EPCO/TEPPCO

Nonmergers - 5
Health Care Alliance of Laredo, L.C.
Valassis Communications, Inc.
Austin Board of Realtors
Puerto Rico Association of Endodontists, Corp.
New Century Health Quality Alliance, Inc.

Permanent Injunctions Authorized - 1
Warner Chilcott/Barr Laboratories

Merger Transactions Abandoned - 7

Total Merger and Nonmerger Enforcement - 22

D. Fiscal Year 2005

Part II Consent Agreements Accepted for Comment - 13

Mergers and Joint Ventures - 9
Cemex S.A. de C.V./RMC Group, PLC
Cytec Industries Inc./UCB S.A.
Genzyme Corporation/ILEX Oncology, Inc.
Occidental Chemical Corporation/Vulcan Materials Company
Chevron Texaco Corporation/Unocal Corporation
Valero L.P./Kaneb Services LLC
Novartis AG/Eon Labs, Inc.
Penn National Gaming, Inc./Argosy Gaming Company
The Procter & Gamble Company/The Gillette Company

Nonmergers - 4
Preferred Health Services
New Millennium Orthopedics LLC
San Juan IPA
Partners Health Network, Inc.

Preliminary Injunctions Authorized - 1
U.S. Restaurant Properties, Inc./Aloha Petroleum Corp

Civil Penalty Actions Filed - 2
Scott R. Sacane
Blockbuster, Inc./Hollywood Entertainment Corporation

Merger Transactions Abandoned - 4

Total Merger and Nonmerger Enforcement

E. Fiscal Year 2004

Part III Administrative Complaints - 2

Mergers and Joint Ventures - 1
Evanston Northwestern Healthcare Corporation/Highland Park Hospital
Arch Coal, Inc./Triton Coal Company (Note: Preliminary Injunction Authorized During Fiscal Year - case counted under Preliminary Injunctions Authorized)

Nonmergers - 1
Piedmont Health Alliance, Inc.

Part II Consent Agreements Accepted for Comment

Mergers and Joint Ventures - 10
GenCorp Inc./Atlantic Research Corporation
General Electric Company/Agfa-Gevaert N.V.
L'Air Liquide SA/Messer Griesheim GmbH
Itron, Inc./Schlumerger Electric, Inc.
Sanofi-Synthélabo/Aventis, S.A.
Cephalon, Inc./Cima Labs, Inc.
General Electric Company/InVision Technologies, Inc.
Buckeye Partners, L.P./Shell Oil Company
Midstream Partners, L.P./Shell Oil Company
Enterprise Products Partners L.P./GulfTerra Energy Partners L.P.

Nonmergers - 7
New Hampshire Motor Transport Association

E. Fiscal Year 2004
(continued)

Civil Penalty Actions Filed - 2
RHI AG
William H. Gates III

Preliminary Injunctions Authorized - 1
Arch Coal, Inc./Triton Coal Company

Permanent Injunctions Authorized - 1
Alpharma, Inc. and Perrigo Company

Merger Transactions Abandoned - 3

Total Merger and Nonmerger Enforcement
(Includes 2 civil penalty actions) - 26