



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

January 15, 2002

[REDACTED]

E. Marcellus Williamson, Esq.
Latham & Watkins
555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Counsel for Libbey, Inc.

Re: *FTC v. Libbey, Inc., and Newell Rubbermaid, Inc.*
Case No. 1:02CV00060
United States District Court for the District of Columbia

Dear Mr. Prager and Mr. Williamson:

On December 19, 2001, the Federal Trade Commission issued its decision in *FTC v. Libbey, Inc., and Newell Rubbermaid, Inc.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- (3) three days after the respondent is served with the Commission's administrative complaint in the adjudicative proceeding.²

address:

Office of the Secretary
Federal Trade Commission
Room 159-H
600 Pennsylvania Avenue, N.W.

(2) three days after the receipt in accordance with the provisions of the Act of

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The notice of such an election shall be filed with the Office of the Secretary, at the following address:

Office of the Secretary
Federal Trade Commission
Room 159-H
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580



Federal Trade Commission
1675 Pennsylvania Avenue, N.W.
Washington, D.C. 20547

FTC to Challenge Libbey's Acquisition of Anchor Hocking

Promoting Competition,
Protecting Consumers: A
Plain English Guide to
Antitrust Laws

The Federal Trade Commission has voted to seek a preliminary injunction

concentration in the market for soda-time closures for the food canning

industry in the U.S. Further, the FTC will allege that the acquisition would result in a highly concentrated market and would eliminate the existing

complaint will allege that the acquisition would substantially increase



Federal Trade Commission
440 Pennsylvania Avenue, NW
Washington, DC 20540

FTC v. Libbey, Inc. and Newell Rubbermaid, Inc.

*FTC v. Libby, Inc. and Newell
Rubbermaid, Inc.*

The Federal Trade Commission today filed its complaint for a preliminary

Court for District of Columbia)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,)
200 Pennsylvania Avenue, N.W.)
Washington, D.C. 20580)

Washington D.C. 20580

Plaintiff,)

DECK TYPE: Antitrust)

DATE STAMP: 01/14/2002)

LIBBEY, INC.,)
200 Madison Avenue)
New York, N.Y.)

COMPLAINT FOR)

recognition of the code time element business of the

13 U.S.C. § 11

be commenced by the Commission pursuant to Section 5 of the FTC Act, 15 U.S.C. § 45, and Sections 7 and 11 of the Clayton Act, 15 U.S.C. §§ 18 and 21; and alleges:

Jurisdiction and Venue

1. Jurisdiction is based on Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and 28 U.S.C. §§ 1337 and 1345. Venue is proper under Section 13(b) of the FTC Act; 28 U.S.C. § 1301(b) and (c); and Section 13 of the Clayton Act, 15 U.S.C. § 22.

Section 13(b) of the FTC Act

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

acquisition would violate Section 7 of the Clayton Act and Section 5 of the FTC Act because

14. Libbey and Anchor are direct and actual competitors in the manufacture and sale of food service glassware. They compete with each other on price by, among other things, offering discounts and other promotions on the sale of their food service glassware. Anchor prices and discounts its food service glassware in response to Libbey's pricing, and in order to take sales from Libbey. Anchor has succeeded in taking food service glassware sales from Libbey by offering lower prices to food service customers and distributors.

15. The acquisition would combine the largest and third largest manufacturers and

sellers of food service glassware in the U.S., substantially increasing concentration in the food service glassware market, would result in a highly concentrated market, would eliminate the existing substantial competition between Libbey and Anchor, and would substantially reduce competition and tend to create a monopoly in the market for food service glassware in the U.S.

Likelihood of Success on the Merits and Need for Relief

16. The Commission is likely ultimately to succeed in demonstrating, in

administrative proceedings to adjudicate the legality of the acquisition, that the acquisition

the substantial investments to manufacture and sell food service glassware are current

by likely future competitors in the relevant market

The effect of the acquisition, if consummated, may be substantially to

Commission or set aside by a court on review, or until the order of the Commission made thereon has become final; and

3 Award such other and further relief as the Court may determine to be proper

and just, including costs.

January 14, 2002

WILLIAM E. KOVACIC

General Counsel

RICHARD LIEBESKIND

MEMBER OF COUNCIL