

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

Office of the Secretary

January 15, 2002

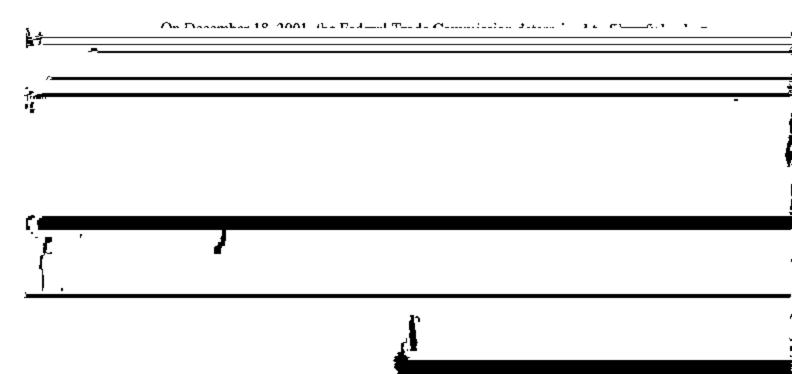


E. Marcellus Williamson, Esq. Latham & Watkins 555 Eleventh Street, N.W., Suite 1000 Washington, D.C. 20004-1304 Counsel for Libbey, Inc.

Rc: 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:



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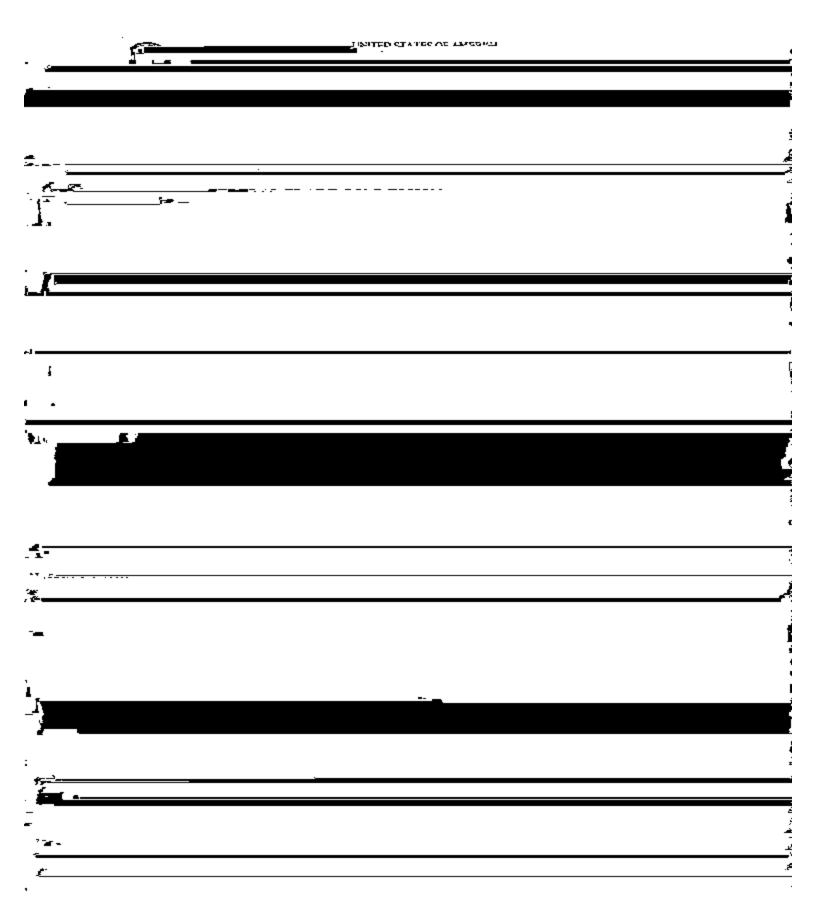
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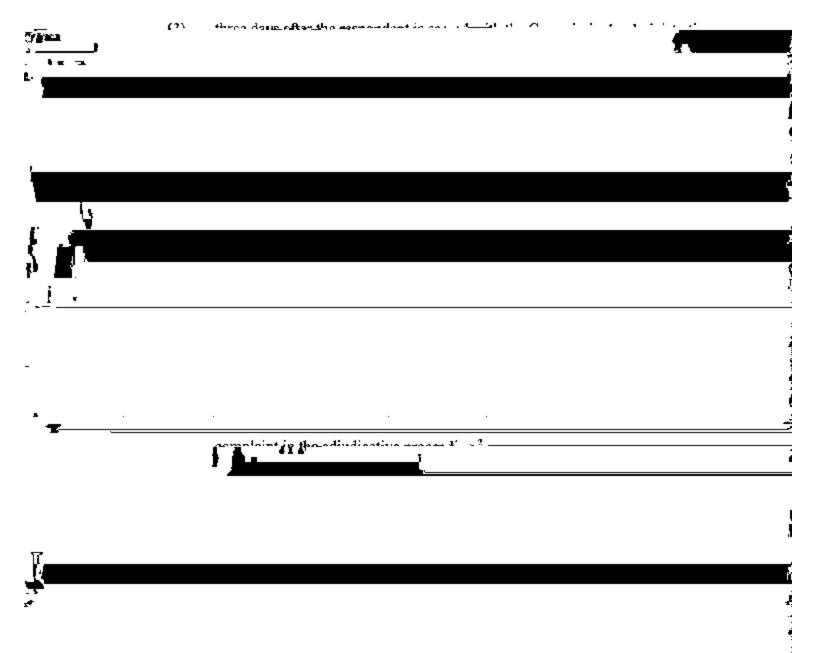
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three days after the respondent is served with the Commission's administrative

Office of the Secretary
Federal Trade Commission
Room 159-H

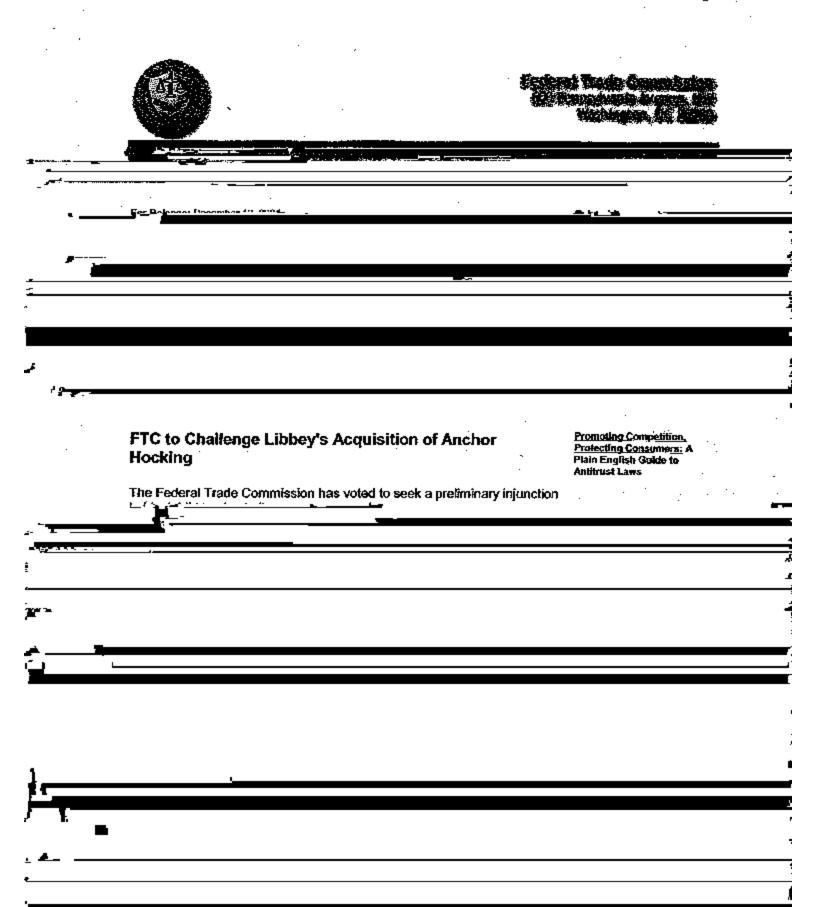
address:





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



Page 2 of 2

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	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	
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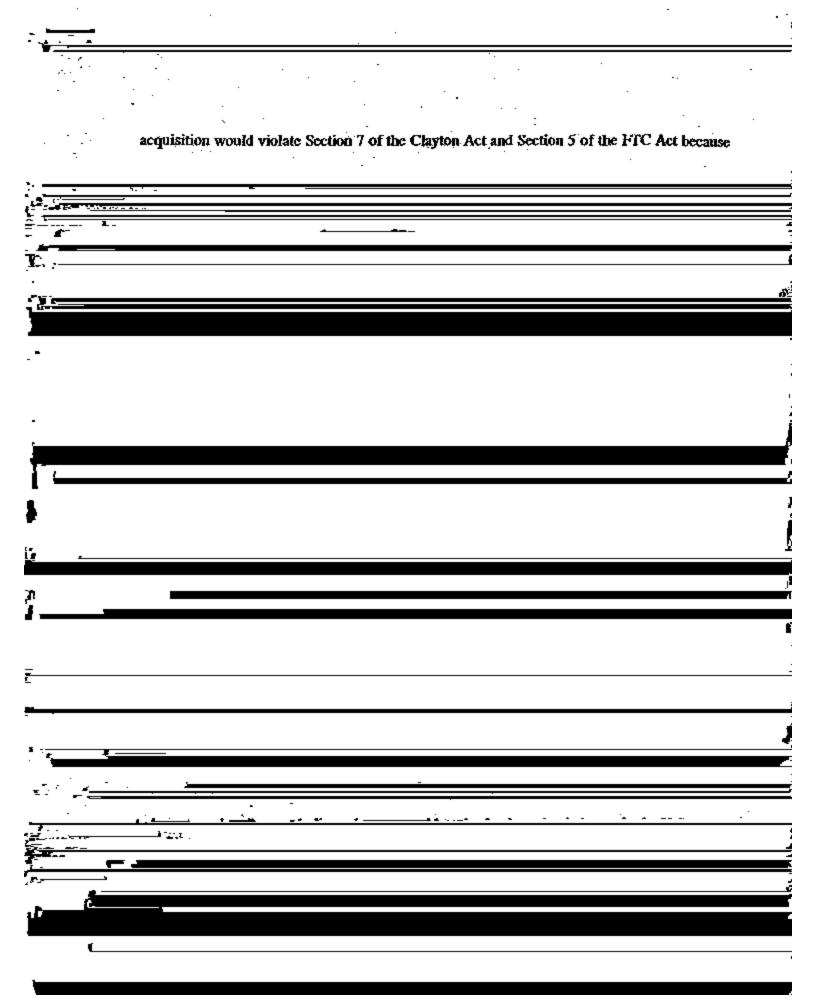
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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	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:
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28 U.S.C. §§ 1337 and 1345. Venue is proper under Section 13(b) of the FTC Act;

Section 13(b) of the FTC Act



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 presentings to administrate the locality of the convicition, that the convicition

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Commission or set aside by a court on review, or until the order of the Commission made thereon has become final; and Award such other and further relief as the Court may determine to be noner and just, including costs. January 14, 2002 WILLIAM E. KOVACIC 🛝