

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS:

Timothy J. Muris, Chairman  
Sheila F. Anthony  
Mozelle W. Thompson  
Orson Swindle  
Thomas B. Leary

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In the Matter of )  
LIBBEY INC., a corporation, ) ) Docket No. 9301  
and ) )  
NEWELL RUBBERMAID, INC., a corporation. ) ) AGREEMENT CONTAINING  
----- ) ) CONSENT ORDER

This Agreement Containing Consent Order (“Consent Agreement”), by and between Respondents, Libbey Inc. (“Libbey”) and Newell Rubbermaid, Inc. (“Newell”), by their duly authorized officers and attorneys, and counsel for the Federal Trade Commission (“Commission”), is entered into in accordance with the Commission’s Rules governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent Libbey is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 300 Madison Avenue, Toledo, Ohio 43604.
2. Respondent Libbey has been served with a copy of the Complaint issued by the Commission charging it with violations of Section 5 of the Federal Trade Commission Act, as amended, and Section 7 of the Clayton Act, as amended, and has filed its Answer to the Complaint denying those charges and asserting affirmative defenses but admitting the jurisdictional facts set forth therein.
3. Respondent Newell is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 29 East Stephenson Street, Freeport, Illinois 61032.
4. Respondent Newell has been served with a copy of the Complaint issued by the Commission charging it with violations of Section 5 of the Federal Trade Commission Act, as amended, and Section 7 of the Clayton Act, as amended, and has filed its Answer to the Complaint denying those charges and asserting affirmative defenses but admitting the jurisdictional

facts set forth therein.

5. Respondents admit all the jurisdictional facts set forth in the Complaint.

6. Respondents waive:

- a. any further procedural steps;
- b. the requirement that the Commission's Decision and Order ("Decision and Order"), attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;
- c. all rights to seek judicial review or otherwise challenge or contest the validity of the Decision and Order entered pursuant to this Consent Agreement; and
- d. any claim under the Equal Access to Justice Act.

7. This Consent Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission, it will be placed on the public record for a period of thirty (30) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and so notify Respondents, in which event it will take such action as may be necessary to effectuate the purposes of the Equal Access to Justice Act.

accomplish the full relief contemplated by the Consent Agreement and the attached Decision and Order, and that all parents, subsidiaries, affiliates, and successors necessary to effectuate the full relief contemplated by this Consent Agreement are bound thereby as if they had signed this Consent Agreement and were made parties to this proceeding and to the Decision and Order.

11. Respondents have read the Decision and Order contemplated hereby. Respondents understand that once the Decision and Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Decision and Order. Respondents agree to comply with the Decision and Order from the date they sign this Consent Agreement. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Decision and Order after it becomes final.

LIBBEY INC.