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UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Deborah Platt Majoras, Chairman**
Pamela Jones Harbour
Jon Leibowitz
William Ej0.00lm Ej0. 6E TdcEj03.21m Ej0.icN

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ocket No. C-41717

6. “Generic triamterene/HC

13. For the purposes of this Complaint, the United States is the relevant geographic area in which to analyze the effects of the Acquisition in the relevant lines of commerce.

V. THE STRUCTURE OF THE MARKETS

14. Trazodone hydrochloride is an antidepressant. Currently, Barr, Pliva, Watson Pharmaceuticals, Inc. ("Watson"), Teva Pharmaceutical Industries Ltd. ("Teva"), and United Research Laboratories/Mutual Pharmaceutical Company ("URL/Mutual") are the only active suppliers of generic trazodone in the United States. Although there are five suppliers of generic trazodone, not all suppliers are capable of supplying all formulations. For instance, Barr and Pliva are two of only three suppliers of the 150 mg formulation of generic trazodone. The Acquisition would reduce the number of suppliers of generic trazodone from five to four, and increase Barr's market share to 58 percent. The Herfindahl-Hirschman Index ("HHI") would increase by 1,272 points, resulting in a post-acquisition HHI of 3,857 points.

15. Triamterene with hydrochlorothiazide is a combination product used to treat high blood pressure. Currently, Barr, Pliva, Watson, Mylan and Sandoz are the only active suppliers of various formulations of generic triamterene/HCTZ tablets in the United States. The Acquisition would reduce the number of suppliers from five to four, and increase Barr's market share to about 35 percent for all formulations. The HHI would increase by 520 points, resulting in a post-acquisition HHI of 2,961 points.

16. Organ preservation solutions are used during the harvesting of donor organs to flush and preserve the viability of the donor organs prior to transplantation. The market for organ preservation solutions in the United States is highly concentrated. Barr and Pliva have market shares of approximately 60 and 30 percent, respectively, in the $17 million U.S. market. The rest of the market is divided among several smaller, niche players. The Acquisition would significantly increase concentration in this market, and would leave Barr with a near monopoly share of the organ preservation solution market. The post-ac

VI. ENTRY CONDITIONS

18. Entry into each of the relevant product markets identified in Paragraph 10 would not be timely, likely, or sufficient in its magnitude, character, and scope to deter or counteract the anticompetitive effects of the Acquisition. Developing the products and obtaining the necessary FDA approval for the manufacture and sale of these products takes at least two years due to substantial regulatory, technological, and intellectual property barriers.

VII. EFFECTS OF THE ACQUISITION

19. The effects of the Acquisition, if consummated, may be to substantially lessen competition and to tend to create a monopoly in the relevant markets in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the FTC Act, as amended, 15 U.S.C. § 45, in the following ways, among others:

a. by eliminating actual, direct, and substantial competition between Barr and Pliva, and reducing the number of competitors, in the markets for the manufacture and sale of generic trazodone tablets, generic triamterene/HCTZ tablets, and organ preservation solutions, thereby: (i)

VIII. VIOLATIONS CHARGED

20. The Acquisition described in Paragraph 7, if consummated, would constitute a violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the FTC Act, as amended, 15 U.S.C. § 45.

WHEREFORE, THE PREMISES CONSIDERED, the Federal Trade Commission on this nineteenth day of October, 2006, issues its Complaint against said Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: