FEDERAL TRADE COMMISSION

WORKSHOP ON

SECTION 5 OF THE FTC ACT

AS A COMPETITION STATUTE

O[illegible] b [illegible] 17, 2008

9:00 a.[illegible].

F [illegible]a T[illegible]a C[illegible]

FTC C[illegible] C[illegible]

601 N J[illegible] A[illegible], N.W.

Wa[illegible], D.C.

FEDERAL TRADE COMMISSION

I N D E X

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O R a b C a a W a K a	4
Pa 1: T H S 5	21
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Pa 4: A a S 5 $ a a -S I	219

FTC. M

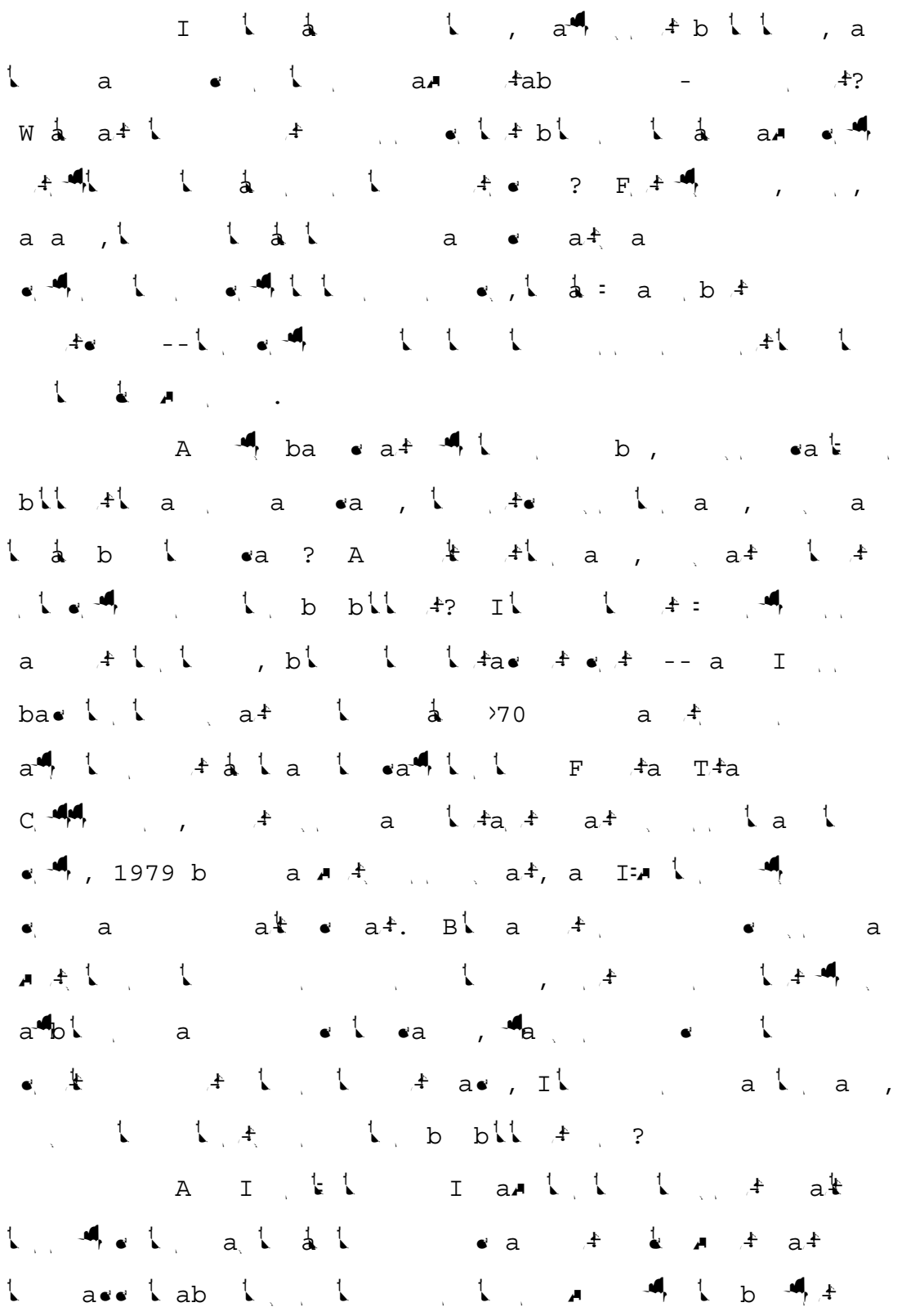
S a A a a ab

a a a

.

A a A a: 1970 ,

a D T , b a a



a . T : S 5 .

W : S 5 b ? I ba

a a b 1972, 73,

a ab a a 82, 83, 84. T a

FTC C

A a a a , a b

ab a : . W : a a

: ab S

5 , : S 2 S 1

. H , a a a

a , ba . E

a a a .

O a A G . W a a

a ? T a a B b P . W a

, a b

F a T a C , a a

. A S C , a a

FTC, a

FTC, b .

L , a a a

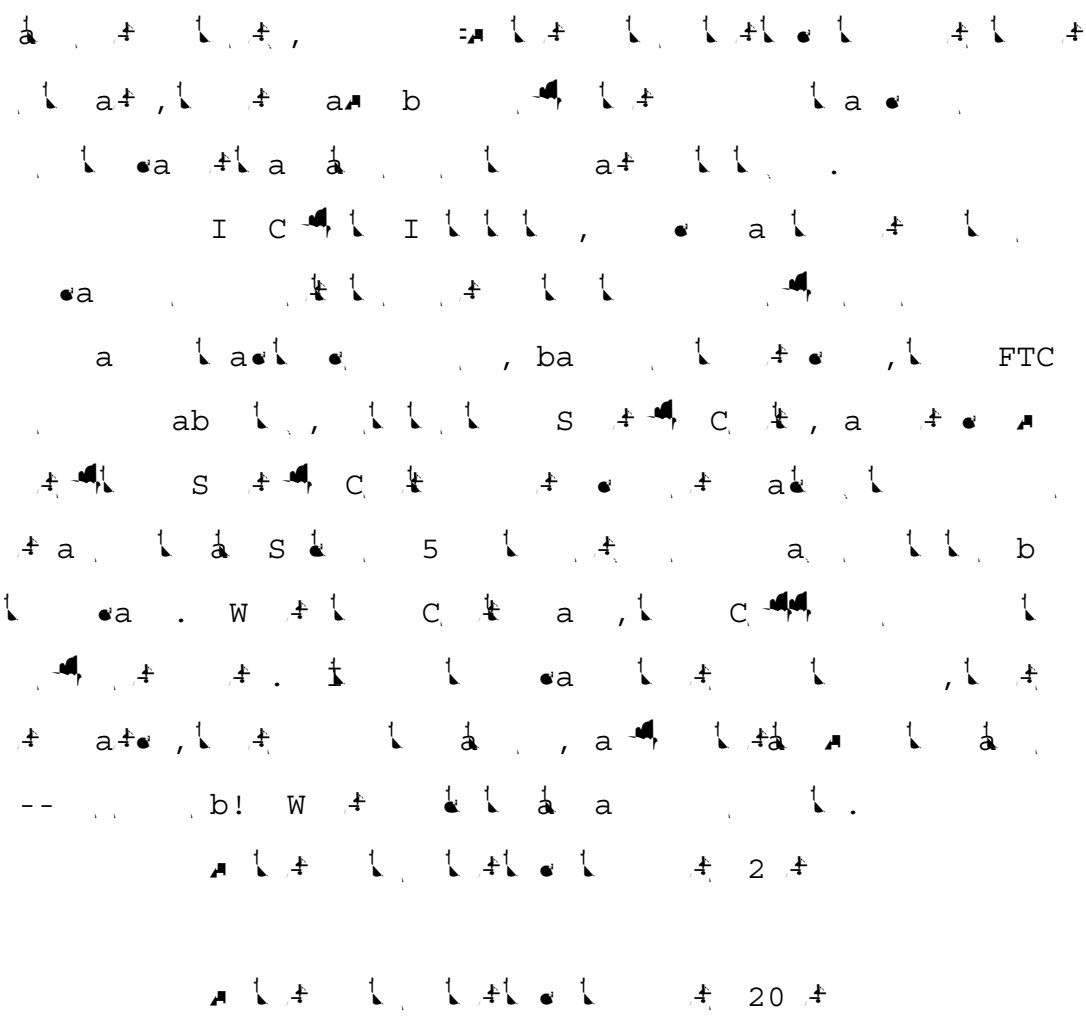
a , a S 5

a , a , I

a a a . T a : a I .

N , , a OAG b a , , :

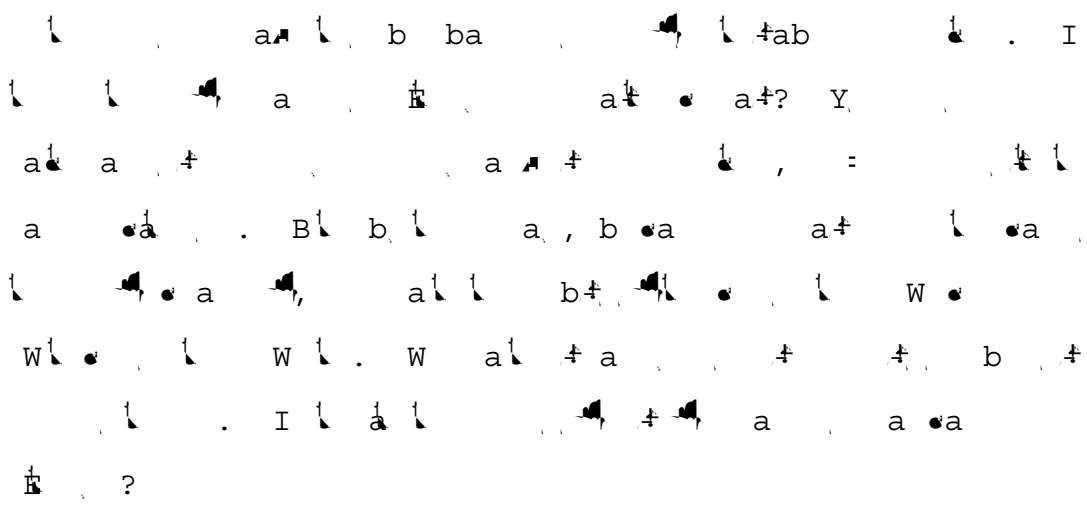
a : a . H a a , ,



A [illegible] FTC
[illegible] 1979 [illegible] C [illegible]
[illegible] FTC: [illegible]
[illegible] K [illegible] E. T
[illegible], [illegible]
F[illegible] T[illegible] C[illegible]. A, [illegible]
[illegible] 1980, Wa[illegible] M[illegible] [illegible] Ba[illegible]
C[illegible], M[illegible] [illegible], [illegible]
Ba[illegible] C[illegible] [illegible] [illegible],
[illegible] Ba[illegible] C[illegible], [illegible] P[illegible]
[illegible], F[illegible] T[illegible] C[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible]. R[illegible] [illegible] Wa[illegible]
P[illegible]. I[illegible] [illegible]

(Laughter.)

N[illegible] [illegible] R[illegible] R[illegible]
[illegible] Wa[illegible], [illegible]? T[illegible]
[illegible] W[illegible]
H[illegible], [illegible]. P[illegible] D[illegible]
[illegible] D[illegible] W[illegible]
H. A[illegible], [illegible]. W[illegible]
[illegible]. I[illegible] [illegible]
[illegible] 1970. L[illegible]
[illegible]



W I ba 30 a a a I
a a a ab b a
b b a , I a
a b bl b a a
a a b . T a
a a a a a
b . I
a , a a a C a
? I a a b a
a a a a
b
.

I: ba N
b a a a a
a . N ?

(Applause.)

PANEL 1: THE HISTORY OF SECTION 5

MR. AVERITT: T a , B .

T a a b a ,

a a b a b a

a a a a . : a a

ba a a a a , a

a a , , a a a

a a a . A

b , a a ?

A a a , ,

a . I : ab b a

b . S , a a a

a a S 5

a a b a 1910.

O b a

a b a a a Ma

a b a a a

a a a a : .

B , , b a

a a -- a ab

a : a a a , a

ba b a

a . W :

[illegible]

[illegible]

[illegible]

[illegible]

a a l l + l l . A J Ma l A l l + l
l F + a E + a, a a a l
+ + a a b + l a a
a b . F + a , l a + a
l a 1914. B l + R l , a l l + l a
a l -b b a , a l + ,
a l - a . R l + a l l b + a b
+ , a l l l . T l a ,
l a B + a C + + a 1903 a l B + a ,
a l + C + a + a l , + l l a a l l + l a
l a b a b a a
l + l l + : A a + a l l .@

I 1911, T + R l a l l
a a l l $ a a + O : l a a
l a . H + b + a a + ; a
l + l + a + a l + .

T b l + a a l
F + a T + a C l l + l + l + +
a a + a + l a a . N l l a l +
a a + a l a a l Ha + -S l l -R
A b a . T a a l + a .

W a H a + Ta l , a R l : a + .
H a a a + a a + . H a a + + + a
C + a l C + J , a l + C J l a . H l l
l l l l l + l + b + a a + a a --

[illegible]

[illegible]

[illegible]

a l Ca l B , a l l a
a l a l . A a , ,
l a l l B a C a . T
a a l a a a l
B a a l l , l . Ba a
l a l a l b a
l a l C a a l a a
l a l a .

W a a ? T Ca l B b .
E a a l ab l a l a a l
l a l l a a
b a . I Ma , a a W b a S 5
a l H l ba a l l a
l ba ab l l b a l l S a .

W : l l , a a l , l a a
b l a l a l C a l A . T l
l a a a l l W : a , L
B a , a B a : , G R b . R b
b l a l a --
l a l a l
D a a l a .

N , a a , l a D a a
l ab l l FTC b . I a , a l a
a a a l a a a a a - l .
Ha La O , a , a l a l b :

[illegible]

Ab C . N , Ab C [illegible]

[illegible] I: . W

a a D [illegible]

R b a , b C I a, C a a

C [illegible] , b . T FTC A

b a a b a a b W : b .

I 1914 a a , C a

a , a , ba b

a . H a a , a b

a a a a a a b

b a a a b a

[illegible] . H a a a a a 25 a a a a , a

a a a .@

I 1914, b b a a a

a N a :. H a a

a a , a a a

a S a A b , a

b a ? H . H a

a a a a a .

a a . T : a

[illegible]

O [illegible] C[illegible]. A[illegible] C[illegible], [illegible]. [illegible] [illegible] [illegible]

S b 1914. T C Ma . I ba H : a a a a b FTC A . T b .

L : a a C a , a b a a a . O a , a . O a , a b b . O a a , a a a a A , a a . C a a b a , b ; . C a ; a : a a C b 1960 , a ba a a a a a a . A a a . A a a a Ra a a 1930, a S C a a a a a a a a a a a a a . K , , 1934, a a a a a ba Ra a a. T a a a a a a b a a . T a a b , C a , b a a a a a a a a a a a a a

[illegible] .

W [illegible] a [illegible] ab [illegible] a [illegible] [illegible] b [illegible] a [illegible] [illegible], [illegible] C [illegible] 1938 a [illegible] a [illegible] [illegible] [illegible] a [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] S [illegible] 5 a [illegible] a ; [illegible] [illegible] W [illegible]-L a A [illegible]. A , b [illegible] , [illegible] C [illegible] [illegible] a , [illegible] [illegible] [illegible] , a [illegible] a b [illegible] a [illegible] [illegible] [illegible] a a [illegible] a [illegible] [illegible] a [illegible] [illegible] [illegible] . O [illegible] , a [illegible] ba [illegible] [illegible] [illegible], b [illegible] [illegible] a [illegible] [illegible] [illegible] a [illegible] [illegible] a [illegible] [illegible] [illegible] Aa @ [illegible] [illegible] a A [illegible] .@

T C a [illegible] [illegible] R [illegible] a 1964 [illegible] [illegible] [illegible] I [illegible] [illegible] [illegible], a a [illegible] [illegible] S&H. T [illegible] a [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] FTC: C a [illegible] [illegible] R . (T [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], b [illegible] [illegible] [illegible] .) T [illegible] a [illegible] [illegible] ba a [illegible] a [illegible] b a [illegible] R [illegible] a [illegible] P [illegible] 1964. A [illegible] [illegible] b K a W [illegible]-L a, [illegible] [illegible] a [illegible] [illegible] b [illegible] a [illegible] [illegible] [illegible] [illegible] a a [illegible] [illegible] b b [illegible] a a [illegible] [illegible] [illegible] [illegible] [illegible] a a a a [illegible] [illegible] [illegible] b [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ([illegible] [illegible] [illegible] [illegible]) a [illegible], a [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

N , I= a a a S&H.
S&H G $ a , a b
a . S&H a a
a , a a a ,
a . T a a : a
a .@ A S C a
C : b a C : a a
a b , S&H a a S 5.
B : a b a
S 5. T C
Ra a a, K , W -L a A , a
a , : a . i
a a a a) a
a .
S S&H a a ,
: , a a , C a
a a , b
ba . I a a

[illegible]

[illegible] ? D [illegible]

[illegible] ?

A , S&H [illegible] K , [illegible]

K a , [illegible] b [illegible] a ba

[illegible] a [illegible] . O [illegible]

[illegible] , [illegible] b [illegible]

[illegible] a [illegible] ? W [illegible] a [illegible]

[illegible] 1994 [illegible] [illegible] a [illegible]

[illegible] a b [illegible] ba [illegible] .

S , [illegible] , I a [illegible] a b [illegible]

[illegible] FTC A [illegible] a a [illegible]

a [illegible] . T a .

MR. CALKINS: O a , N , [illegible]

[illegible] , a ab [illegible] .

W a a [illegible] ? H a [illegible]

[illegible] a ?

MR. AVERITT: W [illegible] a [illegible] 20

[illegible] .

MR. CALKINS: A [illegible] , [illegible] a .

MR. AVERITT: B [illegible] .

MR. CALKINS: N [illegible] , a .

MR. AVERITT: W =

MR. CALKINS: A , 20 .

T .

I Ma , 1972 . T a

a a I a I , I

a ab a I a

a a a a a

a , a a

I . A I a

a I a 20 MC 9 7 =

[illegible] 1972, 1980, 1980, 1989, 1989, 2000, 2001, 2005, a
2006[illegible].

S, [illegible] I[illegible] [illegible]
[illegible] 1972. I [illegible] [illegible] . T [illegible]
[illegible] b -- I[illegible] [illegible] b ba 1969, [illegible]
[illegible] ba [illegible] a C a K a a [illegible]
. T a a N a R [illegible] a
a [illegible] a a [illegible] ab [illegible] [illegible] a a
[illegible] b [illegible] a P [illegible] N a [illegible]
[illegible] a a , b [illegible] a [illegible] [illegible] a
[illegible] ab [illegible] [illegible] b [illegible] b [illegible].

T a [illegible] K [illegible] R [illegible]
a , b [illegible] ABA a a [illegible] a [illegible] [illegible] ba,
a [illegible] FTC, b a ? I [illegible] a , FTC
[illegible], [illegible], a b [illegible]
[illegible] [illegible] R b -Pa a A . S
[illegible] a a [illegible] [illegible] a [illegible]
[illegible] b [illegible] [illegible] [illegible] a [illegible] b
a[illegible] [illegible], a [illegible] [illegible] a , a
[illegible] [illegible] a [illegible] [illegible]. B[illegible] [illegible]
[illegible] R b -Pa a [illegible] a [illegible] [illegible]
a a [illegible]. A [illegible] FTC [illegible]
.

U [illegible] R b a C a [illegible],
K [illegible] a [illegible] E a a [illegible] C [illegible] a , ,

D , M P , F T
C a a a a a
a b a a a .
G a a a a
a . T a
P P , b a .
1972, K , a a .
1973, X a a b E O C a
a . 1974, B Ca a
a , a B a
a . 1976, GM C a Pa a
b T L a a a D . 1976 a a
R b D , A G a , P a
F a Sa -- b S 8, a
S 5 a -- a G a F a
a a .
1978, a G a M a a
a a , a L a a a
FTC a a a a a a
S 5 FTC A . 1979 a E D P
a a . 1980 a R S a FTC
a b C a . A b
- a a a a .
T a , a , a ab S 5.
T a ab a a a . I

1980 a , 1980 1989,
a a C . 1980,
U a a . 1981, E a .
1982, K ; G a M C a Pa
a a . 1983, D . 84,
G a F . G a M a .
W 2( ) a a
a . A C a
a b b .

L : a ab a a ,
. F , B Ca a , N C , Ma 1980.
T C a a ab
a a a b C a a D
.

Q , AT a a
a ab a ,@ .

A , AF ab a a
a a ab a a , b
ab a a a
a a a

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C a C , a ab S 5 a a . A , J P , b a a a , a U A a a CAB, a a a a S -5- a a a b a b CAB a E D P a . S , a , b , a a a a a S 5 a a .

T b 1989 2000. W a a ? W a K a , II, a a . T FTC a a a a , a a a b a a a C b a D P E a a .

Ja S b a a 1989.

1990, a a a b a : H a M ba a a a a a a a a b a a a a a a a a

.

F 2006 b ? W , b

C a

a a a a a

a ab a ,

a , a a :

a .

S , , I- a

a a a

a .

(Applause.)

MR. AVERITT: Ma a b . T a

a a a a

a a a

a C a K a :

U a , a a b

.

L , a a

a R a E . Y ,

: a a a , a , a

b b a a , : bb

a a . A a I a

a I a a b

a , ab a

S 5.

O a a a a b a a b

b a a b ab , a a

b a a , a

a a . O a S C a

ba 20 30 , S&H,

I a a F a D . A

a S C a a ba

a a , , S 5

C a a a b a

a ab

.

A : a

b C C a ,a a , , a ,

FTC a a , b a a a a a a

C a a a C

a a .

S , I a a I b , a a

a a ab ? I , a ba ? I

, a a a ?

MR. WINERMAN: I I : a , a . T : b 1938 a 1994. N , 1938, C a A a , a , @ a a , a , ba . a . I a a . B I b a a , a 70 a a a (a a a), , a a b 1994 a -- , a , - a b , a b a a -- a . I a a a S&H ab a A a @ a : b a a . I I A a @ a . T a , a ab ,@ a a a .

MR. AVERITT: I [illegible] a [illegible] ?

MR. WINERMAN: I [illegible] . Pa [illegible] a [illegible] - [illegible] a [illegible] [illegible] a [illegible] . I [illegible] ba [illegible] J Ma [illegible] b [illegible] ab [illegible] S [illegible] a A [illegible] , [illegible] a [illegible] S [illegible] a A [illegible] b [illegible] a [illegible] a [illegible] , a a [illegible] . W [illegible] a [illegible] , J [illegible] a [illegible] ab [illegible] a [illegible] a [illegible] b [illegible] , [illegible] b [illegible] a b [illegible] . S , [illegible] a [illegible] - [illegible] a [illegible] .

I [illegible] a [illegible] b [illegible] a [illegible] a [illegible] 1914 A [illegible] , [illegible] a [illegible] a [illegible] a [illegible] a [illegible] [illegible] a [illegible] a [illegible] .

MR. AVERITT: S [illegible] , a [illegible] a [illegible] ?

MR. CALKINS: D I [illegible] a [illegible] b [illegible] I a [illegible] a ?

MR. AVERITT: T [illegible] a [illegible] a [illegible] a [illegible] .

MR. CALKINS: A . T

a . U a a a a
, bab a .

MR. AVERITT: T a . I
b a ab a a , a ab . H
a S C a ? C a , a S 5 b --
ab b a a -- a
a , b a
a C C . T a
b a a , a
a .

T a a , a ,
a 10:30. T a b ba .
. T a .

(Applause.)

PANEL 2: INTERPRETATIONS OF SECTION 5

MR. AVERITT: W ba a
a . T a a a : b
a S 5, a a a
a b a b b a S
C a a a C C .

[illegible]

[illegible]

[illegible]

C [illegible] S [illegible] 5 [illegible] .

N [illegible] Da C[illegible] , P[illegible] B a[illegible] Ca[illegible] S[illegible] La a [illegible] Pa , W . H [illegible] a[illegible] [illegible] a[illegible] [illegible] FTC. T [illegible] T[illegible] [illegible] a A[illegible] a [illegible] A[illegible] A[illegible] -F [illegible]. H a a b [illegible] a [illegible] [illegible] a[illegible] [illegible] .

N [illegible] M a Sa [illegible], P[illegible] E[illegible] [illegible] B [illegible] U [illegible] a [illegible] D [illegible] B [illegible] a E[illegible] [illegible] C[illegible] . P[illegible] [illegible] B [illegible] U [illegible] , a a A [illegible] P[illegible] [illegible] C [illegible] a U [illegible] B S[illegible] a a [illegible] a [illegible] [illegible] B [illegible] a E[illegible] [illegible] a [illegible] [illegible] a b a[illegible] [illegible] R [illegible] I [illegible] a O[illegible] a [illegible] a [illegible] J [illegible] a I [illegible] a E[illegible] [illegible] . M [illegible] a a [illegible] [illegible] a [illegible] C[illegible] [illegible] [illegible] S [illegible] 5[illegible] [illegible] [illegible] [illegible] .

N [illegible] B b La , V ab P[illegible] [illegible] La [illegible] [illegible] U [illegible] [illegible] Ba[illegible] [illegible] S[illegible] La . B b [illegible] [illegible] [illegible] J , Da a [illegible] FTC. H a a[illegible] [illegible] [illegible] -a[illegible] [illegible] [illegible] a 70 b [illegible] . H a [illegible] - [illegible] a D [illegible] [illegible] A[illegible] [illegible] a A[illegible] [illegible] I [illegible] [illegible] , a a[illegible] [illegible] a [illegible] AALS A[illegible] [illegible] S [illegible] , a a [illegible] [illegible] [illegible] ABA A[illegible] [illegible] S [illegible] .

2006 b N-Da a .

V a Ka , a -- a a , b a b a , b .

J S 5 , A FTC: a .@ A a a Pa b .

N , a , a a . A , , a .

F , B b P .

MR. PITOFSKY: W , a . G , . I a a b ba I: a F a T a C . b a . S , a a a .

I a J S 5 a b a , a S a C a A . D M a , I , a

[illegible]

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a a a . A S 5, I , a b

a a a .

T a a a . T R b - C

[illegible]

I [illegible] FTC, b [illegible] a , [illegible] b a [illegible] a [illegible] a , [illegible] b [illegible] [illegible] b [illegible] [illegible] a [illegible] a [illegible] .

L [illegible] a [illegible] a [illegible] . M a a [illegible] b a [illegible] a [illegible] . I a [illegible] D P [illegible] a B . B [illegible] a [illegible] C [illegible] [illegible] a [illegible] a , b [illegible] I: a [illegible] a [illegible] . I [illegible] a [illegible] a [illegible] , a [illegible] a [illegible] . Y [illegible] , [illegible] a , [illegible] a [illegible] a [illegible] [illegible] S [illegible] 5. S , I [illegible] a [illegible] .

I a [illegible] a [illegible] S [illegible] 5 a [illegible] . O [illegible] , [illegible] , ba a [illegible] , a , a [illegible] a [illegible] a . I [illegible] a [illegible] a [illegible] a a [illegible] a [illegible] C [illegible] [illegible] b [illegible] C [illegible] a [illegible] C [illegible] . A b , I [illegible] [illegible] a C [illegible] a [illegible] a a [illegible] a [illegible] .

S , [illegible] a [illegible] . W a [illegible] a a a [illegible] . I [illegible] a [illegible] a I a [illegible] a [illegible] a [illegible] , a R [illegible] [illegible] , a [illegible] a .

M a [illegible] C [illegible] [illegible] a a

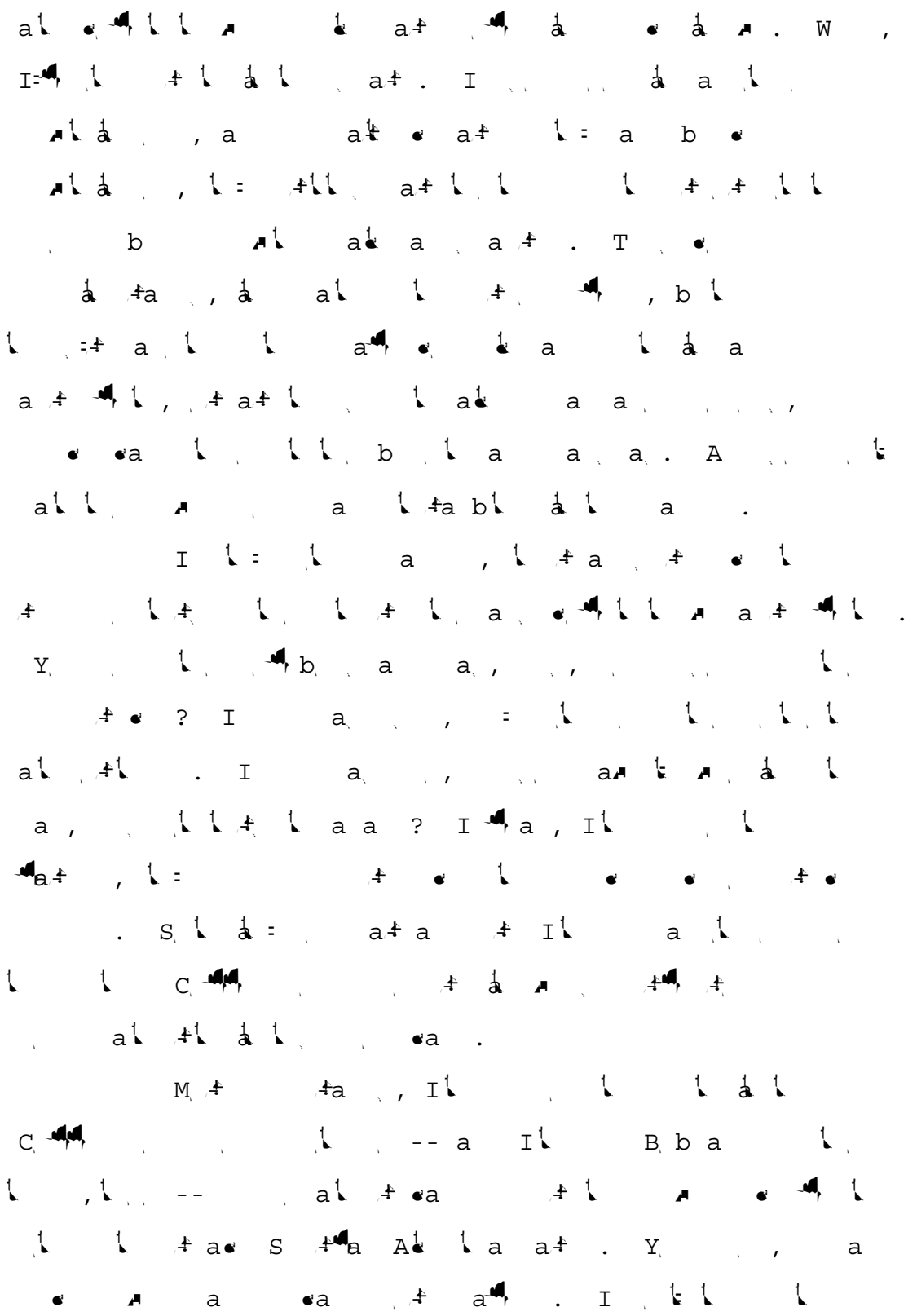
[illegible]

T a [illegible].

MR. DAGEN: M [illegible].

MR. ANTALICS: L [illegible] a a [illegible] b [illegible] ab [illegible] a a [illegible] a [illegible] I [illegible] [illegible] a [illegible] a [illegible] a a [illegible] a [illegible], [illegible] [illegible] a, a [illegible] [illegible] a a [illegible] b [illegible] ab [illegible], [illegible] a, [illegible] a a [illegible] [illegible] [illegible] C [illegible] [illegible], [illegible], [illegible] [illegible] a S [illegible] 5 a. A a [illegible] [illegible] [illegible] b [illegible] [illegible] a S [illegible] 5 a. T [illegible], a [illegible] a b [illegible] a [illegible] b [illegible] [illegible] [illegible] a [illegible] a a [illegible] a [illegible] [illegible] I [illegible] bab [illegible] [illegible] a a [illegible] b [illegible] [illegible] [illegible].

F [illegible], [illegible] [illegible] [illegible] a B b [illegible] [illegible], I [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. I [illegible] a, [illegible] a [illegible] [illegible] a [illegible] [illegible] [illegible] [illegible] [illegible]



W ,

MR. CRANE: T a : l a + a l e + a

, + l , a : + , .

T a + a e l a I - , l l a l a a

l l l , a l a + a e . T ba e a + , l I a l l

a a e l a l l , l + a , b l

l S + a A a S e , 5 , l FTC A , l

b a + a a l l a a l + , b l a a e , a + a ,

l l l , a a a l a a l + . S , a , a l l + l

a , e l S + a A a S e , 5 , l FTC

A , a a + b + a a , e , a , +

l , , -- l , , l , a e , a , l

e + a a l + l , + . T l , + a , ,

l , , ? I l e l + , + l a e ?

U a + , , e , l l , , l

+ l + a l , l + a , + , , a , , l a l l a ,

a l l + l a .

I l ab l l S + a a l FTC A ,

l : a l + l l l a + . M l S + a

A l a + a l a , a + a ab l

l l , l + a a + + b a .

P + a l a b l a l + a l ,

l + + a + + a . I : a l b a

l a a a + b l + a l + a , b l

l + l + l l a -- a I B

K a a l l + l l + . T

+ l l a l a + a

a + l + a l l a S + a A

+ l .

Ab a + l l + l -- l S + C +

a l a l + , l : ++ ab l l . C l +

l a , l l + b a a + a l

a l l a , a l a + a l l ,

a b + a b a + , a b + a + +

+ a b a a l a + b .

W l + + l l l + , a , l a + a a

+ l + a a + + l a a

a l l + l + a + l + a + l

S + C + a l + a + .

S , l S + a A ab l + l a

a a b b l

[illegible] NYNEX [illegible] FTC Rab [illegible], aa, [illegible] a [illegible]. A, a, [illegible] a Rab [illegible], D.C. C [illegible] a, [illegible] C [illegible] a [illegible] a a [illegible] a [illegible]. W [illegible] a [illegible] ab [illegible] b [illegible] a [illegible]: [illegible] ab [illegible] FTC A [illegible].

I [illegible] a [illegible] a [illegible] [illegible] a [illegible]. Y [illegible] a ba a [illegible] a [illegible] a a [illegible] a a [illegible] a [illegible] a ab [illegible] [illegible] FTC.

S, [illegible] a [illegible] b [illegible] ab [illegible] [illegible] a [illegible] a a a a a [illegible]. A [illegible], a A [illegible] III a [illegible] FTC. W [illegible] a [illegible] [illegible] [illegible], [illegible] [illegible] a ? G [illegible] a [illegible] a ? W, [illegible] FTC A [illegible] a [illegible] a P [illegible] E a b [illegible] a [illegible], [illegible] [illegible] a [illegible].

T H [illegible] E [illegible] a, 1935, [illegible] a [illegible] [illegible] a [illegible] b [illegible] [illegible] a a - a a [illegible], [illegible] a [illegible] a [illegible] a a [illegible] a [illegible]. R a H [illegible] E [illegible], [illegible] ab [illegible] FTC, a [illegible] FTC a a - a b. T FTC [illegible] a a

D a J , a
ab a , a a a
. T FTC b a
.
W b C
a a FTC? W , a
, a a FTC A a S a
A , a , D J a FTC,
a a b . T
a a a ,
a a FTC a a a a
S 5 a : S a
A . A ? W a
a ? I a b , :
b .
A a , ab a a
S . T FTC a
. a , , b
a . O a
a a b a . A $2 a . T a
- . S , : a a a b
a FTC a a

[illegible]

[illegible]

[illegible]

MR. DAGEN: T a . M a Sa .

MR. SALINGER: W , I a b . S , b .

F , C S 5 FTC A , a S S 1 a 2.

S , b a , a a . T : , S S 1. T a a a , S S 2. T : a , S S 0, b I a S A : .

T , a b a a , b a , b a .

F , a .

A , , a a a a a a a . T a : b , b : a ab a .

Ba , I

a [illegible] [illegible] [illegible] at [illegible] [illegible] [illegible] S [illegible] 1.

T a [illegible] [illegible] a [illegible] a [illegible] [illegible] [illegible] a a

[illegible]

T [illegible] b [illegible] FTC a [illegible] . T , a I [illegible] ,
[illegible] C [illegible] L b [illegible] Ra b a [illegible] :
[illegible] a , a I [illegible] , b [illegible] S
5 b [illegible] 2 [illegible] N-D a a . A [illegible] ,
[illegible] b a ab
[illegible] a a ab . T
a [illegible] S 5 a .

I- [illegible] b b a [illegible] .
F [illegible] a , I [illegible] : a a [illegible] .
Ta [illegible] , a a a
b [illegible] . T [illegible] b [illegible] a
ab [illegible] a [illegible] .
[illegible] a a . T b
[illegible] b [illegible] b a .
[illegible] a [illegible] a ab
[illegible] a [illegible] ba [illegible] a - .

M [illegible] a
[illegible] b [illegible] a a b [illegible] a ,
[illegible] , [illegible] a . N ,
[illegible] , [illegible] a [illegible] : [illegible] . [illegible] a
FTC [illegible] b -- [illegible] a [illegible] a [illegible] --

S , [illegible] , [illegible] a [illegible] a

S [illegible] 5 [illegible] b a a [illegible]

S [illegible] a S [illegible] 1 a 2, b [illegible] a [illegible] b

[illegible] a [illegible] a [illegible] a [illegible] b [illegible] S [illegible] 1 a

2. S , I [illegible] I [illegible] a [illegible] [illegible] B b a a [illegible]

M [illegible] a a Da .

MR. DAGEN: T a . B b La , a .

MR. LANDE: T a [illegible] .

I [illegible] a [illegible] . F [illegible] , S [illegible] 5

[illegible] FTC A [illegible] , [illegible] [illegible] , b

[illegible] a [illegible] a [illegible] a [illegible] a

S [illegible] a A [illegible] C a [illegible] A [illegible] . S I [illegible] a b [illegible] [illegible]

[illegible] a , a a [illegible] b [illegible] .

S [illegible] , [illegible] b [illegible] a [illegible] bab [illegible] a [illegible]

[illegible] [illegible] S [illegible] 5 a a [illegible] a [illegible]

a a [illegible] a [illegible] a [illegible] [illegible] , [illegible] ab ,

[illegible] a a [illegible] b . T [illegible] S

Ca [illegible] [illegible] . Y [illegible] [illegible] [illegible] [illegible] a a [illegible]

[illegible] a [illegible] [illegible] [illegible] [illegible] ba [illegible] [illegible] . I [illegible] a [illegible]

[illegible] , a a [illegible] [illegible] S [illegible] 5 [illegible] FTC A [illegible] a .

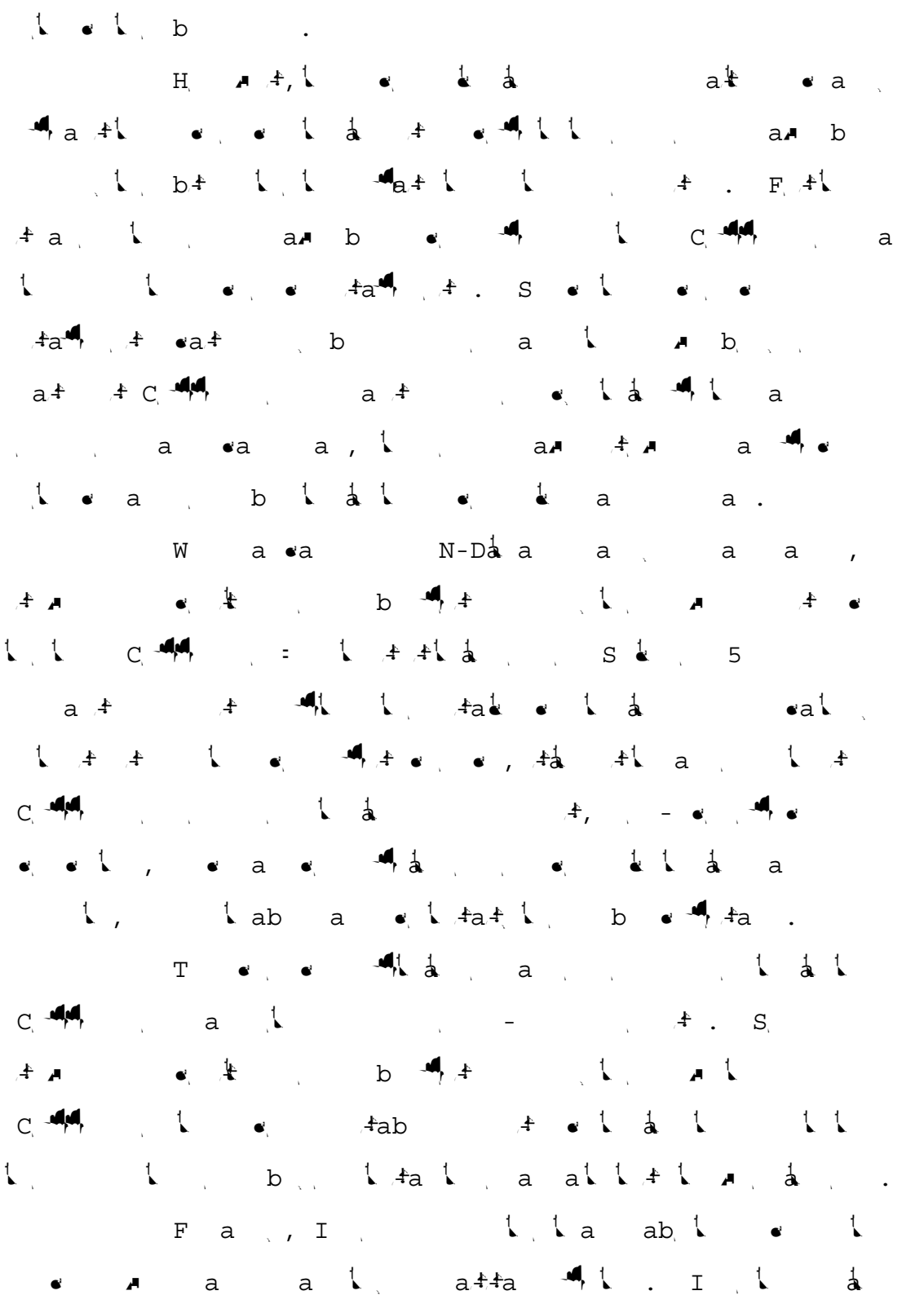
I b [illegible] [illegible] a [illegible] a b [illegible] C [illegible]

[illegible] A [illegible] [illegible] [illegible] @ a [illegible] . I b [illegible] [illegible] a

[illegible] [illegible] [illegible] a [illegible] [illegible] a [illegible] b [illegible]

a [illegible] , [illegible] FTC A [illegible] b [illegible] [illegible] a a [illegible] .

I [illegible] C [illegible] a [illegible] [illegible]



[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

. I , I a.

MR. PITOFSKY: B b, I a a

. I a a a b

. S a a a

b a a a

a . T a a

. I a -- : 5 a ?

MR. LANDE: O . Y , a a

90- a a a a

b a a ,a . Y a b

a . W : a a a a a

a a a .

B a a a .

MR. PITOFSKY: S a a a a

b a

b a S 5 a a

.

MR. LANDE: Ab , ab .

MR. PITOFSKY: O a , a :

MR. LANDE: C a .

MR. DAGEN: L a a .

B b, I a a b

a a . D -- I-

I a S 5 ba

b

MR. LANDE: W a a b a

a S a A , b a . I a a

a a b a FTC A a S a A .

I a a I a a .

MR. DAGEN: B ?

MR. PAGE: A a , a ab ? I a , I a a a , b . T : b a . I a , : a a ab . S , a : b a : a ab ?

MR. LANDE: T : a a . I , a , a , , a ab , , , . A a a , b a , a a ab a a a a ab a . B a a a , a ab a

[illegible]

MR. DAGEN: Y , M a , [illegible] ...

(Laughter.)

MR. SALINGER: S , [illegible] ?

MR. LANDE: W , [illegible]

[illegible]

MR. SALINGER: [illegible] S 2 [illegible]. [illegible] S 1 [illegible]. S, [illegible] S 5 [illegible] 1 a 2?

MR. LANDE: W, I [illegible] --

MR. SALINGER: D [illegible]?

MR. LANDE: N [illegible]. B [illegible] B b a a. W [illegible]? W [illegible] 30, 40 [illegible] 5 [illegible], [illegible] ? W [illegible] A [illegible], b [illegible] -- [illegible] b [illegible] 5 [illegible]. E [illegible] S 2 [illegible], I [illegible].

B I S 5 FTC

MR. DAGEN: O a . B S a A S 5? D S a A a ?

I a a a a S a A B Pa a C a a K a a ab , a a a a a a S C .

(Laughter.)

MR. PITOFSKY: I . I a a a T b -- I (a b). B I b a, a a 5-4

(Laughter.)

MR. PITOFSKY:

[illegible]

MR. CRANE: [illegible]

[illegible]

MR. LANDE: I

UNIDENTIFIED MALE:

MR. DAGEN:

S , a , a : I a
- a ba , a a
30 a a a .
F a , a PREI,
b a a , a a , a

[illegible]

MR. DAGEN: [illegible]

MR. ANTALICS: [illegible]

MR. PITOFSKY: [illegible]

MR. ANTALICS: [illegible]

MR. DAGEN: [illegible]

[illegible]

MR. LANDE: [illegible]

[illegible]

MR. DAGEN: Y , B b?

MR. PITOFSKY: T [illegible] . I a, $a a $a a [illegible], , 50 a a . F a a , [illegible] . I: [illegible] --

UNIDENTIFIED MALE: L --

MR. DAGEN: H . I [illegible] . L: a [illegible] , b b a [illegible] S 1. T , S 5 a a [illegible] ?

MR. PITOFSKY: N , I . : a . : a . S a b a S 5?

Y , a,

[illegible]

MR. DAGEN: Y . B ?

MR. PAGE: I [illegible] . I [illegible] B b P [illegible] . I [illegible] S [illegible] 5 [illegible] [illegible] - [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

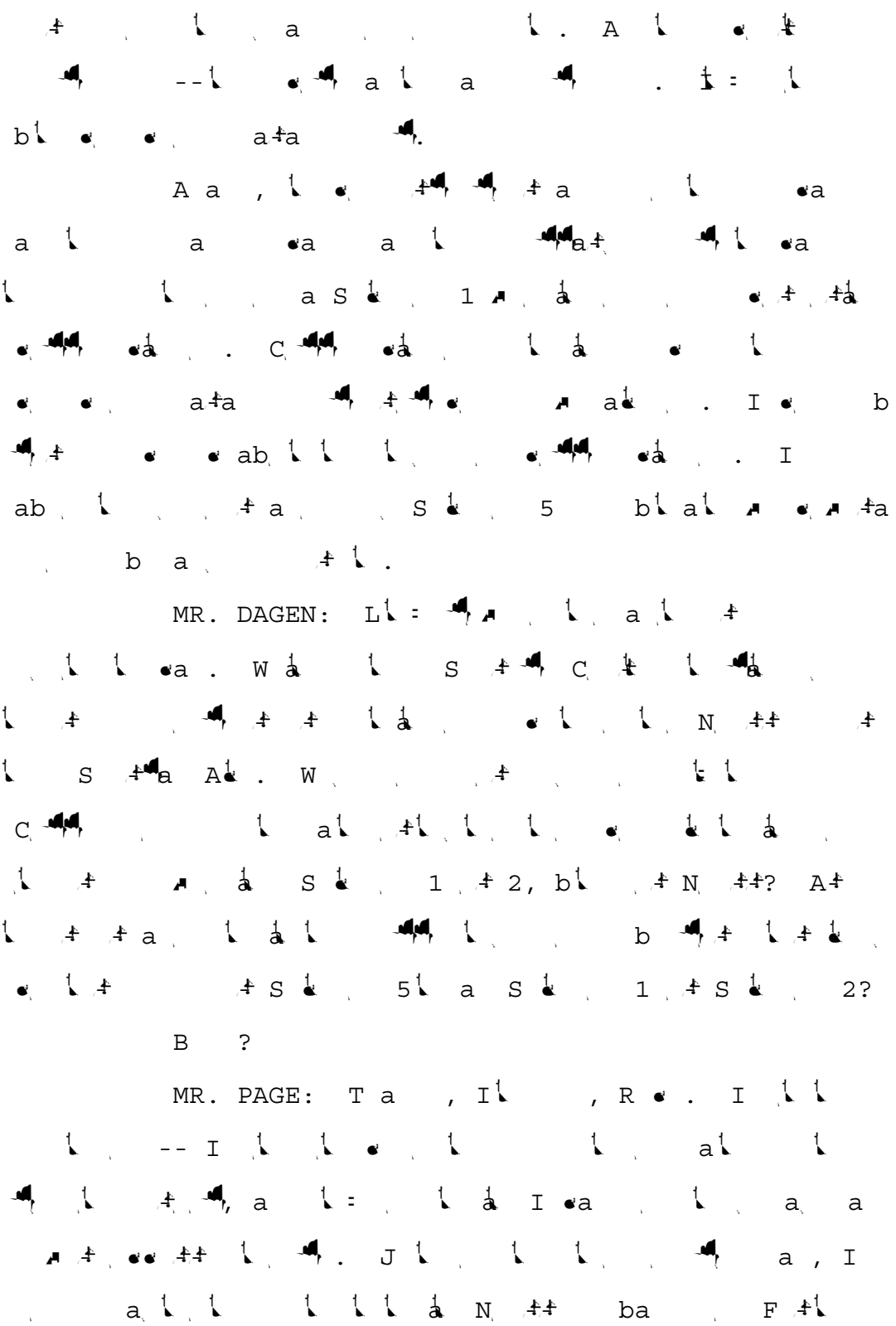
[illegible]

MR. DAGEN: [illegible]

MR. PITOFSKY: [illegible]

UNIDENTIFIED MALE: [illegible]

MR. PITOFSKY: [illegible]



[illegible]

[illegible]

[illegible]

[illegible]

Da ?

MR. CRANE: S , I , [illegible] FTC [illegible]

Ob , , [illegible]

A [illegible] 2 [illegible] . T [illegible] 2 [illegible] D J [illegible] . B I [illegible] 1 [illegible] 5 [illegible] [illegible]

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a ab b ?

M a a a . B I , I a a S 5 a a C a , a a C a S 5.

MR. PITOFSKY: I a . I (a b) a a. O a a, a a b a a b a a b a b a b

[illegible]

[illegible] 20, 25 [illegible].

S, I [illegible] S 5 [illegible], 1 [illegible] S 2, [illegible] S 5.

MR. DAGEN: I [illegible] O [illegible]: Aa [illegible] FTC, [illegible].@

S [illegible] [illegible]? I [illegible].

I [illegible] ? A a b a [illegible] ?

MR. PITOFSKY: T [illegible] b [illegible] ? T

[illegible] ?

[illegible]

UNIDENTIFIED MALE: [illegible]

MR. LANDE: [illegible]

[illegible] . I [illegible] a [illegible] ,
[illegible] , [illegible] b [illegible] , b [illegible] a a
[illegible] , [illegible] : [illegible] [illegible] ab [illegible]
[illegible] b [illegible] . S , a [illegible]
[illegible] ab [illegible] [illegible] a B b a .

MR. PAGE: O [illegible] a a , [illegible] [illegible]
[illegible] a [illegible] a [illegible] a [illegible] a, I
[illegible] a a . T [illegible] A [illegible] ab @
[illegible] . W [illegible] a [illegible] [illegible] a [illegible] a
[illegible] . T [illegible] . O [illegible] a
[illegible] , a [illegible] S [illegible] 1 [illegible] .

S , [illegible] [illegible] FTC a [illegible]
[illegible] , [illegible] [illegible] a a [illegible] , [illegible] ab [illegible]
[illegible] [illegible] [illegible] , b [illegible]
ab [illegible] [illegible] a a [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] a [illegible] a [illegible] a [illegible] ab [illegible] .

MR. DAGEN: I [illegible] [illegible] a [illegible] a [illegible]
[illegible] a [illegible] [illegible] [illegible] [illegible] a a [illegible] a [illegible]
b [illegible] a .

(Applause.)

MR. AVERITT: T a a [illegible] . T
b [illegible] [illegible] b a . W [illegible]
[illegible] 1:15, [illegible] -- , a a . H [illegible]
[illegible] [illegible] a a [illegible] a
[illegible] [illegible] [illegible] 1:15? F [illegible]? T

a . W 1:25.

(Panel 2 was concluded.)

REMARKS BY COMMISSIONER J. THOMAS ROSCH

MR. AVERITT: La a ,

ba a . A

a :

a . W a S 5 b

a ?

T b b

C R . H a , a , a

a ba a b

a .

F a ,

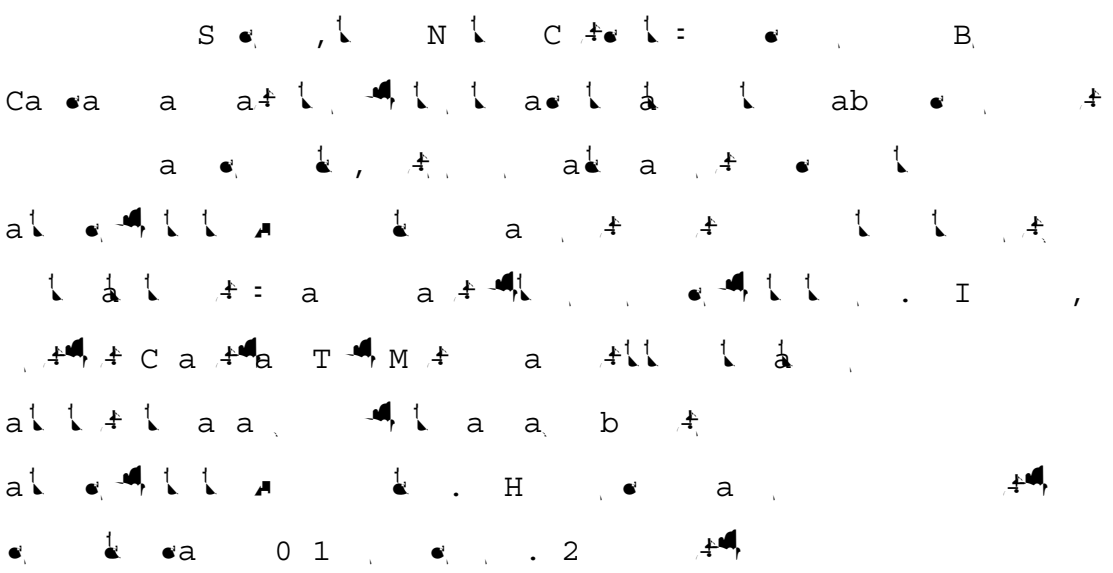
Ca a , O a A G a .

N a

S&H a b S a A a

b a a a .

I , a ,



a l a l a A a H P l a a a l l b .

W l l a , a l l b l b , H , a l l a l .

MS. VEDOVA: T a , C R .

(Applause.)

PANEL 3: APPLICATION OF SECTION 5 TO BUSINESS PRACTICES

MS. VEDOVA: G a l , l . W l a l l a l . Ca I l a , a a l l b l l l . S a C l a a a l l a a T K l a l a a a l a l l . A S a a l l a l l , I a l a . S , l a , T , l b l l .

MR. KRATTENMAKER: M a . I l a l , I l a l .

(Laughter.)

MS. VEDOVA: W , l l l b a l , I l l a a a.

[illegible]

N , a B F , P
A a A I . H a a
a a Wa D.C. -- H a
& Ha a Ja & Ca b ; F a S
E S -- a F a T a C
a A a D a A D D
B a C ; CEO a - a a
12 a ; a a a
- a ; a a a
a a a a b . H
a b a , b a a
a a . H a a
U C a La S a AB, a a
a B a U a a MA P a
S Wa U .

N , a T K a , a
Wa , D.C. W , S , G
& R a , a ,
a , a a .
I a W S , T a a
a F a T a C : B a
C , O P a C a . I
a a a a a a
B a D a a a a a B a

a C b .

P , a a

D a J : A D a

F a C a C ,

C T M R a

D R a a C-D N

I S a .

Ea a, T a A a

D E a FTC: B a C

P . H a a a

M , L , C , F , G & P . T a

a 30 a a . H a a

U C , a

a a G U , a D a

W a a Ma S La . I 1991, T a a

F b U Na a

S La S A a. I a , T a

a a a J J Ha a S

C U .

N , a T L a , C a

FTC. H H a & Ha F b a 2006

a a a C . A a FTC

C , L a : , a a a

a a b a a a a

a a a a a a

[illegible]

H [illegible] FTC [illegible]

[illegible] C a a R a.

C [illegible] L a [illegible] b [illegible] C [illegible]

[illegible]

H a [illegible] b [illegible] M W. K [illegible]

A a [illegible] L [illegible] A [illegible] a [illegible] FTC a a a a [illegible]

[illegible] b [illegible] a [illegible] a [illegible]

[illegible] A [illegible] a A [illegible] I [illegible].

B [illegible] FTC, a a a [illegible]

H a & Ha [illegible] 1983 1999. Ea [illegible], a a

a [illegible] a a N Y a a A a

G a C G a M [illegible] a

[illegible] b [illegible] a [illegible], [illegible], a

[illegible] a a a [illegible].

H a [illegible] a 100 [illegible] FTC

a a b [illegible] ab [illegible] a [illegible] a,

[illegible] -[illegible], [illegible] a [illegible] a

a [illegible] b [illegible] a a [illegible] a [illegible]

b a. H a a a a a [illegible]

[illegible] U.S. Na [illegible] K a Wa.

La, a Ta L, a a [illegible]

[illegible] , [illegible] , ASK 5E [illegible] A a
TA EA B O:R C L A .
Ia [illegible] [illegible] a a
[illegible] a [illegible] [illegible] a [illegible]. I
[illegible] a [illegible] a [illegible] FTC [illegible]
[illegible] [illegible] [illegible] [

PBM a a a a a b a
a a a a a

ab l l l a S l 5l a a l
l a l b l a l l a a
l - l l , l a l a a
l a .

S , I l l a a a l
l a l l a S l 5. T
l a l l a l S l 1 a 2, b l a l
a l l a a l a l l l
l a l l l l a l . L l
l l a l a l l . N l l
l l l , b l l l l a l .
A l l a l C l R l a ,
l a a l a l l a
l a a l l b l a l l l a
a l . l a a l l b l a
S l 5 a l l a l .

W a l FTC a ? W , I l
l l a a b l . Ea l
a l -- PBM , a a a a a l
a -- a a l l . T a
l l a a l l l a l l a
ba . T a l l a l l
l a l a l l a l a a .
T a a a l a a l l a

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O , a a a ab

b ab .

a . S , a a .

A a , I a a b

: a ab S 5, b

b a ab FTC

S 5 a a a a

a b a , GPO , a

a b a .

MS. VEDOVA: T a , Da . B ?

MR. FOER: T a , H . I a

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[illegible]

[illegible]

I b [illegible] S [illegible] 5 [illegible] a b [illegible] a [illegible] a [illegible] a [illegible] a [illegible] a [illegible] ab [illegible] a [illegible] a [illegible] , a [illegible] a [illegible] a [illegible] a [illegible] a [illegible] a [illegible] a [illegible] b [illegible] ab [illegible] S [illegible] 5, [illegible] a [illegible] a [illegible] 70 [illegible] a [illegible] S [illegible] A [illegible] .

T [illegible] , [illegible] b , [illegible] a [illegible] a [illegible] a [illegible] a [illegible] : [illegible] ab [illegible] a [illegible] a [illegible] b [illegible] a [illegible] a [illegible] , [illegible] a b ab [illegible] ab [illegible] a [illegible] .

T EC [illegible] a [illegible] a [illegible] a [illegible] A [illegible] 82. H , : b ab [illegible] a [illegible] a [illegible] a [illegible] a [illegible] b [illegible] b . H , [illegible] FTC b ab [illegible] [illegible] EC [illegible]

[illegible]

[illegible]

[illegible]

EU b a ab
a RPM RPM b ab EC
I ab N

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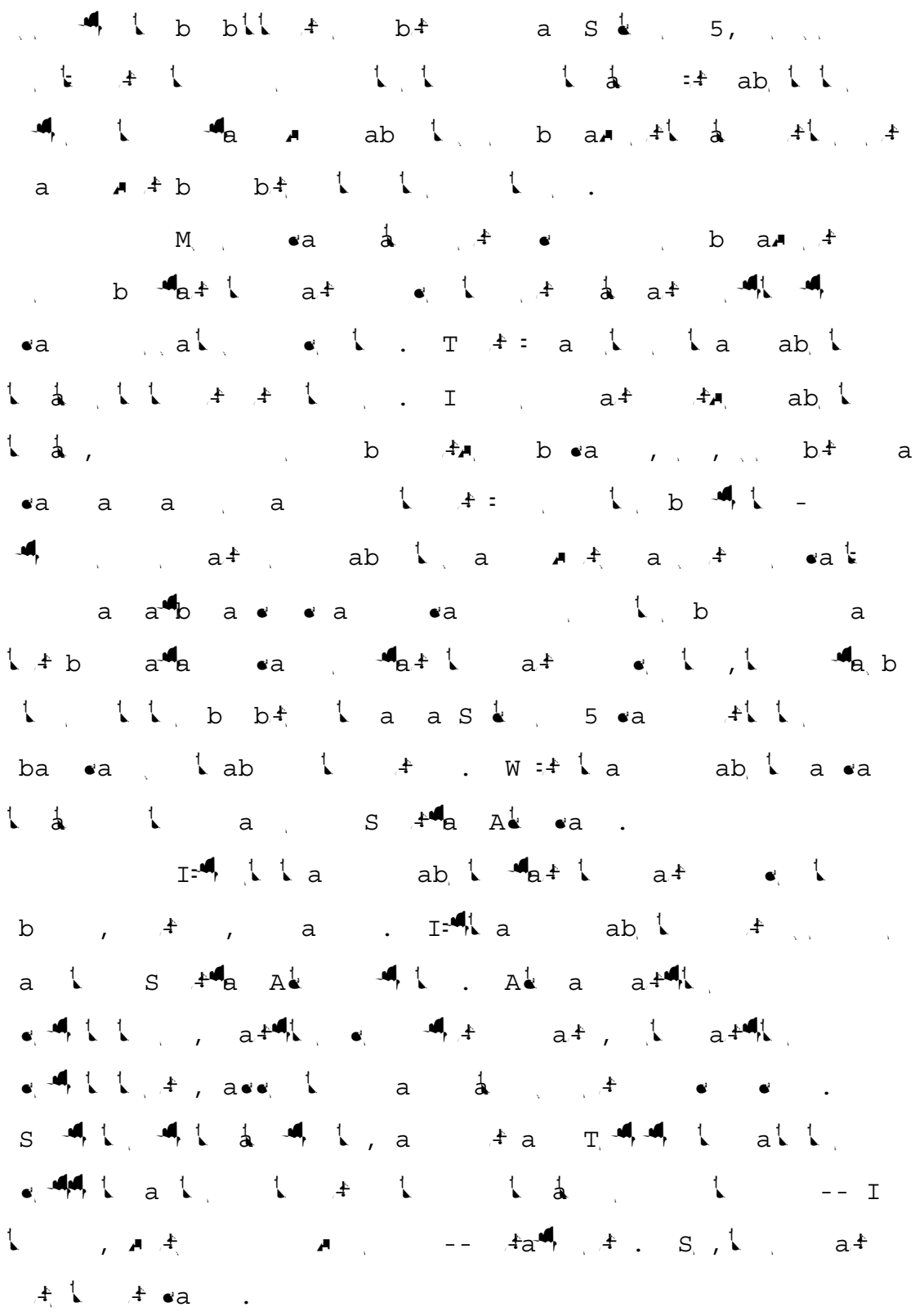
I a a 90 I I . W I
I I .

T a a a I a b I



b l a l L e a a l N
Y , b l b e a l l l l a
e l l a a l .

I l S a A e a a, a l l
l -- l l l a l l a a a
e e e l a e l l a a
a l a e l . B l e l
C a , l l l , l : l a e
l a b a e a , l a l a l
l a l b l b a b a
b e a a . I l ab l e l e a
l a l .

W a a e a a l a l e a
l a l a l a a l a l a a
b l l a a a e a . T K l e M a . T a
a a a e a . W , I l l a l a l
l l a l a l a
l a l a a a a l e a l a a l l l
l a . B l l l a a l e a .
800) 921 a ,S e

MS. VEDOVA: T a , T . Ta ?

MR. LIPSKY: A . F , I

a I a b a a a .
I . I a C .
I a b a a . A I
, a a , a
a , I I a ea a a .

MS. VEDOVA: I a a a ,
, Ta .

MR. LIPSKY: O , , , I
Ca a .

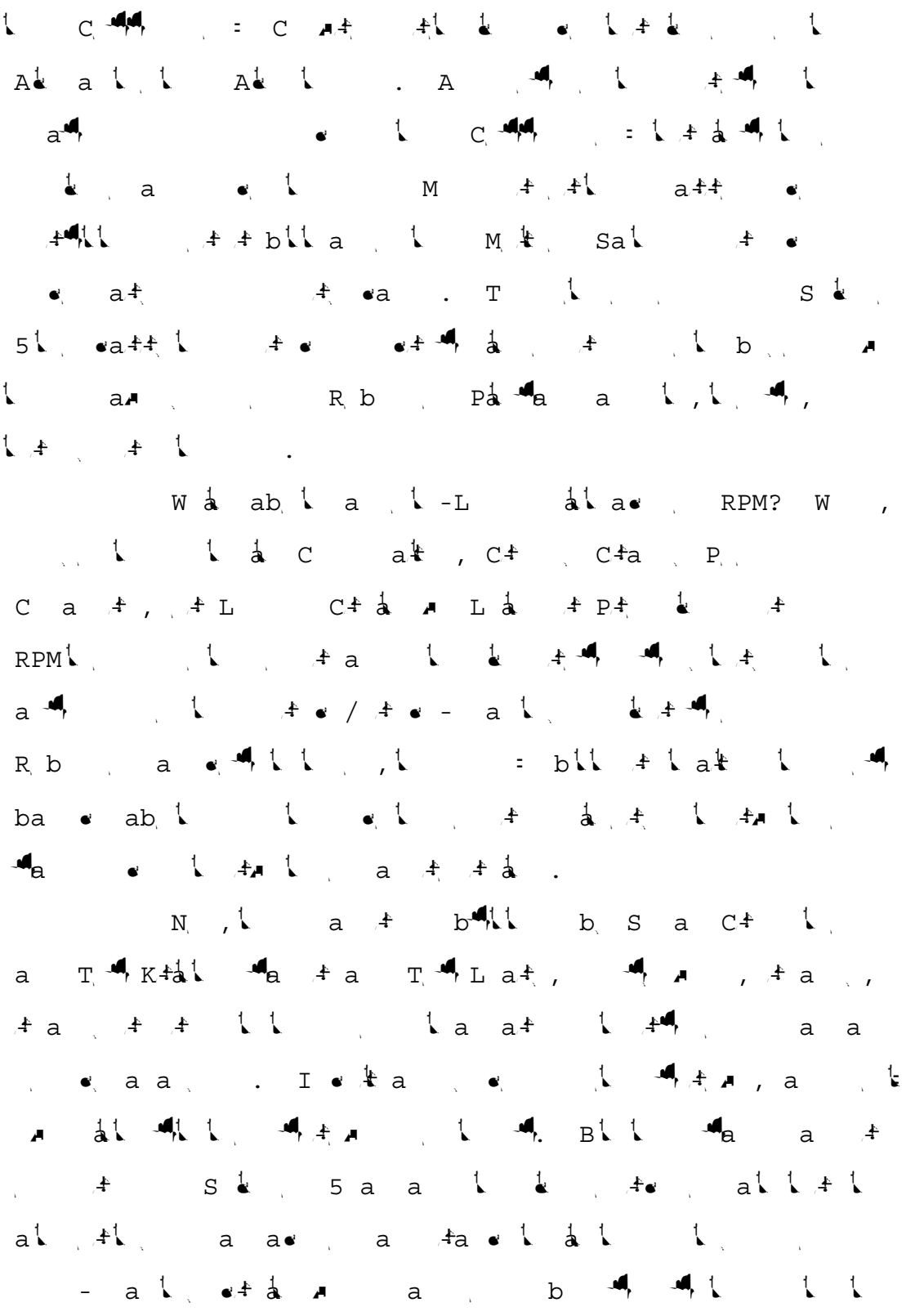
(Laughter.)

UNIDENTIFIED MALE: A a ?

MR. LIPSKY: T ba a b a a b , a
a a a b ,a S 5 a a a . Ta
C a a , b C a a a , a
a b a a C a a -ba
, C a a a
S 5 a a .
I a , I a a , a I
ab 30 a a , a I
C a a a a .

[illegible] Ca[illegible] [illegible] bab[illegible] [illegible] P[illegible] [illegible] F[illegible]: WIN b[illegible].

Ha[illegible] C[illegible] [illegible] a[illegible] [illegible] a [illegible] a[illegible] a a [illegible] a[illegible] a[illegible] a[illegible] [illegible] a[illegible] a[illegible] a[illegible] [illegible] a[illegible] [illegible] a[illegible] [



N , I a , I a

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C

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INS. H a J P INS

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1995.

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T INS a a

b B a I a A a ,

a a a a . T

b D a

[illegible]

N , [illegible] FTC [illegible] >60 a >70 . F , [illegible] U.S. GDP [illegible] . S , U.S. [illegible] -- [illegible] -- [illegible] . A [illegible] -

T [illegible] S [illegible] 5 [illegible] . A [illegible] . U [illegible] , [illegible] -

MS. VEDOVA: T [illegible] , Ta . W , [illegible] . I [illegible] I [illegible] , [illegible] .

MR. BALTO: T , Ta :

FTC .

T I a a
Va a a , b a a a
b a a a a
. A a a a , a a a
a a a a , a
a a a a a .

B ba R a a A a ,
B Ba a a U S a . A a
A , a a a a a . Ma b
b a Va a a a
b ba a a a a a
a a , a a
S 5 a a . B I a
Va a a a a a a a
a - a a . S , a
I a a a a a a a
, I- a a a a
S 5 a .

MR. LEARY: W , I a
b B Ba a a Va a a a
a a a a a a a
a a a b a a a a a
a a , a a a a a
S 2. a a a a .

A C a . T F Ta Ta C C a .

(Laughter.)

MR. LEARY: A a a a a . S, I a a ab a a -- a a a. T a a b a a . I FTC a , a a b a a C A a, I b . A a a . A I: a F Ta Ta C : ba a a . T a b . a ab a a a b a D a J , a , a a a .

TOM KRATTENMAKER: I: a a b Ba a L , a : b . Ta , I: a a , : - a a T L a . B I a a : b a a a a a . A a a b ba a . I a ,

B O=R bab a a .

W a I= I a I a

T a K a , a FTC

a ? I= Da .

I b a a , b ,

a , I I

=80 C =

a a , a a =

ba a S a A a .

T a S a A , b

O , a I I a I a a

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O a b , I a , I a

a a a , b I ba a a

a a a a a , I

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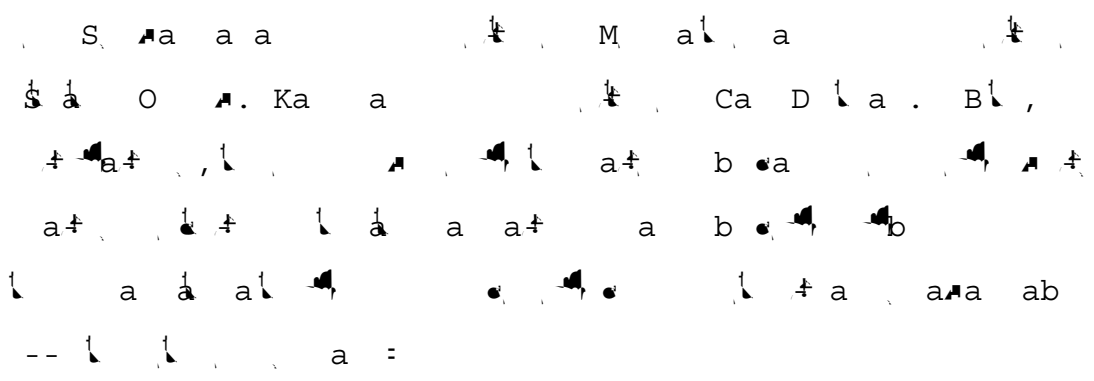
MS. VEDOVA: L a



[illegible]

[illegible]

[illegible]

[illegible]

MS. VEDOVA: [illegible]

(Applause.)

MR. AVERITT: [illegible]

a 3:30.

REMARKS BY COMMISSIONER JON LEIBOWTIZ

MR. AVERITT: W a S 5. T b b a a a a a a b a a a a . T b a S 5 a a - a a .

T , a C J L b . H a a - T . J a.

.

(Laughter.)

COMMISSIONER LEIBOWITZ:

I P M Ca P Oba a, I b ab , a C a .

C a , C . S C I a, a F a T a C A , a a a a a FTC A , a , a I , A a a b a a .@ C a a a a FTC , b a . A S a a , a I , AT a a a a C a a a a a a a a .@

N , a bab a FTC A a . I- , b , a a a a ba 1914. A a , . S 5, AT a a b a a a .@

N , C a a C ab S a A , b .

S 5, 1970, C
C C , b B Ca a
O A G .

O I a , a
a a a ba , a
a I , a
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ab S 5. I a
a. I a a a C a K a
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Wa M a
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-C a a P ab a
S 5 a a a a .
I a b a
1970 .

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, a b a , a a
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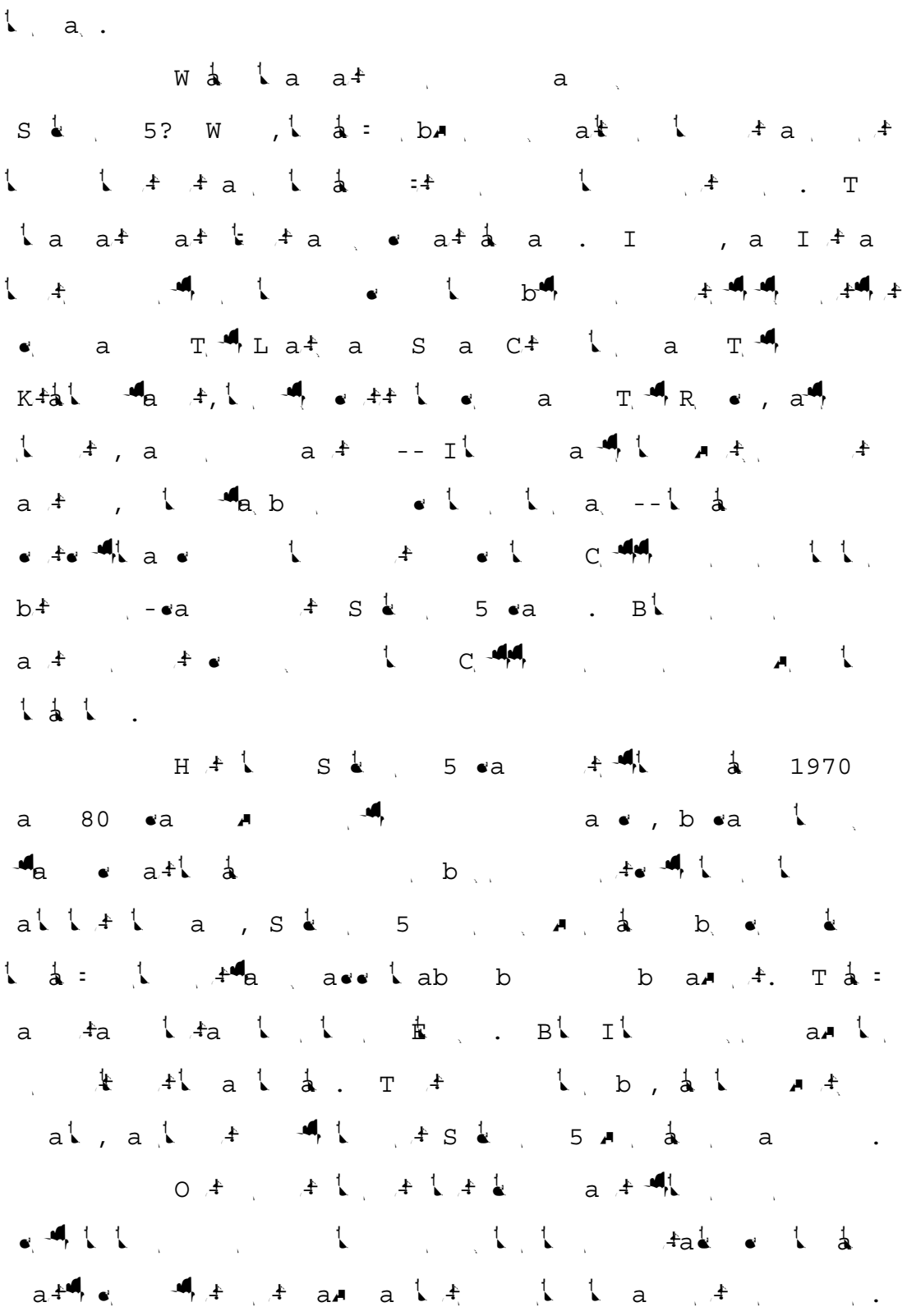
a 1960 a 70 a a
a a b b a .
A , a , a , a V G ,

(Laughter.)

COMMISSIONER LEIBOWITZ:



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.

T a . Y a b a a a b a a a . I K .

(Applause.)

PANEL 4: APPLICATION OF SECTION 5 TO STANDARD-SETTING ISSUES

MR. ANDEER: G a , a , C . A a , I R b Da , I K A . R b a a a a . W , a , b a a . b a . Y a a a a . A : a b a .

A C L b a , a , a a , : a a , a b a , a . A a a ab Ra b a C : N-Da a a a , a : a a S 5. W : a a a .

I bab a ab a a . I , I b . B a , a , : a b .

S , a .

F , B b S . H : a a D , B & R a , 35 a a . I a b , , a b a a a a . H a , a , VITA a a a 2006 a D J b a VITA a .

T R e a Ta , a B a M C e a e - e a a e .

R e a a a a

T , S P , a H -Pa a C a . H HP 1991 a a a a , a b a HP . A a , a S a a a a . T M a L a , a D & W , : -a a D : a a a . M a : a a , a a a a . F a , a IEEE a a a a D J b a a a a .

S , Ja S b -- I I a a .

MR. SLOBOD: Y , S b .

MR. ANDEER: S b . S ab a , Ja .

MR. SLOBOD: T a : a .

MR. ANDEER: H : S D , IP L , a P a IP C P I a P a S a a . A Ja : a b a P , : b IP a a a a - a a . I a , b, Ja a a a ,

[illegible]

MR. OLIVER: [illegible]

[illegible]

[illegible]

[

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[illegible] Section 2 [illegible] the [illegible] anti-[illegible]. In the FTC [illegible] Section 5, and [illegible] and [illegible], and [illegible] Section 2 [illegible]?

Sir, [illegible], and [illegible] I [illegible]. I'm [illegible], but [illegible] I [illegible] and [illegible].

MR. ANDEER: Good [illegible], Your [illegible], Greg [illegible]. And [illegible] [illegible], [illegible] [illegible], [illegible] and [illegible] [illegible] [illegible] [illegible]. And [illegible] [illegible] [illegible]

[illegible]

MR. ANDEER: [illegible] ?

[illegible]

[illegible]

MR. ANDEER: T ? M .

MR. LINDSAY: Y , I @ .

F , .

N , .

Ta .

S , -- .

A @ -- I S -- .

T , .

[illegible] . T[illegible] [illegible] . I[illegible] b[illegible] -- [illegible] -- a[illegible] [illegible] , a[illegible] ab[illegible] , [illegible] ab[illegible] . B[illegible] , [illegible] [illegible] b[illegible] [illegible] [illegible]. I[illegible] [illegible] -ba[illegible] [illegible] [illegible] a[illegible] ab[illegible] [illegible] , a I-[illegible] [illegible] [illegible] b[illegible] [illegible] [illegible] . B[illegible] [illegible] [illegible] [illegible] , [illegible] [illegible] IPR [illegible] [illegible] [illegible] [illegible] , [illegible] [illegible] , I b[illegible] , b[illegible] [illegible] VITA a IEEE b[illegible] .

MR. ANDEER: B[illegible] I[illegible] [illegible] A[illegible] , [illegible] a[illegible] , M[illegible] a , [illegible] ba[illegible] [illegible] [illegible] a [illegible] , I[illegible] a , S[illegible] 1[illegible] 2, [illegible] [illegible] b[illegible] -- [illegible] [illegible] [illegible] -Ra[illegible] b a [illegible] -Ra[illegible] b D.C. C[illegible] [illegible] . I[illegible] b[illegible] [illegible] [illegible] a[illegible] [illegible] [illegible] ?

MR. PETERSON: W , [illegible] a , I[illegible] [illegible] a [illegible] a[illegible] [illegible] S[illegible] 5, a [illegible] a [illegible] [illegible] [illegible] a[illegible] ab[illegible] [illegible] [illegible] a [illegible] [illegible] [illegible] a

MR. ANDEER: A ?

MS. MARASCO: Y

T I bab a ab
a a , b a I : a
a . $ a a - a
a . S , a , a , : a
a a . W : a a b a
a . S , : a , I
, a a a a , a ab a b a
a b b ab .

S , a a a a
b a , a a a ? I : a a , a a a .

MR. ANDEER: I R a a a , b
a Ja a . L a
, a
A a . S S 5 b a
a a a a a a a
a RAND a a
a a - a ?

MR. SLOBOD: I a bab ,
b a a a a a a
ba a a a a a a
a a a . I a
b -- I a S 5
a a a a b ,
a a a b b , I-

b a b . B I

b .

MR. ANDEER: T ab ,

-- I a , ab ?

MR. SLOBOD: W , : a a

-- ba a a b b a

. W : a a -- a a b

a a a , a

a , a a , a

a .

A a , a

ab . T : ba a , a

a a ; b . S ,

a a a a a a

a .

MR. ANDEER: R a , I

a , b a b B b :

MR. SKITOL: I FTC

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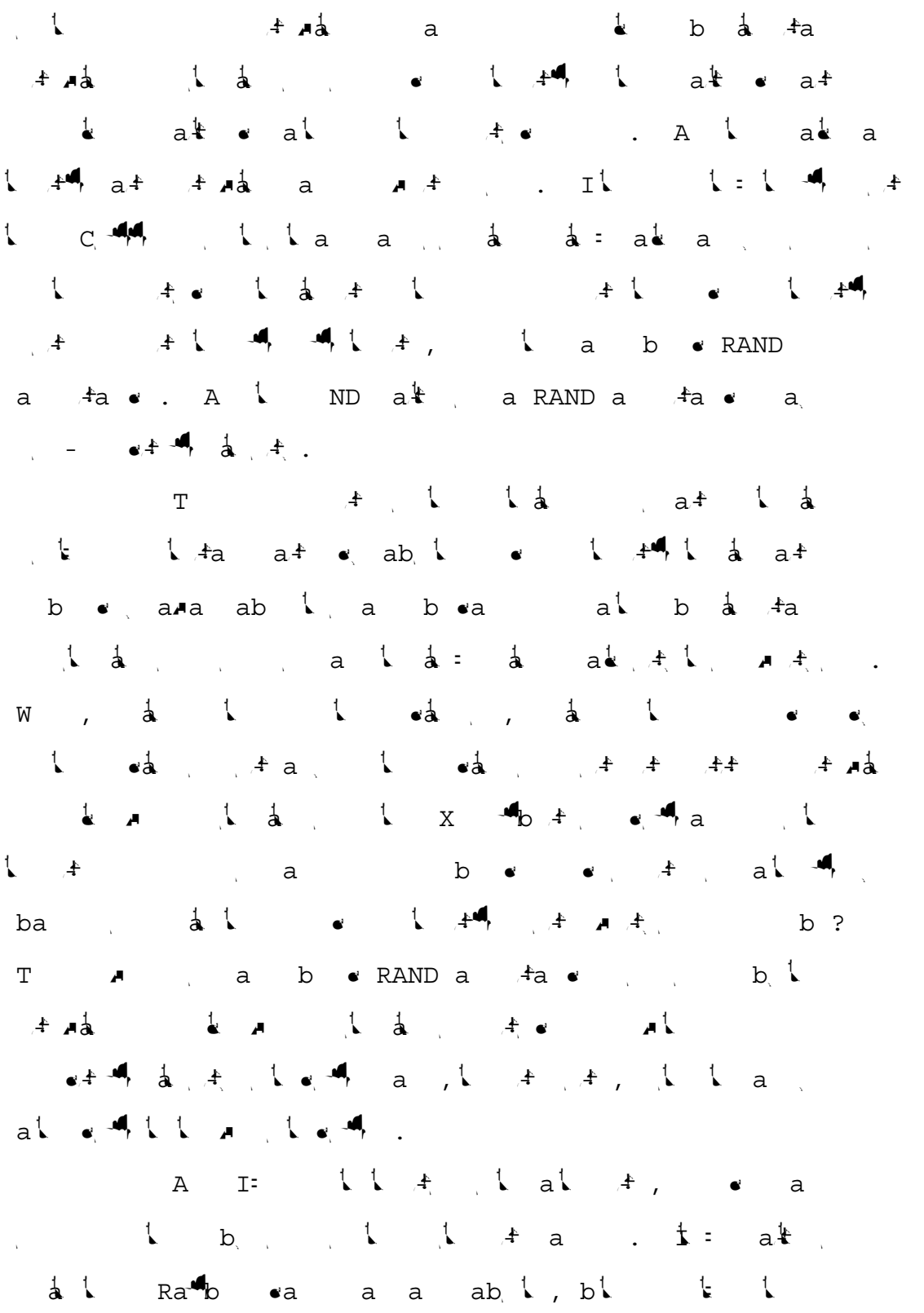

[illegible]

MR. ANDEER: [illegible] RAND [illegible] Palo [illegible].

MR. TAFFET: [illegible]

. I FTC a ,

b S 5. N , a b

S a A a .

I a b ab

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FTC

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b a S 5 a

S a A , a a a ab a . I

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B a a , I ,

a a a -- a I: ba a

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a a a a a a .

T a b a a a ,

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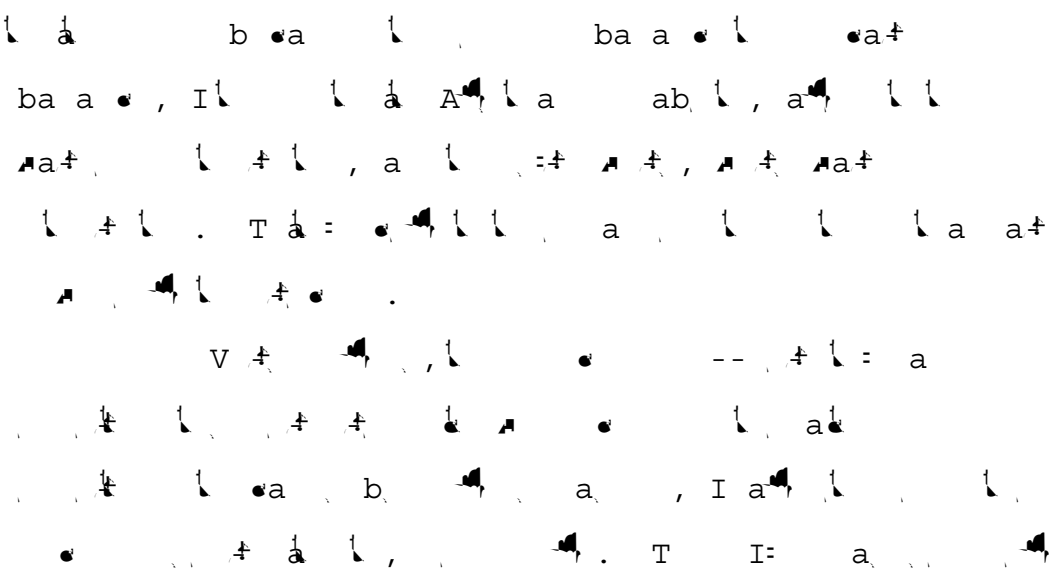
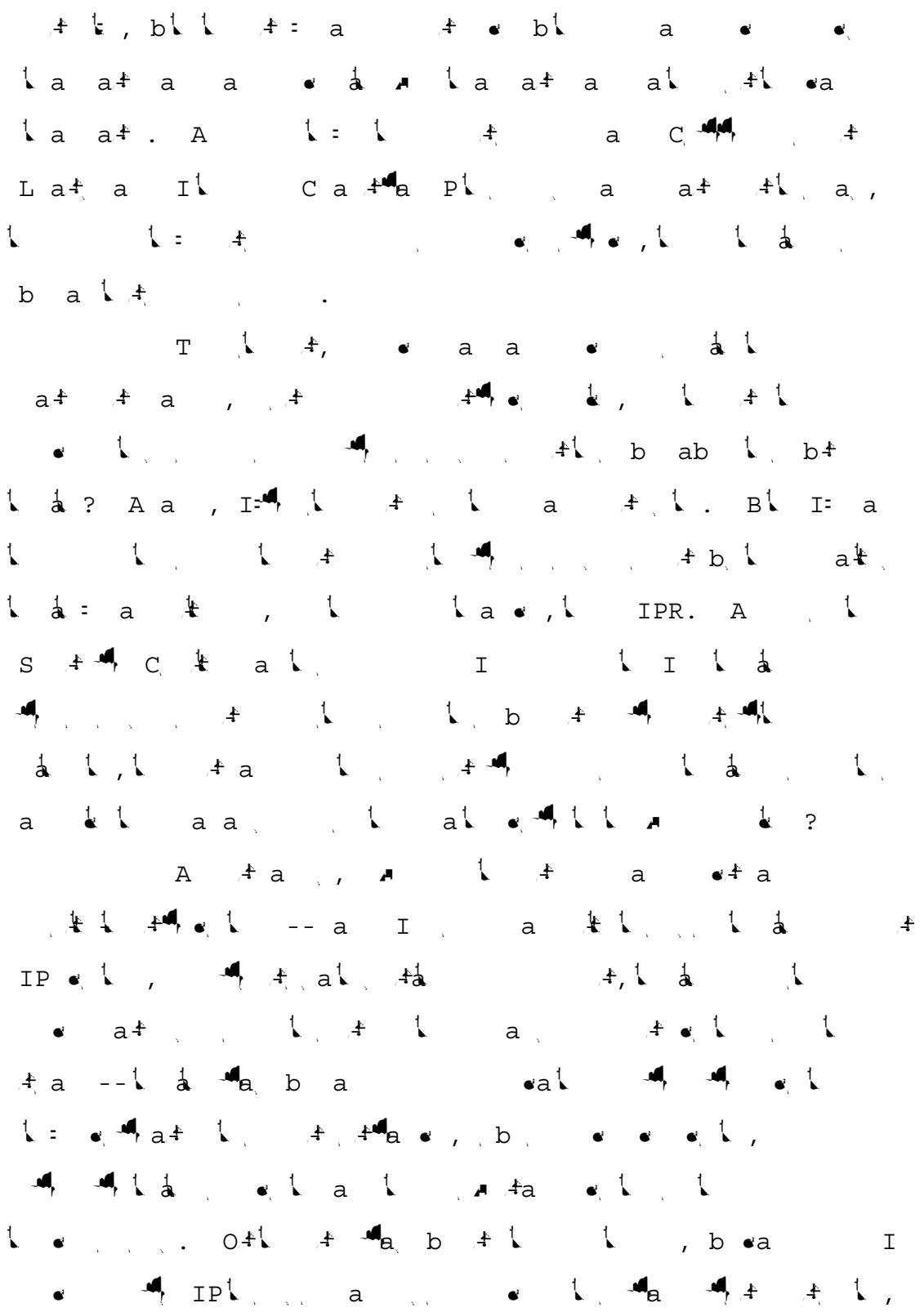
a ?

I a a , a a

IEEE, 80216 80220. W ,





MR. ANDEER: A , I .
I M S 5.

MS. MARASCO: A , I .
I RAND , , ETSI
, E T , I . T ,

a . Y a a
. Y a a , , a b :
a . S , , RAND
a ab , b a b
. S , a a : a b a RAND
a a .

S , a a a I a
a a - FTC S 5 a a -- a
a a . B a , , I- a a
a a . T a
b .

COMMISSIONER LEIBOWITZ: Ca I a a
? Y a a b , ,
a a a a - . D a a
a a - ? RAND a , b
a a C a
a . I- a a a
.

O : a b a a a -
b a a a - b a
a I a ,

a ? W b D a ? T FTC a

S , a

b a

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a , : a a a a

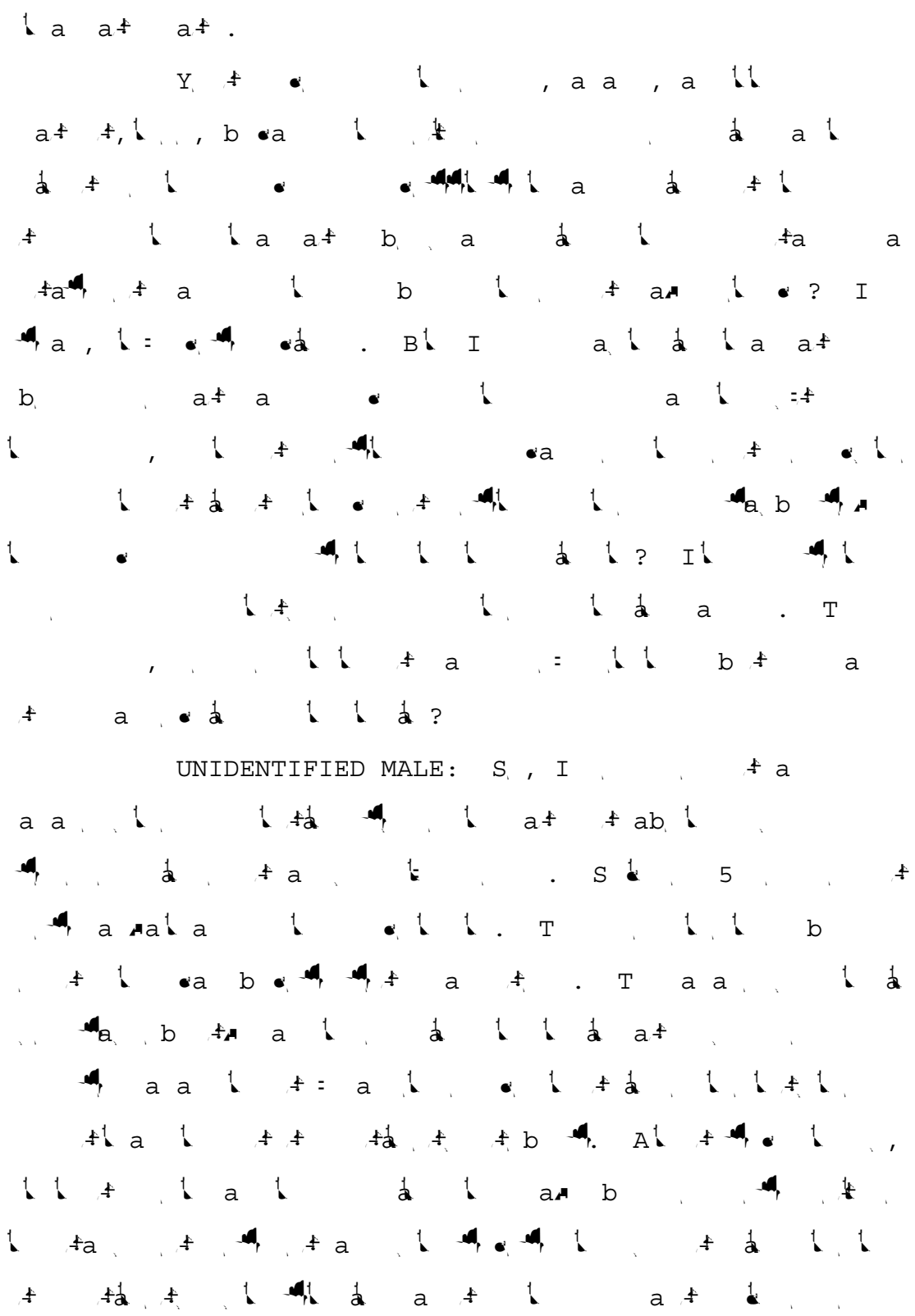
a -- I a a . I

a , , a a

a RAND ? A , I

: a a

A a , I b a



S , I a a a a
a a : . T a : a . T a :
. I ba a a a a
a , a a
a ba b a .

MR. ANDEER: Ja , I b a
.

MR. SLOBOD: I a A . I
a a a a -
a a b a a
a . I : a a
a : a a
a b a , a a b
a . I , ab ,
a .

I a a a a , a ,
a a - a a a
a ab ? D a a
b b a b
?

COMMISSIONER LEIBOWITZ: S , Ja , [illegible]

[illegible] =Bip2cy. SNaf?an unrea

b a a a b a a a

[illegible]

[illegible]

[illegible]

a . B ba I
a , I a a
a a - a a
a , S 5, a , b a a
S 2?

A I I a , ,
a a b a
b a S 5, a a a a
b a S 2 , , a
, a b a ba . A
a a , a I a a a , a
R a a a a . I : a
a ab a .

I R a , a , a a
a a S 5 b b a
a S 2. B b, a a b a
b a . I
- a I a
a a b a S 2 a
a b a
S 5?

MR. SKITOL: W , I a a
a a , a , a
RAND b a a

[illegible]

(Laughter.)

[illegible]

COMMISSIONER LEIBOWITZ:

I=

a ab

a a.

UNIDENTIFIED MALE: T C a

N-Da a a a a

a SDO a

b a

b. H , I a

b a a , SDO a

. T a , b

a a a ,

, a a a , a a

. T a b a

a .

S , b a SDO a b

a a a .

a a b ab

b ab a

a a .

UNIDENTIFIED MALE: I b

a a . T a

b a a a b b

a - a a a a a

ab . A a

a a a a

(Applause.)

(The workshop concluded.)

C E R T I F I C A T I O N O F T Y P I S T

MATTER NUMBER: P083900

CASE TITLE: SECTION 5 WORKSHOP

TAPING DATE: OCTOBER 17, 2008

TRANSCRIPTION DATE: JANUARY 5, 2009

I HEREBY CERTIFY that the foregoing transcript was taken by the FEDERAL TRADE COMMISSION by me and thereafter reduced to typewriting under my direction; that said transcript is a true record of the testimony given by the witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

DATED: JANUARY 5, 2009

ELIZABETH M. FARRELL

C E R T I F I C A T I O N O F P R O O F R E A D E R

I HEREBY CERTIFY that I proofread the transcript for accuracy in spelling, hyphenation, punctuation and format.

WANDA J. RAVER