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# Federal Trade Commission

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# **ABA ANTITRUST SECTION SPRING MEETING**

## *Summary of Bureau of Competition Activity Fiscal Year 2002 Through March 15, 2006*

### **I. Mergers**

#### **A. Consent Orders**

##### **Airgas, Inc.**

(Final Order December 18, 2001): Airgas, Inc., the nation's largest d

the biopharmaceutical markets for neutrophil (white blood cell) regeneration factors; tumor necrosis factor (TNF) inhibitors; and interleukin-1 (IL-1) inhibitors. The consent order requires the firms to sell all of Immunex's assets related to Leukine - a neutrophil regeneration factor - to Schering AG; license certain intellectual property rights to TNF inhibitors to Serono S.A.; and license certain intellectual property rights related to IL-1 inhibitors to Regeneron Pharmaceuticals Inc.

**Aspen Technology, Inc.**

(Final Order December 20, 2004) Under terms of a consent order, Aspen agreed to divest Hypotech's continuous process and batch process assets and Aspen's operator training software and service business to a Commission-approved buyer to settle charges in the complaint and resolve the administrative proceedings. The Commission issued an administrative complaint on August 6, 2003 that challenged Aspen's 2002 acquisition of Hypotech, Ltd. alleging that the acquisition eliminated a significant competitor in the provision of process engineering simulation software for industry. According to the com

**Cemex, S.A.**

(Final Order March 25, 2005): Cemex S.A. agreed to settle concerns stemming from its proposed \$5.8 billion acquisition of RMC Group PLC. The final consent order required Cemex to divest RMC's five ready-mix concrete plants in the Tucson, Arizona area, at no minimum price to a Commission-approved buyer.

**Cephalon, Inc.**

(Final Order September 20, 2004): The consent order settled charges that Cephalon's proposed acquisition of Cima Labs, Inc. would allow Cephalon to continue its monopoly in the United States market for drugs that eliminate or reduce the spike(r4 69 Tm(s propose5.eer )T1 Tf12 0 0 12 412.2619 598

**DaVita Inc.**

(Final Order November 18, 2005): The consent order resolves the competitive issues raised by DaVita's proposed \$3.1 billion purchase of rival outpatient dialysis clinic operator Gambro Healthcare Inc. from Gambro AB. Pursuant to the order, DaVita sold 69 dialysis clinics and ended two management services contracts in 35 markets across the United States within 10 days of consummating its purchase of Gambro. The Commission has approved Renal Advantage Inc. as the buyer of most of the clinics to be divested, and entered into an order to maintain assets with DaVita.

**Deutsche Gelatine-Fabriken Stoess AG**

(Final Order April 17, 2002): A consent order allowed DGF to complete its \$170 million acquisition of Leiner Davis Gelatin Corporation and its Goodman Fielder USA, Inc. subsidiary under terms that the entire pigskin and beef hide gelatin business of Goodman Fielder would be excluded from the transaction. The complaint issued with the order alleged that if the firms were allowed to consummate the transaction, as originally proposed, they would account for more than 50 percent of the U.S. market for these gelatin products used by the food industry as an ingredient in edible products and by the pharmaceutical industry to produce capsules and tablets. The consent order requiring the restructured transaction was negotiated after the Commission authorized staff to seek a preliminary injunction in federal district court to block the parties from consummating the transaction.   
95-8844-3045

**GenCorp Inc.**

Electricity, Inc. The consent order requires Itron to grant a royalty-free, perpetual, and irrevocable license to Hunt Technologies, Inc., creating an effective competitor in this market that allows utility companies and others to gather electric consumption data automatically and remotely from electricity meters.

**Johnson & Johnson**

(Final Order December 12, 2005): The consent order protects competition in three medical device product markets affected by Johnson & Johnson's proposed \$25.4 billion acquisition of Guidant Corporation. Under the terms of the order, J&J is required to 1) grant to a third party a fully paid-up, non-exclusive, irrevocable license, enabling that third party to make and sell drug eluting stents with the Rapid Exchange delivery system, 2) divest to a third party J&J's endoscopic vessel harvesting product line, and 3) end its agreement to

**Magellan Midstream Partners, L.P.**

(Final Order November 23, 2004): Under terms of a consent order, Magellan completed its acquisition of pipelines and terminals in the Midwestern United States and a refined petroleum products terminal in Oklahoma City that supplies light petroleum products such as gasoline and diesel fuel from the Shell Oil Company. The consent order required Magellan to divest the Shell Oklahoma City terminal to a Commission-approved buyer within six months after the transaction is consummated.

**MSC. Softw**

**Penn National Gaming, Inc.**

(Final Order September 15, 2005): A consent order permitted Penn National Gaming, Inc.'s acquisition of Argosy Gaming Company, provided Penn sells Argosy's Baton Rouge casino to Columbia Sussex Corporation within four months of the order becoming final.

**Pfizer Inc.**

(Final Order May 27, 2003): A final consent order permits Pfizer Inc.'s acquisition of Pharmacia Corporation while requiring the divestiture of various products including extended release drugs used in the treatment of an overactive bladder; ho





gasoline increased just one cent per gallon. CARB gasoline meets the specifications of the California Air Resources Board.

**Valero L.P.**

(Final Order July 27, 2005): The consent order permitted Valero L.P. to acquire Kaneb Services LLC and Kaneb Pipe Line Partners subject to the divestitures of assets that will preserve existing competition for petroleum transportation and terminaling in Northern California, Pennsylvania, and Colorado, and avoid a potential increase in bulk gasoline and diesel prices. The order also requires Valero to develop an information firewall and maintain open, non-discriminatory access to two retained Northern California terminals, in order to ensure access to ethanol terminaling in Northern California.

**Wal-Mart Stores, Inc.**

(Final Order February 27, 2003): A consent order settled Commission concerns that Wal-Mart's proposed acquisition of the largest supermarket chain in Puerto Rico, Supermercados Amigo, Inc., would eliminate competition between supercenters and club stores owned or controlled by Wal-Mart and supermarkets owned or controlled by Amigo. While the consent order permits the acquisition, it requires Wal-Mart to divest four Amigo supermarkets in Cidra, Ponce, Manati, and Vega Baja, Puerto Rico to Supermercados Maximo.

## **B. Authorizations to Seek Preliminary Injunctions**

**Aloha Petroleum, Ltd**

(July 26, 2005): The Commission authorized staff, in conjunction with the Hawaii Attorney General, to seek a preliminary injunction to block Aloha Petroleum's proposed acquisition of Trustreet Properties. Aloha sought to acquire Trustreet's half interest in the Barber Point petroleum

### **Cytc Corporation**

(June 24, 2002): The Commission authorized staff to seek a preliminary injunction to block the acquisition of Digene Corporation on grounds that the combination of the two firms would reduce competition and increase consumer prices within the highly concentrated market for primary cervical cancer screening tests, both now and in the future. The parties abandoned the transaction before court papers could be filed.

### **Deutsche Gelatine-Fabriken Stoess AG**

(January 15, 2002): The Commission authorized staff to seek a preliminary injunction to block DGF's proposed acquisition of Leiner Davis Gelatin Corporation and its Goodman Fielder USA, Inc. subsidiary. According to the Commission this transaction, if allowed to proceed as planned, would increase the likelihood of anticompetitive activity in the U.S. market for pigskin and beef hide gelatin, used by the food industry as an ingredient in edible products and by the pharmaceutical industry to produce capsules and tablets. The combination of the two firms would account for more than 50 percent of the relevant market in the U.S. A proposed consent agreement designed to remedy the significant antitrust concerns was accepted for public comment March 7, 2002; the consent order was finalized April 17, 2002.

### **Diageo plc**

(October 23, 2001): The Commission authorized staff to file a motion for a preliminary injunction to block the proposed acquisition of Vivendi Universal S.A.'s Seagram Wine and Spirits Business on grounds that the transaction, would not only combine the second- and third-largest rum producers in the U.S. eliminating actual competition between the firms, but could also create higher prices for consumers of rum. A consent order permitted the acquisition, with certain conditions.

### **Kroger Company/Raley's Corporation**

(October 2, 2002): The preliminary injunction authorized by the Commission during the investigation into Kroger's acquisition of 18 Raley's supermarkets in the Las Vegas, Nevada area was not filed. After staff determined that the transaction would promote healthy competition in the Las Vegas/Henderson area due to the rapid growth of the market and the presence of Wal-Mart, Albertson's, Kroger and Safeway - the four major competitors in the area, the investigation was closed.

### **Libbey, Inc.**

(December 18, 2001): The Commission authorized staff to seek a preliminary injunction to block Libbey's proposed \$332 million acquisition of Anchor Hocking, a subsidiary of Newell Rubbermaid, Inc., on grounds that the acquisition would substantially lessen competition in the market for soda-lime glassware sold to the food service industry in the United States. A complaint was filed in the U.S. District Court for the District of Columbia on January 14, 2002. The district court granted the Commission's request for an injunction on April 22, 2002. An administrative complaint, issued on May 9, extend the injunction until the conclusion of the administrative proceedings. Pursuant to the delegation of authority, the Commission withdrew the matter from adjudication on July 25, 2002, to consider a proposed consent agreement. A consent order was finalized October 7, 2002.

### **Meade Instruments Corporation**

(May 29, 2002): The Commission authorized staff to seek a temporary restraining order and a preliminary injunction to prevent Meade from acquiring any of the assets that could become available as a result of the pending bankruptcy proceedings in Tasco Holdings, Inc.'s Celestron International. According to the Commission, the purchase of the performance telescope assets would eliminate competition in that market and create a monopoly for the Schmidt-Cassegrain telescopes. Meade agreed not to submit any bid for Celestron or its assets.

### **Nestlé Holdings, Inc.**

(March 4, 2003): The Commission authorized staff to seek a preliminary injunction to block the merger of Nestlé and Dreyer's Grand Ice Cream, Inc. on grounds that the merger would reduce competition in the highly concentrated market for superpremium ice cream. Nestlé markets superpremium ice cream under the Häagen Dazs brand; Dreyer's superpremium brands include Dreamery, Godiva and Starbucks. Before the complaint was filed in a federal district court, the parties agreed to enter into a consent agreement to settle the charges. The final order requires the divestiture of superpremium ice cream brands Dreamery and Godiva, the Whole Fruit sorbet brand, and Nestlé's distribution assets to CoolBrands International, Inc.

### **Vlasic Pickle Company**

(October 22, 2002): The Commission authorized staff to seek a preliminary injunction to block the proposed acquisition of Claussen Pickle Company by Hicks, Muse, Tate & Furst Equity Fund V L.P., the owner of Vlasic Pickle Company on grounds that the transaction would combine the dominant firm in the market for refrigerated pickles (Claussen) with its most significant competitor in refrigerated pickles (Vlasic). Six days after the complaint was filed in federal district court, the parties abandoned the transaction.

## **C. Commission Opinions/Initial Decisions**

### **Chicago Bridge & Iron Company**

(January 7, 2005): The Commission upheld in part the ruling of an administrative law judge that Chicago Bridge & Iron's acquisition of the Water Division and the Engineered Construction Division of Pitt-Des Moines, Inc. created a near-monopoly in four separate markets involving the design and construction of various types of field-erected specialty industrial storage tanks in the United States.

approved an interim consent order prohibiting Chicago Bridge & Iron from altering the assets acquired from Pitt-Des Moines, Inc. except “in the ordinary course of business.”

its investigation, saying that it will not continue with administrative litigation challenging the deal.

**Swedish Match AB**

(Dec. 14, 2000): The U.S. District Court for the District of Columbia granted the agency's request for a preliminary injunction to block the proposed acquisition of the loose leaf chewing

## **H. Other**

### **Reforms to the Merger Review Process**

**Conference on the Price Effects of Mergers and Concentration in the United States  
Petroleum Industry**

(January 14, 2005, Washington, DC.) The conference reviewed two studies that examined price effects within the petroleum industry: the March 2004 case study of the effects of e





## **C. Complaints - Filed**

### **Blockbuster, Inc.**

(March 4, 2005): The Commission filed a complaint under Section 7A(g)(2) of the Clayton Act in U.S. District Court for the District of Columbia to require Blockbuster, Inc. to provide sufficient and accurate pricing data in compliance with the second request issued by the

### **Hart-Scott Rodino Final Rulemaking**

(Effective April 7, 2005): Final rules adopted from proposed rules published April 8, 2004. The amendments require notification of acquisitions of interests in unincorporated entities and formations of unincorporated entities. The rules also extend the application of certain exemptions, including the intraperson exemption, to unincorporated entities.

### **Hart-Scott Final Rulemaking**

(Effective March 2, 2005): The notification and filing thresholds under the premerger rules have been revised as required by the 2000 amendments to Section 7A of the Clayton Act. Section 7A(a)(2) requires the Commission to revise the jurisdictional thresholds annually, based on the change in gross national product, in accordance with section 8(a)(5) for each fiscal year beginning after September 30, 2004.

### **Hart-Scott Rodino Reform / Amended Final Rules**

(Published March 12, 2002):

- Amendments to Parts 801 and 802 of the Premerger Notification Rules.
- Amendments to Section 802.21: Acquisitions of voting securities not meeting or exceeding greater notification threshold.

## **F. Other**

### **Model Retail Second Request**

(April 28, 2004) Model Request for Additional Information and Documentary Material (Second Request) for transactions involving retail industries.

### **Premerger Notification Annual Report to Congress Pursuant to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976**

(September 27, 2002): Twenty-fourth Annual Report (Fiscal Year 2001).

### **Premerger Notification Annual Report to Congress Pursuant to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976**

(August 1, 2003): Twenty-fifth Annual Report (Fiscal Year 2002).

### **Premerger Notification Annual Report to Congress Pursuant to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976**

(September 7, 2004): Twenty-sixth Annual Report (Fiscal Year 2003).

### **Premerger Notification Annual Report to Congress Pursuant to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976**

(August 16, 2005): Twenty-seventh Annual Report (Fiscal Year 2004).

### **III. Non-Merger Enforcement**

#### **A. Commission Opinions/Initial Decisions**

##### **Kentucky Household Goods Carriers Association, Inc.**

(June 21, 2004): An administrative law judge upheld an administrative complaint that charged a group of affiliated intrastate movers with engaging in horizontal price-fixing by filing collective rates on behalf of its member motor common carriers for the intrastate transportation of property within the Commonwealth of Kentucky. The judge also ruled that the association's conduct was not protected by the state action doctrine because the State of Kentucky did not supervise the rate-making practices of the group. On July 12, 2004, the Kentucky Household Goods Carriers Association, Inc. filed an appeal of the initial decision with the Commission. The oral argument was held January 24, 2005. On June 22, 2005, the Commission issued a unanimous opinion upholding the Initial Decision finding that the Kentucky Household Goods Carriers Association, Inc., consisting of competing firms, engaged in illegal price-fixing by jointly filing tariffs containing collective rates on behalf of its members, and that the state action doctrine does not immunize that activity from antitrust liability.

The administrative complaint issued on July 8, 2003 by the Commission charged that the association composed of competing household goods movers filed collective rates for intrastate moving services in the state of Kentucky. According to the complaint, these activities were not protected under the state action doctrine and are not immune from federal antitrust scrutiny.

##### **North Texas Specialty Physicians**

(November 8, 2004): An administrative law judge upheld the administrative complaint that charged that the North Texas Specialty Physicians, a physician group practicing in Fort Worth, Texas, collectively determined acceptable fees for physician services in negotiating contracts with health insurance plans and other third party payers. The judge ruled that complaint counsel proved that North Texas Specialty Physicians engaged in horizontal price fixing. The accompanying order prohibits the group from negotiating, on behalf of its members, collective pricing of contracts with health plan services for the provision of physician services. On January 14, 2005, North Texas Specialty Physicians filed a notice of appeal of the initial decision. On December 1, 2005, the Commission issued a unanimous decision upholding the allegations that North Texas Specialty Physicians negotiated agreements among participating physicians on price and other terms, refused to negotiate with payers except on terms agreed to among its members, and refused to submit payor offers to members if the terms did not satisfy the group's demands. The Commission concluded that the group's contracting activities with payors "amount[s] to unlawful horizontal price fixing" and that respondent's efficiency claims were not legitimate and not supported by the evidence. The respondent has appealed the Commission decision to the U.S. Court of Appeals for the Fifth Circuit.

The administrative complaint, issued on September 16, 2003 by the Commission, charged that the corporation of 600 physicians negotiated the price and other terms of medical services that its participating physicians would accept in contracting with third party payers. According to the complaint, the exchange of prospective price information among otherwise competing physicians reduced competition and enabled the physicians to achieve supra-competitive prices.

**Rambus, Inc.**

(July 6, 2004): The administrative law judge dismissed all charges against Rambus, Inc., on February 17, 2004, ruling that Commission staff had failed to sustain their burden of proof with respect to all three violations alleged in the complaint. The Initial Decision found that Rambus' conduct before the JEDEC standard-setting organization did not amount to deception and did not violate any extrinsic duties, such as a duty of good faith to disclose patents or patent applications. The Initial Decision also found that there was insufficient evidence that there were viable alternatives to Rambus' technology before the standard setting organization. Complaint counsel filed a notice of appeal and the matter is pending with the Commission.

An administrative complaint issued on June 19, 2002 charged that between 1991 and 1996, Rambus joined and participated in the JEDEC Solid State Technology Association (JEDEC), the leading standard-setting industry for computer memory. According to the complaint, JEDEC rules require members to disclose the existence of all patents and patent applications that relate to JEDEC's standard-setting work. While a member of JEDEC, Rambus observed standard-setting work involving technologies which Rambus believed were or could be covered by its patent applications, but failed to disclose this to JEDEC. In 1999 and 2000, after JEDEC had adopted industry-wide standards incorporating the technologies at issue and the industry had become locked in to the use of those technologies, Rambus sought to enforce its patents against companies producing JEDEC-compliant memory, and in fact has collected substantial royalties from several producers of DRAM (dynamic random access memory).

**South Carolina State Board of Dentistry**

(July 30, 2004) The Commission denied the motion of the Board to dismiss the complaint on grounds that its actions were protected from antitrust scrutiny under the state action doctrine.

**B.**

## **C. Authorizations to Seek Preliminary/Permanent Injunctions**

### **Alpharma, Inc. and Perrigo Company**

(August 11, 2004): The Commission authorized staff to file a complaint in federal district court charging that Alpharma, Inc. and Perrigo Company drove up the prices for over-the-counter store-brand children's liquid ibuprofen through an agreement eliminating competition between the two firms and allowing Perrigo to raise its prices creating higher profits to then be shared between the firms. According to the complaint, while both Alpharma and Perrigo filed for U.S. Food and Drug Administration approval to sell a generic version of children's liquid Motrin, Alpharm

with this prospect, instead of competing with Barr, Warner Chilcott entered into an agreement with Barr, preventing entry of Barr's generic Ovcon into the United States for five years. In exchange for Barr's promise not to compete, Warner Chilcott paid Barr \$20 million.

## **D. Consent Orders**

### **Alabama Trucking Association, Inc.**

(Final Order October 28, 2003) With an administrative complaint issued on July 8, 2003 the Commission charged that the association of household goods movers engaged in the collective filing of tariffs on behalf of its members who compete in the provision of moving services in the state of Alabama. Under terms of a final consent order, Alabama Trucking Association, Inc. agreed to stop filing tariffs containing collective intrastate rates and to void collectively filed tariffs currently in effect in Alabama.

### **American Home Products Corporation**

(Final Order April 5, 2002): A consent order settled charges that American Home Products entered into an anticompetitive agreement with Schering-Plough Corporation to delay the entry of a low-cost generic drug that would be in direct competition with a branded version developed and manufactured by Schering. According to the complaint issued with the consent, Schering illegally paid American Home millions of dollars to delay the entry and sale of its generic version of Schering's K-Dur 20, a drug used to treat patients who suffer from insufficient levels of potassium, a condition that could lead to cardiac problems. The consent order, which expires in 10 years, prohibits American Home Products from entering into such agreements in the future. On December 8, 2003, the Commission issued



approximately 200 physicians that provide competing anesthesiology services in the San Diego area.

**Aurora Associated Primary Care Physicians, L.L.C.**

(Final Order July 19, 2002): A consent order settled charges that the organization of internists, pediatricians, family physicians and general practitioners in the Aurora, Colorado area engaged in boycotts and entered into collective negotiations with health care insurers in an effort to increase the costs of physician services. The order prohibits the organization from entering into any agreement with insurance payers or providers to negotiate fees on behalf of the physicians group.

**Biovail Corporation**

(Final Order October 2, 2002): The Commission charged Biovail Corporation with illegally acquiring an exclusive patent license for Tiazac, a pharm

**California Pacific Medical Group dba Brown and Toland Medical Group**

(Final Order February 3, 2004): With an administrative complaint issued on July 8, 2003 the Commission charged a Sa

acting as the U.S. distributor for any competing manufacturer of microcrystalline cellulose (including Asahi Chemical) for 10 years. In addition, for five years, FMC is prohibited from distributing in the United States any other product manufactured by Asahi Chemical.

**Health Care Alliance of Laredo, L.C.,**

(Proposed Consent Agreement Accepted for Public Comment on February 13, 2006): A physicians' independent practice association in Texas agreed to settle charges that it engaged in unlawful collective bargaining to set fees its members would accept from health insurance plans and advised its members against dealing individually with plans. The Commission charged that both practices resulted in higher medical costs for consumers. The consent order settling the FTC's charges will prohibit the IPA from engaging in such anticompetitive conduct in the future.

**Indiana Household Movers and Warehousemen, Inc.**

(Final Order April 25, 2003): The corporation that represents household goods movers in Indiana settled charges that it filed collective intrastate rate tariffs with the State's Department of Revenue on behalf of its members. According to the complaint issued with the consent order, these collective filings reduced competition for household goods moving services within the state.

**Institute of Store Planners**

(Final Order May 27, 2003): Under the terms of a final consent order, The Institute of Store Planners is required to remove from its Code of Ethics any provision that prohibits its members from providing their services for free and any provision that prohibits competition with other members for work on the basis of price. Its members provide architectural store design and store and merchandise planning to retail stores.

**Iowa Movers and Warehousemen's Association**

(Final Order September 10, 2003): The Iowa Movers and Warehousemen's Association settled allegations that it filed collectively established tariffs for intrastate moving rates in Iowa - a practice which did not meet the requirements of the state action doctrine. Under the state action doctrine, some practices of private firms are protected against scrutiny by the federal antitrust laws.

**Maine Health Alliance**

(Final Order August 27, 2003): A network of doctors, hospitals, and its executive director, William R. Diggins, settled charges that they illegally engaged in price-fixing activities that raised health care costs in five Maine counties by negotiating jointly with third-party payers in an effort to obtain higher compensation and more advantageous contract terms for its members.

**Memorial Hermann Health Network Providers**

(Final Order January 18, 2004): Memorial Hermann Health Network Providers settled charges that it negotiated fees and other services for medical care provided by its member physicians in

**Minnesota Transport Services Association**

(Final Order September 15, 2003): A consent order settled charges that the household goods movers association filed collectively established rate tariffs for its members in Minnesota,

the doctors from engaging in similar practices in the future but also requires the dissolution of the group.

**Partners Health Network, Inc.**

(Final Order September 23, 2005): A physician-hospital organization operating in northwestern South Carolina, agreed to settle charges that it orchestrated and carried out agreements among its physician members to set the prices they would accept from health plans, and to refuse to deal with health plans that did not agree to its collectively determined prices. The consent order settling the FTC's charges prohibits the PHO from collectively negotiating with health plans on behalf of its physicians and from setting terms of dealing

**Professional Integrated Services of Denver, Inc., Michael J. Guese, M.D., and Marcia A. Brauchler**

(Final Order July 19, 2002): A consent order settled charges that a Denver, Colorado physician organization and its members, its president, Dr. M. J. Guese, and its non-physician consultant, M. A. Brauchler, increased fees for services through collective boycotts and agreements in an effort to fix the prices they would receive from health care insurance payers. The order prohibits the organization and its members and other respondents from entering into any agreement with insurance payers or providers to negotiate on behalf of the physicians group.

**Professionals in Women's Care**

(Final Order October 2, 2002): Eight Denver, Colorado physician groups specializing in obstetrics and gynecology and their non-physician agent settled allegations that the practice group and other physicians entered into collective contracts in an effort to increase prices and terms of services when dealing with health insurance firms and other third-party payers. The consent order prohibits the following respondents from entering into such agreements in the future: R.T. Welter and Associates, Inc.; R. Todd Welter; Consultants in Obstetrics and Gynecology, P.C.; Mid Town Obstetrics & Gynecology, P.C.; Mile High OG/GYN Associates, P.C.; The OB-GYN, P.C.; The Women's Health Group, P.C.; Cohen and Womack, M.D., P.C.; and Westside Women's Care, L.L.P.

and hospital prices and refused to deal with insurance companies, except on collectively agreed-upon terms.

**SPA Health Organization dba Southwest Physician Associates**

(Final Order July 17, 2003): A physician group in the Dallas/Fort Worth, Texas area settled charges that it collectively bargained on behalf of its members to negotiate fee schedules with third party payers and other health insurance companies. According to the complaint, issued with the consent order, these practices decreased competition and increased prices for the provision of medical services to area consumers.

**Surgical Specialists of Yakima**

(Final Order November 11, 2003): The Surgical Specialists of Yakima, Cascade Surgical Partners, Inc., P.S. and Yakima Surgical Associates, P.S. settled charges that they jointly entered into agreements for their members to fix prices and terms for the provision of medical services when dealin

A consent order settled the Commission's monopolization complaint against Unocal. Under the terms of the settleme



**2004: A Report by The Bureau of Competition** (January 7, 2005): Information regarding the 22 agreements that were filed with the Commission in fiscal year 2004.

manufacture, marketing, and sale of generic versions of brand-name drug products are required to be filed with the Commission and the Department of Justice, pursuant to Section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

***Slotting Allowances in the Retail Grocery Industry: Selected Case Studies of Slotting Allowances in Five Product Categories*** (November 14, 2003): Slotting allowances paid to certain retailers in certain geographic areas for five product categories: fresh bread, hot dogs, ice cream and frozen novelties, shelf-stable pasta, and shelf-stable salad dressing.

***To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy, A Report by the Federal Trade Commission*** (October 2003): The report is the first of two reports about how to maintain that balance. The report concludes that questionable patents are a significant competitive concern and can harm innovation. The report makes recommendation to reduce the number of questionable patents that are issued and upheld.

***Report of the State Action Task Force: Recommendations to Clarify and Reaffirm the Original Purposes of the State Action Doctrine to He***

***Bristol-Myers Squibb.*** Staff advised Bristol-Myers Squibb that its proposed settlement with Teva Pharmaceuticals USA, inc. does not raise issues under Section 5 of the Federal Trade Commission Act. (May 2004)

***Dunlap Memorial Hospital in Orville, Ohio.*** Staff concluded that Dunlap's provision of pharmaceuticals to the Viola Startzman Free Clinic falls within the scope of the Non-Profit Institutions Act. (January 9, 2004)

***Medical Group Management Association:*** Letter from Jeffrey W. Brennan to Gerald Niederman. An association of medical practice administrators requested an opinion concerning its proposal to conduct and publish the results of a survey of physician practices. (November 3, 2003)

***Partlinx LLC.*** Staff advised that Commission does not presently intend to recommend law enforcement action in connection with Partlinx's proposed e-commerce joint venture. (October 10, 2003)

***Bay Area Preferred Physicians.*** The Bureau advised that it does not presently intend to recommend an enforcement action if Bay Area Preferred Physicians establishes a physician network to create new contracting opportunities between physicians and health plans and other third-party payers. (September 23, 2003)

***Valley Baptist Medical Center.*** Sale of pharmaceuticals to contracted workers who provide services at VBMC. (March 18, 2003)

***Arkansas Children's Hospital.*** Sale of pharmaceuticals to patients seen in clinics that are located on ACH's campus but are operated by the University of Arkansas for Medical Sciences. (March 18, 2003)

***PriMed Physicians :*** Proposal by physician group to create with other Dayton, Ohio area physicians an advocacy group to undertake "a campaign to inform and educate the general public" of policies and procedures by third party payers in Dayton. (February 6, 2003)

***Joint FTC and DOJ letter urging Council of the North Carolina State Bar to approve a proposed opinion that would explicitly permit non-lawyers to compete with lawyers to perform real estate closings.*** (July 11, 2002)

***MedSouth, Inc.*** A multi-specialty physician prac

## **Advocacy Filings**

***Comments of Staff of the Federal Trade Commission*** Bureau of Economics to file a comment with the Federal Communications Commission regarding the auction of advanced wireless services licenses. (March 10, 2006)

***Comment of the Federal Trade Commission*** to the Federal Energy Regulatory Commission Concerning Market-Based Rates for Public Utilities (January 18, 2006).

***Comments of Staff of the Federal Trade Commission*** to the Honorable Bill Seitz Concerning Ohio H.B. 306 to Amend the Operation of Wine Wholesale Franchises (December 12, 2005).

***Federal Trade Commission Civil Remedies:*** Antitrust Modernization Commission (December 1, 2005).

***Statutory Immunities and Exemptions:*** Antitrust Modernization Commission (December 1, 2005).

***The Hart-Scott-Rodino Second Request Process:*** Antitrust Modernization Commission (November 17, 2005).

***Treatment o***

***Comments of Staff of the Federal Trade Commission*** to the Federal Energy Regulatory Commission concerning Long Term Transmission Rights in Markets Operated by Regional Transmission Organizations and Independent System Operators (August 23, 2005).

***Brief Amicus Curiae*** Teva Pharmaceuticals USA, Inc. v. Pfizer, Inc. Case No. 04-1186 (Fed. Cir.) Teva, in an effort to market its generic version of Pfizer's Zoloft drug, sued Pfizer challenging the patent for Zoloft. (February 11, 2005)

***Joint Comments of the Federal Trade Commission and the Department of Justice*** to Chief Justice McFarland of the Kansas Supreme Court concerning the Unauthorized Practice of Law Committee of the Kansas Bar Association's proposal to define the practice of law. (February 4, 2005)

***Joint Comments of the Federal Trade Commission and the Department of Justice*** urging the Massachusetts Bar Association to narrow or reject a proposal that would reduce competition between nonlawyers and lawyers to provide certain services. (December 16, 2004)

***Joint Comments of the Federal Trade Commission and the Department of Justice*** to The Honorable Paul Kujawski, Member of the Massachusetts House of Representatives, concerning the adoption of HB 180, a bill that would enable nonlawyers to compete with lawyers to perform certain real estate closing services. (October 12, 2004)

***Comments of Staff of the Federal Trade Commission*** to California Assembly Member Greg Aghazian concerning a bill (AB 1960) that requires pharmacy benefit managers to disclose certain information to purchasers of their services. (September 10, 2004)

***Brief Amicus Curiae*** Cleveland Bar Association v. CompManagement, Inc. (Case No.: UPL 02-04) Matter on appeal from a decision rendered by Ohio's UPL Board finding that CompManagement, an actuarial firm, had engaged in the unauthorized practice of law through its representation of employers in workers' compensation matters before the Ohio Industrial Commission. (August 5, 2004)

***Joint Brief Amicus Curiae Federal Trade Commission and the Department of Justice*** Andrx Pharmaceuticals, Inc. v. Kroger Company, et al. (U.S. Court of Appeals for the Sixth Circuit) Private antitrust matter concerning an interim settlement of a pharmaceutical patent infringement case, in which the alleged infringer agreed not to market its product while the infringement litigation was pending. (July 16, 2004)

***Comments of the Federal Trade Commission*** to the Federal Energy Regulatory Commission concerning revisions to the conditions under which FERC will permit electric utilities to sell wholesale power at market rather than regulated rates. (July 16, 2004)

***Comments of the Federal Trade Commission*** to the Federal Energy Regulatory Commission concerning FERC's policies governing electric utility procurement of wholesale electric supply from affiliated generators and through acquisition of affiliated, unregulated generation assets. (July 14, 2004)

***Comments of Staff of the Federal Trade Commission*** Bureau of Competition, Bureau of Economics and the Office of Policy Planning to Michigan House Representative Gene DeRosset on Michigan's proposed bill 4757, "Petroleum Marketing Stabilization Act". (June 18, 2004)

*Joint Brief Amicus Curiae Federal Trade Commission and the Department of Justice*

***Letter sent to New York Attorney Eliot Spitzer.*** Comments of the Office of Policy and Planning and the Bureau of Competition stated that there is a significant risk that the Motor Fuel Marketing P



*Ohio House Bill 325 - Physician Co*

- Physician Unionization; Group Purchasing Organizations
- International Perspectives on Health Care and Competition Law and Policy
- Medicare and Medicaid
- Remedies: Civil/Criminal

**Hearings on Healthcare and Competition Law and Policy** sponsored by the Commission and the Department of Justice. June 25 - 26, 2003, Washington, DC.

- Mandated Benefits
- Pharmaceutical: Formulary Issues
- Prospective Guidance

**Hearings on Healthcare and Competition Law and Policy** sponsored by the Commission and the Department of Justice. May 27; 29; and 30 and June 10 - 12, 2003, Washington, DC.

- Quality and Consumer Information - Hospitals
- Physicians
- Market Entry
- Long Term Care/Assisted Living Facilities
- Noerr-Pennington/State Action
- Financing Design/Consumer Information Issues

**Hearings on Healthcare and Competition Law and Policy** sponsored by the Commission and the Department of Justice. April 21 - 23; May 7 - 8, 2003, Washington, DC.

- Health Insurance Monopoly - Market Definition. Competitive Effects
- Health Insurance Monopoly - Entry and Efficiencies
- Health Insurance Monopsony - Market Definition - Competitive Effects
- Health Insurance/Providers: Countervailing Market Power - Most Favored Nation Clauses
- Physician Hospital Organizations
- Quality and Consumer Information - Overview

**Hearings on Healthcare and Competition Law and Policy** sponsored by the Commission and the Department of Justice. March 26 - 28, 2003, Washington, DC.

- Round table discussion on hospital-related issues and an examination of product and geographic markets for hospitals
- Issues in litigating hospital mergers

**Hearings on Healthcare and Competition Law and Policy** sponsored by the Commission and the Department of Justice. February 26 - 28, 2003, Washington, DC. Examined the state of the healthcare market place and the role of competition, antitrust, and consumer protection in satisfying citizens' preferences for high-quality, cost-effective healthcare.

**Healthcare Impact of Competition Law & Policy on the Cost, Quality**

## **Intellectual Property and Patent Law**

**Ideals into Action: Implementing Reform of the Patent System** (April 15 - 16, 2004) The Commission, the National Academy of Sciences, and the Berkeley Center for Law and Technology sponsored a conference to address patent reform and how it might be implemented.

**Town Meetings on Patent System Reform** Three meetings in San Jose, California, February 18, 2005; Chicago, Illinois on March 4, 2005; and Boston, Massachusetts on March 18, 2005 to bring together government officials, business representatives, lawyers and other members of the patent community to discuss significant recommendations for patent reform made by the Commission, the National Academies' Board on Science, Technology and Economic Policy, and the American Intellectual Property Law Association.

### **Intellectual Property Law and Policy - Roundtable Discussion (October 25, 2002)**

- Competition, Economic, and Business Perspectives on Patent Quality and Institutional Issues: Competitive Concerns, Prior Art, Post-Grant Review, and Litigation

- Competition, Economic, and Business Perspectives on Substantive Patent Law Issues: Non-Obviousness and Other Patentability Criteria

- Antitrust Law and Patent Landscapes

- Standard Setting Organizations: Evaluating the Anticompetitive Risks of Negotiating Intellectual Property Terms and Conditions Before a Standard is Set

- Relationships Between Competitors and Incentives to Compete: Cross Licensing of Patent Portfolios, Grantbacks, Reach-Through royalties, and Non-Assertion Clauses

[www.ftc.gov/opp/intellect/index](http://www.ftc.gov/opp/intellect/index)

### **Antitrust and Intellectual Property Law and Policy**

- Patent Pool and Cross-Licensing: When Do They Promote or Harm Competition? (April 17, 2002)

- Standard-Setting Practices: Competition, Innovation and Consumer Welfare to Deal? (April 18, 2002)

- The Strategic Use of Licensing: Is There Cause for Concern about Unilateral Refusals to Deal? (May 1, 2002)

- Patent Settlements: Efficiencies and Competitive Concerns (May 2, 2002)

- Antitrust Analysis of Licensing Practices (May 14, 2002)

- An International Comparative Law Perspective on the Relationship Between

- Competition and Intellectual Property, Parts I and II (May 22 - 23, 2002)

### **Competition and Intellectual Property Policy**

- Cross-Industry Perspectives on Patents (April 9, 2002)

- Substantive Standards of Patentability (April 10, 2002)

- Patenting Procedures, Presumptions, and Uncertainties (April 10, 2002)

- Patentable Subject Matter - Business Method and Software Patents (April 11, 2002)

- Patent Criteria and Procedures - International Comparisons (April 11, 2002)

## **Hearings to Focus on the Implications of Competition and Patent Law and Policy**

- Competition and Intellectual Property

FTC works with other nations to protect American consumers who can be harmed by anticompetitive conduct and frauds perpetrated outside the United States. The FTC also actively assists new democracies moving toward market-based economies with developing competition laws and policies.

The FTC's cooperation with competition agencies around the world is a vital component of our enforcement program, facilitating our ability to promote convergence toward sound consumer welfare-based competition policies. During the past year, the FTC participated in consultations in Washington and in foreign capitals with top officials of, among others, the European Commission (EC), the Japan Fair Trade Commission (JFTC), and the Russian Federal Anti-Monopoly Service, and for the first time held a joint consultation with the Canadian Competition Bureau and the Mexican Federal Competition Commission.

FTC staff routinely coordinate

JFTC on exclusionary conduct and administrative procedures and remedies, and submitted comments on proposed JFTC Guidelines on Standardization and Patent Pool Arrangements.

Multilateral competition fora provide important opportunities for competition agencies to enhance mutual understanding and promote cooperation and convergence. The FTC participates actively in, among others, the International Competition Network (ICN) and the Organisation for Economic Cooperation and Development (OECD).

Trade agreements increasingly involve competition issues. The FTC participates in United States delegations that negotiate competition chapters of free trade agreements, including during the last year in connection with negotiations with Peru and other Andean countries and with Thailand. The FTC also participates in the competition forum of the United Nations Conference on Trade and Development, which focuses on competition issues facing developing countries.

Last year was a peak time in recent years for the FTC's international technical assistance program, which provides training and other education to developing nations. These activities, funded mostly by the United States Agency for International Development, included 28 missions to 18 countries, involving 35 different FTC staff experts. In addition, FTC staff maintained a resident advisor in Jakarta, Indonesia, assisting the member states of the ten-nation ASEAN organization. The FTC works in close cooperation with DOJ's Antitrust Division in conducting its antitrust activities in this program.

## **V. Competition Speeches**

**“Moneyball and Price Gouging”** (February 27, 2006) Michael A. Salinger, Director, Bureau of Economics. Boston Bar Association, Antitrust Committee, Boston, MA.



**“Competition Policy, Patent Law, and Innovation: Welcoming Remarks for the Patent Reform Conference”** (June 9, 2005) Deborah Platt Majoras, Chairman. Washington, D.C.

**“Vertical Restraints: What Does the Evidence Imply for Policy”** (May 12, 2005) Luke M. Froeb, Director, Bureau of Economics. Presentation before the AEI-Brookings Joint Center , Washington, D.C.

**“Health Care and the FTC: The Agency as Prosecutor and Policy Wonk”** (May 12, 2005) Jon Leibowitz, Commissioner. Antitrust in HealthCare Conference, American Bar Association/American Health Lawyers Association, Washington, D.C.

**“Recent Developments in the Merger Review Process in the United States and the International Competition Network”** (April 20, 2005) William Blumenthal, General Counsel. Written version of remarks delivered before the International Bar Association and Japanese Federation of Bar Associations, Conference on International Competition Enforcement, in Tokyo.

**Keynote Address** (April 19, 2005) Deborah Platt Majoras, Chairman. OECD Workshop on Dispute Resolution in Consumer Products. OECD, Paris, France.

**“Post Merger Product Repositioning”** (April 9, 2005) Luke M. Froeb, Director, Bureau of Economics. Speech before the Third Annual Meeting of the International Industrial



**“Category Management” An Interview with FTC Commissioner Thomas B. Leary** (Spring 2005) Thomas B. Leary, Commissioner. This is an interview with Commissioner Leary conducted by the ABA Section of Antitrust Law, Sherman Act Section 2 Committee, published in the Sherman Act Section 2 Committee's newsletter, Vol. III No. 2.

**“New Trends in Antitrust Oversight of Mergers”** (March 3, 2005) Susan Creighton, Director, Bureau of Competition. Panelist on Antitrust Issues in Today’s Economy. New York, New York.

**“The Federal Trade Commission: Fostering a Competitive Health Care Environment That Benefits Patients”** (February 28, 2005), Deborah Platt Majoras, Chairman. World Congress Leadership Summit, New York, New York.

**Steering Committee of the Antitrust and Consumer Law Section of the D.C. Bar** (February 23, 2005) Deborah Platt Majoras, Chairman. Keynote Speaker, Washington, DC.

**“Current Topics in Antitrust, Economics and Competition Policy”** (February 8, 2005) Deborah Platt Majoras, Chairman and Susan Creighton, Director, Bureau of Competition. Keynote Speakers, Charles River Associates Program, Washington, DC.

**Cheap Exclusion** (February 8, 2005) Susan Creighton, Bureau of Competition Director. Remarks Before the Charles River Associates 9th Annual Conference on Current Topics in Antitrust Economics and Competition Policy, Washington, D.C.

**“The Use of Economics in Merger Analysis”** (January 27, 2005) Luke M. Froeb, Director, Bureau of Economics. The IBC Conference: The Use of Economics in Competition Law, Brussels, Belgium.

**“Promoting International Convergence: Spring Training for Antitrust Professionals”** (January 25, 2005) Deborah Platt Majoras, Chairman. Final Keynote at ABA International Forum, Miami, Florida.

**“Recent Actions at the Federal Trade Commission”** (January 18, 2005) Deborah Platt Majoras, Chairman. The Dallas Bar Association’s Antitrust and Trade Regulation Section, Dallas, Texas.

**“Estimating the Price Effects of Mergers and Concentration in the Petroleum Industry: An Evaluation of Recent Learning”** (January 14, 2005) Deborah Platt Majoras, Chairman. Opening Remarks, Federal Trade Commission.

**“Quantitative Methods in Merger Control”** (December 3, 2004) Luke Froeb, Director, Bureau of Economics. King’s College, London, England.

**“Looking Forward: Merger and Other Policy Initiatives at the FTC”** (November 18, 2004) Deborah Platt Majoras, Chairman. ABA Antitrust Section Fall Forum, Washington, DC.

**“From Theory to Praxis: Quantitative Methods in Merger Control”** (October 30, 2004)  
Luke M. Froeb, Director, Bureau of Economics. Summit at Como: A Discussion of Competition Policy, Law and Economics, Como, Italy.

**“The Art and Science of Cost-Effective Counseling”** (October 2, 2004) Thomas B. Leary, Commissioner. ABA Antitrust Section 2004 Antitrust Masters Course, Atlanta, Georgia.

**“Presenting Your Case to the FTC and DOJ - The Keys to Success”** (October 1, 2004)  
Pamela Jones Harbour, Commissioner. ABA Antitrust Section 2004 Antitrust Masters Course, Atlanta, Georgia.

**ABA Antitrust Section 2004 Antitrust Masters Course** (September 30, 2004) Deborah Platt Majoras, Chairman. Atlanta, Georgia.

**“Antitrust Policy and Intellectual Property”** (September 27, 2004) Thomas B. Leary, Commissioner. Andrews’ Publications Intellectual Property 2004 Litigation Conference.

**“A Regulator’s Perspective on Protecting Consumers and Competitive Marketplaces: Developments at the FTC”** (November 7, 2003) Orson Swindle, Commissioner. American Bar Association, Section of Administrative Law and Regulatory Practice, 2003 Administrative Law Conference, Washington, DC.

**“The Role of Expert Economic Testimony in Antitrust Litigation”** (Novem

**“Current Developments in EC & US Antitrust Law”** (October 10, 2002) Thomas B. Leary, Commissioner. European Law Research Center at Harvard Law School, Cambridge, Massachusetts.

**Anticompetitive Efforts to Restrict Competition on the Internet Workshop** (October 8, 2002) Timothy J. Muris, Chairman, Opening Remarks. Comments by Thomas B. Leary, Commissioner. October 10, 2002 Session, Opening Remarks by Sheila F. Anthony, Commissioner; and Concluding Remarks by Ted Cruz, Director, Office of Policy Planning, Washington, DC.

**“New Directions in Antitrust Enforcement”** (July 4, 2002) Thomas B. Leary, Commissioner. National Economic Research Associates 22nd Annual Antitrust and Trade Regulation Seminar, Santa Fe, New Mexico.

**Eurelectric CEO Meeting: Merger Acquisitions, Competition Policy** (June 24, 2002) Thomas B. Leary, Commissioner. Keynote Speaker, Conference on World-wi96 12 0 0 1 Tf1gy/TT0 1 Tf0.0002

U.S./E.U. Conference, University of California at Berkeley School of Law, Berkeley Center for Law & Technology, and Ecole Nationale Supérieure des Mines de Paris, Paris, France.

**“Three Hard Cases and Controversies: The FTC Looks at Baby Foods, Colas and Cakes”**  
(December 4, 2001) Thomas B. Leary, Commissioner. Association of the Bar of the City of New York’s Milton Han

## **VI. Statistics**

**Fiscal Year 2006 (October 1, 2005 through March 15, 2006)**

**Part II Consent Agreements Accepted for Comment - 6**

***Mergers and Joint Ventures - 4***

DaVita Inc./Gambro Healthcare, Inc.

Johnson & Johnson/Guidant Corporation

Teva Pharmaceutical Industries Ltd / Ivax Corporation

Allegran / Inamed Corporation

***Nonmergers - 2***

Health Care Alliance of Laredo, L.C.

Valassis Communications, Inc.

**Permanent Injunctions Authorized - 1**

Warner Chilcott

**Total Merger and Nonmerger Enforcement - 7**

## **Fiscal Year 2005**

### **Part II Consent Agreements Accepted for Comment - 13**

#### ***Mergers and Joint Ventures - 9***

Cemex S.A. de C.V./RMC Group, PLC

Cytec Industries Inc./UCB S.A.

Genzyme Corporation/ILEX Oncology, Inc.

Occidental Chemical Corporation/Vulcan Materials Company

Chevron Texaco Corporation/Unocal Corporation

Valero L.P./Kaneb Services LLC

Novartis AG/Eon Labs, Inc.

Penn National Gaming, Inc./Argosy Gaming Company

The Procter & Gamble Company/The Gillette Company

#### ***Nonmergers - 4***

Preferred Health Services

## **Fiscal Year 2004**

### **Part III Administrative Complaints - 2**

#### ***Mergers and Joint Ventures - 1***

Evanston Northwestern Healthcare Corporation/Highland Park Hospital

Arch Coal, Inc./Triton Coal Company (Note: Preliminary Injunction Authorized During Fiscal Year - case counted und



## **Fiscal Year 2004**

(continued)

### **Civil Penalty Actions Filed - 2**

RHI AG

William H. Gates III

### **Preliminary Injunctions Authorized - 1**

Arch Coal, Inc./Triton Coal CompTary Injunctiolmnr4TT0 1 Tf0.0001 Tc -0.00i].2 Tm(p)TjETBT/TT1 1 Tf12 0

## **Fiscal Year 2003**

### **Part III Administrative Complaints**

#### ***Mergers and Joint Ventures - 1***

Aspen Technology, Inc./Hyprotech, Ltd.

#### ***Nonmergers - 7***

Alabama Trucking Association, Inc.  
California Pacific Medical Group dba Brown and Toland Medical Group  
Kentucky Household Goods Carriers Association, Inc.  
Movers Conference of Mississippi, Inc.  
North Texas Specialty Physicians  
South Carolina State Board of Dentistry  
Union Oil Company of California

### **Part II Consent Agreements Accepted for Comment**

#### ***Mergers and Joint Ventures - 7***

Baxter International Inc./Wyeth Corporation  
Dainippon Inc. and Chemicals, Inc./Bayer Corporation  
DSM N.V./Roche Holding AG  
Pfizer Inc./Pharmacia Corporation  
Quest Diagnostics Inc./Unilab Corporation  
Southern Union Company/Panhandle Pipeline from CMS Energy Corporation  
Wal-Mart Stores, Inc./Supermercados Amigo, Inc.

#### ***Nonmergers - 16***

Anesthesia Service Medical Group, Inc.  
Bristol-Myers Squibb Company (BuSpar)  
Bristol-Myers Squibb Company (Platinol)  
Bristol-Myers Squibb Company (Taxol)  
Carlsbad Physician Association  
Indiana Household Movers and Warehousemen, Inc.  
Institute of Store Planners  
Iowa Movers and Warehousemen's Association  
Maine Health Alliance, The  
Minnesota Transport Services Association  
National Academy of Arbitrators  
Physician Network Consulting, et al.  
South Georgia Health Partners, L.L.C.  
SPA Health Organization dba Southwest Physician Associates

## **Fiscal Year 2003**

(continued)

### **Part II Consent Agreements Accepted for Comment (Continued)**

Surgical Specialists of Yakima

Washington University Physicians Network

### **Civil Penalty Actions Filed**

None

### **Preliminary Injunctions Authorized**

#### ***Mergers and Joint Ventures - 3***

Kroger Company (Raley's Supermarkets)

Nestle Holdings, Inc./Dreyer's Grand Ice Cream

Vlasic Pickle Company (Claussen Pickle Company)

#### ***Merger Transactions Abandoned - 10***

### **Total Merger and Nonmerger Enforcement - 44**

## **Fiscal Year 2002**

### **Part III Administrative Complaints**

#### **Mergers and Joint Ventures - 2**

Chicago Bridge & Iron Company N.V./Water Division and Engineered Construction Division of Pitt-Des Moines, Inc.

Libby Inc. and Anchor Hocking (Note: Preliminary Injunction Authorized during fiscal year - case counted under PI's Authorized)

MSC. Software Corporation/Universal Analytics, Inc. and Computerized Structural Analysis and Research Corp.

#### **Nonmergers - 1**

Rambus, Inc.

### **Part II Consent Agreements Accepted for Comment**

#### **Mergers and Joint Ventures - 10**

Airgas, Inc./Puritan Bennett Medical Gas Business from Mallinckrodt, Inc.

Amgen Inc./Immunex Corp

Bayer AG/Aventis CropScience Holdings S.A.

INA-Holding Schaeffler KG and FAG Kugelfischer Georg Schaefer AG

Koninklijke Ahold NV/Bruno's Supermarkets, Inc.

Nestle Holdings, Inc./Ralston Purina Comp

## **Fiscal Year 2002**

(Continued)

### **Civil Penalty Actions Filed**

#### **Premerger Notification - 1**

First Data Bank/Medi Span

### **Preliminary Injunctions Authorized**

#### **Mergers and Joint Ventures - 5**

Deutsche Gelatine-Fabriken Stoess AG/Leiner Davis Gelatin Corporation and Goodman Fielder USA, Inc.

Diageo plc/Pernod Ricard S.A.

Libby, Inc./Anchor Hocking

Meade Instruments/Tasco Holdings

Cytec Corporation/Digene Corporation

#### **Merger Transactions Abandoned - 7**

