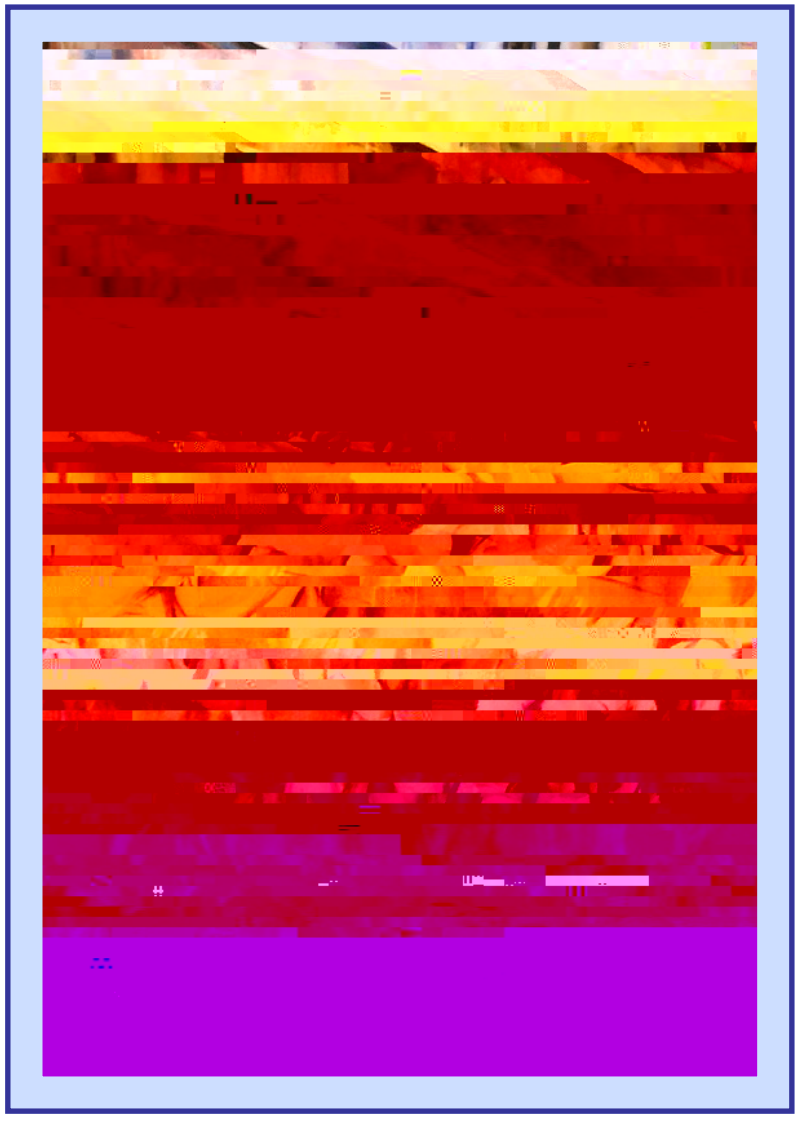
Federal Trade Commission

Bureau of Competition

Jeffrey Schmidt, Director



Antitrust Enforcement Activities
Fiscal Year 2003 - March 31, 2007

ABA Antitrust Section Spring Meeting 2007

ABA ANTITRUST SECTION
SPRING MEETING

Summary of Bureau of Competition Activity
Fiscal Year 2003 Through March 31, 2007

Table of Contents

ABA ANTITRUST SECTION
SPRING MEETING

Bureau of Competition Activity
Fiscal Year 2003 through March 31, 2007

Fiscal Year	Total Enforcement Actions	Consents		Complaints	Preliminary and/or Permanent Injunctions	Civil Penalty Cases	Abandoned or Fix-it-First Transactions
		Merger	Non Merger	Merger and Non Merger			
2003	44	7	16	8	3	0	10
2004	26	10	7	2	2	2	3
2005	20	9	4	0	1	2	4
2006	22	9	5	0	1	0	7
2007 (Oct-Mar)	20	9	7	3	0	0	1

I. Mergers

A. Consent Orders

American Air Liquide, Inc.
(Final Order June 29, 2004): L'Air Liquide was permitted to acquire Messer Griesheim GmbH, a leading industrial gas producer. Under terms of the order, Air Liquide is required to divest six air separation units operated by Messer in California, Texas, Louisiana, and Mississippi within six months. According to the complaint, the transaction as proposed would substantially lessen competition in the market for liquid argon, liquid oxygen and liquid nitrogen.

Allergan, Inc.
(Final Order April 21, 2006): The consent order requires that Allergan and Inamed divest the rights to develop and distribute Reloxin, a potential Botox rival, to settle charges that Allergan's $3.2 billion purchase of Inamed would reduce competition and force consumers to pay higher prices for botulinum toxin type A products. Under the terms of the FTC settlement, the companies will return the development and distribution rights to Reloxin to Ipsen Ltd., its U.K.-based manufacturer.

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

from Shell Oil Company would reduce competition in the market for the terminaling of gasoline, diesel fuel, and other light petroleum products in the area of Niles, Michigan.

Boston Scientific Corp
(Final Order July 25, 2006): The consent order settles chargers that the $27 billion acquisition of Guidant Corporation by Boston Scientific Corporation would harm competition and consumers in several significant medical device markets. Guidant Corporation by Boston Scientific Corporation are the largest market shareholders in several coronary medical device markets in the U.S., together accounting for 90% of the U.S. PTCA balloon catheter market and 85% of the U.S. coronary guidewire market. The consent order required the divestiture of Guidant's vascular business to an FTC-approved buyer.

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.

Chemicals Corporation to settle allegations that its proposed acquisition of Bayer Corporation's high-performance pigment manufacturing facility would eliminate competition in the highly concentrated world market for perylenes – organic pigments used to impart unique shades of red color to products, including coatings, plastics and fibers.

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 end 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.

DSM N.V.
(Final Order January 6, 2004): A consent order permitted DSM N.V. to acquire the Vitamins and Fine Chemicals Division of Roche Holding AG but requires DSM to divest its phytase business to BASF AG within 10 days after the transaction is completed. Phytase is an enzyme added to certain animal feed to promote the digestion of nutrients necessary for livestock production.

Enterprise Products Partners L.P.
(Final Order November 23, 2004): Enterprise Products Partners L.P. settled charges that its $13 billion merger with GulfTerra Energy/Partners L.P. would eliminate competition in two markets: the pipeline transportation of natural gas from the West Central Deepwater region of the Gulf of Mexico; and propane storage and terminaling services in Hattisburg, Mississippi. The consent order requires the divestiture of an interest in a pipeline transportation system and an interest in a propane facility that serves the Dixie Pipeline.

Enterprise Products Partners L.P.
(Final Order November 3, 2006): Enterprise Products Partners L.P. settled charges that its $1.1 billion acquisition of TEPPCO Partners' NGLs sa

required the divestiture of all prone SBBS assets to Siemens, a company well-positioned to become a competitor in this market.

Hospira, Inc.
(Final Order March 23 18, 2007): The consent order settles charges that Hospira Inc.'s proposed $2 billion acquisition of rival drug manufacturer Mayne Pharma Ltd. Would likely reduce competition and harm consumers. In settling the Commission's charges, the companies have agreed to divest to Barr Pharmaceuticals, Inc. (Barr), within 10 days of the acquisition, Mayne's rights and assets related to the following products: hydromorphone hydrochloride (hydromorphone), nalbuphine hydrochloride (nalbuphine), morphine sulfate (morphine), preservative-free morphine, and deferoxamine mesylate (deferoxamine).

Itron, Inc.
(Final Order August 5, 2004): The consent order, designed to preserve competition in the market for the manufacture and sale of mobile radio frequency automatic meter reading technologies for electric utilities in the United States, permitted Itron's $255 million acquisition of Schlumberger 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

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be taken private by KMI management and a group of investment firms, including private equity funds managed and controlled by The Carlyle Group (Carlyle) and Riverstone Holdings LLC (Riverstone) would threaten competition between KMI and Magellan in eleven metropolitan areas in the Southeast, likely resulting in higher prices for gasoline and other light petroleum products. The order requires that Carlyle's and Riverstone's interest in Magellan become a passive investment, by requiring them to: (1) removing all of their representatives from the Magellan Board of Managers and its boards of directors, (2) ceding control of Magellan to its other principal investor, Madison Dearborn Partne

Novartis AG
(Final Order September, 21 2005): To resolve overlaps for three generic pharmaceuticals that arose from Novartis AG's acquisition of Eon Labs, Inc., under the terms of a consent order, Novartis is required to divest all the assets necessary to manufacture and market generic desipramine hydrochloride tablets, orphenadrine citrate extended release (ER) tablets, and rifampin oral capsules in the United States to Amide within 10 days of Novartis's acquisition of Eon. Further, Novartis, through its Sandoz generic pharmaceuticals division, will supply Amide with orphenadrine citrate ER and desipramide hydrochloride tablets until Amide obtains Food and Drug Administration (FDA) approval to manufacture the products itself, and will assist Amide in obtaining all necessary FDA approvals.

Occidental Chemical Corporation
(Final Order July 13, 2005): A consent order allows Occidental Chemical Company's purchase of the chemical assets of Vulcan Materials Company, provided Occidental divests Vulcan's Port Edwards, Wisconsin, chemical facility and related assets. The consent order alleviates the alleged anticompetitive impact of the acquisition in the markets for potassium hydroxide, anhydrous potassium carbonate (APC), and potassium carbonate, which includes APC and liquid potassium carbonate. The Port Edwards facility will be divested to ERCO Worldwide or to another Commission-approved buyer within six months if a problem is encountered with ERCO

provided the companies divest: 1) Gillette's Rembrandt at-home teeth whitening business; 2) P&G's Crest SpinBrush battery-powered and rechargeable toothbrush business; and 3) Gillette's

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. In an effort to restore competition as it existed prior to the merger, the Commission ordered Chicago Bridge to reorganize the relevant product business into two separate, stand-alone, viable entities capable of competing in the markets described in the complaint and to divest one of those entities within six months.

With an administrative complaint issued on October 25, 2001, the Commission challenged the February 2001 purchase of the Water Division and Engineered Construction Division of Pitt-Des Moines, Inc. alleging that the acquisition significantly reduced competition in four separate markets involving the design and construction of various types of field-erected specialty industrial storage tanks in the United States. The initial decision filed June 27, 2003 upheld the complaint.

On June 27, 2004, an administrative law judge upheld the complaint and ordered the divestiture all of the assets acquired in the acquisition. In December 2004, the Commission 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." These assets included but were not limited to real property; personal property; equipment; inventories; and intellectual property.

Northwestern Healthcare Corporation
(October 17, 2005): In an Initial Decision the Administrative law judge found that Evanston Northwest Healthcare Corporation's acquisition of an important competitor, Highland Park Hospital, resulted in higher prices and substantially lessened competition for acute care inpatient services in parts of Chicago's northwestern suburbs. The Administrative law judge found that the evidence established that the merged hospital exercised its enhanced post-merger market power to obtain price increases significantly above its premerger prices and substantially larger

than price increases obtained by comparable hospitals. The ALJ also found that the evidence ruled out explanations for the price increase, other that the exercise of market power. The ALJ entered an order that would require the divestiture of the acquired hospital.
The hospital's appeal of the ALJ's decision and

Reforms to the Merger Review Process
(Effective February 17, 2006): Reforms to the agency's merger review process establishing that the FTC will:

- limit the number of employees required to provide information in response to a second request, provided the party complies with specified conditions;
- reduce the time period for which a party must provide documents in response to the second request;
- allow a party to preserve far fewer backup tapes and produce documents on those tapes

D. Complaints - Authorized

Arch Coal, Inc.
(February 23, 2004): The Commission authorized staff to file a complaint in federal district court for a temporary restraining order under Section 7A(g)(2) of the Clayton Act to block Arch Coal's proposed acquisition of Triton Coal Company until Arch Coal substantially complied with the Commission's request for addition information under the Hart-Scott-Rodino Act. After Arch Coal was notified that the Commission authorized a Section 7A(g)(2) complaint, Arch withdrew its Certification of Substantial Compliance with the second request and provided additional information. On June 13, 2005 the Commission announced that it was closing its investigation, saying that it will not continue with administrative litigation challenging the deal.

E. Rules and Formal Interpretations

Hart-Scott Final Rulemaking
(Effective February 21, 2007): 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 Final Rulemaking
(Effective July 23, 2006): The Federal Trade Commission and the Department of Justice's Antitrust Division implemented an electronic filing system that allows merging parties to submit via the Internet premerger notification filings required by the Hart-Scott-Rodino Act.

Hart-Scott Final Rulemaking
(Effective February 18, 2006): 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
(Effective January 11, 2006): Amendments to Parts 801 and 802 of the Premerger Notification Rules allowing filing persons to provide an Internet address linking directly to the documents required by Items 4(a) and (b) in lieu of providing paper copies.

Hart-Scott Rodino Reform / Amended Final Rules
(Effective December 12, 2005): Amendments to Parts 801 and 802 of the Premerger Notification Rules requiring use of 2002 NAICS rather than 1997 NAICS when reporting economic data by industry and product codes.

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.

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 Improvemerd(art-)TJ0.0005 Tc -0.t re005 TldvyT1 1 e26 Tw 10.5n005 Tc -.000ug1

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.

(June 19, 2002) The Commission filed a complaint with an administrative law judge charging that between 1991 and 1996 Rambus, Inc. 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).

(February 17, 2004) The administrative law judge dismissed all charges against Rambus, 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 the there was insufficient evidence that there were viable alternatives to Rambus' technology before the standard setting organization.

(August 2, 2006) The FTC issued an opinion by Commissioner Pamela Jones Harbour concluding that Rambus unlawfully monopolized markets for four computer memory technologies that have been incorporated into industry standards DRAM chips. DRAMs are widely used in personal computers, servers, printers, and cameras. The Commission found that, through a course of deceptive conduct, Rambus was able to distort a critical standard-setting process and engage in an anticompetitive "hold up" of the computer memory industry. The Commission held that Rambus's acts of deception constituted exclusionary conduct under Section 2 of the Sherman Act and contributed si

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.

Holding Inc., validating the Commission's approach to analyzing horizontal conduct among competitors.

Schering-Plough Corporation
(March 8, 2005) The United States Court of Appeals for the Eleventh Circuit set aside and vacated the Commission decision that found that Schering-Plough entered into agreements with Upsher-Smith Laboratories, Inc. and American

profits and agreed not to enter into agreements not to compete when one party to the agreement is a first filer of an abbreviated new drug application.

and preserve cultural objects (including historical scientific, religious, archaeological and artistic objects).

Anesthesia Service Medical Group, Inc. and Grossmont Anesthesia Services Medical Group
(Final Order July 11, 2003): Two anesthesiologists groups settled charges that they entered into joint agreements to establish fees and services from Grossmont Medical Hospital in San Diego County. Specifically, the groups agreed on fees that both would demand from health care insurance companies and other third party payers for taking call for obstetrics and providing services to uninsured emergency room patients. Together, the two groups are composed of approximately 200 physicians that provide competing anesthesiology services in the San Diego area.

Austin Board of Realtors
(Final Order September 6, 2006): The Commission entered into a final consent order settling charges against the Austin Board of Realtors (ABOR) for its practice of preventing consumers with listing agreements for potentially low-cost, unbundled brokerage services from marketing their listings on public real estate-related Internet sites. In settling the charges, ABOR is prohibited from adopting or enforcing any rule that treats one type of real estate listing agreement more advantageously than any other, or from interfering with its members ability to enter into any lawful listing agreement with home sellers.

Biovail Corporation
(Final Order October 2, 2002): The Commission charged Biovail Corporation with illegally acquiring an exclusive patent license for Tiazac, a pharmaceutical used to treat high blood pressure and chronic chest pain. The complaint further alleged that Biovail, in an effort to maintain its monopoly, wrongfully listed the acquired license in the U.S. Food and Drug Administration's "Orange Book" for the purpose of blocking generic competition to its branded Tiazac. The consent order requires Biovail to divest part of its excl

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.

Information and Real Estate Services, LLC.
(Final Order December 1, 2006): The Commission settled charges that Information and Real Estate Services, LLC (IRES) adopted rules that withheld valuable benefits of the Multiple

private companies may be protected from the federal antitrust laws if the state authority regulates and regularly reviews the operations and practices of the companies.

MiRealSource, Inc.
(Final Order March 23, 2007): The Commission filed a Part 3 administrative complaint challenging a set of rules adopted by MiRealSource, Inc. to keep Exclusive Agency Listings from being listed on its MLS, as well as other rules that restricted competition in real estate brokerage services. The complaint alleges that the conduct was collusive and exclusionary, because in agreeing to keep non-traditional listings off the MLS or from public Web sites, the brokers enacting the rules were, in effect, agreeing among themselves to limit the manner in which they compete with one another, and withholding valuable benefits of the MLS from real estate brokers who did not go along. On February 5, 2007 the Commission approved a consent order for public comment settling the complaint. Under the terms of the final consent order, MiRealSource has agreed to abandon such collusive conduct and provide its services to all member brokers representing potential home sellers, regardless of the type of listing contract that they choose.

Missouri Board of Embalmers and Funeral Directors
(Proposed Consent Agreement Accepted for Public Comment on March 9, 2007): Under the terms of the proposed consent order, the Missouri Board of Embalmers and Funeral Directors (Board) agreed to settle charges that it deterred competitive entry in the retail sale of caskets by adopting a rule that only licensed funeral directors could sell caskets to consumers on an at-need basis. Under the proposed settlement, the Board must include in various forms of communications to the publics that it is not necessary to obtain a license from the Board to offer for retail sale caskets and other funeral merchandise to customers in Missouri.

Monmouth County Association of Realtors
(Final Order December 1, 2006): The Commission settled charges that Monmouth County Association of Realtors (Monmouth) adopted rules that withheld valuable benefits of the Multiple Listing Services (MLSs) they control from consumers who chose to enter into non-traditional listing contracts with real estate brokers. The consent order settling the FTC's charges will prohibit Monmouth from discriminating against non-traditional listing arrangements.

Movers Conference of Mississippi, Inc.
(Final Order October 28, 2003): With an administrative complaint issued on July 8, 2003 the Commission charged that the association composed of competing household goods movers filed collective rates for intrastate moving services in the state of Mississippi. According to the complaint, these activities were not protected under the state action doctrine and are not immune

association is required to remove all provisions that do not conform to the provisions in the consent order from: (1) its Code of Professional Responsibility for Arbitrators of Labor-Management Disputes; (2) its Formal Advisory Opinions; (3) any Statements of Policy; and (4) its Web site.

New Hampshire Motor Transport Association
(Final Order December 4, 2003): The New Hampshire Motor Transport Association settled charges that it filed tariffs containing rules that called for automatic increases in intrastate rates. In addition, the organization agreed to void its collectively filed tariffs current in effect in New Hampshire.

New Century Health Quality Alliance, Inc.
(Final Order October 6, 2006): The Commission approved a final consent order settling Commission charges alleging that two independent practice associations (IPAs) and 18 member physician practices in the Kansas City, MO area, refused to deal with health care plans, except on collectively agreed-upon prices and other terms.

New Millennium Orthopaedics
(Final Order June 13, 2005): The Commission settled charges with two small groups of orthopaedic physicians in the Cincinnati area that had formed an independent practice association that jointly negotiated contracts regarding the rates its physician members would charge health plans and other payors for their services. In addition to the usual prohibitions on joint negotiations, the Commission's order disbanded the IPA and prohibited future collective bargaining.

Northern New England Real Estate Network, Inc.
(Final Order December 1, 2006): The Commission settled charges that Northern New England Real Estate Network, Inc. adopted rules that withheld valuable benefits of the Multiple Listing Services (MLSs) they control from consumers who chose to enter into non-traditional listing contracts with real estate brokers. The consent order settling the FTC's charges will prohibit Northern New England Real Estate Network, Inc. from discriminating against non-traditional listing arrangements.

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 with purchasers.

Physician Network Consulting, L.L.C.
(Final Order August 27, 2003): The Physician Network Consulting, L.L.C. of Baton Rouge Louisiana; Michael J. Taylor; Professional Orthopedic Services, Inc; The Bone and Joint Clinic of Baton Rouge, Inc.; Baton Rouge Orthopaedic Clinic, L.L.C.; and Orthopaedic Surgery Associates of Baton Rouge, L.L.C. settled charges that they entered into agreements to fix prices

and other terms on which they would deal with Un

Realtors Association of Northeast Wisconsin, Inc.
(Final Order December 1, 2006): The Commission settled charges that Realtors Association of Northeast Wisconsin, Inc. adopted rules that withheld valuable benefits of the Multiple Listing Services (MLSs) they control from consumers who chose to enter into non-traditional listing contracts with real estate brokers. The consent order settling the FTC's charges will prohibit Realtors Association of Northeast Wisconsin, Inc. from discriminating against non-traditional listing arrangements.

San Juan IPA
(Final Order June 30, 2005): San Juan IPA, Inc., a physicians' independent practice association operating in northwestern New Mexico, agreed to settle Commission charges that it orchestrated and carried out agreements among its member doctors to set the price that they would accept from health plans, to bargain collectively to obtain the group's desired price terms, and to refuse to deal with health plans except on collectively determined price terms. According to the complaint, the effect of this conduct was higher prices for medical services for the area's consumers. The consent order prohibits the association from collectively negotiating with health plans on behalf of its physicians and from setting their terms of dealing with such purchasers. This consent involves 120 physicians who make up about 80 percent of the doctors practicing independently in the area of Farmington, New Mexico.

Southeastern New Mexico Physicians IPA
(Final Order August 6, 2004): A Roswell, New Mexico physicians' association, Southeastern New Mexico Physicians IPA, settled charges that it and two of its employees entered into collective agreements among physician members on fees and refused to deal with health plans that did not accept the collective agreed-upon terms. According to the complaint, these practices increased the price of health care in the Roswell area. The consent order prohibits the IPA and its employees named in the consent from orchestrating agreements between physicians to negotiate with health insurance plans on behalf of any physician and deal or refuse to deal individually with any third party payer.

South Georgia Health Partners, L.L.C.
(Final Order October 31, 2003): A Georgia physician-hospital organization and its other associated physician groups settled charges that they entered into agreements to fix physician 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

F. Other

significant competitive concern and can harm innovation. The report makes recommendation to reduce the number of questionable patents that are issued and upheld.

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. Letter advising that FTC staff 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. Letter advising that FTC staff 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. Letter regarding sale of pharmaceuticals to contracted workers who provide services at VBMC. (March 18, 2003)

Arkansas Children's Hospital. Letter rgarding 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 : Letter regarding 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)

Advocacy Filings

Comments of the Federal Trade Commission Staff before the Louisiana State Bar Association Rules of Professional Conduct Committee regarding proposed rules on lawyer advertising and solicitation (March 14, 2007).

Joint Amicus Brief Filing with the U.S. Department of Justice in Leegin Creative Leather Products, Inc., Petitioner, v. PSKS, Inc concerning vertical minimum resale price maintenance Agreements in the Supreme Court of the United States, On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit) (Case No. 06-480) (January 22, 2007).

Joint Amicus Brief Filing with the U.S. Department of Justice in Credit Suisse Securities (USA) LLC, et al. Petitioners, v. Glen Billing, et al., concerning certain antitrust immunity issues (In the Supreme Court of the United States, On Writ of Certiorari to the United States Court of Appeals for the Second Circuit) (Case No. 05-1157) (January 22, 2007).

Comments of the Federal Trade Commission Staff to The Honorable Terry G. Kilgore Concerning Virginia House Bill No. 945 to regulate the contractual relationship between pharmacy benefit managers and both health be

Comments of the Federal Trade Commission Staff before the New Jersey Supreme Court Concerning Attorney Advertising (March 1, 2006).

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

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 Aghazaian 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 Mark

Joint Brief Amicus Curiae Federal Trade Commission and the Department of Justice in McMahon v. Advanced Title Services Company of West Virginia. The brief argues that allowing nonlawyers to compete with lawyers in the provision of real estate settlement services, including title searching, title reports, closings, and document deliveries, would benefit West Virginia consumers in a variety of ways. (May 25, 2004)

Comments of the Staff of the Federal Trade Commission Bureau of Competition, Bureau of Economics and the Office of Policy Planning to Rhode Island Attorney General Patrick C. Lynch and Deputy Senate Majority Leader Juan M. Pichardo on seven state bills that contain "freedom of choice" and "any willing provider" provisions for pharmaceutical sales. (April 12, 2004)

Comments of the Staff of the Federal Trade Commission Bureaus of Competition, Consumer Protection and Economics and the Office of Policy Planning provide comments on Maryland House Bill 795 which would permit corporate ownership of funeral homes. (April 6, 2004)

Comments of the Staff of the Federal Trade Commission Bureaus of Competition, Economics, Consumer Protection, the Northeast Regional Office and the Office of Policy Planning provided comments on three bills that would allow out-of-state vendors to ship wine directly to New York consumers if the vendors comply with certain regulatory requirements. (March 30, 2004)

Comments of Staff of the Federal Trade Commission Bureau of Competition, Bureau of Economics and the Office of Policy Planning to Kansas State Senator Les Donovan regarding Bill No. 2330 which would bar the "below-cost" sale of motor fuel. (March 16, 2004)

Comments of Staff of the Federal Trade Commission Bureau of Competition, Bureau of Economics, and the Office of Policy Planning. Comments to the Speaker Pro Tempore of the Alabama State House of Representatives Concerning the Alabama Motor fuels Marketing Act. (January 29, 2004)

Joint Comments of the Federal Trade Commission and the Department of Justice on a draft of the proposed amendment to the Indiana Supreme Court Admissions & Discipline Rule regarding Unauthorized Practice of Law to the Indiana State Bar Association. (October 10, 2003)

Comments of the Staff of the Federal Trade Commission Bureau of Competition, Bureau of Economics, and the Office of Policy Planning. Analysis of Wisconsin's Unfair Sales Act: Letter to Wisconsin State Representative Shirley Krug. (October 1, 2003)

Comments to the Federal Energy Regulatory Commission regarding proposed revisions to market-based tariffs and authorization. (August 28, 2003)

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 Practices Act could harm consumers by reducing competition in the sale of motor fuels. (July 24, 2003)

Application for Approval of Asset transfer Agreements with Affiliated Company, Ameren Union Electric Company. Comments to the Illinois Commerce Commission regarding the transfer of generation assets from an unregulated affiliated to its regulated parent utility. (June 18, 2003)

Proposed Amendments to the North Carolina Motor Fuel Marketing Act. Comments of the Federal Trade Commission's Bureau of Competition, Bureau of Economics, and the Office of Planning. Letter to Senator Daniel G. Clodfelter, Chairman of the Judiciary I Committee, stating that the proposed amendments to the state's Motor Fuel Marketing Act are not only unnecessary, but have significant potential to harm consumers by causing them to pay more at the pump. (May 21, 2003)

Standards for Determining Whether Natural Gas Prices are Constrained by Market Forces. Comments to the Georgia Public Service Commission regarding proposed standards to determine whether market forces constrain retail prices for natural gas. (April 24, 2003)

The Potential Effect of Tenet Healthcare Corporation's Proposed Purchase of Slidell Memorial Hospital. Letter from Bureau of Competition, Bureau of Economics and the Office of Policy Planning to Louisiana Attorney General, The Honorable Richard P. Ieyoub, opposing the proposed acquisition by Tenet Health Care Systems of the Slidell Memorial Hospital. According to the letter, the proposed acquisition would eliminate competition and probably give Tenet the opportunity to increase prices unilaterally following the acquisition. (April 1, 2003)

Real Estate Closing Activities. The Commission and the Department of Justice Joint letter to the Rhode Island House of Representatives on Proposed Bills H.5936 and H.5639: Proposed Restrictions on Competition from Non-Attorneys. The agencies expressed concerns that the bills would eliminate competition between non-lawyers and lawyers in the closing of real estate deals in Rhode Island by requiring a lawyer to close almost all real estate closings. (April 1, 2003)

Competition and the Effects of Price Controls in Hawaii's Gasoline Market (January 28, 2003)

Competition and the Effects of Price Controls in Hawaii's Gasoline Market (January 28, 2003)

In the Matter of Application for FDA Approval to Market a New Drug; Patent Listing Requirements; Comments of the FTC Before the HHS and FDA (December 23, 2002)

FTC/DOJ Comments on the American Bar Association's Proposed Model Definition of the Practice of Law (December 20, 2002)

Ohio House Bill 325 - Physician Collective Bargaining (October 16, 2002)

Workshops/Hearings/Conferences

Single-Firm Conduct

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. March 7, 2007: Monopoly Power.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. February 9, 2007: Business Testimony.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. January 26, 2007: Business/Academic Testimony.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. January 10, 2007: Business Testimony.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. December 1, 2006: Misleading and Deceptive Conduct.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. November 17, 2006: Loyalty Discounts.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. November 7, 2006: Exclusive Dealing.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. October 27, 2006: Tying.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. October 20, 2006: Tying, Exclusive Dealing, and Loyalty Discounts.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. September 18, 2006: Empirical Perspectives.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. September 6, 2006: International Issues.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. July 10, 2006: Refusals to Deal.

Hearings on Single-Firm Conduct sponsored by the Commission and the Department of Justice. June 20, 2006: Predatory Pricing.

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)

Other

Broadband Connectivity Competition Policy (February 13-14, 2007)

the Federal Trade Commission held a public workshop on "Broadband Connectivity Competition Policy" bringing together experts from business, government, and the technology sector, consumer advocates, and academics to explore competition and consumer protection issues relating to broadband Internet access, including so-called "network neutrality."

Roundtable on the Economics of Internet Auctions (October 27, 2005)

The Bureau of Economics held a Roundtable on The Economics of Internet Auctions bringing together academic economists, government economists and industry professionals to discuss competition, network effects, fraud, lemons problems, inference, and demand estimation.

Competition Policy and the Real Estate Industry (October 25, 2005)

The Federal Trade Commission and the Department of Justice's (DOJ) Antitrust Division hostchny

Nations Conference on Trade and Development (UNCTAD), and the Asia-Pacific Economic Cooperation (APEC).

V. Competition Speeches

"Vertical Restraints: Federal and State Enforcement of Vertical Issues" (March 8, 2007) Pamela Jones Harbour, Commissioner. ALI-ABA Course of Study, Product Distribution and Marketing in Coral Gables, FL.

"A New Direction for Antitrust at the Supreme Court?" (March 1, 2007) Thomas Rosch, Commissioner. Minnesota State Bar Antitrust Section Meeting in Minneapolis, MN.

"Navigating Between Dystopian Worlds on Network Neutrality, With Misery and Wretchedness on Each Side, Can We Find A Third Way?" (February 13, 2007) Jon Leibowitz, Commissioner. FTC Broadband Connectivity Competition Policy Workshop, Washington D.C.

Keynote Address (February 13, 2007) Deborah Platt Majoras, Chairman. FTC Workshop on Broadband Connectivity Competition Policy, Washington, D.C.

"Update of Recent Enforcement Activities and Priorities" (February 2, 2007) Jeffrey Schmidt, Director, Bureau of Competition. 46th Annual Advanced Antitrust Seminar: Distribution & Marketing. Practicing Law Institute, New York, NY.

"Three Recent Competition Issues at the FTC" (January 5, 2007) Michael A. Salinger, Director, Bureau of Economics. Industrial Organization Society Session at the American Social Science Association Meetings, Chicago, IL.

"Monopsony and The Meaning of 'Consumer Welfare,' A Closer Look at Weyerhaeuser" (December 7, 2006) Thomas Rosch, Commissioner. 2006 Milton Handler Annual Antitrust Review, New York, NY.

"Merger Policy: Are the Courts and Prosecutors in Sync?" (November 16, 2006) Jeffrey Schmidt, Director, Bureau of Competition. ABA Fall Forum, Washington, D.C.

"Competition Choke Points?" (November 9, 2006) Thomas Rosch, Commissioner. 2006 Global Forum, Paris, France.

"Remedies" (October 29, 2006) Jeffrey Schmidt, Director, Bureau of Competition. Esapience Conference in Como, Italy.

"Adoption of Trade Regulations in China, Scope and Effect: An American's View" (October 20, 2006) Pamela Jones Harbour, Commissioner. New York State Bar Association International Law and Practice Section Fall 2006 Meeting, Shanghai, China,

"How Settlements Make Strange Bedfellows: Or How the Federal Trade Commission has Managed to Unite the Entire Pharmaceutical Industry (but only in Opposition to the FTC's Position on Exclusion Payment Settlements)" (September 29, 2006) Jon Leibowitz, Commissioner. Generic Pharmaceutical Association's Annual Policy Conference, Washington, D.C.

"The Legacy of Matsushita: Has this Thing Called Economics Gotten Way Out of Hand?" (September 29, 2006) Michael A. Salinger, Director, Bureau of Economics. Matsushita at 20, Loyola University School of Law, Institute for Consumer Antitrust Studies, Chicago, IL.

"A Primer on the Application of Antitrust Law to the Professions in the United States" (September 29, 2006) William Blumenthal, General Counsel. Annual Fall Conference on Competition Law of the Canadian Bar Association, Ottawa/Gatineau Canada.

"Lessons from the Masters" (September 28, 2006) Deborah Pl

“Reflections on the DG Competition Discussion Paper on the Application of Article 82 to

"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 and Consumer Redress.

"Post Merger Product Repositioning" (April 9, 2005) Luke M. Froeb, Director, Bureau of Economics. Speech before the Third Annual Meeting of the International Industrial Organization Conference, at The Georgia Institute of Technology Hotel and Conference Center, Atlanta, GA.

"**U.S. Antitrust Practice - How does it affect European business?**" (April 7, 2005) Deborah Platt Majoras, Chairman. Speech before the Studienvereinigung Kartellrecht, Brussels, Belgium.

"**The Good, the Bad and the Ugly: Trade Associations and Antitrust**" (March 30, 2005) Jon Leibowitz, Commissioner. American Bar Association, Antitrust Spring Meeting, Washington, D.C.

"**The Cost of Filling Up: Did the FTC Approve Too Many Energy Mergers?**" (March 31, 2005) Luke M. Froeb, Director, Bureau of Economics and John H. Seesel, Associate General Counsel for Energy, Federal Trade Commission. Remarks before The Fuel and Energy Committee Section of Antitrust Law, American Bar Association, Washington, D.C.

"**A "Check-Up" of Selected Health Care Activity at the Federal Trade Commission**" (March 30, 2005) Pamela Jones Harbour, Commissioner. ABA Antitrust Section Spring Meeting "The Agencies' 2004 Report on Improving Health Care: Comments on the Report and Its Aftermath".

"State of the FTC" (March 28, 2005) Deborah Platt Majoras, Chairman, Washington, DC.

"Vertical Restraints: Federal and State Enforcement of Vertical Issues" (March 17 - 19, 2005) Pamela Jones Harbour, Commissioner. ALI-ABA Course of Study, Product Distribution and Marketing, New Orleans, LA.

"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)

"Diagnosing Physician-Hospital Organizations" (January 22, 2004) Susan A. Creighton, Director, Bureau of Competition. American Health Lawyers Association, Program on Legal Issues Affecting Academic Medical Centers and Other Teaching Institutions, Washington, DC.

"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" (November 2003) Luke M. Loeb, Director, Bureau of Economics. Committee on Antitrust and Trade Regulation of the Association of the Bar of the City of New York.

"A Federal-State Partnership on Competition Policy: State Attorneys General as Advocates" (October 1, 2003), National Association of Attorneys General, 2003, Antitrust Seminar, Washington, DC.

"Antitrust in Healthcare: A Keynote Address" (May 15, 2003) Thomas B. Leary, Commissioner. Written version of May 15, 2003 speech given at forum on Antitrust and Healthcare, Health Lawyers Association and the ABA Sections on Antitrust Law and Health, Washington, DC.

"Advertising and Unfair Competition: FTC Enforcement" (March 21, 2003) Thomas B. Leary, Commissioner. 18th Annual Advanced ALI-ABA Product Distribution and Marketing Course of Study Program, Orlando, Florida.

"Vertical issues: The Federal View" (March 20, 2003) Thomas B. Leary, Commissioner. 18th Annual Advanced ALI-ABA Product Distribution and Marketing Course of Study Program, Orlando, Florida.

"Discussion of Generic Drug Study" (January 29, 2003) Michael S. Wroblewski, Assistant General Counsel for Policy Studies, Office of General Counsel. Generic Pharmaceutical Association Annual Meeting, Rio Grande, Puerto Rico.

Institute of Public Utilities' 34th Annual Regulatory Policy Conference (December 10, 2002) Thomas B. Leary, Commissioner. Keynote Speaker, Tampa, Florida.

"Antitrust Implications Under Hatch-Waxman" (December 6, 2002) Thomas B. Leary, Commissioner. Food and Drug Law Institute Hatch-Waxman Update Conference, Washington, DC.

"Competition" (October 30, 2002) Thomas B. Leary, Commissioner. International Chamber of Commerce, Department of Policy and Business Practices, ICC Commission, New York, New York.

American Bar Associations Antitrust Masters Course (October 25, 2002) Thomas B. Leary, Commissioner. Remarks, Sea Island, Georgia.

"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.

VI. Statistics

A. Fiscal Year 2007 (October 1, 2006 though March 31, 2007)

Part II Consent Agreements Accepted for Comment - 16
Mergers and Joint Ventures – 9
The Boeing Company / Lockheed Martin Corp
Thermo Electron/Fisher Scientific
Barr Pharmaceuticals/Actavis Group/PLIVA
Watson Pharmaceuticals, Inc/Andrx
Service Corp. International / Alderwoods
Johnson & Johnson/Pfizer
General Dynamics OTS (Aerospace), inc. / SNC Technologies Inc.
Hospira, Inc./Mayne Pharma Limited
Kinder Morgan inc.

Nonmergers - 7
IRES MLS for Northern Colorado
Monmouth County Association of Realtors
Realtors Association of Northeast Wisconsin, Inc.
Williamsburg Area Association of Realtors, Inc.
Northern New England Real Estate Network, Inc.
Advocate Health Partners
Missouri Board of Embalmers and Funeral Directors

Administrative Complaints Issued - 3
Nonmergers - 2
MiRealSource, Inc.
RealComp II Ltd.
Mergers and Joint Ventures – 1
Equitable Resources, Inc.

Merger Transactions Abandoned - 1

Total Merger and Nonmerger Enforcement - 20

B. Fiscal Year 2006

Part II Consent Agreements Accepted for Comment - 14
Mergers and Joint Ventures – 9
DaVita Inc./Gambro Healthcare, Inc.
Johnson & Johnson/Guidant Corporation
Teva Pharmaceutical Industries Ltd / Ivax Corporation
Allegran / Inamed Corporation
Fresenius AG/Renal Care Group
Boston Scientific Corp / Guidant Corp
Hologic, Inc./Fischer Imaging
Linde/BOC
EPCO/TEPPCO

Nonmergers - 5
Health Care Alliance of Laredo, L.C.
Valassis Communications, Inc.
Austin Board of Realtors
Puerto Rico Association of Endodontists, Corp.
New Century Health Quality Alliance, Inc.

Permanent Injunctions Authorized - 1
Warner Chilcott/Barr Laboratories

Merger Transactions Abandoned - 7

Total Merger and Nonmerger Enforcement - 22

C. 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

D. Fiscal Year 2004
(continued)

E. 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
D 642 (yet)]. p

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

Front cover: *FTC Pennsylvania Avenue Horse*, by Carol Leo