

_____)	
In the Matter of)	
)	Docket No.
)	
National Association of Animal Breeders, Inc.)	
a corporation.)	
_____)	

COMPLAINT

The Federal Trade Commission (Commission), pursuant to the provisions of the Federal Trade Commission Act as amended, 15 U.S.C. § 41 et seq. and by virtue of the authority vested in it by said Act, having reason

13. The traditional method to predict the ability of a dairy bull to transmit commercially desirable traits, such as milk yield, to its daughters involves observing the traits of several dozen daughters of the bull when they start producing milk. This method is costly and takes about four to five years to complete.
14. The CRADA, as amended, granted NAAB exclusive access to the resulting GPTA technology from March 1, 2008, to February 28, 2013 (the "Five Year Period").
15. The CRADA did not restrain in any way the ability of NAAB or its Members to use the new technology or to sell access to it, nor did it authorize NAAB or its Members to adopt rules that restrain in any way the ability of its Members to use the new technology or to sell access to it.
16. During the Five Year Period, the USDA laboratory was the only source of GPTAs and pursuant to the exclusive access that USDA granted to NAAB in the CRADA, the USDA laboratory could provide GPTAs only in response to requests submitted through NAAB.

THE CHALLENGED CONDUCT

17. On October 14, 2008, NAAB approved a resolution that regulated the access to GPTAs during the Five Year Period (the "Resolution"). In so doing, NAAB acted as a combination of its Member.
18. The Resolution specified that a NAAB Member

23. The Resolution expired on February 28, 2013. After the Resolution expired, GPTAs became available to NonMembers for a fee through an industry organization.

VIOLATION CHARGED

24. The purpose, effect, tendency, or capacity of the combination, agreement, acts and practices alleged in Paragraphs 17 through 23 was to restrain competition unreasonably among Respondent's Members. These restraints injured NonMembers by depriving them of the benefits of free and open competition among Respondent's Members
25. The combination, agreement, acts and practices alleged in Paragraphs 17 through 23 constitute unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45. Such combination, agreement, acts and practices, or the effects thereon, will recur in the absence of the relief requested herein.

WHEREFORE, THE PREMISES CONSIDERED, the Federal Trade Commission on this day of _____, 2017, issues its Complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL:

ISSUED: