2. Respondent C.H. Boehringer Sohn AG & Co. KG is a corporation organized, existing and doing business under and by virtue of the laws of the Federal Republic of Germany with its principal executive offices located at Binger Strasse 173, 55216 Ingelheim, Germany and its United States address for service of process and the Complaint and Decision and Order, as follows: Corporate Secretary, 900 Ridgebury Road, Ridgefield, Connecticut 06877.

3. Each Respondent is, and at all times relevant herein has been, engaged in commerce, as "commerce" is defined in Section 1 of the Clayton Act as amended, 15 U.S.C. § 12, and is a corporation whose business is in or affects commerce, as "commerce" is defined in Section 4 of the FTC Act, as amended, 15 U.S.C. § 44.

II. THE PROPOSED ACQUISITION

4. Under the terms of a Sale and Purchase Agreement with an effective date of December 4, 2014 ("Agreement"), Hikma proposes to acquire certain assets for approximately $5 million from Boehringer (the "Acquisition"). The Acquisition is subject to Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18.

III. THE RELEVANT PRODUCT MARKETS

5. For the purposes of this Complaint, the relevant lines of commerce in which to analyze the effects of the Acquisition are the development, license, manufacture, marketing, distribution, and sale of the following generic injectable pharmaceutical products:

a. acyclovir sodium injection;

b. diltiazem hydrochloride injection;

c. famotidine injection;

d. prochlorperazine edisylate injection; and

e. valproate sodium injection.

IV. THE RELEVANT GEOGRAPHIC MARKET

6. For the purposes of this Complaint, the United States is the relevant geographic market in which to assess the competitive effects of the Acquisition in each of the relevant lines of commerce.

V. THE STRUCTURE OF THE MARKETS

7. Acyclovir sodium injection is an antiviral drug used to treat chicken pox, herpes, and other related infections. Three firms, Boehringer, Fresenius Kabi AG ("Fresenius"), and AuroMedics Pharma LLC ("AuroMedics"), currently have Abbreviated New Drug Applications ("ANDAs") for this drug that have been approved by the U.S. Food and Drug Administration

(“FDA”).

injection; and (5) valproate sodium injection, thereby: (a) increasing the likelihood that the combined entity would forego or delay the launch of these products, and (b) increasing the likelihood that the combined entity would delay, eliminate, or otherwise reduce the substantial additional price competition that would have resulted from an additional supplier of these products.

VII. ENTRY CONDITIONS

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