

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

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LEN BLAVATNIK,

Deñdant

Ciil Acton No. 1:1 5-01631
(RDM)

enforcement by the agencies an opportunity to investigate certain alleged actions before they are consummated.

As alleged in the Complaint, Defendant acquired voting securities of TangMe in excess of the \$75.9 million statutory threshold then in effect without complying with the pre-notification and waiting period requirements of the HSR Act. Defendant's failure to comply rendered the acquisition void and the provisions of the HSR Act by applicable agencies inapplicable to the Defendant's acquisition. The Complaint seeks an adjudication that the Defendant's acquisition of voting securities of TangMe violated the HSR Act and asks the Court award an appropriate civil penalty.

After the answer to the Complaint was filed, the United States also filed a Stipulation and Proposed Final Judgment. The terms of the Proposed Final Judgment are designed to deter Defendant from future HSR Act violations by imposing a civil penalty of \$656,000.

Even though the Proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify or enforce the provisions of the Proposed Final Judgment and to prohibit actions thereof.

II. COMPLIANCE WITH THE APPA

The APPA provides a 30-day period for the business of the defendant and the Proposed Final Judgment, 15 U.S.C. §16(b). In compliance with the APPA, the United States filed the CIS with the Cotton A on April 20, 2016, and published the Proposed Final Judgment and CIS in the Federal Register on April 28, 2016, see 81 Fed. Reg. 24880-85 (2016). Summary of the Proposed Final Judgment and CIS, together with directions for the business of the defendant and the Proposed Final Judgment, were published in The Washington Post on a 1 day waiting period April 29, 2016, through May 5, 2016. The

sixty-day period for public comments ended on July 5, 2016. The United States received no written comments relating to the proposed Final Judgment.

The Certificate of Compliance filed with this Motion and Memorandum states that all the requirements of the APPA have been satisfied. It is now appropriate for the Court to make the public interest determination required by 15 U.S.C. § 16(e) and to enter the Proposed Final Judgment.

III. STANDARD OF JUDICIAL REVIEW

Before entering the proposed Final Judgment, the APPA requires the Court to determine whether the proposed Final Judgment “is in the public interest.” 15 U.S.C. § 16(e)(1). In making that determination, the Court shall consider:

- (A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and
- (B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(e)(1)(A)(B). In its Competitive Impact Statement filed with the Court on April

Final Judgment without further proceedings. The United States respectfully requests that the proposed Final Judgment, attached ~~to~~ as Exhibit 2 be entered at this time.

Dated: July 11, 2016

Respectfully Submitted,

 /s/ Kenneth A. Libby
Kenneth A. Libby
Special Attorney