

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Joseph J. Simons, Chairman
Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
Christine S. Wilson

In the Matter of)
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)
FRESENIUS MEDICAL CARE AG & CO. KGaA,)
a partnership limited by shares;)
)
and)
)
NXSTAGE MEDICAL, INC.,)
a corporation.)
)
)
_____)

DOCKET NO. C-4671

COMPLAINT

Pursuant to the Clayton Act and the Federal Trade Commission Act (“FTC Act”), and its authority thereunder, the Federal Trade Commission (“Commission”), having reason to believe that Respondent Fresenius Medical Care AG & Co. KGaA, (“Fresenius”), a com

acquisition consummated, would violate Section 7 Section 5 of the FTC Act, as amended, proceeding in respect thereof would be its charges as follows:

- 1. Respondent Fresenius Medi shares organized, existing an Federal Republic of German at Else-Kröner-Straße 1, 613 Fresenius Medical Care Hol Medical Care North Americ

hemodialysis machine requires proprietary bloodlines specifically manufactured for its connection points.

8. For the purpose of this Complaint, the United States is the relevant geographic area in which to assess the competitive effects of the Acquisition in the relevant line of commerce.

IV. THE STRUCTURE OF THE MARKET

9. The U.S. market for bloodline tubing sets indicated for hemodialysis treatment is highly concentrated. Fresenius and NxStage are two of only three current suppliers of bloodline tubing sets for open architecture hemodialysis machines used in clinics with market shares of 59% and 23%, respectively. Nipro Medical Corporation (“Nipro”) is the third supplier with 16% market share. The remaining 2% market share consists of smaller participants supplying proprietary bloodlines for closed architecture hemodialysis machines. NxStage supplies an airless bloodline tubing set, which uses a pressure-oscillating diaphragm that eliminates contact between the patient’s blood and the air that is required to measure pressure. Similarly, Fresenius recently

