

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:       Maureen K. Ohlhausen, Acting Chairman  
                              Terrell McSweeney**

**In the Matter of**

**DraftKings, Inc.  
a corporation,**

**And**

**FanDuel Limited  
a corporation.**

**Docket No. 9375**

**PUBLIC**

**ORDER DISMISSING COMPLAINT**

On June 19, 2017, the Commission issued an administrative Complaint alleging that Respondents DraftKings, Inc. and FanDuel Limited had executed a merger agreement in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and that if the merger were consummated, it would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the FTC Act. Complaint Counsel and Respondents now jointly seek dismissal of the Complaint, on the grounds that the Respondents have terminated the proposed merger of DraftKings and FanDuel and have withdrawn the Hart-Scott-Rodino Notification and Report Forms that they filed for this proposed merger.<sup>1</sup>

The Commission has determined to dismiss the Complaint without prejudice, in light of Respondents' decision to abandon the proposed transaction and their withdrawal of their respective Hart-Scott-Rodino Notification and Report Forms. Respondents would not be able to effectuate the proposed transaction without filing new Hart-Scott-Rodino Notification and

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<sup>1</sup> See Joint Motion to Dismiss Complaint (filed July 13, 2017), *available at* <https://www.ftc.gov/system/files/documents/cases/d09375motiondismisscomplaint.pdf>.

