

Statement of the Federal Trade Commission known as polyetheretherketone or PEEK competition, spur innovation, and promote competition among PEEK suppliers. This enforcement action is necessary to protect the public interest in a competitive market for PEEK. This enforcement action is necessary to protect the public interest in a competitive market for PEEK. This enforcement action is necessary to protect the public interest in a competitive market for PEEK.

It is well established that exclusionary practices are anticompetitive on the circumstances.

¹ The Commission therefore examines exclusive dealing under the rule of reason to determine whether the probable net effect of an exclusive dealing policy is to benefit or harm competition. In particular, we focus on evidence that the suspect conduct has affected or is likely to affect prices, output, quality, innovation, and consumer choice. Because its legality turns on its impact on competition, an exclusive dealing policy may be lawful when used by a firm in a competitive market, but unlawful if a monopolist uses the policy to maintain its dominant position, for example, by diminishing its rivals' ability to compete.² We have reason to believe that the latter occurred here.

In vivo was the first and for several years the only PEEK supplier in the market. We charge that, when faced with the entry of two new rivals in the late 2000s, Solvay Specialty Polymers LLC and Evonik Corporation, In vivo sought to lock up its customers and lock out these rivals. In vivo recognized that denying Solvay and Evonik access to the largest and most influential customers was critical to preventing the two entrants from validating their reputations in the market and achieving the experience needed to pose a serious threat to In vivo's market dominance.

As described in our complaint, In vivo had entered into long-term exclusive contracts with nearly every medical device maker producing implants using PEEK. We allege that to prevent Solvay and Evonik from gaining scope, experience, and supply relationships, In vivo tightened

