

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Lina M. Khan, Chair  
Rebecca Kelly Slaughter

2. The Commission has jurisdiction of the subject matter of this proceeding and over Respondent, and the proceeding is in the public interest.

## ORDER

### I. Definitions

IT IS HEREBY ORDERED that, as used in this Order, the following definitions shall apply:

- A. "O-I" or "Respondent" means ~~O~~Glass Inc., its directors, officers, employees, agents, representatives, successors, and assigns; the joint ventures, subsidiaries, partnerships, divisions, groups, and affiliates controlled by ~~G~~Glass Inc., and the respective directors, officers, employees, ~~ag~~ents, representatives, successors, and assigns of each.
- B. "Commission" means the Federal Trade Commission.
- C. "Agreement" means any agreement, contract, understanding, or provision or term thereof, whether express or implied, written or unwritten.
- D. "Employee" means a Person employed by, previously employed by, or in the process of being employed by, Respondent in the United States as specified in Appendix A.
- E. "Noncompete Agreement" means an Agreement between ~~and~~ an Employee that restricts or restrains the right or ability of the Employee to seek or accept employment with any Person, to operate a business, or otherwise to compete ~~with~~ any period of time after the conclusion of the Employee's employment with O
- F. "Person" means both natural and artificial persons, including but not limited to, corporations, partnerships, and unincorporated entities

### II. Injunction

IT IS FURTHER ORDERED that Respondent, in connection with its activities in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44, shall cease and desist from, directly or indirectly, or attempting to enter into, maintaining or attempting to maintain, enforcing or attempting to enforce, or threatening to enforce ~~a~~ Noncompete Agreement ~~at~~ communicating to an Employee or any prospective or current employer of that Employee that the Employee is ~~subject~~ to a Noncompete Agreement

III. Notice to Employees

IT IS FURTHER ORDERED that Respondent shall

- A. No later than 30 days from the date this Order is issued, deliver to each Employee who

compliance with the Order may subject Respondent to penalties for violation of the Order.

- E. Retain documents and records sufficient to record Respondent's compliance with its obligations under Section IV of this Order.

## V. Compliance Reports

IT IS FURTHER ORDERED that Respondent shall file verified written reports ("Compliance Reports") in accordance with the following:

- A. Respondent shall submit:
  - 1. Interim Compliance Reports 30 days after the date this Order is issued, and every 60 days thereafter for a period of one year
  - 2. Annual Compliance Reports one year after the date this Order is issued, and annually for the next 9 years on the anniversary of that date; and
  - 3. Additional Compliance Reports as the Commission or its staff may request.
- B. Each Compliance Report shall contain sufficient information and documentation to enable the Commission to determine independently whether Respondent is in compliance with this Order. Conclusory statements that Respondent has complied with its obligations under the Order are insufficient. Respondent shall include in its reports, among other information or documentation that may be necessary to demonstrate compliance, (1) a full description of the measures Respondent has implemented and plans to implement to comply with each paragraph of Order, including a list of all persons who received the notice required by Section IV of this Order, together with proof of service of the notice; and (2) upon the Commission's request, a copy of any employment agreement (apart from a collective bargaining agreement) Respondent currently implements in the United States after execution of the Consent Agreement
- C. For a period of 5 years after filing a Compliance Report, Respondent shall retain all material written communications with each party identified in each Compliance Report as required by Paragraph IV and all nonprivileged internal memoranda, reports, and recommendations concerning fulfilling Respondent's obligations under this Order during the period covered by such Compliance Report. Respondent shall provide copies of these documents to Commission staff upon request.
- D. Respondent shall verify each Compliance Report in the manner set forth in 28 U.S.C. § 1746 by the Chief Executive Officer or another officer or employee specifically authorized to perform this function. Respondent shall file its Compliance Reports with

