Docket 6485. Order, June 21, 1965

Order denying respondent's motion to postpone oral reargument and the filing of briefs.

ORDER DENYING MOTION TO POSTPONE ORAL REARGUMENT AND FILING OF BRIEFS AND DISMISSING MOTION FOR LEAVE TO FILE BRIEF

By order of June 18, 1965, the Commission scheduled oral reargument in this matter for July 8, 1965, and directed that supplemental briefs may be filed by August 9, 1965. On June 18, 1965, counsel for

AMERICAN BRAKE SHOE COMPANY

Docket 8622. Order, June 17, 1965

Order denying respondent's request for reconsideration of Commission's earlier denial of motion for issuance of subpoenas.

ORDER DENYING MOTION FOR RECONSIDERATION

On June 7, 1965, respondent, purporting to act pursuant to Section 3.6 of the Commission's Rules of Practice for Adjudicative Proceedings, filed a "Motion for Reconsideration" of the Commission's order of June 2, 1965 [p. 1387 herein], denying respondent's motion for issuance of orders under Section 6(b) of the Federal Trade Commission Act. Although the Rules do not provide for the filing of such a request for reconsideration of an interlocutory matter certified by the examiner, the Commission has nonetheless given it full consideration.

Respondent contends that the June 2 order "cannot stand as written because either (1) it is premised on a mistaken view of respondent's contention as to the relevant product line and therefore does not fairly meet the issue posed by the motion; or (2) the order improperly holds that respondent is not entitled to prove affirmatively that the proper relevant market includes products other than those listed in the complaint."

The Commission has reviewed its June 2 order in light of respondent's present contentions, and concludes that it reflected an entirely correct understanding of respondent's position regarding the definition of a relevant market, as set forth in its answer to the complaint and in its statements during the prehearing conference. Furthermore, nothing contained in the June 2 order is fairly susceptible to the interpretation that respondent is to be prevented from trying to prove that the relevant market defined in the complaint is invalid and that the much broader product market it suggests "is the *only* market in which the impact of the merger can validly be tested." [1]

It is ordered, That respondent's motion for reconsideration be, and it hereby is, denied.

THE B. F. GOODRICH COMPANY AND THE TEXAS COMPANY

Docket 6485. Order, June 18, 1965

Order vacating an earlier order and setting time for reargument of the case.

[1] Respondent's motion of June 7, 1965, p. 3. (Emphasis in the original.)