

IN THE MATTER OF
BELTONE HEARING AID COMPANY

ORDER TO SET ASIDE IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT AND SEC. 3 OF THE CLAYTON ACT

Docket 5825. Final Order, Feb. 16, 1956—Order To Set Aside, Feb. 10, 1984

The Final Cease and Desist Order issued against Beltone Hearing Aid Company in Docket 5825 (52 F.T.C. 830 (1956)), has been set aside in light of the Commission's dismissal of the complaint in *Beltone Electronics Corp.* (100 F.T.C. 68 (1982)), which challenged the use of the same exclusive dealing arrangements prohibited by the order in Docket 5825.

ORDER TO SET ASIDE ORDER TO CEASE AND DESIST

On February 16, 1956, the Federal Trade Commission issued an order against Beltone Hearing Aid Company (currently known as Beltone Electronics Corporation) in Docket No. 5825 prohibiting Beltone, in the sale of its own brand name hearing aids, from imposing exclusive dealing arrangements upon its dealers. [52 F.T.C. 830]

However, on July 16, 1982, the Commission dismissed the complaint in *Beltone Electronics Corp.*, Docket No. 8929 challenging, among other things, Beltone's use of the same exclusive dealing arrangements prohibited by the order in Docket No. 5825. [100 F.T.C. 68]

On December 7, 1983, the Commission pursuant to Section 3.72(b) of the Commission's Rules of Practice, 16 C.F.R. 3.72(b), issued to Beltone an order to show cause why the proceeding herein should not be reopened to set aside the final cease and desist order in Docket No. 5825, prohibiting Respondent's use of exclusive dealing arrangements. Respondent was provided an opportunity to object to the proposed set aside of the order against it, and having failed to do so, is now deemed to have consented to such action. In view of the Commission decision in *Beltone*, the Commission believes that this set aside is in the public interest.

Accordingly,

It is hereby ordered, That this matter be, and it hereby is, reopened and that the order herein shall be set aside as of the effective date of this order.

Complaint

103 F.T.C.

IN THE MATTER OF

SCHLUMBERGER, LTD., ET AL.

DISMISSAL ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT AND SEC. 7
OF THE CLAYTON ACT*Docket 9164. Complaint, Jan. 28, 1983—Dismissal Order, Feb. 17, 1984*

On Feb. 17, 1984, the Federal Trade Commission issued an order dismissing the complaint against Schlumberger, Ltd., citing "changed circumstances since the issuance of the Commission's complaint."

Appearances

For the Commission: *George Cary.*

For the respondents: *Werner L. Polak, Shearman & Sterling, New York City.*

COMPLAINT

The Federal Trade Commission, having reason to believe that the acquisition by Schlumberger, Ltd. ("Schlumberger") of Accutest Corporation ("Accutest") violates Section 7 of the Clayton Act, as amended (15 U.S.C. 18), and Section 5 of the Federal Trade Commission Act, as amended (15 U.S.C. 45); and it appearing that a proceeding by the Commission in respect thereof would be in the public interest, the Commission hereby issues its Complaint, pursuant to Section 11 of the Clayton Act (15 U.S.C. 21) and Section 5(b) of the Federal Trade Commission Act (15 U.S.C. 45(b)), stating its charges as follows:

I. Definitions

1. For the purposes of this Complaint, the following definitions shall apply:

a. *Digital integrated circuit automatic test equipment (DIC/ATE)* means a computer controlled test system, the basic functions of which are to ascertain the operating characteristics of digital integrated circuits and to determine if those characteristics are within allowable limits. The uses of DIC/ATE are design engineering characterization, product engineering, incoming inspection, production testing and quality assurance of digital integrated circuits.

b. *Large scale integration and very large scale integration digital integrated circuit automatic test equipment (LSI/VLSI ATE)* means