CARILION CLINIC

Docket No. 9338, Order, August 11, 2009

Order withdrawing the Matter from adjudication.

ORDER

Complaint Counsel and Respondent Carilion Clinic, Inc., have jointly moved, pursuant to Rule 3.25(b) of the Commission Rules of Practice, to withdraw this matter from adjudication for the purpose of considering a proposed consent agreement. The ALJ has certified the motion to the Commission, pursuant to Rule 3.25(d).

Upon consideration of the motion, the Commission has determined to withdraw this matter from adjudication for thirty (30) days. Absent another order by the Commission, this matter will revert to Part 3 adjudicative status at 12:01 a.m. on Friday, September 11th.

IT IS ORDERED THAT Complaint Counsel and Respondent's request to withdraw this matter from adjudication is **granted**. This matter is withdrawn from adjudication until 12:01 a.m. on Friday, September 11, 2009, at which time it will return to adjudicative status under Part 3 of the Commission Rules of Practice.

By the Commission.

Interlocutory Orders, Etc.

THORATEC CORPORATION
AND
HEARTWARE INTERNATIONAL, INC.

Docket No. 9339, Order, August 11, 2009

Order dismissing the Complaint.

ORDER DISMISSING COMPLAINT

On July 28, 2009, the Federal Trade Commission issued the Administrative Complaint in this matter, having reason to believe that Respondents Thoratec Corporation ("Thoratec") and HeartWare International, Inc. ("HeartWare") had entered into a merger agreement in violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, and which, if consummated, would violate Section 5 of the FTC Act, and Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18. Complaint Counsel and the Respondents have now filed a Joint Motion to Dismiss Complaint, which states that the Respondents have decided not to proceed with the proposed merger and that Thoratec has withdrawn its Hart-Scott-Rodino Notification and Report Form filed for the proposed transaction.[1]

The Commission has determined to dismiss the Administrative Complaint without prejudice as the most important elements of the relief set out in the Notice of Contemplated Relief in the Administrative Complaint have been accomplished without the need for further administrative litigation.[2] In particular, the Respondents have announced that

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[1] *See* Joint Motion to Dismiss Complaint (Aug. 5, 2009), *available at* http://www.ftc.gov/os/adjpro/d9339/090805jointmodismisscmplt.pdf.

[2] *Cf.* Order Dismissing Complaint, In the Matter of CSL Limited and Cerberus-Plasma Holdings, LLC (June 22, 2009), *available at* http://www.ftc.gov/os/adjpro/d9337/090622commorderdismisscomplaint.pdf; Order Dismissing Complaint, In the Matter of Inova Health System Foundation and Prince William Health System, Inc., Docket No. 9326 (June 17, 2008), *available at* http://www.ftc.gov/os/adjpro/d9326/080617orderdismisscmpt.pdf; Order Dismissing Complaint, In the Matter of Red Sky Holdings LP and Newpark Resources, Inc., Docket No. 9333 (Dec. 10, 2008), *available at* http://www.ftc.gov/os/adjpro/d9333/081210redskycmpt.pdf;