

INTERLOCUTORY, MODIFYING, VACATING, AND MISCELLANEOUS ORDERS

IN THE MATTER OF

LOUISIANA REAL ESTATE APPRAISERS BOARD

Docket No. 9374. Order, July 5, 2018

Order rescheduling the oral arguments in this Matter.

ORDER RESCHEDULING ORAL ARGUMENT

On April 24, 2018, the Commission issued an Order providing that the Oral Argument regarding Complaint Counsel's Motion for Partial Summary Decision Dismissing Respondent's Fourth Affirmative Defense would be held on August 13, 2018. The Commission has now determined, for good cause shown, pursuant to Commission Rule 4.3(b), 16 C.F.R. § 4.3(b), to reschedule the Oral Argument to August 27, 2018; to extend the deadline for a Commission decision; and to change the date on which the evidentiary hearing will begin. Accordingly, the second, third and fourth ordering paragraphs of the April 24, 2018 Commission Order are modified to read as follows:

IT IS ORDERED that the Commission will conduct Oral Argument regarding Complaint Counsel's Motion for Partial Summary Decision Dismissing Respondent's Fourth Affirmative Defense on August 27, 2018, at 2 p.m.;

IT IS FURTHER ORDERED that the Commission's deadline for ruling on Complaint Counsel's Motion for Partial Summary Decision Dismissing Respondent's Fourth Affirmative Defense is extended to September 24, 2018; and

IT IS FURTHER ORDERED that the evidentiary hearing in this proceeding before an Administrative Law Judge of the Federal Trade Commission will commence on November 6, 2018, at 10:00 a.m.

By the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

OTTO BOCK HEALTHCARE NORTH AMERICA, INC.

Docket No. 9378. Order, July 9, 2018

Order denying respondent's motion to withdraw the Matter from adjudication for the purpose of considering a consent settlement.

OPINION AND ORDER OF THE COMMISSION

On December 20, 2017, the Commission issued an administrative complaint alleging that the agreement for Otto Bock HealthCare North America, Inc. ("Otto Bock" or "Respondent") to purchase FIH Group Holdings, LLC ("Freedom") violated Section 5 of the FTC Act, and that consummation of that transaction on September 22, 2017 violated Section 5 of the FTC Act and Section 7 of the Clayton Act. According to the Complaint, the agreement and consummated transaction had the effect of substantially reducing competition in the market for microprocessor-controlled prosthetic knees ("MPK") sold to prosthetic clinics in the United States. In its Answer to the Complaint, Respondent denied that the merger harmed consumers or competition, and asserted affirmative defenses, including, *inter alia*, an averment that Otto Bock's "planned divestiture of the microprocessor controlled prosthetic knee business of Freedom addresses any conceivable anticompetitive effect." Am. Ans. at Seventh Affirmative Defense. Discovery has been completed, and the hearing before the administrative law judge is scheduled to begin on July 10, 2018.

On June 19, 2018, Respondent filed a Motion to Withdraw Matter from Adjudication for Consideration of Proposed Settlement ("Respondent's Motion"). Respondent's Motion contends that an asset purchase agreement to divest Freedom's microprocessor knee business to [REDACTED] would resolve any anticompetitive concerns asserted in the Complaint. Respondent seeks an order withdrawing the matter from adjudication and staying all proceedings before the administrative law judge while the Commission evaluates a proposed consent order based on the proposed asset purchase agreement. Finding that there is a reasonable possibility of settlement, Chief Administrative Law Judge D. Michael Chappell certified Respondent's Motion to the Commission, pursuant to procedures specified in Commission Rule of Practice 3.25(c), 16 C.F.R. § 3.25(c).

Complaint Counsel oppose Respondent's Motion. Complaint Counsel contend that [REDACTED] and would not remedy the effects of the allegedly unlawful merger. Complaint Counsel's Response to Respondent's Motion to Withdraw Matter from Adjudication for Consideration of Proposed Settlement at 2, 6 ("Complaint Counsel's Response"). According to Complaint Counsel, [REDACTED]

Id. at 6.

Moreover, Complaint Counsel maintain, [REDACTED]