



January 2010

ANTITRUST UPDATE: RECENT DEVELOPMENTS

2010 Thresholds for Hart-Scott-Rodino Antitrust Improvements Act of 1976

THRESHOLDS DECREASED FROM 2009

On January 19, the Federal Trade Commission (FTC) announced the 2010 revised jurisdictional thresholds under the HSR Act, which will become effective in late February 2010. The FTC revises the thresholds annually based on changes in the gross national product from the previous year. The 2010 thresholds decreased from 2009 due to the economic downturn in the U.S.

NEW 2010 JURISDICTIONAL THRESHOLDS

Under the 2010 jurisdiction thresholds , a transaction will be reportable if:		2009 thresholds
Size of Transaction Test	The acquiring person will hold, as a result of the transaction, an aggregate total amount of voting securities, assets and/or interests in non-corporate entities of the acquired person valued in excess of \$63.4 million ; and	\$65.2 million
Size of Person Test	The acquiring person or the acquired person has annual net sales or total assets of \$12.7 million or more, and the other person has annual net sales or total assets of \$126.9 million or more.	\$13 million \$130.3 million
	Transactions valued at greater than \$253.7 million are reportable, regardless of the size of person test.	\$260.7 million

NEW 2010 FILING FEE THRESHOLDS

Filing fee	The 2010 filing fee thresholds are as follows:	2009 thresholds
\$45,000	If the aggregate amount of voting securities, assets and/or interests in non-corporate entities to be held as a result of the transaction is greater than \$63.4 million but less than \$126.9 million .	\$65.2 million \$130.3 million
\$125,000	If the aggregate amount of voting securities, assets and/or interests in non-corporate entities to be held as a result of the transaction is equal to or greater than \$126.9 million but less than \$634.4 million .	\$130.3 million \$651.7 million
\$280,000	If the aggregate amount of voting securities, assets and/or interests in non-corporate entities to be held as a result of the transaction is equal to or greater than \$634.4 million .	\$651.7 million

FOR MORE INFORMATION

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