

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of

BENCO DENTAL SUPPLY CO.,  
a corporation,

HENRY SCHEIN, INC.,  
a corporation, and

PATTERSON COMPANIES, INC.  
a corporation,

Respondents.

Docket No. 9379

**COMPLAINT COUNSEL’S NOTICE OF WITHDRAWAL OF MOTION PURSUANT  
TO RULE 3.43(b) TO ADMIT PRIOR TESTIMONY FROM OTHER PROCEEDINGS**

Please take notice that, following the submission of Complaint Counsel’s Motion Pursuant to Rule 3.43(b) to Admit Prior Testimony from Other Proceedings, filed on October 9, 2018, the parties reached an agreement to resolve the dispute without intervention of this Court. As such, Complaint Counsel respectfully withdraws its Motion Pursuant to Rule 3.43(b) to Admit Prior Testimony from Other Proceedings, and requests that the Court deny the motion as moot.

Dated: October 15, 2018

Respectfully submitted,

/s/ Lin W. Kahn  
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**[PROPOSED] ORDER**

Having considered Complaint Counsel's Notice of Withdrawal of its Motion Pursuant to Rule 3.43(b) to Admit Prior Testimony from Other Proceedings, it is hereby ORDERED that Complaint Counsel's Motion Pursuant to Rule 3.43(b) to Admit Prior Testimony from Other Proceedings is DENIED AS MOOT.

ORDERED:

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Date: October \_\_, 2018

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2018, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark  
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Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
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The Honorable D. Michael Chappell  
Administrative Law Judge  
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I further certify that I delivered via electronic mail a copy of the foregoing document to:

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*Counsel For Respondent Patterson Companies, Inc.*

October 15, 2018

By:         /s/ Lin W. Kahn          
Attorney

CERTIFICATE OF ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed documents that is available for review by the parties and the adjudicator.

October 15, 2018

By: /s/ Lin W. Kahn  
Attorney