

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Jon Leibowitz, Chairman**
 Edith Ramirez
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright

In the Matter of
Integrated Device Technology, Inc., a corporation,
and
PLX Technology, Inc., a corporation.

Docket No. 9354
PUBLIC

ORDER DISMISSING COMPLAINT

On December 18, 2012, the Federal Trade Commission issued the Administrative Complaint in this matter, having reason to believe that an agreement and plan of merger between Respondent Integrated Device Technology, Inc. and Respondent PLX Technology, Inc. violated Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, and that the agreement and plan of merger, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18. Complaint Counsel and Respondents have now filed a Joint Motion to Dismiss Complaint, which states that Respondents have abandoned the proposed acquisition of PLX Technology, Inc. by Integrated Device Technology, Inc., and have withdrawn the Hart-Scott-Rodino Notification and Report Forms they filed for the proposed transaction.¹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, Respondents have announced that they have abandoned

¹ See Joint Motion To Dismiss Complaint (January 8, 2013), at <http://www.ftc.gov/os/adjpro/d9354/130108jointmodismisscmlt.pdf>.

² See, e.g., *In the Matter of OSF Healthcare System, et al.*, Docket No. 9349, Order Dismissing Complaint (April 13, 2012), at <http://www.ftc.gov/os/adjpro/d9349/120413rockfordorder.pdf>; *In the Matter of Omnicare, Inc.*, Docket No. 9352, Order Dismissing Complaint (February 22, 2012), at <http://www.ftc.gov/os/adjpro/d9352/120223omnicareorder.pdf>; *In the Matter of*

the proposed acquisition, and have withdrawn the Hart-Scott-Rodino Notification and Report Forms they filed for the proposed transaction. As a consequence, the Respondents would not be able to effect the proposed acquisition without filing new Hart-Scott-Rodino Notification and Report Forms.

For the foregoing reasons, the Commission has determined that the public interest warrants dismissal of the Administrative Complaint in this matter. The Commission has determined to do so without prejudice, however, because it is not reaching a decision on the merits. Accordingly,

IT IS ORDERED THAT the Administrative Complaint in this matter be, and it hereby is, dismissed without prejudice.

By the Commission, Commissioner Ohlhausen recused.

Donald S. Clark

SEAL:

Secretary

ISSUED: January 15, 2013

Thoratec Corporation and HeartWare International, Inc., Docket No. 9339, Order Dismissing Complaint (August 11, 2009), at <http://www.ftc.gov/os/adjpro/d9339/090811thoatecorder.pdf>; In the Matter of CSL Limited, et al., Docket No. 9337, Order Dismissing Complaint (June 22, 2009), at <http://www.ftc.gov/os/adjpro/d9337/090622commorderdismisscomplaint.pdf>.