

802.50

Verne, B. Michael

From: [REDACTED]
Sent: Monday, March 07, 2005 10:21 AM
To: Verne, B. Michael
Subject: Sales in or into the US

Mike,

For acquisitions of assets where both foreign and US assets are being acquired, do the new rules change the general principle of Interp. #238 in the ABA manual (2003 ed.) that the sales in or into the US attributable to the foreign assets are not aggregated to the US sales of the US assets for purposes of determining whether the limitation of Rule 802.50(a) is exceeded?

Assuming no aggregation is required, when determining the sales in or into the US of a foreign plant, do you include all sales of the foreign plant to a US plant that is also being sold as part of the transaction (i.e., without netting out for intracompany transfers and without eliminating products that are re-sold outside the US by the US plant)?

Thank you in advance,

[REDACTED]

DO NOT INCLUDE SALES OF U.S. ASSETS. INCLUDE INTRACOMPANY TRANSFERS ON A NON-DUPLICATIVE BASIS.

"Verne, B. Michael" <MVERNE@ftc.gov>

03/07/2005 08:23 AM

To: [REDACTED]
cc:
Subject: RE: Unincorporated Entities

B. Michael
3/8/05

Tuesday 3/8.

-----Original Message-----

From: [REDACTED]
Sent: Friday, March 04, 2005 9:40 AM
To: Verne, B. Michael
Subject: Unincorporated Entities

Mike,

Do you know when the final rules on incorporated entities are expected to be published in the Federal Register?