

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman
Maureen K. Ohlhausen
Terrell McSweeney**

In the Matter of

**Staples, Inc.,
a corporation,**

and

**Office Depot, Inc.,
a corporation.**

Docket No. 9367

PUBLIC

ORDER DISMISSING COMPLAINT

On December 7, 2015, the Commission issued an administrative Complaint alleging that a merger agreement between Respondents Staples, Inc. and Office Depot, Inc. violates Section 5 of the FTC Act, as amended, 15 U.S.C. § 45, and that if the merger were consummated, it would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, as well as Section 5 of the FTC Act. Complaint Counsel and Respondents now jointly seek dismissal of the Complaint, on the ground that Respondents have abandoned their proposed merger and Staples has withdrawn its Hart-Scott-Rodino Notification and Report Form.¹

The Commission has determined to dismiss the Complaint without prejudice, in light of Respondents' decision to abandon the proposed transaction and Staples' withdrawal of its Hart-Scott-Rodino Notification and Report Form. Respondents would not be able to effectuate the

¹ See Joint Motion to Dismiss Complaint (May 18, 2016), at 1 & attachment.

proposed transaction without filing new Hart-Scott-Rodino Notification and Report Forms. The Commission has therefore determined that the public interest warrants dismissal of the Complaint in this matter.² Accordingly,

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

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: May 18, 2016

² See, e.g., *Sysco Corp., et al.*, Docket No. 9364, Order Dismissing Complaint (June 30, 2015), available at <https://www.ftc.gov/system/files/documents/cases/150630syscoorder.pdf>; *Verisk Analytics, Inc., et al.*, Docket No. 9363, Order Dismissing Complaint (Dec. 19, 2014), available at <https://www.ftc.gov/system/files/documents/cases/141219veriskeaglevieworder.pdf>.