

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



COMMISSIONERS: Maureen K. Ohlhausen, Acting Chairman
Terrell McSweeney

In the Matter of

DraftKings, Inc.
a corporation,

and

FanDuel Limited
a corporation.

Docket No. 9375

PUBLIC

JOINT MOTION TO DISMISS COMPLAINT

Complaint Counsel and Respondents DraftKings Inc. (“DraftKings”) and FanDuel Limited (“FanDuel”) jointly move to dismiss the complaint in the above-captioned matter. On July 13, 2017, Respondents informed Complaint Counsel that they have terminated the proposed merger of DraftKings and FanDuel. As set forth in the attached correspondence, Respondents have withdrawn their Hart-Scott-Rodino Notification and Report Forms filed for this proposed merger. The complaint is now moot.

Accordingly, the parties respectfully request that the Commission dismiss the complaint. A proposed order is attached.

DATE: July 13, 2017

Respectfully submitted,

/s/ Chong S. Park

Chong S. Park
Jonathan S. Klarfeld
Amy D. Paul
Frank Y. Qi
ROPES & GRAY LLP
2099 Pennsylvania Avenue, N.W.
Washington, DC 20006-6807
Telephone: (202) 508-4631
Email: chong.park@ropesgray.com
Counsel for Respondent DraftKings Inc.

/s/ Scott A. Sher

Scott A. Sher
Jamillia Ferris
Michelle Hale
WILSON SONSINI GOODRICH & ROSATI
1700 K Street, N.W.
5th Floor
Washington, DC 20006
Telephone: (202) 973-8800
Email: ssher@wsgr.com
Counsel for Respondent FanDuel Limited

/s/ Ryan K. Quillian

Ryan K. Quillian
Thomas J. Dillickrath
Alexis Gilman
Mark Seidman
Federal Trade Commission
Bureau of Competition
400 7th Street SW
Washington, DC 20024
(202) 326-3286
rquillian@ftc.gov
tdillickrath@ftc.gov
agilman@ftc.gov
mseidman@ftc.gov
Counsel Supporting the Complaint

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

COMMISSIONERS: **Maureen K. Ohlhausen, Acting Chairman
Terrell McSweeney**

In the Matter of

DraftKings, Inc.
a corporation,

and

FanDuel Limited
a corporation.

Docket No. 9375

[PROPOSED] ORDER DISMISSING COMPLAINT

This matter comes before the Commission on Complaint Counsel's and Respondents' Joint Motion to Dismiss Complaint. Having considered the motion, it is hereby

ORDERED, that the Joint Motion to Dismiss Complaint dated July 13, 2017, is **GRANTED** and the complaint is dismissed without prejudice.

By the Commission.

ISSUED: _____

Donald S. Clark
Secretary

CERTIFICATE OF SERVICE

I hereby certify that, on July 13, 2017, I filed the foregoing document electronically using the Federal Trade Commission's E-Filing System, which will send notification of such filing to:

Donald S. Clark, Secretary
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW
Room H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

I further certify that I delivered via electronic mail a copy of the foregoing document to:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW
Room H-110
Washington, DC 20580
oalj@ftc.gov

Counsel for Respondent DraftKings Inc.

Chong S. Park
Jonathan S. Klarfeld
Amy D. Paul
Frank Y. Qi
ROPES & GRAY LLP
2099 Pennsylvania Avenue, N.W.
Washington, DC 20006-6807
Telephone: (202) 508-4631
chong.park@ropesgray.com

Counsel for Respondent FanDuel Limited

Scott A. Sher
Jamillia Ferris
Michelle Hale
WILSON SONSINI GOODRICH & ROSATI
1700 K Street, N.W.
5th Floor
Washington, DC 20006
Telephone: (202) 973-8800

ssher@wsgr.com
jferris@wsgr.com
mhale@wsgr.com

CERTIFICATE FOR 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 document that is available for review by the parties and the adjudicator.

July 13, 2017

By: /s/ Ryan K. Quillian
Counsel Supporting the Complaint



ROPES & GRAY LLP
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON, MA 02199-3600
WWW.ROPESGRAY.COM

July 13, 2017

Deidre J. Johnson
T +1 617 951 7939
F +1 617 235 0603
deidre.johnson@ropesgray.com

BY HAND DELIVERY

Office of Operations
Premerger Unit
Antitrust Division
Department of Justice
950 Pennsylvania Avenue, NW
Room #3335
Washington, DC 20530

Federal Trade Commission
Bureau of Competition
Premerger Notification Office
400 7th Street, SW
5th Floor, Room #5301
Washington, DC 20580


2017 JUL 13 PM 3:44

Re: Premerger Notification Transaction Numbers: 2017-0408 and 2017-0409
DraftKings, Inc.

Ladies and Gentlemen:

Our client, DraftKings, Inc., hereby withdraws the above referenced premerger notifications as of July 13, 2017 at 2:00 pm ET.

Respectfully submitted,


Deidre J. Johnson

Notice of Electronic Service

I hereby certify that on July 13, 2017, I filed an electronic copy of the foregoing Joint Motion to Dismiss, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on July 13, 2017, I served via E-Service an electronic copy of the foregoing Joint Motion to Dismiss, upon:

Ryan Quillian
Attorney
U.S. Federal Trade Commission
rquillian@ftc.gov
Complaint

Alexis Gilman
Attorney
U.S. Federal Trade Commission
agilman@ftc.gov
Complaint

Mark Seidman
Attorney
U.S. Federal Trade Commission
mseidman@ftc.gov
Complaint

Thomas Dillickrath
Attorney
U.S. Federal Trade Commission
tdillickrath@ftc.gov
Complaint

Chong Park
Partner
ROPES & GRAY LLP
chong.park@ropesgray.com
Respondent

Michael McFalls
ROPES & GRAY LLP
Michael.McFalls@ropesgray.com
Respondent

Jonathan Klarfeld
ROPES & GRAY LLP
jonathan.klarfeld@ropesgray.com
Respondent

Frank Qi

ROPES & GRAY LLP
Frank.Qi@ropesgray.com
Respondent

Amy Paul
ROPES & GRAY LLP
Amy.Paul@ropesgray.com
Respondent

I hereby certify that on July 13, 2017, I served via other means, as provided in 4.4(b) of the foregoing Joint Motion to Dismiss, upon:

Scott Sher
Member
Wilson Sonsini Goodrich & Rosati
ssher@wsgr.com
Respondent

Jamillia Ferris
Member
Wilson Sonsini Goodrich & Rosati
jferris@wsgr.com
Respondent

Michelle Hale
Of Counsel
Wilson Sonsini Goodrich & Rosati
mhale@wsgr.com
Respondent

Ryan Quillian
Attorney