

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

**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

ORDER DISMISSING COMPLAINT

On June 19, 2017, the Commission issued an administrative Complaint alleging that Respondents DraftKings, Inc. and FanDuel Limited had executed a merger agreement in violation of Section 5 of the FTC Act, 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, and Section 5 of the FTC Act. Complaint Counsel and Respondents now jointly seek dismissal of the Complaint, on the grounds that the Respondents have terminated the proposed merger of DraftKings and FanDuel and have withdrawn the Hart-Scott-Rodino Notification and Report Forms that they filed for this proposed merger.¹

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

¹ See Joint Motion to Dismiss Complaint (filed July 13, 2017), *available at* <https://www.ftc.gov/system/files/documents/cases/d09375motiondismisscomplaint.pdf>.

Report Forms. The most important elements of the relief set out in the Notice of Contemplated Relief in the Administrative Complaint therefore have been accomplished without the need for further administrative litigation.²

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 Complaint in this matter be, and it hereby is, dismissed without prejudice.

By the Commission.

April J. Tabor
Acting Secretary

SEAL:
ISSUED: July 14, 2017

² See, e.g., *In the Matter of Advocate Health Care Network, Advocate Health and Hospitals Corporation, and NorthShore University HealthSystem*, Docket No. 9369, [Order Dismissing Complaint](#) (Mar. 20, 2017); *In the Matter of The Penn State Hershey Medical Center and PinnacleHealth System*, Docket No. 9368, [Order Dismissing Complaint](#) (Oct. 23, 2016); *In the Matter of Superior Plus Corp. and Canexus Corporation*, Docket No. 9371, [Order Dismissing Complaint](#) (Aug. 2, 2016); *In the Matter of Staples Inc. and Office Depot, Inc.*, Docket No. 9367, [Order Dismissing Complaint](#) (May 18, 2016).