

Verne, B. Michael

From: [Redacted]
Sent: Thursday, March 13, 2014 8:35 PM
To: Verne, B. Michael
Subject: New Rule on Pharmaceutical Licenses

Mike:

This will memorialize our conversation about new HSR Rule 801.2(g). You advised me that the new rule does not change the prior FTC position that an exclusive license does not lose its exclusivity simply because it is limited to a particular geographic area (e.g., the United States). In other words, it continues to be FTC's position that the grant of an exclusive license that is exclusive against the licensor only within a particular geographic territory will be reportable if the requirements of 801.2(g) are satisfied (and the other pertinent filing thresholds are met).

Please confirm that my understanding is correct.

Thanks.

[Redacted]

[Redacted]

AGREE -
BMM
3/14/14

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