

Sheinberg, Samuel I.

Subject: FW: 4(c) question

From: Six, Anne
Sent: Friday, September 11, 2020 12:14:16 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: 4(c) question

The documents you describe, composed from or containing excerpts from ordinary course documents, are not themselves ordinary course documents but rather new documents. If they were created for the transaction, including for placement in a dataroom, and include 4(c) content, they are responsive and should be included as 4(c) documents.

Best,
Anne

Anne K. Six
Attorney
Premerger Notification Office
Federal Trade Commission
202-326-2799 | asix@ftc.gov

From: [REDACTED]
Sent: Friday, September 11, 2020 7:15:57 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Subject: 4(c) question

Dear All:

I hope all are well.

I represent a seller in a transaction. The seller placed a number of documents in the data room that contained excerpts from its ordinary course documents. I understand that if they added commentary or discussion, these would be 4c documents. But, if the documents do not contain any added material but simply contain excerpts from pre-existing ordinary course documents, are they responsive for the seller?

Thank you.

[REDACTED]

[Redacted]

[Redacted]

[Redacted]