

Sheinberg, Samuel I.

From: HSRHelp
Sent: Friday, March 21, 2025 11:18 AM
To: HSR Auto Forward List
Subject: FW: "Plans and Reports" Question

From: Fetterman, Michelle <mfetterman@ftc.gov>
Sent: Friday, March 21, 2025 11:17:43 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: HSRHelp <HSRHelp@ftc.gov>
Subject: RE: "Plans and Reports" Question

No, Plans and Reports provided to the Board of Directors do not have to be created by or for the filer. Both examples below would be responsive Plans and Reports.

From: [REDACTED]
Sent: Wednesday, March 19, 2025 3:35:58 PM (UTC-05:00) Eastern Time (US & Canada)
To: HSRHelp <HSRHelp@ftc.gov>
Subject: "Plans and Reports" Question

[REDACTED]

Good afternoon,

We are seeking guidance regarding the scope of "Plans and Reports." Specifically, do "Plans and Reports" have to be created by or for the filer?

For example:

A third-party industry report (either publicly available or for purchase/subscription) is provided to the Board of Directors as part of a package of materials in preparation for a quarterly Board meeting. The third-party industry report analyzes market shares, competition, competitors, and/or markets pertaining to products or services identified in the "Overlap Description." The third-party industry report was prepared for public distribution, and not at the filer's request or by a third party seeking an engagement. Is this a responsive "Report"?

An article from a prominent newspaper is provided to the Board of Directors. The article analyzes market shares, competition, competitors, and/or markets pertaining to products or services identified in the "Overlap Description." Is this a responsive "Report"?

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]