

PUBLIC

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

COMMISSIONERS: **Lina M. Khan, Chair**
 Rebecca Kelly Slaughter
 Alvaro M. Bedoya

In the Matter of

**IQVIA Holdings Inc.,
a corporation,**

and

**Propel Media, Inc.,
a corporation.**

DOCKET NO. 9416

ORDER GRANTING CONTINUANCE

On July 17, 2023, the Commission issued an administrative complaint alleging that Respondents IQVIA Holdings Inc. (“IQVIA”) and Propel Media, Inc. (“Propel”) have executed an acquisition agreement pursuant to which IQVIA would acquire substantially all the assets of Propel (the “Proposed Acquisition”) in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and which, if consummated, would violate Section 7 of the Clayton Act, 15 U.S.C. § 18, and Section 5 of the FTC Act. Compl. at p. 1. At the same time, the FTC filed a Complaint for a Temporary Restraining Order and Preliminary Injunction in the United States District Court for the Southern District of New York pursuant to Section 13(b) of the FTC Act. *See FTC v. IQVIA Holdings Inc.*, No. 1:23-cv-06188-ER, ECF No. 1 (S.D.N.Y. 2023).

The district court held an evidentiary hearing on the FTC’s preliminary injunction request from November 20 to December 1, 2023, with closing arguments on December 8, 2023, and informed the parties that they could expect a decision by December 29, 2023. Joint Expedited Mot. for Continuance of Evidentiary Hearing and Pre-Hearing Conference at 2 (“Joint Motion”). The evidentiary hearing in this administrative proceeding is scheduled to begin with opening arguments on December 20, 2023, and testimony is scheduled to commence on January 18, 2024.

On December 12, 2023, the parties filed their Joint Motion, in which they argue that even if the court’s decision does not obviate this proceeding, continuing this proceeding until January 18 will not cause undue delay: the court and administrative proceedings have occurred in

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parallel, with fact discovery in this administrative proceeding largely complete, expert reports having been served, and the parties currently engaged in final pretrial proceedings. *Id.* Accordingly, the parties jointly move to continue the commencement of the evidentiary hearing until January 18, 2024.

Commission Rule 3.41(f) provides, in relevant part, that a pending “collateral federal court action that relates to the administrative adjudication shall not stay the proceeding [u]nless a court of competent jurisdiction, or the Commission for good cause, so directs.” 16 C.F.R. § 3.41(f). This provision reflects the Commission’s commitment to move forward as expeditiously as possible with its administrative hearings. *See, e.g.*, 16 C.F.R. §§ 3.1, 3.11(b)(4), 3.41(b). Yet, Rule 3.41(b) authorizes the Commission to delay a hearing date upon a showing of good cause. 16 C.F.R. § 3.41(b). Under the circumstances presented, we find good cause exists for the modest delay requested.¹

Accordingly,

IT IS HEREBY ORDERED THAT the parties’ Joint Expedited Motion for Continuance of Evidentiary Hearing and Pre-Hearing Conference is **GRANTED IN PART** and that the evidentiary hearing in this proceeding shall commence at 10:00 a.m. on January 18, 2024; and

IT IS HEREBY FURTHER ORDERED THAT public access to the evidentiary hearing in this proceeding, to the extent consistent with the protection of confidential information and for monitoring purposes only, will be provided via telephone or live web streaming.

By the Commission.

Joel Christie
Acting Secretary



SEAL:
ISSUED: 12/14/2023

¹ The Joint Motion also requests that the pre-hearing conference, currently scheduled for December 19, 2023, be moved to January 17, 2024. That request raises issues best addressed to the Chief Administrative Law Judge.