

neither of the other methods is considered a viable economic alternative for EVH devices. EVH devices, therefore, constitute a separate product market.

The United States is the relevant geographic market in which to analyze the effects of the proposed acquisition on the EVH device market. EVH devices are subject to regulation and cannot be marketed or sold in the United States without prior approval from the U.S. Food and Drug Administration ("FDA"). Receiving FDA approval to market an EVH device in the United States can be a lengthy process. EVH devices sold outside of the United States but not approved by the FDA for sale in the United States therefore do not provide viable competitive alternatives for U.S. consumers.

The U.S. market for EVH devices is highly concentrated, and together, the combined firm would account for approximately 90 percent of this market. Firms seeking to enter the market for EVH devices face regulatory hurdles and significant intellectual property barriers, both of which make entry into the market for EVH devices in the next two to three years highly unlikely. In addition, while the use of EVH devices in CABG surgery is increasing, the number of CABG procedures and related vessel harvesting procedures performed in the United States has been declining as minimally-invasive stenting procedures have increased. As a result, it is unlikely that firms would find it profitable to enter the EVH device market in response to a modest increase in the price of the devices.

The proposed acquisition would result in a duopoly in the market for EVH devices and is likely to lead to increased prices and decreased innovation for those devices.

**IV. The Consent Agreement**

The proposed Consent Agreement effectively remedies the proposed acquisition's anticompetitive effects in the U.S. market for EVH devices by requiring Datascope to divest its EVH product line to a Commission-approved buyer at no minimum price. Datascope has reached an agreement to divest the EVH business to Sorin Group USA, Inc.

Sorin, a diversified medical device company, has a line of cardiovascular products, including artificial cardiac valves and coronary stents. Pursuant to the Consent Agreement, Datascope is required to accomplish the divestiture of its EVH product line no later than ten days after the acquisition is consummated.

The divestiture will allow Sorin to enter and compete in the EVH market. The assets to be divested include all third party contracts to supply the components of the EVH product line. In addition, the Consent Agreement requires Getinge to grant the Commission-approved buyer a covenant not to sue for infringement of any EVH-related patents that Getinge or Datascope held at the time of the acquisition. The Consent Agreement also permits Datascope to provide certain transitional services to the Commission-approved buyer of the EVH product line assets. These services may be necessary to ensure a smooth transition of the product line to the acquirer and continued and uninterrupted service to customers during the transition. The purchaser will have a secure supply of the EVH product line because third parties supply the components of the EVH product line. Further, Sorin currently is capable of assembling the components and marketing the finished products.

**V. Appointment of an Interim Monitor and a Divestiture Trustee**

The proposed Consent Agreement includes a provision that allows the Commission to appoint an interim monitor to oversee Datascope's compliance with all of its obligations and performance of its responsibilities pursuant to the Commission's Decision and Order. If appointed, the interim monitor would be required to file periodic reports with the Commission to ensure that the Commission remains informed about the status of the divestitures, the efforts being made to accomplish the divestiture, and the provision of services and assistance during the transition period.

Finally, the proposed Consent Agreement contains provisions that

allow the Commission to appoint a divestiture trustee if any or all of the above remedies are not accomplished within the time frames required by the Consent Agreement. The divestiture trustee may be appointed to accomplish any and all of the remedies required by the proposed Consent Agreement that have not yet been fulfilled upon expiration of the time period allotted for each.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Decision and Order or to modify its terms in any way. By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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**FEDERAL TRADE COMMISSION**

**Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans No.	Acquiring	Acquired	Entities
<b>Transactions Granted Early Termination—01/05/2009</b>			
20090214 .....	Industrial Growth Partners III, L.P .....	Robert F. O'Brien .....	CARDINALUHP LLC, OBCORP LLC, OBCORP, LLC.
<b>Transactions Granted Early Termination—01/06/2009</b>			
20090226 .....	Renaissance Acquisition Corp .....	First Communications, Inc .....	First Communications, Inc.

Trans No.	Acquiring	Acquired	Entities
<b>Transactions Granted Early Termination—01/09/2009</b>			
20090215 .....	Grupo Bimbo, S.A.B. de C.V .....	W. Galen Weston .....	Weston Foods, Inc.
20090229 .....	Iowa Telecommunications Services, Inc.	Sherburne Tele Systems, Inc .....	Northstar Access, LLC, Northstar Tele-Com, Inc., Sherburne Cable-Corn, Inc., Sherburne County Rural Telephone, Co., Sherburne Fiber-Corn, Inc., Sherburne Long Distance, Inc., Sherburne Tele-Corn, Inc., Sherburne Tele Systems, Inc.
20090239 .....	Bain Capital (CC) IX, L.P .....	Mr. Sumner M. Redstone .....	CBS Radio Holdings, Inc.
20090240 .....	Thomas H. Lee Equity Fund VI, L.P	Mr. Sumner M. Redstone .....	CBS Radio Holdings, Inc.
<b>Transactions Granted Early Termination—01/12/2009</b>			
20090235 .....	ETIRPC .....	Eclipse Aviation Corporation .....	Eclipse Aviation Corporation.
<b>Transactions Granted Early Termination—01/15/2009</b>			
20090219 .....	Ryder System, Inc .....	Edart Leasing Company, LLC .....	Edart Leasing Company, LLC.
<b>Transactions Granted Early Termination—01/16/2009</b>			
20090141 .....	SAFRAN .....	Motorola, Inc .....	Printrak International, Inc.
<b>Transactions Granted Early Termination—01/21/2009</b>			
20090248 .....	*COM041*Seidler Equity Partners III, L.P.	Stuart Utgaard .....	Sportsman's Warehouse Holdings, Inc.
20090253 .....	Phillip G. Ruffin .....	Kirk Kerkorian .....	Treasure Island Corp.
<b>Transactions Granted Early Termination—01/23/2009</b>			
20090159 .....	L-3 Communications Holdings, Inc ..	Chesapeake Sciences Corporation ...	Chesapeake Sciences Corporation.
20090231 .....	Sequoia Capital Franchise Fund LP	Green Dot Corporation .....	Green Dot Corporation.

**FOR FURTHER INFORMATION CONTACT:**  
 Sandra M. Peay, Contact Representative, or Renee Hallman, Contact Representative, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H-303, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.  
**Donald S. Clark,**  
 Secretary.  
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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Announcement of Meeting of the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020**

**AGENCY:** Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Disease Prevention and Health Promotion.

**ACTION:** Notice of meeting.

**Authority:** 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended. The Committee is governed by the provision of Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

**SUMMARY:** The U.S. Department of Health and Human Services (HHS) announces the ninth in a series of federal advisory committee meetings regarding the national health promotion and disease prevention objectives for 2020 to be held in Washington, DC. This meeting will be open to the public. The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 will address efforts to develop the nation's health promotion and disease prevention objectives and strategies to improve the health status and reduce health risks for Americans by the year 2020. The Committee will provide to the Secretary of Health and Human Services advice and consultation for developing and implementing the next iteration of national health promotion and disease prevention goals and objectives and provide recommendations for initiatives to occur during the initial implementation phase of the goals and

objectives. HHS will use the recommendations to inform the development of the national health promotion and disease prevention objectives for 2020 and the process for implementing the objectives. The intent is to develop and launch objectives designed to improve the health status and reduce health risks for Americans by the year 2020.

**DATES:** The Committee will meet on February 23, 2009 from 4:30 p.m. to 6:30 p.m. Eastern Standard Time (EST).

**ADDRESSES:** The meeting will be held online, via WebEx software. For detailed instructions about how to make sure that your windows computer and browser is set up for WebEx, please visit the "Secretary's Advisory Committee" Web page of the Healthy People Web site at: <http://www.healthypeople.gov/hp2020/advisory/default.asp>.

**FOR FURTHER INFORMATION CONTACT:** Emmeline Ochiai, Designated Federal Officer, Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020, U.S. Department of Health and Human Services, Office of Public Health and Science, Office of Disease Prevention and Health Promotion, 1101 Wootton