

membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Delphi Automotive Systems, LLC Kokomo, IN, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ACES intends to file additional written notifications disclosing all changes in membership.

On March 20, 2015, ACES filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 30, 2015 (80 FR 24279).

The last notification was filed with the Department on September 27, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 3, 2016 (81 FR 76627).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2016-29876 Filed 12-12-16; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on October 24, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), TeleManagement Forum ("The Forum") filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Sopra Steria TME, Paris, FRANCE; INVITE Communications Co. Ltd., Tokyo, JAPAN; Higher Logic, LLC, Arlington, VA; Alaska Communications Systems Holdings, Inc., Anchorage, AK; Smart City and Intelligent Computing Research Center of Lanzhou University, Lanzhou, PEOPLE'S REPUBLIC OF CHINA; Shanghai Academy, Shanghai, PEOPLE'S REPUBLIC OF CHINA; Savvi AU Pty Ltd., Collingwood, AUSTRALIA; N-able (Pvt) Ltd., Colombo, SRI LANKA; Bercut LLC, St.

Petersburg, RUSSIA; Smart Social City, Madrid, SPAIN; Mauritius Telecom, Port Louis, MAURITIUS; Vertical Telecoms Pty Ltd., Alexandria, AUSTRALIA; TransWare AG, Kusel, GERMANY; Ipronto Communications B.V., Rotterdam, NETHERLANDS; BLUGEM COMMUNICATIONS LIMITED, Barnstaple, UNITED KINGDOM; Vodafone Hutchison Australia, North Sydney, AUSTRALIA; Elastic Path Software Inc., Vancouver, CANADA; Intellity Consulting, SpA, Santiago, CHILE; T-Systems International Services GmbH, Frankfurt, GERMANY; Modern Telecom Systems IT, Cairo, EGYPT; Xavient Information Systems Inc., Simi Valley, CA; Isle of Man—MICTA, Ballasalla, ISLE OF MAN; MobileAware, Inc., Boston, MA; and GRNET S.A., Athens, GREECE, have been added as a parties to this venture.

Also, the following members have changed their names: Datalynx Holding AG to Datalynx AG, Basel-Stadt, SWITZERLAND; Cogeco Cable Inc. to Cogeco Communications, Montreal, CANADA; Symsoft AB Solutions to Symsoft AB, Stockholm, SWEDEN; and MDS to MDS Global, Warrington, UNITED KINGDOM.

In addition, the following parties have withdrawn as parties to this venture:

3Consulting, Lagos, NIGERIA; Blackbridge Associates, Dubai, UNITED ARAB EMIRATES; Bright Consulting, Sofia, BULGARIA; Cox Communications, Atlanta, GA; CyberFlow Analytics, La Jolla, CA; Facebook, Menlo Park, CA; GCHQ, Cheltenham, UNITED KINGDOM; Icaro Technologies, Campinas, BRAZIL; ISPIN AG, Bassersdorf, SWITZERLAND; itcps Management Consulting AG, Wollerau, SWITZERLAND; Jastorrie.com, Maidenhead, UNITED KINGDOM; Jetsynthesys, Pune, INDIA; Kron Telekomunikasyon A.S., Istanbul, TURKEY; NetBoss Technologies, Inc., Sebastian, FL; Nextel Brazil, Sao Paulo, BRAZIL; NOS Comunicações, Lisbon, PORTUGAL; Oliver Solutions Ltd., Herzlia, ISRAEL; OpenLimits Business Solutions Lda, Coimbra, PORTUGAL; ORB SOFTWARE AND SYSTEMS PTE LTD, Singapore, SINGAPORE; PacketFront Software Solutions AB, Kista, SWEDEN; Parkyeri, Istanbul, TURKEY; RAO Infosystems, Mysore, INDIA; Ridgeline Solutions Australia, Manuka, AUSTRALIA; Righteous Technologies, Hyderabad, INDIA; SATEC GROUP, Madrid, SPAIN; Symantec Corporation, Mountain View, CA; TEQ LT, AB, Vilnius, LITHUANIA; Transverse, Austin, TX; Unscrambl LLC, Atlanta, GA; Verizon Telematics, Inc., Atlanta, GA; Viavi Solutions, Muehleweg, GERMANY; Visent,

Brasília, BRAZIL; Vitria Technology, Inc., Sunnyvale, CA; and Yozma Timeturns, Kinshasa, DEMOCRATIC REPUBLIC OF CONGO.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and The Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, The Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on July 18, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 18, 2016 (81 FR 55234).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2016-29905 Filed 12-12-16; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical CBRN Defense Consortium

Notice is hereby given that, on November 16, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Medical CBRN Defense Consortium ("MCDC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Kestrel Corporation, Albuquerque, NM; SHL Pharma, LLC, Deerfield Beach, FL; Metabiota, Inc., San Francisco, CA; Pertexa Healthcare Technologies, Ridgecrest, CA; Mesa Science Associates, Frederick, MD; University of Nebraska Medical Center, Omaha, NE; University of Florida, Institute for Therapeutic Innovation, Gainesville, FL; AbViro LLC, Bethesda, MD; Oryn Therapeutics, LLC, Vacaville, CA; BioFactura, Inc., Frederick, MD; The Conafay Group, Washington, DC; Biologica Modular, Brownsburg, IN; and

DynPort Vaccine Company, LLC, a CSRA Company, Frederick, MD, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MCDC intends to file additional written notifications disclosing all changes in membership.

On November 13, 2015, MCDC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 6, 2016 (81 FR 513).

The last notification was filed with the Department on June 23, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 11, 2016 (81 FR 53162).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2016-29873 Filed 12-12-16; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **United States v. Alaska Air Group, Inc., et al.; Proposed Final Judgment and Competitive Impact Statement**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America v. Alaska Air Group, Inc., et al.*, Civil Action No. 1:16-cv-02377. On December 6, 2016, the United States filed a Complaint alleging that Alaska Air Group's proposed acquisition of Virgin America Inc. would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires Alaska to reduce the scope of its codeshare agreement with American Airlines and obtain Antitrust Division approval before selling certain assets.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division's Web site at <http://www.justice.gov/atr> and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the

copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's Web site, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be directed to Kathleen S. O'Neill, Chief, Transportation, Energy, and Agriculture Section, Antitrust Division, Department of Justice, 450 Fifth Street NW., Suite 8000, Washington, DC 20530 (telephone: 202-307-2931).

**Patricia A. Brink,**

*Director of Civil Enforcement.*

#### **United States District Court for the District of Columbia**

*United States of America, Department of Justice, Antitrust Division, 450 Fifth Street NW., Suite 8000, Washington, DC 20530, Plaintiff, v. Alaska Air Group, Inc., 19300 International Boulevard, Seattle, WA 98188, and Virgin America Inc., 555 Airport Boulevard, Burlingame, CA 94010, Defendants.*

Case No.: 1:16-cv-02377.

Judge: Reggie B. Walton.

Filed: 12/06/2016.

#### **Complaint**

The United States of America ("Plaintiff"), acting under the direction of the Attorney General of the United States, brings this civil antitrust action to enjoin the proposed merger of Defendants Alaska Air Group, Inc. ("Alaska") and Virgin America Inc. ("Virgin"), and to obtain equitable and other relief as appropriate. The United States alleges as follows:

#### **I. Introduction**

1. The airline industry in the United States is dominated by four large airlines—American Airlines, Delta Air Lines, United Airlines, and Southwest Airlines—that collectively account for over 80% of domestic air travel each year. In this highly-concentrated industry, the smaller airlines play a critical competitive role. In order to compete with the four largest airlines, these smaller airlines often must offer consumers lower fares, additional flight options, and innovative services. The proposed merger of Alaska and Virgin would bring together two of these smaller airlines—the sixth- and ninth-largest U.S. carriers, respectively—to create the fifth-largest U.S. airline.

2. Alaska and Virgin both provide award-winning service and tend to offer lower prices than the larger airlines, but they differ in at least one critical respect. Unlike Virgin, Alaska has

closely aligned itself with American, the largest U.S. airline, through a commercial relationship known as a codeshare agreement, which allows each airline to market tickets for certain flights on the other's network. The codeshare agreement began in 1999 as a limited arrangement that permitted Alaska to market American's flights on a small number of routes Alaska did not serve on its own. Over the years, the two airlines have significantly expanded their relationship in size and scope through a series of amendments to the codeshare agreement. The most recent of these amendments was executed in April 2016—around the same time Alaska agreed to purchase Virgin.

3. Although the codeshare agreement effectively extends Alaska's geographic reach—potentially strengthening Alaska's ability to compete against other carriers like Delta and United—it also creates an incentive for Alaska to cooperate rather than compete with its larger partner, American. Specifically, Alaska may choose not to launch new service on routes served by American, or it may opt to compete less aggressively on the routes that both carriers serve, to avoid upsetting American and jeopardizing the partnership. Alaska may also decide to rely on the codeshare relationship in lieu of entering routes already served by American because doing so allows it to offer its customers the benefits of an expanded network without undertaking the risk and expense of offering its own competing service. As a result of these incentives, Alaska and American often behave more like partners than competitors.

4. Alaska's acquisition of Virgin would significantly increase Alaska's network overlaps with American, and would thus dramatically increase the circumstances where the incentives created by the codeshare threaten to soften head-to-head competition. Roughly two-thirds of Virgin's network overlaps with American's network, and Virgin has aggressively competed with American on many of these overlap routes in ways that have forced American to respond with lower fares and better service.

5. The proposed acquisition would diminish Virgin's competitive impact on the Virgin-American overlap routes by subjecting Virgin's network to the incentives that arise from Alaska's codeshare agreement with American. Virgin holds critical assets, including gates and takeoff and landing rights (known as "slots"), at key airports within American's network. American divested some of these assets to Virgin as part of the settlement of the United