UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA, et al.,)
Plaintiffs,)
v.) Case No. 17-cv-01176 (APM)
THE DOW CHEMICAL COMPANY, et al.,)
Defendants.))
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ORDER

The United States and three States ("Plaintiff States") filed this action against The Dow Chemical Company ("Dow Chemical") and E.I. du Pont de Nemours and Company ("DuPont"), alleging that Dow Chemical's proposed acquisition of DuPont would violate Section 7 of the Clayton Act, 15 U.S.C. § 18, in the markets for broadleaf herbicides for winter wheat, chewing pest insecticides, and acid copolymers and ionomers. *See* Compl., ECF No. 1. Plaintiff States filed with their Complaint an Asset Preservation Stipulation and Order; a proposed Final Judgment; and a Competitive Impact Statement. *See* Notice of Tunney Act Reqs., ECF No. 2 [hereinafter Notice], Asset Preservation Stip. & Order, ECF No. 2-1; Notice, Proposed Final J., ECF No. 2-2; Competitive Impact Statement, ECF No. 3. The court executed the Asset Preservation Stipulation and Order. *See* Order, ECF No. 5. Thereafter, as required by the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h) (the "Tunney Act"), the United States published and subjected the proposed Final Judgment to a 60-day public comment period, which expired on August 26, 2017. *See* Mot. & Mem. of the United States in Supp. of Entry of Final J., ECF No. 14, at 2–3. The public comment period elicited no responses. The United States now

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asks the court to enter the agreed-upon Final Judgment, which would permit Dow Chemical and

DuPont to complete the proposed transaction subject to conditions intended to remedy the

violations identified in the Complaint.

The court has carefully reviewed the Complaint; the United States' Motion and

Memorandum in Support of Final Judgment; the proposed Final Judgment; and the Competitive

Impact Statement, all under the Tunney Act's "public interest" standard. See United States v.

Microsoft Corp., 56 F.3d 1448, 1461 (D.C. Cir. 1995). It also has considered the United States'

representations that the Final Judgment satisfies the "public interest" standard, as well as the

absence of any comments opposing or criticizing the Final Judgment. After a review of the entire

record, the court finds that the proposed Final Judgment "is in the public interest." 15 U.S.C.

§ 16(e)(1).

A signed Final Judgment accompanies this Order.

Dated: October 19, 2017

United States District Judge

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