

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

In the Matter of

**Amgen Inc.,
a corporation,**

and

**Horizon Therapeutics plc,
a corporation.**

DOCKET NO. 9414

ORDER CONTINUING EVIDENTIARY HEARING

On May 16, 2023, the Commission filed a complaint in the federal District Court in the Northern District of Illinois seeking a temporary restraining order and preliminary injunction to enjoin Amgen Inc. (“Amgen”) from consummating its proposed acquisition of Horizon Therapeutics plc (“Horizon”) until the Commission has had an opportunity to issue an administrative complaint and adjudicate the proposed acquisition’s legality in an administrative proceeding. On June 22, 2023, the Commission issued an administrative complaint alleging that the merger agreement between Amgen and Horizon violated Section 5 of the FTC Act, 15 U.S.C. § 45, and the transaction, if consummated, would violate Section 7 of the Clayton Act. The evidentiary hearing for the administrative proceeding is scheduled to begin on October 25, 2023.

On July 21, 2023, Complaint Counsel and Respondents filed a Joint Motion to Continue the Administrative Hearing Until November 8, 2023. The parties state that “the federal court proceeding presents conflicts in late October that would make it difficult for Complaint and Respondent counsel to begin the administrative hearing prior to November 8, 2023.” Joint Motion at 2.

Commission 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 to defer commencement of the evidentiary hearing for the short period requested. We therefore grant the parties’ joint request for a continuance to November 8, 2023.

Accordingly,

IT IS HEREBY ORDERED THAT the Joint Motion to Continue the Administrative Hearing until November 8, 2023, is **GRANTED**;

IT IS FURTHER ORDERED THAT the evidentiary hearing in this proceeding shall commence at 10:00 a.m. on November 8, 2023.

By the Commission.

April J. Tabor
Secretary

SEAL:
ISSUED: July 28, 2023