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**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,**

Respondents.

DOCKET NO. 9414

**EXPEDITED TREATMENT
REQUESTED**

MOTION TO WITHDRAW MATTER FROM ADJUDICATION

On June 22, 2023, the Federal Trade Commission (“Commission”) issued an administrative complaint challenging the proposed acquisition of Horizon Therapeutics plc (“Horizon”) by Amgen Inc. (“Amgen”). The evidentiary hearing in the administrative proceeding is scheduled to begin on November 8, 2023.

During the July 19, 2023 scheduling conference before the Commission’s Administrative Law Judge, the Court encouraged Complaint Counsel and Respondents to discuss settlement. Transcript of Scheduling Conference at 13-15, Federal Trade Commission Case No. 9414 (July 19, 2023). Prompted by the Court, and after consultation with Respondents and the Interested States’¹ staff, Complaint Counsel believes that it would be appropriate to take steps to allow for discussion

¹ Interested States includes the states of California, Illinois, Minnesota, New York, Washington, and Wisconsin, all of whom have joined the Federal Trade Commission in its related federal proceeding seeking a preliminary injunction.

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with the Commission regarding the proper resolution of this matter. Complaint Counsel therefore moves that the Commission issue an order withdrawing this matter from adjudication in Part 3 of the Commission's Rules of Practice and suspending application of Rule 4.7 of the Commission's Rules of Practice, 16 C.F.R. § 4.7 for 28 days from the date of this filing.²

Complaint Counsel respectfully requests the Commission's expedited treatment of this motion. An evidentiary hearing in the related federal proceeding begins in three weeks. If a resolution of this matter can be achieved, time is of the essence to avoid unnecessary expenditures of resources relating to litigation.

A draft of a proposed order granting the requested motion is attached. Respondents do not oppose this motion.

Dated: August 23, 2023

Respectfully submitted,

/s/ Nathan Brenner

Nathan Brenner

Anjelica Sarmiento

Federal Trade Commission

600 Pennsylvania Ave., NW

Washington, DC 20024

Counsel Supporting the Complaint

² The Commission in the past, in light of events relevant to issues in a pending adjudicatory matter, has authorized filing of a "motion to withdraw this matter from adjudication for purposes of discussing resolution of this matter, in which event the Secretary shall issue an order withdrawing this matter from adjudication and the application of Commission Rule of Practice 4.7, 16 C.F.R. § 4.7, shall thereby be suspended." *In the Matter of New Balance Athletic Shoe, Inc.*, 120 F.T.C. 4, 1995 WL 17012636, **1 (July 10, 1995); *see also In the Matter of Intercontinental Exchange, Inc.*, F.T.C. Dkt. 9413 (July 25, 2023) (withdrawing a matter from adjudication); *In the Matter of Axon Enter. Inc.*, F.T.C. Dkt. 9389 (June 20, 2023) (same); *In the Matter of Rambus Inc.*, F.T.C. Dkt. 9302, 2009 WL 725994 (March 6, 2009) (same).

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[PROPOSED] ORDER

Having considered Complaint Counsel’s Motion to Withdraw This Matter from Adjudication, Complaint Counsel’s Motion is hereby granted. Accordingly,

IT IS ORDERED THAT this matter is hereby withdrawn from adjudication under Part 3 of the FTC Rules of Practice, 16 C.F.R. Part 3 for 28 days from August 21, 2023, and that the application of FTC Rule of Practice 4.7, 16 C.F.R. § 4.7, is hereby suspended.

By the Commission.

ORDERED:

April Tabor
Secretary

Date: _____

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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2023, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor
Secretary
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Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

I also certify that I caused the foregoing document to be served via email to:

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