

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

INBEV N.V./S.A.,  
INBEV USA LLC, and  
ANHEUSER-BUSCH COMPANIES, INC.,

Defendants.

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CASE NO: 1:08-cv-01965 (JR)

JUDGE: Robertson, James

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS  
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America, by the undersigned attorney, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (“APPA” or “Tunney Act”), the following procedures have been followed in preparation for the entry of the Final Judgment herein:

1. Plaintiff and defendants stipulated to the entry of the proposed Final Judgment on November 14, 2008, and a Hold Separate and Asset Preservation Stipulation and Order (“Stipulation”) along with the proposed Final Judgment and Competitive Impact Statement were filed with the Court on November 14, 2008;

2. The Stipulation, proposed Final Judgment, and Competitive Impact Statement were published in the *Federal Register* on November 25, 2008, *see* 73 Fed. Reg. 71682 (2008);

3. A summary of the terms of the proposed Final Judgment was published in the *Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days starting on December 7, 2008 and ending on December 13, 2008;

4. Copies of the Stipulation, proposed Final Judgment, and Competitive Impact Statement were furnished to all persons requesting them and made available on the Antitrust Division's internet site;

5. On November 24, 2008, defendants InBev N.V./S.A., InBev USA LLC, and Anheuser-Busch Companies, Inc. filed with the Court their disclosure statements concerning written or oral communications by or on behalf of the defendants, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment, as required by 15 U.S.C. § 16(g);

6. The sixty-day comment period for this matter prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, ended on February 11, 2008;

7. During the 60-day comment period, the United States received comments from (1) ten individuals who filed a complaint in the United States District Court for the Eastern District of Missouri asking the court to enjoin InBev's acquisition of Anheuser-Busch ("Missouri Plaintiffs"); (2) Esber Beverage Company, RL Lipton Co., and Tri-County Distributing Co. ("Ohio Distributors"); (3) Onondaga Beverage Corporation, Rochester Beer & Beverage Corp., McCraith Beverages, Owasco Beverage Inc., Seneca Beverage Corp, and Rocco J. Testani Inc. ("New York Distributors"); and (4) Tri-County Beverage Company;

8. The United States responded to these comments, filing its Response to Public Comments and the public comments with this Court on February 26, 2009, and publishing the Response and the public comments in the *Federal Register* on March 10, 2009, *see* 74 Fed. Reg. 10279 (2009); and

9. The parties in this action have now satisfied all the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), as a condition for entering the proposed Final Judgment, and it is now appropriate for the Court to make the necessary public-interest determinations required by 15 U.S.C. § 16(e) and to enter the proposed Final Judgment.

Dated: March 11, 2009

Respectfully Submitted,

/s/Mitchell H. Glende  
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