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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,)
)
12 Plaintiff,)
)
13 v.)
)
14 MICROSEMI CORPORATION,)
)
15 Defendant.)

CASE NO.: 8:09-cv-00275-AG-AN

**PLAINTIFF'S CERTIFICATE OF
COMPLIANCE WITH THE ANTITRUST
PROCEDURES AND PENALTIES ACT**

Hon. Andrew J. Guilford

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18 _____Plaintiff, the United States of America, by the undersigned
19 attorney, hereby certifies that, in compliance with the
20 provisions of the Antitrust Procedures and Penalties Act, 15
21 U.S.C. § 16(b)-(h) ("APPA"), the following procedures have been
22 followed in preparation for the entry of final judgment in the
23 above-captioned matter:

24 1. The proposed Final Judgment, Competitive Impact
25 Statement, and Stipulation Regarding Proposed Final Judgment
26 ("Stipulation"), by which the parties agreed to the Court's

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1 entry of the Final Judgment following compliance with the APPA,
2 were filed on August 20, 2009.

3 2. Pursuant to 15 U.S.C. § 16(b), the proposed Final
4 Judgment and Competitive Impact Statement were published in the
5 *Federal Register* on September 1, 2009. See *United States v.*
6 *Microsemi Corp.*, 2009 WL 2730419 (Sept. 1, 2009), 74 Fed. Reg.
7 45242.

8 3. Pursuant to 15 U.S.C. §16(b), copies of the proposed
9 Final Judgment and Competitive Impact Statement were furnished
10 to anyone requesting them and were made available on the
11 Antitrust Division's internet site, as were the Complaint and
12 the Stipulation.

13 4. Pursuant to 15 U.S.C. § 16(c), summaries of the terms
14 of the proposed Final Judgment and Competitive Impact Statement
15 were published in *The Washington Post*, a newspaper of general
16 circulation in the District of Columbia, for seven days
17 beginning on September 6, 2009 and ending on September 12, 2009,
18 and in *The Los Angeles Times*, a newspaper of general circulation
19 in the Central District of California, for seven days beginning
20 on September 13, 2009 and ending on September 19, 2009.

21 5. As stated in the Competitive Impact Statement, there
22 were no determinative materials or documents within the meaning
23 of 15 U.S.C. § 16(b) that were considered by the United States
24 in formulating the proposed Final Judgment, so none were
25 furnished to any person pursuant to 15 U.S.C. § 16(b) or listed
26 pursuant to 15 U.S.C. § 16(c).

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1 6. On November 6, 2009, defendant filed with the Court
2 descriptions of written or oral communications by or on its
3 behalf with any officer or employee of the United States
4 concerning or relevant to the proposed Final Judgment, as
5 required by 15 U.S.C. § 16(g).

6 7. During the sixty-day comment period for the receipt
7 and consideration of written comments specified in 15 U.S.C.
8 §§ 16(b)-(d), the United States received no comments from
9 members of the public concerning the proposed Final Judgment.

10 8. The United States having published its proposed
11 settlement, and defendants having certified their pre-settlement
12 contacts with government officials, the parties have fulfilled
13 their obligations under the APPA. Pursuant to the Stipulation
14 and 15 U.S.C. §16(e), the Court may now enter the Final
15 Judgment, if it determines that the entry of the Final Judgment
16 is in the public interest.

17 9. Plaintiff's Competitive Impact Statement demonstrates
18 that the proposed Final Judgment satisfies the public interest
19 standard of 15 U.S.C. § 16(e). Plaintiff therefore requests
20 that the Court enter the Final Judgment without further
21 proceedings.

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23 Dated: January 8, 2010

Respectfully submitted,

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By: _____/s/_____
Lowell R. Stern
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of January, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Brett J. Williamson
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_____/s/_____
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