



**ANTITRUST DIVISION
WORKLOAD STATISTICS
FY 2007 – 2016**



INVESTIGATIONS

Total Investigations Initiated, by Primary Type of Conduct¹	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Sherman §1 - Restraint of Trade ²	69	66	70	46	47	31	25	31	39	42
Sherman §2 - Monopoly	1	0	4	2	2	2	2	0	3	1
Clayton §7 - Mergers	101	84	68	64	90	74	65	80	67	65
Others ³	15	21*	21*	3*	3	0*	0	2	2	4

Business Reviews	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Requested	9	8	3	9	1	3	3	3	1	2
Closed	6	6	9	7	3	7	5	0	2	2
• Granted	5	2	5	5	1	1	3	0	2	1

¹ Statistics reflect only the primary type of conduct under investigation at the outset of the investigation; this report does not reflect whether a matter investigated a potential violation of an additional statute(s), or whether the primary violation changed during the pendency of the investigation. See “District Court Antitrust Cases” for numbers of cases by offense. Does not include business reviews, judgment modification or termination investigations, or premerger notifications, but includes investigations initiated as a result of premerger notifications.

² This category reflects both civil and criminal investigations.

³ This category includes investigations of potential violations of Clayton §§ 3, 7A, and 8, the Robinson-Patman Act, and Title 18, among other statutes.

* Value has been restated from its previously reported value to be consistent with the definitions outlined in the footnotes to this report.

• Denied	0	0	0	0	0	0	0	0	0	0
• Declined	0	0	1	1	1	0	2	0	0	0
• Withdrawn	1	4	3	1	1	6	0	0	0	1
Pending	10	12	6	8	6	2	0	3	2	2

Hart-Scott-Rodino (HSR) Premerger Notifications	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Received	2,201	1,726	716	1,166	1,450	1,429	1,326	1,663	1,801	1,833
HSR Investigations Initiated	82	70	49	55	72	62	50	67	55	51
Number of Cases Filed	2	14	6	8	11	7	5	5	10	11

Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Initiated ⁴	157	147	138	109	128	96*	81	100	98	98
Matters that exited the Preliminary Inquiry Phase	146	146	150	133	152	101	100	94	99	97
Pending	119	120	108	84	60	55*	36*	42*	41	43

CIDs Issued	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total number	527	355	510	480	476	474	338	331	515	458

⁴ Every investigation, with the exception of certain criminal matters that open as grand jury investigations, opens as a preliminary inquiry. Matters exit the preliminary inquiry phase by closing; in the case of criminal preliminary inquiries, becoming grand jury investigations; or in the case of civil preliminary inquiries, through the issuance of Civil Investigative Demands. This category only addresses investigations in the civil or criminal preliminary inquiry stage. Investigations opened with the purpose of exploring judgment modification or termination are not included here in the total number of preliminary inquiries initiated. Such judgment modification/termination investigations are addressed separately under the Judgment Enforcement sections.

Documentary	55	65	59	58	98	47	28	19	40	25
Interrogatory ⁵	0	1	7	2	3	16	18	10	60	12
Oral	150	125	132	89	99	130	98	80	217	188
Documentary/Interrogatory ⁶	318	157	302	326	275	279	176	221	198	224
Oral/Documentary ⁷	4	7	10	5	1	2	18	1	0	9

CIVIL INVESTIGATIONS

Merger Investigations	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total Number (HSR and Non-HSR Investigations)	101	84	68	64	90	74	65	80	67	65
HSR Investigations	82	70	49	55	72	62	50	67	55	51
• HSR Investigations: Second Requests	32	20	16	22	31	29	22	21	27	29
Non-HSR Investigations	19	14	19	9	18	12	15	13	12	14
• Non-HSR Investigations: CIDs Issued	1	2	9	6	6	8	4	5	5	4
Merger CIDs Issued	395	205	263	344	328	350	270	299	447	372

Non-Merger Investigations	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total Number	14	24	33	26	17	8*	10	8	15	12
• Non-Merger Investigations: CIDs Issued	12	11	20	12	9	7	5	6	9	7

⁵ Prior to FY 2015, Civil Investigative Demands for interrogatory responses were labeled “written.”

⁶ Combined documentary and written CIDs served to one person, corporation, partnership or legal entity.

⁷ Combined oral and documentary CIDs served to one person, corporation, partnership or legal entity. Statistic is only available from FY 2005.

Non-Merger CIDs Issued	132	150	247	136	148	124	68	32	68	86
------------------------	-----	-----	-----	-----	-----	-----	----	----	----	----

Civil Investigation Results	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Merger Investigations:	12	16	12	19 ⁸	20	19	15	16	20	25
Total Number of Public Challenges										
• Actions Filed in District Court ⁹	4	15	7	10	13	8	7	7	10	15
• Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	8	1	5	8	7	11	8	9	10	10
Non-Merger Investigations:	2	4	2	4	5	5	5	1	4	5
Actions Filed in District Court										

CRIMINAL INVESTIGATIONS AND CASES

Grand Jury Investigations	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Initiated	34	32	38	12	17	12	13	16	21	23
Terminated	22	30	31	32	66	24	14	11	16	10
Pending	135	137	144	124	75	63	62	67	72	85

Criminal Cases Filed	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total Cases Filed	40	54	72	60	90	67	50	45	60	51
Individuals Charged	47	59	65	63	82	63	34	44	66	52
Corporations Charged	10	25	22	21	27	16	21	18	20	19

⁸ One action filed in District Court challenged two separate mergers, resulting in 19 merger challenges.

⁹ These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed" on page 6.

DISTRICT COURT ANTITRUST CASES¹⁰

TOTAL CIVIL CASES	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	6	19	9	14	18	13	12	8	14	20
Terminated ¹¹	9	11	16	11	11	20	10	12	15	14
• Won	9	11	16	11	11	20	10	12	15	14
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0
Pending	13	21	14	17	24	17	19	15	14	21

RESTRAINT OF TRADE - CIVIL (SHERMAN §1)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	1	2	0	3	4	3	3	0	2	2
Terminated	1	2	1	1	1	2	3	5	2	1
• Won	1	2	1	1	1	2	3	5	2	1
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

MONOPOLY - CIVIL (SHERMAN §2)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	0	0	0	0	1	0	0	0	0	0

¹⁰ The category of Damage Actions – Civil was removed from the FY 2014 Workload Statistics Report.

¹¹ Figures are computed using the closing date of the case.

Terminated	1	0	0	0	0	2	0	0	0	0
• Won	1	0	0	0	0	2	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

MERGER CASES (CLAYTON §7)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	4	15	7	10	13	8	7	7	10	15
Terminated	6	8	15	9	10	12	7	5	11	13
• Won	6	8	15	9	10	12	7	5	11	13
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

OTHER CIVIL	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	1	2	2	1	0	2	2	1	2	3
Terminated	1	1	0	1	0	4	0	2	2	0
• Won	1	1	0	1	0	4	0	2	2	0
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

TOTAL CRIMINAL CASES	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	40	54	72	60	90	67	50	45	60	51
Won	31	47	67	41	62	95	40	54	45	41
Lost	1	4	2	1	2	3	0	1	1	2
Pending	54	57	60	55	77	45	54	45	59	68
Appeal Decisions	1	4	2	7	6	5	1	4	5	3

RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	25	26	37	41	63	58	45	37	54	39
Won	19	25	29	28	37	82	37	45	40	30
Lost	1	3	2	0	0	0	0	0	1	1
Pending ¹²	41	39	45	42	69	43	50	42	55	63

OTHER CRIMINAL CASES Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	15	28	35	19	27	9	5	8	6	12
Won	12	22	38	13	25	13	3	9	5	11
Lost	0	1	0	1	2	3	0	1	0	1
Pending ¹³	13	18	15	13	8	2	4	3	4	5

¹² This represents the number of Cases pending identifiable as a case with a Sherman Act – Restraint of Trade violation. This updated information is as of FY 2010, and replaces the method previously used. A pending case is defined as a case whereby no defendant in a case has entered a plea of guilty or has been found guilty at trial.

¹³ This represents the number of Cases pending identifiable as charging primarily other federal crimes such as perjury, mail fraud, contempt, obstruction of justice, false statements or other charges that are not Sherman Act – Restraint of Trade violations. This updated information is as of FY 2010, and replaces the method previously used. A pending case is defined as a case whereby no defendant in a case has entered a plea of guilty or has been found guilty at trial.

APPELLATE CASES

ANTITRUST DIVISION CASES COURT OF APPEALS	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	2	6	1	4	9	5	5	10	1	4
Terminated	1	6	3	8	3	6	0	6	8	5
• Won	1	6	3	8	3	5	0	5	6	3
• Lost	0	0	0	0	0	1	0	1	2	1

ANTITRUST DIVISION CASES SUPREME COURT CERT PETITIONS¹⁴	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	0	0	0	2	3	1	0	0	1	1
Terminated	2	0	3	2	3	0	1	0	1	3
• Won	2	0	3	2	3	0	1	0	1	3
• Lost	0	0	0	0	0	0	0	0	0	0

ANTITRUST DIVISION CASES SUPREME COURT MERITS CASES¹⁵	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016

¹⁴ Cert Petitions is added to the heading for FY 15 Workload Statistics which reflects petitions for certiorari filed in the United States Supreme Court arising from a Division enforcement action. The Appellate Section is notified of all Supreme Court cases that involve the Division and works with the Solicitor General in drafting pleadings for submission to the Court.

¹⁵ This is a new section added to FY 15 Workload Statistics Report which reflects appeals before the United States Supreme Court on the merits arising from a Division enforcement action.

Granted	0	0	0	0	0	0	0	0	0	0
Terminated	0	0	0	0	0	0	0	0	0	0
• Won	0	0	0	0	0	0	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0

AMICUS CASES COURT OF APPEALS	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	1	0	2	2	4	0	5	0	1	2
Terminated	0	0	2	2	1	0	0	3	2	1
• Primary DOJ Position Accepted	0	0	2	1	0	0	0	3	2	1
• Primary DOJ Position Not Accepted	0	0	0	1	1	0	0	0	0	0

AMICUS CASES SUPREME COURT	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	4	2	2	0	0	0	1	0	0	2
Terminated	5	0	1	1	0	0	1	0	0	2
• Primary DOJ Position Accepted	4	0	1	1	0	0	0	0	0	2
• Primary DOJ Position Not Accepted	1	0	0	0	0	0	1	0	0	0

OTHER AGENCIES' CASES (ADMINISTRATIVE LAW CASES) COURT OF APPEALS	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	65	128	58	29	21	28	15	19	33	27
Terminated	27	59	44	19	16	7	14	6	14	22
• Won	14	16	24	8	11	5	9	6	12	19

• Lost	3	2	8	4	1	0	2	0	2	3
• Dismissed	10	11	12	7	4	2	3	6	0	0

OTHER AGENCIES' CASES SUPREME COURT	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Filed	0	1	0	0	0	0	0	1	0	0
Terminated	0	0	0	0	0	0	0	0	0	0
• Won	0	0	0	0	0	0	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0

JUDGMENT ENFORCEMENT

JUDGMENT ENFORCEMENT	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Divestitures	3	15	6	9	8	7	4	9	9	8
Decrees Modified/Terminated	2	4	3	2	1	0	3	1	0	0
Contempt Cases	1	2	1	0	0	0	1	0	0	1

JUDGMENT ENFORCEMENT: Modification/Termination Investigations¹⁶	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Initiated	0	3	1*	4	0	0	0	1	0	0
Terminated	1	5	2*	2	0	1	0	0	1	0
Pending	4	2	1	3	3	2	2	3	2	1

¹⁶ These are investigations to determine whether a judgment should be modified or terminated.

CASE RESULTS¹⁷

FINES IMPOSED¹⁸	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Individual: Total Individual Fines (\$000)	15,109	1,485	605	4,373	1,522	2,141	3,069	2,016	369	5,245
Number of Individuals Fined	25	23	27	19	25	31	29	24	15	31
Corporate: Total Corporate Fines (\$000)	615,671	695,042	973,740	338,645	380,032	1,472,968	272,214	1,904,714	985,706	452,935
Number of Corporations Fined	12	12	16	11	11	33	24	25	15	14
Total Fines Imposed (\$000)	630,780	696,527	974,345	343,017	381,554	1,475,109	275,283	1,906,730	986,075	458,180

OTHER CASE RESULTS	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Restitution Imposed in Connection with Criminal Cases¹⁹ (\$000)	4,790	5,226	17,060	24,271	6,377	3,297	6,883	1,650	1,310	7,639
Number of Defendants	23	8	22	18	25	28	17	10	7	19

¹⁷ Dollar figures are amounts imposed during the fiscal year.

¹⁸ “Fines imposed” are the total of criminal fines imposed by courts in judgments against defendants in Antitrust Division prosecutions. These totals do not include fines “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court. The Department tracks separately fine collection totals, see http://www.justice.gov/atr/public/press_releases/2015/311240.htm, which include all fines, court costs, and other fees that have been paid in satisfaction of judgments in Antitrust Division prosecutions, and which may differ from fines imposed or agreed to due to the use of payment plans.

¹⁹ Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

HSR Penalties (\$000)	250	1,650	2,200	900	0	500	2,050	896	3,800	896
Number of Corporations	0	2	2	1	0	0	2	1	2	1
Number of Individuals	1	0	1	0	0	1	1	0	0	1
Disgorgements (\$000)²⁰	0	0	0	0	12,000	4,800	0	0	1,150	1,500
Civil Contempt Settlements (\$000)²¹	125	2,580^	2,050	0	0	0	400^	0	0	1,750

CONFINEMENT

INCARCERATION	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Number of Individuals Sentenced	39	31	44	37	39	55	39	35	15	36
Number of Individuals Sentenced to Incarceration Time	34	19	35	29	21	45	28	21	12	22
Average Number of Days of Incarceration ²²	923	754	726	898	502	747	750	787	402	330

²⁰ This is a new statistic as of the FY 2014 Workload Statistics Report. Disgorgements represent the total dollar amount paid by defendants to the government as equitable relief to prevent unjust enrichment from violating the antitrust laws.

²¹ This is a new statistic as of the FY 2014 Workload Statistics Report. Civil Contempt Settlements represent the total dollar amount paid by defendants to the government to settle consent decree violations and may include the full costs of investigation related to consent decree violations. The settlement, in some cases, may also include disgorgement payments.

^ Value includes civil contempt cases where the payment included disgorgement of profits from the alleged violations.

²² This is a new statistic as of the FY 2014 Workload Statistics Report.

OTHER CONFINEMENT²³	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Individuals Sentenced to Other Confinement	5	11	9	6	12	4	5	7	2	5
Average Number of Days of Other Confinement ²⁴	217	186	244	216	173	135	162	181	180	120

GENERAL ANTITRUST ACTIVITIES

PARTICIPATION IN BANK MERGER PROCEEDINGS	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total Screenings	1,030	656	463	379	428	519	511	544	595	559
Screenings Requiring Competitive Analysis ²⁵	737	511	342	294	341	519	511	544	595	559

INTERNATIONAL ANTITRUST ACTIVITY	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Notifications to Foreign Governments and International Organizations	126	118	77	35	38	41	25	65	53	54

²³ Includes house arrest or confinement to a halfway house or community treatment center.

²⁴ This is a new statistic as of the FY 2014 Workload Statistics Report.

²⁵ As of FY 2012, the Division's practice is to conduct a competitive analysis of all bank merger applications forwarded to the Division for review, and not to draw a distinction between transactions that require competitive screening and transactions that may be competitively neutral. Previously, applications involving formations of bank holding companies did not receive the same competitive analysis and were treated separately in the workload statistics.

Representation at and Negotiations with Foreign Governments and International Organizations	44	41	50	30	41	37	35	36	42	48
Applications for Export Trade Certificates	10	14	6	11	6	7	10	6	8	10
Certificates Issued	8	15	5	10	5	7	8	7	7	9

FILINGS IN REGULATORY AGENCY PROCEEDINGS	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Department of Transportation	0	0	1	1	0	0	1	0	0	1
Federal Energy Regulatory Commission	1	0	0	0	0	0	0	0	0	0
Securities and Exchange Commission	0	0	0	1	1	0	0	0	0	0
Federal Communications Commission	1	0	0	1	1	0	1	2	0	0
Federal Maritime Commission	0	0	0	2	0	1	0	0	0	1
Interstate Commerce Commission	0	0	0	0	0	0	0	0	0	0
Other	1	1	4	3	1	0	0	0	0	0
Total	3	1	5	8	3	1	2	2	0	2

OTHER DIVISION ACTIVITIES²⁶	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
4F Requests ²⁷	2	1	0	1	0	0	1	1	0	0
Advice on Surplus Property	5	4	0	4	0	3	2	5	3	5
Congressional Appearances	3	2	5	5	1	2	2	3	1	0

²⁶ The category of Meetings of Interagency Task Forces/Committees was removed from the FY 2014 Workload Statistics Report.

²⁷ The number of requests to the Chief of the FOIA/Privacy Act Unit from state attorneys general for access to investigative files or other Division material pursuant to Section 4F(b) of the Clayton Act, 15 U.S.C. § 15f(b).

Congressional/OMB Requests for Comments	395	571	311	332	59	232	328	265	311	478
White House Correspondence ²⁸	0	1	0	2	2	1	1	1	0	1
Congressional Correspondence	82	90	117	71	78	130	81	69	41	65
Statutory Reports	77	63	40	74	95	73	84	83	94	80
Joint Research & Development Filings	19	28	22	20	12	21	11	16	32	22
FOIA Requests	85	101	98	86	80	137	117	102	121	131
Privacy Act Requests	10	8	11	12	11	9	9	6	7	11

²⁸ This is a new statistic as of the FY 2015 Workload Statistics Report. White House Correspondence is defined as the number of letters referred to the Division by the White House for response.