

From: [REDACTED]
To: [Walsh, Kathryn E.](#); [Carson, Timothy](#); [Sheinberg, Samuel I.](#); [Six, Anne](#); [Whitehead, Nora](#); [Musick, Vesselina](#)
Subject: FW: 803.12 and Early Termination
Date: Wednesday, April 1, 2020 4:14:18 PM
Attachments: [image001.png](#)

From: [REDACTED]
Sent: Wednesday, April 1, 2020 4:14:11 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 803.12 and Early Termination

[REDACTED]
We do not change the original requests without instruction from the parties, but you can always reiterate your request in the cover letter that accompanies the refiling.

Karen

From: [REDACTED]
Sent: Wednesday, April 1, 2020 2:30:28 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Subject: 803.12 and Early Termination

Hi all,

I hope everyone is doing well.

Just want to confirm that a request for early termination in an original filing carries over to the filing as resubmitted under 803.12(c) (e.g., if ET was requested in the original filing an acquiring person need not request ET again when the filing is resubmitted under 803.12(c)).

[REDACTED]
[REDACTED]

1911006 Informal Interpretation

DATE: November 25, 2019

TAGS:

- [Competition](#)

RULE:

803.12

STAFF:

Anne Six

RESPONSE/COMMENTS:

1. Yes, the request for early termination can be made in the cover letter accompanying the refiling. Please call out that a change is being made from the original filing.
2. Yes, the refiled form should reflect the new request for early termination.

[Original Image \(130.01 KB\)](#)

QUESTION

From: Six, Anne

Sent: Monday, November 25, 2019 1:39:44 PM (UTC-05:00) Eastern Time (US & Canada)

To: [Redacted]

Cc: [Redacted]

Subject: RE: Pull and Refile + Early Termination

[Redacted]

1. Yes, the request for early termination can be made in the cover letter accompanying the refiling. Please call out that a change is being made from the original filing.
2. Yes, the refiled form should reflect the new request for early termination.

From: [Redacted]

Sent: Monday, November 25, 2019 11:04:46 AM (UTC-05:00) Eastern Time (US & Canada)

To: [Redacted]

Subject: Pull and Refile + Early Termination

My understanding is that a party may request early termination at any time. However, I have two questions about **how an acquirer should go about requesting early termination when it is pulling and refileing but its initial filing did not include a request for early termination.**

1. I understand that a letter or email needs to be sent to both PNO and DOJ to request early termination after submitting a filing, but in the case of a pull and refile, can that notice of the change to early termination be in the cover letter accompanying the refileing, or does it need to be in a separate letter or email (solely about the request for early termination)?
2. Should the refiled form include the change for the request for early termination (i.e., a change from "NO" in the initial form to "YES" in the refiled form)?

[REDACTED]

[REDACTED]

[REDACTED]