BEFORE THE UNITED STATES

IN THE MATTER OF

CERTAIN ELECTRONICALLY-RESISTIVE MONOCOMPONENT TONER

Investigation No. 337-TA-253

REQUEST OF THE FEDERAL TRADE COMMISSION TO INTERVENE AND TO BECOME A PARTY

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TO : Kenneth R. Mason, Secretary International Trade Commission Washington, D.C. 20436

The Federal Trade Commission ("FTC") has authorized the Bureau of Competition to request, pursuant to Section 210.26 of the rules of the International Trade Commission, that the FTC be permitted to intervene and to become a party in the abovecaptioned investigation.

The complaint alleges that the respondent has monopolized, attempted to monopolize, and conspired to monopolize the market for "certain electrically resistive monocomponent toner" and has "agreed, combined, and conspired" with some of respondents' dealers that they purchase Canon-compatible toner only from respondents. The complaint thus consists entirely of antitrust allegations that are said to constitute unfair acts in violation of Section 337 of the Tariff Act of 1930. The complainant has also filed a complaint in a federal district court, covering the same conduct as this complaint and alleging that Canon has violated state and federal antitrust laws and common law of unfair competition, tacitly acknowledging that the issues pending before this agency are antitrust in nature. Moreover, Judge Mathias's Order No. 7 in this case, "Initial Determination Designating the Investigation As More Complicated," issued November 19, 1986, refers on pages 1, 2, and 3 to the "complex antitrust issues which were already present in this matter," "the antitrust nature of the allegations in issue," and "the complicated antitrust issues raised in the complaint and the original answer." The FTC wishes to intervene because, as an agency that enforces the antitrust laws, it has a strong interest in seeing that these laws are interpreted consistently.

19 U.S.C. § 1337(b)(2), provides that "[d]uring the course of each investigation under this section, the Commission shall consult with, and seek advice and information from . . . the Federal Trade Commission and such other departments and agencies as it deems appropriate." Rather than waiting to comment on a decision rendered by the Administrative Law Judge, in our view the close cooperation between our two agencies mandated by Section 337(b)(2) would be best served by providing advice prior to the initial decision. Our interest is in advocating a consistent application of the antitrust laws rather than in the specific factual details of this proceeding; thus, we do not wish to conduct any discovery of our own in this case.

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Respectfully submitted,

Director Bureau of Competition

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Edward F. Glynn, Jr. Assistant Director (International Antitrust)

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Susan Pettee Attorney Bureau of Competition

CERTAIN ELECTRICALLY RESISTIVE MONOCOMPONENT TONER Inv. No. 337-A-253

CERTIFICATE OF SERVICE

I, Susan Pettee, hereby certify that the attached motion was served upon Stephen L. Sulzer, Esq. and Steven Schwartz, Esq., and upon the following parties via first class mail, and air mail where necessary on December 22, 1986.

Sušan Pettee, Attorney Federal Trade Commission 6th and Pennsylvania Avenues Washington, D.C. 20580

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