



**ANTITRUST DIVISION  
WORKLOAD STATISTICS  
FY 1999 - 2008**



**INVESTIGATIONS**

<b>Total Investigations Initiated, by Primary Type of Conduct<sup>1</sup></b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Sherman §1 - Restraint of Trade	74	85	84	95	137	79	118	104	77	76
Sherman §2 - Monopoly	6	10	10	13	11	7	8	3	6	-
Clayton §7 - Mergers	287	221	178	127	124	106	138	114	117	106
Others	6	10	10	8	11	19	9	24	19	26

<b>Business Reviews</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Requested	13	15	13	5	4	2	6	6	9	8
Closed	9	12	8	6	26	2	1	10	6	6
- Granted	7	9	7	6	12	2	-	4	5	2
- Denied	-	-	-	-	1	-	-	-	-	-
- Declined	-	2	1	-	-	-	-	-	-	-
- Withdrawn	2	1	-	-	13	-	1	6	1	4
Pending	21	24	29	28	6	6	11	7	10	12

<sup>1</sup> Reflects the primary type of conduct under investigation at the outset. See "District Court Antitrust Cases" for numbers of cases by offense. Does not include business reviews or premerger notifications, but includes investigations initiated as a result of premerger notifications.

<b>Hart-Scott-Rodino (HSR) Premerger Notifications</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Received	4,642	4,926	2,376	1,187	1,014	1,454	1,695	1,768	2,201	1,656
HSR Investigations Initiated	172	137	106	76	70	76	90	77	81	70
Number of Cases Filed	19	20	7	4	7	5	2	10	2	14

<b>Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Initiated <sup>2</sup>	277	242	204	176	182	157	184	172	158	147
Cases Filed or Investigations Ceased	290	228	211	181	170	174	186	190	146	145
Pending	134	148	141	133	145	128	126	108	119	121

<b>CIDs Issued</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Total number	919	980	822	573	631	562	727	376	527	355
Documentary	78	56	64	73	54	110	104	11	55	65
Written	76	98	169	4	52	14	6	1	-	1
Oral	182	257	301	175	239	186	161	131	150	125
Documentary/Written <sup>3</sup>	583	569	288	321	286	252	446	231	318	157
Oral/Documentary <sup>4</sup>	-	-	-	-	-	-	10	2	4	7

<sup>2</sup> 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 indicators.

<sup>3</sup> Combined documentary and written CIDs served to one person, corporation, partnership or legal entity.

<sup>4</sup> Combined oral and documentary CIDS served to one person, corporation, partnership or legal entity. Statistic is only available from FY 2005.

## CIVIL INVESTIGATIONS

<b>Merger Investigations</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Total Number (HSR and Non-HSR Investigations)	230	178	147	102	95	89	106	97	101	84
HSR Investigations	175	137	106	76	70	76	90	77	81	70
- HSR Investigations: Second Requests	68	55	43	22	20	15	25	17	32	20
Non-HSR Investigations	55	41	41	26	25	13	16	20	20	14
- Non-HSR Investigations: CIDs Issued	13	7	2	8	10	4	4	6	1	2
Merger CIDs Issued	690	783	658	399	460	158	369	271	395	205

<b>Non-Merger Investigations</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Total Number	56	40	30	27	33	41	53	49	23	35
- Non-Merger Investigations: CIDs Issued	15	9	16	16	20	19	22	15	12	11
Non-Merger CIDs Issued	180	168	166	174	171	404	358	105	132	150

<b>Civil Investigation Results</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Merger Investigations:</b> Total Number of Public Challenges	46	48	32	10	15	9	4	16	12	16
- Actions Filed in District Court <sup>5</sup>	20	21	8	4	9	6	3	10	4	15
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	25	27	24	6	6	3	1	6	8	1
<b>Non-Merger Investigations:</b> Actions Filed in District Court	7	2	-	3	5	2	8	2	2	4

<sup>5</sup> These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed" on page 6.

**CRIMINAL INVESTIGATIONS AND CASES**

<b>Grand Jury Investigations</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Initiated	19	26	26	26	48	21	38	38	34	32
Terminated	30	35	19	17	19	29	27	42	22	30
Pending	90	82	88	97	126	118	128	123	135	137

<b>Criminal Cases Filed</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Total Cases Filed	57	63	44	33	41	42	32	34	40	54
Individuals Charged	46	60	39	32	28	39	47	37	47	59
Corporations Charged	17	40	22	14	16	20	27	24	10	25

**DISTRICT COURT ANTITRUST CASES**

<b>TOTAL CIVIL CASES</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	29	23	9	7	14	8	11	12	6	19
Terminated <sup>6</sup>	21	12	23	14	11	12	6	20	9	11
- Won	21	12	23	13	11	10	6	17	9	11
- Lost	-	-	-	1	-	1	-	2	-	-
- Dismissed	-	-	-	-	-	1	-	1	-	-
Pending	30	41	27	20	23	19	24	16	13	21

<b>RESTRAINT OF TRADE - CIVIL (SHERMAN §1)</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	5	1	-	2	3	-	7	1	1	2
Terminated	7	-	-	-	2	2	1	8	1	2
- Won	7	-	-	-	2	1	1	8	1	2
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	1	-	-	-	-

<b>MONOPOLY - CIVIL (SHERMAN §2)</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	2	1	-	-	-	-	-	-	-	-
Terminated	1	-	-	-	-	1	-	2	1	-
- Won	1	-	-	-	-	-	-	-	1	-
- Lost	-	-	-	-	-	1	-	1	-	-
- Dismissed	-	-	-	-	-	-	-	1	-	-

<sup>6</sup> Figures are computed using the closing date of the case.

<b>MERGER CASES (CLAYTON §7)</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	20	21	8	4	9	6	3	10	4	15
Terminated	9	12	23	14	8	7	4	6	6	8
- Won	9	12	23	13	8	7	4	5	6	8
- Lost	-	-	-	1	0	-	-	1	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

<b>DAMAGE ACTIONS - CIVIL</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	-	-	-	-	-	-	-	-	-	-
Terminated	-	-	-	-	-	-	-	-	-	-
- Won	-	-	-	-	-	-	-	-	-	-
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

<b>OTHER CIVIL</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	2	-	1	1	2	2	1	1	1	2
Terminated	3	-	-	-	1	2	1	4	1	1
- Won	3	-	-	-	1	2	1	4	1	1
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

<b>TOTAL CRIMINAL CASES</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	57	63	44	33	41	42	32	34	40	54
Won	48	52	38	37	32	35	36	31	31	47
Lost	2	-	2	1	1	1	1	-	1	4
Pending <sup>7</sup>	24	35	39	34	42	48	43	44	54	57
Appeal Decisions	-	-	5	1	2	7	4	5	1	4

<b>RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	53	52	37	23	23	28	23	21	25	26
Won	45	44	29	28	19	17	31	20	19	25
Lost	2	-	1	1	1	1	1	-	1	3
Pending <sup>8</sup>	22	30	37	31	34	44	35	36	41	39

<sup>7</sup> This is a new statistic as of the FY 1999 Workload Statistics Report.

<sup>8</sup> This is a new statistic as of the FY 1999 Workload Statistics Report.

<b>OTHER CRIMINAL CASES</b> <b>Charging Primarily Other Federal Crimes such as</b> <b>Perjury, Mail Fraud, Contempt, Obstruction of</b> <b>Justice, or False Statements</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	4	11	8	10	18	14	9	13	15	28
Won	3	8	10	9	13	18	5	11	12	22
Lost					-		-	-	-	1
Pending <sup>9</sup>	2	5	1	2	3	8	4	8	10	13

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<sup>9</sup> This is a new statistic as of the FY 1999 Workload Statistics Report.



**APPELLATE CASES**

<b>ANTITRUST DIVISION CASES COURT OF APPEALS</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	10	10	3	6	7	5	3	-	2	6
Terminated	6	3	6	2	5	11	5	7	1	6
- Won	4	3	4	2	3	8	4	7	1	6
- Lost	2	-	1	-	1	3	-	-	-	-
- Dismissed	-	-	1	-	1	-	1	-	-	-

<b>ANTITRUST DIVISION CASES SUPREME COURT</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	1	1	1	-	-	1	1	2	-	-
Terminated	1	-	1	1	-	-	-	-	2	-
- Won	1	-	1	1	-	-	-	-	1	-
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	1	-

<b>AMICUS CASES COURT OF APPEALS</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	-	5	2	3	6	5	2	1	1	-
Terminated	1	2	2	3	4	4	4	1	-	-
- Won	1	2	1	2	1	3	3	1	-	-
- Lost	-	-	1	-	3	2	1	-	-	-
- Dismissed	-	-	-	1	-	-	-	-	-	-

<b>AMICUS CASES SUPREME COURT</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	1	1	1	1	-	3	4	4	4	2
Terminated	-	1	1	1	-	4	1	5	5	-
- Won	-	1	1	1	-	4	1	5	4	-
- Lost	-	-	-	-	-	-	-	-	1	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

<b>OTHER AGENCIES' CASES (ADMINISTRATIVE LAW CASES) COURT OF APPEALS</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
- Filed	113	69	35	49	76	93	101	59	65	128
- Terminated	110	85	34	53	36	43	79	34	27	59
Won	47	21	17	14	17	21	10	17	14	16
Lost	8	1	15	5	2	2	9	3	3	2
Dismissed	55	63	2	34	17	20	60	14	10	11

<b>OTHER AGENCIES' CASES SUPREME COURT</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Filed	7	4	3	-	1	4	6	-	-	1
Terminated	4	2	1	1	-	1	2	1	-	-
- Won	3	1	1	-	-	1	2	1	-	-
- Lost	1	-	-	-	-	-	-	-	-	-
- Dismissed	-	1	-	1	-	-	-	-	-	-

## JUDGMENT ENFORCEMENT

JUDGMENT ENFORCEMENT	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Divestitures	20	17	9	1	4	5	3	8	3	15
Decrees Modified/Terminated	3	4	6	6	7	3	1	1	2	4
Contempt Cases	3	-	-	1	-	2	1	2	1	2

JUDGMENT ENFORCEMENT: Modification/Termination Investigations <sup>10</sup>	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Initiated	11	-	-	2	3	1	1	4	-	3
Terminated	3	6	-	-	2	4	2	13	1	5
Pending	19	17	15	17	18	15	14	5	4	2

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<sup>10</sup> These are investigations to determine whether a judgment should be modified or terminated.

CASE RESULTS<sup>11</sup>

<b>FINES IMPOSED<sup>12</sup></b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Individual:</b> Total Individual Fines (\$000)	12,273	5,180	2,019	8,685	470	644	4,483	3,650	15,109	1,485
Number of Individuals Fined	50	43	20	19	16	15	22	17	25	23
<b>Corporate:</b> Total Corporate Fines (\$000)	959,866	303,241	270,778	93,826	63,752	140,586	595,966	469,805	615,671	695,042
Number of Corporations Fined	25	26	14	17	17	13	18	18	12	12
<b>Total Fines Imposed (\$000)</b>	<b>972,138</b>	<b>308,421</b>	<b>272,797</b>	<b>102,511</b>	<b>64,222</b>	<b>141,230</b>	<b>600,449</b>	<b>473,455</b>	<b>630,780</b>	<b>696,527</b>

<b>OTHER CASE RESULTS</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Restitution Imposed in Connection with Criminal Cases<sup>13</sup> (\$000)</b>	2,343	1,713	31,083	7,278	15,545	18,776	10,371	2,165	4,790	5,226
Number of Defendants	12	20	17	21	21	16	15	7	23	8
<b>HSR Penalties (\$000)</b>	3,285	-	-	4,000	6,314	1,800	2,000	2,150	250	1,650
Number of Corporations	4	-	2	2	3	1	1	1	1	2
Number of Individuals	1	-	-	-	-	1	-	1	-	-

<sup>11</sup> Dollar figures are amounts imposed during the fiscal year.

<sup>12</sup> Does not include fines “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court.

<sup>13</sup> Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

**CONFINEMENT**

<b>INCARCERATION</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Number of Individuals Sentenced	54	47	24	36	30	28	27	28	39	31
Number of Individuals Sentenced to Incarceration Time	28	18	11	19	15	20	18	19	34	19
Total Number of Actual Days of Incarceration Imposed by the Court	6,662	5,584	4,800	10,501	9,341	7,334	13,157	5,383	31,391	14,331

<b>OTHER CONFINEMENT<sup>14</sup></b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Individuals Sentenced to Other Confinement	25	20	12	16	6	4	6	13	5	11
Number of Other Confinement Days	2,850	2,567	1,844	3,607	1,025	1,575	1,270	2,760	1,085	2,045

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<sup>14</sup> Includes house arrest or confinement to a halfway house or community treatment center.

**GENERAL ANTITRUST ACTIVITIES**

<b>PARTICIPATION IN BANK MERGER PROCEEDINGS</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Total Screenings	1,698	1,373	1,328	1,079	994	1,127	943	1,048	1,030	656
Screenings Requiring Competitive Analysis	1,109	945	859	628	587	732	532	592	737	511

<b>INTERNATIONAL ANTITRUST ACTIVITY</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Notifications to Foreign Governments. and International Organizations	93	143	126	82	89	89	115	108	126	118
Representation at and Negotiations with Foreign Governments. and International Organizations	55	51	53	25	27	55	31	70	44	41
Applications for Export Trade Certificates	5	6	3	2	5	4	11	6	10	14
Certificates Issued	3	4	3	2	3	6	8	6	8	15

<b>FILINGS IN REGULATORY AGENCY PROCEEDINGS<sup>15</sup></b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Department of Transportation	-	-	-	3	2	-	1	1	-	-
Federal Energy Regulatory Commission	1	-	-	-	-	-	1	-	1	-
Securities and Exchange Commission	-	2	-	-	-	-	-	-	-	-
Federal Communications Commission	-	5	7	13	10	2	-	3	1	-
Federal Maritime Commission	-	-	-	-	-	1	3	1	-	-
Interstate Commerce Commission	-	1	-	-	-	1	-	-	-	-
Other	-	6	-	-	-	2	1	1	1	1
<b>Total</b>	<b>1</b>	<b>14</b>	<b>7</b>	<b>16</b>	<b>12</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>1</b>

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<sup>15</sup> These statistics may include counts of multiple filings for one proceeding.

<b>OTHER ANTITRUST ACTIONS</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
4F (HSR) Information	2	2	1	3	-	-	-	-	2	1
Advice on Surplus Property	5	-	-	4	1	-	7	3	5	4
Meetings of Interagency Task Forces/Committees <sup>16</sup>	35	47	46	41	51	28	50	22	34	51
Congressional Appearances	11	20	4	5	1	3	-	2	3	2
Congressional/OMB Requests for Comments	629	568	424	384	401	297	338	512	395	571
White House Referrals	196	25	625	157	226	2	1	3	-	1
Congressional Correspondence	628	578	597	477	186	109	85	92	82	90
Statutory Reports	5	4	21	13	17	19	39	56	77	63
Joint Research & Development Filings	61	47	24	29	17	252 <sup>17</sup>	45	19	19	28
FOIA Requests	247	242	207	154	159	162	136	103	85	101
Privacy Act Requests	3	9	16	11	10	4	15	9	10	8

<sup>16</sup> These figures reflect the number of formal interagency task forces, committees, or working groups that held meetings at which Division staff attended. The figures do not reflect the actual number of meetings held.

<sup>17</sup> The National Cooperative Research and Production (NCRPA) Act was amended in 2004 to include standard development organizations.