

**FEDERAL TRADE COMMISSION****Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires

persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans	#	Acquired	Entities
<b>Transactions Granted Early Termination—08/03/2004</b>			
20041182 .....	Tektronix, Inc .....	Inet Technologies, Inc .....	Inet Technologies, Inc.
<b>Transactions Granted Early Termination—08/04/2004</b>			
20041139 .....	Holcim Ltd .....	Holcim Ltd .....	Holcim (Texas) L.P.
20041199 .....	Verizon Communications, Inc .....	Allen Salmasi .....	Nextwave Personal Communications Inc.
<b>Transactions Granted Early Termination—08/05/2004</b>			
20041179 .....	Dover Corporation .....	Corning Incorporated .....	Corning Frequency Control Inc., Corning Frequency Control, Ltd., Corning Frequency Control (Shanghai) Co., Ltd.
20041193 .....	IMCO Recycling Inc .....	Commonwealth Industries, Inc .....	Commonwealth Industries, Inc.
20041196 .....	Bank of America Corporation .....	National City Corporation .....	National Processing, Inc.
<b>Transactions Granted Early Termination—08/06/2004</b>			
200541172 .....	Wachovia Corporation .....	South Trust Corporation .....	South Trust Corporation
20041191 .....	THLFS Wenco, Inc .....	N.E.W. Customer Service Companies, Inc.	N.E.W. Customer Service Companies, Inc.
20041203 .....	La Quinta Corporation .....	The Marcus Corporation .....	Baymont Franchises International, LLC, Baymont Inns Hospitality LLC, Baymont Inns, Inc., Baymont Partners, LLC, Beck/Marcus Associates-Miami Airport, Cutler Ridge Associates, LMC Associates-Rockside, Marcus-Anderson-Guastello Partnership, Marcus-Anderson Partnership, Marcus Consid, LLC, Marcus FI, LLC, Marcus Non, LLC, Mark Antell Partnership, Willowbrook Motel Limited Partnership, Woodfield Suites Franchises International, Inc. Woodfield Suites Hospitality Corporation, Woodfield Suites, Inc.
20041207 .....	Unifi .....	Koch Industries, Inc .....	Invista, S.a.r.l.
20041213 .....	Mrs. Antonia Ax:son Johnson .....	The Trust under the Will of Walter L. Sams.	Central Coca-Cola Bottling Company, Inc.
20041214 .....	William L. Sauder .....	Crown Pacific Limited Partnership (Debtor-in-Possession).	Crown Pacific Limited Partnership (Debtor-in-Possession—
20041215 .....	Wells Fargo & Company .....	Century Park Capital Partners, L.P ...	Becker-Underwood, Inc.
20041220 .....	Dominion Resources, Inc .....	Multitrade of Pittsylvania County, L.P	Multitrade of Pittsylvania County, L.P.
20041221 .....	Blackstone FCH Capital Partners IV L.P.	Morgan Stanley Dean Witter Capital Partners IV, L.P..	Vanguard Health Systems, Inc.
20041226 .....	Whitney V, L.P .....	YUM! Brands, Inc .....	Tricon Restaurants International (PR), Inc.
20041232 .....	The DirectTV Group, Inc .....	PST Holdings, Inc. (debtor-in-possession).	PST Holdings, Inc.
<b>Transactions Granted Early Termination—08/09/2004</b>			
20041145 .....	Apollo Investment Fund V, L.P .....	Whitehall Associates, L.P .....	Borden Chemical, Inc., Borden Holdings, Inc.
20041190 .....	Kelso Investment Associates V, L.P	Vernalis plc .....	Vernalis plc
20041195 .....	Stryker Corporation .....	SpineCore, Inc .....	SpineCore, Inc.

Trans	#	Acquired	Entities
20041227 .....	Audax Private Equity Fund, L.P .....	Vitaquest International, Inc .....	Vitaquest International, Inc.
<b>Transactions Granted Early Termination—08/10/2004</b>			
20040195 .....	Cephalon, Inc. ....	CIMA Labs Inc .....	CIMA Labs Inc.
<b>Transactions Granted Early Termination—08/11/2004</b>			
20041209 .....	BH/RE, L.L.C .....	Aladdin Gaming, LLC .....	Aladdin Gaming, LLC
<b>Transactions Granted Early Termination—08/12/2004</b>			
20041210 .....	Arsenal Capital Partners Qualified Purchaser Fund LP.	The Berwind Company LLC .....	Priority Air Express, LLC

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay, Contact Representative or Renee Hallman, Case Management Assistant, *Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H-303, Washington, DC 20580, (202) 326-3100.*

By direction of the Commission.

**Donald S. Clarke,**

*Secretary.*

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**FEDERAL TRADE COMMISSION**

[File No. 032 3040]

**Applied Card Systems, Inc., et al.;  
Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before September 24, 2004.

**ADDRESSES:** Comments should refer to “Applied Card Systems, Inc., et al., File No. 032 3040,” to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room H-159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, as explained in the Supplementary Information section. The

FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form (except comments containing any confidential material) should be sent to the following e-mail box: [consentagreement@ftc.gov](mailto:consentagreement@ftc.gov).

**FOR FURTHER INFORMATION CONTACT:**

Jessica Gray or Barbara Bolton, FTC Southeast Regional Office, 225 Peachtree Street, NE., Suite 1500, Atlanta, GA 30303, (404) 656-1350 or 656-1362.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and Section 2.34 of the Commission’s Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 25, 2004), on the World Wide Web, at <http://www.ftc.gov/os/2004/08/index.htm>. A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Written comments must be submitted on or before September 24, 2004. Comments should refer to “Applied Card Systems, Inc., et al., File No. 032 3040,” to facilitate the organization of comments.

A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room H-159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled “Confidential.”<sup>1</sup> The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form should be sent to the following e-mail box: [consentagreement@ftc.gov](mailto:consentagreement@ftc.gov).

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at [www.ftc.gov](http://www.ftc.gov). As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC’s privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

<sup>1</sup> Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission’s General Counsel, consistent with applicable law and the public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).