



**ANTITRUST DIVISION
WORKLOAD STATISTICS
FY 1998 - 2007**



INVESTIGATIONS

Total Investigations Initiated, by Primary Type of Conduct¹	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Sherman §1 - Restraint of Trade	109	74	85	84	95	137	79	118	104	78
Sherman §2 - Monopoly	11	6	10	10	13	11	7	8	3	6
Clayton §7 - Mergers	284	287	221	178	127	124	106	138	114	118
Others	4	6	11	10	8	11	22	9	24	19

Business Reviews	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Requested	16	13	15	13	5	4	2	6	6	8
Closed	19	9	12	8	6	26	2	1	10	6
- Granted	12	7	9	7	6	12	2	-	4	5
- Denied	-	-	2	-	-	1	-	-	-	-
- Declined	-	-	-	1	-	-	-	-	-	-
- Withdrawn	7	2	1	-	-	13	-	1	6	1
Pending	17	21	24	29	28	6	6	11	7	9

¹ 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.

Hart-Scott-Rodino (HSR) Premerger Notifications	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Received	4,728	4,642	4,926	2,376	1,187	1,014	1,454	1,695	1,768	2,201
HSR Investigations Initiated	170	172	137	106	76	70	76	90	77	81
Number of Cases Filed	14	19	20	7	4	7	5	2	10	2

Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Initiated ²	294	277	242	204	176	182	157	184	172	158
Cases Filed or Investigations Ceased	303	290	228	211	181	170	174	186	190	146
Pending	147	134	148	141	133	145	128	126	108	120

CIDs Issued	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total number	1,488	919	980	822	573	631	562	727	376	527
Documentary	268	78	56	64	73	54	110	104	11	55
Written	29	76	98	169	4	52	14	6	1	-
Oral	605	182	257	301	175	239	186	161	131	150
Documentary/Written ³	586	583	569	288	321	286	252	446	231	318
Oral/Documentary ⁴	-	-	-	-	-	-	-	10	2	4

² 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.

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

⁴ Combined oral and documentary CIDs served to one person, corporation, partnership or legal entity. Statistic is only available from FY 2005.

CIVIL INVESTIGATIONS

Merger Investigations	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total Number (HSR and Non-HSR Investigations)	230	230	178	147	102	95	89	106	97	101
HSR Investigations	176	175	137	106	76	70	76	90	77	81
- HSR Investigations: Second Requests	102	68	55	43	22	20	15	25	17	32
Non-HSR Investigations	54	55	41	41	26	25	13	16	20	20
- Non-HSR Investigations: CIDs Issued	20	13	7	2	8	10	4	4	6	1
Merger CIDs Issued	876	690	783	658	399	460	158	369	271	395

Non-Merger Investigations	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total Number	94	56	40	30	27	33	41	53	49	23
- Non-Merger Investigations: CIDs Issued	26	15	9	16	16	20	19	22	15	12
Non-Merger CIDs Issued	406	180	168	166	174	171	404	358	105	132

Civil Investigation Results	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Merger Investigations: Total Number of Public Challenges	51	46	48	32	10	15	9	4	16	12
- Actions Filed in District Court ⁵	15	20	21	8	4	9	6	3	10	4
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	36	25	27	24	6	6	3	1	6	8
Non-Merger Investigations: Actions Filed in District Court	5	7	2	-	3	5	2	8	2	2

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

CRIMINAL INVESTIGATIONS AND CASES

Grand Jury Investigations	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Initiated	30	19	26	26	26	48	21	38	38	34
Terminated	16	30	35	19	17	19	29	27	42	22
Pending	101	90	81	88	97	126	118	128	123	135

Criminal Cases Filed	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total Cases Filed	62	57	63	44	33	41	42	32	34	40
Individuals Charged	52	46	60	39	32	28	39	47	37	47
Corporations Charged	19	17	40	22	14	16	20	27	24	10

DISTRICT COURT ANTITRUST CASES

TOTAL CIVIL CASES	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	23	29	23	10	7	14	8	11	12	6
Terminated ⁶	27	21	12	23	14	11	12	6	20	9
- Won	25	21	12	23	13	11	10	6	17	9
- Lost	1	-	-	-	1	-	1	-	2	-
- Dismissed	-	-	-	-	-	-	1	-	1	-
Pending	21	29	40	27	20	23	19	24	16	13

RESTRAINT OF TRADE - CIVIL (SHERMAN §1)	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	5	5	1	1	1	3	-	7	1	1
Terminated	8	7	-	-	-	2	2	1	8	1
- Won	7	7	-	-	-	2	1	1	8	1
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	1	-	-	-	-	-	1	-	-	-

MONOPOLY - CIVIL (SHERMAN §2)	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	2	2	1	-	1	-	-	-	-	-
Terminated	-	1	-	-	-	-	-	-	2	1
- Won	-	1	-	-	-	-	-	-	-	1
- Lost	-	-	-	-	-	-	1	-	1	-
- Dismissed	-	-	-	-	-	-	-	-	1	-

⁶ Figures are computed using the closing date of the case.

MERGER CASES (CLAYTON §7)	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	15	20	21	8	4	9	6	3	10	4
Terminated	17	9	12	23	14	8	7	4	6	6
- Won	16	9	12	23	13	8	7	4	5	6
- Lost	1	-	-	-	1	0	-	-	1	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

DAMAGE ACTIONS - CIVIL	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	-	-	-	-	-	-	-	-	-	-
Terminated	-	-	-	-	-	-	-	-	-	-
- Won	-	-	-	-	-	-	-	-	-	-
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

OTHER CIVIL	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	1	2	-	1	1	2	2	1	1	1
Terminated	2	3	-	-	-	1	2	1	4	1
- Won	2	3	-	-	-	1	2	1	4	1
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

TOTAL CRIMINAL CASES	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	62	57	63	44	33	41	42	32	34	40
Won	64	48	52	38	37	32	35	55	53	51
Lost	1	2	-	2	1	1	1	2	-	1
Pending ⁷	17	24	35	39	34	42	48	43	44	51
Appeal Decisions	6	-	-	5	1	2	7	4	5	1

RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	57	53	52	37	23	23	28	23	21	23
Won	59	45	44	29	28	19	17	41	31	27
Lost	1	2	-	1	1	1	1	2	-	1
Pending ⁸	16	22	30	37	31	34	44	24	14	9

⁷ This is a new statistic as of the FY 1999 Workload Statistics Report.

⁸ This is a new statistic as of the FY 1999 Workload Statistics Report.

OTHER CRIMINAL CASES Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	5	4	11	8	10	18	14	9	13	17
Won	5	3	8	10	9	13	18	14	22	24
Lost	-	-	-	1	-	-	-	-	-	-
Pending ⁹	1	2	5	2	3	8	4	1	8	1

⁹ This is a new statistic as of the FY 1999 Workload Statistics Report.

APPELLATE CASES

ANTITRUST DIVISION CASES COURT OF APPEALS	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	23	10	10	3	6	7	5	3	-	2
Terminated	12	6	3	6	2	5	11	5	7	1
- Won	9	4	3	4	2	3	8	4	7	1
- Lost	3	2	-	1	-	1	3	-	-	-
- Dismissed	-	-	-	1	-	1	-	1	-	-

ANTITRUST DIVISION CASES SUPREME COURT	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	2	1	1	1	-	-	1	1	2	-
Terminated	-	1	-	1	1	-	-	-	-	2
- Won	-	1	-	1	1	-	-	-	-	1
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	1

AMICUS CASES COURT OF APPEALS	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	3	-	5	2	3	6	5	2	1	1
Terminated	2	1	2	2	3	4	4	4	1	-
- Won	1	1	2	1	2	1	3	3	1	-
- Lost	1	-	-	1	-	3	2	1	-	-
- Dismissed	-	-	-	-	1	-	-	-	-	-

AMICUS CASES SUPREME COURT	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	4	1	1	1	1	-	3	4	4	4
Terminated	4	-	1	1	1	-	4	1	5	5
- Won	3	-	1	1	1	-	4	1	5	4
- Lost	1	-	-	-	-	-	-	-	-	1
- Dismissed	-	-	-	-	-	-	-	-	-	-

OTHER AGENCIES' CASES (ADMINISTRATIVE LAW CASES) COURT OF APPEALS	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
- Filed	428	113	69	35	49	76	93	101	59	65
- Terminated	52	110	85	34	53	36	43	79	34	27
Won	20	47	21	17	14	17	21	10	17	14
Lost	7	8	1	15	5	2	2	9	3	3
Dismissed	25	55	63	2	34	17	20	60	14	10

OTHER AGENCIES' CASES SUPREME COURT	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filed	10	7	4	3	-	1	4	6	-	-
Terminated	-	4	2	1	1	-	1	2	1	-
- Won	-	3	1	1	-	-	1	2	1	-
- Lost	-	1	-	-	-	-	-	-	-	-
- Dismissed	-	-	1	-	1	-	-	-	-	-

JUDGMENT ENFORCEMENT

JUDGMENT ENFORCEMENT	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Divestitures	9	20	17	9	1	4	5	3	8	3
Decrees Modified/Terminated	4	3	4	6	6	7	3	1	1	2
Contempt Cases	1	3	-	-	1	-	2	1	2	1

JUDGMENT ENFORCEMENT: Modification/Termination Investigations ¹⁰	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Initiated	6	11	-	-	2	3	1	1	4	-
Terminated	4	3	6	-	-	2	4	2	13	1
Pending	11	19	17	15	17	18	15	14	5	4

¹⁰ These are investigations to determine whether a judgment should be modified or terminated.

CASE RESULTS¹¹

FINES IMPOSED¹²	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Individual: Total Individual Fines (\$000)	2,499	12,273	5,180	2,019	8,685	470	644	4,483	3,650	15,109
Number of Individuals Fined	20	50	43	20	19	16	15	22	17	25
Corporate: Total Corporate Fines (\$000)	241,645	959,866	303,241	270,778	93,826	63,752	140,586	595,966	469,805	615,671
Number of Corporations Fined	18	25	26	14	17	17	13	18	18	12
Total Fines Imposed (\$000)	244,144	972,138	308,421	272,797	102,511	64,222	141,230	600,449	473,455	630,780

OTHER CASE RESULTS	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Restitution Imposed in Connection with Criminal Cases¹³ (\$000)	4,250	2,343	1,713	31,083	7,278	15,545	18,776	10,371	2,165	4,790
Number of Defendants	3	12	20	17	21	21	16	15	7	23
HSR Penalties (\$000)	500	3,285	-	-	4,000	6,314	1,800	2,000	2,150	250
Number of Corporations	2	4	-	2	2	3	1	1	1	1
Number of Individuals	-	1	-	-	-	-	1	-	1	-

¹¹ Dollar figures are amounts imposed during the fiscal year.

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

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

CONFINEMENT

INCARCERATION	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Number of Individuals Sentenced	16	54	47	24	36	30	28	27	28	39
Number of Individuals Sentenced to Incarceration Time	5	28	18	11	19	15	20	18	19	34
Total Number of Actual Days of Incarceration Imposed by the Court	1,301	6,662	5,584	4,800	10,501	9,341	7,334	13,157	5,383	31,391

OTHER CONFINEMENT¹⁴	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Individuals Sentenced to Other Confinement	10	25	20	12	16	6	4	6	13	5
Number of Other Confinement Days	1,530	2,850	2,567	1,844	3,607	1,025	1,575	1,270	2,760	1,085

¹⁴ Includes house arrest or confinement to a halfway house or community treatment center.

GENERAL ANTITRUST ACTIVITIES

PARTICIPATION IN BANK MERGER PROCEEDINGS	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total Screenings	1,923	1,698	1,373	1,328	1,079	994	1,127	943	1,048	1,030
Screenings Requiring Competitive Analysis	1,225	1,109	945	859	628	587	732	532	592	737

INTERNATIONAL ANTITRUST ACTIVITY	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Notifications to Foreign Governments. and International Organizations	96	93	143	126	82	89	89	115	108	126
Representation at and Negotiations with Foreign Governments. and International Organizations	50	55	51	53	25	27	55	31	70	44
Applications for Export Trade Certificates	3	5	6	3	2	5	4	11	6	10
Certificates Issued	3	3	4	3	2	3	6	8	6	8

FILINGS IN REGULATORY AGENCY PROCEEDINGS¹⁵	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Department of Transportation	2	-	-	-	3	2	-	1	1	-
Federal Energy Regulatory Commission	-	1	-	-	-	-	-	1	-	1
Securities and Exchange Commission	1	-	2	-	-	-	-	-	-	-
Federal Communications Commission	6	-	5	7	13	10	2	-	3	1
Federal Maritime Commission	-	-	-	-	-	-	1	3	1	-
Interstate Commerce Commission	-	-	1	-	-	-	1	-	-	-
Other	2	-	6	-	-	-	2	1	1	1
Total	11	1	14	7	16	12	6	6	6	3

¹⁵ These statistics may include counts of multiple filings for one proceeding.

OTHER ANTITRUST ACTIONS	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
4F (HSR) Information	2	2	2	1	3	-	-	-	-	2
Advice on Surplus Property	-	5	-	-	4	1	-	7	3	5
Meetings of Interagency Task Forces/Committees ¹⁶	28	35	47	46	41	51	28	50	22	34
Congressional Appearances	10	11	20	4	5	1	3	-	2	3
Congressional/OMB Requests for Comments	779	629	568	424	384	401	297	338	512	395
White House Referrals	722	196	25	625	157	226	2	1	3	-
Congressional Correspondence	581	628	578	597	477	186	109	85	92	82
Statutory Reports	-	5	4	21	13	17	19	39	56	77
Joint Research & Development Filings	38	61	47	24	29	17	252 ¹⁷	45	19	19
FOIA Requests	276	247	242	207	154	159	162	136	103	85
Privacy Act Requests	6	3	9	16	11	10	4	15	9	10

¹⁶ 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.

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