

Court File No.: T-304-00

IN THE FEDERAL COURT OF CANADA
TRIAL DIVISION

REGISTRY-GREFFE
Federal Court of Canada
Cour Fédérale du Canada
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Copie du document déposé
Date March 24, 2000
Officer
Agent

Peter L. Hébert
Registry Officer
Agent du greffe

BETWEEN

HER MAJESTY THE QUEEN

- and -

MERCK KGaA

Accused

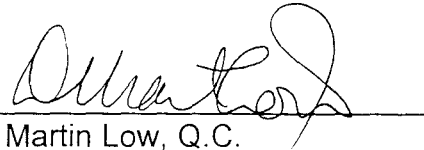
INDICTMENT

THE ACCUSED stands charged:

1. THAT it did, between May 23, 1991 and November, 1995, the exact dates being unknown, in various locations outside Canada, unlawfully conspire, combine, agree or arrange with F. Hoffmann-La Roche Ltd, BASF Aktiengesellschaft, and Takeda Chemical Industries, Ltd., the one with the other or others of them, together with a person or persons known or unknown, to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of a product, namely, vitamin C, in Canada, contrary to paragraph 45(1)(c) of the *Competition Act*, R.S. 1985, c. C-34.
2. THAT it did, between October, 1991 and September of 1995, the exact dates being unknown, in various locations outside Canada, unlawfully conspire, combine, agree or arrange with F. Hoffmann-La Roche Ltd, Lonza AG, Sumitomo Chemical Co. Ltd., and Tanabe Seiyaku Co., Ltd., the one with the other or others of them, together with a person or persons known or unknown, to

prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of a product, namely, biotin, in Canada, contrary to paragraph 45(1)(c) of the *Competition Act*, R.S. 1985, c. C-34.

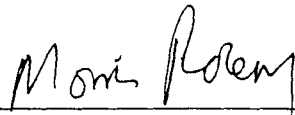
Dated at Ottawa, this 6th day of March, 2000.



D. Martin Low, Q.C.
For the Attorney General of Canada

I hereby consent to the preferment of this indictment pursuant to section 577 of the Criminal Code.

Dated at Ottawa, Ontario this ^{9th} day of March, 2000.



Morris Rosenberg
Deputy Attorney General of Canada

FEDERAL COURT OF CANADA
(TRIAL DIVISION)

BETWEEN:

HER MAJESTY THE QUEEN

- and -

MERCK KGaA

Accused

INDICTMENT

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