

## FTC Charges Intel with Unfair and Anticompetitive Conduct Under FTC Act Section 5

**Date: 12/18/09**

On December 16, 2009, the Federal Trade Commission (the "FTC" or "Commission") issued a complaint against Intel Corporation ("Intel") pursuant to the Commission's authority under Section 5 of the FTC Act ("Section 5") alleging unfair and anticompetitive conduct from 1999 through the date of the complaint. The complaint alleges that Intel's conduct was "designed to maintain Intel's monopoly in the markets for Central Processing Units ('CPU's') and to create a monopoly for Intel in the markets for graphics processing units ('GPU's')." Intel's market share for the period exceeded 80% of the market in CPU's and 50% of the market for GPU's. Notably, the complaint does not charge Intel with monopolization or attempted monopolization under the Sherman Act. The FTC complaint against Intel is the most recent and high profile example of what may become a trend of using stand-alone Section 5 claims to pursue anticompetitive conduct.