



EUROPEAN COMMISSION
DG Competition

***Case M.8991 - ALPHABET /
RESMED / JV***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 01/10/2018

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EUROPEAN COMMISSION

Brussels, 1.10.2018
C(2018) 6520 final

PUBLIC VERSION

To the notifying parties:

**Subject: Case M.8991 – Alphabet/ResMed/JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

Dear Sir or Madam,

1. On 4 September 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Verily Life Sciences LLC ("Verily", United States of America), belonging to Alphabet Inc. ("Alphabet", United States of America), and ResMed Inc. ("ResMed", United States of America) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created joint venture (the "JV"), by way of purchase of shares. The JV will study the health and financial impacts of undiagnosed and untreated sleep apnea and other breathing related sleep disorders, and develop software solutions that enable health care providers to more efficiently identify, diagnose, treat and manage individuals with sleep apnea and other breathing related sleep disorders.³
2. The business activities of the undertakings concerned are:
 - for Verily (formerly Google Life Sciences): research organisation. Google is the largest business controlled by Alphabet,
 - for ResMed: development, manufacturing, distribution and marketing of medical devices and cloud-based software applications that diagnose, treat and manage respiratory disorders and other chronic diseases.

¹ OJ L 24, 29.1.2004, p. 1 (the "Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² OJ L 1, 3.1.1994, p. 3 (the "EEA Agreement").

³ Publication in the Official Journal of the European Union No C 321, 11.09.2018, p. 8.

3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraphs 5(a) and 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation and Article 57 of the EEA Agreement.

For the Commission

(Signed)

Johannes LAITENBERGER

Director-General

⁴ OJ C 366, 14.12.2013, p. 5.