



EUROPEAN COMMISSION  
DG Competition

***Case M.10778 - TA ASSOCIATES / CLEARLAKE / KOFAX***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 15/07/2022

***In electronic form on the EUR-Lex website under document  
number 32022M10778***



EUROPEAN COMMISSION

Brussels, 15.7.2022  
C(2022) 5164 final

## **PUBLIC VERSION**

TA Associates Management L.P.  
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United States of America - MA 02116  
Boston

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United States of America - CA 90401-  
1207 Santa Monica

**Subject: Case M.10778 - TA ASSOCIATES / CLEARLAKE / KOFAX  
Commission decision pursuant to Article 6(1)(b) of Council Regulation  
(EC) No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European  
Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 23 June 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which TA Associates (U.S.A.) and Clearlake (U.S.A.) will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Kofax (U.S.A.) ultimately controlled by Thoma Bravo, L.P. (U.S.A.), by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are the following:
  - for TA Associates: private equity firm, active in business services, consumer, financial services, healthcare and technologies;
  - for Clearlake: private investment firm, active in software and technology-enabled services, energy and industrials, food and consumer products;

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<sup>1</sup> 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.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3 (the ‘EEA Agreement’).

<sup>3</sup> Publication in the Official Journal of the European Union No C 248, 30.06.2022, p. 156.

- for Kofax: provider of intelligent automation software for digital workflow transformation to automate and improve business workflows by simplifying the handling of data and documents.
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 paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>
  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)*  
*Olivier GUERSENT*  
*Director-General*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.