

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 01-02062 (GK)

COMPUTER ASSOCIATES  
INTERNATIONAL, INC. and  
PLATINUM *TECHNOLOGY*  
INTERNATIONAL, *INC.*,

Defendants.

1. The United States files this Memorandum to outline the procedures of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the "APPA"), that must be followed before the Court may enter the proposed Final Judgment that would resolve the allegations in the civil antitrust suit filed by the United States on September 28, 2001. The APPA applies only to antitrust cases brought by the United States.

2. The United States' Complaint alleges that Defendants Computer Associates International, Inc. and Platinum *technology* International, *inc.* violated Section 1 of the Sherman Act (15 U.S.C. § 1) and the waiting period requirement of Section 7A of the Clayton Act (15 U.S.C. § 18(a)). Today, the parties filed a Stipulation and Order and a proposed Final Judgment that would settle the allegations in the Complaint that the Defendants violated the antitrust laws.

The United States also filed a Competitive Impact Statement relating to the proposed Final Judgment, pursuant to the APPA. 15 U.S.C. § 16(b).

3. In the Stipulation and Order, Defendants have agreed to abide by and comply with all terms and provisions of the proposed Final Judgment pending its entry, which cannot occur until after compliance with the requirements of the APPA.

4. The APPA requires the United States to publish the proposed Final Judgment and Competitive Impact Statement in the *Federal Register*, and to publish newspaper notices of the proposed Final Judgment 60 days prior to entry of the Final Judgment. The newspaper notices will inform members of the public that they may submit comments about the Final Judgment to the United States Department of Justice, Antitrust Division. 15 U.S.C. § 16(b) & (c). The United States will consider any comments it receives, respond to them, and publish the comments and responses in the *Federal Register*. 15 U.S.C. § 16(d).

5. Not later than ten days after the filing of the proposed Final Judgment, each Defendant must file with the Court a description of any communications, other than communications solely by Defendants' counsel of record solely with the U.S. Department of Justice, by or on behalf of such Defendant with the United States concerning matters relevant to the Final Judgment. Before entry of the proposed Final Judgment, Defendants must certify to the Court that they have complied with this disclosure requirement. 15 U.S.C. § 16(g).

6. Pursuant to the APPA, at the expiration of the public comment period, the United States will file with the Court any comments that it receives, its responses, and a Motion For Entry of The Final Judgment, unless it withdraws its consent to entry of the Final Judgment pursuant to Paragraph 2 of the Stipulation. 15 U.S.C. § 16(d).

7. After the United States files its Motion For Entry of The Final Judgment, the Court may enter the Final Judgment with or without further hearing, if the Court determines that entry is in the public interest. 15 U.S.C. § 16(e)-(f).

Dated: April 23, 2002

Respectfully submitted,

/s/

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the United States' Memorandum Regarding Procedures for Entry of Final Judgment was served on the following counsel by hand delivery this 23<sup>rd</sup> day of April, 2002:

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\_\_\_\_\_/s/\_\_\_\_\_  
James J. Tierney