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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12 Plaintiff,) Civil Action No. C-73-0299-ACW
13 v.) ANTI-TRUST (Sherman Act
14 UNITED SCIENTIFIC CO., INC.,) § 1, 15 U.S.C. 1)
15 Defendant.) COMPLAINT FOR INJUNCTIVE RELIEF
16) Filed: Feb. 26, 1973
17)

18 COMPLAINT

19 The United States of America, plaintiff, by its attorneys,
20 acting under the direction of the Attorney General of the
21 United States, brings this action against the above-named
22 defendant, and complains and alleges as follows:

23 I

24 JURISDICTION AND VENUE

25 1. This complaint is filed and this action is instituted
26 under Section 4 of the Act of Congress of July 2, 1890, as
27 amended (15 U.S.C. § 4), commonly known as the Sherman Act, in
28 order to prevent and restrain continuing violation by the
29 defendant, as hereinafter alleged, of Section 1 of that Act,
30 as amended (15 U.S.C. § 1).

31 2. The defendant transacts business within the Northern
32 District of California.

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II

THE DEFENDANT

3. United Scientific Co., Inc. (hereinafter referred to as "United"), a corporation organized and existing under the laws of the State of Massachusetts, with its principal place of business in Newton Highlands, Massachusetts, is made the defendant herein.

III

CO-CONSPIRATORS

4. Numerous persons, not named as defendants, including United dealers, participated with the defendant as co-conspirators in the violation hereinafter alleged, and performed acts and made statements in furtherance thereof.

IV

DEFINITIONS

5. As used herein:

- (a) "Microscopes" means microscopes and microscope parts and accessories, including lenses; and
- (b) "Person" means any individual, partnership, firm, corporation or other legal entity.

V

TRADE AND COMMERCE

6. Microscopes are used by a wide variety of industries, by the medical professions and by educational institutions. Microscopes vary in design, complexity and price according to their ultimate use. Defendant sells Unitron brand microscopes for metallurgical and other industrial applications and for educational and medical purposes. Purchasers annually spend approximately \$2,000,000 for Unitron microscopes. A substantial portion of Unitron brand microscopes are sold to educational institutions.

1 7. Unitron brand microscopes are imported in substantial
2 quantities by defendant United from Japan to its plant in
3 Massachusetts. Substantial quantities of said microscopes are
4 then sold and distributed to Unitron dealers located in nearly
5 every state. Said dealers in turn resell Unitron brand micro-
6 scopes to ultimate users. In addition, defendant United bids
7 and sells Unitron brand microscopes directly to educational
8 institutions and other public agencies in competition with
9 United's dealers through an affiliated company, Unitron
10 Instrument Company, operating at United's address in Newton
11 Highlands, Massachusetts. Educational institutions which
12 purchase Unitron brand microscopes do so on a sealed bid or a
13 competitive quote basis where any substantial amount is involved.

14 8. It has been the policy of United and its dealers,
15 whenever possible, to assist in or influence the preparation
16 of bid specifications for microscopes purchased by high schools
17 and colleges. As a result, in many cases only Unitron microscopes
18 have met the specifications contained in bid invitations or
19 requests for quotations issued by high schools and colleges,
20 and thus only United and its dealers have been capable of
21 submitting bids conforming to such specifications.

22 VI

23 VIOLATION ALLEGED

24 9. Beginning at least as early as 1960, the exact date
25 being to the plaintiff unknown, and continuing thereafter up
26 to at least 1972, the defendant and the co-conspirators have
27 been engaged in an unlawful combination and conspiracy in
28 restraint of the hereinabove described interstate and foreign
29 trade and commerce in microscopes in violation of Section 1
30 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1),
31 commonly known as the Sherman Act.
32

1 10. The aforesaid combination and conspiracy has consisted
2 of a continuing agreement, understanding, and concert of action
3 among the defendant and co-conspirators, the substantial terms
4 of which have been and are that:

5 (a) Dealers would sell Unitron brand microscopes
6 at prices fixed by United;

7 (b) United and its dealers would bid to educational
8 institutions and other public agencies at prices
9 fixed by United;

10 (c) Dealers would report cases of price cutting or
11 bidding below list price to United, which would
12 investigate and would cut off, or threaten to
13 cut off, the dealer who had sold or bid at less
14 than the fixed price; and

15 (d) Where a dealer bid at below the fixed price,
16 United would require said dealer to modify or
17 withdraw his bid.

18 11. Pursuant to and in effectuation of the aforesaid
19 combination and conspiracy, the defendant and the co-conspirators
20 did those things which, as hereinabove alleged, they combined
21 and conspired to do. Said combination and conspiracy may
22 continue unless the relief hereinafter prayed for is granted.
23

24 VII

25 EFFECTS

26 12. The aforesaid combination and conspiracy has had the
27 following effects, among others:

28 (a) Customers have had to pay fixed and artificially
29 high prices for Unitron brand microscopes;

30 (b) Schools and colleges have been deprived of
31 competitive bids in the purchase of micro-
32 scopes; and

1 (c) Competition in the sale of Unitron brand
2 microscopes has been suppressed and eliminated.

3
4 PRAYER

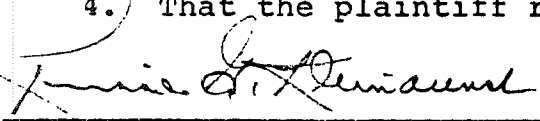
5 WHEREFORE, plaintiff prays:

6 1. That the Court adjudge and decree that the defendant
7 and co-conspirators have engaged in an unlawful combination
8 and conspiracy in restraint of the aforesaid interstate and
9 foreign trade and commerce in the sale of microscopes in
10 violation of Section 1 of the Sherman Act.


11 2. That the defendant, its officers, directors, agents,
12 and all other persons acting or claiming to act on its behalf
13 be perpetually enjoined and restrained from, in any manner,
14 directly or indirectly, continuing, maintaining, or renewing
15 the combination and conspiracy hereinbefore alleged, or from
16 engaging in any other combination, conspiracy, contract, agree-
17 ment, understanding, or concert of action having a similar
18 purpose or effect, and from adopting or following any practice,
19 plan, program, or device having any similar purpose or effect.

20 3. That the plaintiff have such other and further relief
21 as the Court may deem just and proper.

22 4. That the plaintiff recover the costs of this suit.

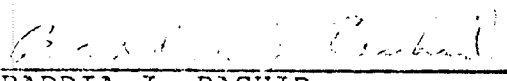
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