

EXHIBIT B

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 1:21-cv-1880-CJN

DANFOSS A/S,

and

EATON CORPORATION PLC,

Defendants.

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

The United States of America hereby certifies that it has complied with the Antitrust Procedures and Penalties Act (“APPA”), 15 U.S.C. § 16 and states:

1. The United States filed the Complaint, Asset Preservation Stipulation and Order (“Stipulation and Order”), and proposed Final Judgment on July 14, 2021. Dkt. Nos. 1 (Complaint), 2-1 (Stipulation and Order), 2-2 (Proposed Final Judgment). The United States filed the Competitive Impact Statement on July 20, 2021. Dkt. No. 8.

2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and the Competitive Impact Statement were published in the *Federal Register* on July 23, 2021 (86 Fed. Reg. 39,059 (2021)), and copies of the proposed Final Judgment and Competitive Impact Statement were furnished to all persons requesting them and made available on the Department of Justice Antitrust Division’s website.

3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the Proposed Final Judgment and Competitive Impact Statement were published in *The Washington Post*, a

newspaper of general circulation in the District of Columbia, for seven days, beginning on July 22, 2021 and ending on July 28, 2021.

4. No determinative materials or documents within the meaning of 15 U.S.C. § 16(b) were considered by the United States in formulating the proposed Final Judgment, so none were furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).

5. As required by 15 U.S.C. § 16(g), on April 15, 2021, Defendants filed with the Court descriptions of any written or oral communications made by or on behalf of Defendants with any officer or employee of the United States concerning the proposed Final Judgment. Dkt. No. 9.

6. The 60-day comment period specified in 15 U.S.C. § 16(b) commenced on July 28, 2021 and ended on September 27, 2021.

7. The United States received no comments from members of the public concerning the proposed Final Judgment.

8. The parties have, therefore, satisfied all of the requirements of the APPA that were conditions for entering the proposed Final Judgment. Pursuant to the Stipulation and Order entered on July 19, 2021 and 15 U.S.C. § 16(e), the Court may enter the Final Judgment after it determines that the proposed Final Judgment serves the public interest.

9. The United States's Competitive Impact Statement demonstrates that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e).

10. Pursuant to the Stipulation and Order dated July 19, 2021, Defendants stipulated that the Final Judgment could be filed with and entered by the Court, upon the motion of the United States or upon the Court's own motion, at any time after compliance with the requirements of the APPA, and without further notice to any party or other proceeding.

11. The United States requests that this Court enter the Final Judgment without further proceedings or hearings.

Dated: October 7, 2021

Respectfully submitted,

/s/ Rebecca Valentine
REBECCA VALENTINE* (D.C. Bar #989607)
Trial Attorney

Defense, Industrials, and Aerospace Section
Antitrust Division
450 Fifth Street N.W., Suite 8700
Washington, DC 20530
Telephone: (202) 476-0432
Facsimile: (202) 514-9033
Email: rebecca.valentine@usdoj.gov

COUNSEL FOR PLAINTIFF
UNITED STATES OF AMERICA

*LEAD ATTORNEY TO BE NOTICED