

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

<p>UNITED STATES OF AMERICA, Plaintiff, v. GRAFTECH INTERNATIONAL LTD. and SEADRIFT COKE L.P. Defendants.</p>	<p>CASE NO.: 1:10-cv-02039 JUDGE: Collyer, Rosemary M. DECK TYPE: Antitrust DATE STAMP: March 21, 2011</p>
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**UNITED STATES’S CERTIFICATE OF COMPLIANCE WITH
THE ANTITRUST PROCEDURES AND PENALTIES ACT**

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

1. The Complaint, proposed Final Judgment, and Stipulation and Order (“Stipulation”), by which the parties have agreed to the Court’s entry of the Final Judgment following compliance with the APPA, were filed on November 29, 2010. The United States also filed its Competitive Impact Statement (“CIS”) on November 29, 2010.
2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and CIS were published in the *Federal Register* on December 7, 2010, *see United States v. Graftech International Ltd. and Seadrift L.P.*, 75 Fed. Reg. 76026.
3. Pursuant to 15 U.S.C. §16(b), the United States furnished copies of the proposed Final Judgment and CIS to anyone requesting them and made both documents, along with the

Complaint and Stipulation, available at the Department of Justice, Antitrust Division's internet site.

4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Judgment, APSO, and CIS was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, during a seven-day period beginning on December 3, 2010 and ending on December 9, 2010.

5. As noted in the CIS, there were no determinative materials or documents within the meaning of 15 U.S.C. § 16(b) that 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).

6. On June 25, 2010, defendants served on the United States, and filed with this Court, declarations that describe their communications with employees of the United States concerning the proposed Judgment, as required by 15 U.S.C. § 16(g).

7. The sixty-day public comment period specified in 15 U.S.C. § 16(b) and (d) began on December 10, 2010, and ended on February 7, 2011. During that period, the United States received one comment on the proposed settlement. The United States filed its response to that comment with the court on March 3, 2011, and published its response in the *Federal Register* on March 18, 2011. See *United States v. GrafTech International Ltd. and Seadrift Coke L.P.*, 76 Fed. Reg. 14987.

8. The parties have satisfied all the requirements of the APPA that were conditions for entering the proposed Final Judgment. The Court may now enter the Final Judgment if the Court determines that, pursuant to 15 U.S.C. §16(e), entry of the Final Judgment is in the public interest.

Dated: March 21, 2011

Respectfully submitted,

_____/s/_____
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