

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

2003 JUN 23 PM 3:13

NANCY M.
MAYER-WHITTINGTON
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

INCO LIMITED,

and

FALCONBRIDGE LIMITED,

Defendants.

CASE NO.:

DECK TYPE: Antitrust

DATE STAMP:

PLAINTIFF UNITED STATES'
EXPLANATION OF CONSENT DECREE PROCEDURES

Plaintiff United States of America ("United States") submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) (the "APPA"), which applies to civil antitrust cases brought and settled by the United States.

1. Today, the United States has filed a Complaint, proposed Final Judgment, Competitive Impact Statement, and Hold Separate Stipulation and Order. The parties have agreed that the Court may enter the proposed Final Judgment following compliance with the APPA.

2. The APPA requires that the United States publish the proposed Final Judgment and Competitive Impact Statement in the *Federal Register* and in certain newspapers at least

sixty (60) days prior to entry of the proposed Final Judgment. The notice will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division (*see* 15 U.S.C. §§ 16(b)-(c)).

3. During the sixty-day period, the United States will consider, and at the close of that period respond to, any comments that it has received, and it will publish the comments and the United States' responses in the *Federal Register*.

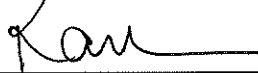
4. After the expiration of the sixty-day period, the United States will file with the Court the comments and the United States' responses, and it may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by Paragraph IV.A of the Hold Separate Stipulation and Order, *see* 15 U.S.C. § 16(d)).

5. If the United States requests that the Court enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. §§ 16(e)-(f), then the Court may enter the Final Judgment without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Dated: June 23, 2006

Respectfully submitted,

PLAINTIFF UNITED STATES OF AMERICA:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the following documents have been served upon counsel identified below, in the manner indicated, on this 23rd day of June 2006:

- 1) Complaint;
- 2) proposed Final Judgment;
- 3) Hold Separate Stipulation and Order;
- 4) Competitive Impact Statement; and
- 5) Plaintiff United States' Explanation of Consent Decree Procedures.

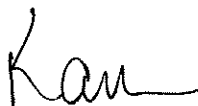
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