

UNITED STATES OF AMERICA,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION and
STORAGE TECHNOLOGY CORPORATION,

Defendants.

The United States files this Memorandum to set forth the procedures regarding entry of the proposed Final Judgment, pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the "APPA"). The APPA applies only to antitrust cases brought by the United States.

1. On December 18, 1997, the United States filed a proposed Final Judgment and a Stipulation between the plaintiff and defendant in which both parties agreed to entry of the proposed Final Judgment.

2. 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. The APPA requires the United States to publish the proposed Final Judgment and Competitive Impact Statement in the Federal Register and in newspapers 60 days prior to entry of the Final Judgment. The Notice will inform members of the public that

they may submit comments about the Final Judgment to the United States Department of Justice, Antitrust Division.

4. The United States will consider any comments it receives, respond to them, and publish the comments and responses in the Federal Register.

5. Pursuant to the APPA, at the expiration of the 60-day period, the United States will file with the Court the comments, 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 December 18 Stipulation.

6. When the United States files its Motion For Entry of The Final Judgment, pursuant to the APPA the Final Judgment may be entered with or without further hearing, if the Court determines that entry is in the public interest.

Dated: December 18, 1997

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