

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE WATCHMAKERS OF SWITZERLAND
INFORMATION CENTER, INC., ET AL.,

Defendants.

Supplemental to
Civil Action No. 96-170
Date: January 12, 2007

Civil Part I Judge

**JOINT MOTION OF THE UNITED STATES AND ROLEX WATCH U.S.A., INC. TO
ENTER ORDER TERMINATING FINAL JUDGMENT**

United States of America (“United States”) and Defendant Rolex Watch U.S.A., Inc. (“Rolex”), successor-in-interest to Defendant The American Rolex Watch Corporation, move this Court to enter an Order terminating the Final Judgment entered by this Court on March 9, 1960 in the above-captioned matter (“Final Judgment”), and in support of this motion, state as follows:

1. On February 28, 2006, Rolex moved to terminate the Final Judgment.
2. On February 28, 2006, the United States moved to establish procedures to terminate the Final Judgment.
3. The United States tentatively agreed to the termination of the Final Judgment subject to the following conditions:
 - a. that Rolex publish at its own expense a notice of the proposed termination,

in the form attached as Exhibit A to the Stipulation filed with this Court on February 28, 2006, in (1) two consecutive issues of The Wall Street Journal and (2) simultaneous publications in Modern Jeweler and Professional Jeweler – both of which are monthly journals.

b. that the United States publish in the Federal Register a notice, in the form attached as Exhibit B to the Stipulation filed with this Court on February 28, 2006, announcing the motion of Rolex to terminate the Final Judgment and the United States' tentative consent to it, summarizing the Complaint and Final Judgment, describing the procedures for inspection and obtaining copies of relevant papers, and inviting the submission of comments;

c. that a period for public comment shall end sixty days after the last publication of the notices required by the Stipulation filed with this Court on February 28, 2006, and that within a reasonable time after the conclusion of the sixty-day public comment period, the United States will file with the Court copies of all comments that it receives and its response to those comments;

d. that an Order, a proposed form of which was attached as Exhibit C to the Stipulation filed with this Court on February 28, 2006, terminating the Final Judgment, may be filed and entered by the Court upon the request of any party or by the Court *sua sponte*, at any time at least seventy (70) days after the last publication of the notice described above or at least ten (10) days after the close of the period for public comment; and

e. that the United States may withdraw its tentative consent at any time

before the entry of an Order terminating the Final Judgment by filing a notice of withdrawal of its consent with the Court and serving a copy of said notice upon all other parties.

4. The Court entered an Order establishing notice and public comment procedures for the motion to terminate the Final Judgment on March 7, 2006.

5. Rolex published a notice of the proposed termination in The Wall Street Journal on April 6 and 7, 2006, and in the April 2006 issues of Modern Jeweler and Professional Jeweler, which were released for distribution on April 6 and 13, 2006, respectively. Copies of proofs of publication from The Wall Street Journal, Modern Jeweler, and Professional Jeweler are attached to this joint motion as Exhibits A, B, and C, respectively.

6. On March 30, 2006, the United States published in the Federal Register a notice announcing the motion of Rolex to terminate the Final Judgment and the United States' tentative consent to it, summarizing the Complaint and Final Judgment, describing the procedures for inspection and obtaining copies of relevant papers, and inviting the submission of comments. A copy of this Federal Register notice is attached to this joint motion as Exhibit D.

7. The 60-day comment period commenced on April 13, 2006 and terminated on June 12, 2006.

8. The United States received 148 comments within the 60-day comment period and filed its response to these comments, along with copies of comments received, with the Court on January 12, 2007. While the United States has carefully considered the statements made in the comments, for the reasons articulated in the Response of United States to Public Comments, the United States remains convinced that termination of the Final Judgment is in the public interest.

9. As of the date of this motion, all of the foregoing conditions have been fulfilled and termination of the Final Judgment under the procedures established by this Court is timely as of January 12, 2007.

10. The United States and Rolex request that this Court enter the Order Terminating Final Judgment, which is attached to this joint motion as Exhibit E.¹

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

_____/s/_____
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Dated: January 12, 2007.

¹ The proposed order attached to this motion is the same order attached as Exhibit C to the Stipulation filed with this Court on February 28, 2006.

