

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: June 9, 2006

Civil Part I Judge

**STIPULATION**

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The American Watch Association, Inc. (“AWA”) and Foote, Cone & Belding, Inc. (“Foote”) will file a joint motion requesting that the Court terminate both the Final Judgment entered against the AWA (“the AWA Final Judgment”) and the Final Judgment entered against Foote (“the Foote Final Judgment”) by this Court on March 9, 1960 in the above-captioned matter (collectively “the AWA and Foote Final Judgments”). The United States tentatively has agreed to the termination of the AWA and Foote Final Judgments, but as a matter of policy does not consent to the termination of judgments without public notice and an opportunity for public comments.
2. The United States will publish in the Federal Register a notice, in the form attached hereto as Exhibit A, announcing the joint motion of the AWA and Foote to terminate the AWA and Foote Final Judgments and the United States’ tentative consent to it, summarizing the Complaint and the AWA and Foote Final Judgments, describing the procedures for

inspection and obtaining copies of relevant papers, and inviting the submission of comments. An Order, in the form attached hereto as Exhibit C, directing such publication, may be filed and entered by the Court forthwith, without further notice to any party or any other proceedings.

3. Because the AWA and Foote Final Judgments are companion judgments to the Final Judgment entered in *United States v. The Watchmakers of Switzerland Information Center, Inc.*, Trade Reg. Rep. (CCH) 69,655 (S.D.N.Y. Mar. 9, 1960) (“the Watchmakers Final Judgment”),<sup>1</sup> notice published by Rolex Watch U.S.A., Inc. in connection with its proposed termination of the Watchmakers Final Judgment in The Wall Street Journal on April 6 and 7, 2006 and in the April 2006 issues of Modern Jeweler and Professional Jeweler was sufficiently recent and broad to notify interested parties of the potential termination of both the Watchmakers Final Judgment<sup>2</sup> and the AWA and Foote Final Judgments.

4. A period for public comment shall end sixty days after the publication of the notice required by this Stipulation. 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.

5. An Order, a proposed form of which is attached hereto as Exhibit B, terminating the AWA and Foote Final Judgments, may be filed and entered by the Court upon the request of any party or by the Court *sua sponte*, at any time after the United States has filed with the Court any comments that it receives and any responses thereto and without further notice to any party

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<sup>1</sup> Both the Watchmakers Final Judgment as well as the AWA and Foote Final Judgments are attached hereto as Exhibit D. The AWA Final Judgment begins at 76,599, and the Foote Final Judgment begins at 76,604.

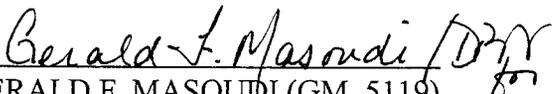
<sup>2</sup> A copy of Rolex’s notice is attached hereto as Exhibit E.

or any other proceedings, provided that the United States has not withdrawn its tentative consent. The United States may withdraw its tentative consent at any time before the entry of an Order terminating the AWA and Foote Final Judgments by filing a notice of withdrawal of its consent with the Court and serving a copy of said notice upon all other parties.

6. In the event that the United States withdraws its consent, or if the proposed Order terminating the AWA and Foote Final Judgments is not entered pursuant to this Stipulation, then this Stipulation shall be of no effect whatsoever; the making of this Stipulation shall be without prejudice to any party in this or any other proceeding; and the Stipulation shall not thereafter be used in this or any other action or for any other purpose.

Dated: June 9, 2006

FOR PLAINTIFF  
UNITED STATES OF AMERICA

  
GERALD F. MASOUDI (GM, 5119)  
Acting Assistant Attorney General

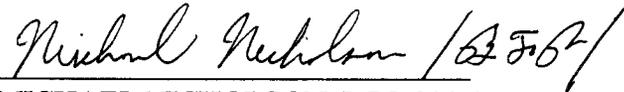
  
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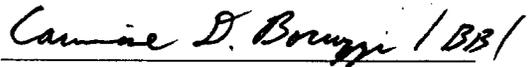
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Dated: June 9, 2006