

*United States District Court
District of Connecticut
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Deputy Clerk*

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,
Plaintiff,
v.
PITNEY-BOWES, INC.,
Defendant.

Civil Action No. 7610

O R D E R

Plaintiff, United States of America, and defendant, Pitney-Bowes, Inc., having severally consented to the making and entry by this Court of the Final Judgment dated January 9, 1959, in Civil Action No. 7610, and this Court having retained jurisdiction under the terms of Section XI of said Judgment for the purpose of enabling said parties to apply to the Court for further orders for the modification or termination of any of the provisions contained therein, and said parties having applied to the Court for the entry of this Order and having severally consented to the making and entry of this Order amending said Final Judgment of January 9, 1959:

NOW, THEREFORE, before any testimony has been taken and without trial, adjudication or admission of any issue of fact or law herein and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED:

I. The Final Judgment entered in this action is hereby modified and amended as follows:

1. The phrase "five (5) years," in the sixth line of Section II(E), is deleted and replaced by the phrase "ten (10) years."

2. The numeral "(1)" is inserted immediately before the word "copies" in the fifth line of Section V(A), and the period following the word "Judgment" in the last line of Section V(A) is deleted and replaced by "and (2) up-to-date copies of any meter control and service manuals in use by it at any time between the date of the Final Judgment and ten (10) years thereafter."

3. The phrase "five (5) years," in the first line of Section V(B), is deleted and replaced by the phrase "ten (10) years."

4. The phrase "five (5) years," in the first line of Section V(C), is deleted and replaced by the phrase "ten (10) years."

5. The phrase "five (5) years," in the first line of Section V(D), is deleted and replaced by the phrase "ten (10) years."

6. In the second line of Section V(E) the words "the foregoing subsections of" are deleted.

7. The following new Section V(H) is added immediately after Section V(G) of the Final Judgment:

"(H) For a period of ten (10) years from the date of this Final Judgment, and within thirty (30) days after receiving a written request therefor from any person licensed pursuant to Section IV of this Final Judgment, defendant is ordered and

directed to furnish such licensee at the lowest unit price at which a model has been recently sold by the defendant, plus 15% of such unit price, two unsealed models of any postage meter or postage meter machine specified in such licensee's written request which is being commercially produced by the defendant on the date of such request; provided, however, that defendant need comply with any such request only if the Post Office Department shall have consented to such action by defendant and shall have relieved defendant of responsibility therefor under any applicable Post Office Department regulations."

8. The following new Section V(I) is added immediately after the preceding new Section V(H):

"(I) For a period of ten (10) years from the date of this Final Judgment, and upon written request therefor from any person licensed pursuant to Section IV of this Final Judgment, defendant is ordered and directed to furnish to such licensee a list of its then suppliers of those standard, commercial parts and supplies as are specified in the request and are used by defendant in the commercial production of any of its postage meters or postage meter machines."

9. The following new Section V(J) is added immediately after the preceding new Section V(I):

"(J) For a period of ten (10) years from the date of this Final Judgment, and upon written request therefor from any person licensed pursuant to Section IV of this Final Judgment, the defendant is ordered and directed to supply such licensee, at a fifteen per cent (15%) discount from its then regular price to its domestic customers plus transportation costs for such parts and supplies, parts and supplies for the servicing of Pitney-Bowes postage meter machines taken in trade by the licensee."

10. Section VIII of the Final Judgment is deleted in its entirety and Sections IX, X and XI are renumbered Sections VIII, IX and X accordingly.

II. The provisions of the Final Judgment entered in this action on January 9, 1959, shall remain unaltered except as amended or eliminated by provisions of this Order. The exchange of letters between plaintiff and defendant which was read into the record at the time the Final Judgment was entered on January 9, 1959, and which relates to Section XI of that Judgment, now Section X of the Judgment as amended, shall continue to have full force and effect.

III. The making and entry of this Order shall, in no manner, create any bar or estoppel to any suit or proceeding which plaintiff may institute against defendant after the date hereof, either under this Final Judgment as amended or under the antitrust laws generally, based upon acts occurring after the date of this Final Judgment.

IV. Defendant is ordered and directed, within ninety (90) days from the date of this Order, to furnish a true and complete copy of this Order (a) to the Postmaster General of the United States, (b) to all manufacturers of postage meters who are licensed by the Post Office Department to manufacture or lease postage meters in the United States, and (c) to each person who makes written request to the defendant for a copy of this Order.

Dated:

/s/ Wm H. Timbers
United States District Judge

We consent to the making and entry of the foregoing Order.

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