

U. S. vs. AMERICAN AIR FILTER CO., INC., ET AL.  
IN THE DISTRICT COURT OF THE UNITED STATES FOR  
THE WESTERN DISTRICT OF KENTUCKY.

Civil Action No. 574.

UNITED STATES OF AMERICA, PLAINTIFF,

vs.

AMERICAN AIR FILTER COMPANY, INC., METAL TEXTILE  
CORPORATION, WILLIAM M. REED, ANDERS JORDAHL,  
and RUSSELL B. KINGMAN, DEFENDANTS.

FINAL JUDGMENT

The complainant, the United States of America, having filed its complaint herein on April 15, 1943, all the defendants having appeared and severally filed their answers to such complaint, denying the substantive allegations thereof, all parties hereto by their respective attorneys herein having severally consented to the entry of this final judgment without trial or adjudication of any issue of fact or law herein and without admission by any party in respect to any such issue;

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

ORDERED, ADJUDGED AND DECREED:

I

That this Court has jurisdiction of the subject matter and of all the parties hereto; that the complaint states a cause of action against the defendants under the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies" and acts amendatory thereof and supplemental thereto.

II

As used in this judgment, the term:

(a) "Filters" means (1) all media (not including electrical fields between opposing electrodes) and all

assemblies of media into frames and holders, including removable, discardable, interchangeable, manually portable and self-cleaning or automatic assemblies of media into frames or holders, for use in cleaning or straining dust, dirt or other impurities from air in ventilating, air-conditioning or heating systems by means of screening action or by means of impingement against viscous coated surfaces; and (2) copper mesh or other knitted mesh material, and assemblies of copper mesh or other knitted material into holders or frames, for use as a screening medium for the intake air of internal combustion power plant or engines or as an intake or screening medium in connection with chemical processes or in connection with distillation, fractionating, extraction or absorption apparatus including scrubbing towers and columns, and contact towers and cooling towers for the cooling of liquids.

(b) "Filter apparatus" means all apparatus incorporating filters except (1) dust collectors or dust arrestors used primarily in mechanically cleaning air of dust and dirt in connection with specific industrial operations and (2) self-cleaning oil bath air cleaners so arranged that the incoming air strikes the oil bath to entrain oil therefrom and carries the entrained oil upwardly into the filter medium which cleans the air by removing both the entrained oil and the dust therefrom, the removed oil collecting on the filter medium, and draining back into the oil bath carrying with it the removed dust.

(c) "Patent" or "patent application" includes continuations, renewals, reissues, divisions and extensions of any such patent or patent application.

(d) "Defendants" refers to each of the defendants and each of their officers, directors, agents, employees, attorneys, successors, subsidiaries, affiliates and assigns, and each person acting or claiming to act under, through or for them or any of them. The provisions of this Section II(d), as between Helen J. LeVallant (formerly a defendant in this action) and defendant Metals Textile Corporation, shall not be deemed to apply to Helen J.

LeVaillant in connection with arrangements between Helen J. LeVaillant and defendants Metals Textile Corporation for settlement of claims by Helen J. LeVaillant, as an assignee of Anders Jordahl, in connection with past royalties under Patent No. 1,676,191.

### III

Each of the defendants is enjoined and restrained from:

(a) Instituting or threatening to institute, or maintaining any suit, counterclaim or proceeding, judicial or administrative, for infringement or to collect charges, damages, compensation or royalties alleged to have accrued prior to the date of the entry of this judgment under (1) any of United States Letters Patent listed in, or issued on any application listed in Schedule A, Schedule B or Schedule C attached hereto and made a part hereof, or under (2) any foreign patent corresponding to any United States Letters Patent or application listed in Schedule A, Schedule B, or Schedule C where such suit, counterclaim or proceeding under the foreign patent is based on the use or sale in, or the importation into, such foreign country of a product made in the United States.

(b) Enforcing or attempting to enforce any covenant of undertaking heretofore entered into restricting actual or potential competition by any person on the development, manufacture, use or sale of filters or filter apparatus.

(c) Enforcing in any manner any undertaking heretofore entered into by any defendant or any predecessor of any defendant with any other person restricting or limiting dealings with others in connection with filters or filter apparatus, or requiring exclusive or preferential dealings with any defendant in connection with filters or filter apparatus.

(d) Conditioning or requiring any other person to condition, any license or immunity express or implied to practice any invention relating to filters or filter apparatus claimed in any United States patent by the tying

of any license or immunity for such invention to the purchase or securement of any other product, article or service from or through a defendant or from or through any particular or designated source.

(e) Discriminating or requiring any other person to discriminate in the granting of any license or immunity express or implied to practice any invention claimed in any United States patent relating to filters or filter apparatus upon the basis of whether any other product, article or service is purchased or secured from or through a defendant or from or through any particular or designated source.

(f) Maintaining or furthering any claim for compensation from the United States under or in connection with United States Letters Patents No. 1,676,191; 1,774,232 or 1,867,157.

(g) Securing the destruction of the production facilities of any other manufacturer of filters or filter apparatus to eliminate competition.

### IV

Each of the defendants is hereby ordered and directed:

(a) To forthwith dedicate to the public all rights in, to and under the United States Letters Patent and patent applications listed in Schedule B attached hereto and made a part hereof, and to give notice of such dedication on the records of the United States Patent Office and to grant to any applicant making written request therefor, to the extent that the defendants now have or acquire the power to do so, a non-exclusive royalty-free license and a grant of immunity from suit under any foreign patents or patents issued on foreign applications for patents, corresponding to any of the United States Letters Patent or applications for patents listed in Schedule B to import into and to sell or use and to have imported, sold or used in any country products made in the United States, without any condition or restriction whatsoever.

(b) To grant to any applicant making written request therefor a non-exclusive license to manufacture, use and

sell under any one or more of the United States Letters Patent and the patents issued upon applications for United States Letters Patent, the patent numbers and application numbers of which are listed in Schedule C attached hereto and made a part hereof, without any condition or restriction whatsoever, except that a reasonable and non-discriminatory royalty may be charged and collected, and where such royalty is charged provision may be made for a verified statement of royalty due and payable and for the inspection of the books and records of the licensee by an independent auditor who may report to the defendant licensor only the amount or royalty due and payable and no other information.

(c) To grant to any applicant making written request therefor, to the extent that the defendants now have or acquire the power to do so, a non-exclusive grant of immunity from suit under any foreign patents or patents issued on foreign applications for patents, corresponding to the United States Letters Patent or applications for patents listed in Schedule C to import and sell or use and to have imported, sold or used in any country products made in the United States, without any condition or restriction whatsoever, except that a reasonable and non-discriminatory royalty may be charged and collected and where such royalty is charged provision may be made for a verified statement of royalty due and payable and for the inspection of the books and records of the licensee by an independent auditor who may report to the defendant licensor only the amount of royalty due and payable and no other information.

#### V

Each of the defendants is hereby enjoined and restrained from entering into, adhering to, maintaining or furthering, directly or indirectly, any contract, agreement, understanding, plan or program with any manufacturer of filter or filter apparatus:

(a) To allocate markets or customers for filters or filter apparatus or to refrain from competing for any

type or class of business in the manufacture, sale or use of filters or filter apparatus.

(b) To discriminate in any manner directly or indirectly in the express or implied licensing to use, manufacture or sell any invention, used or useful, in the construction, operation or installation of any filter or filter apparatus, by imposing as a condition of such use, manufacture or sale the purchase or use of any product, material or service distributed or sold by any designated person or persons.

#### VI

For the purpose of securing compliance with this judgment authorized representatives of the Department of Justice shall, on written request of the Attorney General, or an Assistant Attorney General, be permitted, subject to any legally recognized privilege, (1) upon reasonable notice to any defendant corporation made to its principal office, access, during the office hours of such defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, relating to any matters contained in this judgment, and (2) without restraint or interference from the defendants, to interview officers or employees of the defendants, who may have counsel present, regarding any such matters, and (3) upon any such request said defendants shall submit such reports with respect to the disposition and licensing of filters and filter apparatus patents and patent rights and with respect to the acquisition of ownership or control of manufacturers of filters or filter apparatus as may from time to time be appropriate for the purpose of enforcement of this judgment; Provided, however, that information obtained by the means permitted in this paragraph shall not be divulged by any representatives of the Department of Justice to any person other than a duly authorized representative of the Department of Justice except in the course of legal proceedings for the purpose of securing compliance with

this judgment in which the United States is a party or as otherwise required by law.

## VII

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this judgment to apply to the Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this decree, for the modification or termination of any of the provisions thereof or the enforcement of compliance therewith and for the punishment of violations thereof.

Dated: September 10th, 1946.

/s/ ROY M. SHILBOURNE,

United States District Judge.

## SCHEDULE A (Items 1a-39a)

ITEM	PATENT OR S. N. NO.	GRANTED OR FILED	FILE NO.
1a	1, 416, 381	5-16-22	5
2a	1, 426, 196	8-15-22	17
3a	1, 443, 134	1-23-23	18
4a	1, 483, 379	2-12-24	32
5a	1, 489, 831	4-8-24	26
6a	1, 500, 128	7-8-24	20
7a	1, 500, 586	7-8-24	25
8a	1, 511, 764	10-14-24	22
9a	1, 511, 911	10-14-24	35
10a	1, 515, 949	11-18-24	42
11a	1, 519, 739	12-16-24	30
12a	1, 521, 575	12-30-24	1
13a	1, 521, 576	12-30-24	2
14a	1, 521, 577	12-30-24	3
15a	1, 521, 578	12-30-24	4
16a	1, 542, 529	6-16-25	40
17a	1, 542, 556	6-16-25	27
18a	1, 546, 901	7-21-25	33
19a	1, 550, 366	8-18-25	23
20a	1, 552, 152	9-1-25	53

(CONT'D.) ITEM	PATENT OR S. N. NO.	GRANTED OR FILED	FILE NO.
21a	1, 560, 790	11-10-25	46
22a	1, 566, 607	12-22-25	43
23a	1, 576, 121	3-9-26	60
24a	1, 577, 703	3-23-26	65
25a	1, 588, 402	6-15-26	16
26a	1, 589, 803	6-22-26	7½
27a	1, 598, 097	8-31-26	62
28a	1, 627, 686	5-10-27	50
29a	1, 632, 813	6-21-27	39
30a	1, 638, 067	8-9-27	94
31a	1, 638, 141	8-9-27	97
32a	1, 644, 082	10-4-27	69
33a	1, 649, 220	11-15-27	54
34a	1, 674, 764	6-26-28	61
35a	1, 676, 191	7-3-28	51
36a	1, 690, 813	11-6-28	96
37a	1, 693, 585	11-27-28	80
38a	1, 700, 126	1-29-29	89
39a	1, 705, 680	3-19-29	111

## SCHEDULE B (Items 40b-90b)

ITEM	PATENT OR S. N. NO.	GRANTED OR FILED	FILE NO.
40b	1, 738, 249	12-3-29	45
41b	1, 743, 675	1-14-30	29
42b	1, 746, 283	2-11-30	79
43b	1, 747, 694	2-18-30	58
44b	1, 751, 999	3-25-30	104
45b	1, 753, 653	4-8-30	100
46b	1, 757, 690	5-6-30	133
47b	1, 758, 881	5-13-30	115
48b	1, 765, 720	6-24-30	90
49b	1, 771, 639	7-29-30	147
50b	1, 771, 846	7-29-30	131
51b	1, 783, 194	12-2-30	99
52b	1, 786, 208	12-23-30	122
53b	1, 788, 164	1-6-31	49

(CONT'D.) ITEM	PATENT OR S. N. NO.	GRANTED OR FILED	FILE NO.
54b	1, 789, 931	1-20-31	98
55b	1, 794, 115	2-24-31	85
56b	1, 806, 898	5-26-31	136
57b	1, 807, 950	6-2-31	154
58b	1, 807, 983	6-2-31	37
59b	1, 807, 984	6-2-31	52
60b	1, 816, 836	8-4-31	103
61b	1, 816, 854	8-4-31	84
62b	1, 816, 855	8-4-31	87
63b	1, 821, 211	9-1-31	141
64b	1, 831, 782	11-10-31	127
65b	1, 834, 534	12-1-31	153
66b	Re. 18, 328	1-12-32	129
67b	1, 841, 536	1-19-32	78
68b	1, 848, 334	3-8-32	130
69b	1, 865, 245	6-28-32	106
70b	1, 870, 196	8-2-32	140
71b	1, 895, 597	1-31-33	139
72b	1, 895, 618	1-31-33	114
73b	1, 895, 619	1-31-33	101
74b	1, 895, 642	1-31-33	74
75b	1, 899, 007	2-28-33	109
76b	1, 899, 017	2-28-33	86
77b	1, 899, 018	2-28-33	102
78b	1, 899, 028	2-28-33	107
79b	1, 913, 885	6-13-33	88
80b	1, 926, 933	9-12-33	148
81b	1, 941, 450	1-2-34	159
82b	1, 941, 524	1-2-34	160-A
83b	1, 949, 540	3-6-34	160
84b	1, 978, 459	10-30-34	172
85b	1, 995, 378	3-26-35	182
86b	2, 029, 406	2-4-36	175
87b	2, 056, 001	9-29-36	187
88b	2, 167, 323	7-25-39	92
89b	2, 220, 347	11-5-40	202
90b	SN 442, 742	5-13-42	249

SCHEDULE C (Items 100c-129c)			
ITEM	PATENT OR S. N. NO.	GRANTED OR FILED	FILE NO.
100c	1, 708, 065	4-9-29	34
101c	1, 760, 986	6-3-30	47
102c	1, 783, 181	12-2-30	128
103c	1, 788, 171	1-6-31	70
104c	1, 789, 625	1-20-31	126
105c	1, 821, 202	9-1-31	108
106c	1, 832, 281	11-17-31	218
107c	1, 843, 182	2-2-32	123
108c	1, 886, 927	11-8-32	113
109c	1, 893, 048	1-3-33	110
110c	1, 897, 976	2-14-33	125
111c	1, 899, 029	2-28-33	157
112c	1, 925, 793	9-5-33	178
113c	1, 926, 924	9-12-33	135
114c	1, 944, 407	1-23-34	177
115c	1, 953, 156	4-3-34	180
116c	1, 957, 560	5-8-34	216
117c	1, 992, 974	3-5-35	217
118c	2, 008, 560	7-16-35	174
119c	2, 019, 213	10-29-35	179
120c	2, 071, 806	2-23-37	207
121c	2, 167, 283	7-25-39	203
122c	2, 188, 572	1-30-40	195
123c	2, 211, 382	8-13-40	194
124c	2, 238, 251	4-15-41	231
125c	2, 298, 469	10-13-42	242
126c	2, 312, 295	2-23-43	243
127c	2, 335, 144	11-23-43	246
128c	SN 529, 977	4-7-44	255
129c	SN 529, 978	4-7-44	256