

United States v. Scott Paper Co. and Chemotronics, Inc.

In the United States District Court for the Eastern District of Michigan, Southern Division, Civil Action No. 32049. Filed March 3, 1970.

Case No. 2028 in the Antitrust Division of the Department of Justice.

Sherman and Clayton Acts

Combinations and Conspiracies—Patents—Restrictive Patent Practices—Order Amending Consent Judgment—Availability of "Know-How" Licenses.—Since notice of the availability of a "know-how" license may not be published in the Official Gazette of the United States Patent Office pursuant to its regulations, a provision of a consent judgment requiring a producer of polyurethane foam and a research firm owning a patent covering a reticulating process used in manufacturing the foam to give public notice of the availability of licenses covering the process in the Gazette was amended. The defendants were relieved from any obligation to publish notice in the Official Gazette of the availability of any "know-how" license.

See Department of Justice Enforcement and Procedure, Vol. 2, ¶ 8834.10.

Amending consent judgment in 1969 Trade Cases ¶ 72,919.

For the plaintiff: R. Clark, E. Zimmerman, B. Rashid, J. Sarbaugh, R. Grace, R. Hernacki, R. Reinish, R. J. Rappaport, and John L. Wilson, Attys., Dept. of Justice.

For the defendants: Norman M. Heisman, of Scott Paper Co. (Barnes, Kisselle, Raisch & Choate, Detroit, Mich., assoc. counsel; Covington & Burling, Washington, D. C., of counsel), for Scott Paper Co.; Winston E. Miller, of Miller, Morriss, Pappas & McLeod, Lansing, Mich., for Chemotronics, Inc.

Order Amending Final Judgment

FREEMAN, D. J.: Whereas, Section X of the Final Judgment of this Court entered in this action on October 23, 1969 provides:

"Chemotronics and Scott are jointly and severally ordered and directed within ninety (90) days of the effective date of this Final Judgment, to give (a) public notice of the availability of the licenses referred to in Sections IV, V and VI; such public notice requirement shall be satisfied by causing such availability to be made known in the Official Gazette of the United States Patent Office, maintained by the Department of Commerce and in Modern Plastics magazine . . ."

And whereas, the regulations of the United States Patent Office do not permit

publication in its Official Gazette of a notice of the availability of a "know how" license such as those provided for in this Court's judgment;

And whereas, the parties by their attorneys consent to the making of this Order;

Now, therefore, it is ordered that Section X of the Judgment is amended so as to relieve defendants Scott Paper Company and Chemotronics, Incorporated from any obligation to publish notice in the Official Gazette of the United States Patent Office of the availability of any "know how" license.