

U. S. v. A. SCHRADER'S SON, INCORPORATED.

AT A STATED TERM OF THE UNITED STATES DISTRICT COURT HELD IN AND FOR THE EASTERN DISTRICT OF NEW YORK AT THE FEDERAL BUILDING, BROOKLYN, NEW YORK, ON THE 14th DAY OF JULY, 1923.

In Equity No. 1116.

Present: HON. EDWIN L. GARVIN, *District Judge.*

THE UNITED STATES OF AMERICA, PETITIONER,

VS.

A. SCHRADER'S SON, INCORPORATED, Henry P. Kraft, Philip G. Cole, William T. Hunter, jr., Frederick Trisman, and Julius Volckhausen, DEFENDANTS.

FINAL DECREE.

This cause came on to be heard on the 29 day of June, 1923, and was argued by counsel; and thereupon, upon consideration thereof, it was ordered, adjudged, and decreed as follows, viz:

1. That the plan of selling and distributing valves, valve parts and accessories, pressure gauges, and other patented and unpatented articles described in the original petition in this cause and observed and enforced by the defendant, A. Schrader's Son, Incorporated, its officers and agents, prior to and at the time of the filing of said petition, was in violation of sections 1, 2, and 3 of the Act of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and also in violation of sections 2 and 3 of the Act of October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes."

2. That the defendants, A. Schrader's Son, Incorporated, Henry P. Kraft, Philip G. Cole, William T. Hunter, Jr., Frederick Trisman, and Julius Volckhausen, and all persons acting for or in behalf of them, be, and they are hereby, perpetually enjoined and restrained from selling or distributing such valves, valve parts, and accessories, pressure gauges, and other articles under the so-called "Tire Manufacturers Patent License," "Vehicle Manufacturers Patent License," "Jobbers' Patent License," and "Twitchell License Agreement" referred to in the petition in this case, or any other licenses or agreements or understandings imposing like restrictions on the use or resale thereof; and from in any manner selling or distributing such articles, or any of them, upon the condition, agreement, or understanding (a) that the purchaser shall resell only to manufacturers and dealers designated by the defendant, A. Schrader's Son, Incorporated, (b) that the purchaser shall resell only at prices fixed by agreement, understanding, or otherwise indicated by said defendants, (c) that the purchaser shall use defendants' products exclusively, (d) that the purchaser shall not use any of such articles except in connection with other like articles and accessories manufactured by the defendants, or (e) that the purchaser shall resell such articles at prices which discriminate unlawfully between different customers or classes of customers; and from controlling or attempting

to control in any manner or by any device the price at which purchasers of articles manufactured by the defendant, A. Schrader's Son, Incorporated, shall sell the same, or the persons to whom they sell, or the use to which the articles may be put by such purchasers; and from in any manner or by any device limiting or attempting to limit purchasers of any of the Schrader products from buying, selling, using, or dealing in like articles manufactured by competitors of the Schrader Company; provided, that this decree is not intended to prevent the imposition of restrictions regarding the exportation of defendants' products into other countries where defendants' patents in such countries would be adversely affected by such exportation.

3. The object of this decree is to secure bona fide compliance with the "antitrust laws" as designated in section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes," approved October 15, 1914, but not to restrain the defendants from transacting their business with the largest measure of liberty permitted by law, and any party to this cause may make application to the court at any time for such further orders or directions as may be necessary or proper to give effect to the declared object of this decree, and jurisdiction of this cause is hereby retained for that purpose.

4. That the United States shall have its costs.

EDWIN L. GARVIN,
United States District Judge.