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FINAL JUDGMENT AGAINST  
ALUMINUM COMPANY OF AMERICA, ET AL.,  
JULY 6, 1950

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## FINAL JUDGMENT

The defendant, Aluminum Company of America, (referred to herein as "Alcoa"), having filed a petition in this Court on March 31, 1947 (and subsequently amended and supplemented), at the foot of the judgment entered in this case on April 23, 1946, for a decree that Alcoa has ceased to monopolize the aluminum ingot market, and that, in consequence, in such market effective competitive conditions now prevail; and the plaintiff having filed a petition in this Court on September 24, 1948, at the foot of the aforesaid judgment of April 23, 1946, alleging that competitive conditions have not been established in the aluminum industry in the United States, and that Alcoa has continued to dominate and control the aluminum ingot market, and that, only by divestiture of Alcoa of plants and other properties, can competitive conditions be established, and praying for such other relief as might appear to be necessary and appropriate; and issue having been joined on each petition, and these issues having been tried together, and determined by the Court in an opinion filed herein on June 2, 1950;

And now, on motion of the plaintiff, it is ordered adjudged and decreed:

### I.

"Alcoa," as used in section III to X inclusive, of this final judgment, includes Aluminum Company of America, its successors and assigns, and its subsidiaries.

### II.

The petition of Alcoa filed on March 31, 1947, as amended and supplemented, is hereby denied on the merits, and dismissed.

### III.

The execution of the program approved by the Congress for disposal of certain government owned aluminum plants and facilities, together with Alcoa's acts in aid thereof, have not wholly overcome the effects of the decree of monopolization that was entered herein on April 23, 1946. For such reason, further remedial action of an appropriate nature is required.

### IV.

The evidence in this proceeding is insufficient to give the Court a well founded assurance that, in future years, competitive conditions of an effective and lawful nature will prevail in the domestic aluminum industry. Consequently, the injunctions contained in paragraph 9 of the judgment of April 23, 1946 will be continued in full force and effect.

### V.

In order further to promote the establishment of the requisite competitive conditions in such manner as will give assurance that they will hereafter prevail, Alcoa and the individual defendants who own stock in both Alcoa and Aluminium Limited, a Canadian corporation, are directed to prepare and submit a plan or plans for carrying out the disposal of stock interests either in Aluminium Limited or in Alcoa, as directed in the Opinion of the Court filed June 2, 1950, which plan or plans are to be submitted to this Court on or before January 15, 1951, and to the Department of Justice, 20 days prior thereto.

After consideration of said plans and discussion thereof by counsel, the Court will hereinafter enter a

further order or judgment concerning the plan to be carried out in connection with said stock disposal. The Court reserves to itself full power to make such additional orders and decrees as may be required to effectuate said disposal of stock interests in accordance with the purpose and intent of the Court as expressed in the aforesaid opinion of June 2, 1950.

### VI.

The grant-back provisions running to Alcoa, being Article IV entitled "Improvements", in each of the three royalty-free patent license agreements between the United States of America and Alcoa, made as of November 3, 1948, entitled respectively, "License Agreement Baton Rouge—Alumina", "License Agreement Hurricane Creek—Alumina" and "License Agreement Hurricane Creek—Aluminum Fluoride" (Defendants' exhibits 150, 164 and 165) with respect to the following mentioned patents are hereby decreed to be unenforceable, and Alcoa shall make no claim or assertion to the contrary.

#### *Combination Process.*

Patent No. 2,375,342 to Brown, May 8, 1945

Patent No. 2,375,343 to Brown, May 8, 1945

#### *Settling of Particles by Use of Starch.*

Patent No. 2,280,998 to Brown, April 28, 1942

#### *Continuous Digestion of Aluminous Materials.*

Patent No. 2,107,919 to Turner et al, February 8, 1938.

#### *Production of Fluoride.*

Patent No. 1,937,885 to Gitzen, Dec. 5, 1933

VII

The agreement dated October 29, 1948, as amended under dates of November 15, 1949, January 11, 1949, and July 22, 1949 (government's exhibits 200, 201, 203, and defendants' exhibits 87 and 100), between War Assets Administration or a successor agency and Alcoa with respect to the sale to Alcoa of the government-owned aluminum smelting plant located at Massena, New York (and known as Plancor 226-NY), including the land, buildings, improvements, machinery and equipment, as more fully set forth in said agreement, shall forthwith be fully executed and carried out.

VIII

The divestiture of plants and properties of Alcoa, for which the plaintiff has petitioned, is presently denied; however, jurisdiction of this cause is retained for five years from the date of adoption by the Court of a plan, pursuant to paragraph V of this judgment, for the disposal of stock interests, within which period, if conditions so warrant, plaintiff may petition this Court for further and more complete relief.

IX

Paragraph 11 of the judgment of April 23, 1946, shall be considered a part of this judgment, and such permission to have access to Alcoa's books and papers, and to interview its officers and employees, subject to such limitations not inconsistent with the following, as is therein contained shall be extended to apply and relate to all matters contained in this judgment, for the purpose of securing compliance therewith, and for no other purpose.

If, in the opinion of the Attorney General, information and/or reports from Alcoa, not available pur-

suant to the preceding paragraph, be necessary to secure compliance with this judgment, application therefor may be made to the Court.

X

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

XI

The opinion of this Court filed herein of June 2, 1950, is designated as the findings of fact and conclusions of law, pursuant to Rule 52 of the Federal Rules of Civil Procedure.

July 6, 1950

JNO. C. KNOX,  
Chief Judge.

A TRUE COPY.

WILLIAM V. CONNELL,  
Clerk.

[Seal of the  
District Court of the United States  
Southern District of New York]