

DISTRICT COURT OF THE UNITED STATES

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CONSOLIDATED CAR-HEATING COMPANY,
INCORPORATED,

Defendant.

Civil Action

No. 34-312

JUDGMENT

This cause having come on for a hearing before the Court upon a motion by the plaintiff and a cross-motion by the defendant for summary judgment, counsel for the parties having been heard thereon, and the Court having determined, upon consideration of the pleadings, deposition, affidavits, and admissions on file, that there is no genuine issue between the parties as to any material fact, and the Court having filed its opinion herein on the 21st day of June, 1950, granting plaintiff's motion for summary judgment to the extent stated in the opinion and denying defendant's cross-motion,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

I

This Court has jurisdiction of the subject matter hereof and of the parties hereto. The complaint states a cause of action against the defendant under Section 1 of the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies," and Section 3 of the Act of Congress of October 15, 1914,

entitled "An Act to Supplement Existing Laws against Unlawful Restraints and Monopolies and for Other Purposes," and acts amendatory thereof and supplemental thereto.

II

The provisions of this judgment shall apply to defendant, its subsidiaries, successors, and assigns and to each person acting or claiming to act under, through, by, or for the defendant.

III

A. Defendant is hereby enjoined and restrained from entering into, adhering to, performing or enforcing any agreement or understanding, or adopting or furthering any course of conduct for the purpose or with the effect of:

- (1) limiting or restricting any person's use or disposition of Ticonium, defendant's patented and trade-marked dental alloy, purchased by such person from defendant or its authorized dealers;
- (2) requiring a licensee to purchase or lease any unpatented dental equipment or supplies or any unpatented property whatever from defendant; and
- (3) suggesting the selling price of any article manufactured by any person from Ticonium purchased by such person from defendant or its authorized dealers.

B. Defendant is hereby enjoined and restrained from, directly or indirectly, maintaining, renewing, adhering to, or performing any portion of any patent license in violation of this judgment.

IV

For the purpose of securing compliance with this judgment, and for no other purpose, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or an Assistant Attorney General, and on reasonable notice to defendant made to its principal office, be permitted, subject to any legally recognized privilege: (1) access, during the office hours of said defendant, to all books, ledgers accounts, correspondence memoranda, and other records and documents in the possession or under the control of said defendant relating to any matters contained in this judgment; and (2) subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers or employees of defendant, who may have counsel present, regarding any such matters. For the purpose of securing compliance with this judgment, defendant, upon written request of the Attorney General or an Assistant Attorney General, shall submit such reports with respect to any of the matters contained in this judgment as from time to time may be necessary for the purpose of enforcement of this judgment. No information obtained by the means provided in this paragraph shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of such Department except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with the judgment, or as otherwise required by law.

V

Jurisdiction of this cause is retained for the purpose

of enabling either 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 judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

Dated:

June 14, 1951
5 P.M.

ALFRED C. COXE
United States District Judge

JUDGMENT ENTERED:

WILLIAM V. CONNELL,

CLERK.

Jun 15, 1951.