

**Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. General Cable Corporation, General Electric Company, The Okonite-Callender Cable Company, Incorporated, and Phelps Dodge Copper Products Corporation., U.S. District Court, S.D. New York, 1948-1949 Trade Cases ¶62,300, 457 F. Supp. 1303, (Aug. 25, 1948)**

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United States v. General Cable Corporation, General Electric Company, The Okonite-Callender Cable Company, Incorporated, and Phelps Dodge Copper Products Corporation.

1948-1949 Trade Cases ¶62,300. U.S. District Court, S.D. New York. Civil No. 40-76. August 25, 1948. 457 FSupp 1303

**Sherman Antitrust Act**

**Consent Judgment—License Agreements—Acts in Restraint of Trade Enjoined.**—A consent judgment against four manufacturers of fluid filled cable and accessories enjoins the manufacturers from entering into any agreement to (1) allocate customers or divide territories or markets for the manufacture of their products; (2) fix prices or conditions of sale for their products; (3) exclude any person from the manufacture of fluid filled cable and accessories; (4) restrict the importation or exportation of fluid filled cable; (5) refrain from competition in the manufacture of or in obtaining rights to patents and technological information relating to fluid filled cable or accessories; (6) determine the terms or conditions upon which licenses or immunities under any patent, invention or technological information relating to their products shall be available to others; or (7) suppress commercial development or exploitation of patents, patent applications, inventions or technological information relating to fluid filled cable or accessories. The judgment also provides that (a) each defendant grant to any applicant a non-exclusive license to manufacture any of the patents listed in Schedule A, provided that a reasonable and non-discriminatory royalty may be collected, and that inspection of the books and records of the licensee, who may report only the amount of royalty due, is allowed; (b) the party to whom application is made for a license shall include in such license, a non-exclusive grant of immunity from suit under foreign patents corresponding to any of the United States patents listed in Schedule A; (c) upon application for a license, a defendant to whom such application is made shall advise the applicant of the royalty it deems reasonable for the patents to which application pertains; and (d) each license granted shall provide that the licensee may dispute the validity or scope of the patents under which the license is granted, and this judgment shall not be construed as importing any validity or value to any of such patents. Each of the defendants is enjoined from licensing or offering to license any patent or patents relating to fluid filled cable or accessories on condition that the licensee accept a license under other patents of a defendant or of any other persons.

For the plaintiff: Herbert A. Bergson, Assistant Attorney General, John F. X. McGohey, United States Attorney, Sigmund Timberg, J. Francis Hayden, John D. Swartz, Robert A. Nitschke, Special Assistants to the Attorney General.

For the defendants: Greenman, Shea, Lane & Sandomire, by Frederick Greenman for General Cable Corporation; Cahill, Gordon, Zachry & Reindel by Jerrold G. Van Cise for General Electric Company; Francis Meagle for the Okonite-Callender Cable Company; Debevoise, Plimpton & McLean, by Edward C. McLean, for Phelps Dodge Copper Products Corporation.

**Final Judgment**

[ *Previous Action* ]

The plaintiff, United States of America, having filed its complaint herein on January 30, 1947; the defendants, General Cable Corporation, General Electric Company, The Okonite-Callender Cable Company, Incorporated,

and Phelps Dodge Copper Products Corporation, having appeared and filed their answers to the complaint denying the substantive allegations thereof; and the plaintiff and said defendants by their attorneys having severally consented to the entry of this final judgment herein, without trial or adjudication of any issue of fact or law herein and without an admission by any party in respect of any such issue in this or any other litigation;

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

Ordered, adjudged and decreed as follows:

## I

### [ *Basis for Action* ]

The Court has jurisdiction of the subject matter herein and of all the parties hereto; and the complaint states a cause of action against each of the defendants under Sections 1 and 2 of the Act of Congress of July 2, 1890, as amended, and commonly known as the Sherman Antitrust Act.

## II

### [ *Definition of Terms* ]

For the purpose of this judgment:

(a) The term "fluid filled cable" shall mean all cable and cable systems for transmitting electric current for power purposes comprising one or more conductors within an enclosure or enclosures also containing a fluid (liquid or gas or both) subjected, directly or indirectly, throughout the length of the cable to controlled pressure.

(b) The term "accessories" as used herein shall mean all parts and all devices (including but not limited to normal joints, fluid-stop joints, fluid-containing reservoirs which are ordinarily of variable capacity, shipping devices, terminals and other necessary fittings), in so far and to the extent that they are incorporated or sold for incorporation in any such cable, cable system, or any part thereof, or are essential to and used or sold for use in the manufacture, shipment, installation, operation, repair and maintenance of such cable, cable system or any part thereof.

(c) The term "patents" shall mean letters patent and application for letters patent, and reissues, renewals, and continuations thereof.

## III

### [ *Extent of Application of Provisions* ]

The provisions of this judgment applicable to any defendant shall apply to each of its subsidiaries, successors, and assigns and to each of its officers, directors, agents, nominees, employees, or any other person acting under, through or for such defendant.

## IV

### [ *List of Acts Prohibited* ]

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 defendant or Societa' Italiana Pirelli or Compagnie Internationale Pirelli or Protone, A. G., or with any other manufacturer of fluid filled cable, or with any of their subsidiaries, successors, assigns, officers, agents or employees, or with any person acting under, through, or for any of them, to:—

(a) allocate customers or allocate or divide territories or markets for the manufacture, use, sale or distribution of fluid filled cable or accessories;

(b) fix, determine, maintain, or adhere to, prices or terms or conditions of sale for fluid filled cable or accessories;

- (c) exclude any person from or restrict any third person in the manufacture, use, sale or distribution of fluid filled cable or accessories;
- (d) restrict or prevent the importation into or exportation from the United States, its territories or dependencies of fluid filled cable or accessories;
- (e) refrain from competition in the manufacture, use, sale or distribution of, or in obtaining rights to patents and technological information relating to, fluid filled cable or accessories;
- (f) determine or prescribe the terms or conditions upon which licenses or immunities under any patent, invention, or technological information relating to fluid filled cable or accessories shall be available to others;
- (g) suppress commercial development or exploitation of patents, patent applications, inventions or technological information relating to fluid filled cable or accessories.

## V

### [ *Terminated Agreements* ]

The agreement listed in paragraph 19 of the complaint herein is herewith declared to be terminated, and all agreements listed in appendices A and B and paragraph 22 of the complaint herein are hereby cancelled, provided that whatever non-exclusive rights may exist in the defendants under the General Electric-Pirelli Agreement of 1933 to make, use and vend (arising out of that Agreement or any sublicense thereunder) may be retained by the defendants and shall continue, subject to the other paragraphs of this judgment. Each defendant is enjoined and restrained from adopting, adhering to, furthering or continuing any course of conduct for the purpose or with the effect of maintaining, reinstating or reviving any of said agreements.

## VI

### [ *Granting of Licenses* ]

(a) Each defendant is hereby ordered and directed to grant to any applicant, including any other defendant, upon written request therefor, a non-exclusive license to manufacture, use and sell under any one or more of the patents listed in Schedule A attached hereto and made a part hereof, or any United States patent or patents issued or applied for during a period of five years from date of entry of this Judgment relating to fluid filled cables or accessories, as to which such defendant has power to license, without any condition or restriction whatsoever except that (1) a reasonable and non-discriminatory royalty may be charged and collected and (2) where such royalty is charged, provision may be made for 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.

(b) Upon the request of any applicant for a license under the provisions of subsection (a) of this paragraph VI, the party to whom such application is made shall include in such license, to the extent that it has power to do so, a non-exclusive grant of immunity from suit under foreign patents corresponding to any of the United States patents listed in Schedule A attached hereto, or otherwise required to be licensed under subsection (a) of this paragraph, for any products manufactured, used or sold pursuant to said license.

(c) Upon any application for a license accordance with the provisions of subsection (a) of this paragraph VI a defendant to whom such application is made shall advise the applicant of the royalty it deems reasonable for the patents to which the application pertains. If within sixty (60) days from the date such application is received by such defendant, such defendant and the applicant are unable to agree, upon what constitutes a reasonable royalty the applicant for a license may apply forthwith to this Court for a determination of a reasonable royalty, and such defendant shall, upon receipt of notice of filing such application, promptly give notice thereof to the Attorney General. In any such proceeding the burden of proof shall be upon such defendant to establish the reasonableness of the royalty requested by it, and that such royalty is non-discriminatory. Pending the completion of any such court proceeding, the applicant shall have the right to make, use and vend under the patents to which its application pertains, without then payment of royalty or other compensation, but subject

to the following provisions: Such defendant may, with notice to the Attorney General, apply to the Court to fix an interim royalty rate pending final determination of what constitutes a reasonable royalty, if any. If the Court fixes such interim royalty rate, a license shall then issue providing for the periodic payment of royalties at such interim rate from the date of the making of such application by the applicant; and whether or not such interim rate is fixed, any final order may provide for such readjustments including retroactive or diminished royalties as the Court may order after final determination of a reasonable and non-discriminatory royalty.

(d) Each license granted pursuant to this paragraph VI shall provide that the licensee may at any time, without revoking or surrendering its license, dispute the validity, scope or enforceability of any of the patents under which the license is granted, and this judgment shall not be construed as importing any validity or value to any of such patents.

(e) If at any time or times hereafter any of the defendants shall grant to any other defendant a license under any patent included within the provisions of this paragraph VI, then at each such time and in each such event the defendant so licensing another defendant is hereby ordered and directed to grant to each applicant therefor a similar license.

## VII

### *[ Licensing of Patents for Fluid Filled Cable ]*

Each of the defendants herein is hereby enjoined from licensing or offering to license any patent or patents relating to fluid filled cable or accessories on condition that the licensee accept a license under other patents of said defendant or of any other person.

## VIII

### *[ Availability of Webb-Pomerene Act ]*

Nothing in this judgment shall prevent any defendant from availing itself of the benefits of the Act of Congress of April 10, 1918, commonly called the Webb-Pomerene Act.

## IX

### *[ Steps Taken To Secure Compliance Wi Judgment ]*

For the purpose of securing compliance with this judgment, and for no other purpose, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General or an Assistant Attorney General, and on reasonable notice to any of the defendants made to principal office of such defendant, be permitted subject to any legally recognized privilege, (1) 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) subject to the reasonable convenience of such defendant and without restraint or interference from the defendants, to interview officers or employees of such defendant, who may have counsel present, regarding any such matters. Upon written request of the Attorney General or an Assistant Attorney General said defendant shall submit such reports in writing with respect to the matters contained in this judgment as may from time to time be reasonably necessary to the enforcement of this judgment. Information obtained by the means permitted in this paragraph shall not be divulged by any representative 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.

## X

### *[ Jurisdiction of Cause Retained by Court ]*

Jurisdiction of this cause is retained by the Court 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 judgment, for the amendment, modification or termination of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

#### Schedule A

##### I. Pirelli patents as to which all defendants have certain rights.

No.	Date	Inventor	Title
1,869,308	July 26, 1932	Emanuelli	Process for Impregnating Insulating Materials
1,875,732	Sept. 6, 1932	Holttum	Sealing Device for Use with Electric Cables Other Apparatus
1,883,648	Oct. 18, 1932	Emanuelli	Multicore Oil Filled High Tension Electric Cable
1,895,982	Jan. 31, 1933	Emanuelli	Device for Reducing the Current in the Lead Sheaths of Cables
1,895,983	Jan. 31, 1933	Emanuelli	Apparatus for Degasifying Liquids
1,900,600	Mar. 7, 1933	Emanuelli	High Tension Electric Cable
1,906,600	May 2, 1933	Hofner	Method of Jointing Oil Filled Cables with Hollow Conductors low Conductors
1,906,636	May 2, 1933	Schlecker	Process of Locating Leaks
1,933,008	Oct. 31, 1933	Emanuelli	Manufacture of Electric Cables for High Tension
1,933,112	Oct. 31, 1933	Held	Multicore High Tension Electric Cables
1,944,637	Jan. 23, 1934	Emanuelli	Apparatus for Locating Oil Leaks in Cables
1,947,929	Feb. 20, 1934	Emanuelli	Restrictor
1,956,723	May 1, 1934	Kunst	Joint for Oil Filled Cables
1,957,995	May 8, 1934	Emanuelli	High Tension Cable
1,962,059	June 5, 1934	Emanuelli	High Tension Electric Cable
1,964,907	July 3, 1934	Emanuelli	Electric Cable
1,973,068	Sept. 11, 1934	Held	Oil Filled Cable
1,973,111	Sept. 11, 1934	Schlecker	High Tension Electric Cable
1,979,149	Oct. 30, 1934	Emanuelli	Stop Joint for Liquid Filled Cables
1,979,150	Oct. 30, 1934	Emanuelli	Feeding Joint
1,981,535	Nov. 20, 1934	Zapf	Oil Filled High Voltage Cable
1,981,536	Nov. 20, 1934	Zapf	High Tension Electric Cable
1,999,701	Apr. 30, 1935	Kunst	Oil Filled Electric Cable
2,006,236	June 25, 1935	Emanuelli	Feeding Reservoir for Oil Filled Cables
2,011,389	Aug. 13, 1935	Zapf	Oil Filled Cable Installation
2,030,943	Feb. 18, 1936	Schrottke	Pressure Compensator for Oil or Compound Filled Cables
2,039,587	May 5, 1936	Emanuelli	Fluid Filled Electric Cable System
2,040,204	May 12, 1936	Emanuelli	Means for Maintaining Fluid Pressure in Sheathed Electric Cables
2,043,033	June 2, 1936	Capdeville	Underground Electric Cable
2,049,835	Aug. 4, 1936	Emanuelli	Method of Joining Fluid Filled Electric Cables
2,064,650	Dec. 15, 1936	Emanuelli	Apparatus for Degasifying Liquids
2,072,742	March 2, 1937	Emanuelli	Stop Joint for Oil Filled Cables
2,081,880	May 25, 1937	Emanuelli	High Tension Electric Cable
2,082,649	June 1, 1937	Nageli	Method of and Means for Exerting an Artificial Pressure on the Insulation of Electric Cables
2,115,574	Apr. 26, 1938	Gasser	Method of Eliminating Gas Pockets in Liquid Filled Cables

2,120,889	June 14, 1938 Emanuelli .....	Stop Joint for Fluid Filled Cables
2,122,281	June 28, 1938 Emanuelli .....	High Tension Electrical Apparatus
2,132,259	Oct. 4, 1938 Emanuli .....	Electric Cable
2,133,129	Oct. 11, 1938 Brigg & Gibson .....	Pressure Actuated Signaling Device
2,133,382	Oct. 18, 1938 Emanuelli .....	High Tension Electric Cable
2,133,398	Oct. 18, 1938 Puritz .....	Electric Cable and Method of Repairing the Same
2,133,399	Oct. 18, 1938 Puritz .....	Electric Cable and Method of Repairing the Same
2,244,392	June 3, 1941 Emanuelli .....	Device for Supervising the Pressure in Fluid Filled Cables Filled Cables
2,261,265	Nov. 4, 1941 Maass .....	Flexible Container
2,268,704	Jan. 6, 1942 Emanuelli .....	Electric Cable
II. Other patents as to which General Cable Corporation has rights.		
1,836,570	Dec. 15, 1931 Boyle .....	High Voltage Cable
1,837,375	Dec. 22, 1931 Saurman & Webb .....	Terminal Structure
1,868,962	July 26, 1932 Atkinson .....	High Voltage Bushing
1,878,094	Sept. 20, 1932 Atkinson .....	Oil Cooled Terminal
1,878,169	Sept. 20, 1932 Myers .....	Terminal
1,884,311	Oct. 25, 1932 Simmons .....	Laminate Insulation
1,920,903	Aug. 1, 1933 Haanen & Meurer .....	High Tension Cable
1,929,509	Oct. 10, 1933 Miller .....	Apparatus for Building Cable Joints
1,943,086	Jan. 9, 1934 McKnight .....	Electrical Cable and Method of Manufacture
1,943,087	Jan. 9, 1934 Potter and McKnight .....	Electrical Cable and Method of Manufacture
1,948,964	Feb. 27, 1934 Gay .....	Cooling System for Electrical Cables
1,958,984	May 15, 1934 Beaver .....	Means for Coating and Impregnating Sheet Material
1,965,540	July 3, 1934 Atkinson .....	Cable Installation
1,971,626	Aug. 28, 1934 Simmons .....	Cable Installation
2,010,530	Aug. 6, 1935 Atkinson .....	Electrical Installation
2,016,004	Oct. 1, 1935 Gay .....	Electrical Cable Installation
2,016,247	Oct. 1, 1935 Simmons .....	Electrical Installation
2,019,297	Oct. 29, 1935 Faucett .....	Electrical Cable
2,025,670	Dec. 24, 1935 Pettee .....	Reservoir
2,042,421	May 26, 1936 Atkinson & Hagen. ....	Electrical Installation
2,050,990	Aug. 11, 1936 Atkinson .....	Cable
2,050,991	Aug. 11, 1936 Atkinson .....	Cable and Method of Making
2,060,745	Nov. 10, 1936 Pettee .....	Insulating Joint for Cables
2,067,169	Jan. 12, 1937 Beaver & Davey. ....	Electric Cable
2,068,624	Jan. 19, 1937 Atkinson .....	High Voltage Bushing
2,071,102	Feb. 16, 1937 Atkinson & Simmons. ....	Oil Filled Cable
2,075,019	Mar. 30, 1937 Buck, Roper & Thoms .....	Stop Joint for Electric Cable
2,093,114	Sept. 14, 1937 Sonnenfeld .....	Electric Cable and Method of Installation
2,098,922	Nov. 9, 1937 McKnight .....	Apparatus for Making Cable
2,118,546	May 24, 1938 Beaver & Davey .....	Joints for Electric Cable
2,125,869	Aug. 9, 1938 Atkinson .....	Electrical Conductor
2,147,402	Feb. 14, 1939 Faucett .....	Electrical Cable
2,163,783	June 27, 1939 Fisher .....	Cable Installation
2,197,544	April 16, 1940 Atkinson .....	Electric Cable
2,208,832	July 23, 1940 Beaver & Davey .....	Electric Cable
2,237,402	April 8, 1941 Beaver et al. ....	Electric Cable and Joint
2,240,745	May 6, 1941 Atkinson .....	Electric Cable
2,250,239	July 22, 1941 Sonnenfeld .....	Electrical Power Cable



2,254,958	Sept. 2, 1941	Beaver et al.	Fluid Tight Joint
2,310,201	Feb. 9, 1943	Cox	Cable Terminal
PENDING APPLICATIONS			
SN763,001	July 23, 1947	Atkinson & McGrath	Cable with CTow Limiting Covering
SN763,002	July 23, 1947	Atkinson & Garner	Weathertight Reel
SN765,70S	Aug. 2, 1947	Bronovieki	Pulling Eye and End Cap
III. Other patents as to which General Electric Company has rights.			
1,819,881	Aug. 18, 1931	Eby	Semistop Joint for Fluid Filled Cable
1,819,882	Aug. 18, 1931	Eby	Insulated Cable Joint
1,822,737	Sept. 8, 1931	Karapetoff	Ployphase Intersheath Cable
1,822,738	Sept. 8, 1931	Karapetoff	Ployphase Intersheath Cable
1,823,731	Sept. 15, 1931	Eby	Variable Capacity Reservoir
1,830,533	Nov. 3, 1931	Eby	Terminal for Fluid Filled Cables
1,833,798	Nov. 24, 1931	Shanklin?	—Oil Filled Lead Covering Electric Cables
1,834,864	Dec. 1, 1931	Phillips	Joint for High Tension Electric Cables
1,835,922	Dec. 8, 1931	Zeiss et al.	Method and Means for Drying Out and Impregnating Joints for Cables
1,853,882	Apr. 12, 1932	Roper	Differential Method of Indicating Trouble on Oil Filled Cable
1,853,883	Apr. 12, 1932	Roper	Differential Indicating Means
1,872,818	Aug. 23, 1932	Roper	Impregnated Paper Insulated, Lead Covered Cable
1,888,075	Nov. 15, 1932	Eby	Terminal for Oil Filled Cables and Method of Evacuating Same
1,892,551	Dec. 27, 1932	Hayman et al.	End Cap or Head for Electric Cables
1,893,376	Jan. 3, 1933	Plercy	High Tension Power Transmitting Electric Cable
1,895,396	Jan. 24, 1933	Pfannkuch	Joint for High Tension Cables
1,896,841	Feb. 7, 1933	Eby	Fluid Stop Joint for Sheathed High Tension Cables
1,899,591	Feb. 28, 1933	Segar	Laminated Material
1,902,487	Mar. 21, 1933	Calvert	OH Filled High Tension Cable
1,904,423	Apr. 18, 1933	Eby	Indicator for Reservoirs for Liquor Filled Cables
1,905,691	Apr. 25, 1933	Eby	Joints for High Tension Underground Cables
1,917,129	July 4, 1933	Kirch	Temperature Indicator
1,919,935	July 25, 1933	Eby	Fluid Filled High Tension Terminal
1,931,373	Oct. 17, 1933	Clark	Dielectric Material for Electrical Devices
1,931,455	Oct. 17, 1933	Clark	Dielectric Material for Electrical Devices
1,933,312	Oct. 31, 1933	Clark	Electric Cable System
1,933,313	Oct. 31, 1933	Clark	Cable System
1,933,347	Oct. 31, 1933	Shanklin,	Underground Oil Filled Cable
1,933,348	Oct. 31, 1933	Shanklin	Semibalanced Pressure System for Fluid Filled Cables
1,935,595	Nov. 14, 1933	Clark	Liquid Composition and Electrical Apparatus Containing Same
1,936,470	Nov. 21, 1933	Merrill	Insulating Spacer
1,944,730	Jan. 23, 1934	Clark	Composition for Dielectric Use
1,950,182	Mar. 6, 1934	Kirch	Multiple Conductor Cable
1,952,097	Mar. 27, 1934	Shanklin	Stop Joint for Electric Cables
1,964,684	June 26, 1934	Clark	Electrical Apparatus

1,970,393	Aug. 14, 1934 Piercy .....	Method of and Means for Connecting Reservoirs to Fluid Filled Cables
1,977,325	Oct. 16, 1934 Pfannkuch .....	High Voltage Cable
1,978,233	Oct. 23, 1934 Shanklin .....	Pressure Reservoir for Cables
1,979,148	Oct. 30, 1934 Eby .....	Joint for Electric Cables
1,988,279	Jan. 15, 1935 Kirch .....	Terminal and Joint for Electric Cables
1,991,230	Feb. 12, 1935 Shanklin .....	Electric Cable System and Method of Installing the Same
1,995,884	Mar. 26, 1935 Eby .....	Sheath Insulator
1,999,004	Apr. 23, 1935 Clark .....	Dielectric Composition
2,000,747	May 7, 1935 Eby .....	Fluid Stop Joint
2,000,748	May 7, 1935 Engster .....	Terminal for Electric Cables
2,004,769	June 11, 1935 Shanklin .....	Means for and Method of Detecting and Ascertaining the Region of Oil Leaks in Cable Systems
2,009,820	July 30, 1935 Shanklin .....	Apparatus for Impregnating Cables
2,013,537	Sept. 3, 1935 Eby .....	Terminal for Electric Conductors
2,015,542	Sept. 24, 1935 Zeiss .....	Means for Temporarily Closing the Channels in Hollow Conductors of Fluid Filled Cables
2,019,338	Oct. 29, 1935 Clark .....	Dielectric Material
2,019,339	Oct. 29, 1935 Clark .....	Snuffer Composition
2,019,342	Oct. 29, 1935 Eby .....	Joint
2,048,516	July 21, 1936 Piercy .....	Reel for Fluid Filled Cables
2,050,873	Aug. 11, 1936 Zickrick .....	Method of and Means for Making Cable Sheaths
2,050,888	Aug. 11, 1936 Kirch .....	Oil Filled High Voltage Cable
2,052,422	Aug. 25, 1936 Rottsepper .....	So-called Semistop Joint for Fluid Filled Cable
2,053,163	Sept. 1, 1936 Phillips .....	Joint for Fluid Filled Cables and Method of Making the Same
2,056,017	Sept. 29, 1936 Piercy .....	High Tension Oil Filled Cable
2,089,052	Aug. 3, 1937 Calvert .....	High Tension Cable System
2,092,559	Sept. 7, 1937 Runaldue .....	Signal Means for Fluid Filled Cables
2,092,560	Sept. 7, 1937 Runaldue .....	Alarm System for Fluid Filled Cables
2,093,305	Sept. 14, 1937 Buck et al .....	Cable Joint
2,105,406	Jan. 11, 1938 Clark .....	Liquid Insulating Composition
2,112,739	Mar. 29, 1938 Eby .....	Stop Joint for Fluid Filled Cables
2,112,740	Mar. 29, 1938 Humphrey .....	High Tension Gas Filled Cable
2,125,121	July 26, 1938 Marks .....	Terminal for Electric Cables
2,133,405	Oct. 15, 1938 Sheals .....	Oil Filled Cable and Means for Jointing the Same
2,141,894	Dec. 27, 1938 Alexanderson .....	Cable for Transmitting Electric Power
2,141,912	Dec. 27, 1938 Hobart .....	Power Transmission System
2,145,182	Jan. 24, 1939 Kirch .....	High Pressure Fluid Insulated Electric Cable
2,159,742	May 23, 1939 Kirch .....	Gas Pressure Electric Cable
2,167,510	July 25, 1939 Hobart .....	High Tension Gas Insulated Cable
2,173,717	Sept. 19, 1939 Hobart .....	Electrical System of Power Transmission
2,176,749	Oct. 17, 1939 Shanklin .....	Joint for Gas Filled Cable
2,188,178	Jan. 23, 1940 Eby .....	Connector for Sector Conductor Cables
2,196,026	Apr. 2, 1940 Piercy .....	Fluid Filled Cable
2,197,639	Apr. 16, 1940 Hobart .....	High Tension Cable System
2,210,804	Aug. 6, 1940 Eby .....	Connector for Cables



2,215,290	Sept. 17, 1940	Hobart .....	High Pressure Gas Filled Cable
2,216,010	Sept. 24, 1940	Hobart .....	High Tension Electric Cable
2,217,104	Oct. 8, 1940	Crandall .....	Temporary Sealing Means for Gas Filled Cables
2,220,728	Nov. 5, 1940	Piercy .....	Means for Controlling Liquid Pressure in Riser Cables
2,221,670	NOV. 12, 1940	Cooper .....	Gas Insulated Electric Device
2,222,718	Nov. 26, 1940	Phillips .....	Joint for High Tension Cables
2,237,803	Apr. 8, 1941	Zysk .....	Control Means for Gas Filled Cables
2,245,247	June 10, 1941	Aitchison .....	Variable Capacity Reservoir
2,248,588	July 8, 1941	Shanklin et al. ....	Gas Filled Cable Installation
2,253,171	Aug. 19, 1941	Engster .....	Gas Cable Installation
2,253,984	Aug. 26, 1941 ?	Shanklin .....	Gas Filled Cable and Method of Making the Same
2,253,985	Aug. 26, 1941	Shanklin .....	Stop Joint for Gas Filled Cables and Method of Installing the Same
2,253,986	Aug. 26, 1941	Shanklin .....	Gas Filled Cable
2,253,917	Aug. 26, 1941	Shanklin .....	Terminal for Gas Filled Cables
2,259,129	Oct. 14, 1941	Engster .....	Gas Filled Cable
2,275,866	Mar. 10, 1942	Runaldue .....	Pressure Actuated Relay
2,277,460	Mar. 24, 1942	Shanklin .....	Gas Filled Cable Installation
2,290,706	July 21, 1942	Phillips .....	Cable Joint and Method of Making the Same
2,292,114	Aug. 4, 1942	Fritsehe .....	Stop Joint for Multiconductor Fluid Filled Cable
2,295,290	Sept. 8, 1942	Piercy .....	Electric Power Cable
2,358,621	Sept. 19, 1944	Buller et al. ....	Wiring Scheme for Oil Filled Relay Systems
2,401,595	June 4, 1946	Wetherill .....	Gas Filled Cable Systems
2,401,996	June 11, 1946	Wetherill .....	Cable Terminal
PENDING APPLICATIONS			
588,742	Apr. 17, 1945	Piercy & Kent .....	Method & Apparatus for Manufacturing Gas Filled Cable
607,833	July 30, 1945	Flynn .....	Gas Filled Electric Cable
IV. Other patents as to which The Okonite-Callender Cable Company, Incorporated has rights.			
1,874,235	Aug. 30, 1932	I. Branthwaite .....	Electric Conductor
1,879,867	Sept. 27, 1932	C. E. Bennett .....	Lead Pressing
1,885,045	Oct. 25, 1932	C. E. Bennett .....	Lead Press
1,886,786	Nov. 8, 1932	I. Branthwaite .....	Electric Cable
1,926,666	Sept. 12, 1933	C. E. Bennett .....	Continuous Metal Press
1,931,598	Oct. 24, 1933	D. R. Stevens .....	Electric Cable
1,941,614	Jan. 2, 1934	F. Meyer and G. E. Moffitt .....	Pothead or Terminal for Electric Cables
1,947,454	Feb. 20, 1934	C. E. Bennett .....	Cable Joint
1,947,455	Feb. 20, 1934	C. E. Bennett .....	Cable Construction
1,947,481	Feb. 20, 1934	F. Meyer .....	Cable Joint
1,959,338	May 22, 1934	C. E. Bennett .....	Terminal Structure for Electric Cables
1,959,339	May 22, 1934	C. E. Bennett .....	Electric Power Cable
1,959,354	May 22, 1934	G. Everest .....	Electric Cable
1,968,019	July 31, 1934	C. E. Bennett .....	Electric Cable
1,969,720	Aug. 14, 1934	C. E. Bennett .....	Electric Power Cable
1,968,721	Aug. 14, 1934	C. E. Bennett .....	Cable System
1,969,722	Aug. 14, 1934	C. E. Bennett .....	Cable System for the Underground Transmission of High Tension Electrical Energy

1,969,764	Aug. 14, 1934	R. E. Soutter	Electric Apparatus
1,975,075	Oct. 2, 1934	C. E. Bennett	Electric Cable System
1,980,370	Nov. 13, 1934	C. E. Bennett	Cable Terminal
1,986,789	Jan. 8, 1935	C. E. Bennett	Electric Power Cable System for the Underground Transmission of Electrical Energy
1,986,843	Jan. 8, 1935	F. C. Meyer et al	Cable Terminal
1,986,843	Jan. 8, 1935	F. C. Meyer and G. E. Moffitt	Terminal or Fothead for Electric Cables
1,986,844	Jan. 8, 1935	F. C. Meyer and G. E. Moffitt	Electric Cable Terminal
1,991,368	Feb. 19, 1935	C. E. Bennett	Electric Power Cable
1,999,354	Apr. 30, 1935	I. Branthwaite	Cable Sheath
2,015,063	Sept. 24, 1935	C. E. Bennett	Electric Cable (Oilostatic)
2,026,587	Jan. 7, 1936	F. C. Meyer and G. E. Moffitt	Joint for Electric Cables (Oilostatic)
2,029,332	Feb. 4, 1936	F. C. Meyer and G. E. Moffitt	Pothead
2,043,227	June 9, 1936	C. E. Bennett	Leak Indicating Apparatus for Oil Filled Electric Power Cables
2,046,341	July 7, 1936	D. V. McParlin	Method of and Apparatus for Removing Sheaths from Cables and the Like
2,046,364	July 7, 1936	C. E. Bennett	Apparatus for Shipping and Installing Electric Power Cables
2,049,465	Aug. 4, 1936	F. C. Meyer and G. E. Moffitt	Joint for Electric Cables
2,062,289	Dec. 1, 1936	C. E. Bennett	Electric Cable System
2,066,320	Jan. 5, 1937	C. E. Bennett	Electric Cable System
3,066,321	Jan. 5, 1937	C. E. Bennett	Electric Cable System
2,066,322	Jan. 5, 1937	C. E. Bennett	Electric Cable System
3,066,323	Jan. 5, 1937	C. E. Bennett	Electric Cable System
2,070,974	Feb. 16, 1937	F. C. Meyer	Electric Cable System and Joint Therefor
2,080,829	May 18, 1937	F. C. Meyer and G. E. Moffitt	Joint for Electric Cables
2,081,263	May 25, 1937	C. E. Bennett	Electric Cable System
2,099,291	Nov. 16, 1937	C. E. Bennett	Electric Cable System
2,138,614	Nov. 29, 1938	B. B. Reinitz	Sheathing Electric Cables
2,150,201	Mar. 14, 1939	C. E. Bennett	Electric Cable System
2,158,517	May 16, 1939	D. V. McParlin	Apparatus for Alloying Metals
2,161,413	June 6, 1939	F. H. Gooding	Electric Cable System
2,168,853	Aug. 8, 1939	C. E. Bennett	Electric Cable System
2,174,961	Oct. 3, 1939	C. E. Bennett	Electric Cable System
2,180,425	Nov. 21, 1939	F. C. Meyer	Electric Cable System
2,185,376	Jan. 2, 1940	D. V. McParlin	Melting Pot
2,186,444	Jan. 9, 1940	C. E. Bennett	Electric Cable System
2,186,445	Jan. 9, 1940	C. E. Bennett	Electric Cable System
2,213,983	Sept. 10, 1940	F. H. Gooding	Apparatus for Electrically Measuring the Wall Thickness of Metal Tubing
2,222,932	Nov. 26, 1940	C. E. Bennett	Electric Cable
2,227,316	Dec. 31, 1940	F. C. Meyer	Electric Power Cable
2,233,765	Mar. 4, 1941	C. E. Bennett	Electric Cable Systems
2,257,727	Oct. 7, 1941	C. E. Bennett and F. C. Meyer	Method of Forming Dams
2,286,594	June 16, 1942	C. E. Bennett	Electric Cable System

2,300,686	Nov. 3, 1943	F. H. Gooding .....	Electric Power Cable
2,315,039	Mar. 20, 1943	H. L. Beede .....	Electric Cable
2,318,367	May 4, 1943	J. E. Brigg .....	Insulated Electric Conductor
2,320,506	June 1, 1943	C. E. Bennett and F. C. Meyer .....	Method of Forming Dams
2,354,191	July 5, 1944	C. E. Bennett .....	Pothole or Terminal for Electric Cable System
2,368,097	Jan. 30, 1945	C. E. Bennett .....	Electric Cable System
2,375,067	May 1, 1945	C. E. Bennett .....	Electric Cable Sheath
2,375,068	May 1, 1945	C. E. Bennett .....	Method of Forming Reinforced Sheathed Cables
2,375,069	May 1, 1945	C. E. Bennett et al. ....	Apparatus for Drying Air
2,382,120	Aug. 14, 1945	F. J. White .....	Electric Cable System
2,388,899	Nov. 13, 1945	C. E. Bennett .....	Electrical Apparatus
2,390,823	Dec. 11, 1945	C. E. Bennett .....	Apparatus for Impregnating Electric Power Cables
2,399,849	May 7, 1946	C. E. Bennett .....	Method of Lining Pipe with Plastic Material
2,412,556	Dec. 17, 1946	C. E. Bennett .....	Electric Power Distribution System
2,414,352	Jan. 14, 1947	C. E. Bennett and P. V. White .....	Joint for Electric Cables
2,419,054	Apr. 15, 1947	C. E. Bennett .....	Electric Cable
2,433,505	Dec. 30, 1947	C. E. Bennett and G. Everest .....	Means for Locating Electric Faults in Electric Cable System
2,433,729	Dec. 30, 1947	C. E. Bennett .....	Electric Cable
PENDING APPLICATIONS			
1,446	Jan. 9, 1948	C. E. Bennett .....	Electric Cable System
1,447	Jan. 9, 1948	C. E. Bennett and P. V. White .....	Electric Power Cable
1,448	Jan. 9, 1948	C. E. Bennett and P. V. White .....	Apparatus for Installing Electric Power Cables
2,430	Jan. 15, 1948	C. E. Bennett .....	Electric Power Cable Terminal
463,186	Oct. 24, 1942	C. E. Bennett .....	Electric Cable System
535,832	May 16, 1944	C. E. Bennett and P. V. White .....	Pressure Controls for Electric Cables
548,688	Aug. 9, 1944	C. E. Bennett and P. V. White .....	Terminal Bushings
549,764	Aug. 16, 1944	C. E. Bennett .....	Tubular Metal Enclosure
586,590	Apr. 4, 1945	C. E. Bennett and P. Logan .....	Protective Apparatus
613,257	Aug. 29, 1945	C. E. Bennett .....	Electric Cable Systems
631,688	Nov. 29, 1945	C. E. Bennett and P. V. White .....	Joint Structures for Cables
635,344	Dec. 15, 1945	C. E. Bennett .....	Terminal for Electric Power Cables
671,177	May 21, 1946	C. E. Bennett .....	Electric Power Cable
672,968	May 27, 1946	C. E. Bennett .....	Joints for Electric Cable Systems
673,205	May 29, 1946	P. V. White .....	Apparatus for Aligning Pipe
674,356	June 4, 1946	C. E. Bennett and P. V. White .....	Reels
679,605	June 26, 1946	C. E. Bennett .....	Electric Cable
685,573	July 23, 1946	C. E. Bennett .....	Terminal Structure
685,574	July 23, 1946	C. E. Bennett .....	Joints for Pipe Lines
698,576	Sept 21, 1946	C. E. Bennett and P. V. White .....	Reels
737,926	Mar. 28, 1947	C. E. Bennett .....	Terminating Bushings

740,358	Apr. 9, 1947	C. E. Bennett and P. V. White .....	Electric Cables and Method and Apparatus for Installing Same
741,931	Apr. 16, 1947	C. E. Bennett .....	High Tension Cable System
V. Other Patents as to which Phelps Dodge Copper Products Corporation Has Rights.			
1,892,663	Jan. 3, 1933	Del Mar .....	Method of and Apparatus for Improving Electrical Properties of Cables
1,944,003	Jan. 16, 1934	Del Mar .....	Construction for Exterior Channel Oil Filled Cable
1,944,004	Jan. 16, 1934	Del Mar .....	Construction for Exterior Channel Oil Filled Cable
1,944,005	Jan. 16, 1934	Del Mar .....	Means, for Separating OH and Gas in Pressure Reservoirs
1,950,608	Mar. 13, 1934	Hanson .....	Condenser Type Joint or Terminal
1,959,626	May 22, 1934	Del Mar .....	Fre-twisted Sector Cable
1,980,388	Nov. 13, 1934	Del Mar .....	Construction for Exterior Channel Oil Filled Cable
2,031,014	Feb. 18, 1936	Staples .....	Means for Eliminating Laminations in Lead Sheath Manufacture
2,038,894	Apr. 28, 1936	Del Mar .....	High Pressure Oil Filled Cable
2,057,454	Oct. 13, 1936	Staples .....	Method for Making Lead Sheathed Cables
2,145,092	Jan. 24, 1939	Mitchell .....	High Tension Electric Cable
2,190,017	Feb. 13, 1940	Del Mar .....	Electric Cable
2,190,018	Feb. 13, 1940	Del Mar .....	Impregnated Paper Insulation for Electric Cables
2,275,187	Mar. 3, 1942	Clark and Palmer .....	Electric Cable
2,406,676	Aug. 27, 1946	Gambitta .....	Cable Joint
2,415,184	Feb. 4, 1947	Merrell .....	Electric Device with Electron Barrier
2,425,851	Aug. 19, 1947	Wyatt .....	Gas Filled CaMe
2,432,568	Dec. 16, 1947	Gambitta .....	Gas Filled Cable System
2,432,603	Dec. 16, 1947	Zink .....	Segmental Conductor

**UNDERTAKINGS OF THE ATTORNEY GENERAL WITH RESPECT TO THE PATENTS LISTED IN SCHEDULES B AND C HERETO ATTACHED**

Under authority of the Trading with the Enemy Act, as amended, Executive Order No. 9193, as amended, and Vesting Orders Nos. 27, 112, 151, 201 and 4009, issued pursuant thereto, and Executive Order No. 9788, all right, title, and interest in the United States patents listed in Schedules B and C attached hereto and the rights and interests created in Societa Italiana Pirelli and Compagnie Internationale Pirelli by their agreement dated June 30, 1933 with General Electric Company, referred to in the foregoing final judgment, are vested in the Attorney General.

Under authority of the aforesaid Trading with the Enemy Act, as amended, and Executive Orders Nos. 9193 and 9788, and pursuant to law, the undersigned hereby undertakes and agrees that:

(1) The agreement dated June 30, 1933 between Societa Italiana Pirelli, Compagnie Internationale Pirelli and General Electric Company is hereby acknowledged to be terminated by virtue of the foregoing final judgment, subject to the retention by General Electric Company of the nonexclusive license and by other persons or corporations of the nonexclusive sub-licenses to make, use, and vend under the patents listed in Schedules B and C granted prior to December 31, 1943 by or in accordance with the terms of that agreement.

(2) The Office of Alien Property (and any successor thereto) will, during the entire terms of the patents listed in Schedule B attached hereto, grant to any applicant including any defendant, upon written request therefor, an unrestricted, royalty-free, non exclusive license under any one or more of such patents, in accordance with the general policies of the Office with respect to the licensing of such class of patents the titles to which are vested in the Attorney General.

(3) The Office of Alien Property (and any successor thereto) will, during the entire terms of the patents listed in Schedule C attached hereto, grant to any applicant, including any defendant, upon written request therefor an unrestricted, nonexclusive license under any one or more of such patents, in accordance with the general policies of the Office with respect to the licensing of such class of patents the titles to which are vested in the Attorney General, but in any event on terms and conditions at least as favorable to applicants for such licenses as the terms and conditions prescribed in Paragraph VI of the foregoing final judgment.

#### SCHEDULE B

1,906,600	1,956,723	1,981,535	2,011,389	2,115,574
1,906,636	1,973,068	1,981,536	2,030,943	2,261,265
1,933,112	1,973,587	1,999,701	2,082,649	2,352,041

#### SCHEDULE C

1,869,308	1,944,637	1,979,150	2,064,650	2,132,259
1,883,648	1,947,929	2,006,236	2,072,742	2,133,382
1,895,982	1,957,995	2,039,587	2,081,880	2,133,398
1,895,983	1,962,059	2,040,204	2,120,889	2,133,399
1,900,600	1,964,907	2,043,033	2,122,281	2,244,392
1,933,008	1,979,149	2,049,835		