

APPENDIX B:
SUMMARY OF REASONS FOR TERMINATING EACH JUDGMENT
(Ordered by Year Judgment Entered)

Case No.: Equity No. 5565

Case Name: United States v. The Master Horseshoer's National Protective Ass'n of America, et al.

Year Judgments Entered: 1913–16

Section of Judgment Retaining Jurisdiction: n/a

Description of Judgments: The judgments enjoined defendants from, among other things, re-engaging in the conspiracy alleged in the complaint, agreeing to fix prices of drilled horse shoes, and boycotting or threatening prospective purchasers.

Reasons Judgments Should Be Terminated:

- Judgments more than ten years old.
- Market conditions have changed; the growth of automobiles has significantly diminished consumer demand for horseshoes.

Public Comments: None

Case No.: Equity No. 2

Case Name: United States v. Krentler-Arnold Hinge Last Co.

Year Judgment Entered: 1913

Section of Judgment Retaining Jurisdiction: Paragraph 4

Description of Judgment: Defendants were enjoined from, among other things, setting resale prices and applying a license agreement to products whose patents would expire during the term of the license agreement.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Defendant likely no longer exists; company dissolved in 1942.

Public Comments: None

Case No.: Equity No. 5570

Case Name: United States v. Kellogg Toasted Corn Flake Co., et al.

Year Judgment Entered: 1915 (and modified in 1939)

Section of Judgment Retaining Jurisdiction: n/a

Description of Judgment: The judgment, among other things, enjoined defendants from engaging in resale price maintenance. The modification allowed the defendants to follow the Miller-Tydings Fair Trade Act, which created limited exemptions—based on state fair-trade laws—in the Sherman Act for resale price maintenance.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- The judgment should be terminated because, at over one hundred years old, it is well past the age where an antitrust judgment presumptively becomes either irrelevant to, or inconsistent with, competition. If the Antitrust Division learns of the defendants engaging in unlawful behavior in the future, it has all the investigative and prosecutorial powers necessary to ensure that competition is not harmed.

Public Comments: None

Case No.: Equity No. 4121

Case Name: United States v. Hartwick, et al.

Year Judgment Entered: 1917

Section of Judgment Retaining Jurisdiction: n/a

Description of Judgment: The defendants were enjoined from continuing conspiracy--that was tantamount to a group boycott--and from acting similarly in the future. The judgment also enjoined defendants from publishing lists of lumber dealers who limit their distribution in various ways.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Most individual defendants are likely deceased.

Public comments: None

Case No.: Civil No. 1962

Case Name: United States v. Detroit Tile Contractors' Ass'n, et al.

Year Judgment Entered: 1940 (and modified in 1941)

Section of Judgment Retaining Jurisdiction: Paragraph 14

Description of Judgment: Defendants were enjoined from, among other things, engaging in a group boycott, creating a bid depository, and engaging in other practices to facilitate boycotts or price fixing. The modification changed language in one subparagraph regarding circumstances under which defendants could penalize individuals or business entities.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Most individual defendants are likely deceased.

Public comments: None

Case No.: Civil Action No. 3146

Case Name: United States v. Brooker Engineering Co., et al.

Year Judgment Entered: 1942

Section of Judgment Retaining Jurisdiction: Paragraph 10

Description of Judgment: Defendants were enjoined from, among other things, engaging in a group boycott, bid rigging, and threatening potential competitors.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Most individual defendants are likely deceased.
- Some core judgment terms merely prohibit acts the antitrust laws already prohibit (bid rigging).

Public comments: None

Case No.: Civil Action No. 3234

Case Name: United States v. Wholesale Waste Paper Co., et al.

Year Judgment Entered: 1942

Section of Judgment Retaining Jurisdiction: Paragraph 9

Description of Judgment: The judgment dissolved defendant Wholesale Waste Paper Co. Defendants were enjoined from, among other things, price fixing, customer allocation, engaging in a group boycott, and certain union activities.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Most defendants no longer exist.

Public comments: None

Case No.: Civil Action No. 3653

Case Name: United States v. Parker Rust-Proof Co., et al.

Year Judgment Entered: 1945

Section of Judgment Retaining Jurisdiction: Paragraph 4

Description of Judgment: Defendants were enjoined from, among other things, suing or threatening to sue to enforce certain patents.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Market conditions have changed; the patents at issue have likely expired.

Public comments: None

Case No.: Civil Action No. 5642

Case Name: United States v. Timken-Detroit Axle Co.

Year Judgment Entered: 1947

Section of Judgment Retaining Jurisdiction: Paragraph 6

Description of Judgment: Defendant was enjoined from, among other things, conditioning licenses for patents on the purchase of non-patented products.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Market conditions have changed; the patents at issue have likely expired.

Public comments: None

Case No.: Civil Action No. 5860

Case Name: United States v. Universal Button Fastening and Button Co.

Year Judgment Entered: 1948

Section of Judgment Retaining Jurisdiction: Paragraph 8

Description of Judgment: Defendant was enjoined from, among other things, conditioning leases or sales of button-fastening machinery based on customers' dealings with the defendant's competitors or customers' purchases of buttons from the defendant, and enforcing certain patents. The judgment also required the defendant to grant licenses of certain patents for reasonable royalties.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- The defendant no longer exists.
- Market conditions have changed; the patents at issue have likely expired.

Public comments: None

Case No.: Civil Action No. 8144

Case Name: United States v. Besser Manufacturing Co., et al.

Year Judgment Entered: 1952

Section of Judgment Retaining Jurisdiction: Paragraph 12

Description of Judgment: The judgment enjoined defendant Besser Manufacturing from merging with or acquiring another concrete block machine company unless it showed to the court that it would not violate the Clayton Act. The judgment also required Besser to divest its interest in another defendant, Stearns, and invalidated a patent licensing agreement among certain defendants. Defendants were also enjoined from, among other things, enforcing certain patents, or licensing patents in the same way as the illegal licensing agreement at issue in the case.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Market conditions have changed; the patents at issue have likely expired.

Public comments: None

Case No.: Civil Action No. 8398

Case Name: United States v. Briggs Manufacturing Co., et al.

Year Judgment Entered: 1953

Section of Judgment Retaining Jurisdiction: Paragraph 8

Description of Judgment: Defendant was enjoined from, among other things, conditioning the sales of plumbing fixtures on the sales of sanitary brass goods and vice versa. The judgment also prohibited the defendant from conditioning sales on its customers entering into exclusive supply arrangements with the defendant.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- The judgment should be terminated because, at over sixty-five years old, it is well past the age where an antitrust judgment presumptively becomes either irrelevant to, or inconsistent with, competition. If the Antitrust Division learns of the defendants engaging in unlawful behavior in the future, it has all the investigative and prosecutorial powers necessary to ensure that competition is not harmed.
- **Public comments:** None

Case No.: Civil Action No. 9559

Case Name: United States v. National Automotive Parts Ass'n, et al.

Year Judgment Entered: 1954

Section of Judgment Retaining Jurisdiction: Paragraph 7

Description of Judgment: Defendants enjoined from, among other things, exclusive dealing, market allocation, and price fixing.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Some core judgment terms merely prohibit acts the antitrust laws already prohibit (price fixing, market allocation).

Public comments: None

Case No.: Civil Action No. 10669

Case Name: United States v. General Mills, Inc., et al.

Year Judgments Entered: 1955

Section of Judgments Retaining Jurisdiction: Paragraph 10 (Feb. 2, 1955 judgment); Paragraph 9 (Jul. 19, 1955 judgment)

Description of Judgments: The judgments enjoined defendants from, among other things, price fixing, market allocation, sharing price information, and contracting for the purchase or sale of beet pulp where the period of performance exceeded 18 months. Defendant General Mills was also enjoined from acting as a broker or agent in the sale of beet pulp.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Some core judgment terms merely prohibit acts the antitrust laws already prohibit (price fixing, market allocation).

Public comments: None

Case No.: Civil Action No. 12433

Case Name: United States v. Detroit Sheet Metal and Roofing Contractors Ass'n, Inc., et al.

Year Judgments Entered: 1955

Section of Judgments Retaining Jurisdiction: Paragraph 8

Description of Judgment: The judgment enjoined defendants from, among other things, bid rigging, sharing bids, and participating in a bid depository. The judgment also dissolved the defendant Detroit Sheet Metal and Roofing Contractors Ass'n, Inc.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Most defendants likely no longer exist. Defendant Detroit Sheet Metal and Roofing Contractors Ass'n, Inc. no longer exists. Several individual defendants are likely deceased.

Public comments: None

Case No.: Civil Action No. 13135

Case Name: United States v. R.L. Polk & Co., et al.

Year Judgments Entered: 1955

Section of Judgments Retaining Jurisdiction: Paragraph 10

Description of Judgment: The judgment required defendants to deal non-discriminatorily with members or potential members of its trade association. The defendants were also enjoined from, among other things, predatory pricing, market allocation, and, for a period of 10 years, acquiring another publisher without applying to the court.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Most defendants no longer exist.

Public comments: None

Case No.: Civil Action No. 12605

Case Name: United States v. Michigan Tool Co., et al.

Year Judgments Entered: 1956

Section of Judgments Retaining Jurisdiction: Paragraph 13

Description of Judgment: The judgment enjoined defendants from, among other things, enforcing putatively anticompetitive agreements, market allocation, price fixing, and restricting the availability of certain patents.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Market conditions have changed; the patents at issue have likely expired.
- Some core judgment terms merely prohibit acts the antitrust laws already prohibit (price fixing, market allocation).

Public comments: None

Case No.: Civil Action No. 13401

Case Name: United States v. The Cincinnati Milling Machine Co., et al.

Year Judgments Entered: 1954

Section of Judgments Retaining Jurisdiction: Paragraph 14

Description of Judgment: The judgment required defendants to terminate patent license agreements, which were used to implement market allocation, limit licensing to others, and serve other anticompetitive ends. Defendants were also required to license certain patents on a reasonable basis. The judgment had other provisions, such as prohibiting price fixing.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Market conditions have changed; the patents at issue have likely expired.

Public comments: None

Case No.: Civil Action No. 32049

Case Name: United States v. Scott Paper Co., et al.

Year Judgments Entered: 1969 (and modified in 1970)

Section of Judgments Retaining Jurisdiction: Paragraph 16

Description of Judgment: This judgment largely related to the use of patents by defendants Scott and Chemotronics. The judgment required defendant Chemotronics to grant licenses for certain patents and enjoined them from restricting licensing except in certain circumstances, such as a restriction for reasonable royalties. Defendant Scott was required to license its patents “relating to improvements on the thermal process for the reticulation of polyurethane foam” and provide immunity to licensees from any patent infringement suit by Scott based on foreign patents that would substantively be covered by the judgment if they were in the United States. The modification relieved the defendants from publishing relevant “know how” in the U.S. Patent Office’s official Gazette because the Patent Office’s regulations would not permit it.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Market conditions have changed; the patents at issue have likely expired.

Public comments: None

Case No.: Civil Action No. 21911

Case Name: United States v. Ford Motor Co., et al.

Year Judgments Entered: 1970 (and modified in 1974)

Section of Judgments Retaining Jurisdiction: Paragraph 15

Description of Judgment: Among other things, the judgment enjoined defendant Ford from manufacturing spark plugs and acquiring a manufacturer of spark plugs. The judgment also required defendant Ford to divest certain assets and enjoined it from reacquiring them. While almost all provisions of the judgment had a time

limitation that has since lapsed, the injunction on Ford's acquisition of divested assets was perpetual. Similarly, the compliance provisions were not time limited. The modification changed language in the provision enjoining Ford from selling spark plugs to its dealers at rates below "its minimum suggested jobbers' selling price." The modification prohibited Ford from selling spark plugs to its dealers at prices less than "prices which are competitive with the prevailing prices obtainable by the dealers from independent jobbers."

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Some or all of the requirements of the judgment have been met such that its core provisions have been satisfied. Most rights and obligations of the judgment have lapsed.

Public comments: None

Case No.: Civil Action No. 38162

Case Name: United States v. G. Heileman Brewing Co., et al.

Year Judgments Entered: 1973

Section of Judgments Retaining Jurisdiction: Paragraph 8

Description of Judgment: This judgment required defendant G. Heileman Brewing Co. ("Heileman") to divest production agreements in a geographic area covering Minnesota, Michigan, Wisconsin, Iowa, Illinois, Indiana, Ohio, and Kentucky ("eight-state area"). For 10 years, the judgment prohibited Heileman from acquiring any brewery in the eight-state area without approval of the Department of Justice and required Heileman to notify the Department of Justice of any brewery acquisition outside the eight-state area. The judgment also contained a compliance scheme, requiring Heileman to, for example, provide reports or grant access to documents and employees to the Department of Justice.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.

- Some or all of the requirements of the judgment have been met such that its core provisions have been satisfied. Except for the compliance provision, the rights and obligations of the judgment have lapsed.

Public comments: None

Case No.: Civil Action No. 4-70667

Case Name: United States v. Michigan National Corp., et al.

Year Judgments Entered: 1976

Section of Judgments Retaining Jurisdiction: Paragraph 9

Description of Judgment: Defendant Michigan National Corp. (“Michigan National”) required to divest its interest in defendant First National Bank of East Lansing (“First National”) and to submit its divestiture plan to the Department of Justice. In the event that Michigan National reacquired any of the divested assets, Michigan National had to divest those assets again within two years. The judgment also enjoined Michigan National from acquiring any commercial bank within a 15 mile radius of Grand Rapids or Saginaw, Michigan without approval of the Department of Justice or the court. Michigan National also had to comply with the Department’s efforts to monitor the judgment.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
 - Some or all of the requirements of the judgment have been met such that its core provisions have been satisfied. The required divestiture has taken place and the injunction on Michigan National’s acquisition of a commercial bank has lapsed. The only provisions that have legal force concern the originally divested assets, compliance, and jurisdiction.
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Case No.: Civil Action No. 4-71922

Case Name: United States v. Beatrice Foods Co., et al.

Year Judgments Entered: 1977

Section of Judgments Retaining Jurisdiction: Paragraph 10

Description of Judgment: Defendants enjoined from price fixing and sharing competitively sensitive information regarding toilet seats. The Judgment also had provisions to ensure defendants' compliance with the injunction.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Some core judgment terms merely prohibit acts the antitrust laws already prohibit (price fixing).

Public Comments: None.

Case No.: Civil Action No. 571167

Case Name: United States v. Arrow Overall Supply Co., et al.

Year Judgments Entered: 1978

Section of Judgments Retaining Jurisdiction: Paragraph 13

Description of Judgment: The judgment enjoined defendants from, among other things, price fixing, customer allocation, and sharing price and customer information. The defendants were also enjoined from using certain types of contract provisions, such as automatic renewal.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Some core judgment terms merely prohibit acts the antitrust laws already prohibit (price fixing, customer allocation).

Public Comments: None.

Case No.: Civil Action No. 671378

Case Name: United States v. Nu-Phonics, Inc., et al.

Year Judgments Entered: 1979

Section of Judgments Retaining Jurisdiction: Paragraph 9

Description of Judgment: The judgment enjoined defendants from, among other things, price fixing and exchanging competitively sensitive information.

Reasons Judgment Should be Terminated:

- Judgment more than ten years old.
- Most defendants no longer exist.
- Some core judgment terms merely prohibit acts the antitrust laws already prohibit (price fixing, customer allocation).

Public Comments: None.