

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. 69-C-316

WISCONSIN ALUMNI RESEARCH
FOUNDATION,

Entered: 1/30/70

Defendant.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on 1969, and the defendant having consented to the personal jurisdiction of the Court, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party hereto with respect to any issue, and the Court having considered the matter and being duly advised,

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon the consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I.

This Court has jurisdiction of the subject matter of this action and of the parties consenting thereto. The complaint states

a claim for relief against defendant under Section 1 of the Sherman Act (15 U.S.C. §1).

II.

This Final Judgment shall terminate ten years from the date of entry hereof. Its provisions applicable to defendant shall also apply to each of its successors, directors, officers, agents and employees and to all persons in active concert or participation with defendants who receive actual notice of this Final Judgment by personal service or otherwise.

III.

(A) Defendant is enjoined from entering into or maintaining in effect any license agreement, in which any rights in defendant's patents or technology are licensed, requiring the licensee to license the defendant or any person designated by defendant under any future patents or technology, or to assign to defendant any future patents or technology, relating to improvements in the patents or technology licensed by defendant; provided that nothing herein shall prevent defendant from entering into or maintaining in effect a license agreement requiring any licensee to grant any other licensee of defendant a nonexclusive reasonable royalty license under future patents issued to, or technology developed by, such licensee that cannot be practiced without infringing the original patent or patents licensed by defendant; provided further that no such payment from one licensee to another shall, absent an agreement to the contrary, reduce royalties payable to defendant by licensees under defendant's patents or technology.

(B) Within 90 days from the date of entry of this Final Judgment defendant shall dedicate to the public all patents and technology it owns which were acquired by defendant pursuant to any license provision

of the type prohibited by Section III(A) of this Final Judgment.

IV.

Defendant is ordered to mail a copy of this Final Judgment to all parties to each license which contains, or has previously contained, a provision enjoined by Section III(A) of this Final Judgment.

V.

For the purpose of securing compliance with this Final Judgment:

(A) A duly authorized representative of the Department of Justice, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the consenting defendant, made to its principal office, shall be permitted, subject to any legally recognized claim of privilege, (1) reasonable access during the office hours of said defendant to those parts of the books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession, custody or control of said defendant which relate to any matters contained in this Final Judgment, and (2) subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview officers or employees of said defendant, who may have counsel present, regarding such matters.

(B) Upon the written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, the consenting defendant shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as from time to time may be requested for the purposes of securing compliance with this Final Judgment.

(C) No information obtained by the means provided in this Section V shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings to which the United States is a party, for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VI.

Jurisdiction is retained for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders as may be necessary or appropriate for construction, carrying out, modification, termination or enforcement of or compliance with the provisions of this Final Judgment and for the punishment of the violations thereof.

United States District Judge

Judge Doyle

Dated: 1/30/70