

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ALTIVITY PACKAGING, LLC and  
GRAPHIC PACKAGING INTERNATIONAL,  
INC.,

Defendants.

CASE NO: 1:08-cv-00400

JUDGE: Sullivan, Emmett G.

DECK TYPE: Antitrust

DATE STAMP:

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**MOTION FOR ENTRY OF PROPOSED FINAL JUDGMENT AND  
MEMORANDUM IN SUPPORT**

Pursuant to Section 2(e)-(f) of the Antitrust Procedures and Penalties Act (the “APPA” or “Tunney Act”), 15 U.S.C. §16(e)-(f), with the consent of the Defendants, the United States moves for entry of the proposed Final Judgment (copy attached) in this civil antitrust action.

**I. The United States and the Defendants have complied with the APPA**

Simultaneously with this motion, the United States is filing a Certificate of Compliance certifying that the parties have complied with all applicable provisions of the APPA, and that the waiting periods required by the APPA have expired. The APPA prescribes a sixty-day period following publication of notice in the Federal Register for the submission of comments.

15 U.S.C. §§ 16(b) and (d). The APPA also prescribes a sixty-day waiting period following commencement of publication in a local newspaper before the Judgment may be entered.

15 U.S.C. § 16(c). Notice of the proposed Final Judgment was published in the Federal Register on April 9, 2008. Notice of the proposed Final Judgment was published in a local newspaper, *The Washington Post*, starting on April 25, 2008 and ending on May 1, 2008. Thus, the sixty-

day comment periods ended on June 30, 2008. The United States did not receive any comments during the sixty-day period. The Court may now enter the Final Judgment, which is attached to this Motion.

## **II. The Proposed Final Judgment Satisfies the “Public Interest” Standard**

The United States has previously filed a Competitive Impact Statement (“CIS”). In that CIS, the United States explained that entry of the proposed Final Judgment is in the public interest because it remedies the Defendants’ violations alleged in the Complaint, prevents recurrence of those violations, and preserves competition in the relevant market. The public, including affected competitors and customers, has now had an opportunity to comment on the proposed Final Judgment as required by statute.

Before entering the proposed Final Judgment, the Court must determine whether the Judgment “is in the public interest,” see U.S.C. § 16(e). In making that determination, the Court shall consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(3).

In its CIS, the United States described the meaning and proper application of the public interest standard under the APPA and now incorporates those statements herein by reference.

The public, including affected competitors and customers, has had the opportunity to comment on the proposed Final Judgment as required by law. The United States did not receive any comments during this proscribed time period.

### **III. Conclusion**

For the reasons set forth in this Memorandum and in the CIS, the Court should find that the proposed Final Judgment is in the public interest. The Court should then enter the proposed Final Judgment.

Dated: July 9, 2008

Respectfully Submitted,

/s/ Weeun Wang

Weeun Wang, Esq.

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 8, 2008, Ryan Danks, Esq. electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I caused a copy of the above and the United States' Certificate of Compliance with Provisions of the Antitrust Penalties and Procedures Act to be sent by electronic mail to:

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Dated: July 9, 2008

Respectfully Submitted,

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