

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) Civil Action No. 792-69  
CIBA CORPORATION, and ) (Judge Meanor)  
CPC INTERNATIONAL, INC., )  
Defendants. ) Filed: March 8, 1978  
Entered: May 31, 1978

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein and an amendment thereto on July 9, 1969, and July 28, 1969, respectively, defendant CIBA Corp. (now named CIBA-GEIGY Corp.) having filed its answer on September 15, 1969, and defendant CPC International, Inc. having filed its answer and amended answer on September 18, 1969, and September 30, 1969, respectively, and plaintiff and the defendants 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 evidence or an admission by any party consenting hereto with respect to any such issue;

NOW THEREFORE, before any testimony or evidence has been taken herein and without trial or adjudication of any issue of fact or law herein, 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 hereof and the parties hereto. The complaint states a claim upon which relief may be granted against the defendants

under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(A) "Defendants" means CIBA Corp. (now named CIBA-GEIGY Corporation) and CPC International, Inc.

(B) "Person" means any individual, partnership, firm, corporation, association, or other business or legal entity.

(C) "Deserpidine" means 11-desmethoxyreserpine.

III

The provisions of this Final Judgment shall apply to each defendant; to each of its officers, directors, agents, employees, subsidiaries, successors, and assigns; and to all persons in active concert or participation with any of them that have received actual notice of this Final Judgment by personal service or otherwise.

IV

(A) Defendant CIBA Corp. (now named CIBA-GEIGY Corp.) shall disclaim all claims of United States Patent No. 2,982,769, said disclaimer to be effective as of the date of entry of this Final Judgment and to disclaim the remaining term of said patent.

(B) Defendant CPC International, Inc. is enjoined and restrained from enforcing any rights under United States Patent No. 2,982,769;

(C) Each defendant is enjoined and restrained from entering into, adhering to, claiming any right under, or maintaining in effect any contract, combination, conspiracy, agreement, or understanding pursuant to which the grant by the licensor of a license under a United States patent claiming the manufacture, use, or sale of deserpidine requires the prior approval of a third party (other than the prospective licensee).

(A) For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of such defendant to inspect and copy 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 Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners, or employees of such defendant, who may have counsel present, regarding any such matters.

(B) A defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

(C) No information obtained by the means provided in this Article 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 United States, except in the course of legal proceedings in which the United States is a party, or for the purpose of

securing compliance with this Final Judgment, or for law enforcement purposes, or as otherwise required by law.

(D) If at the time information or documents are furnished by any defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents which is of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and such defendant marks each pertinent page of such material "Subject to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which that defendant is not a party.

#### VI

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate in relation to the construction of any of the provisions thereof, for the purpose of the enforcement of compliance therewith, and for the punishment of violations thereof.

#### VII

This Final Judgment shall terminate ten (10) years after the date of this Final Judgment.

#### VIII

Entry of this Judgment is in the public interest.

DATED: May 31, 1978

/s/ H. CURTIS MEANOR  
UNITED STATES DISTRICT JUDGE