EXHIBIT 1

MARCH

A. BONNART S.A.
Fine Jewelers since 1966
Specializing in Repair and Restoration of Fine Time Pieces

March 2, 2006

John Read, Chief, Litigation,III
Antitrust Division, U.S. Dept. of Justice
325 7th Street, NW Room 300
Washington, DC 20530

Dear Chief Read:

My name is Mario Makar, it has been brought to my attention about the Rolex settlement. Back in 2003 I was in contact with Sen. Elizabeth Dole, (enclosed are the letters that we exchanged), I wrote with concerns of not only myself but other watchmakers of a situation that was going on.

I hope that you may take the time and read over the enclosures. From a personal note, a fine of $750,000 to a multi-million dollar company, like Rolex is an insult to our justice.

I also had contact with the following people, also from the Justice Dept., Mike Dashefsky and Bob McQuirk. Other then the fine I have seen no results, and it would be a shame, such a large Corporation could "buffalo: their way through the Justice System.

Sincerely,

Mario Makar,Owner
A.Bonnart Jewelers
4508 E.Independence Blvd. #115
Charlotte, NC 28205

The very foundation of the small business tradesmen in America, be it watchmakers or automobile mechanics all depend on one common thing and that is a free and open market in which to compete. I have always believed that anti-trust laws, including the Sherman Act and other fair trade and competition laws were put there to propect the consumer. But somehow these conglomerates have found a way around such basic principles and now hold a monopoly over us all.

Watchmaking has been in America since it's inception and most of the machinery used to make watches was developed here in the U.S. long before the Swiss. Watchmaking takes many years of school and almost 10 years of apprenticeship to obtain a competent skill level to work on some of the most complicated watches today.

I am requesting that you join wih other elected officials in Washington and initiate an investigation by the U.S. Department of Justice.

We already have laws and rulings regarding this matter. No new laws need to be made. I want to know why the DOJ is not enforcing those laws.

This is why I am seeking your guidance and assistance on the best course of action regarding this issue. Through my contacts in the watch jewelry industry I already have many people ready to step forward to bring this injustice into the light.

All I ask for is a chance to compete in a fair and open market.

Sincerely,

Mario Makar, Owner
A. Bonnart Jewelers
4508 E. Independence Blvd. #115
Charlotte, NC 28205
704-536-5525
E-mail Makarm@Bellsouth.net

Enclosures:

ELIZABETH DOLE
NORTH CAROLINA

120 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-6342
FAX: (202) 224-1100

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ARMED SERVICES
BANKING, HOUSING, AND URBAN AFFAIRS
AGRICULTURE, NUTRITION, AND FORESTRY
SPECIAL COMMITTEE ON AGING

July 24, 2003

Mario Maker, Owner
A. Bonnart S.A.
4508 E. Independence Blvd., Suite 115
Charlotte, North Carolina 28205

Dear Mr. Maker:

Thank you for sharing your concerns with my office. Many Americans turn to the federal government for assistance, and I know it can be difficult to know which agency or department to go to for help. My office is here to assist you in getting the answers you need.

I have forwarded your correspondence to officials at the United States Department of Justice with the request that they give your case their full attention and report back to me. As soon as I receive more information, I will be in touch with you.

Your concerns are very important to me, and I will do everything I can to help ensure that your situation is addressed in a timely manner.

Sincerely,

Elizabeth Dole

ED/am

RALEIGH OFFICE:
310 NEW BERN AVENUE
SUITE 122
RALEIGH, NC 27601
(919) 856-4630
FAX: (919) 856-4053

SALISBURY OFFICE:
225 NORTH MAIN STREET
SUITE 304
SALISBURY, NC 28144
(704) 633-5011

SCHILLER – PIEPER COMPANY
1 N HOWARD STREET ROOM 303
BALTIMORE MD 21201

March 15, 2006

John Read, Chief
Litigation III
Antitrust Division
U S Department of Justice
325 7th Street NW Room 300
Washington DC 20530

RE: Rolex Watch USA Inc

Dear Chief Read:

I have been a watchmaker in Baltimore Maryland for the past 40 years. During that time, it has been extremely difficult and almost impossible for independent watch repairers to obtain watch parts from Rolex as it has been their policy to not sell watch parts to independent watch repair facilities or watchmakers. Rolex's policy also prohibits watchmakers from reselling spare watch parts under any circumstance.

If the 1960 consent decree is terminated, it will become even more difficult, if not virtually impossible, to obtain watch parts from Rolex. If this is the case it will preclude independent watchmakers from adequately servicing their customers who have purchased Rolex watches. Please do not allow this inequity to continue or have this situation become even worse than it already is today.

Should you need any additional information on this topic or to have me share 40 years worth of frustration with this issue, please do not hesitate to contact me.

Sincerely,

Burke H Pieper, Jr.
Watchmaker

James Sadilek ❖❖❖ Watchmaker

230 Annapolis Avenue
Carson City, Nevada 89703
Telephone: 775.885.7072
E-mail: ccwatchmaker@gmail.com

Specializing in the repair of high grade and vintage Swiss mechanical watches.
Member: A.W.I., N.A.W.C.C. and B.H.I.

March 20, 2006

RECEIVED
MAR 30 2006
LITIGATION III, ANTITRUST DIV.
U.S. DEPT. OF JUSTICE

John Read, Chief, Litigation III
Antitrust Division, U.S. Department of Justice,
325 7th Street, NW, Room 300
Washington, DC 20530

Dear Mr. Read,

In regard to the DOJ press release of February 28, 2006 reporting upon the setting aside of a 1960 consent decree, the press release states in part: "...During its investigation of Rolex's alleged decree violations, the Department determined that, as a result of significant changes in the watch industry during the past 45 years, the decree is no longer necessary to protect competition and therefore should be terminated..."

As a professional watchmaker engaged in the trade since 1969, I cannot understand how the DOJ investigators could have arrived at this conclusion. I can attest that independent watchmakers' access to repair parts for most Swiss luxury brand watches over the past ten years has become increasingly more limited. When I began this profession, one could buy repair parts, without restriction, from wholesale watch material suppliers. Now, one must petition each individual Swiss firm for a parts purchasing account, which is only granted either after either fulfilling a number of conditions, or not granted at all. For example, there are, according to Department of Labor statistics, about 5,000 watch repairers in the U.S.; only about 10% have access through parts accounts to Rolex watch repair parts.

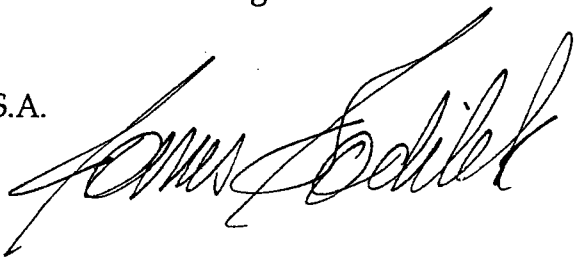
While the DOJ action in the press release refers only to Rolex Watch U.S.A., the entire Swiss luxury watch market has varying degrees of restrictive repair parts supply policies, which make it very difficult for the independent watch repairers to practice their trade. Some Swiss firms will not sell repair parts to anyone, no matter what their qualifications; all repair work must be sent to their factory repair centers.

If the DOJ was of the opinion that the Swiss watch industry was engaging in anticompetitive practices in 1960, it defies logic for the DOJ now to make the assumption that the situation has been alleviated when in fact it has become much worse presently, with respect to repair parts supply, than anytime in the last thirty-five years.

I don't know what sort of legal mechanisms are available to remedy the current situation, but the country's independent watchmakers are not being fairly treated, and the DOJ should consider studying this matter much more closely from the viewpoint of the independent watch repairer before making a decision to set aside the 1960 decree. In fact, the DOJ, in my opinion, ought to investigate the current restrictive policies of many Swiss firms who were not parties to the 1960 ruling and perhaps initiate a new legal action.

Regards,

James Sadilek - Carson City NV - U.S.A.
ccwatchmaker@gmail.com
www.ccwatchmaker.com



APRIL

1722 Madison Avenue
Toledo, Ohio 43624

The Wm. S. McCaw Company
WHOLESALE JEWELRY
Since 1913

Tel 419/243-3720
Fax 419/243-0321

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, D.C. 20530

April 25,2006

Dear Mr. Read,

I am writing in response to the Memorandum of United States in Response to Motion of Rolex Watch USA Inc., for Order Terminating Final Judgement Supplemental to Civil Action No. 96-170. Dated February 28, 2006.

It is my opinion that the U.S. Department of Justice would be grossly negligent allowing the Termination of the Final Judgement.

In the Memorandum of United States in Response to Motion, Article 1 it states: The Primary concern of the United States was the collective, Cartel-like behavior of the watch companies, importers, and associations. The Cartel-like behavior still exists today, the individual watch companies now form 'Groups" that work independently, but together. The Swatch Group, Richemont Group, LVMH Group, Rolex, Audemars Piquet and others all work to form policies together and yet are all independent of each other.

Each of the "Groups" now are working towards what Rolex was just fined $750,000 dollars for. Limiting distribution of parts for repair, controlling pricing policies, and restricting the resale of parts.

Under Article III, reasons the United States Tentatively Consents to Termination under A., Changes in the Watch Industry, the primary harm that he Final Judgement sought to remedy was the Cartel-like behavior. Change the name from Cartel to Group and you have an identical situation.

Also under A. you state that Switzerland is no longer the dominate supplier of watches. Watch manufacturing overall by shear numbers is not dominated by the Swiss, but from a Luxury Brand standpoint the Swiss control over 99% of the market. Although the 6% figure of watches produced by Switzerland maybe accurate, that is only in total volume of watches produced, Not Dollar Value. A figure of 40% is a more accurate figure for total dollar value. There is a difference.

The statement that United States watch consumers can buy a wide range of products from manufacturers across the globe is true. But only from Switzerland can you find the luxury brands being produced. They have a total monopoly of the luxury brands, from production to distribution of spare parts. Complete control of pricing, and now total dominance of the repair. Where does it stop?

Under B. The Final Judgement is no longer Necessary, you address vertical restraints as being justified as a means of watch part distribution. It is more true today than in the 1960's. Again you point out the domination of the Swiss Cartel, change the name to the Swiss Groups, and again you have the same situation as the 1960's. There seems to be a pattern forming.

Under D. Conclusion, you state that he Final Judgement was designed to restore and maintain competition in an industry that, at the time, was prone to collusion. Each of the afore mentioned Groups have now established identical policies of parts distribution, parts pricing, and parts resale. Does this not smell of collusion?

It would be negligent of the Justice Department to drop the Final Judgement and allow all of the Swiss Watch Manufacturers to do exactly what Rolex was fined $750,000 dollars for doing. If it was illegal then, then it is still illegal now!

A similar complaint has been filed by the European Confederation of Watch and Clock Repairers Associations established in Belgium. See copy of complaint attached. Again the Groups are attempting to restrict distribution of spare parts to the European Union as they are attempting to do in the United States.

In conclusion, as President of one of the largest Watch Material Distributors in the United States, with over 35 years of experience in the industry it is not hard for me to see thru this charade. With some deliberate misuse of percentages as to volume instead for value it is easy to sway people not familiar with our industry. It would be a grave mistake and not in the Best Public Interest to terminate this judgement.

It took 10 years just to get the U.S. Justice Departments attention in this matter. Please don't allow a group of fast talking New York Lawyers to juggle some large numbers in front of people that are not completely familiar with our industry. As they portray their clients as small players in the total equation.

Sincerely,

Gerald A. Wilson

Gerald A. Wilson
President

Attachments Enclosed

COMPLAINT PURSUANT TO ARTICLE 7 OF REGULATION (EC) No 1/2003

I. Information regarding the complainant and the undertaking(s) or association of undertakings giving rise to the complaint

1. *Give full details on the identity of the legal or natural person submitting the complaint. Provide a contact person (with telephone number, postal and e-mail address) from whom supplementary explanations can be obtained*

Complainant is the Confédération Européenne des Associations d' Horlogers-Réparateurs (CEAHR) [European Confederation of Watch & Clock Repairers' Associations]. This Confederation was established in Belgium as an international association with a scientific and pedagogic objective, in accordance with the Belgian law of 25 October 1919, as modified. It is situated at 4, rue Jacques de Lalaign, 1040 Brussels. The bylaws will be published in the *Moniteur Belge* when approved by the Minister of Justice, who is in the process of examining them.

Presently 7 national associations are members; they are from Belgium: (Association Nationale des Horlogers-Réparateurs), Italy (Confartigianato, Federazione Nazionale Artigianato Artistico and C.N.A./ASNART, Associazione Nazional Artigianato Artistico), France (FNAMAC), United Kingdom (British Horological Institute), Netherlands (Nederlandse Juweliers en Uurwerkenbranche), and Austria (WKO). These national associations have as members small and medium-sized enterprises (SME's) engaged in maintenance, repair and restoration of clocks and watches.

[*if the Commission wishes the addresses and other information concerning these Associations can be supplied*]

Contact person: Mr. P. Mathijsen, Advocaat

Avenue de la Joyeuse Entrée 1, 1040 Bruxelles

Tél. 02 230 46 69

Fax : 02 231 00 35

e-mail : mathijsen@eu-law.be

2. *Identify the undertaking(s) or association of undertakings whose conduct the complaint relates to, including where applicable, all available information on the corporate group to which the undertaking(s) complained of belongs and the nature and scope of the business activities pursued by them. Indicate the position of the complainant vis-à-vis the undertaking(s) or association of undertakings complained of (e.g. customer, competitor).*

The complaint is directed against:

- The **Swatch Group**, Faubourg du Lac 6, Case Postale 1712, 2501 BIENNE, Switzerland, Tél. 00 41 32 343 68 11, fax: 00 41 32 343 69 11, info@swatchgroup.com. This group comprises sixteen watch producers from Switzerland operating under their own trade mark, among which only the following, producers of expensive[1] watches, are concerned by the complaint: Blancpain, Breguet, Omega and Glashütte and also Lemania and Fréderick Piguet which only produce watch movements; all these firms were formerly suppliers of spare parts to the watch repairers in the EU; [*this group still supplies the Belgian repairers, but refuses to supply the Germans and Austrians*]

[1] Manufacturers of lower-priced watches generally speaking do supply spare parts.

- **Richemont International SA**, Boulevard James-Fazy 8, 1201 GENEVE, Switzerland, tel. 00 41 22 715 37 11, Fax: 00 41 22 715 17 65. This group comprises 11 watch producers from Switzerland operating under their own trade mark, among which the following are producers of expensive watches: IWC, Jaeger-LeCoultre, Lange & Söhne, Piaget, Vacheron-Constantin, Cartier and Panerai; they were formerly suppliers of spare parts to watch repairers in the EU;

- **LVMH**, 30, avenue Hoche, F-75008 PARIS, for the following producers: Zenith and Tag-Heuer;

- **Rolex SA**, rue François Dussaud 3-7, Case Postale 430, 1211 GENEVE, Switzerland, tel. 00 41 22 302 22 00; independent watch maker; was formerly a supplier to repairers in the EU; and

  -Manufacture des Montres Rolex SA, rue David-Moning 9, 2501 BIENNE, Switzerland, tél. 00 41 32 328 44 44 ; Fax : 00 41 32 328 41 21. Was also formerly a supplier of spare parts to watch repairers in the EU;

- **SA de la Manufacture d'Horlogerie Audemars Piguet et Cie,** Route de France 216, 1348 LE BRASSUS, Switzerland, tél; 00 41 21 845 14 00, an independent watch maker; was formerly a supplier of spare parts to watch repairers in the EU and

- **Patek Philippe SA Manufacture d'Horlogerie**, Pont-du-Centenaire 141, Case Postale 2654, 1211 GENEVE 2, Switzerland, tél. 00 41 22 884 2020. fax : 00 41 884 20 40 , info@patek.com An independent watch maker; was formerly a supplier of spare parts to watch repairers in the EU.

[*The addresses of all the firms belonging to the groups could be supplied if the Commission so desires*]

II. Details of alleged infringement and evidence

3. *Set out in detail the facts from which, in your opinion, it appears that there exists an infringement of Article 81 or 82 of the Treaty. Indicate in particular the nature of the products (goods and services) affected by the alleged infringement and explain, where necessary, the commercial relationships concerning those products. Provide all available details on the agreements or practices of the undertakings and associations of undertakings to which the complaint relates. Indicate, to the extend possible, the relative market positions of the undertakings concerned by the complaint.*

– Infringement of Articles 81 EC

The exact nature of the Groups referred to above is not known to the complainant, but the fact that the twenty seven or so undertakings they represent and the three independent watchmakers mentioned above have practically at the same time (about two years ago) applied the same policy of refusal to supply spare parts of their expensive watches, indicates that their exists an agreement or concerted practice between them.

The object/effect of their agreement/concerted practice is, generally speaking – there are exceptions (ETA being one) -, to eliminate all competition in the watch repair field from independent watch repairers outside Switzerland. The EU watch repairers who used to compete with the Swiss repairers and the representatives of the Swiss watch makers in the EU and repairers installed in the Community, are now strongly restricted in doing so. The result is that, practically speaking, any repair to a 'good' Swiss watch must now necessarily be entrusted to these representatives who in

the majority of cases send the watch to Switzerland. These representatives are no longer allowed to sell spare parts to independent watch repairers in the EU.

It is important to note at the onset that watch repair is in fact limited to watches of a certain value; indeed, cheap watches are simply replaced. Expensive watches, on the other hand, are valued by their owner and therefore, when they stop working, they are brought in for repair. The demand for watch spare parts therefore exist practically only for expensive watches and it is precisely the producers of expensive watches or movements who refuse to supply spare parts to independent repairers.

From the above it also follows that the repair of valuable watches constitutes the bulk of the watch repairer's work and of his income.

Another important point is that the repair of an expensive watch requires original spare parts, first because of their specific technical characteristics but also because of their appearance. Even if it were possible to replace a part by a non-original one, this would not be accepted by the watch owner because of differences in appearance.

Therefore, without original spare parts, expensive watches cannot be repaired by independent repairers.

The agreements between the Swiss watch makers and their representatives in the EU would probably be considered by some as "selective distribution systems", as defined in Article 1 (d) of the block-exemption Regulation 2790/99 ([1999] O.J. L336/21). However, in Complainant's

opinion, said Regulation cannot be invoked by the Groups and Undertakings referred to in this complaint (and their representatives in the EU), for the following reasons.

Article 4 of said Regulation declares the block exemption not applicable in case the buyer (here the enterprises which belong to the so-called selective distribution system in the EU) is restricted in his ability to set the price of the repair service. It appears that the latter is, in this case, determined exclusively by the Swiss watchmakers, which they represent.

Furthermore, the block exemption is rendered non applicable by the restrictions imposed by the Swiss watch manufacturers on the buyers of spare parts which are part of the so-called selective distribution system (and which might still carry out some repairs), to sell these spare parts to independent watch repairers. See in this respect particularly paragraph (b) of Article 4: "*The exemption...shall not apply to vertical agreements which, directly or indirectly, in isolation or in combination with other factors under the control of the parties, have as their object:*
(b) the restriction...of the customers to whom, the buyer may sell the contract goods or services, except...". (the exceptions do not apply in this case, therefore the block exemption does not apply).

In its letter of March 2002 to Mr Tarondo (p. 224 of the "Collection of Evidence" of October 2000, in the Commission's possession), the Federation of the Swiss Watch Industry pretends that the "restrictive policy about spare parts applied by the Swiss makers...is not contrary to the Community law regarding distribution" and bases this statement on the fact that they do not reach the 30% threshold provided for in Article 3.1 of Regulation 2790/1999 ([1999] O.J. L336/21) on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices. The Swiss Federation thereby overlooks the other provisions of said Regulation such as Article 4 (referred to above) and Article 6 mentioned in the next Paragraph of this complaint.

Even if the block exemption would apply, the Commission would have to withdraw the benefits thereof, pursuant to Article 6 of said Regulation, since the vertical agreements to which it might apply "nevertheless have effects which are incompatible with the conditions laid down in EC Article 81(3) EC. Indeed, the agreements between the Swiss undertakings setting up the Groups and the agreements between the member undertakings and their representatives in the common market do not seem to fulfil the conditions provided for in EC Article 81(3) as analysed in the Commission's "Guidelines on the application of Article 81(3) of the Treaty" ([2004] O.J. C 101/97) at pages 104 to 114).

Indeed, these agreements:

- do not provide any "efficiency gains", since they do not "contribute[s] to promoting technical and economic progress" (EC Article 81(3)); indeed by eliminating the watch repair trade in the Community, they, on the contrary, cause technical and economic regress in the EU; indeed, a whole profession risks to be eliminated: the number of independent watch repairers is in strong regress, watch repairers schools are closing down and wholesalers who used to supply watch spare parts are disappearing ; a whole Small and Medium-sized Enterprise sector of job-providers is at risk;

- do not "allow[ing] the consumers a fair share of the ... benefits" (EC Article 81(3)) resulting for the Swiss watch makers and repairers from the limitations they have imposed with regard to trade in goods (spare parts) and services (watch repair). Indeed, not only does the consumer no longer have the choice of his service provider, but repairs take longer and have become much more expensive for the end-consumer due to the higher tariffs of the above

mentioned Swiss groups and companies and the necessity of sending the watch to Switzerland;

- do in fact "impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives" (EC Article 81(3)(a)); in the case under review the "objectives" of the Swiss agreements are neither the promotion of technical progress in the Community, nor the allocation of a fair share of the resulting benefits to the consumer; this third condition can therefore not be fulfilled;

- finally, the agreements do, as indicated above, "afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question ." [here: trade in watch spare parts and repair services] (EC Article 81(3)(b)); indeed, as indicated, all competition between independent watch repairers and their Swiss competitors has been or is threatened to be, eliminated.

Another consequence of this policy is that all trade between Member States of Swiss watch spare parts has been eliminated, as indicated above.

Consequently, the two criteria needed for the application of the prohibition of Article 81(1) EC are fulfilled: appreciable effect on trade, on the one hand, and effective restriction of competition on the other. The conclusion can only be that EC Article 81(1) was violated by the Groups and Undertakings complained of.

– Infringement of Article 82 EC

The groups and undertakings referred to above occupy, together with the other groups of Swiss watch makers, a total joint monopoly/dominance. Indeed there do not exist anymore, within the Community, any watch producers (capable of competing with the Swiss). In itself this does not constitute an infringement of Community competition rules, but the fact that these dominant groups/undertakings prevent the supply of practically all relevant watch spare parts to independent watch repairers in the EU and prevent thereby the exercise of repair services within the Community, constitutes an abuse.

As described in EC Article 82(a), the above-mentioned groups and undertakings "directly or indirectly [impose] unfair purchase and selling prices or other unfair trading conditions". The latter have been described above and consist in the refusal to sell spare parts and making it practically impossible to repair valuable watches (*the only ones that count*) outside Switzerland.

Possible exemptions from the prohibition of Articles 81 and 82 EC

According to Complainant, the Groups and Undertakings concerned by the complaint cannot, as stated above, invoke the *selective distribution block exemption*, neither can they hide behind any *trade mark* they might have deposited, since the trade mark is only destined to prevent unauthorised copies to be made of said product; the trade mark itself cannot and does not prevent trade in the said product, on the contrary, it facilitates it; the sole purpose of a trade mark is to guarantee the authenticity of the product.

As for possible other *intellectual property rights*, the fact that the products covered by such rights have been sold in the Member States by the owners of those rights, or with their permission, exhausts their right to prevent others from selling them in those Member States. See in this respect the case law of the European Courts. According to the Court of Justice, *"although the Treaty does not affect the existence of rights recognised by the legislation of a Member State with regard to industrial and commercial property, the exercise of such rights may nevertheless fall within the prohibitions laid down by the Treaty. Article [30] EC only admits derogations from the free movement of products in order to protect industrial and commercial property to the extend to which such derogations are justified for the purpose of safeguarding rights which constitute the specific matter of such property". [italics supplied]*

In other words, an intellectual property right may never be used to prevent the free movement of goods.

There are several other court cases where this position was confirmed; they can be supplied by complainant if the Commission so wishes;

Intellectual property rights cannot, therefore, be invoked by the Swiss Groups and Undertakings concerned by this Complaint, to justify their refusal to sell watch spare parts to watch repairers established in the EU.

With regard to the *de minimis* Notice ([2001] O.J. C368/13.), complainant would like to point out that it cannot be invoked by the Groups and Undertakings concerned by this complaint since Point 11, (1) (b) of said Notice prevents the Commission from considering that the agreements in question does "not appreciably restrict competition", indeed, they contain the following hardcore restriction:

The agreements constitute 'agreements between competitors' (the Groups) and they have as their object "the limitation of...sales".

As for the relations between the individual producers and their representatives in the EU (non competitors), the same applies (see point 11 (2) (b) of the Notice referred to above).

4. *Submit all documentation in your possession relating to or directly connected with the facts set out in the complaint (for example, texts of agreements, minutes of negotiations or meetings, terms of transactions, business documents, circulars, correspondence, notes of telephone conversations...). State the names and address of the person able to testify to the facts set out in the complaint, and in particular the persons affected by the alleged infringement. Submit statistics or other data in your possession which relate to the facts set out, in particular where they show developments in the marketplace (for example information relating to price and price trends, barriers to entry to the market for new suppliers etc.).*

Numerous documents setting out the alleged facts i.e. refusal to sell spare parts in the Community to independent watch repairers, have already been submitted to the Commission in October 2002 in a bundle entitled: "COLLECTION OF EVIDENCE REGARDING ANTI-COMPETITIVE ACTIONS ADOPTED BY EU AND EXTRA-EU WATCH PRODUCERS AND IMPORTERS". It contains 318 pages of mainly letters from suppliers refusing to supply spare parts.

Particularly interesting is the letter on page 188 from Time Products UK since it openly state that the Girard-Perregaux factory in Switzerland will not supply materials directly to retailers in the Community and secondly that they themselves will not supply materials to non-account customers.

The complainers are not in possession of any other documentation regarding the supposed agreements referred to above between Swiss watch or clock work makers and their representatives in the EU, neither of the agreements existing between the members of the Groups mentioned.

As for persons able to testify to the facts set out in the complaint, and in particular the persons affected by the alleged infringements, their names appear in the documents transmitted to the Commission under the name "COLLECTION OF EVIDENCE REGARDING ANTI-COMPETITION ACTIONS" of October 2002. In case the Commission wishes to receive a shorter list, Complainant will endeavour to make a selection.

5. *Set out your view about the geographical scope of the alleged infringement and explain, where that is not obvious, to what extend trade between Member States and between the Community and one or more EFTA States that are contracting parties of the EEA Agreement, may be affected by the conduct complained of.*

As described above, the effects of the refusal to sell watch spare parts to independent watch repairers in the EU, are felt in practically all the Member States; where the new Member States are concerned, lack of contact until recently has not allowed the complaining Confederation to obtain sufficient information.

As for trade in repair services and watch spare parts for valuable watches between Member States, as indicated, it has been completely eliminated.

III. Finding sought from the Commission and legitimate interest

6. *Explain what finding or action you are seeking as a result of proceedings brought by the Commission*

The complainant asks the Commission to decide, as referred to in Article 7.1 of Regulation 1/2003, that the Groups and Undertakings to which the complaint relates have infringed Articles 81 and 82 EC and must put an end to the infringement i.e. resume and authorise the delivery of watch spare parts to independent watch repairers in the Community.

The complainants are of the opinion that the infringement is serious enough to warrant the imposition by the Commission of a heavy fine.

7. *Set out the grounds on which you claim a legitimate interest as complainant pursuant to Article 7 of Regulation (EC) No 1/2003. State in particular how the conduct complained of affects you and explain how, in your view, intervention by the Commission would be liable to remedy the alleged grievances.*

The complaining Confederation represents the interests of the National Associations, members of the Confederation; they in turn represent the interests of the individual independent watch repairers in the various Member States. The fact that the latter have been seriously affected in their trade by the refusal of the Groups and Undertakings concerned by the complaint to supply them with watch spare parts was demonstrated above in the answer to question 3. These directly affected SME's have delegated the defence of their interests to their national Associations; the latter have, in turn, delegated the collective defence of the interests of their members to the complaining Confederation.

(See in this respect Paragraphs 36*ff of the* "Commission Notice on the handling of complaints by the Commission under Article 81 and 82 of the EC Treaty" ([2004] O.J. C101/65).

IV. Proceedings before national competition authorities or national courts

8. *Provide full information about whether you have approached, concerning the same or closely related subject-matter, any other competition authority and/or whether a lawsuit has been brought before a national court. If so, provide full details about the administrative or judicial authority contacted and your submissions to such authority.*

As the Commission can ascertain from the letter in annex from the Ministry of Economic Affairs in Brussels, section Prices and Competition, of 19.05.2000, contact was established with the Belgian competition authorities. The latter advised to send them a formal complaint. This is being worked on, the problem being that important modifications occurred in the composition of the Confederation, so that the complaint had to be redrafted.

Contacts were established many years ago by the French Association with their national competition authorities, but no formal complaint was filed; in The Netherlands the national Association contacted the competition authorities, but without results.

The problem with a recourse to national authorities, whether judicial or administrative, is that their decision would only affect the situation in a given Member State, while, as indicated, the effects of the infringement do concern the whole Community. Only a Commission Decision can remedy the problem faced by all the watch repairers in the EU.

As for the *Community interest* of the case, it seems to Complainant that the criteria mentioned in Paragraph 44 of the above mentioned Commission Notice on the handling of complaints ([2004] O.J. C101/65), even if these criteria are not exhaustive, do indicate that such an interest does indeed exist, at least can not be excluded.

Indeed:

- national courts cannot bring a solution, as shown above;
- seriousness for the SME's-watch repairers – their survival is threatened - and the perennial character of the infringement;
- the Commission investigation seems well advanced;
- the practices have not ceased, on the contrary the refusal-to-supply-policy spreads to more and more former suppliers, and are therefore not likely to cease in the absence of a Commission decision;
- the Groups and Undertakings concerned do certainly not agree to change their conduct;

Declaration

The complainant hereby declares that the information provided in the present form C to Regulation (EC) No 1/2003 is given entirely in good faith.

For the European Confederation of Watch and Clock Repairers' Associations A.I.S.B.L.

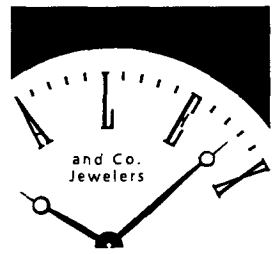
P. Mathijsen

Advocaat

Brussels, June 2004

Annex: Letter of the Belgian Ministry of Economic Affairs

MAY



watchworks

John Read, Chief, Litigation III, Antitrust Division
US Department of Justice
325 7th Street NW, Room 300
Washington, DC 20530

May 2, 2006

Dear Sir,

It is with great disappointment that I write to you in regard to the termination of a Consent Decree between the Department Of Justice and a group of Swiss watch manufacturers. According to the AWCI, the DOJ has found fault with Rolex's practices concerning distribution and availability of spare parts, and has reached an agreement with Rolex to settle this dispute. At the same time the DOJ has found that the consent decree is no longer relevant and that the protections afforded by the decree are unnecessary. Nothing could be further from the truth.

Rolex's policies are far less restrictive than many other watch companies that independent jewelers struggle with on an ongoing basis. In the past few years, the number of companies that will no longer sell any spare parts to support their watches has ballooned alarmingly. In past years only the most elite, expensive watch brands maintained restrictive parts policies; now the trend has become more of the norm than the exception and entry level brands have followed suit.

Cartier, a brand which has made parts unavailable for years, used to offer non-authorized agents a token discount when watches were sent to Cartier for service. That policy was then changed to charging the same retail that any consumer would pay if they sent the watch to them directly. Recently we received a letter informing us that non-authorized agents could not send any jobs to Cartier under any circumstances—paying retail was no longer enough and that any packages sent would be refused and returned unrepaired.

These sorts of restrictions dramatically harm the market place in a variety of ways. Consumers who need watches repaired have to send them to factory service centers where estimates can take up to a month, pricing is grossly inflated, and jobs can take up to a year to complete. Very often these same jobs could be completed by a competent shop at a fourth of the price and an eighth of the time with the same degree of quality and proficiency. To exacerbate the situation, these service centers insist on replacing parts that are completely unnecessary or strictly cosmetic, at great cost to the customer. To

711 SW 10th Avenue • Portland, Oregon 97205 • Tel: 503/223.1368 • Fax: 503/223.7292

make an automotive analogy, imagine being told that to repair your transmission, you must also pay for a new dashboard or get no service at all, and that the parts for your transmission are not available elsewhere. In fact your car can be repaired by them and them alone, or be taken to the junk yard.

The customer, the jeweler who sold the watch, and the independent tradesman are all hurt by these circumstances; the first by the costs and loss of use of their property, the second by the loss of the customer's faith and satisfaction, and the third by being unable to or prohibited from performing the job for which they were trained.

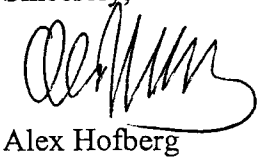
I appreciate the recent recognition of the need to encourage young watchmakers to enter the job market and the efforts of the AWCI to help trained watchmakers to further their careers, raising the level of competence of the pool of watchmakers in the United States. However, as the schools affiliate themselves with the manufacturers, they lose the ability to strenuously object to various policies, or risk losing the assistance that is required to keep these programs viable and current. Nor do the schools inform their students that the only jobs they will be qualified for upon graduation will be at factory service centers. Should one of those graduates try to set up their own store or work for an independent one, they would quickly find themselves relegated to changing batteries and straps and probably, be unable to provide the most basic services on the majority of fine Swiss brands.

The degree to which the Swiss watch manufacturers unfairly control the market varies . Some brands will still distribute parts to a limited extent. Some have adopted a policy that the parts that they are willing to sell should be sold at the same price any consumer would pay, eliminating a wholesale rate, which then forces the repairman to overcharge the customer for the work.

I strongly believe that the Department of Justice should both abandon the idea of allowing the consent decree to expire and begin to enforce the protections that it provided originally. At the same time the list of companies that need to comply with the decree should be expanded. I understand that the direction that current government policy has shifted from the ideal of protection from monopolization to allowing market dynamics prevail, but there is no market unless there is some form of competition. The consumer should be allowed a choice that exists in almost any other industry.

Thank you for your consideration in this matter. If I can be of service documenting some of these issues, please feel free to contact me.

Sincerely,



Alex Hofberg
President, Watchworks Inc.

CDC
CAPETOWN DIAMOND CORPORATION
270 E. CROSSVILLE ROAD • ROSWELL, GEORGIA 30075 • (770) 645-8555 • WWW.CAPETOWNDIAMOND.COM

May 3, 2006

John Read
Chief, Litigation III, Antitrust Division
U.S. Department of Justice
235 7th Street, NW, Room 300
Washington, D.C. 20530

Dear Mr. Read:

I urge you to understand that there are thousands of us in the watch repair business and who are involved in the sales of pre-owned watches who are being grossly harmed by Rolex, and will be even further harmed by the termination of the 1960 Final Judgment against them and the other Swiss watch manufacturers.

In the interest of public welfare, I urge you to look at this matter from our perspective.

Many of the watchmakers in America are disabled veterans who depend on the repair and rehabilitation of used Rolexes to support our families and literally keep us alive. It is obvious that the reason that Rolex does not want us to prosper is that they can't stand the competition.

I am the head of a small family business. We buy and sell pre-owned Rolexes and repair them and depend on a supply of parts so that we can have an adequate amount of wares to offer our clientele. We *really* need help.

I have been involved in a legal feud with the Rolex Watch Company for over fifteen years, and it has cost me in excess of $600,000 to defend myself against their sham lawsuits, whereby they continue to use the American legal system to punish me. And all this simply because they view me as a competitor.

The anticompetitive practices of the Swiss watch industry have long been apparent.

The $750,000 fine to Rolex amounts to no more than a slap on the wrist to such an enormously profitable company as the Rolex Watch Company. And, as Rolex goes, so will the rest of the Swiss watch manufacturers. We are fighting for salvation and need help. *Please!*

I am in business for almost forty years, and without Rolex parts, I am a dead duck. I have tried to work with the Justice Department, but to no avail. This appears to be my last round, and quite possibly the last round for the American way of life.

Because I am not a man of letters, I cannot adequately describe to you the legal atrocities that Rolex and Cartier have leveled against us. I would, however, be glad to have my attorney call you, if you should wish, so that he could put it into a legal perspective. This would probably suit you better than the ranting and raving of a 70-year-old disabled gentleman.

I must say, however, that it would not be in the public interest, or provide any public benefit to allow the termination of the Final Judgment from 1960.

Unfortunately, we're nothing but a bunch of helpless, penniless, and—for the most part—disabled American workers, and we just can't provide ourselves with the help that is needed so badly.

It was United States consumers and workers who helped to make the Swiss watch industry as great and prosperous as it has become today. However, by closing the pipelines of necessary supplies and parts with the threat of massive lawsuits for any who dare stand against the manufacturers of these watches, a great and grand portion of America's citizenry will be forced to go on the dole and become mendicants.

I would prefer to beg you for consideration before this happens. I beg of you, sir: Please grant us some succor from the threat of this fate. Not to do so would be a victory of avarice above democracy.

With hope,

Carl Marcus
Capetown Diamond

CLG
CAPETOWN LUXURY GROUP
FINE WATCHES, DIAMONDS, AND ESTATE JEWELRY

CARL MARCUS
(800) 442-7866 • (770) 645-8555 • FAX (770) 645-0450
VISIT OUR WEBSITE: www.capetowndiamond.com
CARL@capetowndiamond.com

ATLANTA BEVERLY HILLS NEW YORK

August 18, 2005

Alberto Gonzalez
United States Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D. C. 20530-0001

Dear Mr. Attorney General,

I am certain that your days are full with what are most likely more important things than my plight. But, because I am at my wits end and in danger of losing my livelihood, it was suggested to me to write to you by the New York State Attorney General.

My name is Carl Marcus. I and my family are the owners of a small jewelry company by the name of Capetown Diamond Corporation. I am nearly 70 years of age and for 35 years I have been involved in the business of discounting fine Swiss watches, diamonds, and precious jewelry worldwide.

Along with this letter, I am including a series of ads which I generally run in the New York Times. Should my plight peak your interest, you may wish to learn more about me by visiting our corporate website at www.capetowndiamond.com. Although my website may give the impression that we're a larger company than we really are, be assured that we are a small firm operated by my wife, my son, two German shepherds, and four long-term employees.

I guess by all yardsticks, I am the quintessential New York Jewish businessman. I am the oldest son of a Romanian refugee, the first of seven, and was actually born on a kitchen table in the Bronx. My wife is the oldest daughter of an immigrant Puerto Rican postman.

Both she and I being depression babies, we were taught by our parents that all things are possible in America, provided you go to school and work hard. If you did these things, you could make a good living. I always believed that, and in my case, it almost became true.

Now here's my problem: Over the last three years, both my wife and I have become victims of persecution by several major European watch and jewelry manufacturers and miners of diamonds. In our minds, all we're guilty of is working hard and perhaps being more superior marketers than our competition.

The first company to start harassing us through the American judicial system was the Rolex Watch Company. They have become very upset with me due to my pricing policy and our

method of adding exceptional value to a Rolex timepiece. We are not only discounters, but we fancy ourselves designers and innovators.

The Rolex Watch Company has been resting on its laurels for many years with aging management, afraid to make any changes. Their only concession to modern style was that they offered diamond and gemstone accessories to adorn modern timepieces.

Years ago, when I started learning the jewelry manufacturing business, I discovered that Rolex's price for their gemstone enhancements was *egregiously* high. This prompted me and my wife, and we developed a beautiful set of gemstone accessories. We then sent our accessories to the International Gemological Institute, along with Rolex's factory made accessories, to scientifically prove to our clients that our accessories were commensurate in quality and workmanship with Rolex's much more costly diamond accessories.

Of course, this stirred up the Rolex watch company. Then when some of my competitors started to get into the act, (even I have competition, but we learn to live with it in America) my wife and I came up with another ingenious idea.

We found out one day that the Rolex Watch Company publicly espoused the dictum that a Rolex watch was built to last indefinitely. When I combined this knowledge with the fact that Rolex has always been very, very, very, slow to change styles, and that most models went unchanged year after year, I came to the idea that the least expensive way for somebody to own a beautiful Rolex would be to buy one of our totally refurbished pre-owned Rolex watches. Thus, a whole new industry was established.

We opened this venture with an explosion of business and, unfortunately, Rolex very quickly learned what competition would be. The pre-owned Rolex marketing has become so successful that it would almost take a brain dead schmuck to consider anything else.

Of course, this has greatly upset Rolex's marketing network. Their jewelers were hard-pressed to figure out how to sell an 18K Yellow Gold Man's President for over $20,000 when I was presenting watches that were albeit older models for as little as $7,900. Then, when somebody wanted a diamond face for their Rolex, where Rolex was charging $1,750, we would offer our clients an official Rolex dial which we added genuine diamonds to for only $650.

But, of course, many Rolex jewelers were able to persevere under the assault by discounters. As we both know, Mr. Attorney General, discounting has not eliminated commerce in America. Tiffany & Co. is still thriving as are Neiman Marcus and other citadels of retail marketing. What the Rolex, Cartier, and Piaget Watch Companies have done is to resort to heavy-handed de facto harassment.

Instead of competing with me on an even playing field, Rolex had the temerity to accuse me of counterfeiting. Their contention was that anybody who would add aftermarket accessories to a Rolex watch would be committing a felony act of counterfeiting.

More unfortunately for me, Rolex found a group of attorneys ready to pander themselves and harass me with what has become most expensive litigation. One firm produced a posse of armed federal agents at my door. Armed with a search warrant, they literally harassed my wife, my son, I in the middle of a business day in July of 1990.

Shortly thereafter, through bulldog persistence, Rolex got a panel of judges in the 9th circuit (I believe) to agree with them that watches amended with diamond accessories were indeed counterfeit. Well as Charles Dickens said, sometimes the law is an ass.

Dozens of small entrepreneurs around the United States found themselves in the thick of felony counterfeiting. One young man in Florida who was newly in business was so harassed by the rapacious legal firm that Rolex was using at the time, that he committed suicide by shooting himself in the head.

Rolex has since discovered that by instigating vexatious and inane lawsuits, they can quickly enervate the small businessman. The field of intellectual property attorneys is slim and expensive. Most of us little guys cannot handle the bills.

Finally, a few years back, I found a marvelous attorney who believed in us and he got Rolex to give me a settlement agreement. With this agreement I could continue to vend their product with aftermarket accessories, provided I give proper disclosure.

Then, along came the Internet, which bred a pernicious band of liars and counterfeiters. But the Marcus family of good Bronx and stubborn Puerto Rican stock persevered through it all and continued offering the most intense values that could be offered.

Where Rolex offers a two-year service warranty on their new watches, we bested them by offering a lifetime warranty on pre-owned watches. For clients who live out of town, we send them a self-sealing mailing box with packing materials - at no cost to them to them - to send their repairs to us. Where Rolex turn-around is four to six weeks, we are often able to offer service overnight.

My wife's and my marketing worked out so well that our client list is composed of a great deal of America's most important citizens and movers-and-shakers. When a customer visits our website, we even supply thousands of written testimonials with names and contact information for those doubting our integrity. William F. Buckley has even purchased from us. I even have an autographed picture from Ted Koppel.

My wife and I have absolutely built a better mousetrap. Besides the world beating a path to our doors, and army of lawyers hired by European price fixers are slowly trying to squeeze the life out of us.

In a valiant effort to lower our profile and overhead, I moved from Beverly Hills – my father was right when he said if I worked hard I could live well – to Georgia. The cost of living was considerably less expensive than in California. I had the notion that if I was to lower my profile

from that of a Beverly Hills jeweler and set up my base of operations, maybe Rolex would get off my case.

But, shortly after I reached Georgia's green hills, I was served with a massive lawsuit, not to mention a brain hemorrhage. In raking over the coals, Rolex's lawyers discovered that somewhere in the bowels of the settlement agreement that Rolex had me sign during the federal invasion of my premises years earlier, they had buried some arcane stipulation that, in any display advertising, I had to make the name of my company at least a quarter of the total height of the Rolex watches displayed in that ad – not just once, but twice.

Additionally, we were also required not to put the name Rolex on any signs or on any place in our building that might in any way allude to the fact that we sold Rolex watches.

But, voila, Rolex's attorneys were able to drum up a case. I am not hiding behind the fact that I had a stroke, which may have given me some disability in judging numbers, but when they pointed out than an ad that I ran in the New York Times was out of specs as the name "Capetown" was about a quarter of an inch out of proportions to the terms of the settlement agreement, it has since cost me over $300,000 in attorney's fees.

This expensive and malicious litigation continues through today and the bills keep mounting up with no end in sight. The case is now buried with Federal Judge Clarence Cooper who has been mulling about what to do for what is now two years.

So, my wife, my employees, and I live in fear, never knowing when the end will come. We have become victimized by America's free enterprise.

If the judge was to issue a preliminary injunction, POOF there goes our life's work, all because we found a better way to market watches diamonds and jewelry rather than by utilizing the set European retail price, which does not provide their retailers to *ever* discount.

In the past couple of years, we have been served papers from Rolex, Cartier, and the De Beers diamond certificate.

Mr. Attorney General, it just doesn't seem fair. Can anything be done to stop this? Any suggestions or help you could offer would be much appreciated.

I thank you for your time.

Best Regards,

Carl Marcus
Capetown Diamond

September 01, 2005

Alberto Gonzalez
United States Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D. C. 20530-0001

Dear Mr. Attorney General,

In regards to my previous missive, which was written to you while I was in an emotional state, I fear I did not make myself very clear. Perhaps I am calling on your office for help when no help is available. The legal premise that I am seeking your help with is that foreign retailers – namely Rolex, Cartier, DeBeers – are very tacitly preventing me from exorcising my right, if indeed I have that right, to free enterprise by launching vexatious lawsuits against my company of which they know full well that a small company cannot afford.

By doing so, I feel that it is a de facto form of price fixing, which several of my attorneys advise me is not legal in America. I would hope that price fixing in any way shape or manner – even if it is slyly disguised in the form of a mindless lawsuit – should be considered illegal intervention in the rights of Americans to do business.

If it is not legal to fix prices, I fear that by allowing this insidious practice to go on, we are allowing foreign corporations to change the very foundation that America has been built upon.

For a small family business, the continual legal harassment is akin to a Mafioso firebombing the store. I hope that, on this tact, you will have some power to help our group. By our group, there is a legion of men who are semi-retired, retired, veterans, etc – all Americans – who are in similar business to mine – particularly in the watch repair industry. The reason that a party would bring the watch to an individual watchmaker is that they generally charge less and can operate much quicker than a larger corporation.

To get a better idea of what I do for a living, you might wish to take a look at my website: www.capetowndiamond.com.

Recently, Rolex issued an edict that they would no longer sell parts to most independent watchmakers – including my own. In what seemed like a nanosecond, some malevolent-minded Rolex executive took away the income from thousands of people, who depended on that income to make a living – many of them elderly gentleman who had no one to turn to.

I and several other fraternal organizations have attempted to form a legal defense fund, or perhaps even solve this deceitful practice politically. However, most watchmakers are submissive souls. By nature, their profession seems to attract silent, sedentary, make-no-waves guys - a defenseless group that could certainly use some help.

Further into the food chain, we have the consumer who is now chained to the manufacturer for parts, eliminating all significant competition. For me to file a suit against these corporations for what I think are egregious legal atrocities would not be financially possible. What I hope to do is to make enough noise through the avenues of the press such as the Wall Street Journal and the New York Times, thereby bringing some adverse publicity to the foreign pirates who are causing this.

When I presented this to Elliot Spitzer, he thought my premises might have had merit and thus suggested I contact you. So, I sincerely hope that you won't write me off as a crackpot or a nutcase. If I am indeed tilting your windmills, it would be kind to advise me that I am.

But, Mr. Attorney General, I strongly suspect that Rolex, Cartier, Richemont, Louis Vuitton, DeBeers, et al are committing crimes against the very fabric of our democracy. If need be, I am sure that I can generate several score of notarized affidavits from members of the trade stating how they have been put upon by those foreign pirates.

Just to give you an idea of how egregious these folks are, it is a well-known fact that DeBeers has for years totally controlled the diamond production and distribution of the United States diamond market. Recently, in one of my business journals, I read that they were now going to go vertical, which is a 21st century catchword for stifling your competition. They announced that they would now be opening up retail stores all over the United States – Manhattan, Beverly Hills, etc – thereby going into competition with all of the companies they had been supplying for years.

This information stimulated the marketing part of my brain. I did a little research and found out that their retail prices are *insanely high.* So, I ran an ad in the New York Times (see enclosed) showing a perfectly colorless and flawless diamond at an *insanely low* price. I bought it years ago and have been sitting on it ever since. Even at the low price I offered it at, I would still have made some money.

So, here is poor old me in Roswell, Georgia, operating out of a clearing in the forest. Next thing I know, DeBeers served papers on me. When my attorney asked them why, it seems that a partnership company formed between DeBeers and Louis Vuitton is at the throat of the DeBeers Diamond Syndicate and vice versa, trying to win the DeBeers trademark in the United States.

In my mind, the real reason for the legal service against me is that I was offering a diamond for $33,000 that they were asking $500,000 for. What other information could I give them about their partners and opponents? I don't know anything about them that they don't know already.

Every time we get served with one of these legal inquiries, it costs our company thousands of dollars or more, it takes a lot of energy, and it depresses all of us, because it is contrary to what I

believe: If you work hard and can legally best your competition, you have a right to succeed. I and my family are becoming victims of our ingenuity and enterprise.

Mr. Attorney General, there is something in the woodpile. With hope, your busy schedule will allow you to look into it.

I am hopefully awaiting your decision,

Carl Marcus
Capetown Diamond

To: John R. Read
Chief, Litigation III Section,
Antitrust Division, US Department of Justice
325 7th Street, NW, Suite 300
Washington, D.C. 20530
May 9, 2006

Gentlemen,

I'm writing this letter in response to the upcoming decision on the 1960 Consent Decree between the US Government and several Swiss Watch companies.

I am a small businessman in business for over 32 years who is a distributor of clock repair material for Atmos clocks manufactured by Jeager LeCoultre. We had been doing business with them for over 10 years. Out of the blue they declared they no longer supply material to wholesale distributors. This has put a dent in our business and affected thousands of clock repair shops around the country and around the world who depend on a source of repair material to make a living.

This narrow minded discriminatory decision has had a detrimental affect on my business as well as the small businesses we sold to. To let these large companies off the hook while they continue to make huge profits off retail sales while not allowing repair shop to receive material to service their goods is unconscionable. I hope you will see fit to rule against these companies who will not sell replacement material to service their merchandise.

Thank you,

S. Berger

Steven Berger
Star Fellow, National Association of Watch and Clock Collectors.
AWCI
BHI
Antiquarian Horological Society

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Sheldon D. Warren

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Indianapolis, IN 46240
Ph **317-414-3891**

E.mail **sheldon57@juno.com**

Wednesday, May 10, 2006

John R. Read
Chief, Litigation III Section,
Antitrust Division, US Department of Justice
325 7th Street, NW, Suite 300
Washington, D.C. 20530

Dear Mr. Reed,

Abandonment of the 1960 Consent Decree between the watchmaking industry and the United States Government isn't the answer. Strengthening the Consent Decree would be most desirable. It should be strengthened to the extent of making spare parts available for repair purposes to all watches sold on the American marketplace.

The result of withholding spare parts is destroying the watchmaking industry in this country. Few are entering the profession because of the unavailability of spare parts, consumers are held hostage to repair shops who have spare parts available to them and huge profits are being made as a result of the withholding of spare parts from the marketplace.

Sincerely yours,

Sheldon D. Warren

Dashefsky, Michael

From: Hinman, Elizabeth
Sent: Thursday, May 11, 2006 2:56 PM
o: Dashefsky, Michael; Read, John; Hale, Nina; Lewis, Lynette
Subject: FW: A badly thought out move by the U.S. Government

An email regarding Rolex from the Antitrust-Internet Comments inbox. Thanks!

Liz

-----Original Message-----
From: ishioka@gol.com [mailto:ishioka@gol.com]
Sent: Wednesday, May 10, 2006 3:46 AM
To: ATR-Antitrust - Internet
Subject: A badly thought out move by the U.S. Government

Dear Sir or Madam,

The United states intends to drop an anti-trust judgement against the Swiss Watch industry as outlined in the following document

www.usdoj.gov/atr/cases/f214800/214815.htm

Specifically named in this complaint is the Rolex Watch Company.

As many other watchmakers other than myself have testified , the same abuses that cause the United States to bring anti trust proceedings against Rolex and several other importers of Swiss watches back in the 1950s still exist today. Despite the fact that the watch business has changed massively, Rolex in particular continues the same abusive practices that led to this action many years ago.

In particular Rolex and other Swiss makers limit their supply of parts to legitimate and certified watch makers under the spurious claim that only special trained watchmakers can repair their watches. A mechanical watch is essentially no more complex than a ringer washing machine. It is a child of the 19th Century and by modern standards it is a relatively simple machine. If a washing machine manufacturer claimed that only someone with special training--which conveniently, no American had--could fix their washing machines, they would be laughed out of court.

This is precisely the same situation that exists today in regard to mechanical watches. Although in volume they may be less than 10% of the market, in terms of value, they are well over 60% of the contemporary watch market. so, in business terms, they are very important indeed.

Limiting the availability of parts may help Rolex's profitability, but it removes a source of income from the American watchmaker and causes an artificial shortage where none exists in spare parts. The big loser in the end is the American consumer, who must pay inflated prices for parts and repair work that only Rolex can be the judge of.

There are many far more important anti-trust cases before the government than this one. But the fact that the same accusations are being leveled against the Swiss watch industry and Rolex in particular over 50 years since this action began should convince one that the leopard does not change his spots nor Rolex its' behavior.

Respectfully.

William T.Stonehill

Watchmaker,
Member American Watch and Clock Maker's Institute

JON W. HORTON

AWCI/CMW, MBHI, NAWCC

530 South Wheeling Ave., Tulsa, OK, 74104

918.592.0870

jonhorton@cox.net

Friday, May 12, 2006

John R. Read,
Chief, Litigation III Section,
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington D.C. 20530

Re: Abolishing the Swiss Consent Decree

Dear Mr. Read,

Please do not allow the abolition of the Swiss consent decree that has protected small service centers like myself for many years.

We have a very hard time as it is getting spare parts for luxury brands. The Swiss have formed "Groups" instead of the former "Cartels". The net effect on small service centers like mine has never been even close to being what we need for fair competition. To delete the Decree could easily put American service centers for Swiss made watches out of business.

Please use your influence to keep or even strengthen fair trade of services to Swiss made watches that are done in the USA.. I can be reached by email at jwhorton.usa@cox.net or by phone at 918-592-0870 or the mailing address above if someone wants to discuss this matter.

Thank you for listening.

Best regards,

Jon W. Horton
Certified Master Watchmaker
American Watchmakers Institute
Member British Horological Institute
ational Association of Watch and Clock Collectors

POND COTTAGE
FRISTON, EASTBOURNE
EAST SUSSEX BN20 OAL

(01323) 422422

John R. Read
Chief, Litigation III Section
Antitrust Division, US Dept of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

May 12, 2006.

Re: Rolex USA,Inc: Proposed Termination of Consent Judgment

Dear Mr. Read,

I oppose the proposed termination of the consent judgment in this matter. I am an independent watchmaker repairing a variety of watches made over the past 200 years. I am an American citizen, resident in England.

The consent judgment as it stands is a positive force for competition in that it makes it possible for small unaffiliated businesses like mine to obtain Rolex parts in the US. In England and in Europe, Rolex is far more restrictive in the sale of its parts. Indeed, commonly-needed parts (such as winding crowns) are obtainable here only in a generic, non-Rolex form: they are made by someone other than Rolex to meet this need. Most parts however are available only from Rolex.

Relieving Rolex of the healthy free market in which in the US it has been obliged to participate will result in less work for independents, less choice for consumer/owners of Rolex products and less competition on repair pricing. There is no more justification for this than there would be to restrict the sale of car parts. Imagine the uproar if your Department proposed to allow Ford to refuse to sell gaskets, pistons or filters for their vehicles—even to their owners!

The reasons cited by Mr. Dashefsky for termination (see his Memorandum at sec. III) are naïve and do not reflect present day reality. Yes, there have been great changes in the watch industry. Of, say, a billion watches produced world-wide each year today, 980 million are cheap, virtually irreparable and disposable. They are of less total value than the remaining 20 million watches which come principally from Switzerland. Fifty years ago, the Swiss dominated on value, as they still do today, and also on volume, where today they do not. Their dominance is, I suggest, in the more important area! What the Swiss make today is high grade and worth repairing. This is not true of 99% of the remainder of world production.

The collective convention of the Swiss may have gone. But if you look a little bit at the behaviour of the Swiss government, Swiss banks and the principal watch companies, you will find that they work together in a way which would be impossible in the US. The best example of this was the successful defense of mechanical watch makers in the '70s and '80s when the new quartz movements, which are electronic, nearly ended mechanical production. The industry has the backing of the Swiss nation to a degree unimaginable in our country. To suggest that it is now no longer dominant is naïve because where it matters, as in product value, it is the most significant world player. And there is no longer any domestic competition in the US.

A consequence of the judgment is to make it a bit easier for independent watchmakers to compete with manufacturers on repairs. That does not seem wrong to me. Other than to enable Rolex to behave in the US as they behave elsewhere in the

POND COTTAGE
FRISTON, EASTBOURNE
EAST SUSSEX BN20 OAL

(01323) 422422

world, there is no reason to amend this useful, sensible consent judgment and I ask that you reconsider your proposal so as to conclude that the Final Judgment of March 9, 1960 be allowed to continue in force. Other Swiss watch manufacturers will be watching this matter and will, I am sure, follow the path that the Department is now preparing to illuminate. I suggest that the well-trodden one deserves continued use.

I would be happy to try to answer any questions which you or your associates might have on any of these matters. My Swiss and world production figures are from recollection but they are accurate as to the great split in value between the Swiss production and that of the rest of the world.

Thank you for your consideration and inclusion of my views.

Yours sincerely,

Charles R. Peck

cc American Watchmakers Institute
Hon Edward M. Kennedy

A-1 Watch Company
8777 E. Broadway Blvd.
Tucson, AZ. 85710

1-520-731-2663

Dear Mr. Read: May 15, 2006

I am sending you this letter in regards to the consent decree that Rolex Watch Co. is trying to end.

I am a second-generation watchmaker and my son is the third. Our family has been in the watch repair business since my father graduated from Bradley School of Horology in 1930. I have repaired watches since I was 13 years old (now 51)

My direct experience with the watch industry is with the company called Norman M. Morris Corporation, which is the original marketing and parts distributor for Omega Watches.
When I could buy parts direct from them I would pay $10.00 to $15.00 for a part called the Crown (the part you wind the watch with.) These parts are needed to protect the watch from dirt, dust and moister from entering the watch.
Now that the company called The Swatch Group controls the Omega watches and parts they have taken away our ability to buy parts for their watches. We have to buy them from an independent supplier. One of which advertises in the AWCI magazine called the Horological Times. The same parts that I described are now costing between $26.00 and $56.00 for the same exact items. This puts the watchmakers and the consumer at a disadvantage. The parts have gone up so much that only a small profit is available. As you know profit is not the most important part of any business however it is necessary to keep the doors open.

If you are not aware The SWATCH GROUP controls the manufacture of Omega, Rado, Tissot, Blancpain, Breguet, Calvin Kline, Certina, Endura (Case Company) ETA (watch mechanism manufacture) Favre & Perret, Flick Flak, Glashutte Original, Hamilton, Leon Hatot, Jaquet-Droz, Lanco, Lemania, (movement manufacture) Longines, Mido, Nivarox-Far (mainspring manufacturer), Record, Renata, (watch batteries manufacture), Union, Unitas, (watch movement manufacture) Universo, (watch hand manufacturer), and last but not least Valjoux the company that makes movements for Breitling, Sinn, Baume & Mercier, Bell & Ross and 90% of the high grade mechanical chronograph movements.

In the last five years I have been refused parts purchase from other companies. Patek-Phillipe, Bulgari, Jaeger - Lecoultre, Breitling, and others.

The inability for me and other watchmakers to obtain genuine and original factory parts creates an unfair playing field in the sense that the factory service centers have all of the parts they need and if the consumer sends the watch to them they can repair it with genuine factory parts. The problem with this is the factory services charge almost double and the length of time for repair is a minimum of four to six weeks. Out shop repairs and delivers watches within ten days to two week providing we do not get a back order on the parts or refusal from the manufacture to purchase.

The use of generic parts on an old Bulova or Elgin is OK, but a person that wears a high-grade watch wants only genuine external and internal parts used in the repair. The use of non-genuine parts devaluates the item and increases it's chances of getting full of water or dirt because the generic parts are not manufactured to the same specs as the originals. Use of non-genuine material is like taking your new Lexus to a shop and they tell you that they can only get parts made in China or Hong Kong.

John R. Reed
Chief, Litigation III Section
Antitrust Division, US Department of Justice
325 - 7 th Street, N.W, Suite 300
Washington, D.C. 20530

Dear Sir:
This responds to your request for comments in regard to the Restrictive Parts Policies of a number of watch companies acting in accordance with the Swiss Watch Federation. I am sure you are aware, the Swiss Watch Federation is an umbrella organization, set up to establish guidelines and to set policies regarding watch and watch parts promotion and distribution.

I have fought the Swiss Watch Federation and these policies for years and finally realized that without government intervention, it will be impossible to change the policy. However, a number of watch companies separately established their own restrictive distribution policies in an attempt to eliminate the private sector, including independent watch technician and watch material supply houses. These companies claim the policies are for quality control purposes, however, the effect is control of the after sales, parts and repair business even out of warranty repairs to be completed by their factory technicians and enforce the policy by refusing to sell parts and related material. The results are the elimination of competition and consumer over charges. The consumer and watch technician-repairmen are the victims.
Personally, I can not stay in business without parts to repair watches.

To fine Rolex $ 750,000 is of no consequences. Unless large enough to be felt by impacting profits, fines will not work. Neither will tariffs.
However, the US watch business and markets are immensely important to the Swiss and their economy. Prohibiting imports of Swiss made watches would get immediate attention - almost certainly resulting in changes in the material distribution policies.

Respectfully,

Hans Eckert

Hans Eckert
European Watch Service
P.O. Box 91092
Long Beach, CA 90809-1092
Hanswatch1@aol.com

Shop / 562-439-2474

John R. Read
Chief, Litigation III Section,
Antitrust Division, US Department of Justice,
325 7th Street NW, Suite 300
Washington D.C. 20530

From
Dwight McCartney
P.O.Box 57
Wilkeson, WA 98396

May 18, 2006

Dear Mr. Read,

I am told that the Justice Department is considering eliminating the antitrust regulation which govern Swiss watch industry in America..

You should be made aware that this action will have a detrimental effect on my own business. You see, I am a watchmaker, and it is very likely that Rolex and the other companies will restrict or refuse parts availability to me.

I have made my living repairing watches ever since I graduated from Kansas City School of Watchmaking in 1977. The KCSW was a highly regarded school and founding member of the American Watchmaker-Clockmakers Institute Research and Education Council.

Also, please be aware that since I will not be getting Swiss parts to repair watches with, I would have to use after market parts which are sometimes inferior. Rolex has required that their dealers refuse to service any watch with non Rolex parts, so you can see that the end consumer will also be harmed by these anti competitive practices.

I ask you to consider carefully what action will truly be of benefit to all American citizens, not just the ones who have been chosen by foreign companies.

Thank you,

Dwight McCartney

Old Father Time

11138 Air Park Road, Suite J, Ashland, VA 23005

TELEPHONE: (804) 798-8868 - FAX: (805) 798-8869

May 25, 2006

John R. Read, Chief
Litigation III Section
Antitrust Div., US Dept. Of Justice
325 7th Street, NW, Suite 300
Washington, DC 20530

Dear Mr. Read:

I write to you regarding the consent decree involving luxury watch manufacturers. It's important that this decree be retained intact and without compromise. America's watch industry has undergone many changes over the last 60+ years, as you know. Many of the American watch manufacturers were literally put out of business because of international acquisitions. The larger Swiss houses eliminated most of their US competition for the manufacture of fine time pieces. It appears they are now attempting to finish the job by eliminating American watchmaking ENTIRELY.

American watchmakers rely on the repair and restoration of finer timepieces as a staple to their business. Denying access to parts for these repairs will begin a quickly declining spiral down, until the point where no American watchmaker can remain in business at all. At that point, American will have once again lost a valuable art form forever.

Companies like Rolex make enormous profits every year from US consumers. Once the sale is made, Rolex will leave Americans no alternative but to return their watch for service – a six month proposition if history is any guide, and at enormously obscene costs.

I am the owner of a mid-sized watch repair facility outside Richmond, Virginia. The decision regarding this consent decree will very likely determine my fate.

Respectfully,

Barbara D. Williams

Att: John R. Reed

May 25, 2006

I Howard Cromartie am an AWI Member # 25159 , I am a certified Rolex Watch Maker and trained on other Swiss Watches. I am 68 Years old and worked for Reeds Jewelers for 23 years. I am now retired from Reeds Jewelers and Rolex will not sell me parts to service Rolex Watches and other Swiss Watches. I do not support the Consent Decree, this is American we live in not other countries. Rolex is depriving me of income by not selling me parts and I am well qualified. Also other Swiss watch companies will not sell me parts.

Sincerely,

Howard W. Cromartie
4094 Beattys Bridge Rd.
Atkinson, NC 28421 Phone # 910-283-6084

Howard W. Cromartie

CDC
CAPETOWN DIAMOND CORPORATION
270 E. CROSSVILLE ROAD • ROSWELL, GEORGIA 30075 • (770) 645-8555 • WWW.CAPETOWNDIAMOND.COM

May 26, 2006

Mr. John R. Read
Chief, Litigation III Section
Antitrust Division US Department of Justice
325 7th Street NW Suite # 300
Washington, DC 20530

Dear Mr. Read,

I am writing you in hopes that you would not dissolve the consent decree regarding Rolex Watch Co. and the rest of the foreign Swiss watch manufacturers, who I'm sure are hoping you will.

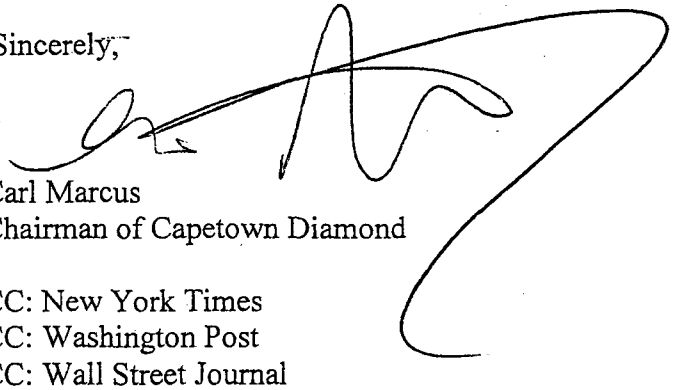
Don't let Rolex BS you. The company is run by an adamant pack of greedy jackals. As an adjunct to this letter I am sending you a letter I wrote to Mr. Gonzalez, from which I have not received a reply.

I urge you to believe me that when I tell you that the fine watch business, in America, with the emphasis on repairs is growing in leaps and bounds. The manufacturers Rolex, Cartier, Ebel, Breitling, Omega, Jaeger LeCoultre, Audemars Piguet, et. al. are providing slow and expensive repair solutions to consumers. There is a division of men and woman, a good many of them disabled veterans and a fine group the most of which belong to the AWCI. All we ask is that you do not allow these foreign entities to curtail the availability of spare parts so that we may continue to repair these watches and offer the public an alternative. We are making our living on restoring and servicing fine Swiss watches. Rolex for no good reason took away my son's parts account, shortly after he was married. Through hit and miss we have been supporting him for over a year. But without the availability of Factory Made Rolex parts both my son and I cannot exist. I know Justice is busy and there are certainly cases more urgent than this but if you will read the letters I sent to Mr. Gonzalez I am sure it will give you an idea of what America means to us. It means free enterprise, and fairness to all. It is not fair to allow a rich, fat cat like Rolex and the others to not offer us repair parts. Without a steady supply of factory watch parts I, my family and my employees will perish - along with a little bit of what was America. We are not asking for much, and as I told Mr. Gonzalez I don't want myself, my family, my grand child and disabled war veteran employees standing in front of the justice department with a tin cup begging you to allow us to stay in business.

Now you might say. "Well get a lawyer". We have already spent over $600,000 on legal fees fighting these Swiss manufacturers. In the final analysis the only justice that will prevail will come from the US Department of Justice. I am not a man of letters Mr. Read, I am disabled and can only type with one hand. I can perhaps verbalize my plight easier on the phone but please understand that the greed and avarice that prompted the consent decree years ago hasn't changed. It's human nature, whenever an opportunity is available to squeeze out an extra buck somebody will do it. This is why justice must be continually vigilant. There is no reason why you won't do anything. Rolex U.S.A. is making it most difficult to earn a living these days. They are selling thousands of watches a year in the U.S.A. And all of these watches are subject to malfunctions. Without the availability of these parts, just exactly how do we make a living?

I know the justice department employees are quite insulated from the real world, it is impossible to phone you but with my dying breath. Every trade association in America is inflamed about your lack of motivation and concern. (Please see attachment.) Bear in mind that it is hard to feel sympathetic because they are paying so much to get their Rolex repaired. Remember, we talked about American families that do this for a living, just as you work for the government for a living. There are a lot of woman and children and elderly Americans who have a lot at stake if you make the wrong decision. We are not talking about Mexicans and Iraqis, we are talking about American citizens who have spent as much as thirty years learning their trades. It is just not fair to allow a greedy Swiss monopolistic company to subjugate us. I anxiously await your reply!!!

Sincerely,



Carl Marcus
Chairman of Capetown Diamond

CC: New York Times
CC: Washington Post
CC: Wall Street Journal
CC: Larry King Live
CC: CNN

Capetown Diamond
www.Capetowndiamond.com
800-442-7866 Fax 770-645-0450
Carl@capetowndiamond.com

May 26, 2006

John R. Read,
Chief, Litigation III Section,
Antitrust Division, US Department of Justice,
3257th Street, NW, Suite 300
Washington D.C, 20530

Dear Sir:

The action of the Swiss Watch Companies in refusing to sell me or my suppliers parts takes business away from me. These companies want the watch owners to send their watches to their chosen repair shops that charge more than twice my prices for the same work.

I have been in this location for many years and have customers that know my work and would rather have me make the repairs.
However when a quality watch needs parts I want to be able to use factory original ones, at the present these are not available. Some generic parts are available to me but I inform my customers that for original parts they have to send the watch to the factory authorized locations. Most of the watch owners will not do this for they are leery of sending their valuable watch to some unknown place. Plus do you realize how many things are lost in shipping. From my experience lost items are greater now than any time in the past.

Sincerely,

Winford Rawls

PO Box 510
Tylertown Ms 39667

Peoples
♦♦♦
3728 Hwy 377 South ♦ Fort Worth, Texas 76116
Phone 560-1338 ♦ Email bill@billpeoples. com

May 26, 2006

To John R. Read
US Department of Justice

Dear Sir

I feel strongly that Rolex and other high cost watch manufacturers are doing the small Mom and Pop shops a disservice. I feel that we should be allowed to purchased parts to repair their watches, either from them or from watch material house. I have been in the business of repairing watches for over 20 years and have worked on numerous Rolex Watches. But, now it's impossible to get some parts, and those parts I do get are generic parts. I would prefer to use genuine Rolex parts.

I was allowed to purchase parts from Rolex for several years and on November 20, 2002, I received a letter from Rolex stating that effective that date I would no longer be able to purchase parts from Rolex; and future stated that they would not give a reason why they would no longer sell me parts. See attached copy of their letter.

Bill Peoples CC
Owner

ROLEX

ROLEX WATCH SERVICE CORP. ROLEX BUILDING 2651 NORTH HARWOOD DALLAS, TEXAS 75201 TELEPHONE (214) 871-0500

November 20, 2002

Billy M. Peoples
3728 Hwy. 377 South
Fort Worth, TX 76116

Re: Account 993266

Dear Mr. Peoples,

After careful review of your spare-parts account, we are herewith informing you of our decision to discontinue our business relationship. Your Rolex spare parts account has been officially closed as of today's date.

For more information, you may refer to your agreement, which provides in the Policy Statement, under General Policies, 4th item, that "Both the parts account and Rolex are free, at any time and for any reason, to discontinue their business relationship, without cause and without prior notice."

In compliance with this agreement, we will not discuss the details of our decision.

Sincerely,
ROLEX WATCH SERVICE CORP.

K. Elrawi

Khaled Elrawi
Spare Parts Manager

223 Scottdale Road, B-308
Lansdowne, PA 19050
May 26, 2006

Mr. John R. Read, Chief
Litigation III Section, Antitrust Division
US Department of Justice
325 7th Street, NW, Suite 300
Washington D.C. 20530

Dear Mr. Read:

I am a watchmaker and clockmaker, and I am concerned about the dropping of the consent decree involving Rolex and its recently changed policies regarding spare parts resale restrictions, voiding of warranties if generic parts are used, and fixing minimum and maximum prices, despite the position taken by any professional organizations to which I belong, such as the AWCI.

The watch industry has changed due to technological advances during the last 40 years, altering the number of lower-priced units sold in the US. The volume and manufacturers of luxury watches has not significantly changed in terms of units sold. The defendants targeted by the consent decree deal primarily in the luxury watch market, with little or no participation in the low-end market. Therefore using the addition of quartz movements, Timex, Bulova, Seiko, and other low-priced alternatives, (given as a reason to change laws in place governing the luxury watch market), seems to be an incorrect application of the rule of reason in place of the *per se* rule.

The dropping of the consent decree could put Rolex's revised policies in violation of certain Sherman Antitrust Act provisions. These provisions include vertical price restraints in regard to fixing minimum and maximum prices, non-vertical price restraints in regard to spare part resale restrictions, and tying contract violations in regard to the policy voiding warranties if generic parts are used.

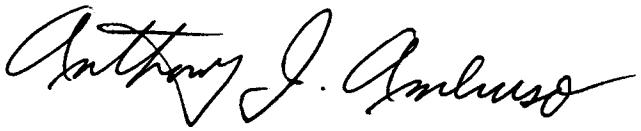
Material houses will be affected by the dropping of the consent decree, which will in turn have a direct impact on AWCI members' ability to make timely and profitable repairs in their businesses. One fact that may not have been recognized by the AWCI Board of Directors is the true financial history of material houses compared to the luxury watch brands.

The original judgment has vertical restraints that the Department of Justice deemed necessary as a means of watch parts distribution in the 1960's. This was designed to keep the Swiss Cartel from restricting the flow of parts necessary for the watch repair trade to operate. The "Swiss Cartel", as it was known, may not exist today in name only. The common business practices of today's Swiss Watch Groups, who work together, produces the same result of the illegal Cartel from

earlier decades. The companies may have changed their names to "Groups", but what was against the law in 1960 is still illegal today.

I hope the potential adverse impact on my ability to earn a living is considered by the government.

Sincerely,



Anthony J. Ambruso

Peter J. LeCody
Regional Franchise Owner
Fast-Fix Jewelry Repairs
8687 N. Central Expressway
2320 NorthPark Center
Dallas, Texas 75225
(214) 361-2811 x4

May 27, 2006

John Read
Chief, Litigation III, Antitrust Division
325 7th Street NW, Room 300
Washington DC 20530

Dear Mr. Read:

I understand that USDOJ, Antitrust Division, will be ruling soon on removal of a consent degree between the government and several Swiss watch manufacturers, including Rolex, that has been in place since 1960.

While I am in generally in favor of canceling the consent decree regarding the distribution of spare parts to authorized resellers, the main thorny problem still remains on predatory pricing policies from some Swiss watch manufacturers and their U.S. Distributors.

While some manufacturers only make their replacement parts available through a tight distribution network of the "good ole boys", some other manufacturers and U.S. based distributors have one price for the retailers of their watches and a higher price for those who are trained in watch repair skills, but do not carry the watch brand. This puts companies like ours at a distinct pricing dis-advantage to our consumers. This is not a level playing field.

If independent car repair facilities were not able to obtain genuine replacement parts for their customers, or were forced to pay a higher price from the manufacturer or distributor, this would put them in an uncompetitive position. Example: if the Ford Motor Company were to charge their dealers $100.00 for a headlamp and charge an independent repair facility $175.00 for the same item, most independent repair shops would soon be out of business. The same dual-pricing scheme happens to watch repairers everyday. We get a royal screwing from watch manufacturers and distributors on pricing. We need a level playing field.

Sincerely,

Peter J. LeCody

May 28, 2006

John Read
Chief, Litigation 111,
Antitrust Division,
U.S. Department of Justice
325 7th Street NW, Room 300
Washington, DC 20530

Dear Mr. Read:

I am writing to you regarding the motion of Rolex Watch USA for an order terminating final judgment of Civil Action 96-170. My opinions are based on 30 years experience in the watch industry working for one of the major firms that imports and distributes watch parts to the trade.

I believe that it is not in the public's best interest to terminate the final judgment.

Section 1 of supplement to civil action No. 96-170 refers to the Collective Convention of the Swiss Watch Industry. This cartel like behavior still exists today as the watch companies' act in unison. Sales of parts are to those that are deemed worthy of the "privilege." The sale of parts is contingent upon using the part only for a particular repair, not reselling the part to a third party, charging a "suggested" amount for the repair, acquiring certain tools and equipment, and many more guidelines that can be found in Rolex's policy statement. Rolex is not the only firm to have these guidelines. Most of the Swiss luxury watch firms have similar terms.

Section 3 of the supplement cites tremendous changes in the watch industry as a reason for termination. What industry has not? Experienced change? The idea that the Swiss are no longer a dominant force in the watch industry is based on facts twisted to the benefit of the luxury watch firms by their attorney. While they do not produce as many units as they once had, they do have an overwhelming majority of dollars in annual sales not only to the US but worldwide. See attached page from the Swiss Watch Federation.

Section A of the supplement also suggests the pin-lever movement as a cause of the decline of the Swiss watch. I submit to you cheap watches have been around a lot

longer than the pin-lever movement (the dollar watches made by American firms at the turn of the century). A distinction must be made between a luxury watch and a disposable watch. While the
American consumer has a wide range of watches to choose from, if they want a luxury watch, they must buy a Swiss watch. Terminating the Final Judgment would only give Carte Blanche for the Swiss firms to sell at whatever price they choose inflating value by restricting access. They have removed the consumers' right to where and by whom they would have their watch serviced.

It is my opinion and that of many others that the plan and ultimate goal of the Swiss watch firms is to eliminate any third party involvement in the sale and repair of their watches. A watchmaker depends on a supply house to have parts for many brands as well as sundries, purchasing from one source lowers shipping costs as well as time spent ordering. Since before the turn of the century supply houses have provided a reliable and efficient network to distribute parts for the watch factories. We now find ourselves dismissed without regard from the factories for helping keep their brands alive. To stay in business we must raise the prices of products we do sell. The cost of doing business increases and the cost's all are passed on to the consumer. Many of us have gone out of business.

An analogy is you purchase a Ford car and are told you must have it serviced at the Ford dealership. This includes even oil changes or they will void your warranty. Another scenario, you buy a used Ford from your neighbor to fix-up and give to your son or daughter, but you find that some of the repair is more complicated than you first thought. You decide to bring it to your local mechanic. The mechanic at the local service station is unable to purchase a part needed, you are told you must bring it to the Ford dealer. You are then told by the Ford dealer they cannot work on your car because it previously worked on by someone other than them and does not have all original factory made parts. The only way they will fix the car is a complete overhaul using original Ford parts. This type of situation is very unfair and does not allow for a free marketplace.

Terminating the final judgment will only to serve perpetuate the decline of the American watchmaker. The only place to service the watch will be the watch companies own service centers. Jewelry stores will be reluctant to sell these brands since they will be difficult or impossible to service. This would be the justification the Swiss firms are looking for in order to open their own company outlets completing the cycle of complete control.

Rolex's violations of the agreement only show their lack of respect for American law and the American people. The settlement amount of $ 750,000 is ludicrous; Rolex spends considerably more sponsoring yacht races. Small and vague classified ads placed in trade magazines that would cause little notice seemed pointless. The magazines chosen were not the best choices as they are not the magazines that are commonly read by the watchmaker and watch trade.

Before a decision is reached I would ask that the person or persons responsible for this decision visit a few local jewelers and ask firsthand their views.

Sincerely,

Thomas D McRoy
908 Erdner Ave
Pittsburgh, PA 15202

Fédération de l'industrie horlogère suisse FH
Verband der Schweizerischen Uhrenindustrie FH
Federation of the Swiss Watch Industry FH

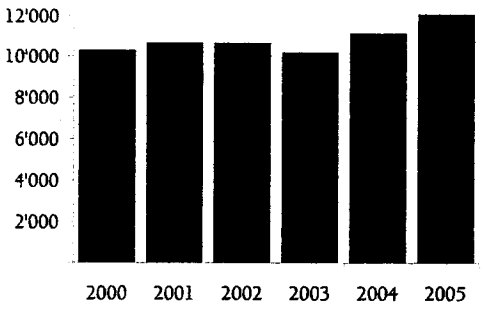
The Swiss and world watchmaking industry in 2005

Swiss watch exports

Introduction

After the success of 2004, Swiss watch exports registered another record year in 2005. With double-digit growth, they easily cleared the 12-billion franc mark. Growth in the sector has accelerated since 2003 and maintained a high level throughout 2005.

Total value (in CHF million)



Swiss watch exports achieved a total value of 12.323 billion francs in 2005, an increase of 10.9%, or 1.2 billion francs, over 2004. This positive trend should continue in 2006, but at a slightly less sustained rate.

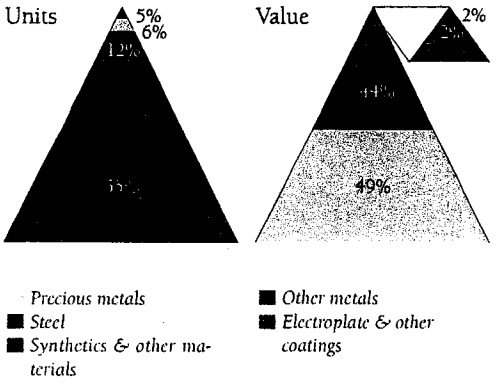
Exports of finished watches

Exports of finished watches represented a large part of the overall value. Accounting for 11.4 billion francs, they grew by 12.0%, which was more than other products in the sector. 24.3 million Swiss watches were exported in 2005; this corresponded to 840,000 units fewer than last year, a decline of 3.3%. The long-term downward trend in volume, therefore, persisted throughout 2005. This reflects a shift in the market structure, to which the sector is gradually adapting.

Trend of the different materials

18-carat gold watches enjoyed the strongest percentage increase in 2005. Particularly dynamic, they grew by 17.0% for a total value of 3.3 billion francs. Steel watches, however, represented the largest part in value terms, realising 4.9 billion francs. At +10.3%, the increase in this highly popular material was slightly below the average. Also occupying an important place in watch exports were bimetallic products - principally gold/steel - which, at 1.8 billion francs, enjoyed a year-on-year increase of 13.3%. These three materials generated close to 90% of the total value. At the same time, platinum watches recorded an increase of 17.2% in value, though the number of sales was comparatively modest.

Watches by materials



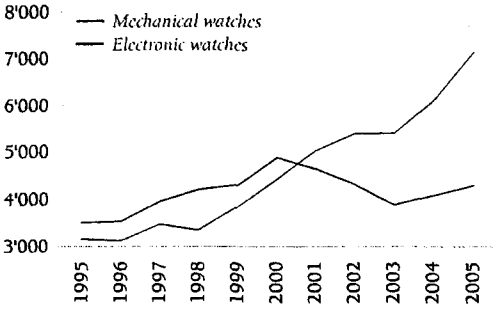
In volume terms, the results presented a different picture. Bucking the general trend, steel watches grew by 13 million units for an increase of 1.8%. More than one watch in two exported by Swiss watch companies in 2005 was made of steel. This positive development, however, was far from sufficient to compensate for the decline registered in other materials.

© Federation of the Swiss Watch Industry FH 2006

Mechanical and electronic watches

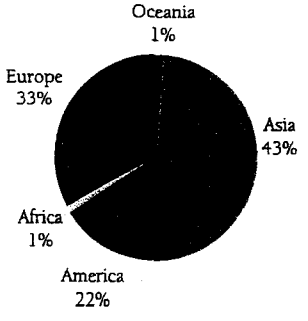
The rise in the value of mechanical timepieces (+16.7%) more than tripled that of electronic timepieces (+5.1%). In terms of units, however, the trends were the opposite: mechanical products gained 8.8%, while the others slipped back 5.0%, resulting in 1.1 million fewer units. Mechanical watches, therefore, continued to gain ground, accounting for over 62% of the total value, but for less than 14% of the total units.

Watches (in CHF million)



Trend of the main markets

Swiss watch exports grew on all five continents in 2005. Asia accounted for the lion's share with 42.9% of the total value. With an increase of 11.2%, approximately 5.3 billion francs, it reflected the world average. Europe, despite being slightly behind, enjoyed very satisfactory results, with 4.1 billion francs (+8.1%). Sales on the Old Continent accelerated throughout the year, testifying the region's strong dynamics. Exports to the sector's third important market, the American continent, increased by 13.7%, to 2.7 billion francs, and sustained this rate throughout 2005. Despite their small share of the market, both Oceania and Africa proved to be very dynamic. The former exceeded its 2004 results by 26.8%, with 142.7 million francs, the latter by 21.1 %, with 115.1 million. Both enjoyed accelerated growth throughout the twelve-month period.



Geographical distribution (in CHF million)

Countries	Value 2005	Change in %	Share in %
USA	2,147.7	+14.5%	17.4%
Hong Kong	1,768.3	+7.7%	14.3%
Japan	1,145.1	+15.7%	9.3%
Italy	842.1	+8.4%	6.8%
France	660.3	+8.1%	5.4%
Oth. Countr.	5,760.4	+10.5%	46.7%
Total	12,323.8	+10.9%	100.0%

The United States, the Swiss watch industry's leading market, continued to enjoy the strong growth it had already experienced in 2004. Although exports to Hong Kong were slower, they continued to grow. In Japan, the upward trend accelerated throughout the year and ended on a high note, confirming the recovery in this important market. In Europe, the leading markets recorded very satisfactory results: Italy continued to roll along smoothly, while France accelerated noticeably at the end of the year. And the turnaround in Germany meant that it finished the year above the European average. Last but not least was the excellent performance enjoyed by Swiss watch manufacturers in China, Taiwan and South Korea.

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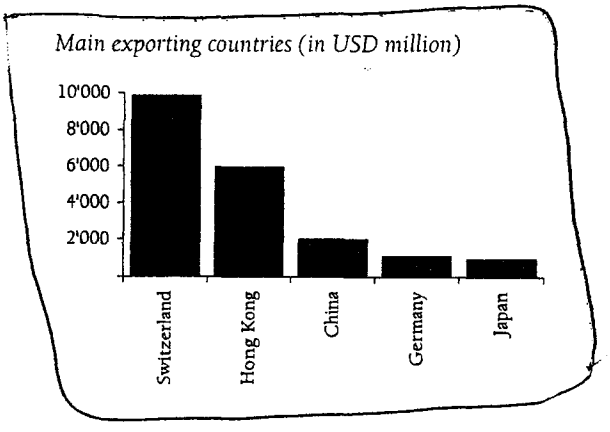
World watch exports

The figures quoted here illustrate watch exports and imports by the main countries concerned. They do not represent data for world watch production. While this may be estimated at around 1.2 billion timepieces, the export and import figures are in fact higher because a product may be re-exported and therefore stated twice. However, this data does clearly reflect the forces involved and highlights the global trends of the branch.

In 2005, Switzerland consolidated its position as the world's leading exporter of horological products. The value of its exports reached 10 billion dollars, the best result in its history. In local currency terms (excluding currency exchange effects), growth stood at 11% against 2004. This was by far the strongest increase among the world's main watch exporting countries. In the same period, Hong Kong exported or re-exported goods worth 6 billion dollars, mainly to the United States, China, Japan and Switzerland. This figure was up just slightly by 1% year on year. Among the leading trio, China posted exports worth 2 billion dollars, 4% down on 2004.

Main exporting countries (in USD million)



Horological exports from Germany, taking all products together, were worth 1 billion dollars, nearly 4% higher than in the previous year. The biggest decline was reported by Japan with a near 9% contraction of exports to 951 million dollars.

Exports of finished watches

In volume terms, China was the biggest exporter of finished watches in 2005. But at 880 million units the quantities concerned were 15% down on 2004. In second place, Hong Kong experienced a similar reduction with timepiece exports worth over 600 million. Ranking first in value terms, Switzerland came third on volume. It was far behind the Asian manufacturers with 24 million timepieces exported, 3% down year on year.

Main watch exporting countries

Countries	Units in millions	Change in %
China	884.6	-15%
Hong Kong	627.3	-15%
Switzerland	24.3	-3%
Germany	10.8	+2%
USA	10.7	-7%
UK	7.7	+86%
France	6.3	+5%

The main watchmaking countries were not all active in the same product categories. Watches exported by China, for the most part electronic, were sold at an average price of 1 dollar (ex-works price). This value was slightly higher in the case of timepieces leaving Hong Kong at 6 dollars. But these figures bear no comparison with Swiss watches for which the average export price peaked at 377 dollars in 2005. Somewhere between these two extremes, products exported by European countries and the United States were worth between 30 and 60 dollars.

World watch imports

The five leading watch importing markets all increased their demand by several per cent in 2005. Hong Kong took the equivalent of 4.6 billion dollars in horological products, many of which were re-exported. The value of goods imported into the United States was 3.9 billion dollars. At 2.2 bil-

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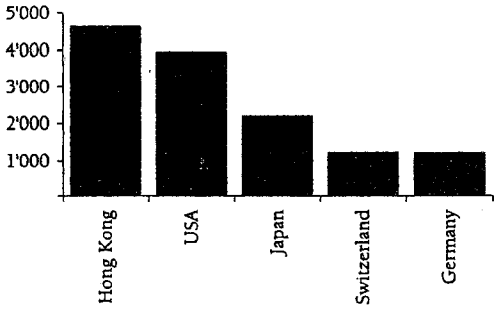
lion dollars, Japanese watch imports showed the steepest increase. Switzerland and Germany reported similar figures, with 1.2 billion dollars each.

Main importing countries (in USD million)



For further information, please consult: www.fhs.ch

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Dashefsky, Michael

From: Hinman, Elizabeth
Sent: Tuesday, May 30, 2006 9:49 AM
To: Dashefsky, Michael; Read, John; Hale, Nina; Lewis, Lynette
Subject: FW: cases/f214800/214815.htm

FYI, comments re: Rolex from the Antitrust-Internet Comments email inbox.

Thanks,

Liz

-----Original Message-----
From: carlk@evcohs.com [mailto:carlk@evcohs.com]
Sent: Tuesday, May 30, 2006 1:13 AM
To: ATR-Antitrust - Internet
Subject: cases/f214800/214815.htm

i would like to comment on the consent decree the Rolex watch Co. is seeking to dissolve. as a watchmaker it is critical that be able to obtain repair parts for the watches i repair. the justification for dissolving the consent decree simply does not exist. the Swiss watch groups contrary to what is be alleged have actually increased their share of the luxury or high end watch market. that portion of the total watch market has increased, and is predicted to continue to do so in near future. the Swiss groups continue to restrict the flow of watch parts required to repair their watches, which intern restricts my ability to earn a living. it also increases the costs to the watch owners. what was against the law in 1960 is still illegal today. i hope he justice dept. will take a very serious look at the ramifications dissolving the consent decree before it takes action. thank you

May 30, 2006

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice
325 7th Street, NW, Suite 300
Washington, DC 20530

RE: 1960 Consent Decree requiring watch factories to supply parts

As the Executive Coordinator of the International Watch and Jewelry Guild, our organization represents 4400 members nationwide who earn their living in the watch industry. Our members support thousands of local watchmakers and watch industry suppliers across the Country. These people are dedicated to serving their communities and supporting this country's continuing need for high quality craftsmen. These local, skilled watchmakers' service quality watches at fair prices for the American consumer.

We are writing formally as a group to request that you do not rescind your 1960 decree which was established to protect the American consumer from unfair trade practices by the Swiss watch industry. We read with some great surprise as you state that the "decree is no longer necessary to protects competition and should therefore be terminated". This is an extraordinary statement, which we think would be difficult to support. The decree was established in 1960 because the Swiss watch industry was engaged in unfair trade practices. They supplied 54% of the watches sold in the United States, which represented 99% of the luxury market. The Swiss industry would have you believe that the decree is obsolete today because they only supply 6% of the watches sold in the United States now. However, they still control 99% of the luxury watch market.

If the decree is rescinded the Rolex Watch Company will pay a small insignificant fine but the American consumer and the American Watchmaker will pay a much higher price. Once you release them from their obligations to supply replacement parts to service watches they will gradually stop supplying them. This will force every skilled independent watchmaker in the United States out of business and it will severely impact the independent jewelers who makes up an important part of every local economy in the United States. In addition every consumer who owns a luxury watch will have to send their watch to a regional service center for service which will probably be done at two or three times what their local neighborhood jeweler charges. This in an injustice and should not be encouraged by the Justice Department.

Would rescinding the decree set a dangerous precedent? The United States government is not in the business of putting hard working American out of business for the benefit of the Swiss government? But if the decree is rescinded what is to stop German automobile manufactures from deciding that they no longer want to supply replacement parts to American independent mechanics? Since Rolex Watch Company engages in endless acts of illegal activities with the decree in effect why would they any differently I the decree was rescinded? Rescinding this decree will result in a total American monopoly by the Rolex Watch Company and the rest of the Swiss manufactures will follow suit. The Swiss watch industry will make many millions of dollars from this action and the American consumer will be left paying for it.

If this decree was necessary in 1960 because of unfair trade practices it is more necessary today particularly in the case of the Rolex Watch company. Because Rolex is so powerful in Switzerland they actually have the power to prevent small Swiss companies from manufacturing quality generic parts under the threat of a suit. This is simple Blackmail and would not be acceptable in any American court.

In very simple terms the United States Justice Department should not be in the business of supporting companies that act against the principles of the working class and the American consumer. As Americans we believe in certain principles of free enterprise and hard work and those principles should to supported and nurtured by every Government agency. We respectfully request that you give consideration to our points and deny the request to terminate the 1960 decree.

Thank you,

Christina LeDoux
IWJG

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

Dear Mr. Read.

I am writing to formally request that you do not rescind the 1960 consent decree that prohibited U.S. importers of Swiss watches and watch parts from engaging in anti-competitive practices in the U.S. watch industry. I belong to an organization that represents over 4400 members who earn their living in the watch industry. These members support hundreds of watchmakers in the United States who also earn their living servicing luxury watches.

The Justice Department's investigation of Rolex's alleged decree violations led the Department to determine that as a result of significant changes in the watch industry during the past 45 years, the decree is no longer necessary to protect competition and therefore should be terminated. It appears that the Department's investigation failed to take into account important variables that triggered the legislation to begin with.

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What possible advantage could be gained by rescinding the 1960 Decree other than Rolex and the Swiss watch industry gaining total control over the watch industry in America. The luxury watch industry has become ever more popular in the United States in the past fifteen years and the Decree is not only necessary, it is imperative.

Signed,

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Patricia Dworkin

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John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Robbie Dworkin

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Bradley Dworkin

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed, EFRAIM SHAMAYEV

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

ROBERTO TABORGA

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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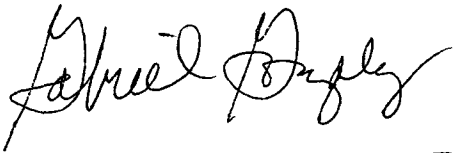

GABRIEL GONZALEZ

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Charles A. Janssen

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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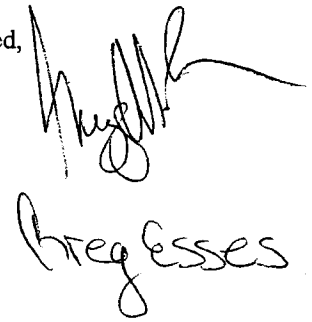

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed, Kurt Rothacker

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Antitrust Division, US Department of Justice,
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Washington, DC 20530

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Signed,

Steve Mrozinski

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

JAMES R. Bullock

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed, H. Vernon Massey

H. VERNON MASSEY

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

GERALD WILSON

Gerald Wilson

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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"JUD"
JUSTUS DELANEY
Justus D Delaney

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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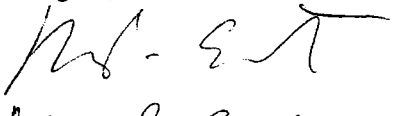

MARC P. SANTIAGO

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Cynthia Marie Andolina

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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Sal C. Andolina

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Antitrust Division, US Department of Justice,
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Mary Beth Croisdale

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John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Michael Joseph Croisdale

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Antitrust Division, US Department of Justice,
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Cassandra Ann Croisdale

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Kimberly A. Milani

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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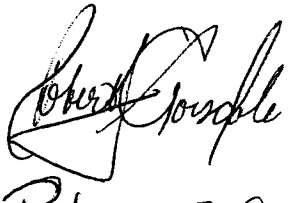

Robert J. Croisdale

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Sara S. Milani

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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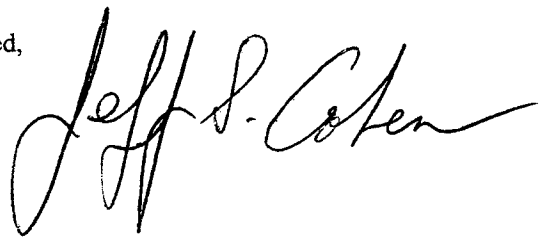

CHICAGO WATCH BROKERS
54 E. MADISON ST. #209
CHICAGO IL. 60602

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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JEFF MORRIS

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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PETER FOSSNER

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Antitrust Division, US Department of Justice,
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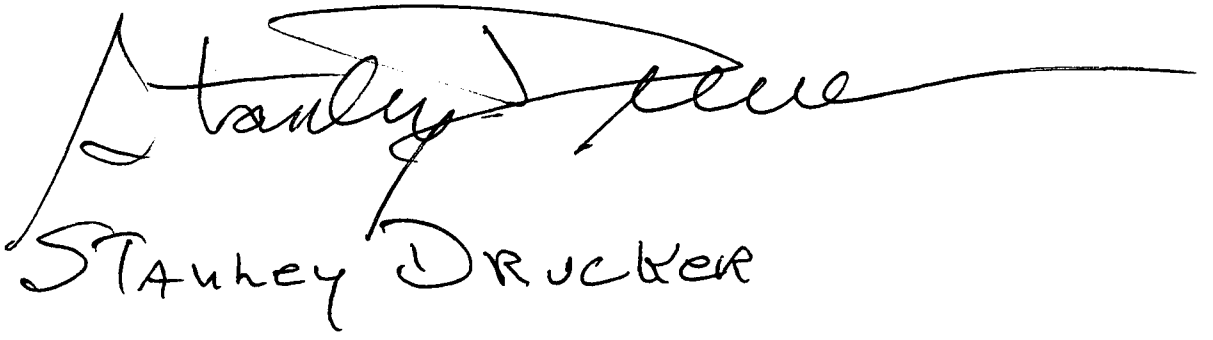

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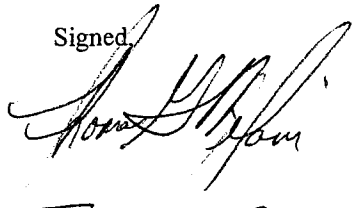

Thomas G. Milani

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LEE T. MOORE

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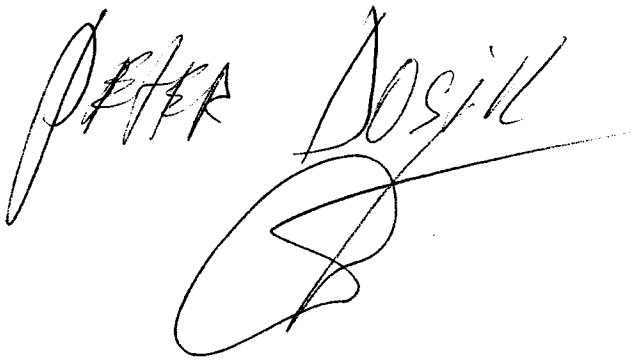

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Harvey Marcus

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PAOLO MANZOLI

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Sarkis Demirdjian

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Signed,

PAMELA DEMINDYAN

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Silva Danielian

SILVA DANIELIAN

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Paylak Demirdjian

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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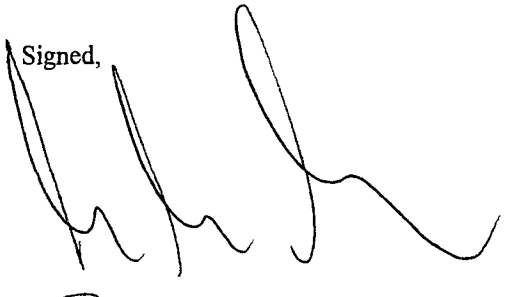

PETER BARSHTAK

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed, Jeff Bernard
Jeff Bernard

Not only should this decree not be rescinded, it needs to be enforced. We are already at the mercy of many companies who will not sell parts,

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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Burley Bullock

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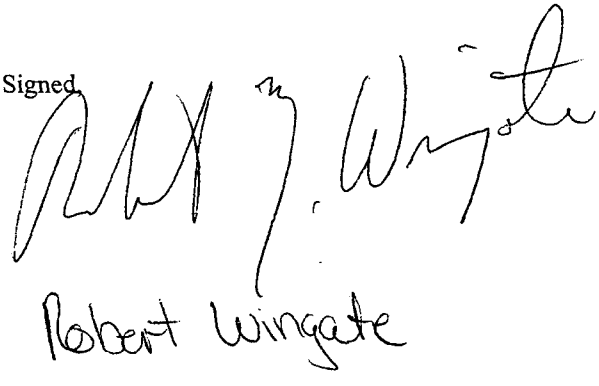

Robert Wingate

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Chief, Litigation III Section
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325 7th Street, NW, Suite 300
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Signed, Pavel Katsen

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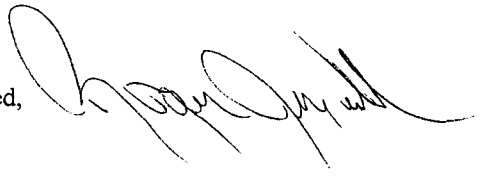

Roger Jensvold

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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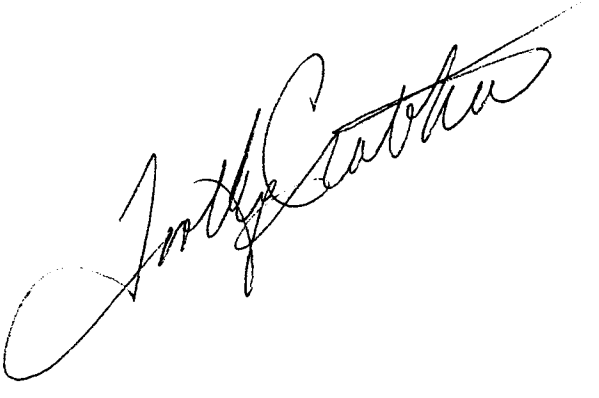
Tony Crabtree



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Sandy Lox

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MARK SMITH

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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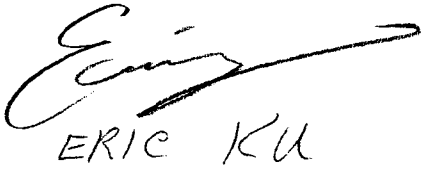

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Signed,

Mauel Strauss

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Viken Berghoudian

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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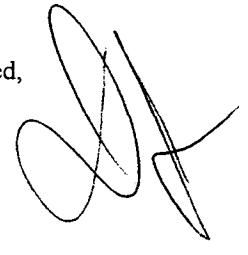

Nory Hezekyan

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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David Finebolit

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Harold W. Ellison

Wayne Ellison

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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Arlon Barton

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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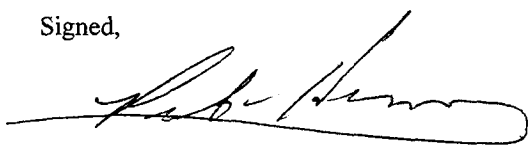

Pete Harvey

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Sultani

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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JONATHAN ZACH

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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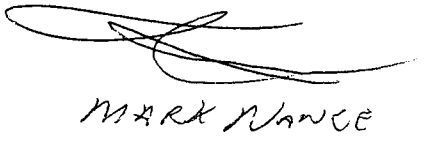

MARK NANCE

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Antitrust Division, US Department of Justice,
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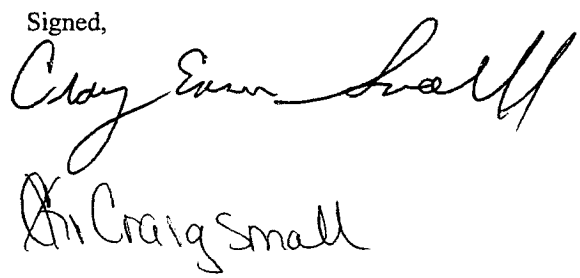

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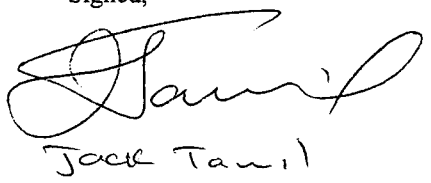

Jack Tamil

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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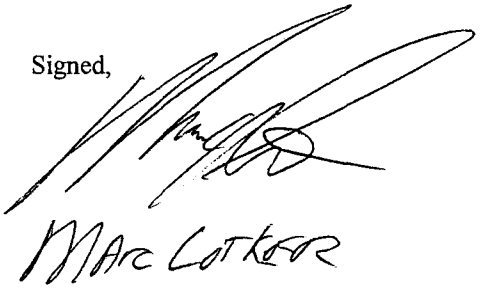

Marc Lotker

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Alfredo Klaus.

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Antitrust Division, US Department of Justice,
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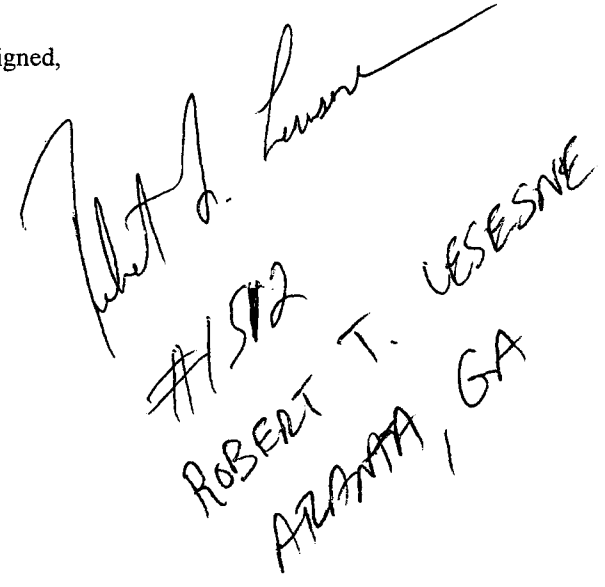

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Michael MARON

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Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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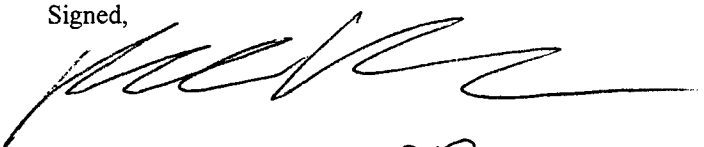

#2808

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Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,
Don Damarest

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Ron Gewenigen

Ron Gewenigen
OAK Brook, IL 60523

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325 7th Street, NW, Suite 300
Washington, DC 20530

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BH Milani.

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Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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Sunil Daryani

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Antitrust Division, US Department of Justice,
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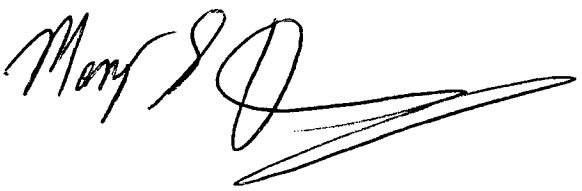
Manoj Daryani



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Seth Larrabure
NY. NY

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Jeffrey Bassoc
NY-NY.

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Antitrust Division, US Department of Justice,
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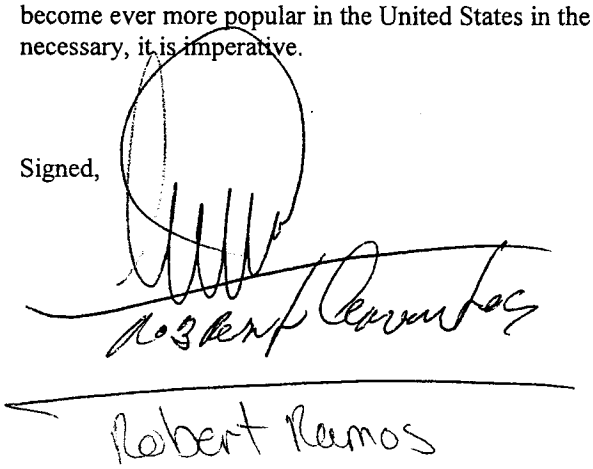

Robert Ramos

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Antitrust Division, US Department of Justice,
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Signed,

Tommy Labret

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

S.K Sangani

Suresh Sangani

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Gurminder Singh

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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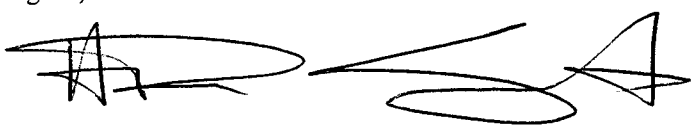

HITPAUL SINGH

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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JAMES F. HENSHAW

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Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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Signed,

Barry Shochat

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

FRED HAKIMIAN

HAKIMIAN GEM CO.
5 S. WABASH SUITE 1212
CHICAGO, IL 60603

JUNE

John R. Read
Chief, Litigation III Section
352 7th Street NW, Suite 300
Washington, DC 20530

June 1,2006

Dear Mr. Read,

I am writing to formally request that you do not rescind the 1960 consent decree that Prohibits U.S. importers of Swiss watches and watch parts from engaging in anti-competitive practices in the U.S. watch industry. I am in the secondary watch market and find that the Swiss companies as a whole are not willing to sell the parts necessary to repair the watches, that they sell here in the US, to anyone but Authorized Service Centers.
As an example, this would be like General Motors only selling parts to their DEALERS SO THAT IF YOU WANTED YOUR CAR FIXED YOU HAD TO TAKE IT TO THE DEALER YOU BOUGHT IT FROM. I'm sure that you see the problem.

The Swiss companies are saying the they are doing this to protect the consumer when in actuality they are doing it for pure greed. I have no problem with profit motive but the service that the companies are providing the watch buying public is appalling. The average time for a watch to be serviced by any of the big watch companies (Rolex, Swatch group etc) is six to eight WEEKS and sometimes longer. It has gotten so bad, that I personally know of several Jewelers here in Phoenix that are getting out of the watch selling business because they cannot give their customers the "after sales" service that they feel they deserve and expect even through the Authorized service centers.

The well-trained independent watchmakers here in the U.S., many trained by the Swiss companies themselves, are ready and willing to take care of the American consumer provided they can buy the parts from the manufacturers.
Please help them do so by not rescinding the 1960 consent and I urge you to look into the Swiss watch industries lack of service to their American customers.

Thank you for your consideration in this matter.

David Fetz
Customer Service/Repair
Inventory Adjusters Inc.
3437 E McDowell Rd.
Phoenix, AZ 85008

GUILLERMIN
MOLLET

Mr. John R. Read, Chief
Litigation III Section
Antitrust Division
US Department of Justice
325 7th Street, NW—Suite 300
Washington, D.C. 20530

June 1, 2006

Re: Termination of Rolex Consent Decree

Dear Mr. Read:

I am strongly in support of maintaining and in fact strengthening of the 1960 Swiss consent decree. If this decree is lifted every independent watchmaker and jeweler in the United States will be put out of business within a few short years, of this I am certain. I am a third generation American watchmaker and a manufacturer of a small luxury line of watches made in Switzerland. As such I am in a position to express a knowledgeable and educated opinion on this subject, and I am considered an expert in this field. I understand your department is prepared to terminate the agreement based on several factors; two main ones being the consumer's "options" when buying a watch and whether or not Rolex "dominates" the marketplace.

DOES THE CONSUMER HAVE OPTIONS WHEN BUYING A WATCH?

Rolex has taken the position that the consumer has many options when buying a watch so the decree should be lifted. This decree is not about options at the point of purchase. It is about options when the time comes to service the watch. It is highly unlikely that the consumer will be informed at the time of purchase that their local watchmaker will never be able to get parts for the routine maintenance of their fine watch. By default the consumer in fact has no options.

It is accepted practice for us as consumers to take a new "under warranty" product to an "authorized factory service center". Imagine that "authorized factory service center" was actually a "factory owned service center". Typically when the warranty has expired, most of us look for a competent skilled professional to handle our repairs. Someone we can have a friendly and trusted relationship with. We also want the work done in a timely manner at a fair price and we do not want to be charged for unnecessary work. These are American traditions and I believe the Department of Justice should foster these important relationships. It is in the best interests of independent American tradesman and the American consumer. Would you Mr. Read purchase a luxury car if you understood in advance that every routine service would have to be done by the "factory owned service center" and you had no options?

DOES ROLEX DOMINATE THE MARKET PLACE?

No other privately held company in the world can boast that:

- They are the world's largest consumer of gold.
- They have threatened the United States Customs Department so many times that customs agents joke "that they work for Rolex".
- They are the largest buyer of print ad space in the world.
- They have the resources to pressure the United States Department of Justice into terminating a decree that was established to protect the American consumer from unfair trade practices.
- They have for 20 years flagrantly disregarded American Law and paid a mere $750,000 fine for it.

8840 Beverly Boulevard, West Hollywood, California 90048 *USA*
Phone (310) 271-9163 *Facsimile* (310) 271-1473
info@guillerminmollet.com

- They can put any company in Switzerland out of business with legal actions for simply making a spring that can be used in one of their watches.
- They will put every independent watchmaker in the United States out of business if they prevail.
- They can stop any critical article about their company by simply threatening to either withdraw their advertising budget, or by an expensive law suit.

OF COURSE THEY DOMINATE THE MARKET PLACE, AT LEAST FIGURATIVELY.

It is very convenient for Rolex to question its market dominance to support its argument to rescind the 1960 antitrust decree against it. They may not sell more watches then Seiko but they are the worlds Keystone Watch Company, nobody involved in the watch industry in America, Japan or Switzerland would disagree. The only thing that prevents them from literally dominating is simply their intent.

IF THIS DECREE IS TERMINATED:

The American consumer will be forced to spend nearly twice as much as is customary for servicing their watches. The factory typically replaces parts that do not need to be changed; and since they have a monopoly on these parts they can charge anything they want for them. The consumer will not know what is necessary and what is unnecessary since they will not have a relationship with the technician at the service center. The factory will control every aspect of the repair.

WHEN THE DECREE IS TERMINATED:

Every other watch company in Switzerland will be drafted in behind Rolex. They will waste no time in asking for the same considerations, even though they are already holding back most parts. Will the Department of Justice consider them individually and as such accept that they are not a monopoly or at some time will the Department decide that as a group all these watch companies constitute a monopoly and the consumer has no "options" and they do "dominate" the field?

SETTING A DANGEROUS PRECEDENT:

What if all the automobile manufactures in Germany decide that terminating this decree should apply to them as well? Will the Department of Justice consider that the consumer has "other options" and these German manufactures do not "dominate" the market and release them from their responsibilities also?

ECONOMIC FORCES:

The argument can be made that the Department of Justice should not be legislating on issues that would normally be resolved by market forces which would give consumer options. In other words, if the watch companies are charging too much for their parts then other companies will fill the void. This will not happen because Rolex is to powerful and because they are a vertical company and can destroy any competitor. They can for example lower their prices (as they did a few years ago) for a short time while a competitor is trying to get a foothold in the market. Because of modern production techniques those factories most watch parts can be manufactured very cheaply.

UNFAIR TRADE PRACTICES AND BRAND PROTECTION:

Briefly, let's take a moment to discuss the Rolex position with respect to its quality and brand name protection. Of course, we all understand that a company wants to protect its reputation. Many aftermarket products in other industries are licensed if patents protect them. But there is a disturbing trend in the watch

industry with respect to Rolex. Rolex goes out of its way to redesign simple parts so that they now require special tools for repair. Parts inside some of these assemblies are designed to wear out prematurely. These are the cheapest parts to manufacture and they own the rights to the special tools to fix the assembly. In many cases these special tools are not available to the skilled independent watchmaker. If they are available they are very expensive. In some cases high quality aftermarket tools are available but Rolex forbids their use. In some cases they will sue a Swiss company for making the tool. In some cases if they discover that the watchmaker is using one of these tools they will cancel their parts account.

Could you imagine Chrysler suing Goodyear because they manufacture a tire that can be used on one of their cars? Well that is quite a normal attitude with Rolex. Several years ago I went with a partner to Switzerland and tried to have some parts made to fit some older Rolex watches. I was told by the owners of the small factory that since these parts could be used in a Rolex they did not want to make them. It was not that they did not want the business; it was just that if Rolex got wind of it they might be sued and it was not worth it to them.

Over two thousand years ago a Greek named Archimedes invented the screw. He also set forth many of the modern principles of mechanics. The Rolex Watch Company behaves as if they own these principles? It is the belief that they own the rights to certain dimensions of parts that can be used in their products, such as mainsprings, wheels or levers. Archimedes patents ran out a long time ago. But it seems as though Rolex does not respect that fact.

ORIGINAL OR AFTERMARKET, WHICH ARE BETTER?

There has always been a battle in Switzerland about generic parts, which are sold for much less then the original ones. Years ago there were many small precision factories in Switzerland with the tooling to produce parts that could be used in Rolex and other brand watches. In many cases they were superior to those that Rolex used. Superior, how was this possible you may wonder? Well a watch part can easily be designed to wear out sooner rather then later. As an example, several years ago Rolex produced the caliber 2130. This watch had a clutch wheel that continually failed. Rolex "redesigned" parts of this movement but never really corrected the problem. In the interim, the consumer was forced to foot the bill for unending repairs to a watch they believed to be a quality product. This is not an uncommon problem. In the case of mainsprings, high quality aftermarket mainsprings have been designed so as not to prematurely break as do genuine mainsprings. Most of these small specialty manufacturers, which make aftermarket parts, have either been purchased by the Swiss factories involved in exclusive parts contracts, or have been coerced not to make aftermarket Rolex or brand parts, the rest are simply out of business.

THE DOMINATE QUESTION:

It is very convenient for Rolex to question its market dominance to support its argument to rescind the 1960 antitrust decree against it. If the decree is lifted the windfall for Rolex will be substantial. However the windfall to the rest of the Swiss watch industry will be ten times that. These other Swiss companies may by brand seem small but they are all owned by much larger holding companies such as LVMH, Swatch and the Richemont Group. They are also vertically integrated companies and, as such, control nearly every sector of Swiss watch production.

WHAT IS THE SOLUTION?

In late May of last year economic interests in Switzerland began an orchestrated effort to seek a free trade agreement with the United States. Lobbyists in Washington have already addressed this issue and the urgency is such that a proposed agreement must be negotiated and signed by 2007 before the current

administration leaves office. Among those greatly benefiting from such an agreement would be the Swiss watch companies and multinational holding companies such as LVMH, Swatch and the Richemont group.

The United States is currently the most important market for Swiss watches, with consumption of approximately eighteen percent of its total production. American consumers spent nearly $1.7 Billion on Swiss watches in 2004. The 2004 import tax derived from these imports amounted to $55 Million and is the single largest sector of US Customs revenue.

I respectfully request that The United States Department of Justice seriously consider the impact of a Swiss Free Trade Agreement. In addition to all that I have mentioned earlier in this letter, such a free trade agreement would result in the United States losing a significant revenue and import taxation on myriad other Swiss products.

I strongly recommend that if the United States is prepared to offer Switzerland a free trade agreement then independent watchmakers should have, in return unrestricted access to all Swiss factory replacement parts. It is very little to ask for.

It may seem Mr. Read that you are not receiving enough letters on this subject. I have spoken with many small independent watchmakers that still do have limited access to parts from Rolex about this issue. I have asked them to contact the Department of Justice to express their views. Sadly, but understandably none would risk their fragile relationship with Rolex by sending a letter as they are sure they would have their parts account terminated. I do not have a parts account with Rolex and do not need one therefore I am not concerned. I am expressing my views on behalf of all the independent watchmakers I work with.

In conclusion, I would like to share a story and make this one final point. One of my favorite watchmakers is a man in his 60s. He has been a watchmaker for over 50 years working on Rolex watches. He is the most skilled watchmaker I have ever had to honor to work with. The other day he looked at me and said "Before they (Rolex) will send me a new part they make me waste my time sending back the old worthless worn out part as if I am some kind of a criminal".

It is important that the United States Department of Justice understands that there can be no fair competition with a company like Rolex. If the Rolex Watch Company is comfortable putting Swiss companies out of business what will they do with American companies when the decree is terminated? They simply do not believe in free trade and they never will. Please do not terminate the 1960 decree, which was established to protect American consumers and thousands of dedicated decent people who work in the watch and jewelry industry in the United States.

Respectfully Yours,

Sig Shonholtz

301 E. Healey St.
Champaign, Illinois 61820-5508

June 3, 2006

Mr. John R. Read, Chief, Litigation III Section
Antitrust Division, U.S. Department of Justice
325 Seventh St. NW, Suite 300
Washington, D.C. 20530

Dear Sir:

I object extremely to restraints in trade which make it impossible for me to buy genuine parts for my customers which rightfully trust me to make proper repairs on their watches. For example, Rolex parts. They should be forced to engage in free trade, not allowed to increase further their refusals to sell parts and deal with material houses and tradesmen.

Sincerely,

Allan D. Eckel

Allan D. Eckel.

Mr. John R. Read, Chief
Litigation III Section
Antitrust Division
US Department of Justice
325 7th Street, NW—Suite 300
Washington, D.C. 20530

June 3, 2006

Reference: Planned Termination of the 1960 Rolex Consent Decree

Dear Mr. Read:

As a private citizen with a personal involvement in the watch industry I would like to express my views on the Department of Justices decision to rescind the 1960 consent decree. Please consider my opinion when making your decision.

The nominal fine of $750,000 that your department has levied against the Rolex Watch Company is nothing for them to pay against the windfall profits they will gain by the termination of the decree and by extension to the rest of the Swiss watch companies. Rolex would have us all believe that since the consumer has a choice when buying a watch, that they therefore do not have a monopoly. I assure you Mr. Read that once the decree is rescinded the Swiss watch industry will have a choke hold on every independent watchmaker and jeweler in the United States. When that happens they will, without a doubt, cause every independent watchmaker and jeweler be put out of business.

Rolex is blatantly collapsing two issues into one. The first is whether consumers have enough choice or "options" when they buy a watch. Of course the consumer has many, almost too many "options", but the decree is set forth to protect the consumer from the Swiss monopolies after the customer has purchased the watch, when it is too late. You can be sure that no consumer will have "options" when it comes time to service their watch. That is a monopoly, and in my opinion the intent of the law is to prevent dominance rather than react to after it is too late.

The argument is that in 1960 the Swiss watch industry controlled over 50% of the American watch market and today they only control 6%. However the percentage that they controlled of the luxury market in 1960 was 99% and that figure has not changed. So it is, that while times may have changed, circumstances have not.

WHAT IS THE SOLUTION?

Economic interests in Switzerland are lobbying the United States Government for a free trade agreement. The Swiss lobbyists in Washington are trying to finalized this agreement before the current administration leaves office. Among those greatly benefiting from such an agreement would be the entire Swiss watch industry and the multinational holding companies such as LVMH, Swatch and the Richemont group.

I would support the new trade agreement with one simple and small request, which is that the Swiss watch factories agree to unrestricted supply of Swiss factory replacement parts. This I believe is in the long term best interests of the American consumer and independent American watchmakers.

I strongly recommend that if the United States is prepared to offer Switzerland a free trade agreement then independent watchmakers should have in return unrestricted access to all Swiss factory replacement parts. The original existing decree should be strengthened and enforced.

Sincerely

Concerned Private Citizen

32403

Hollander, Taryn L.

From: little.leah@gmail.com
Sent: Monday, June 05, 2006 6:22 PM
To: ATR-Antitrust - Internet
Subject: Reference: Planned Termination of the 1960 Rolex Consent Decree - PLEASE DON'T

tmp.htm

Mr. John R. Read, Chief
June 3, 2006

Litigation III Section

pk 3

Antitrust Division

US Department of Justice

325 7th Street, NW?Suite 300

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I strongly recommend that if the United States is prepared to offer Switzerland a free trade agreement then independent watchmakers should have in return unrestricted access to all Swiss factory replacement parts. The original existing decree should be strengthened and enforced.

Sincerely,

Leah Setka
Los Angeles, CA
310.479.0347

TIME HONORED

217 DORRIS PLACE
STOCKTON, CALIFORNIA 95204
PHONE: (209) 944 - 0900

June 5, 2006

John R. Read
Chief, Litigation III Section
Antitrust Division, U.S. Depart of Justice
325 7th Street, N.W., Suite 300
Washington D.C. 20530

Dear Mr. Read,
I am a second generation watchmaker celebrating my 30th year in this time honored trade. I am a graduate of the WOSTEP program in Neuchatel, Switzerland and worked for Cartier for four years in after sales service.

I am aware that many of my colleagues have been sending their comments anonymously but I feel this situation is too serious to take that precaution. Make no mistake about it, I feel I am writing this letter at my peril. You see, I am fortunate enough to have secured a contract with Rolex USA that allows me to purchase their spare parts. These contracts are highly prized by watchmakers because they can mean the difference between eeking out a living or meeting with some manner of success. The provisions of this contract allows Rolex USA to tell me what kind of shop I have to have, what kind of tools I have to have and also what I can do with the parts after I have purchased them. A few years ago I had to invest in a timing machine that cost $1,750.00 because of my contractual agreement.

While the Swiss Cartel would have you believe that the situation regarding the distribution of spare parts has changed dramatically in the last 40 years I truly believe that the exact opposite is true. There were many independent watch companies back then and more competition. Today many of the old companies are held together as part of a "group". This arrangement gives them more control over the spare parts that are of the utmost importance to the independent watchmaker. The Japanese products that flood our market are not what makes me a living. The products from the Swiss Cartel are and these companies are held in fewer hands today and they wield enormous control. Don't let Rolex and the rest fool you they are trying to squeeze myself and the watch parts distributors out of making a living. The situation is just as critical today as it was in the 1950's if not more so.

Please do not disassemble the original consent decree. Keep it intact if you can. The United States of America has an extremely rich watchmaking heritage. We must not let it slip away.

Richard R. Rogers

Sincerely, Richard R. Rogers, Watchmaker, WOSTEP 84/1

1722 Madison Avenue
Toledo, Ohio 43624

The Wm. S. McCaw Company
WHOLESALE JEWELRY
Since 1913

Tel 419/243-3720
Fax 419/243-0321

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice
325 7th Street, NW Suite 300
Washington, D.C. 20530

June 5, 2006

Supplemental to Civil Action No. 96-170

Dear Mr. Read,

As a follow-up response to a letter sent by myself to you dated April 25, 2006, I would like to submit to you the following additional information.

Enclosed are copies including the front cover of a comprehensive report of 2005 US watch sales with conclusive market data concerning the dominant Swiss Watch Companies. Mr. Read this analysis was done without prejudice to any watch company, and was an independent retail measure of the United States fine watch market.

As you can see from page 6 of the analysis, from total sales of $4.7 billion dollars, luxury watch sales totaled $3.4 billion dollars or 73% of all dollar sales for watches. A far cry from the 6% figure Rolex uses in their argument. Furthermore of the 47 top watch brands in the US market, 45 of the companies are of Swiss origin. I equate this to TOTAL MARKET DOMINATION of the Luxury Watch Market.

As you can see from page 15 of the listing of Dollar Sales per brand, Rolex is NUMBER ONE in this category. Also eight of the top ten brands are of Swiss origin. Again TOTAL MARKET DOMINANCE. As was quoted in the A. Changes in the Watch Industry, "Switzerland is no longer considered to be the most dominant supplier of watches" is a totally false statement.

In conclusion Mr. Read, I am sure you will agree that some of the information that Rolex supplied to you was flawed and misleading at best. My question to you is, how much more information supplied to you by Rolex is misleading?

THE CONSENT DECREE MUST BE KEPT IN PLACE!

Sincerely,

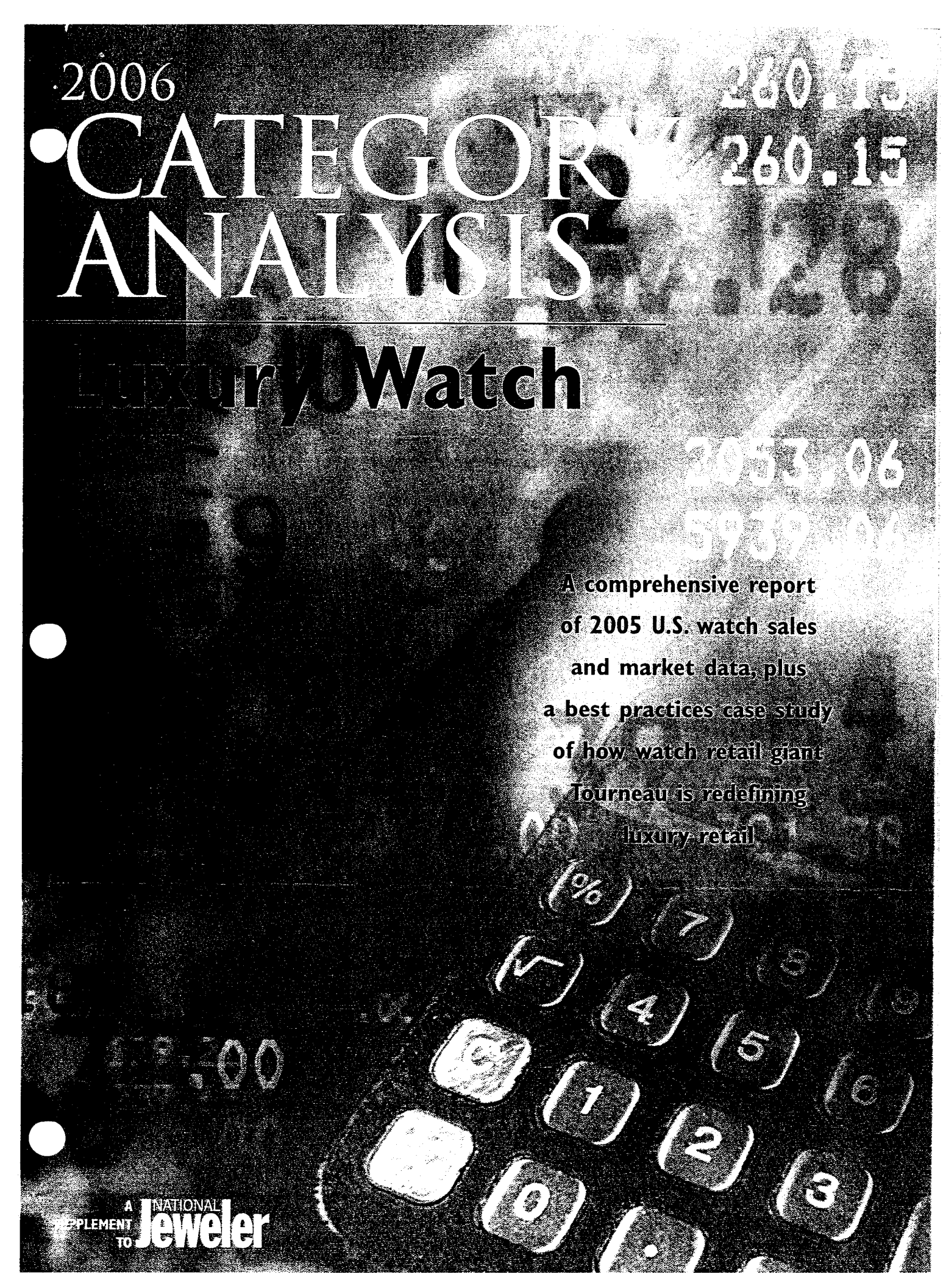
Gerald A. Wilson
President

Enclosures

2006

CATEGORY ANALYSIS

Luxury Watch



A comprehensive report of 2005 U.S. watch sales and market data, plus a best practices case study of how watch retail giant Tourneau is redefining luxury retail

A SUPPLEMENT TO NATIONAL Jeweler

U.S. fine watch market tilts toward high end in 2005

By Tom Kuczynski

Overall, 2005 was a good year for many watch retailers and brand owners in the United States, with consumers' willingness to pay big bucks for luxury wristwatches helping to nudge sales figures higher, especially for independent jewelers.

The U.S. fine watch market—defined as watches sold through fine jewelers with a manufacturer's suggested retail (MSRP) of $50 or more—achieved $4.7 billion in retail sales, representing an 8 percent increase over 2004, according to LGI Network, the Randolph, N.J.-based retail measurement service company for the jewelry and watch industry.

The spoils of last year's watch sales victory were not, however, evenly distributed among retailers or brand owners, LGI found. Growth, measured in both unit sales and dollars, was concentrated on the upper end of the price spectrum. Unit sales in the $5,000-plus price point range, for example, grew 20 percent, year-over-year, while unit sales in the $50-$150 range fell 6 percent. The robust nature of the upper end of the market and the flagging performance at the lower end appears to be a persistent trend in the market.

On the brand front, it appears that success begets success. The top-selling brands of 2004—those that ranked in the top 10 in terms of unit or dollar sales—were back on top again in 2005, with only minor shifts in rankings. While some mega-brands achieved sales in excess of $150 million, the median sales level for brands that saw more than $10 million in sales last year was $32.7 million.

Seven brands enjoyed double-digit same-store sales growth in terms of units last year, while a total of 14 brands achieved positive growth. By contrast, 12 brands saw their same-store unit sales fall by 10 percent or more. Overall, 23 watch brands with U.S. sales above $10 million achieved lower same-store unit sales volumes in 2005 as compared to 2004.

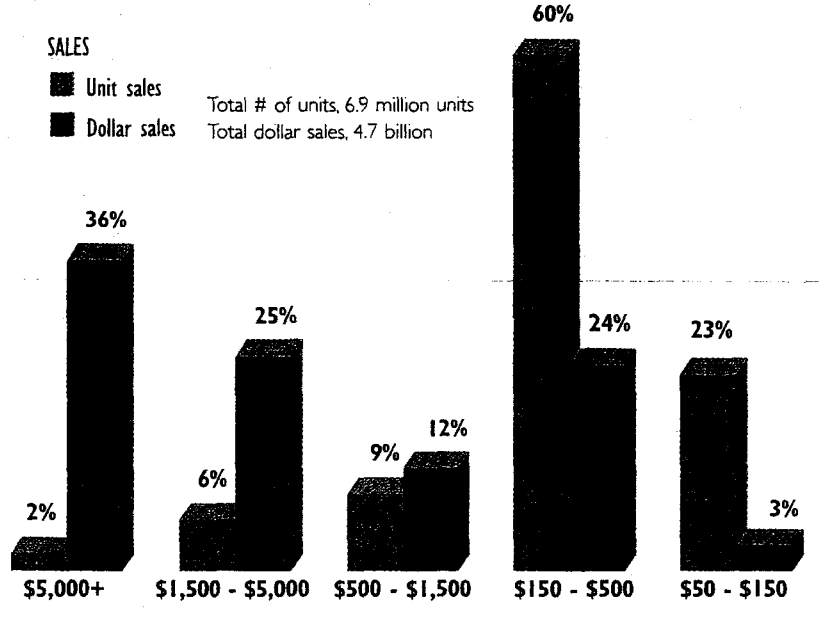
Relatively strong market conditions, coupled with perhaps, a healthy dose of business acumen, supported an impressive performance from the nation's elite fine watch retailers. The top 1 percent of fine watch retail storefronts captured 15 percent of the year's sales, ringing up more than $4 million in sales per storefront. By comparison, for stores across the retail spectrum, the median fine watch sales per storefront in 2005 were $29,500.

About this data

The data in this article was supplied by LGI Network of Randolph, N.J. The firm provides retail measurement services for the jewelry and watch industry using point-of-sale and inventory data to measure retail activity and trends in the U.S. fine watch market. Information captured by the service includes sales results by brand, model, case material, gender, MSRP and geographic region. For more information on LGI, go to: www.lginetwork.com

Unit and dollar sales by price point

U.S. watch sales, 2005



All about the high end

The U.S. fine watch market generated sales of $4.7 billion in 2005. This figure includes the original retail sale price of watches which have a manufacturer's suggested retail price (MSRP) of $50 or more, and are sold through independent retail jewelers, jewelry-specific retail chains and the fine jewelry departments of department stores in the United States. These figures do not include the results of big-box discount chains or company-owned, single-brand boutique retail stores.

In total, 6.9 million fine watches were sold in 2005. Of these, 83 percent had an MSRP of $500 or less, while 17 percent had an MSRP above $500. However, watches with an MSRP above $500 disproportionately generated a total of $3.4 billion, or 73 percent of all dollar sales. Although watches priced above $5,000 accounted for only 2 percent of all watches sold in terms of units, these timepieces generated 36 percent of sales.

U.S. watch market: Fine watch brand chart*

Based upon 2005 annual retail sales, by price point

$150+ million		Bulova Citizen Seiko	Movado	TAG Heuer	Cartier Rolex
$50-150 million	Pulsar	Swiss Army	Raymond Weil Wittnauer	Baume & Mercier Breitling Omega Rado	Patek Philippe
$25-50 million	Caravelle	ESQ Tissot	Gucci Longines Michele	Concord Ebel	Chopard Franck Muller IWC Jaeger-LeCoultre Officine Panerai
$10-25 million		Coach Hamilton	Accutron TechnoMarine	Bedat & Co. Charriol Corum David Yurman Maurice Lacroix	Audemars Piguet Blancpain Breguet Girard-Perregaux Harry Winston Piaget Ulysse-Nardin Vacheron Constantin Zenith
	$50-150	**$150-500**	**$500-1,500**	**$1,500-5,000**	**$5,000+**

Average MSRP *Brands listed in alphabetical order within each category

Sizzling seven lead the brand pack

In 2005, LGI Network tracked 55 active fine watch brands in the United States through a 6,500-storefront retail panel and a 30,000 storefront database of retailers. Most of the watch brands, 47 in all, achieved projected annual retail sales in excess of $10 million.

However, only seven of the 47 brands—Bulova, Cartier, Citizen, Movado, Rolex, Seiko and TAG Heuer—passed the $150 million threshold in retail sales. Looking more broadly at the market, median annual sales for the 47 fine watch brands shown in the chart above as earning $10 million or more in annual revenue were approximately $33 million. In other words, the "typical" successful fine watch brand generates about $33 million per year in U.S. retail sales.

This is no small feat. With a relatively small investment required to enter the U.S. watch market, more than 300 brands identified by LGI Network compete for retail real estate and consumer recognition.

The challenge of breaking out of the pack is considerable, as evidenced by the modest number of brands that grow to exceed $10 million in retail sales. In order to remain competitive, brand managers must stay on top of which products are selling, and figure out ways to achieve product differentiation in an increasingly crowded market.

Top-selling fine watch brands

U.S. watch sales, 2005

Rank	Unit sales	Dollar sales
1	CITIZEN	ROLEX
2	SEIKO	CITIZEN
3	BULOVA	SEIKO
4	PULSAR	MOVADO**
5	CARAVELLE	TAG HEUER**
6	MOVADO	BULOVA
7	SWISS ARMY	CARTIER
8	ESQ *	BREITLING
9	ROLEX *	OMEGA
10	TAG HEUER *	PATEK PHILIPPE

*Tie for 8th place

**Tie for 4th place

Top brands shuffle a bit

The list of the top 10 best-selling brands in 2005, based upon unit sales and dollar sales, closely resembles the 2004 list.

Two brands, however, jumped up a notch this year: Bulova, which ranked No. 4 in unit sales in 2004, climbed to the No. 3 position in 2005; and TAG Heuer, which ranked No. 7 in dollar sales for 2004, climbed to No. 4.

Brand growth*

U.S. watch market, 2005 vs 2004

Same-store unit sales growth rate	Number of brands
20% +	3
10% to 19%	4
0% to 9%	7
-10% to -1%	11
< -10%	12
Overall market growth: -1%	

* Includes only brands with annual sales above $10 million

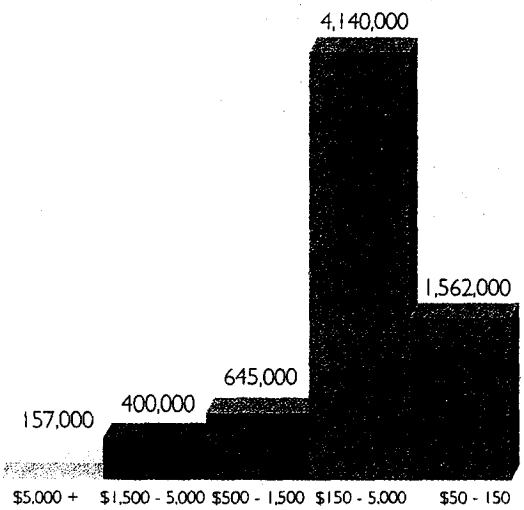
Fewer watches sold by most brands

While overall unit sales fell by 1 percent in 2005 versus 2004, several fine watch brands bucked the trend and delivered double-digit growth.

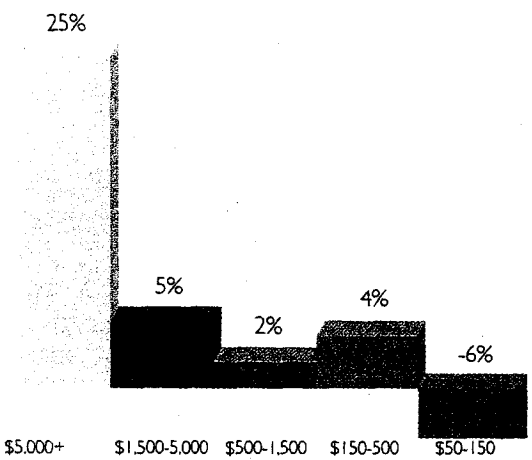
In fact, of the 41 brands reported on here, seven brands grew by 10 percent or more and another eight brands exhibited positive unit sales growth. The majority of brands, however, experienced declining unit sales.

U.S. watch market: Unit sales, growth by price point

UNITS SOLD, BY PRICE POINT (2005 VS. 2004)



DOLLAR SALES GROWTH, BY PRICE POINT (2005 vs 2004)



Looking at unit sales by price point, there was a clear divide in the market in 2005

Watches in the sub-$500 price range experienced low single-digit increases to negative unit sales growth, while watches in the $500-plus price point range saw moderate to robust growth.

Similar, but even more pronounced than last year's results, is the strength of the $5,000-plus category, which experienced a 20 percent increase in unit sales and a 25 percent jump in dollar sales.

With 83 percent of unit sales occurring in the sub-$500 category, however, overall unit sales dropped 1 percent. Reflecting the trend towards higher price point sales, the average MSRP increased by 10 percent to $677.

Dashefsky, Michael

From: Hinman, Elizabeth
Sent: Monday, June 05, 2006 9:17 AM
To: Read, John; Hale, Nina; Dashefsky, Michael; Lewis, Lynette
Subject: FW: Planned Termination of The 1960 Rolex Consent Decree

FYI, comments re: Rolex from the Antitrust-Internet Comments email box.

Happy Monday,

Liz

-----Original Message-----
From: JonGoldfarb@adelphia.net [mailto:JonGoldfarb@adelphia.net]
Sent: Sunday, June 04, 2006 10:36 AM
To: ATR-Antitrust - Internet
Subject: Planned Termination of The 1960 Rolex Consent Decree

Mr. John R. Read, Chief
June 2, 2006
Litigation III Section
Antitrust Division
US Department of Justice
325 7th Street, NW?Suite 300
Washington, D.C. 20530

Reference: Planned Termination of The 1960 Rolex Consent Decree

Dear Mr. Read:

Please review this letter and the facts and points that it contains and take these facts and points in to consideration prior to making a decision on rescinding the 45 year-old Rolex Consent Decree. The Rolex Consent Decree was created and intended to be a legally binding agreement imposed on Rolex and several other Swiss watch companies because of ?unfair trade practices? these watch companies practiced regarding the supply of replacement parts.

As punishment for lack of adherence to the existing Consent Decree, Rolex has agreed to pay a nominal fine of $750,000 for more than 20 years of Decree violations.

Rolex also claims they are not dominant in their market, but consider the following facts:

· Swiss watch industry represents 6% of the total American watch market, but Rolex accounts for 99% of the American luxury watch market (in 1960 when the decree was imposed on Rolex for unfair trade practices, Rolex supplied over 50% of all the watches sold in America, but since 1960, there has been a tremendous increase in the presence of low cost, entry level watches, which greatly distorts Rolex?s misleading argument/position)

· The United States accounts for approximately 18% of Swiss watch total production

· American consumers spent nearly $1.7 Billion on Swiss watches in 2004

· 2004 import tax derived from Swiss watch imports amounted to $55 Million nd is the single largest sector of US Customs revenue (The United States epartment of Justice should seriously consider the financial impact f a Swiss Free Trade Agreement on the United States import tax)

· Rolex?s annual advertising budget exceeds the GNP of many small countries

· Rolex is the World?s largest manufacturer/producer of gold products

· Rolex has filed numerous legal actions against the United States Customs Department

· Rolex has actually used their influence and power to prevent other Swiss companies from making and selling superior aftermarket parts that fit Rolex (There were many small precision factories in Switzerland with the tooling to produce superior parts that can be used in Rolex and other brand watches, but most of these small specialty manufacturers have either been purchased by the Swiss factories, or have been coerced not to make aftermarket Rolex or brand parts, or are out of business.)

· Rolex has often ?redesigned? parts but never really corrected the problem, requiring the consumer to pay for recurring repairs

If this Consent Decree is rescinded, the following will be the negative results:

· American Independent watchmakers will suffer due to lost service and most will be forced out of business

· American consumers will be charged excess and unnecessary fees for repair and service of their watches since they will be forced to spend nearly twice as much for servicing their watches because the factory typically replaces parts that do not need to be changed

· American consumers will experience excessive delays in waiting for their watch to be repaired/serviced (Please note that consumers who have their watches serviced/ repaired by a Rolex Service Center en already experiencing tremendous delays.)

In further defiance of the existing Consent Decree, Rolex has recently redesign standard parts so that those parts now require special tools for disassembly. In many cases these special tools are not available to the skilled independent watchmaker, and if the special tools are available, Rolex charges excessive prices for these special tools, and in some cases high quality aftermarket tools are available but Rolex forbids their use.

The Department of Justice should not expect to receive many letters from the American independent watchmakers and merchants due to the fact that some independent watchmakers that still do have limited access to parts from Rolex, but they fear that their parts account and fragile relationship with Rolex will be terminated.

Rather then considering rescinding the existing Consent Decree, the Decree should be strengthened and enforced.

Please do not terminate the 1960 decree, which was established to protect the American consumers and independent watchmakers and merchants who work in the watch and jewelry industry in the United States.

Sincerely,

Jon Goldfarb

Dashefsky, Michael

From: Hinman, Elizabeth
Sent: Monday, June 05, 2006 3:20 PM
To: Read, John; Hale, Nina; Lewis, Lynette; Dashefsky, Michael
Subject: FW: Request end to monopolistic privileges of Rolex Watch Company

tmp.htm

FYI, more comments re: Rolex from the Comments inbox.

Thanks!

Liz

-----Original Message-----
From: ken@wannabuyawatch.com [mailto:ken@wannabuyawatch.com]
Sent: Monday, June 05, 2006 1:49 PM
To: ATR-Antitrust - Internet
Subject: Request end to monopolistic privileges of Rolex Watch Company

To whom it may concern:

As an owner of a store specializing in sales and repairs of preowned and vintage Rolex and other fine
Swiss watches, I request that the 1960 decree requiring Rolex watch company to engage in fair
trade practices remain in effect.

Rolex currently is permitted monopolistic business practices and has been seeking to deny availability
of parts for repair of Rolex watches. Please do not further assist their monopolisitic policies
which put my continued legal and valuable business operations in jeopardy.

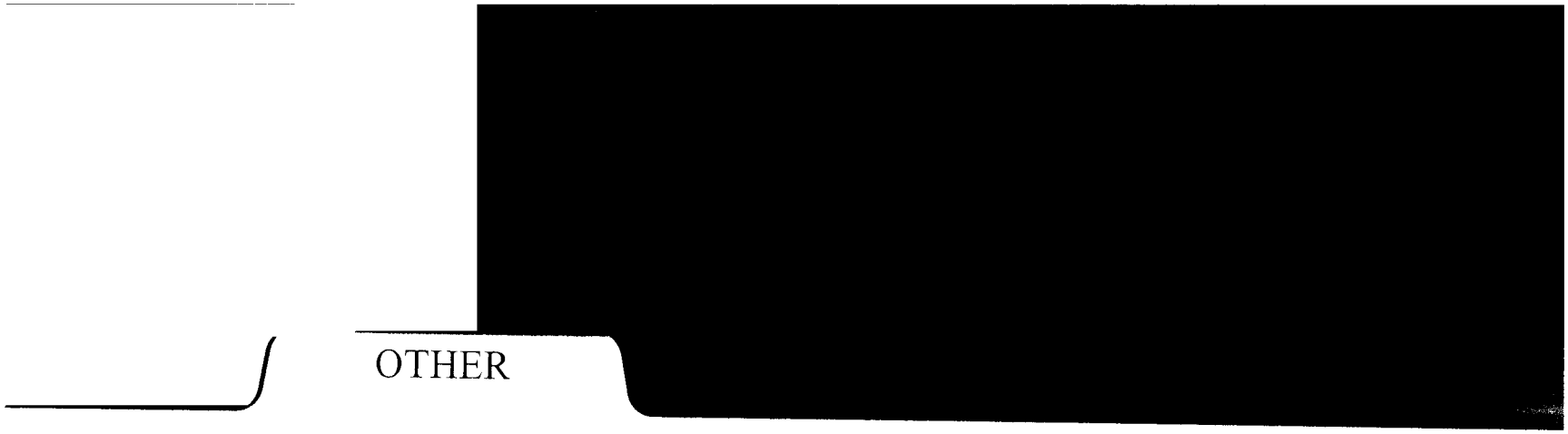
Thank you,
Ken Jacobs Phd
Wanna Buy A Watch?
8465 Melrose Ave
LA, CA 90069

tel 323 653-0467
fax 323 654-9101

email Ken@wannabuyawatch.com
Website WWW.WannaBuyAWatch.com

Member following Trade Associations:

National Association of Watch & Clock Collectors
International Watch & Jewelry Guild
American Watchmakers Institute


OTHER

649 Brandon Town Ctr Mall
Brandon, FL 33511-4770
Phone: 813.655.9498
Fax: 813.664.1274
email: swellguy.
watchdoc@verizon.net

America's Jewelry Repair Professionals®

We Fix It Right Away
We Fix It Right In Front of You
We Fix It Right !

John Read, Chief, Litigation III, Antitrust Division, U.S. Department of Justice, 325 7th Street, NW, Room 300, Washington, DC 20530

Re:

UNITED STATES OF AMERICA, Plaintiff, v. THE WATCHMAKERS OF SWITZERLAND INFORMATION CENTER, INC., ET AL Defendants.	Supplemental to Civil Action No. 96-170 Date: February 28, 2006 Civil Part I Judge

MEMORANDUM OF UNITED STATES IN RESPONSE TO MOTION OF ROLEX WATCH U.S.A., INC. FOR ORDER TERMINATING FINAL JUDGMENT

Dear Mr. Read,

When I read the **MEMORANDUM OF UNITED STATES IN RESPONSE TO MOTION OF ROLEX WATCH U.S.A., INC. FOR ORDER TERMINATING FINAL JUDGMENT**

I was amazed & appalled. I am a watchmaker not an attorney so I do not know the relevant case law cited by Rolex USA. I do know when something smells bad & this really stinks.

In 1991 Rolex cancelled about all of it's "mom & pop" dealerships in favor of chain stores, thereby depriving a lot of store owners that had been good paying accounts of Rolex for years of a large chunk of their livelihood. They also restricted parts to dealerships thereby depriving watchmakers of a good portion of our livelihood.

The swiss watch companies have almost all done the same. These companies are now more restrictive & collusive than ever before. .

I don't have a Rolex account even though, having worked at a dealership, I know I'm as good or better than a lot of guys that do. Rolex gives you a certification after a 1-week class. This means that there are a lot of substandard watchmakers out there that are Rolex certified & Rolex knows it. My boss wouldn't spend the money to spend the money on my class even though, or because, he went himself & I'm a much better watchmaker. The AWCI certification test is a week long. 1 week test vs. 1 week course.

Rolex & the other companies say they want to insure PROPER repairs but the fact is they really want to keep as much money for themselves, which means keeping as much as possible out of the hands of us independents. The response to this complaint one time was that we should all get jobs with them. That's restraint of trade, plain & simple. Also it doesn't take a good watchmaker to do a crystal or stem & crown but these parts are also restricted. If I'm doing the work on my own car, the dealership will sell me the part (if not the parts store) no matter how bad a mechanic I am. If I screw it up that's my fault. Unlike watch repairs, auto repairs can be a matter of life & death & the car manufacturers are not restrictive at all.

The end result is a lot of American businesses have been hurt or gone under, American watch repair technicians have been deprived of work, & the American public gets to pay a lot more for products & services.

On the whole, we deserve better.

Sincerely yours,

Alan Garrett, CEO

Douglas S. Stuart
Renaissance Watch Repair
15100 SE 38th St. #746
Bellevue, WA 98006

Mr. John Read
Chief, Litigation III, Antitrust Division
US Department of Justice
325 7th Street NW, Room 300
Washington DC 20530

Re: ROLEX vs. DOJ

Dear Mr. Read

At the end of February (02/28/06) the U.S. Department of Justice issued a press release regarding the termination of a consent decree, which has been in effect since 1960, regarding anticompetitive practices in the U.S. watch industry. I am writing to you to urge the DOJ to keep in place the consent decree of 1960 which was intended to give American watchmakers and material distributors access to repair parts.

Quoting from the press release: "Rolex Watch U.S.A. Inc. has agreed to pay $750,000 as part of a settlement with the Department of Justice that resolves Rolex's alleged violations of a 1960 consent decree that prohibited U.S. importers of Swiss watches and watch parts from engaging in anticompetitive practices in the U.S. watch industry. ...During its investigation of Rolex's alleged decree violations, the Department determined that, as a result of significant changes in the watch industry during the past 45 years, the decree is no longer necessary to protect competition and therefore should be terminated..."

The struggle between independent American watchmakers and the Swiss luxury watch industry has been going on for decades, and the consent decree of 1960 is ample evidence that unfair trade practices were the industry-standard way of doing business. In the intervening decades, nothing has changed... in fact the problem has become worse! The consent decree has gone largely unenforced, and I can attest that access to repair parts for most Swiss luxury brand watches over the past ten years has become ever more limited. It used to be possible for a watchmaker to buy repair parts without restriction from wholesale watch material suppliers. Now, one must petition each Swiss manufacturer for a parts purchasing account, which is only granted either after fulfilling a number of conditions (many of which are highly anti-competitive, if not per se illegal), or in many cases the account is not granted at all.

While this particular DOJ action refers only to Rolex Watch U.S.A., the entire Swiss luxury watch industry has varying degrees of restrictive repair parts supply policies,

which make it very difficult for the independent watchmakers to practice their trade. Some Swiss firms will not sell repair parts to anyone, no matter what their qualifications; all work must be sent to their factory repair centers (where prices charged for parts and repairs can be unfairly manipulated).

If the DOJ was of the opinion that the Swiss watch industry was engaging in anticompetitive practices in 1960, it defies logic for them now to make the assumption that the situation has been alleviated when in fact it has become much worse than anytime in the last thirty-five years. Rolex argues that the industry landscape has changed and that when you view the overall watch market share, the number of units produced by the Swiss watch manufacturers has declined as a percentage of the overall units being produced in the world. The DOJ has accepted this argument as reason to terminate the consent decree, which shows a complete lack of understanding of the marketplace. It doesn't matter how many millions of watches are being produced worldwide. The only number that matters is how many WATCHES THAT CONSUMERS ARE WILLING TO PAY TO HAVE REPAIRED are produced... and the Swiss luxury watch manufacturers clearly dominate that market even more than they did in 1960. No one pays $300 to have their $50 Seiko wrist watch serviced... so to include the vast numbers of low-cost watches as rationale for terminating the consent decree is completely erroneous.

If Swiss watch manufacturers want open access to the American consumer, they should be forced to comply with American laws and practices of free trade. Terminating the consent decree will hurt the American consumer, and it will do serious damage to the American watch repair industry by allowing the Swiss manufacturers to run roughshod over the material distributors and the independent American watchmakers. I urge the DOJ to reconsider the decision to terminate the consent decree, and instead vigorously enforce the laws of the land when it comes to the anti-competitive practices of the Swiss watch manufacturers.

Thank you for your attention to this important matter.

Sincerely,

Douglas S. Stuart
Watchmaker, Renaissance Watch Repair

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

Dear Mr. Read.

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What possible advantage could be gained by rescinding the 1960 Decree other than Rolex and the Swiss watch industry gaining total control over the watch industry in America. The luxury watch industry has become ever more popular in the United States in the past fifteen years and the Decree is not only necessary, it is imperative.

Signed,

Tom Schmitt

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John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Kimberley Deasbitta

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Thomas Rankin

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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Signed,

Michael Horowitz

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Cherye I. Cole

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

G.G.

Rick Klausner G.G.

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Douglas M. DeChance

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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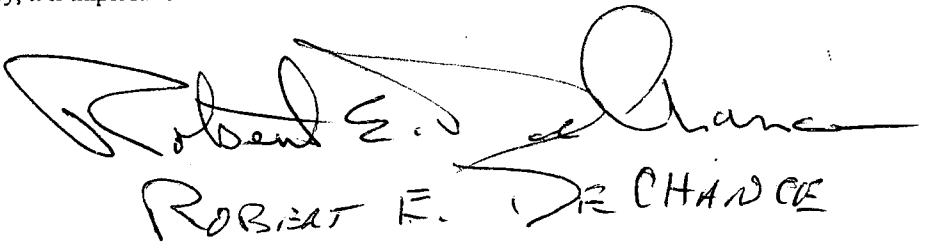

ROBERT E. DECHANCE

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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HARRY ROSENZWEIG JR

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

ZACH BERNG

BERNG'S FINE JEWELRY

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

WILLIAM L. STEELE

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

Dear Mr. Read.

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Signed,

Cindy Mero

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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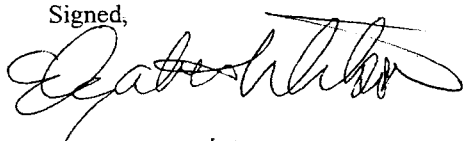

Elizabeth Wilson

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed, Oscar Messina

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed, JOSE HERNANDEZ

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

MICHAEL MORTALE : MCCIA INC.
1851 SAN DIEGO AVE SD 92110

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

MAURICE

TAL Jewelers
5 S. WABASH
CHICAGO, IL 60603

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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HOWARD FRUM JEWELERS
5 S. WABASH
CHICAGO, ILL 60603

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Chief, Litigation III Section
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington, DC 20530

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Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
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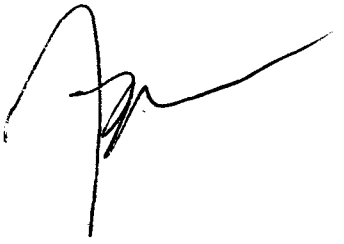

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EDDIE RODRIGUEZ.
626. S. LV BLVD.
LV, NV 89101.

John R. Read
Chief, Litigation III Section
Antitrust Division, US Department of Justice.
325 7th Street, NW, Suite 300
Washington, DC 20530

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Signed,

Shelly Sargent

Shelly Sargent
Schmitt Jewelers
Phx AZ 85020

Dear John Read;

I would like To see The Swiss Watch Groups products Taxed And Import fees Much higher. They Are NoT doing America's bussiness men or The people IN our country Any fAUors! We CAN'T GET PARTS TO repair These WATCHS

Lets INCOURAGE AMERICAN fACTORIES WITH INCENTIVES And TAX Breaks To once AGAIN domanate The U.S. WATCHMAKING INdustry

We WATCHMAKERS IN The U.S have The KNOWhow And TALENT To Turn This AROund!

Debra Warren
650 Vernon Pl
Westfield, IN 46074

to:

John R. Read,
Chief, Litigation III Section,
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington D.C. 20530

Dear Sir:

Don't abandon the 1960 Consent decree between the government and Swiss Watch Companies. To do so would legalize restrictive practices of price control, spare parts control and restrictive franchise agreements in this country.

Sincerely yours,

Debra D. Warren

Debra Warren

CAROLINA MIRANDA
Amber Ryan
Betty Combs
Kristina Saunders
Ray Remmel
PASCUAL ASCENCIO A.
D. Emerick
Shirley D. Eichner
Dennis Howell
Carol Ikemire
Janet Mitchell
Donna Cocco
Deborah Kleffell
Shule Conn
Jaunice Allen
Connie Remmel
George E. Frent
Chelsea Edens
Margaret K. Thiner
Barbara Holmes
Ron Williams
Traci Kulse

Ray Cherry
5128 South Rolling Road
Baltimore, MD 21227

rcherry@RaySoft.net

John R. Read
Chief, Litigation III Section
Antitrust division, US Department of Justice
325 7th Street NW, Suite 300
Washington, DC 20530

Subject: Comments regarding Rolex Consent Decree

Mr. Read,

I am a part-time, independent watchmaker. Starting in the 1970s, I was able to order repair parts from Rolex – initially from their offices in New York City, and later from their offices in Texas. A few years ago, Rolex notified me that I could no longer order spare parts. There was no reason given.

It is my opinion, and I must temper my remarks with the fact that I am not a lawyer, that Rolex has cut off the supply of spare parts in order to create a monopoly in the Rolex watch repair business. To repair a Rolex Submariner, I would normally spend about $60 for parts (all gaskets, new mainspring, new mainspring barrel, etc), which would yield a profit to Rolex of around $30. Now that I can no longer repair Rolex watches (I would prefer to not perform repairs with "generic" parts.), my customers must send their watches to Rolex who will charge about $600 for the repair, of which $300 is probably profit. Rolex, because of the restrictive, monopolistic practices has multiplied their profit by a factor of 10. My profit went down by 100%. Does this seem fair?

Bottom Line: I believe that I have been injured by an illegal practice by Rolex, and I strongly recommend that they be bared from doing further business in the Untied States unless and until the spare parts issue has been resolved. The damage that they are doing to the independent watchmaker *far exceeds* the $750,000 that they agreed to pay.

A few notes:

(1) I agree with and support the stand by the Jewelry Industry Distributors Association which points out that in the 1970s there were many watch parts distributors in the United States. With Rolex (and other Swiss brands) not selling parts to distributors, watch material distributors are rapidly going out of business. In other words, Rolex is moving towards monopolistic control of Rolex watch parts in the US.

(2) Similar situation in the UK and in Europe. You might want to look up the status of the European lawsuit.

(3) Rolex is not the only Swiss watch company which is engaging in practices which I consider to be monopolistic. There is a long list, which I will be delighted to provide upon request.

(4) Most Rolex dealers and many independent watchmakers can purchase parts from Rolex. These folks are forbidden from re-selling Rolex parts. The monopolistic control is tight: Organizations can loose their parts accounts for reselling.

Thank you for considering my input,

Ray Cherry.

PS: I am local. If you would like to chat about this in person, please let me know. I can generally re-schedule my full-time job (software consulting) to make time for meetings.

D. D. Berghold
211 Martinez Spring Dr.
Bozeman, MT 59718

John R. Read,
Chief, Litigation III Section,
Antitrust Division, US Department of Justice,
325 7th Street, NW, Suite 300
Washington D.C. 20530

I would like to offer my comments in regards to the dissolving of the decree that has been proposed concerning Rolex Watch Corp. and other Swiss watch companies.

I am a watchmaker with 20 years experience. In the last 5-8 years I have noticed a trend in the trade that seems to be spreading; the lack of (and encumbrances one is faced with) in regards to spare parts availability. I have maintained a Rolex spare parts account for about 8 years and have felt somewhat belittled by the fact that I have to submit an application nearly every year in order to maintain this account. Additionally, I have to offer consent for a representative to inspect my repair facility without advance notification. Being that my repair facility is at my home, I felt that this was a significant invasion of my privacy. I can understand that Rolex wants to maintain a level of quality control but this seems a little bit beyond the norm of reasonable constraints. No other accounts that I maintain require this kind of scrutiny.

In the past, I have tried to locate simple watch bracelet parts for a customer only to find that the company will only sell me these parts if I have a complete retail account and carry their watch brand. In some cases, companies are not allowing my business to send watches in to the factory for service on behalf of my customer. This is a crime. I am trying to offer a level of good customer service for my clients and these watch companies are preventing me from offering a valuable service to my customers unless I purchase their line of watches.

In a recent conversation with another watch repair facility that, incidentally had their Rolex parts account cancelled because they were stocking some "after market" Rolex parts. And, not being a Rolex dealership, they are not able to buy parts from Rolex at all now. Additionally, I was told that this repair facility was considering investing in one of the latest watch timing machines made by a Swiss company. When they spoke with the company, they were offered a 10% discount if they had a Rolex parts account. Who is sleeping with whom here?

As part of Rolex's requirements, it makes it unlikely (and probably against their guidelines) that I would be able to sell their spare parts. On their annual application for a parts account, I have to check the box "no" to indicate that I do not re-sell parts. Is this

legal? Am I not allowed to go to Nappa Auto Parts, buy a muffler and resell is to my customer? And now to use the auto parts store scenario example again, but when an auto repair shop sets up shop to do business, does he have to jump through the same hoops. Is he allowed to stock non genuine Ford parts to sell his customer? Is he subjected to the same scrutiny and visits from the quality control department as Rolex?

What business does Rolex care if I do or do not belong to a trade organization. These trade organizations offer some instruction and historical information to the trade. They offer other services such as a lending library and technical information. But do these trade organizations mean that much to Rolex? Why is it that when I ask to have training on servicing Rolex watches at their greatly sponsored "Watch Technicum" in Pennsylvania, that I am denied because I "only have a parts account". If Rolex is so concerned about the quality control issues, then they ought to willingly accept a candidate to better his or her skills by attending one of their clinics instead of sending a representative around the country checking up of the integrity of those like me who hold a parts account.

I do not know if my words will be heard, but I have taken the time to offer my thoughts because this is not simply my issue. There are many watchmakers in this country who would like to be able to service their customers with whatever brand of watch walks in for repair. It is actions and policies like Rolex that prevent individuals like me from being able to not only service my customers, but also better my skills as a watchmaker.

If you have any further questions or comments, please do not hesitate to contact me.

Respectfully,

D. D. Berghold

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Attention AWCI Members:

Critical Spare Parts Issue Precedent Looms

JIDA s position on the Consent Decree

By Bill Nagle, President JIDA

In the last issue of Horological times, the AWCI Board of Directors took a position not to support the continuation of the consent decree that Rolex seeks to dissolve. The AWCI Board of Directors fails to think through the ramifications of their action and its effect on the industry as a whole. This is the industry from which YOU derive a living and a future.

It is critical that our voices be heard in Washington D.C. on this matter. Retaining the consent decree in total is unlikely, but key portions must be kept in place in the spirit of fairness that US laws are based. Removing the decree in its entirety would allow the luxury brands legal latitude to operate as they have for the past several decades. Rolex has agreed to pay $750,000.00 in order to settle with the United States Department of Justice.

The final judgment prohibits certain defendants from imposing use restrictions on watch repairers. The United States charged that Swiss watch companies agreed to regulate the use, distribution, and pricing of watch repair parts. The primary harm that the Final Judgment sought to remedy was cartel behavior led by Swiss industry organizations. Contrary to the legal standards applicable to the termination of an antitrust final judgment with the consent of the United States, The US has not of fered a reasoned and reasonable explanation of why the termination vindicates the public interest in free and unfettered competition .

The watch industry has changed due to technological advances during the last 40 years, altering the number of lower-priced units sold in the US. The volume and manufacturers of luxury watches has not significantly changed in terms of units sold. The defendants targeted by the consent decree deal primarily in the luxury watch market, with little or no participation in the low-end market. Therefore using the addition of quartz movements, Timex, Bulova, Seiko, and other low-priced alternatives, (given as a reason to change laws in place governing the luxury watch market), seems to be an incorrect application of the rule of reason in place of the *per se* rule.

The dropping of the consent decree could put Rolex s revised policies in violation of certain Sherman Antitrust Act provisions. These provisions include vertical price restraints in regard to *fixing minimum and maximum prices*, non-vertical price restraints in regard to *spare part resale restrictions,* and tying contract violations in regard to the policy *voiding warranties if generic parts are used.*

Material houses will be affected by the dropping of the consent decree, which will in turn have a direct impact on AWCI members ability to make timely and profitable repairs in their businesses. One fact that may not have been recognized by the AWCI Board of Directors is the true financial history of Material houses compared to the luxury watch brands on AWCI. Did you know that during the past twenty-five years, various material houses (JIDA members) have purchased approximately 80% of the advertising in the Horological Times, which equates to well over $1,000,000. The manufactures/brands only recent contributions come no where close to matching that of the material houses past and present support. Is the AWCI Board of Directors protecting the group that truly pays the bills, or the prestigious brands for which they hope to be associated with?

The original judgment has vertical restraints that the Department of Justice deemed necessary as a means of watch parts distribution in the 1960 s. This was designed to keep the Swiss Cartel from restricting the flow of parts necessary for the watch repair trade to operate. The Swiss Cartel , as it was known, may not exist today in name only . The common business practices of today s Swiss Watch Groups, who work together, produces the same result of the illegal Cartel from earlier decades. The companies may have changed their names to Groups , but what was against the law in 1960 is still illegal today.

If you have any questions regarding this important development, please contact your local watch material house. There is a sixty-day public comment period that expires on June 6, 2006. You can send your comments directly to:

John R. Read,
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For further information regarding this pending action, Please go to:

www.usdoj.gov/atr/cases/f214800/214815.htm