

FEDERAL REGISTER NOTICE

U.S. Department of Justice
Antitrust Division

Proposed Termination of Judgments

Notice is hereby given that The BOC Group, Inc. (“BOC”), a successor in interest to both defendant Air Reduction Company, Inc. (“Airco”) and defendant Pure Carbonic, Inc.; and Praxair, Inc. (“Praxair”), a successor in interest to defendant Liquid Carbonic Corporation have filed a motion to terminate the Final Judgment entered in *United States v. Liquid Carbonic Corp.*, 1952 Trade Cas. (CCH) ¶ 67,248 (E.D.N.Y. 1952), on March 7, 1952, as amended (“1952 Final Judgment”), and that the Antitrust Division of the U.S. Department of Justice (“the Department”), in a stipulation also filed with the Court, has tentatively consented to termination of the 1952 Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

Notice is also hereby given that BOC, a successor in interest to defendant Airco; Praxair, a successor in interest to defendant General Dynamics Corporation; and American Air Liquide Holdings, Inc. (“Air Liquide”), on behalf of certain of its subsidiaries that acquired the carbon dioxide business of defendant Chemetron Corporation, have filed a motion to terminate the Final Judgments entered in *United States v. General Dynamics Corp.*, 1963 Trade Cas. (CCH) ¶¶ 70, 890-70-892, 70,919 (E.D.N.Y. 1963) on October 17, 1963 (“1963 Final Judgment”), and that the Department, in a stipulation also filed with the Court, has tentatively consented to termination of the 1963 Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On June 24, 1948, and August 22, 1961, the United States filed separate complaints alleging that certain defendants had conspired to restrain interstate trade and commerce in the manufacture, distribution and sale of carbon dioxide (CO₂), and had monopolized and attempted to monopolize such trade. The original defendants settled the charges by accepting entry of the 1952 Final Judgment and the 1963 Final Judgment. The Decrees perpetually enjoined the defendants' successors in interest from continuing the conspiracy or entering into similar conspiracies, and prohibited the defendants from engaging in exclusionary practices. In particular, BOC, Praxair, and Air Liquide are prohibited from using requirements contracts for the sale of bulk liquid or cylinder CO₂ if such contracts have a term in excess of one year. The defendants are also prohibited from tying their sales of CO₂ to the rental or lease of storage tanks (and vice versa). In addition, BOC and Praxair are prohibited from selling each other CO₂ except in cases of operational distress.

The Department has filed with the Court a memorandum setting forth the reasons why the United States believes that termination of the 1952 Final Judgment and the 1963 Final Judgment serves the public interest. Copies of the motions to terminate, the stipulations containing the United States' tentative consent, the United States' memorandum, and all further papers filed with the Court in connection with the motions will be available for inspection at the Antitrust Documents Group, Antitrust Division, Room 215, 325 7th Street, N.W., Washington, DC 20004, on the website at www.usdoj.gov/atr, and at the Office of the Clerk of the United States District Court for the Eastern District of New York. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the 1952 Final Judgment and the 1963 Final Judgment to the United States. Such comments must be received by the Antitrust Division within sixty (60) days and will be filed with the Court by the United States. Comments should be addressed to Maribeth Petrizzi, Chief, Litigation II Section, Antitrust Division, U.S. Department of Justice, 1401 H Street, N.W., Suite 3000, Washington, DC 20530 ((202) 307-0924).

J. Robert Kramer, II
Director of Operations