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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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1 UNITED STATES OF AMERICA,)
2 Plaintiff,) Civil No. C 78-1879 TEH
3 v.) FINAL JUDGMENT
4 SPECTRA-PHYSICS, INC. and) Filed: June 2, 1981
5 LASERPLANE CORPORATION,) Entered: Sept. 3, 1981
6 Defendants.) Judge Henderson
7

8 Plaintiff, United States of America, having filed its
9 complaint on August 18, 1978, and plaintiff and defendants by
0 their respective attorneys having consented to the entry of
1 this Final Judgment, without trial or adjudication of any issue
2 of fact or law and without this Final Judgment constituting
3 evidence or admission by any party with respect to any issue of
4 fact or law:

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

8 OPDEPED, ADJUDGED AND DECREED as follows:

9 I.

0 This Court has jurisdiction of the subject matter herein
1 and of the parties consenting hereto. The complaint states
2 claims upon which relief may be granted against defendants
3 under Section 7 of the Clayton Act, as amended (15 U.S.C. § 18).

IV.

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2 A. Defendants are ordered and directed to grant to any
3 person who makes a written application therefor within a period
4 of seven (7) years after the date of entry of this Final
5 Judgment:

6 1. a nonexclusive royalty-free license to make,
7 use and sell MCL Systems or MCL Systems Components
8 under each United States letters patent which
9 defendants had a right to license as of January 1,
0 1980, such license to be for the full unexpired term
1 of each licensed patent; and

2 2. a nonexclusive royalty-free license to use
3 for the purpose of making, using and selling MCL
4 Systems or MCL Systems Components, any MCL Systems
5 Technical Information within the possession of
6 defendants as of January 1, 1980, such license to be
7 for the duration requested by the applicant, and to be
8 terminable by the licensee at any time if the MCL
9 Systems Technical Information becomes within the
0 public domain.

1 B. Defendants are enjoined and restrained from including
2 any restrictions whatsoever in any license granted pursuant to
3 Section IV except as hereinafter provided:

4 1. A reasonable fee designed to cover the
5 defendants' administrative costs of issuing the
6 license may be charged;

7 2. Reasonable provisions may be made to forbid
8 the unauthorized use or disclosure to third parties of
9 MCL Systems Technical Information. Defendants also
0 shall have the right to apply restrictive legends to
1 such MCL Systems Technical Information indicating its
2 proprietary and secret nature and to require the
return of all copies of such MCL Systems Technical
Information upon the termination of the right to use
it.

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VI.

Nothing in this Final Judgment shall prevent any person from attacking at any time the validity or scope of any patent nor shall this Final Judgment be construed as imputing any validity to any patent.

VII.

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants made to its principal offices, be permitted:

1. Access during regular office hours of defendants to inspect and copy all relevant books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendants and without restraint or interference from them, who may have counsel present; and

2. Subject to the reasonable convenience of defendants and without restraint or interference from them, to interview officers, employees, and agents of defendants, who may have counsel present;

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendants' principal offices, defendants shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested;

1 C. No information or documents obtained by the means
2 provided in this Section VII shall be divulged by a representa-
3 tive of the Department of Justice to any person other than a
4 duly authorized representative of the Executive Branch of the
5 United States, except in the course of legal proceedings to
6 which the United States is a party, or for the purpose of
7 securing compliance with the Final Judgment, or as otherwise
8 required by law; and

9 D. If at the time information or documents are furnished
0 by defendants to plaintiff in accordance with this Section VII,
1 defendants represent and identify in writing the material in
2 any such information or documents to which a claim of protec-
3 tion may be asserted under Rule 26(c)(7) of the Federal Rules
4 of Civil Procedure, and said defendants mark each pertinent
5 page of such material "Subject to claim of protection under
6 Rule 26(c)(7) of the Federal Rules of Civil Procedure," then
7 ten (10) days notice shall be given by plaintiff to defendants
8 prior to divulging such material in any legal proceedings
9 (other than a grand jury proceeding) to which defendants are
0 not a party.

1 VIII.

2 Defendants shall require, as a condition of the sale or
3 other disposition of all, or substantially all, of the assets
4 of the Construction Systems Division or the Laserplane Division
5 that the acquiring party agrees to be bound by the provisions
6 of this Final Judgment. An acquiring party subject to this
7 provision shall file with the Court, and serve upon the
8 plaintiff, its consent to be bound by this Final Judgment.

9 IX.

0 Jurisdiction is retained for the purpose of enabling any of
1 the parties to this Final Judgment to apply to this Court at
2 any time for such further orders or directions as may be

1 necessary or appropriate for the construction or carrying out
2 of this Final Judgment, for the modification of any of the
3 provisions hereof, for the enforcement of compliance therewith
4 and for the punishment of any violation hereof.

5 X.

6 The entry of this Final Judgment is in the public interest.

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8 /s/ Judge Henderson

9 UNITED STATES DISTRICT JUDGE
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APPENDIX A

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2 AGL Corp.
2615 W. Main
3 ~~Jacksonville, AR~~

4 Blount Industries
Box 3511, Hwy. 70 East
5 North Little Rock, AR 72117

6 Construction Laser Systems Industries
6383 Arizona Circle
7 Los Angeles, CA 90045

8 Control Instruments, Inc.
P. O. Box 1825
9 Grand Rapids, MI 49501

10 Laser Alignment
63320 28th St., S.E.
11 Grand Rapids, MI 49506

12 Laser Electronics Pty. Ltd.
P. O. Box 359 Southport
13 Queensland, Australia 4215

14 Laser Systems of Arizona
10314 W. Montecito
15 Phoenix, Arizona

16 Industries Universal
P. O. Box 2028
17 Calexico, CA 92231

18 Komatsu Ltd.
Komatsu Building, 2-3-6, Akasaka
19 Minato-Ku
Tokyo 107, Japan

20 Reno Energy Systems, Inc.
195 N. Edison
21 Reno, NV 89502

22 Vari-Tech Company
546 Leonard St. N.W.
23 Grand Rapids, MI 49504

24 Lasertron Company, Inc.
1026 Courtesy Street
25 Houston, Texas 77032

26 Honeywell Inc.
Honeywell Plaza
27 Minneapolis, MN 55408

28 Deere & Company
John Deere Road
29 Moline, IL 61265

30 Caterpillar Tractor Co.
100 N.E. Adams Street
31 Peoria, IL 61629

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