## DEPARTMENT OF JUSTICE

### Antitrust Division

### Proposed Termination of Final Judgment; Dempster Systems Inc.

Notice is hereby given that Dempster System Inc. (hereinafter "Dempster"), successor to the defendant Dempster Brothers, Incorporated in the final judgment entered in *United States* v. *Dempster Brothers, Incorporated,* Civil Action No. 4101, has filed with the United States District Court for the Eastern District of Tennessee a motion to terminate the final judgment; and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to the termination of the judgment, but has reserved the right to withdraw its consent for at least seventy (70) days after the publication of this notice. The complaint in this case was filed on June 30, 1960, and an amended complaint, on which the final judgment is based, was filed on January 3, 1962. The amended complaint alleged that Dempster Brothers, Incorporated, and its president, George R. Dempster, had conspired with the company's independent distributors to eliminate competition in the manufacture and sale of solid waste material handling equipment through territorial and customer allocations, tying arrangements and the misuse of patents. The judgment, entered July 6, 1962, enjoins Dempster from entering into, adhering to, maintaining, enforcing, or claiming rights under any contract, agreement, understanding, plan or program with any distributors pursuant to which (1) the distributors would sell no material equipment not made or sold by Dempster; (2) distributors would be restricted to selling only in assigned territories; (3) distributors would refrain from competing with Dempster in selling to governmental agencies or abroad; (4) distributors would sell the Dempster Dumpster rear loader to a customer only if the customer agreed to purchase the detachable containers used with the Dumpster hoist, or vice versa; and (5) expired patents or patent applications would be used to discourage competition in the manufacture and sale of material handling equipment.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the judgment would serve the public interest. Copies of the complaints and final judgment, Dempster's motion papers, the stipulation containing the Government's consent, the Department's memorandum and all futher papers filed with the court in connection with this motion will be available for inspection in the Legal Procedure Unit of the Antitrust Division, Room 7416, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, D.C. 20530 (telephone 202/633–2481), and at the office of the Clerk of the United States District Court for the Eastern District of Tennessee, Northern Division, 501 Main Street, Room 211, Knoxville, Tennessee 37902. Copies of any of these materials may be obtained from the Legal Procedure Unit 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 decree to the Department. Such comments must be recieved within sixty days, and will be filed with the court. Comments should be addressed to John W. Clark, Chief, Special Trial Section, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone 202/724–6335).

**Joseph H. Widmar,**

*Director of Operations Antitrust Division.*

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### The Plastics Recycling Foundation, Inc.; Notification of Parties and Objectives

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98–462 ("the Act"), the Plastics Recycling Foundation, Inc. has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing: (1) The identities of the parties to the Plastics Recycling Foundation, Inc. and (2) the nature and objectives of Plastics Recycling Foundation, Inc. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Plastics Recycling Foundation, Inc. and its general areas of planned activities are given below.

The parties to the Plastics Recycling Foundation are as follows:

—Allegheny Leeter-Eater (®) Division
—Bev-Pak
—Brockway, Inc.
—Coca-Cola Bottling Company of New York
—Coca-Cola USA
—Conair, Inc.
—Continental Plastic Containers
—Eastman Chemical Products, Inc.
—E.I. duPont de Nemours & Company
—Hoover Universal, Inc.
—Nelmor Company
—Owens Illinois, Inc.
—Pepsi-Cola Company
—Rohm and Haas Company
—The Seven-Up Company
—The Society of the Plastics Industry, Inc.
—Sundor Brands
—Union Carbide Corporation
—U.S. Industrial Chemicals Company
—Van Dorn Plastic Machinery Company.

The objectives of the Plastics Recycling Foundation are as follows:

To sponsor research into improved recycling of all plastic materials, to operate demonstration and research recycling facilities for plastic materials, to disseminate recycling technology, to promote the recyclability of plastics by publicizing the work of the Foundation, and to sponsor research into environmentally sound methods of disposing of all plastics materials.

**Joseph H. Widmar,**

*Director of Operations, Antitrust Division.*

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### Software Productivity Consortium; Change in Membership

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98–462 ("the Act"), Software Productivity Consortium has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in the membership of the Software Productivity Consortium by the addition of Allied Corporation and Grumman Aerospace Corporation. The additional notifications were filed for the purpose of extending the protections of the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Software Productivity Consortium and its general areas of planned activities are given below.

Software Productivity Consortium, with the addition of Allied Corporation and Grumman Aerospace Corporation, consists of the following firms: Allied Corporation; The Boeing Company; E-systems, Inc.; Ford Aerospace and Communications Corporation; General Dynamics Corporation; Grumman Aerospace Corporation; GTE Government Systems Corporation; Lockheed Missiles and Space Company;