

Modifying Order

100 F.T.C.

IN THE MATTER OF

HAMMERMILL PAPER COMPANY

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF SEC. 5
OF THE FEDERAL TRADE COMMISSION ACT*Docket C-2513. Final Order, April 24, 1974.—Modifying Order, Aug. 6, 1982*

This order reopens the proceeding and modifies the Commission's order issued on April 24, 1974 (83 F.T.C. 1587), by modifying subparagraph 1(a) so as to allow the company to impose conditions on the kind of customers its distributors can serve, so long as such conditions do not unreasonably restrain competition.

ORDER MODIFYING DECISION AND ORDER

Whereas, a "Request To Reopen And Modify Consent Order" was filed by Respondent on April 8, 1982 pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), and Section 2.51 of the Commission's Rules of Practice, 16 C.F.R. 2.51, wherein Hammermill Paper Company seeks modification of the order that issued on April 24, 1974 to allow Hammermill to impose reasonable nonprice vertical restrictions; and

Whereas, the matter was thereafter placed on the public record pursuant to Section 2.51(c) of the Commission's Rules of Practice, 16 C.F.R. 2.51(c) during which time comments from the public were received; and

Whereas, the Commission thereafter considered the Petition presented by Hammermill Paper Company and all of the materials and information submitted as public comments on the petition and has determined that the request makes a satisfactory showing that changed conditions of fact and law and the public interest require that the order be reopened for the purpose of modification.

Accordingly, *It is ordered*, that the matter is reopened and that subparagraph 1(a) be modified to read:

Limiting, allocating or restricting the persons or classes of persons to whom any dealer or distributor may resell his products, where such limitation, allocation or restriction unreasonably restrains competition.

IN THE MATTER OF
XEROX CORPORATION

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF SEC. 5
OF THE FEDERAL TRADE COMMISSION ACT

Docket 8909. Consent Order, July 29, 1975—Modifying Order, Sept. 10, 1982

This order reopens the proceeding and modifies Paragraph XVII of the Commission's order issued on July 29, 1975 (86 F.T.C. 364) by revising the annual notice that Xerox must print in the Official Gazette of the United States Patent and Trademark Office. The modification eliminates the requirement for repetitious annual printing of domestic and foreign copier patents available for licensing, and requires that only new patents and deletion of expired patents be published.

ORDER MODIFYING CEASE AND DESIST ORDER ISSUED JULY 29, 1975

The Federal Trade Commission having considered respondent Xerox Corporation's petition filed on July 11, 1982, to reopen this matter and to modify the consent order to cease and desist issued by the Commission on July 29, 1975, and having determined that reopening and modification of the order is warranted:

It is ordered, That this matter be, and it hereby is reopened and that Paragraph XVII of the Commission's order be and it is hereby modified to read as follows:

XVII

It is further ordered, That annually, until the expiration of all *Future Patents*, Xerox shall submit for publication in the Official Gazette of the United States Patent and Trademark Office a notice

(1) identifying by number, title, date of issue and category of subject matter (to an extent acceptable to the Commission) all United States *patents* which it is empowered to license, together with all *foreign patents* based on the patent application from which each United States *patent* originates, issued since the publication of the last such notice;

(2) stating that Xerox shall grant licenses under (a) its *order patents* to make, have made, use and vend *office copier products* under the terms of this order, and (b) patents required to be licensed pursuant to the terms of Paragraph X of this order, if any;

(3) stating that (a) a copy of this order, (b) a list of patents licensed to Xerox which are subject to the provisions of Paragraph II and IV (C)(9) of this order, if any, and (c) a list of all patents subject to