

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

this order which have been previously published are available from *Xerox* upon written request; and

(4) citing the issues of the Official Gazette since 1981 in which previous notices have been published. Until the expiration of all *Xerox future patents*, *Xerox* shall send a copy of this order and a complete list of patents subject to this order to each person who inquires as to the availability of a license for *office copier products*, or to whom *Xerox* has offered such a license at any time since January 1, 1970.

IN THE MATTER OF

LITTON INDUSTRIES, INC., ET AL.

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

Docket 9123. Final Order, Jan. 5, 1981—Modifying Order, Sept. 10, 1982

The Federal Trade Commission, in accordance with the decision and judgment of the Ninth Circuit Court of Appeals, has deleted references to "test" data from its order issued on January 5, 1981 (97 F.T.C. 1). Among other things, the modified order prohibits respondent from misrepresenting survey results in its advertising of microwave ovens and other consumer products.

MODIFIED ORDER TO CEASE AND DESIST

Respondents having filed in the United States Court of Appeals for the Ninth Circuit a petition for review of the Commission's order issued herein on January 5, 1981; and the Court having on May 3, 1982, rendered its decision modifying the Commission's order and, as so modified, affirming and enforcing the order; and the time for filing a petition for certiorari having expired and no petition having been filed:

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the Court of Appeals to read:

ORDER

I

It is ordered, That respondents Litton Industries, Inc., a corporation, Litton Systems, Inc., a corporation, and their successors, assigns, officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising for sale, sale, or distribution of microwave ovens (either for commercial or consumer use), in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do cease and desist from:

1. Representing, directly or by implication, that any commercial microwave oven or consumer microwave oven
 - (a) is able to perform in any respect, or has any characteristic, feature, attribute, or benefit; or
 - (b) is superior in any respect to any or all competing products; or