

IN THE MATTER OF

SULZER LIMITED

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF
SEC. 7 OF THE CLAYTON ACT AND SEC. 5 OF THE
FEDERAL TRADE COMMISSION ACT

Docket C-3559. Consent Order, Feb. 23, 1995--Modifying Order, Aug. 15, 1997

This order reopens and modifies a 1995 consent order so that the language in paragraph IV.A of the final consent order conforms with the language of the proposed consent agreement that was signed by the respondent and accepted by the Commission for public comment.

ORDER AMENDING CONSENT ORDER

The order in this matter was issued on February 23, 1995. The language in paragraph IV.A of the order does not conform to that contained in paragraph IV.A of the agreement containing consent order ("consent agreement") signed by Sulzer and accepted by the Commission on September 12, 1994, for public comment.

The public interest would be served by conforming the language of the order with that contained in the consent agreement. Sulzer has waived any rights it may have under Section 3.72(b) of the Commission's Rules of Practice and consents to the changes contemplated by this order. Accordingly,

It is ordered, That this matter be, and it hereby is, reopened; and

It is further ordered, That paragraph IV.A of the consent order in Docket No. C-3559, issued on February 23, 1995, be, and it hereby is, amended to read as follows:

A. For a ten (10) year period commencing on the date this order becomes final, Sulzer shall not enter into, obtain, make, carry out or enforce any exclusive agreements with Sumitomo Chemical Company Limited or otherwise take any action whatsoever, directly or indirectly, that would prevent Sumitomo Chemical Company Limited from selling Sumitomo Polyester to any Commission-approved acquirer of the Amdry 2010 Information. Within thirty days after the order becomes final, respondent shall provide a copy of the order to each person at Sumitomo Chemical Company Limited with whom respondent has contact in connection with the purchase of Sumitomo Polyester.

Complaint

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IN THE MATTER OF

APPLE COMPUTER, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3763. Complaint, Aug. 18, 1997--Decision, Aug. 18, 1997*

This consent order requires, among other things, the respondent to offer to eligible consumers who purchased the Performa 550 or 560, or the Macintosh LC 550 computers on or after April 1, 1994, the upgrade kits at less than half the original list price and to rebate \$776 to consumers who already have purchased the upgrade. The consent order also prohibits Apple Computer from misrepresenting the availability of any microprocessor upgrade product, and from representing that computer hardware is currently upgradeable unless the upgrade is then available in reasonable quantities.

Appearances

For the Commission: *Matthew Gold, Linda Badger and Jeffrey Klurfeld.*

For the respondent: *James Spears, Gadsby & Hannah,*
Washington, D.C.

COMPLAINT

The Federal Trade Commission, having reason to believe that Apple Computer, Inc., ("Apple" or "respondent"), a corporation, has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. Apple is a California corporation with its offices and principal place of business located at One Infinite Loop, Cupertino, California.

PAR. 2. Apple has manufactured, advertised, labeled, offered for sale, sold, and distributed the "Performa 550," "Macintosh LC 550," and "Performa 560" personal computers, and other computer hardware and software to consumers. The Performa 550, Macintosh LC 550, and Performa 560 models are based on the Motorola 68030 microprocessor. While continuing to promote the sale of these computers, respondent introduced a new series of computers based on the faster, more powerful "PowerPC" microprocessor. Beginning approximately April 1, 1994, subsequent to this introduction of the