

Dated: November 4, 2003.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

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DEPARTMENT OF JUSTICE

Antitrust Division

United States v. General Electric Company & Instrumentarium OYJ

Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Hold Separate Stipulation and Order, and Competitive Impact Statement have been filed with the United States District Court for that District of Columbia in *United States v. General Electric Co.*, Civil Action No. 03CV01923. On September 16, 2003, the United States filed a Complaint alleging that the proposed acquisition of Instrumentarium OYJ (“Instrumentarium”) by General Electric Company (“GE”) is in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires the defendants to fully divest Instrumentarium’s Spacelabs business, which is its primary manufacturing, distribution, research and development and sales operation for critical care monitors; and Instrumentarium’s Ziehm business, which comprises Instrumentarium’s C-arm business. Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection at the Department of Justice in Washington, DC, Room 200, 325 Seventh Street, NW., on the Internet at <http://www.usdoj.gov/atr>, and at the Office of the Clerk of the United States District Court for the District of Columbia, 333 Constitution Avenue, NW., Washington, DC 20001.

Public comment is invited within 60 days of the date of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to James R. Wade, Chief, Litigation III Section, Antitrust Division, Department of Justice, 325 Seventh Street, NW., Suite 300,

Washington, DC 20530 (telephone: (202) 616–5935).

J. Robert Kramer II,

Director of Operations, Antitrust Division.

Final Judgment

Whereas, plaintiff, United States of America, filed its Complaint on September 16, 2003, plaintiff and defendants, General Electric Company (“GE”) and Instrumentarium OYJ (“Instrumentarium”), by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

And whereas, defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the defendants to assure that competition is not substantially lessened;

And whereas, plaintiff requires defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And whereas, defendants have represented to the United States that the divestitures required below can and will be made and that defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now therefore, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, *it is ordered, adjudged, and decreed:*

I. Jurisdiction

This Court has jurisdiction over the subject matter of and each of the parties of this action. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18.

II. Definitions

As used in this Final Judgment:

A. “GE” means defendant General Electric Company, a New York corporation with its headquarters in Fairfield, Connecticut, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

B. “Instrumentarium” means defendant Instrumentarium OYJ, a

public limited-liability company existing under the laws of Finland, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

C. “Patient monitors” means multiparameter medical devices that provide continuous, real-time evaluations of patient vital signs.

D. “C-arms” means full-size, mobile fluoroscopic x-ray machines that are used to provide continuous, real-time viewing of patients during various medical procedures.

E. “Spacelabs” means the Spacelabs business as described in schedule 1, including Annexes 1–4, of the Commitments that GE has entered into with the European Commission regarding divestiture of Spacelabs, approved on September 2, 2003, and attached as Exhibit 1 (motion pending to file under seal). A non-confidential version of Schedule 1 is attached as Exhibit 2. Provided, however, that the Acquirer of Spacelabs shall grant GE a license to technology embodied in the Instrumentarium Medical Connector, the terms and duration of such license to be negotiated between GE and the Acquirer, limited to the field of use of nine-pin connectors for patient monitoring equipment, including, but not limited to, any patent issuing on the patent application currently entitled “Latching Medical Patient Parameter Safety Connector and Method” submitted in the name of Datex-Ohmeda, Inc., to the U.S. Patent and Trademark Office on August 19, 2003, and any continuations, continuations in part, or reissue applications based on such application.

F. “Ziehm” means Instrumentarium’s C-arm business and its line of C-arm products, currently conducted through Instrumentarium Imaging Ziehm, Inc. and Instrumentarium Imaging Ziehm GmbH, and including, but not limited to, the facility located at 4181 Latham Street, Riverside, California 92501 and the facility located at Isarstrasse 40, d-90451 Nuremberg, Germany, and also including:

1. All tangible assets that comprise Instrumentarium’s C-arm business, including research and development activities; all manufacturing equipment, tooling and fixed assets, personal property, inventory, office furniture, materials, supplies and other tangible property, and all assets used in connection with the Ziehm business; all licenses permits, and authorizations issued by any governmental organization relating to the Ziehm business; all contracts, teaming