

standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. "[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.'" ⁶

This is strong and effective relief that should fully address the competitive harm posed by the proposed acquisition.

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Respectfully submitted,

Asuncion Cummings (AC-1850),

Merger Task Force, U.S. Department of Justice, Antitrust Division, 1401 H Street, N.W.; Suite 4000, Washington, D.C. 20530, (202) 307-0001.

Dated March 31, 1998.

Appendix A—Herfindahl-Hirschman Index Calculations

"HHI" means the Herfindahl-Hirschman Index, a commonly accepted measure of market concentration. It is calculated by squaring the market share of each firm competing in the market and then summing the resulting numbers. For example, for a market consisting of four firms with shares of thirty, thirty, twenty, and twenty percent, the HHI is 2600 ($30^2+30^2+20^2+20^2=2600$). The HHI takes into account the relative size and distribution of the firms in a market and approaches zero when a market consists of a large number of firms of relatively equal size. The HHI increases both as the number of firms in the market decreases and as the disparity in size between those firms increases.

Markets in which the HHI is between 1000 and 1800 points are considered to be moderately concentrated, and those in which the HHI is in excess of 1800 points are considered to be concentrated. Transactions that increase the HHI by more than 100 points in concentrated markets presumptively raise antitrust concerns under the Horizontal Merger Guidelines issued by the U.S. Department of Justice and the Federal Trade Commission. See *Merger Guidelines* § 1.51.

⁶ *United States v. American Tel. and Tel. Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982), *aff'd sub nom. Maryland v. United States*, 460 U.S. 1001 (1983), quoting *Gillette Co.*, 406 F. Supp. at 716 (citations omitted); *United States v. Alcan Aluminum, Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985).

Certificate of Service

I hereby certify that, on this 31st day of March 1998, I caused to be served by hand delivery a copy of the foregoing Competitive Impact Statement upon the following:

David A. Clanton, Baker & McKenzie,
815 Connecticut Avenue, N.W.,
Washington, D.C. 20006-4078
Neil Imus, Vinson & Elkins, 1455
Pennsylvania Avenue, N.W.,
Washington, D.C. 20004

Asuncion Cummings

[FR Doc. 98-9800 Filed 4-13-98; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Digital Imaging Group, Inc.

Notice is hereby given that, on December 17, 1997, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Digital Imaging Group, Inc. ("Corporation") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following entities have become members of the Corporation: AGF-GEVAERT N.V., Belgium; Canto Software, San Francisco, CA; Creative Wonders, Redwood City, CA; FotoNation, San Mateo, CA; InMedia Presentations Inc., Vancouver, Canada; Konica, Tokyo, Japan; Koyosha Graphics of America, Inc., San Francisco, CA; LEAD Technologies, Charlotte, NC; Live Picture Corp., Scotts Valley, CA; LSI Logic, Milpitas, CA; MGI Incorporated, Ontario, Canada; Microsoft Corporation, Redmond, CA; Photo Spin Corp., Rolling Hills Estates, CA; Pixo Arts Corporation, Mountain View, CA; Polaroid Corporation, Cambridge, MA; SSG Thomson Microelectronics, San Diego, CA; Storm Technologies, Mountain View, CA; True Spectra, Ontario, Canada; Visioneer, Fremont, CA; and Warp 10 Technologies, Ontario, Canada.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Digital

Imaging Group, Inc. intends to file additional written notifications disclosing all changes in membership.

On September 25, 1997 Digital Imaging Group, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 10, 1997 (62 FR 60530).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98-9798 Filed 4-13-98; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—OBI Consortium Inc.

Notice is hereby given that, on December 9, 1997, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the OBI Consortium Inc., ("Consortium") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the following entities have become members of the venture: Requisite Technology, Inc., Boulder, CO; Bellcore, Piscataway, NJ; Ariba Technologies, Sunnyvale, CA; Chemdex Corporation, Palo Alto, CA; Southern California Gas Co., Los Angeles, CA; Sigma-Aldrich Research, St. Louis, MO; SciQuest, RTP, NC; Visa International, San Francisco, CA; Affymax Research Institute, Santa Clara, CA; DMR Consulting Group, Inc., Ottawa, Ontario, CANADA; Fisher Scientific, Pittsburgh, PA; Rohm and Haas Company, Philadelphia, PA; Johnson & Johnson, New Brunswick, NJ; Graybar Electric Co., St. Louis, MO; GE Global Services, Fairfield, CT; NEC Corporation, Minatoku, Tokyo, JAPAN; National Semiconductor Corp., Santa Clara, CA; and Staples, Inc., Westboro, MA; Applied Industrial Technologies, Cleveland, OH; First Union National Bank, Charlotte, NC; Newark Electronics, Chicago, IL; Perot Systems, Westchester, PA; SAP America, Foster City, CA; IBM Corporation, Hawthorne, NJ; Microsoft Corporation, Redmond, WA; Hewlett-Packard, Roseville, CA;