

Moreover, the Court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the Court to "construct [its] own hypothetical case and then evaluate the decree against that case." *Microsoft*, 56 F.3d at 1459. Since the "Court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place," it follows that the court is only authorized to review the decree itself, and not to "effectively redraft the complaint" to inquire into other matters that the United States might have but did not pursue. *Id.*

#### 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.

Dated: November 15, 2000.

Respectfully submitted,

John C. Filippini,

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#### Certificate of Service

I, John C. Filippini, of the Antitrust Division of the United States Department of Justice, do hereby certify that true copies of the foregoing Competitive Impact Statement were served this 15th day of November, 2000, by first-class mail, to the following:

Charles E. Biggio, Akin, Gump, Strauss, Hauer & Feld, 590 Madison Avenue—20th Floor, New York, NY 10022, (212) 872-1010, Counsel for Clear Channel Communications, Inc.

Phillip E. Proger, Jones, Day, Reavis & Pogue, 51 Louisiana Avenue, N.W., Washington, D.C. 20001-2113, (202) 879-4668, Counsel for Clear Channel Communications, Inc.

Neil W. Imus, Vinson & Elkins, The Willard Office Building, 1455 Pennsylvania Avenue, N.W., Washington, D.C. 20004-1008, (202) 639-6675, Counsel for AMFM Inc.

John C. Filippini.

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*United States v. Alcan Aluminum, Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985).

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—The ATM Forum

Notice is hereby given that, on December 29, 2000, 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 ATM Forum has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. 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, Biodata, Lichtenfels, Germany; Polycom, Palo Alto, CA; Symbiont Networks, Inc., Fairfax, VA; MobilCOM City Line GmbH, Buedelsdorf, Germany; ViaSat, Carlsbad, CA; and Ericsson France, Massy Cedex, France have been added as parties to this venture. The following members have changed their names: Wavetek Wandel Golterman to ACTERENA, Eningen, Germany; Beacon Networks, Inc. to Pelago Networks, Marlborough, MA; Silicon Automation Systems to Saska Communication Technologies, Inc., Bangalore, India; CoreEl MicroSystems, Inc. to Paxonet, Fremont, CA; LG Information & Communications Ltd. to LG Electronics, Inc., Seoul, Republic of Korea; and Sysconnect to Sysconnect GmbH, Ettlingen, Germany. The following auditing member merged with another subsidiary of their parent company: Ericsson into Ericsson France, Massy Cedex, France. Also, The ATM Forum worldwide headquarters address has changed from Mountain View, CA to St. Louis, MO.

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 The ATM Forum intends to file additional written notification disclosing all changes in membership.

On April 19, 1993, The ATM Forum 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 June 2, 1993 (58 FR 31415).

The last notification was filed with the Department on September 29, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the

Act on November 24, 2000 (65 FR 70611).

Constance K. Robinson,

*Director of Operations, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Spray Drift Task Force

Notice is hereby given that, on January 12, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Spray Drift Task Force has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. 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, Cenex/Land O'Lakes Agronomy Company, previously named Agro Distribution, LLC, Sioux City, UT, has requested its membership name changed to Agriliance, LLC. Also, Merck & Co., Whitehouse Station, NJ has been dropped as a party to this venture.

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 Spray Drift Task Force intends to file additional written notification disclosing all changes in membership.

On May 15, 1990, Spray Drift Task Force 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 July 15, 1990 (55 FR 27701).

The last notification was filed with the Department on November 1, 2000. A notice has not yet been published in the **Federal Register**.

Constance K. Robinson,

*Director of Operations, Antitrust Division.*

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