

Respondents do, however, oppose the inclusion of the language "except to the extent necessary to achieve the purpose of, and to assure compliance with, this Order" in sections I.J. and IV. of the Proposed Order Modifying Final Order, attached to Counsel's Petition to Clarify. The exception language creates an unnecessary ambiguity in the Order.

II. Clarification Regarding the PDM Name.

Respondents object to those portions of Counsel's Petition to Clarify that impose an affirmative duty on CB&I to transfer any right or title in and to the corporate name of Pitt-Des Moines ("PDM"), including the PDM mark. On the acquisition of the Industrial Division of PDM, CB&I acquired only a one-year, non-renewable, non-exclusive transitional license to the use of the PDM mark. That license expired on February 6, 2002. Accordingly, CB&I has no right or title in or to the PDM corporate name or mark which it could transfer to a purchaser.

Dated: February 10, 2005

Respectfully submitted,

Clifford H. Aronson
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
4 Times Square
New York, NY 10036

CERTIFICATE OF SERVICE

I, Sara L. Bensley, hereby certify that on February 10, 2005, a true and correct copy of the foregoing was served on the following persons by hand delivery:

Donald S. Clark
Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, N.W.

Rhett R. Krulla, Esq.
Assistant Director
Bureau of Competition
Federal Trade Commission
601 New Jersey Avenue, N.W.

Certificate for Electronic Filing

I, Sara L. Bensley, hereby certify that the attached *Response to Complaint*
Counsel's Petition for Reconsideration to Clarify Remedy and Obligation

