



("EC") and Water Divisions in 2001, it acquired only a one-year, non-renewable, non-exclusive transitional license to the use of the PDM marks, which expired on February 6, 2002.<sup>3</sup> CB&I states that it therefore has no right or title in or to the PDM corporate names or marks that it

license to use the PDM name to a purchaser of the divested assets. CB&I Briefing at 2. We understand that PDM will inform the Commission of the current status of the PDM names and

marks, including whether and to what extent such names and marks may currently be licensed to

other firms for use outside the EC and Water Division businesses acquired by CB&I from PDM

IV. [REDACTED] PDM will inform the Commission of the current status of the PDM names and

Complaint Counsel believe that, to the extent possible, the Acquirer should have the same

rights and ability to use the PDM name and marks in the operation of the Relevant Business, if it

...within which ever Relevant Business is divested. Respondents should understand that the

Final Order requires that the Relevant Business must be divested "at no minimum price." In general, Complaint Counsel take no position on how the purchase price is allocated among the Respondents among the assets and business to be divested.

from the outset.

connection with the combined business of CB & I and BDM. In promoting the merged company's

[REDACTED]

of PDM's EC and Water Divisions<sup>7</sup> illustrates that there are numerous ways for a licensor to

[REDACTED]

transitional period of use by an unrelated third-party purchaser.

Finally, following the Acquisition, CB&I induced PDM's customers to assign their contracts to CB&I. In order to restore competition to the relevant markets, CB&I must now take such actions as are necessary, including, but not limited to, payment of incentives, to obtain the assignment or other transfer of existing business and contracts to the Acquirer to accomplish the



CERTIFICATE OF SERVICE

I hereby certify that I today caused:

One original and twelve copies of COMPLAINT COUNSEL'S RESPONSE TO CB&I'S

served by hand delivery and one copy to be served by electronic mail upon:

Office of the Secretary

Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

One copy by facsimile and by first-class mail upon: