

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUNSEEDS GENETICS, INC.,  
a corporation,

Defendant.

Civil Action No.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) the parties consent that the Court may file and enter a Final Judgment in the form attached to this Stipulation, on the Court's own motion or on the motion of any party at any time, and without further notice to any party or other proceedings, if plaintiff has not withdrawn its consent, which it may do at any time before the entry of judgment by serving notice of its withdrawal on defendant and filing that notice with the Court;

**(2) in the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding;**

**(3) the parties' execution of this Stipulation and the entry of Final Judgment settles, discharges, and releases any and all claims of the plaintiff arising from defendant's acquisition of ARCO Seed:**

**(a) against the defendant for failure to comply with any provision of § 7A of the Clayton Act, 15 U.S.C. 18a; and**

**(b) against any officer, director, or partner of the defendant for failure to comply with any provision of § 7A of the Clayton Act, 15 U.S.C. 18a; and**

**(4) the defendant waives any objection to venue for purposes of this Final Judgment;**

**Dated:**

**FOR THE PLAINTIFF:**

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**James F. Rill  
Assistant Attorney General**

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**Deputy Assistant Attorney General**

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**Attorney  
Department of Justice, Antitrust Division  
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Washington, D.C. 20001  
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**FOR THE FEDERAL TRADE COMMISSION**

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**Kevin J. Arquit  
Director**

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**Daniel P. Ducore  
Acting Assistant Director**

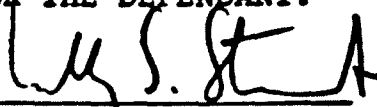
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**Kenneth M. Davidson  
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**Eric D. Rohlck  
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**FOR THE DEFENDANT:**

  
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**Attorneys for the Defendant**