

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ASSA ABLOY AB, *et al.*,

Defendants.

Civil No. 1:22-cv-02791-ABJ

STIPULATION

WHEREAS, Defendant ASSA ABLOY AB has agreed to acquire certain assets from Defendant Spectrum Brands Holdings, Inc. (the “Transaction”) and ASSA ABLOY has agreed to divest certain assets to Fortune Brands Home & Security, Inc. (the “Divestiture”); and

WHEREAS, Plaintiff and Defendants have reached an agreement that the products currently sold by Defendants in the relevant markets include no products other than those products on an agreed-upon list, although Defendants dispute that certain products on the agreed-upon list are in the relevant markets.

THEREFORE, THE PARTIES STIPULATE AS FOLLOWS:

1. For the purposes of this case only, and conditioned upon the above agreement, Defendants do not contest that Plaintiff could establish a *prima facie* case for the relevant markets for (1) residential smart locks and (2) residential premium mechanical door hardware, if the market concentration calculations were limited to the Transaction and did not account for the Divestiture.

2. Defendants reserve the right to argue that: (a) any market concentration calculation should account for the Divestiture in evaluating Plaintiff’s *prima facie* case; and (b) certain products on the agreed-upon list are not in the relevant markets. This Stipulation does not limit

the United States from presenting evidence at trial about the nature and intensity of existing competition in the relevant markets.

IT IS SO STIPULATED.

Dated: February 20, 2023

Respectfully submitted,

/s/ David Dahlquist
David E. Dahlquist
Senior Litigation Counsel
UNITED STATES DEPARTMENT OF JUSTICE
ANTITRUST DIVISION
209 South LaSalle Street, Suite 600
Chicago, Illinois 60604
David.Dahlquist@usdoj.gov

Matthew R. Huppert
Alexander D. Andresian
James R. Duncan, III
Matthew C. Fellows
Kerrie J. Freeborn
Elizabeth A. Gudis
Jennifer P. Roualet
Trial Attorneys

Marissa Doran
Erin Murdock-Park
Senior Litigation Counsel

UNITED STATES DEPARTMENT OF JUSTICE
ANTITRUST DIVISION
450 Fifth Street N.W., Suite 8700
Washington, DC 20530
(202) 476-0383
Matthew.Huppert@usdoj.gov

*Counsel for Plaintiff
United States of America*

/s/ Justin Bernick
Justin W. Bernick (DC Bar #988245)
Charles A. Loughlin (D.C. Bar #448219)
William L. Monts, III (DC Bar # 428856)
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, D.C. 20004
(202) 637-5600
justin.bernick@hoganlovells.com

/s/ David Gelfand
David I. Gelfand (D.C. Bar No. 416596)
Daniel P. Culley (D.C. Bar No. 988557)
**CLEARY GOTTLIEB STEEN &
HAMILTON LLP**
2112 Pennsylvania Avenue, NW
Washington, DC 20037
Telephone: (202) 974-1500
Facsimile: (202) 974-1999
dgelfand@cgsh.com

Counsel for Defendant ASSA ABLOY AB

/s/ Paul Spagnoletti
Paul Spagnoletti
Greg D. Andres
Nikolaus J. Williams
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, NY 10017
(212) 450-4000
paul.spagnoletti@davispolk.com

*Counsel for Defendant
Spectrum Brands Holdings, Inc.*