



**Australian  
Competition &  
Consumer  
Commission**

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Contact Officer: Erin Donohue  
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13 December 2010

Mr Ayman Guirguis  
Partner  
Blake Dawson  
Locked Bag No 6  
Grosvenor Place  
Sydney NSW 2000

Dear Mr Guirguis

**Third line forcing notification N95179 lodged by ExxonMobil Asia Pacific Pte Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 17 November 2010. The notification has been placed on the ACCC's public register.

ExxonMobil Asia Pacific Pte Ltd (ExxonMobil) proposes to supply, or offer to supply, the Service (analysis service and condition report for the Signum Oil Analysis) on the condition that Distributors (Allied Petroleum, East Coast Lubes, Lubes Direct, Southern Cross Lubes, Statewide Oil & Roto Oil) to whom ExxonMobil supplies or offers to supply the Service, will acquire the Kit (a sample bottle kit consisting of 10 sample bottles, labels for the bottles and packaging for postal dispatch) from Dual Ware Industries.

ExxonMobil proposes to refuse to supply, or offer to supply, the Service to a Distributor for the reason that the Distributor has not acquired, or has not agreed to acquire, the Kit from Dual Ware Industries.

Legal immunity conferred by the notification commenced on 1 December 2010.

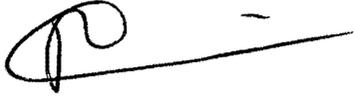
On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

This assessment has been made on the basis that ExxonMobil and the Distributors will disclose all relevant terms and conditions to prospective customers.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Erin Donohue on (02) 6243 1291.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line that extends to the right.

Dr Richard Chadwick  
General Manager  
Adjudication Branch