

Computer Expert Testifies as the First Witness in I.B.M. Antitrust Trial

By WILLIAM D. SMITH

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The Justice Department yesterday called Dr. Sidney Fernbach, head of the computation department of the Lawrence Radiation Laboratories of the University of California at Livermore, as its first witness in its civil antitrust suit against the International Business Machines corporation.

The trial, which opened in the Federal Court for the Southern District of New York on Monday, is the largest antitrust action ever brought by the Government.

The Justice Department charges I.B.M. with violation of Section 2 of the Sherman Act by monopolizing and attempting to monopolize the electronic data processing market between 1960 and 1972. It asks that I.B.M. be broken up into several independent companies.

Raymond M. Carlson, chief attorney for the Justice Department on the case, first asked questions of Dr. Fernbach that would identify him as an early participant in the electronic computer field and as a person with a particularly strong background in scientific computation.

He then asked Dr. Fernbach to define certain basic concepts and equipment involved in data processing. Dr. Fernbach's answers to a large degree constituted a primary course in computer technology.

In several instances, however, particularly with regard to certain technological developments, Mr. Carlson asked Dr.

Fernbach who was responsible for their creation. Some lawyers in the crowded court room, who were there just as observers, said they thought that Mr. Carlson might be trying to establish early in the trial that I.B.M. was responsible for many technological advances in the industry.

Chief Judge David N. Edelstein, who is the sole arbitrator in the case, adjourned the session at 5 P.M. with Dr. Fernbach scheduled to return to the witness stand today.

Early in the day I.B.M. had completed its opening statement. David Boies of Cravath, Swaine & Moore, the law firm representing I.B.M., told the court that I.B.M. would prove its share of the computer market has been steadily declining.

He said that since 1960 I.B.M. has grown at an average rate of 17 per cent a year while its competitors have expanded

their computer revenues by 23 per cent. I.B.M. lawyers indicated that they intended to call numerous witnesses from the United States Government to support their case and to draw heavily on Government statistics as data.

In the Justice Department's opening statement on Monday its lawyers indicated that they intended to prove their case to a considerable extent by using I.B.M. internal documents and data.

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