

FILED
2012 APR 30 A 9:23
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIDNEY A. MAJALYA (CA Bar No. 205047)
JACKLIN CHOU LEM (CA Bar No. 255293)
MANISH KUMAR (CA Bar No. 269493)
Antitrust Division
U.S. Department of Justice
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660
Fax: (415) 436-6687
sidney.majalya@usdoj.gov

E-filing

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

WOO JIN YANG aka EUGENE YANG,
Defendant.

CR 12 0309
No. CR

INFORMATION

CRB
VIOLATIONS:
15 U.S.C. § 1 - Conspiracy in Restraint of
Trade (Counts One - Four);

San Francisco Venue

The United States of America, acting through its attorneys, charges:

WOO JIN YANG aka EUGENE YANG ("defendant"),

the defendant as follows:

1. During the time periods relevant to this Information, the defendant was an employee of Hitachi-LG Data Storage, Inc. ("HLDS") and had responsibilities relating to optical disk drive ("ODD") sales. Defendant held the title of Account Manager for the Hewlett-Packard Company ("HP") account throughout these periods.

2. ODDs are devices that use laser light or electromagnetic waves to read and/or write data. ODDs typically both read and write data, but some are only readers. There are several types of ODDs, including the following: CD-ROM, CD-RW, DVD-ROM, DVD-RW,

INFORMATION
U.S. v. YANG, No.

1 and Combo drives. Optical disk drives can be manufactured according to varying specifications.
 2 For example, ODDs are available in different heights (*e.g.*, half-height and slim), and use
 3 different types of interfaces to connect to a computer's motherboard (*e.g.*, Parallel Advanced
 4 Technology Attachment (PATA) and Serial Advanced Technology Attachment (SATA)).
 5 HLDS and other ODD sellers typically sell their products to computer makers such as HP.

6 3. Whenever in this Information reference is made to any act, deed, or transaction of
 7 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction
 8 by or through its officers, directors, employees, agents, or other representatives while they were
 9 actively engaged in the management, direction, control, or transaction of its business or affairs.

10 4. During the time periods relevant to Counts One through Four:

11 (a) HP hosted ODD procurement events in which the defendant and co-
 12 conspirators participated. HP was a major manufacturer of computer hardware, software,
 13 and services marketed and sold to business enterprises and individual consumers. HP
 14 purchased ODDs that were incorporated into technology products sold by HP to
 15 businesses and individuals.

16 (b) HP's ODD procurement events were competitive bidding events in which
 17 participants would be awarded varying amounts of ODD supply depending on where
 18 participants' pricing ranked in any particular event.

19 COUNT ONE: 15 U.S.C. § 1 (Bid Rigging)

20 AUGUST 2006 HP PROCUREMENT EVENT

21 5. Paragraphs 1 through 4 of this Information are repeated, realleged, and
 22 incorporated into this Count as if fully set forth herein.

23 6. From approximately August 2006 to approximately December 2006, the
 24 defendant and co-conspirators entered into and engaged in a combination and conspiracy to
 25 suppress and restrain competition for an August 2006 ODD procurement event held by HP for
 26 the purchase of half-height PATA and SATA DVD-ROM drives, in unreasonable restraint of
 27 interstate trade and commerce, in violation of the Sherman Act, Title 15, United States Code,
 28 Section 1.

INFORMATION
 U.S. v. YANG, No.

7. The charged combination and conspiracy consisted of an agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were: to predetermine the rank order in which the bidders would finish on HP's August 2006 ODD procurement event for half-height PATA and SATA DVD-ROM drives; to submit collusive, noncompetitive, and rigged bids for the procurement event; and to provide HP with ODDs and receive payment from HP as a result of the collusive bidding.

8. The combination and conspiracy charged in this Count was carried out, in part, in the Northern District of California.

MEANS AND METHODS OF THE CONSPIRACY

9. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

- (a) participating in meetings, discussions, and communications in the United States or elsewhere to discuss bidding strategies and prices of ODDs;
- (b) agreeing, during those meetings, discussions, and communications on how participants would bid on ODDs;
- (c) bidding on ODDs in accordance with the agreements reached; and
- (d) exchanging information on sales, production, market share, capacity, and pricing of ODDs for the purpose of monitoring and enforcing adherence to the agreements and preparing for future conspiratorial discussions.

CO-CONSPIRATORS

10. Various corporations and individuals, not made defendants in this Count, participated as co-conspirators in the offense charged in this Count and performed acts and made statements in furtherance of the offense.

INTERSTATE TRADE AND COMMERCE

11. During the time period relevant to this Count, defendant and co-conspirators sold and distributed ODDs in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries from

INFORMATION
U.S. v. YANG, No.

1 which the defendant and co-conspirators sold ODDs.

2 12. The business activities of the defendant and co-conspirators that are the subject of
3 this Count were within the flow of, and substantially affected, interstate and foreign trade and
4 commerce.

5 COUNT ONE IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

6 COUNT TWO: 15 U.S.C. § 1 (Bid Rigging)

7 MAY, AUGUST, AND NOVEMBER 2008 AND

8 FEBRUARY 2009 HP PROCUREMENT EVENTS

9 13. Paragraphs 1 through 4 and 8 through 12 of this Information are repeated,
10 realleged, and incorporated into this Count as if fully set forth herein.

11 14. From approximately May 2008 to approximately June 2009, the defendant and
12 co-conspirators entered into and engaged in a combination and conspiracy to suppress and
13 restrain competition for ODD procurement events held by HP for the purchase of half-height
14 SATA DVD-RW drives in May 2008, August 2008, November 2008, and February 2009, in
15 unreasonable restraint of interstate trade and commerce, in violation of the Sherman Act, Title
16 15, United States Code, Section 1.

17 15. The charged combination and conspiracy consisted of an agreement,
18 understanding, and concert of action among the defendant and co-conspirators, the substantial
19 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
20 May 2008, August 2008, November 2008, and February 2009 ODD procurement events for half-
21 height SATA DVD-RW drives; to submit collusive, noncompetitive, and rigged bids for the
22 procurement events; and to provide HP with ODDs and receive payment from HP as a result of
23 the collusive bidding.

24 COUNT TWO IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

25 COUNT THREE: 15 U.S.C. § 1 (Bid Rigging)

26 JULY AND OCTOBER 2008 HP PROCUREMENT EVENTS

27 16. Paragraphs 1 through 4 and 8 through 12 of this Information are repeated,
28 realleged, and incorporated into this Count as if fully set forth herein.

INFORMATION
U.S. v. YANG, No.

17. From approximately July 2008 to approximately March 2009, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and restrain competition for ODD procurement events held by HP for the purchase of 12.7mm SATA DVD-RW drives in July and October 2008, in unreasonable restraint of interstate trade and commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

18. The charged combination and conspiracy consisted of an agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were: to predetermine the rank order in which the bidders would finish on HP's July and October 2008 ODD procurement events for 12.7mm SATA DVD-RW drives; to submit collusive, noncompetitive, and rigged bids for the procurement events; and to provide HP with ODDs and receive payment from HP as a result of the collusive bidding.

COUNT THREE IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

COUNT FOUR: 15 U.S.C. § 1 (Bid Rigging)

OCTOBER 2008 SUPPLEMENTAL HP PROCUREMENT EVENT

19. Paragraphs 1 through 4 and 8 through 12 of this Information are repeated, realleged, and incorporated into this Count as if fully set forth herein.

20. From approximately October 2008 to approximately March 2009, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and restrain competition for a supplemental October 2008 ODD procurement event held by HP for the purchase of 12.7mm SATA DVD-RW drives, in unreasonable restraint of interstate trade and commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

21. The charged combination and conspiracy consisted of an agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were: to predetermine the rank order in which the bidders would finish on HP's October 2008 ODD procurement event for 12.7mm SATA DVD-RW drives; to submit collusive, noncompetitive, and rigged bids for the procurement event; and to provide HP with ODDs and

//

//

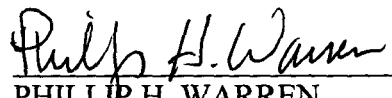
INFORMATION
U.S. v. YANG, No.

1 receive payment from HP as a result of the collusive bidding.


2 COUNT FOUR IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

3
4 

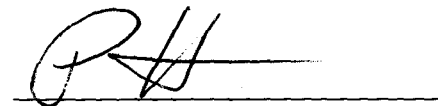
5 JOSEPH F. WAYLAND
Acting Assistant Attorney General



PHILLIP H. WARREN
Chief, San Francisco Office

6
7 

8 SCOTT D. HAMMOND
Deputy Assistant Attorney General



PETER K. HUSTON
Assistant Chief, San Francisco Office

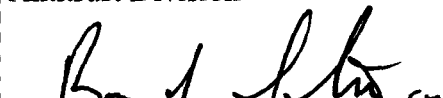
9
10 

11 JOHN TERZAKEN
Director of Criminal Enforcement



SIDNEY A. MAJALYA
JACKLIN CHOU LEM
MANISH KUMAR
Trial Attorneys, San Francisco Office

12
13 U.S. Department of Justice
Antitrust Division

14
15 

16 MELINDA L. HAAG
United States Attorney
17 Northern District of California

18
19
20
21
22
23
24
25
26
27
28

INFORMATION
U.S. v. YANG, No.