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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA)	Case No. CR
)	
12)	INFORMATION
13 v.)	VIOLATION:
14)	Title 15, United States Code,
)	Section 1 (Price Fixing)
15 HYNIX SEMICONDUCTOR INC.,)	
)	San Francisco Venue
16 Defendant.)	
17)	

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

19 I.

20 DESCRIPTION OF THE OFFENSE

21 1. HYNIX SEMICONDUCTOR INC. (“HYNIX”) is made a defendant on the
22 charge stated below.

23 2. From on or about April 1, 1999, until on or about June 15, 2002, defendant
24 HYNIX and its coconspirators, entered into and engaged in a combination and conspiracy in the
25 United States and elsewhere to suppress and eliminate competition by fixing the prices of
26 Dynamic Random Access Memory (“DRAM”) to be sold to certain original equipment
27 manufacturers of personal computers and servers (“OEMs”). The combination and conspiracy
28

INFORMATION

1 engaged in by the defendant and its coconspirators was in unreasonable restraint of interstate and
2 foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3 3. The charged combination and conspiracy consisted of a continuing agreement,
4 understanding, and concert of action among the defendant and its coconspirators, the substantial
5 terms of which were to agree to fix the prices for DRAM to be sold to certain OEMs.

6 4. For the purpose of forming and carrying out the charged combination and
7 conspiracy, the defendant and its coconspirators did those things that they combined and
8 conspired to do, including, among other things:

- 9 (a) participating in meetings, conversations, and communications in the
10 United States and elsewhere to discuss the prices of DRAM to be sold to
11 certain OEMs;
- 12 (b) agreeing, during those meetings, conversations, and communications, to
13 charge prices of DRAM at certain levels to be sold to certain OEMs;
- 14 (c) issuing price quotations in accordance with the agreements reached; and
- 15 (d) exchanging information on sales of DRAM to certain OEM customers, for
16 the purpose of monitoring and enforcing adherence to the agreed-upon
17 prices.

18 II.

19 DEFENDANT AND COCONSPIRATORS

20 5. HYNIX is a corporation organized and existing under the laws of the Republic of
21 Korea. During the period covered by this Information, HYNIX was engaged in the business of
22 producing and, through its subsidiaries, selling DRAM to customers in the United States and
23 elsewhere.

24 6. Various corporations and individuals, not made defendants in this Information,
25 participated as coconspirators in the offense charged in this Information and performed acts and
26 made statements in furtherance of it.

27 7. Whenever in this Information reference is made to any act, deed, or transaction of
28 any corporation, the allegation means that the corporation engaged in the act, deed, or

1 transaction by or through its officers, directors, employees, agents, or other representatives while
2 they were actively engaged in the management, direction, control, or transaction of its business
3 or affairs.

4 III.

5 TRADE AND COMMERCE

6 8. DRAM is the most commonly used semiconductor memory product. DRAM
7 provides high-speed storage and retrieval of electronic information in personal computers,
8 servers and other devices. All references to DRAM in this Information include semiconductor
9 memory devices and modules.

10 9. During the period covered by this Information, the defendant and its
11 coconspirators sold and distributed DRAM in a continuous and uninterrupted flow of interstate
12 and foreign trade and commerce to customers located in states or countries other than the states
13 or countries in which the defendant and its coconspirators produced DRAM. The OEMs that
14 were affected by the conspiracy to suppress and eliminate competition were: Dell Inc., Compaq
15 Computer Corporation, Hewlett-Packard Company, Apple Computer, Inc., International
16 Business Machines Corporation, and Gateway, Inc.

17 10. The business activities of the defendant and its coconspirators that are the subject
18 of this Information were within the flow of, and substantially affected, interstate and foreign
19 trade and commerce.

20 IV.

21 JURISDICTION AND VENUE

22 11. The combination and conspiracy charged in this Information was carried out, in
23 part, in the Northern District of California, within the five years preceding the filing of this
24 Information.

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

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