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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA)	No. CR 05 00520 PJH
)	
12 v.)	INDICTMENT
)	
13)	
)	VIOLATION:
14 JURGEN ICK)	Title 15, United States Code,
)	Section 1 (Price Fixing)
15 Defendant.)	
)	San Francisco Venue

16
17 The Grand Jury charges as follows:

18 I.

19 DESCRIPTION OF THE OFFENSE

- 20 1. JURGEN ICK is hereby indicted and made a defendant on the charge stated below.
- 21 2. Beginning in or about 1995 and continuing into 2001, the exact dates being unknown to
22 the Grand Jury, the defendant and his coconspirators entered into and engaged in a combination and
23 conspiracy to suppress and eliminate competition by fixing the prices of rubber chemicals to be sold in
24 the United States and elsewhere. The combination and conspiracy engaged in by the defendant and his
25 coconspirators was an unreasonable restraint of interstate and foreign trade and commerce in violation
26 of
27 Section 1 of the Sherman Act (15 U.S.C. § 1).
- 28 3. The charged combination and conspiracy consisted of a continuing agreement,

1 understanding, and concert of action among the defendant and his coconspirators, the substantial terms
2 of which were to agree to fix and maintain prices and to coordinate price increases for rubber chemicals
3 to be sold in the United States and elsewhere.

4 II.

5 MEANS AND METHODS OF THE CONSPIRACY

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

- 9 (a) attending and participating in meetings among major rubber chemical producers
10 to discuss the prices of rubber chemicals to be sold in the United States and
11 elsewhere;
- 12 (b) agreeing during those meetings and discussions to increase prices of rubber
13 chemicals to be sold in the United States and elsewhere;
- 14 (c) issuing price announcements and price quotations in accordance with the
15 agreements reached;
- 16 (d) causing rubber chemicals prices to certain customers to be raised or maintained in
17 the United States and elsewhere;
- 18 (e) accepting payment for the supply of rubber chemicals sold at collusive,
19 noncompetitive prices to certain customers in the United States and elsewhere;
- 20 (f) participating in meetings and discussions to discuss the prices of rubber chemicals
21 sold by each corporate conspirator in the United States and elsewhere for the
22 purpose of monitoring and enforcing adherence to the price agreements;
- 23 (g) attempting to conceal the conspiracy and conspiratorial contacts through various
24 means, including agreeing at the meetings to stagger the order and the timing of
25 price announcements to the public.

26 III.

27 DEFENDANT AND COCONSPIRATORS

28 5. Defendant JURGEN ICK is a resident and citizen of Germany. During part

1 of the period covered by this Indictment, defendant JURGEN ICK was the Head of Marketing for
2 Rubber Products, and, later, the Head of the Rubber Business Group at Bayer AG (“Bayer”). During the
3 period covered by this Indictment, Bayer was a German company that engaged in the business of
4 producing rubber chemicals and selling rubber chemicals to customers in the United States and
5 elsewhere.

6 6. Various corporations and individuals, not made defendants in this Indictment,
7 participated as coconspirators in the offense charged in this Indictment and performed acts and made
8 statements in furtherance of it.

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

13 IV.

14 TRADE AND COMMERCE

15 8. Rubber chemicals are a group of additives used during the processing of rubber to
16 improve the elasticity, strength, and durability of a variety of rubber products, including automotive
17 tires, hoses and belts, wire and cable insulation, and footwear. Rubber chemicals include accelerators,
18 antidegradants, and antioxidants.

19 9. During the period covered by this Indictment, the defendant and his coconspirators sold
20 and distributed rubber chemicals, and caused the sale and distribution of rubber chemicals, in a
21 continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in
22 states or countries other than the states or countries in which the defendant and his coconspirators
23 produced rubber chemicals. In addition, quantities of rubber chemicals as well as payments for rubber
24 chemicals traveled in interstate and foreign commerce.

25 10. The business activities of the defendant and his coconspirators that are the subject of this
26 Indictment were within the flow of, and substantially affected, interstate and foreign trade and
27 commerce.

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1 ///

2 V.

3 JURISDICTION AND VENUE

4 11. The combination and conspiracy charged in this Indictment was carried out, in part, in
5 the Northern District of California within the five years preceding the return of this Indictment.

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

7 A TRUE BILL

8 Dated: Aug. 10, 2005

9 /s/ Grand Jury Foreperson _____
FOREPERSON

10
11 _____/s/_____
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12 Acting Assistant Attorney General

_____/s/_____
Phillip H. Warren
Chief, San Francisco Office

13
14 _____/s/_____
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