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Filed March 22, 2006

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA v. SUN WOO LEE; YEONGHO KANG; and YOUNG WOO LEE Defendants.	No. CR 06-0180 CRB **INFORMATION** VIOLATION: Title 15, United States Code, Section 1 (Price Fixing) San Francisco Venue

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

I.

DESCRIPTION OF THE OFFENSE

1. SUN WOO LEE, YEONGHO KANG, and YOUNG WOO LEE are made defendants on the charge stated below.

2. From on or about April 1, 1999 until on or about June 15, 2002, the defendants' corporate employers, Samsung Electronics Company, Ltd. ("Samsung"), Samsung Semiconductor, Inc. ("Samsung Semiconductor"), and Samsung Semiconductor Europe GmbH ("Samsung Europe"),

and coconspirators, entered into and engaged in a combination and conspiracy in the United States and elsewhere to suppress and eliminate competition by fixing the prices of Dynamic Random Access Memory ("DRAM") to be sold to certain original equipment manufacturers of personal computers and servers ("OEMs"). The combination and conspiracy engaged in by the defendants' corporate employers and coconspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). The defendants joined and participated in the charged conspiracy at various periods of time from as early as January 12, 2001, until on or about June 15, 2002.

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

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants, their corporate employers, and coconspirators did those things that they combined and conspired to do, including, among other things:

(a) participating in meetings, conversations, and communications in the United States and elsewhere to discuss the prices of DRAM to be sold to certain OEMs;

(b) agreeing, during those meetings, conversations, and communications, to charge prices of DRAM at certain levels to be sold to certain OEMs;

(c) issuing price quotations in accordance with the agreements reached;

(d) exchanging information on sales of DRAM to certain OEM customers, for the purpose of monitoring and enforcing adherence to the agreed-upon prices; and

(e) authorizing, ordering and consenting to the participation of subordinate employees in the conspiracy.

II.

DEFENDANTS AND COCONSPIRATORS

5. During the time period covered by this Information:

(a) Samsung was a corporation organized and existing under the laws of the Republic of Korea, its wholly-owned subsidiary Samsung Semiconductor was a corporation organized and existing under the laws of California, and Samsung's wholly-owned subsidiary Samsung Europe was a corporation organized and existing under the laws of Germany. Samsung, Samsung Semiconductor, and Samsung Europe were engaged in the business of producing and selling DRAM to customers in the United States and elsewhere.

(b) Sun Woo Lee was employed as Senior Manager of DRAM Sales, for Samsung.

(c) Yeongho Kang was employed as Associate Director, DRAM Marketing, for Samsung Semiconductor. And,

(d) Young Woo Lee was employed as a Sales Director for Samsung Europe.

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

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

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III.

TRADE AND COMMERCE

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

9. During the period covered by this Information, the defendants, their corporate employers, and coconspirators sold and distributed DRAM 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 in which the defendants, their corporate employers, and coconspirators produced DRAM. The OEMs that were affected by the conspiracy to suppress and eliminate competition were: Dell Inc., Compaq Computer Corporation, Hewlett-Packard Company, Apple Computer, Inc., International Business Machines Corporation, and Gateway, Inc.

10. The business activities of the defendants, their corporate employers, and coconspirators that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

IV.

JURISDICTION AND VENUE

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

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

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