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NO. DIST. OF CALIF.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MMC

UNITED STATES OF AMERICA	)	CR No. 09 0110
v.	)	**INDICTMENT**
CHENG YUAN LIN, aka C.Y. LIN, WEN JUN CHENG, aka TONY CHENG, and DUK MO KOO,	)	VIOLATION: Title 15, United States Code, Section 1 (Price Fixing)
Defendants.	)	San Francisco Venue

The Grand Jury charges that:

I.

DESCRIPTION OF THE OFFENSE

1. The following individuals are hereby indicted and made defendants on the charge stated below:

(a) CHENG YUAN LIN, aka C.Y. LIN;

(b) WEN JUN CHENG, aka TONY CHENG; and

(c) DUK MO KOO.

2. From on or about September 14, 2001, until on or about December 1, 2006, the exact dates being unknown to the Grand Jury, coconspirators of the defendants, LG Display Co.,

Ltd., formerly known as LG.Philips LCD Co., Ltd. ("LPL"), LG Display America, Inc., Chunghwa Picture Tubes, Ltd. ("Chunghwa"), and other corporations and individuals, entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing the prices of thin-film transistor liquid crystal display panels ("TFT-LCDs") in the United States and elsewhere. The combination and conspiracy engaged in by the defendants, their corporate employers, and other 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).

3. Defendant CHENG YUAN LIN joined and participated in the conspiracy from at least as early as September 14, 2001 and continuing until at least April 7, 2003. Defendant WEN JUN CHENG joined and participated in the conspiracy from at least as early as October 5, 2001 and continuing at least until September 24, 2004. Defendant DUK MO KOO joined and participated in the conspiracy from at least as early as December 11, 2001 and continuing at least until December 1, 2005.

4. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants, their corporate employers, and other coconspirators, the substantial terms of which were to agree to fix the prices for TFT-LCDs for use in notebook computers, desktop computer monitors, and televisions in the United States and elsewhere.

II.

MEANS AND METHODS OF THE CONSPIRACY

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

(a) attended meetings and engaged in conversations and communications in Taiwan, Korea, and the United States to discuss the prices of TFT-LCDs;

(b) agreed during those meetings, conversations, and communications to

charge prices of TFT-LCDs at certain levels;

(c) attended regular group meetings, commonly referred to as "crystal meetings," in hotel rooms in Taiwan and agreed during those meetings to charge prices for standard-sized TFT-LCDs at certain target levels;

(d) exchanged TFT-LCD shipping, production, supply, demand, and pricing information for the purpose of implementing, monitoring, and enforcing adherence to the agreed-upon prices;

(e) authorized, ordered, and consented to the participation of subordinate employees in the conspiracy;

(g) issued price quotations in accordance with the agreements reached;

(h) accepted payment for the supply of TFT-LCDs sold at collusive, noncompetitive prices to customers in the United States and elsewhere; and

(i) took steps to conceal the conspiracy and conspiratorial contacts through various means.

III.

DEFENDANTS AND COCONSPIRATORS

6. Defendant CHENG YUAN LIN is a resident of Taiwan, Republic of China. From at least as early as September 14, 2001 until on or about April 7, 2003, CHENG YUAN LIN was Chairman and Chief Executive Officer of Chunghwa. During the period covered by this Indictment, Chunghwa was a Taiwanese company engaged in the business of producing and selling TFT-LCDs to customers in the United States and elsewhere.

7. Defendant WEN JUN CHENG is a resident of Taiwan, Republic of China. From at least as early as September 14, 2001 until on or about September 24, 2004, WEN JUN CHENG was employed by Chunghwa and beginning in March 2002 was Assistant Vice President of Sales and Marketing for Chunghwa. WEN JUN CHENG left his employment at Chunghwa on September 24, 2004.

8. Defendant DUK MO KOO is a resident and citizen of the Republic of Korea. During the period covered by this Indictment, DUK MO KOO was Executive Vice President and Chief Sales Officer for LPL. During the period covered by this Indictment, LPL was a Korean company engaged in the business of producing and selling TFT-LCDs to customers in the United States and elsewhere.

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

10. Whenever in this Indictment 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.

IV.

TRADE AND COMMERCE

11. TFT-LCDs are glass panels composed of an array of tiny pixels that are electronically manipulated in order to display images. TFT-LCDs are manufactured in a broad range of sizes and specifications for use in televisions, notebook computers, desktop computer monitors, cell phones, mobile devices, and other applications.

12. During the period covered by this Indictment, the defendants, their corporate employers, and coconspirators sold and distributed substantial quantities of TFT-LCDs 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 TFT-LCDs. In addition, payments for TFT-LCDs traveled in interstate and foreign trade and commerce.

13. The business activities of the defendants, their corporate employers, and coconspirators that are the subject of this Indictment were within the flow of, and substantially

affected, interstate and foreign trade and commerce.

V.

JURISDICTION AND VENUE

14. The combination and conspiracy charged in this Indictment was carried out, in part, in the Northern District of California, within the five years preceding the filing of this Indictment, excluding the period during which the running of the statute of limitations was suspended pursuant to agreement with defendant CHENG YUAN LIN.

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

DATED:

A TRUE BILL

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Acting Assistant Attorney General

FOREPERSON

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