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CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 NIAL E. LYNCH (State Bar No. 157959)
NATHANAEL M. COUSINS (State Bar No. 177944)
2 MAY LEE HEYE (State Bar No. 209366)
BRIGID S. BIERMANN (State Bar No. 231705)
3 CHARLES P. REICHMANN (State Bar No. 206699)
Antitrust Division
4 U.S. Department of Justice
450 Golden Gate Avenue
5 Box 36046, Room 10-0101
San Francisco, CA 94102
6 Telephone: (415) 436-6660

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7 Attorneys for the United States

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA)

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12)
13) INFORMATION

MMC

14 v.)

15 YOUNG HWAN PARK,)

14 VIOLATION:
Title 15, United States Code,
15 Section 1 - Price Fixing

16 Defendant.)

17 San Francisco Venue

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

19 I.

20 DESCRIPTION OF THE OFFENSE

21 1. YOUNG HWAN PARK is made a defendant on the charge stated below.

22 2. From on or about April 1, 1999 until on or about June 15, 2002, the defendant's
23 corporate employer, Samsung Electronics Company, Ltd. ("Samsung"), and coconspirators
24 entered into and engaged in a combination and conspiracy in the United States and elsewhere to
25 suppress and eliminate competition by fixing the prices of Dynamic Random Access Memory
26

INFORMATION
Park

1 ("DRAM") to be sold to certain original equipment manufacturers of personal computers and
2 servers ("OEMs"). The combination and conspiracy engaged in by the defendant's corporate
3 employer and coconspirators was in unreasonable restraint of interstate and foreign trade and
4 commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). The defendant joined
5 and participated in the charged conspiracy at various periods of time from as early as April 1,
6 2001, until on or about June 15, 2002.

7 3. The charged combination and conspiracy consisted of a continuing agreement,
8 understanding, and concert of action among the defendant, his corporate employer, and
9 coconspirators, the substantial terms of which were to agree to fix the prices for DRAM to be
10 sold to certain OEMs.

11 4. For the purpose of forming and carrying out the charged combination and
12 conspiracy, the defendant, his corporate employer, and coconspirators did those things that they
13 combined and conspired to do, including, among other things:

- 14 (a) participating in meetings, conversations, and communications in the
15 United States and elsewhere to discuss the prices of DRAM to be sold to
16 certain OEMs;
- 17 (b) agreeing, during those meetings, conversations, and communications, to
18 charge prices of DRAM at certain levels to certain OEMs;
- 19 (c) issuing price quotations in accordance with the agreements reached;
- 20 (d) exchanging information on sales of DRAM to certain OEM customers, for
21 the purpose of monitoring and enforcing adherence to the agreed-upon
22 prices;
- 23 (e) authorizing, ordering, and consenting to the participation of subordinate
24 employees in the conspiracy.

1 II.

2 DEFENDANT AND COCONSPIRATORS

3 5. During the time period covered by this Information:

4 (a) Samsung was a corporation organized and existing under the laws of the
5 Republic of Korea; its wholly owned subsidiary Samsung Semiconductor Inc. ("Samsung
6 Semiconductor") was a corporation organized and existing under the laws of California. Samsung
7 and Samsung Semiconductor were engaged in the business of producing and selling DRAM to
8 customers in the United States and elsewhere.

9 (b) Young Hwan Park was employed as Vice President of Sales for Memory
10 Products for Samsung.

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

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

18 III.

19 TRADE AND COMMERCE

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

24 9. During the period covered by this Information, the defendant, his corporate
25 employer, and coconspirators sold and distributed DRAM in a continuous and uninterrupted flow
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1 of interstate and foreign trade and commerce to customers located in states or countries other than
2 the states or countries in which the defendant, his corporate employer, and coconspirators
3 produced DRAM. The OEMs that were affected by the conspiracy to suppress and eliminate
4 competition were: Dell Inc., Compaq Computer Corporation, Hewlett-Packard Company, Apple
5 Computer, Inc., International Business Machines Corporation, and Gateway, Inc.

6 10. The business activities of the defendant, his corporate employer, and
7 coconspirators that are the subject of this Information were within the flow of, and substantially
8 affected, interstate and foreign trade and commerce.

9 IV.

10 JURISDICTION AND VENUE

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

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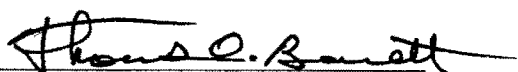
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1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

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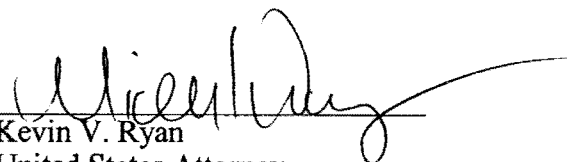
3 Thomas O. Barnett
4 Assistant Attorney General

5 

6 Scott D. Hammond
7 Deputy Assistant Attorney General

8 

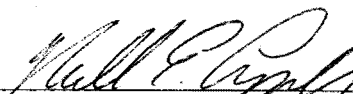
9 Marc Siegel
10 Director of Criminal Enforcement
11 United States Department of Justice
12 Antitrust Division

13 

14 Kevin V. Ryan
15 United States Attorney
16 Northern District of California



Phillip H. Warren
Chief, San Francisco Office



Niall E. Lynch, Assistant Chief
Nathanael M. Cousins
May Y. Lee
Brigid S. Biermann
Charles P. Reichmann
Attorneys
U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660