ORIGINAL
FILED
SEP 21 AM 9:06
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Attorneys for the United States

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SI

UNITED STATES OF AMERICA,	CR No. CR 08 0635
v.	**INFORMATION**
THOMAS QUINN,	VIOLATION: Title 15, United States Code, Section 1 - Price Fixing and Bid Rigging
Defendant.	San Francisco Venue

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

I.

DESCRIPTION OF THE OFFENSE

1. THOMAS QUINN is made a defendant on the charge stated below.

2. From on or about April 1, 1999 until on or about June 15, 2002, the defendant's corporate employer, Samsung Semiconductor, Inc. ("Samsung Semiconductor"), 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 defendant's corporate employer 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 defendant joined and participated in the charged conspiracy at various periods of time from as early as April 1, 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 defendant, his corporate employers, and coconspirators, the substantial terms of which were to agree to fix the prices for DRAM to be sold to certain OEMs and to coordinate bids offered by Sun Microsystems, Inc. ("Sun") on a lot of 1 Gigabyte Next-Generation Dual In-Line Memory Modules ("1 Gigabyte Next-Generation Modules") during a Sun auction on December 5, 2001.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant, his corporate employer, 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 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;

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

(f) participating in meetings, conversations, and communications in the United States and elsewhere to discuss coordinating (*i.e.*, dividing up) a bid offered by Sun among themselves;

(g) agreeing, during those meetings, conversations, and communications, to coordinate a bid offered by Sun;

(h) coordinating, in accordance with the agreements reached, a bid offered by Sun among themselves, denying Sun a competitive price;

(i) participating in meetings, conversations, and communications to discuss the submission of prospective bids on one lot of 1 Gigabyte Next-Generation Modules offered by Sun;

(j) agreeing, during those meetings, conversations, and communications, to submit complementary bids to ensure the success of their agreement; and

(k) submitting complementary bids for one lot of 1 Gigabyte Next-Generation Modules, denying Sun a competitive price.

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. Samsung and Samsung Semiconductor were engaged in the business of producing and selling DRAM to customers in the United States and elsewhere.

(b) Thomas Quinn was employed as V.P. of Marketing for Memory Products for Samsung Semiconductor.

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.

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 defendant, his corporate employer, 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 defendant, his corporate employer, 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 defendant, his corporate employer, 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.

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

/s/ ACTING AAG
Thomas O. Barnett
Assistant Attorney General

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

/s/
Scott D. Hammond
Deputy Assistant Attorney General

/s/
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 Ave.
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660

/s/
Marc Siegel
Director of Criminal Enforcement

United States Department of Justice
Antitrust Division

/s/
Kevin V. Ryan
United States Attorney
Northern District of California

///

///

///

///

///

///

///

///