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11 Attorneys for the United States

12 UNITED STATES DISTRICT COURT 00643  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA )  
16 )  
17 v. )  
18 )  
19 SAMSUNG ELECTRONICS COMPANY, )  
20 LIMITED, and SAMSUNG SEMICONDUCTOR, )  
21 INC. )  
22 )  
23 Defendants. )

Case No. CR  
INFORMATION  
VIOLATION:  
Title 15, United States Code,  
Section 1 (Price Fixing)  
  
San Francisco Venue

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

25 I.

26 DESCRIPTION OF THE OFFENSE

- 27 1. SAMSUNG ELECTRONICS COMPANY, LIMITED and SAMSUNG  
28 SEMICONDUCTOR, INC. are made defendants on the charge stated below.
2. From on or about April 1, 1999, until on or about June 15, 2002, defendants and their 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

INFORMATION

1 personal computers and servers (“OEMs”). The combination and conspiracy engaged in by the  
2 defendants and their coconspirators was in unreasonable restraint of interstate and foreign trade  
3 and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

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

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

- 10 (a) participating in meetings, conversations, and communications in the  
11 United States and elsewhere to discuss the prices of DRAM to be sold to  
12 certain OEMs;
- 13 (b) agreeing, during those meetings, conversations, and communications, to  
14 charge prices of DRAM at certain levels to be sold to certain OEMs;
- 15 (c) issuing price quotations in accordance with the agreements reached; and
- 16 (d) exchanging information on sales of DRAM to certain OEM customers, for  
17 the purpose of monitoring and enforcing adherence to the agreed-upon  
18 prices.

## 19 II.

### 20 DEFENDANTS AND COCONSPIRATORS

21 5. SAMSUNG ELECTRONICS COMPANY, LTD. is a corporation organized and  
22 existing under the laws of the Republic of Korea, and its wholly owned subsidiary SAMSUNG  
23 SEMICONDUCTOR, INC. is a corporation organized and existing under the laws of California.  
24 During the period covered by this Information, SAMSUNG ELECTRONICS COMPANY, LTD.  
25 and SAMSUNG SEMICONDUCTOR, INC. were engaged in the business of producing and  
26 selling DRAM to customers in the United States and elsewhere.

27 6. Various corporations and individuals, not made defendants in this Information,  
28 participated as coconspirators in the offense charged in this Information and performed acts and

1 made statements in furtherance of it.

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

6 III.

7 TRADE AND COMMERCE

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

12 9. During the period covered by this Information, the defendants and their  
13 coconspirators sold and distributed DRAM in a continuous and uninterrupted flow of interstate  
14 and foreign trade and commerce to customers located in states or countries other than the states  
15 or countries in which the defendant and its coconspirators produced DRAM. The OEMs that  
16 were affected by the conspiracy to suppress and eliminate competition were: Dell Inc., Compaq  
17 Computer Corporation, Hewlett-Packard Company, Apple Computer, Inc., International Business  
18 Machines Corporation, and Gateway, Inc.

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

22 IV.

23 JURISDICTION AND VENUE

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

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