

FILED

NOV 12 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 NIAL E. LYNCH (State Bar No. 157959)
2 MICHAEL L. SCOTT (State Bar No. 165452)
3 DAVID J. WARD (State Bar No. 239504)
4 HEATHER S. TEWKSBURY (State Bar No. 222202)
5 ALEXANDRA J. SHEPARD (State Bar No. 205143)
6 Antitrust Division
U.S. Department of Justice
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660

E-Filing

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

CR 08 CR

0802

INFORMATION

12
13 v.

VIOLATIONS:
Title 15, United States Code,
Section 1 (Price Fixing)

PJH

14
15 SHARP CORPORATION,

San Francisco Venue

16
17 Defendant.

18
19 I.

20 COUNT ONE - CONSPIRACY TO RESTRAIN TRADE BY PRICE FIXING

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

22 DESCRIPTION OF THE OFFENSE

23 1. SHARP CORPORATION ("defendant") is made a defendant on the charge stated
24 below.

25 2. From on or about April 1, 2001 to on or about December 1, 2006, defendant and
26 its coconspirators entered into and engaged in a combination and conspiracy in the United States
27 and elsewhere to suppress and eliminate competition by fixing the prices of thin-film transistor
28

INFORMATION - SHARP CORP.

1 liquid crystal display panels ("TFT-LCD") sold to Dell Inc. ("Dell") for use in computer
2 monitors and laptops. The combination and conspiracy engaged in by the defendant and its
3 coconspirators was in unreasonable restraint of interstate and foreign trade and commerce in
4 violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

5 3. The charged combination and conspiracy consisted of a continuing agreement,
6 understanding, and concert of action among the defendant and its coconspirators, the substantial
7 terms of which were to agree to fix the prices of TFT-LCD to be sold to Dell.

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

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

20 DEFENDANT AND COCONSPIRATORS

21 5. SHARP CORPORATION is a corporation organized and existing under the laws
22 of Japan. During the period covered by this Information, SHARP CORPORATION engaged in
23 the business of producing and selling TFT-LCD to customers in the United States and elsewhere.

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

27 7. Whenever in this Information reference is made to any act, deed, or transaction of
28 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction

1 by or through its officers, directors, employees, agents, or other representatives while they were
2 actively engaged in the management, direction, control, or transaction of its business or affairs.

3 TRADE AND COMMERCE

4 8. TFT-LCD are glass panels composed of an array of tiny pixels that are
5 electronically manipulated to display images. TFT-LCD are manufactured in a broad range of
6 sizes and specifications for use in televisions, notebook computers, desktop monitors, mobile
7 devices, and other applications.

8 9. During the period covered by this Information, the defendant and its
9 coconspirators sold and distributed TFT-LCD in a continuous and uninterrupted flow of
10 interstate and foreign trade and commerce to customers located in states or countries other than
11 the states or countries in which the defendant and its coconspirators produced TFT-LCD.

12 10. The business activities of the defendant and its coconspirators that are the subject
13 of this Information were within the flow of, and substantially affected, interstate and foreign
14 trade and commerce.

15 JURISDICTION AND VENUE

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

19 II.

20 COUNT TWO - CONSPIRACY TO RESTRAIN TRADE BY PRICE FIXING

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

22 DESCRIPTION OF THE OFFENSE

23 12. SHARP CORPORATION is made a defendant on the charge stated below.

24 13. From on or about September 1, 2005 to on or about December 1, 2006, defendant
25 and its coconspirators entered into and engaged in a combination and conspiracy in the United
26 States and elsewhere to suppress and eliminate competition by fixing the prices of TFT-LCD
27 sold to Apple Computer Inc. ("Apple") for use in iPod portable music players. The combination
28 and conspiracy engaged in by the defendant and its coconspirators was in unreasonable restraint

1 of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15
2 U.S.C. § 1).

3 14. The charged combination and conspiracy consisted of a continuing agreement,
4 understanding, and concert of action among the defendant and its coconspirators, the substantial
5 terms of which were to agree to fix the prices of TFT-LCD to be sold to Apple.

6 15. For the purpose of forming and carrying out the charged combination and
7 conspiracy, the defendant and its coconspirators did those things that they combined and
8 conspired to do, including, among other things:

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

18 DEFENDANT AND COCONSPIRATORS

19 16. Paragraphs five through seven are realleged as if fully set forth here.

20 TRADE AND COMMERCE

21 17. Paragraphs eight through ten are realleged as if fully set forth here.

22 JURISDICTION AND VENUE

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

26 III.

27 COUNT THREE - CONSPIRACY TO RESTRAIN TRADE BY PRICE FIXING

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

20. From in or about the fall of 2005 to in or about the middle of 2006, defendant and conspirators entered into and engaged in a combination and conspiracy in the United States anywhere to suppress and eliminate competition by fixing the prices of TFT-LCD sold to Motorola Inc. ("Motorola") for use in Razr mobile phones. The combination and conspiracy entered into by the defendant and its 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).

22. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and its coconspirators did those things that they combined and conspired to do, including, among other things:

- (a) participating in bilateral meetings, conversations, and communications in Japan and the United States to discuss the prices of TFT-LCD to be sold to Motorola;
- (b) agreeing, during those bilateral meetings, conversations, and communications, to charge prices of TFT-LCD to be sold to Motorola at certain predetermined levels;
- (c) issuing price quotations in accordance with the agreements reached; and
- (d) exchanging information on sales of TFT-LCD to Motorola, for the purpose of monitoring and enforcing adherence to the agreed-upon prices.

DEFENDANT AND COCONSPIRATORS

23. Paragraphs five through seven are realleged as if fully set forth here.

TRADE AND COMMERCE

24. Paragraphs eight through ten are realleged as if fully set forth here.

///

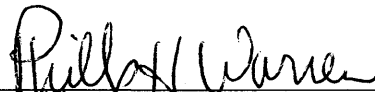
JURISDICTION AND VENUE

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

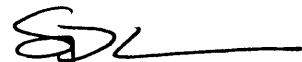
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.



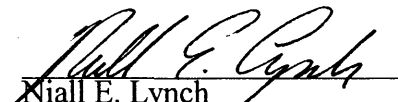
Thomas O. Barnett
Assistant Attorney General



Phillip H. Warren
Chief, San Francisco Office



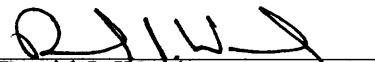
Scott D. Hammond
Deputy Assistant Attorney General



Niall E. Lynch
Assistant Chief, San Francisco Office



Marc Siegel
Director of Criminal Enforcement
United States Department of Justice
Antitrust Division



David J. Ward
Michael L. Scott
Heather S. Tewksbury
Alexandra J. Shepard
Attorneys
United States Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660



Joseph P. Kussoniello *STREK*
United States Attorney *for JPR*
Northern District of California

///

///

///

///

///

///