

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
) Criminal No. 01-075
) v.)
) Filed: 02-14-01
TOYO TANSO USA, INC.; and)
TAKESHI TAKAGI,) Violation: 15 U.S.C. § 1
)
) Defendants.)

INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. Toyo Tanso USA, Inc., (hereinafter "TTU") and Takeshi Takagi are made defendants on the charge stated below.
2. Beginning at least as early as July 1993 and continuing until at least February 1998, the exact dates being unknown to the United States, the defendants, TTU and Takeshi Takagi, and co-conspirators, entered into and participated in a combination and conspiracy to suppress and eliminate competition by fixing the price of non-machined and semi-machined isostatic graphite sold in the United States and elsewhere. The combination and conspiracy engaged in by the defendants and co-conspirators 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. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial terms of which were to agree to fix and maintain prices and to coordinate price increases for the sale of non-machined and semi-machined isostatic graphite in the United States and elsewhere.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and co-conspirators did those things that they combined and conspired to do, including, among other things:

- (a) participating in meetings and conversations in the Far East, Europe, and the United States to discuss the prices and grades of non-machined and semi-machined isostatic graphite sold in the United States and elsewhere;
- (b) agreeing, during those meetings and conversations, to charge prices at certain levels and otherwise to increase and maintain prices of non-machined and semi-machined isostatic graphite sold in the United States and elsewhere;
- (c) agreeing, during those meetings and conversations, to maintain market shares of sales of non-machined and semi-machined isostatic graphite among the co-conspirators;
- (d) agreeing, during those meetings and conversations, to refrain from selling non-machined and semi-machined isostatic

- graphite to a co-conspirator's customer;
- (e) agreeing, during those meetings and conversations, to eliminate discounts from the fixed price of non-machined and semi-machined isostatic graphite offered to customers in the United States and elsewhere;
 - (f) agreeing, during those meetings and conversations, to standardize the grades of non-machined and semi-machined isostatic graphite offered to customers in the United States and elsewhere for the purpose of facilitating the implementation of the above-described agreement;
 - (g) exchanging sales and customer information for the purpose of monitoring and enforcing adherence to the terms of the above-described agreement; and
 - (h) issuing price announcements and price quotations in accordance with the agreements reached.

II

BACKGROUND

5. Isostatic graphite is a fine grain carbon product with great strength and resistance to heat and chemical reaction. It is commonly used to produce, among other products, electrodes for electrical discharge machinery, dies for the continuous casting of metals, and various products used in the semi-conductor

industry, which require its unique properties.

6. Total sales of non-machined and semi-machined isostatic graphite in the United States are estimated at approximately \$100 million during the term of the charged conspiracy.

III

DEFENDANTS AND CO-CONSPIRATORS

7. During the period covered by this Information, TTU was a corporation organized and existing under the laws of the state of Delaware with its principal place of business in Troutdale, Oregon. During the relevant period, TTU was engaged in the sale of non-machined and semi-machined isostatic graphite to customers in the United States and in foreign countries. During the period covered by this Information, Takeshi Takagi was Director and General Manager of the International Division or Director, Corporate Planning of Toyo Tanso Company, Ltd., and an authorized representative of TTU.

8. Various corporations and individuals not made defendants herein participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

9. Wherever in this Information reference is made to any act, deed, or transaction of a corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction,

control, or transaction of its business or affairs.

IV

TRADE AND COMMERCE

10. During the period covered by this Information, the defendants and co-conspirators sold a substantial quantity of non-machined and semi-machined isostatic graphite 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 non-machined and semi-machined isostatic graphite was produced.

11. During the period covered by this Information, the activities of the defendants and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

V

JURISDICTION AND VENUE

12. The combination and conspiracy charged in this Information was carried out, in part, within the Eastern District of Pennsylvania within the five years preceding the filing of this Information.

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

Dated:

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