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SUSAN Y. SOONG
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JACKLIN CHOU LEM (CSBN 255293)
HOWARD J. PARKER (WASBN 07233)
PARADI JAVANDEL (CSBN 295841)
U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 934-5300
jacklin.lem@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WHO

UNITED STATES OF AMERICA

No.
CR17

74

v.

) VIOLATION: 15 U.S.C. § 1
) Price Fixing

SATOSHI OKUBO (aka OHKUBO),

Defendant.

INFORMATION

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

I. DESCRIPTION OF THE OFFENSE

1. SATOSHI OKUBO ("defendant") is made a defendant on the charge stated below.

2. From at least as early as September 1997 and continuing until in or about January 2014, the exact dates being unknown to the United States, in the Northern District of California and elsewhere, coconspirators of the defendant knowingly entered into and engaged in a

1 combination and conspiracy to suppress and eliminate competition by fixing prices and rigging
2 bids of certain electrolytic capacitors in the United States and elsewhere.

3 3. Defendant knowingly joined and participated in the charged conspiracy from at
4 least as early as August 2002 until in or about January 2014.

5 4. The charged combination and conspiracy consisted of a continuing agreement,
6 understanding, and concert of action among the defendant and coconspirators, the substantial
7 terms of which were to fix prices and rig bids of certain electrolytic capacitors. The combination
8 and conspiracy engaged in by the defendant and coconspirators was in unreasonable restraint of
9 interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15
10 U.S.C. § 1).

11 II. BACKGROUND

12 5. Capacitors, also known as condensers, are a fundamental component of electrical
13 circuits and are used primarily to store and regulate electrical current. Electrolytic capacitors,
14 including aluminum and tantalum types, are a major subcategory of capacitors. Electrolytic
15 capacitors are ubiquitous and are found in many products that use electricity, run on a battery, or
16 plug into a socket. Desktop and notebook computers, flat-screen televisions, DVD players,
17 video and still digital cameras, gaming systems, car engine and airbag systems, home appliances,
18 office equipment, and motherboards and other printed circuit boards are some of the products
19 that contain electrolytic capacitors.

20 III. DEFENDANT AND COCONSPIRATORS

21 6. During the time period identified in paragraph 2, defendant was a resident and
22 citizen of Japan. From August 2002 to June 2009, the defendant was employed by Company D
23 in capacitor sales at, an entity organized and existing under the laws of Japan and with its
24 principal place of business in Yokohama, Japan. From July 2009 to January 2014, defendant
25 worked in capacitor sales at Company E, an entity organized and existing under the laws of
26 Japan and with its principal place of business in Osaka, Japan. During the relevant period, the
27 defendant held several titles, including General Manager of Company D's Sales Department and
28 Overseas Sales Manager of Company E's Sales Department. During the time period identified in

1 paragraph 2, Company D and Company E manufactured electrolytic capacitors sold in the United
2 States and elsewhere, and participated in the charged conspiracy.

3 7. Various business organizations and individuals, not made defendants in this
4 Information, participated as coconspirators in the offense charged in this Information and
5 performed acts and made statements in furtherance of it. The defendant's coconspirators
6 included business organizations that manufactured electrolytic capacitors sold in the United
7 States and elsewhere.

8 8. Whenever in this Information reference is made to any act, deed, or transaction of
9 any business organization, the allegation means that the business organization engaged in the act,
10 deed, or transaction by or through its officers, directors, agents, employees, or other
11 representatives, or by or through the officers, directors, agents, employees, or other
12 representatives of its majority-owned and controlled subsidiaries, while they were actively
13 engaged in the management, direction, control, or transaction of its business or affairs.

14 IV. MEANS AND METHODS OF THE CONSPIRACY

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

18 a) participated at times in meetings, conversations, and communications with
19 each other in various locations, including in the United States, to discuss prices and bids
20 of certain electrolytic capacitors;

21 b) agreed during various meetings, conversations, and communications to
22 fix, increase, maintain, and stabilize prices and rig bids of electrolytic capacitors;

23 c) negotiated prices, submitted bids, and issued price announcements for
24 certain electrolytic capacitors in accordance with the agreements reached;

25 d) manufactured electrolytic capacitors in accordance with the agreements
26 reached;

27 e) sold, distributed, and accepted payments for electrolytic capacitors at
28 collusive, noncompetitive prices and bids in accordance with the agreements reached;

1 f) collected, exchanged, monitored, and discussed information on prices,
2 bids, sales, supply, demand, shipping, and the production of electrolytic capacitors for the
3 purpose of reaching agreements on prices and bids and monitoring and enforcing
4 adherence to the agreements reached;

5 g) authorized, ordered, and consented to the participation of subordinate
6 employees in the conspiracy; and

7 h) took steps to conceal the conspiracy and conspiratorial meetings,
8 conversations, and communications through various means, such as using code names to
9 refer to coconspirators, limiting and discouraging retention and distribution of documents
10 reflecting conspiratorial contacts, and providing misleading justifications for prices and
11 bids provided to customers to cover up their collusive conduct.

12 These means and methods of the conspiracy all involved electrolytic capacitors sold to
13 customers located within the United States and elsewhere, including to customers that
14 manufactured and/or sold in the United States, under major United States and other brands,
15 significant quantities of electronic goods containing electrolytic capacitors, such as computers,
16 televisions, and gaming systems.

17 V. TRADE AND COMMERCE

18 10. During the time period identified in paragraph 2, Company D, Company E, and
19 their coconspirators manufactured electrolytic capacitors in Japan, Thailand, China, the United
20 States, and elsewhere and sold them in the United States or for delivery to the United States. The
21 charged combination and conspiracy involved trade or commerce within the United States and
22 U.S. import trade or commerce in electrolytic capacitors.

23 11. During the time period identified in paragraph 2, Company D, Company E, and
24 their coconspirators also sold foreign-manufactured electrolytic capacitors outside the United
25 States for incorporation into other products, including computers, televisions, and gaming
26 systems, that were sold in or for delivery to the United States. The charged combination and
27 conspiracy had a direct, substantial, and reasonably foreseeable effect on trade or commerce

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1 within the United States or U.S. import trade or commerce in these electrolytic capacitor-
2 containing products, and that effect, in part, gives rise to this charge.

3 12. During the time period identified in paragraph 2, Company D, Company E, and
4 their coconspirators sold and shipped substantial quantities of electrolytic capacitors in a
5 continuous and uninterrupted flow of interstate and U.S. import trade or commerce from the
6 United States and foreign countries to customers located in various states in the United States,
7 including states other than where the electrolytic capacitors were manufactured. In addition,
8 substantial quantities of equipment and supplies necessary for the manufacture, sale, and
9 distribution of electrolytic capacitors, as well as substantial payments for such electrolytic
10 capacitors sold by Company D, Company E, and their coconspirators, traveled in interstate and
11 U.S. import trade or commerce. During the time period identified in paragraph 2, the business
12 activities of Company D, Company E, and their coconspirators that are the subject of this
13 Information were within the flow of, and substantially affected, interstate and U.S. import trade
14 or commerce. During the time period identified in paragraph 2, the charged combination and
15 conspiracy had a substantial and intended effect in the United States, including on trade or
16 commerce within the United States and U.S. import trade or commerce in electrolytic capacitors
17 and products containing electrolytic capacitors.

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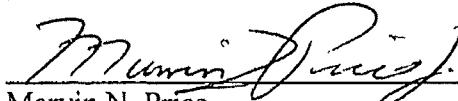
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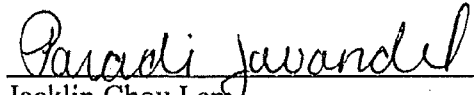
1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

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3 Dated: 2/8, 2017

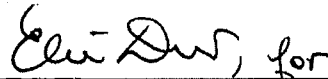
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5 
6 Brent Snyder
Acting Assistant Attorney General

7
8 
9 E. Kate Patchen
Chief, San Francisco Office

10
11 
12 Marvin N. Price
Director of Criminal Enforcement

13
14 
15 Jacklin Chou Lem
Howard J. Parker
Paradi Javandel
Trial Attorneys

16
17 United States Department of Justice
18 Antitrust Division

19
20 
21 Brian J. Stretch
22 United States Attorney
23 Northern District of California