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FILED
05 MAY 16 AM 9:27
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN FRANCISCO VENUE **CR 05 00314**

14 UNITED STATES OF AMERICA

15 v.

16 WOLFGANG KOCH,

17 Defendant.

CRB

INFORMATION

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

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

19 I.

20 DESCRIPTION OF THE OFFENSE

21 1. WOLFGANG KOCH ("the defendant") is made a defendant on the charge stated
22 below.

23 2. Beginning in or about January 1999 and continuing until in or about December
24 2001, the defendant and co-conspirators participated in a combination and conspiracy to suppress
25 and eliminate competition by maintaining and increasing the prices of certain rubber chemicals
26 sold in the United States and elsewhere. The combination and conspiracy engaged in by the
27 defendant and co-conspirators was in unreasonable restraint of interstate and foreign trade and
28 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 defendant and co-conspirators, the substantial

1 term of which was to suppress and eliminate competition by maintaining and increasing the
2 prices of certain rubber chemicals in the United States and elsewhere.

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

- 6 (a) participating in conversations and meetings to discuss prices of certain rubber
7 chemicals to be sold in the United States and elsewhere;
- 8 (b) agreeing, during those conversations and meetings, to raise and maintain prices of
9 certain rubber chemicals to be sold in the United States and elsewhere;
- 10 (c) participating in conversations and attending meetings concerning implementation
11 of and adherence to the agreements reached;
- 12 (d) issuing price announcements and price quotations in accordance with the
13 agreements reached; and
- 14 (e) exchanging information on the sale of certain rubber chemicals in the United
15 States and elsewhere.

16 II.

17 DEFENDANT AND CO-CONSPIRATORS

18 5. The defendant is employed by Bayer AG ("Bayer"), a German entity with its
19 principal place of business in Leverkusen, Germany. During the period covered by this
20 Information, the defendant held the title of Product Manager of Rubber Chemicals in Bayer's
21 Rubber Group and had responsibility for approving pricing of rubber chemicals sold in the
22 United States and elsewhere. During the period covered by this Information, the defendant and
23 Bayer engaged in the business of producing and selling rubber chemicals in the United States and
24 elsewhere.

25 6. Various entities and individuals, not made defendants in this Information,
26 participated as co-conspirators in the offense charged herein and performed acts and made
27 statements in furtherance of it.

28 7. Whenever in this Information reference is made to any act, deed, or transaction of

1 any entity, the allegation means that the entity engaged in the act, deed, or transaction by or
2 through its officers, directors, employees, agents, or other representatives while they were
3 actively engaged in the management, direction, control, or transaction of its business or affairs.

4 III.

5 TRADE AND COMMERCE

6 8. Rubber chemicals are a group of additives used to improve the elasticity, strength,
7 and durability of rubber products. Rubber chemicals are used primarily in the manufacture of
8 tires, outdoor furniture, hoses, belts, and footwear.

9 9. During the period covered by this Information, the defendant's employer and co-
10 conspirators manufactured, sold, and distributed rubber chemicals in a continuous and
11 uninterrupted flow of interstate and foreign trade and commerce to customers located in states or
12 countries other than the states or countries in which the defendant's employer and co-
13 conspirators produced rubber chemicals.

14 10. The business activities of the defendant and co-conspirators that are the subject of
15 this Information were within the flow of, and substantially affected, interstate trade and
16 commerce.

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3 IV.

4 JURISDICTION AND VENUE

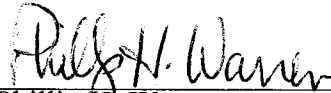
5 11. The combination and conspiracy charged in this Information was carried out, in
6 part, in the Northern District of California within the five years preceding the filing of this
7 Information.

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

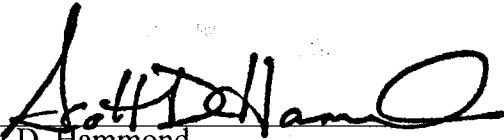
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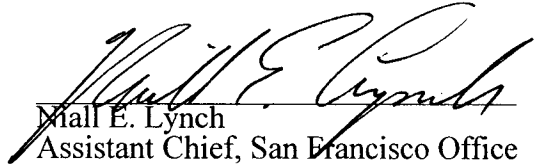
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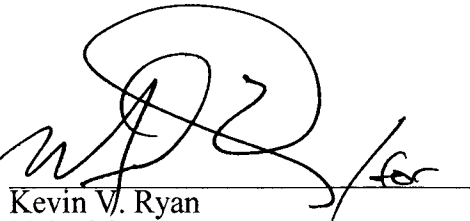
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