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U.S. DISTRICT COURT
SAN FRANCISCO

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA

13 v.

14 SAKAE SOMEYA,

15 Defendant.

CR 09 - 00329 PJH

INDICTMENT

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

San Francisco Venue

17 The Grand Jury charges that:

18 I.

19 DESCRIPTION OF THE OFFENSE

20 1. SAKAE SOMEYA is hereby indicted and made a defendant on the charge stated
21 below:

22 2. From on or about January 1, 2001, until on or about December 31, 2004, the exact
23 dates being unknown to the Grand Jury, the defendant, SAKAE SOMEYA, coconspirator Hitachi
24 Displays Ltd. ("Hitachi"), and other corporations and individuals, entered into and engaged in a
25 combination and conspiracy to suppress and eliminate competition by fixing the prices of thin-
26 film transistor liquid crystal display panels ("TFT-LCD") sold to Dell Inc. or its subsidiaries

INDICTMENT

1 (“Dell”) for use in desktop monitors and notebook computers. The combination and conspiracy
2 engaged in by the defendant, his corporate employer, and other coconspirators was in
3 unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of
4 the Sherman Act (15 U.S.C. § 1).

5 3. Defendant SAKAE SOMEYA joined and participated in the conspiracy from as
6 early as January 1, 2001 and continued until at least December 31, 2004.

7 4. The charged combination and conspiracy consisted of a continuing agreement,
8 understanding, and concert of action among the defendant, his corporate employer, and other
9 coconspirators, the substantial terms of which were to agree to fix the prices for TFT-LCD to be
10 sold to Dell.

11 II.

12 MEANS AND METHODS OF THE CONSPIRACY

13 5. For the purpose of forming and carrying out the charged combination and
14 conspiracy, the defendant, his corporate employer, and other coconspirators did those things that
15 they combined and conspired to do, including, among other things:

- 16 (a) attended bilateral meetings and engaged in conversations and
17 communications in Japan, Korea, and the United States to discuss the
18 prices of TFT-LCD sold to Dell;
- 19 (b) agreed during those meetings, conversations, and communications to
20 charge prices of TFT-LCD sold to Dell at certain levels;
- 21 (c) exchanged information on sales of TFT-LCD sold to Dell, for the purpose
22 of monitoring and enforcing adherence to the agreed-upon prices.
- 23 (d) authorized, ordered, and consented to the participation of subordinate
24 employees in the conspiracy;
- 25 (e) issued price quotations in accordance with the agreements reached;
- 26 (f) accepted payment for the supply of TFT-LCD sold at collusive,

1 noncompetitive prices to Dell; and

2 (g) took steps to conceal the conspiracy and conspiratorial contacts through
3 various means.

4 III.

5 DEFENDANT AND COCONSPIRATORS

6 6. Defendant SAKAE SOMEYA is a citizen and resident of Japan. From at least as
7 early as January 1, 2001 until on or about December 31, 2004, SAKAE SOMEYA was a Senior
8 Manager for Sales & Marketing at Hitachi. During the period covered by this Indictment,
9 Hitachi was a Japanese company engaged in the business of producing and selling TFT-LCD to
10 customers in the United States and elsewhere.

11 7. Various corporations and individuals, not made defendants in this Indictment,
12 participated as coconspirators in the offense charged in this Indictment and performed acts and
13 made statements in furtherance of it.

14 8. Whenever in this Indictment reference is made to any act, deed, or transaction of
15 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction
16 by or through its officers, directors, employees, agents, or other representatives while they were
17 actively engaged in the management, direction, control, or transaction of its business or affairs.

18 IV.

19 TRADE AND COMMERCE

20 9. TFT-LCD are glass panels composed of an array of tiny pixels that are
21 electronically manipulated in order to display images. TFT-LCD are manufactured in a broad
22 range of sizes and specifications for use in televisions, notebook computers, desktop computer
23 monitors, cell phones, mobile devices, and other applications.

24 10. During the period covered by this Indictment, the defendant, his corporate
25 employer, and coconspirators sold and distributed substantial quantities of TFT-LCD in a
26 continuous and uninterrupted flow of interstate and foreign trade and commerce to customers

1 located in states or countries other than the states or countries in which the defendant, his
2 corporate employer, and coconspirators produced TFT-LCD. In addition, payments for TFT-
3 LCD traveled in interstate and foreign trade and commerce.

4 11. The business activities of the defendant, his corporate employer, and
5 coconspirators that are the subject of this Indictment were within the flow of, and substantially
6 affected, interstate and foreign trade and commerce.

7 V.

8 JURISDICTION AND VENUE

9 12. The combination and conspiracy charged in this Indictment was carried out, in
10 part, in the Northern District of California, within the five years preceding the filing of this
11 Indictment.

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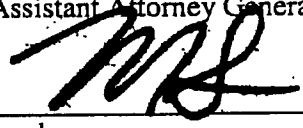
1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

3 DATED:

A TRUE BILL

4 

5 Scott D. Hammond
Acting Assistant Attorney General

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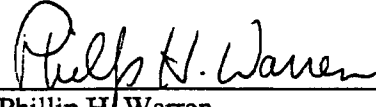
7 Marc Siegel
8 Director of Criminal Enforcement

9 United States Department of Justice
Antitrust Division

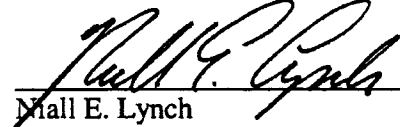
10 

11 Joseph P. Russoniello *STUBBART FOR*
12 United States Attorney *Russoniello*
Northern District of California

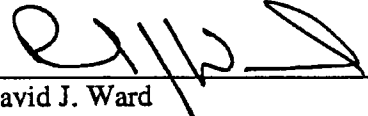
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26 INDICTMENT