

1 PETER K. HUSTON (State Bar No. 150058)
2 MICHAEL L. SCOTT (State Bar No. 165452)
3 HEATHER S. TEWKSBURY (State Bar No. 222202)
4 E. KATE PATCHEN (NY Reg. 41204634)
5 Antitrust Division
6 U.S. Department of Justice
7 450 Golden Gate Avenue
8 Box 36046, Room 10-0101
9 San Francisco, CA 94102
10 Telephone: (415) 436-6660

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

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11 Attorneys for the United States

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA

CR 11 0019
No.

16 v.

RS

17 DING HUI JOE, aka DAVID JOE, TING-HWEI
18 CHOU, DING HUEI JOE,

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

19 Defendant.

INDICTMENT

20 The Grand Jury charges that:

I.

DESCRIPTION OF THE OFFENSE

21 1. DING HUI JOE, aka DAVID JOE, TING-HWEI CHOU, DING HUEI JOE, is
22 hereby indicted and made a defendant on the charge stated below.

23 2. From on or about September 14, 2001, until on or about January 31, 2006 ("the
24 period covered by this Indictment"), the exact dates being unknown to the Grand Jury, the
25 defendant and other coconspirators entered into and engaged in a combination and conspiracy to
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INDICTMENT

1 suppress and eliminate competition by fixing the prices of thin-film transistor liquid crystal
2 display panels ("TFT-LCD") in the United States and elsewhere. The combination and
3 conspiracy engaged in by the defendant and other coconspirators was in unreasonable restraint of
4 interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15
5 U.S.C. § 1). 3. The charged combination and conspiracy consisted of a continuing
6 agreement, understanding, and concert of action among the defendant and other coconspirators,
7 the substantial terms of which were to agree to fix the prices of TFT-LCDs for use in notebook
8 computers, desktop computer monitors, and televisions in the United States and elsewhere.

9 II.

10 DEFENDANT AND COCONSPIRATORS

11 4. Defendant DING HUI JOE is a resident of Taiwan. During the period covered by
12 this Indictment, the defendant was Vice President and later President of HannStar Display
13 Corporation. The defendant joined and participated in the conspiracy from at least as early as
14 September 14, 2001 and continuing at least until January 31, 2006.

15 5. Various corporations and individuals not made defendants in this Indictment
16 participated as coconspirators in the offense charged in this Indictment and performed acts and
17 made statements in furtherance of it.

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

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1 III.

2 MEANS AND METHODS OF THE CONSPIRACY

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

6 (a) On or about September 14, 2001, representatives from four Taiwan TFT-
7 LCD manufacturers, including the defendant, secretly met in a hotel room
8 in Taipei, Taiwan and entered into and engaged in a conspiracy to fix the
9 price of TFT-LCD. At this meeting, the conspirators agreed to meet
10 approximately once a month for the purpose of fixing the price of TFT-
11 LCD panels. These meetings were commonly referred to by some of the
12 conspirators as "Crystal Meetings." The four Taiwan TFT-LCD
13 manufacturers also agreed to rotate responsibility for coordinating each of
14 these monthly meetings.

15 (b) On or about September 21, 2001, representatives from two Korean TFT-
16 LCD manufacturers joined representatives from the four Taiwan TFT-
17 LCD manufacturers, including the defendant, at a Crystal Meeting in a
18 hotel room in Taipei, Taiwan. At or before the September 21, 2001
19 Crystal Meeting, the two Korean TFT-LCD manufacturers agreed to join
20 the conspiracy to fix the price of TFT-LCD.

21 (c) Employees from HannStar Display Corporation, including the defendant
22 or his subordinates, attended Crystal Meetings on a regular basis between
23 on or about September 14, 2001, until on or about January 31, 2006, with
24 employees of other participating TFT-LCD manufacturers.

1 (d) The defendant attended and participated in multiple Crystal Meetings. The
2 defendant also authorized, ordered, or consented to the attendance and
3 participation of his subordinate employees at Crystal Meetings.

4 (e) During the period covered by this Indictment, participants in the Crystal
5 Meetings regularly exchanged production, shipping, supply, demand, and
6 pricing information with each other at the meetings for the purpose of
7 agreeing to fix the price of TFT-LCD, as well as implementing,
8 monitoring, and enforcing adherence to the fixed prices. Up until 2003,
9 the participants in the Crystal Meetings reached price agreements on
10 certain sized TFT-LCD used in computer notebooks and monitors.

11 **Beginning** in 2003, the price agreements reached at the Crystal Meetings
12 also included certain sized TFT-LCD used in flat-screen televisions.

13 (f) The participants in the conspiracy issued price quotations in accordance
14 with the price agreements and accepted payment for the supply of TFT-
15 LCDs sold at collusive, noncompetitive prices to customers in the United
16 States and elsewhere.

17 (g) In or about May 2005, the participants in the Crystal Meetings discussed
18 that one or two major TFT-LCD customers may have detected the Crystal
19 Meetings. To keep the meetings secret and avoid detection, the Crystal
20 Meeting participants decided to stop having senior-level sales executives
21 attend the Crystal Meetings. Instead, senior-level executives from the
22 participating TFT-LCD manufacturers instructed lower-level marketing
23 employees to continue the Crystal Meetings. Lower-level marketing
24 employees of HannStar Display Corporation and the other participating
25 TFT-LCD manufacturers continued to meet monthly as a group to
26 exchange shipment, production, and pricing information in furtherance of

1 the conspiracy to fix the price of TFT-LCD. The lower-level marketing
2 employees met at restaurants and cafes, instead of hotels, in Taipei.

3 (h) During the period covered by this Indictment, the defendant and other
4 coconspirators took steps to conceal the conspiracy and conspiratorial
5 contacts through various means:

6 (1) The Crystal Meeting participants discussed the need to keep the
7 Crystal Meetings secret and warned against revealing the existence
8 of the meetings, even to other employees within their own
9 companies who did not participate in the conspiracy.

10 (2) Participants in the Crystal Meetings were specifically warned to
11 keep the meetings secret because of antitrust laws and the ongoing
12 price-fixing investigation into the DRAM industry.

13 IV.

14 TRADE AND COMMERCE

15 8. TFT-LCDs are glass panels composed of an array of tiny pixels that are
16 electronically manipulated in order to display images. TFT-LCDs are manufactured in a broad
17 range of sizes and specifications for use in televisions, notebook computers, desktop computer
18 monitors, cell phones, mobile devices, and other applications. For purposes of this Indictment,
19 TFT-LCD refers to standard-sized panels for use in computer notebooks and monitors and
20 televisions, including sizes 12.1", 13", 13.3", 14", 14.1", 15", 15.2", 15.4", 17", 18", 19", 20",
21 26", and 30".

22 9. During the period covered by this Indictment, the defendant, his corporate
23 employer, and coconspirators sold and distributed substantial quantities of TFT-LCDs in a
24 continuous and uninterrupted flow of interstate and foreign trade and commerce to customers
25 located in states or countries other than the states or countries in which the defendant, his

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1 corporate employer, and coconspirators produced TFT-LCDs. In addition, payments for TFT-
2 LCDs traveled in interstate and foreign trade and commerce.

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

6 V.

7 JURISDICTION AND VENUE

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

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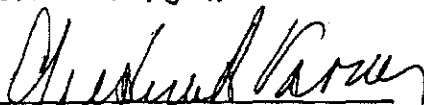
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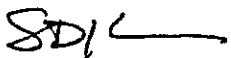
1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

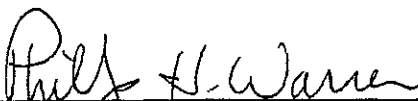
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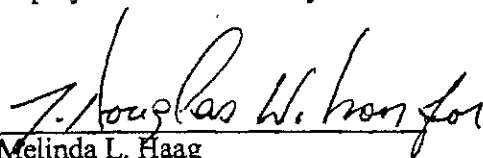
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4 _____
5 Christine A. Varney
6 Assistant Attorney General


FOREPERSON

7 
8 _____
9 Scott D. Hammond
10 Deputy Assistant Attorney General



Phillip H. Warren.
Chief, San Francisco Office

11 
12 _____
13 Melinda L. Haag
14 United States Attorney
15 Northern District of California



Peter K. Huston
Michael L. Scott
Heather S. Tewksbury
E. Kate Patchen
Attorneys
U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660

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INDICTMENT