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RICHARD W. WILKINS
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

CR 11 0911

16 UNITED STATES OF AMERICA

No. CR

17 v.

INFORMATION

18 YOUNG KEUN PARK,

VIOLATIONS:
15 U.S.C. § 1 - Conspiracy in Restraint of
Trade (Counts One - Nine);

19 Defendant.

San Francisco Venue

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

21 YOUNG KEUN PARK ("defendant"),

22 the defendant as follows:

23 1. During the time periods relevant to this Information, the defendant was an
24 employee of Hitachi-LG Data Storage, Inc. ("HLDS"). The defendant was HLDS's Vice
25 President and Chief Marketing Officer in charge of optical disk drive ("ODD") sales. The
26 defendant had supervisory responsibility for HLDS's Dell, Inc. ("Dell"), Microsoft Corporation
27 ("Microsoft"), and Hewlett-Packard Company ("HP") accounts.

28 2. ODDs are devices that use laser light or electromagnetic waves to read and/or
write data. ODDs typically both read and write data, but some are only readers. There are

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1 several types of ODDs, including the following: CD-ROM, CD-RW, DVD-ROM, DVD-RW,
2 and Combo drives. Optical disk drives can be manufactured according to varying specifications.
3 For example, ODDs are available in different heights (*e.g.*, half-height and slim), and use
4 different types of interfaces to connect to a computer's motherboard (*e.g.*, Parallel Advanced
5 Technology Attachment (PATA) and Serial Advanced Technology Attachment (SATA)).
6 HLDS and other ODD sellers typically sell their products to computer and gaming system
7 makers such as Dell, Microsoft, and HP.

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

12 I.

13 THE DELL PROCUREMENT EVENTS

14 4. During the time periods relevant to Counts One and Two:

15 (a) Dell hosted ODD procurement events in which the defendant and co-
16 conspirators participated. Dell was a major manufacturer of desktop and laptop
17 computers, servers, and storage solutions marketed and sold to business enterprises and
18 individual consumers. Dell purchased ODDs that were incorporated into technology
19 products sold by Dell to businesses and individuals.

20 (b) Dell's ODD procurement events were competitive bidding events in which
21 participants would be awarded varying amounts of ODD supply depending on where
22 participants' pricing ranked in any particular event.

23 COUNT ONE: 15 U.S.C. § 1 (Bid Rigging)

24 FEBRUARY 2009 DELL PROCUREMENT EVENT

25 5. Paragraphs 1 through 4 of this Information are repeated, realleged, and
26 incorporated into this Count as if fully set forth herein.

27 6. From approximately February 2009 to approximately July 2009, the defendant
28 and co-conspirators entered into and engaged in a combination and conspiracy to suppress and

1 restrain competition for a February 2009 ODD procurement event held by Dell for the purchase
2 of half-height SATA Tray DVD-RW drives, in unreasonable restraint of interstate trade and
3 commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

4 7. The charged combination and conspiracy consisted of an agreement,
5 understanding, and concert of action among the defendant and co-conspirators, the substantial
6 terms of which were: to predetermine the rank order in which the bidders would finish on Dell's
7 February 2009 ODD procurement event for half-height SATA Tray DVD-RW drives; to submit
8 collusive, noncompetitive, and rigged bids for the procurement event; and to provide Dell with
9 ODDs and receive payment from Dell as a result of the collusive bidding.

10 MEANS AND METHODS OF THE CONSPIRACY

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

- 14 (a) participating in meetings, discussions, and communications in the
15 United States or elsewhere to discuss bidding strategies and prices of ODDs;
16 (b) agreeing, during those meetings, discussions, and communications on
17 how participants would bid on ODDs;
18 (c) bidding on ODDs in accordance with the agreements reached;
19 (d) exchanging information on sales, production, market share, capacity, and
20 pricing of ODDs for the purpose of monitoring and enforcing adherence to the
21 agreements and preparing for future conspiratorial discussions; and
22 (e) authorizing, ordering, and consenting to the participation of subordinate
23 employees in the conspiracy.

24 CO-CONSPIRATORS

25 9. Various corporations and individuals, not made defendants in this Court,
26 participated as co-conspirators in the offense charged in this Court and performed acts and made
27 statements in furtherance of the offense.

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1 INTERSTATE TRADE AND COMMERCE

2 10. During the time period relevant to this Count, defendant and co-conspirators sold
3 and distributed ODDs in a continuous and uninterrupted flow of interstate and foreign trade and
4 commerce to customers located in states or countries other than the states or countries from
5 which the defendant and co-conspirators sold ODDs.

6 11. The business activities of the defendant and co-conspirators that are the subject of
7 this Count were within the flow of, and substantially affected, interstate and foreign trade and
8 commerce.

9 COUNT ONE IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

10 COUNT TWO: 15 U.S.C. § 1 (Bid Rigging)

11 MAY 2009 DELL PROCUREMENT EVENT

12 12. Paragraphs 1 through 4 and 8 through 11 of this Information are repeated,
13 realleged, and incorporated into this Count as if fully set forth herein.

14 13. From approximately May 2009 to approximately September 2009, the defendant
15 and co-conspirators entered into and engaged in a combination and conspiracy to suppress and
16 restrain competition for a May 2009 ODD procurement event held by Dell for the purchase of
17 half-height DVD-RW and 12.7mm Tray DVD-RW drives, in unreasonable restraint of interstate
18 trade and commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

19 14. The charged combination and conspiracy consisted of an agreement,
20 understanding, and concert of action among the defendant and co-conspirators, the substantial
21 terms of which were: to predetermine the rank order in which the bidders would finish on Dell's
22 May 2009 ODD procurement event for half-height DVD-RW and 12.7mm Tray DVD-RW
23 drives; to submit collusive, noncompetitive, and rigged bids for the procurement event; and to
24 provide Dell with ODDs and receive payment from Dell as a result of the collusive bidding.

25 COUNT TWO IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

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1 II.

2 MICROSOFT'S PURCHASE OF ODDS

3 COUNT THREE: 15 U.S.C. § 1 (Price Fixing)

4 15. Paragraphs 1 through 3 and 9 through 11 of this Information are repeated,
5 realleged, and incorporated into this Count as if fully set forth herein.

6 16. During the time period covered by Count Three, Microsoft was a major seller of
7 video gaming consoles. Microsoft purchased ODDs from the defendant and co-conspirators that
8 were incorporated into video gaming consoles produced for sale by Microsoft.

9 17. From approximately June 2007 to approximately March 2008, the defendant and
10 co-conspirators entered into and engaged in a combination and conspiracy in the United States
11 and elsewhere to suppress and eliminate competition by fixing the prices of ODDs sold to
12 Microsoft. The combination and conspiracy engaged in by the defendant and co-conspirators
13 was in unreasonable restraint of interstate and foreign trade and commerce in violation of the
14 Sherman Act, Title 15, United States Code, Section 1.

15 18. The charged combination and conspiracy consisted of an agreement,
16 understanding, and concert of action among the defendant and co-conspirators, the substantial
17 terms of which were to agree to fix the prices of ODDs sold to Microsoft.

18 MEANS AND METHODS OF THE CONSPIRACY

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

22 (a) participating in meetings, conversations, and communications in Taiwan
23 and the Republic of Korea to discuss the price of ODDs;

24 (b) agreeing, during those meetings, conversations, and communications, to
25 sell ODDs at certain prices;

26 (c) issuing price quotations in accordance with the agreements reached;

27 (d) exchanging information on sales of ODD, for the purpose of monitoring
28 and enforcing adherence to the agreed-upon prices; and

1 (e) authorizing, ordering, and consenting to the participation of subordinate
2 employees in the conspiracy.

3 COUNT THREE IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

4 III.

5 THE HP PROCUREMENT EVENTS

6 20. During the time periods relevant to Counts Four through Nine:

7 (a) HP hosted ODD procurement events in which the defendant and co-
8 conspirators participated. HP was a major manufacturer of computer hardware, software,
9 and services marketed and sold to business enterprises and individual consumers. HP
10 purchased ODDs that were incorporated into technology products sold by HP to
11 businesses and individuals.

12 (b) HP's ODD procurement events were competitive bidding events in which
13 participants would be awarded varying amounts of ODD supply depending on where
14 participants' pricing ranked in any particular event.

15 COUNT FOUR: 15 U.S.C. § 1 (Bid Rigging)

16 NOVEMBER 2005 HP PROCUREMENT EVENT

17 21. Paragraphs 1 through 3, 8 through 11, and 20 of this Information are repeated,
18 realleged, and incorporated into this Count as if fully set forth herein.

19 22. From approximately November 2005 to approximately April 2006, the defendant
20 and co-conspirators entered into and engaged in a combination and conspiracy to suppress and
21 restrain competition for a November 2005 ODD procurement event held by HP for the purchase
22 of CD-ROM, CD-RW, DVD-ROM, and Combo drives, in unreasonable restraint of interstate
23 trade and commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

24 23. The charged combination and conspiracy consisted of an agreement,
25 understanding, and concert of action among the defendant and co-conspirators, the substantial
26 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
27 November 2005 ODD procurement event for CD-ROM, CD-RW, DVD-ROM, and Combo
28 drives; to submit collusive, noncompetitive, and rigged bids for the procurement event; and to

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1 provide HP with ODDs and receive payment from HP as a result of the collusive bidding.

2 24. The combination and conspiracy charged in this Count was carried out, in part, in
3 the Northern District of California.

4 COUNT FOUR IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

5 COUNT FIVE: 15 U.S.C. § 1 (Bid Rigging)

6 AUGUST 2006 HP PROCUREMENT EVENT

7 25. Paragraphs 1 through 3, 8 through 11, 20, and 24 of this Information are repeated,
8 realleged, and incorporated into this Count as if fully set forth herein.

9 26. From approximately August 2006 to approximately December 2006, the
10 defendant and co-conspirators entered into and engaged in a combination and conspiracy to
11 suppress and restrain competition for an August 2006 ODD procurement event held by HP for
12 the purchase of half-height PATA and SATA DVD-ROM drives, in unreasonable restraint of
13 interstate trade and commerce, in violation of the Sherman Act, Title 15, United States Code,
14 Section 1.

15 27. The charged combination and conspiracy consisted of an agreement,
16 understanding, and concert of action among the defendant and co-conspirators, the substantial
17 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
18 August 2006 ODD procurement event for half-height PATA and SATA DVD-ROM drives; to
19 submit collusive, noncompetitive, and rigged bids for the procurement event; and to provide HP
20 with ODDs and receive payment from HP as a result of the collusive bidding.

21 COUNT FIVE IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

22 COUNT SIX: 15 U.S.C. § 1 (Bid Rigging)

23 AUGUST 2007 HP PROCUREMENT EVENT

24 28. Paragraphs 1 through 3, 8 through 11, 20, and 24 of this Information are repeated,
25 realleged, and incorporated into this Count as if fully set forth herein.

26 29. From approximately August 2007 to approximately December 2007, the
27 defendant and co-conspirators entered into and engaged in a combination and conspiracy to
28 suppress and restrain competition for an August 2007 ODD procurement event held by HP for

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1 the purchase of Lightscribe DVD-RW drives, in unreasonable restraint of interstate trade and
2 commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

3 30. The charged combination and conspiracy consisted of an agreement,
4 understanding, and concert of action among the defendant and co-conspirators, the substantial
5 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
6 August 2007 ODD procurement event for Lightscribe DVD-RW drives; to submit collusive,
7 noncompetitive, and rigged bids for the procurement event; and to provide HP with ODDs and
8 receive payment from HP as a result of the collusive bidding.

9 COUNT SIX IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

10 COUNT SEVEN: 15 U.S.C. § 1 (Bid Rigging)

11 MAY, AUGUST, AND NOVEMBER 2008 AND

12 FEBRUARY 2009 HP PROCUREMENT EVENTS

13 31. Paragraphs 1 through 3, 8 through 11, 20, and 24 of this Information are repeated,
14 realleged, and incorporated into this Count as if fully set forth herein.

15 32. From approximately May 2008 to approximately June 2009, the defendant and
16 co-conspirators entered into and engaged in a combination and conspiracy to suppress and
17 restrain competition for ODD procurement events held by HP for the purchase of half-height
18 SATA DVD-RW drives in May 2008, August 2008, November 2008, and February 2009, in
19 unreasonable restraint of interstate trade and commerce, in violation of the Sherman Act, Title
20 15, United States Code, Section 1.

21 33. The charged combination and conspiracy consisted of an agreement,
22 understanding, and concert of action among the defendant and co-conspirators, the substantial
23 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
24 May 2008, August 2008, November 2008, and February 2009 ODD procurement events for half-
25 height SATA DVD-RW drives; to submit collusive, noncompetitive, and rigged bids for the
26 procurement events; and to provide HP with ODDs and receive payment from HP as a result of
27 the collusive bidding.

28 COUNT SEVEN IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

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1 COUNT EIGHT: 15 U.S.C. § 1 (Bid Rigging)

2 JULY AND OCTOBER 2008 HP PROCUREMENT EVENTS

3 34. Paragraphs 1 through 3, 8 through 11, 20, and 24 of this Information are repeated,
4 realleged, and incorporated into this Count as if fully set forth herein.

5 35. From approximately July 2008 to approximately March 2009, the defendant and
6 co-conspirators entered into and engaged in a combination and conspiracy to suppress and
7 restrain competition for ODD procurement events held by HP for the purchase of 12.7mm SATA
8 DVD-RW drives in July and October 2008, in unreasonable restraint of interstate trade and
9 commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

10 36. The charged combination and conspiracy consisted of an agreement,
11 understanding, and concert of action among the defendant and co-conspirators, the substantial
12 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
13 July and October 2008 ODD procurement events for 12.7mm SATA DVD-RW drives; to submit
14 collusive, noncompetitive, and rigged bids for the procurement events; and to provide HP with
15 ODDs and receive payment from HP as a result of the collusive bidding.

16 COUNT EIGHT IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

17 COUNT NINE: 15 U.S.C. § 1 (Bid Rigging)

18 OCTOBER 2008 SUPPLEMENTAL HP PROCUREMENT EVENT

19 37. Paragraphs 1 through 3, 8 through 11, 20, and 24 of this Information are repeated,
20 realleged, and incorporated into this Count as if fully set forth herein.

21 38. From approximately October 2008 to approximately March 2009, the defendant
22 and co-conspirators entered into and engaged in a combination and conspiracy to suppress and
23 restrain competition for a supplemental October 2008 ODD procurement event held by HP for
24 the purchase of 12.7mm SATA DVD-RW drives, in unreasonable restraint of interstate trade and
25 commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

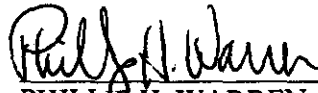
26 39. The charged combination and conspiracy consisted of an agreement,
27 understanding, and concert of action among the defendant and co-conspirators, the substantial
28 terms of which were: to predetermine the rank order in which the bidders would finish on HP's

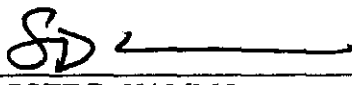
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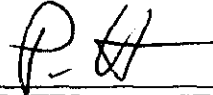
1 October 2008 ODD procurement event for 12.7mm SATA DVD-RW drives; to submit collusive,
2 noncompetitive, and rigged bids for the procurement event; and to provide HP with ODDs and
3 receive payment from HP as a result of the collusive bidding.

4 COUNT NINE IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.


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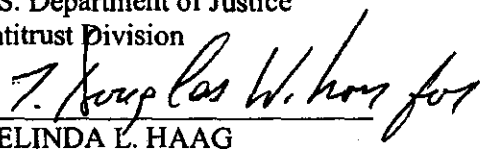
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