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

11	UNITED STATES OF AMERICA)	No. CR 06-0126 (JSW)
)	
12)	INFORMATION
	v.)	
13)	
)	VIOLATION:
14	D.S. KIM; C.K. CHUNG; K.C. SUH; and)	Title 15, United States Code,
	C.Y. CHOI)	Section 1 (Price Fixing)
15)	
	Defendants.)	
16	_____)		San Francisco Venue

17
18 The United States of America, acting through its attorneys, charges:

19 I.

20 DESCRIPTION OF THE OFFENSE

21 1. DAE SOO (D.S.) KIM, CHAE KYUN (C.K.) CHUNG, KUN CHUL (K.C.) SUH,
22 and CHOON YUB (C.Y.) CHOI, are made defendants on the charge stated below.

23 2. From on or about April 1, 1999 until on or about June 15, 2002, the defendants'
24 corporate employers, Hynix Semiconductor, Inc. ("Hynix") and Hynix Semiconductor America Inc.
25 ("Hynix America") and Hynix Semiconductor Deutschland GmbH ("Hynix Germany"), and
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INFORMATION
Kim, Chung, Suh, and Choi

1 coconspirators, entered into and engaged in a combination and conspiracy in the United States and
2 elsewhere to suppress and eliminate competition by fixing the prices of Dynamic Random Access
3 Memory (“DRAM”) to be sold to certain original equipment manufacturers of personal computers
4 and servers (“OEMs”). The combination and conspiracy engaged in by the defendants’ corporate
5 employers and coconspirators was in unreasonable restraint of interstate and foreign trade and
6 commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). The defendants joined and
7 participated in the charged conspiracy at various periods of time from as early as April 1, 2001, until
8 on or about June 15, 2002.

9 3. The charged combination and conspiracy consisted of a continuing agreement,
10 understanding, and concert of action among the defendants, their corporate employers, and
11 coconspirators, the substantial terms of which were to agree to fix the prices for DRAM to be sold
12 to certain OEMs.

13 4. For the purpose of forming and carrying out the charged combination and conspiracy,
14 the defendants, their corporate employers, and coconspirators did those things that they combined
15 and conspired to do, including, among other things:

- 16 (a) participating in meetings, conversations, and communications in the United
17 States and elsewhere to discuss the prices of DRAM to be sold to certain
18 OEMs;
- 19 (b) agreeing, during those meetings, conversations, and communications, to
20 charge prices of DRAM at certain levels to be sold to certain OEMs;
- 21 (c) issuing price quotations in accordance with the agreements reached;
- 22 (d) exchanging information on sales of DRAM to certain OEM customers, for the
23 purpose of monitoring and enforcing adherence to the agreed-upon prices; and
- 24 (e) authorizing, ordering and consenting to the participation of subordinate
25 employees in the conspiracy.

1 II.

2 DEFENDANTS AND COCONSPIRATORS

3 5. During the time period covered by this Information:

4 (a) Hynix was a corporation organized and existing under the laws of Korea, with
5 its headquarters and principal place of business in Ichon, Korea. Hynix's wholly-owned subsidiary
6 Hynix America was a corporation organized and existing under the laws of California. Hynix's
7 wholly-owned subsidiary Hynix Germany was a corporation organized and existing under the laws
8 of Germany. Hynix was engaged in the business of producing and, through its subsidiaries including
9 Hynix America and Hynix Germany, selling DRAM to customers in the United States and elsewhere.

10 (b) D.S. Kim was employed as Hynix's Senior Vice President and General Manager,
11 Worldwide Sales & Marketing;

12 (c) C.K. Chung was employed as Hynix's Director, Global Strategic Account Sales
13 for Memory Products;

14 (d) K.C. Suh was employed as Senior Manager, Memory Product Marketing, for
15 Hynix, and Vice President for Product Marketing & Operations, and Vice President for Operations,
16 for Hynix America; and

17 (e) C.Y. Choi was employed as General Manager, Marketing and Sales Support, for
18 Hynix Germany.

19 6. Various corporations and individuals, not made defendants in this Information,
20 participated as coconspirators in the offense charged in this Information and performed acts and made
21 statements in furtherance of it.

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

1 III.

2 TRADE AND COMMERCE

3 8. DRAM is the most commonly used semiconductor memory product. DRAM
4 provides high-speed storage and retrieval of electronic information in personal computers, servers
5 and other devices. All references to DRAM in this Information include semiconductor memory
6 devices and modules.

7 9. During the period covered by this Information, the defendants, their corporate
8 employer, and coconspirators sold and distributed DRAM in a continuous and uninterrupted flow
9 of interstate and foreign trade and commerce to customers located in states or countries other than
10 the states or countries in which the defendants, their corporate employer, and coconspirators
11 produced DRAM. The OEMs that were affected by the conspiracy to suppress and eliminate
12 competition were: Dell Inc., Compaq Computer Corporation, Hewlett-Packard Company, Apple
13 Computer, Inc., International Business Machines Corporation, and Gateway, Inc.

14 10. The business activities of the defendants, their corporate employers, and
15 coconspirators that are the subject of this Information were within the flow of, and substantially
16 affected, interstate and foreign trade and commerce.

17 IV.

18 JURISDICTION AND VENUE

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

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26 INFORMATION

Kim, Chung, Suh, and Choi

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

2 /s/ Thomas O. Barnett/By CDH
3 Thomas O. Barnett
4 Assistant Attorney General

/s/
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5 /s/
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15 Acting United States Attorney
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