UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

v.

ROBERT BOSCH GmbH,

Defendant.
_____/

Case:5:15-cr-20197
Judge: O'Meara, John Corbett
MJ: Patti, Anthony P.
Filed: 03-31-2015 At 11:08 AM
INFO USA v BOSCH GmbH (dat)

Violation: 15 U.S.C. § 1

INFORMATION

CONSPIRACY TO RESTRAIN TRADE
(15 U.S.C. § 1)

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Co-Conspirators

1. Robert Bosch GmbH ("Defendant") is a corporation organized and existing under the laws of the Federal Republic of Germany, with its principal place of business in Gerlingen, Germany. During the period covered by this Information, Defendant was engaged in the business of manufacturing and selling spark plugs and oxygen sensors, to DaimlerChrysler AG, Ford Motor Company, General Motors Company, Andreas Stihl AG & Co. and certain of their subsidiaries in the United States and elsewhere for installation in vehicles and internal combustion engines manufactured and sold in the United States and elsewhere, and the business of manufacturing and selling starter motors to Volkswagen AG and certain of its subsidiaries in the United States for use in certain Volkswagen vehicles assembled in the United States.

2. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

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

Background of the Offense

4. During the periods covered by this Information, Defendant and its co-conspirators sold spark plugs, oxygen sensors, and starter motors to automobile and internal combustion engine manufacturers for installation in vehicles and engines manufactured and sold in the United States and elsewhere. During the period covered by this Information, Defendant and its co-conspirators sold spark plugs, oxygen sensors and starter motors (a) in the United States for installation in vehicles and engines manufactured and sold in the United States, (b) in other countries for export to the United States and installation in vehicles and engines manufactured and sold in the United States, and (c) in other countries for installation in vehicles and engines manufactured in such other countries, some of which were then exported to and sold in the United States.

5. A spark plug is an engine component that delivers high electric voltage from the ignition system to the combustion chamber of an internal combustion engine. It ignites the compressed fuel/air mixture with an electric spark. Spark plugs have a basic

manufacturing design composed primarily of a shell, an insulator, a center electrode and an external (ground) electrode.

6. An oxygen sensor is an engine component of gasoline engines that provides an input to the engine management computer or "engine control unit," which adjusts the ratio of air/fuel injected into the engine to determine an ideal combustion air/fuel ratio. Oxygen sensors are located before and after the catalytic converter in the exhaust system to measure the amount of oxygen in the exhaust. Depending on their usage and location in the exhaust system, oxygen sensors incorporating a plated ceramic thimble sensor element may also be referred to as "standard oxygen sensors," and oxygen sensors incorporating an electromechanical gas pump and additional electronic circuitry as "air fuel ratio sensors."

7. A starter motor is a small electric motor used in starting internal combustion engines.

8. When purchasing spark plugs, oxygen sensors, and starter motors, automobile and internal combustion engine manufacturers issue Requests for Quotation ("RFQs") to automotive parts suppliers. These RFQs may be issued on a model-by-model basis for model-specific parts or for a specific engine to be incorporated into multiple models. Manufacturers of spark plugs, oxygen sensors, and starter motors submit quotations, or bids, to automobile and internal combustion engine manufacturers in response to RFQs. Typically, the bidding process for a particular model or a particular engine begins approximately three years prior to the start of production.

Conspiracy to Restrain Trade

9. For purposes of this Information, the conspiracy's "relevant period" for spark plugs and oxygen sensors is that period from at least as early as January 2000 until at least July 2011, and for starter motors, from at least as early as January 2009 until at least June 2010, the exact dates being unknown to the United States. During the relevant periods, Defendant and its co-conspirators participated in a combination and conspiracy to suppress and eliminate competition in the automotive and internal combustion engine parts industry by agreeing to allocate the supply of, rig bids for, and to fix, stabilize, and maintain the prices of, spark plugs and oxygen sensors sold to DaimlerChrysler AG, Ford Motor Company, General Motors Company, Andreas Stihl AG & Co. and certain of their subsidiaries in the United States and elsewhere, and by agreeing to allocate the supply of, rig bids for, and to fix, stabilize, and maintain the prices of, starter motors sold to Volkswagen AG and certain of its subsidiaries in the United States for use in certain Volkswagen vehicles assembled in the United States. The combination and conspiracy engaged in by Defendant and its co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of the Sherman Antitrust Act, 15 U.S.C. § 1.

10. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among Defendant and its co-conspirators, the substantial terms of which were to rig bids for, and to fix, stabilize, and maintain the prices of, spark plugs and oxygen sensors sold to DaimlerChrysler AG, Ford Motor Company, General Motors Company, Andreas Stihl AG & Co. and certain of their subsidiaries in the United States and elsewhere, and to rig bids for, and to fix, stabilize,

and maintain the prices of, starter motors sold to Volkswagen AG and certain of its subsidiaries in the United States for use in certain Volkswagen vehicles assembled in the United States.

Manner and Means of the Conspiracy

11. For purposes of forming and carrying out the charged combination and conspiracy, Defendant and/or its co-conspirators did those things that they combined and conspired to do, including, among other things:

a. participating in meetings, conversations, and communications to discuss the bids and price quotations to be submitted to certain automobile and internal combustion engine manufacturers in the United States and elsewhere;

b. agreeing, during those meetings, conversations, and communications, on bids and price quotations to be submitted to certain automobile and internal combustion engine manufacturers;

c. agreeing, during those meetings, conversations, and communications, to allocate the supply of spark plugs, oxygen sensors, and starter motors sold to automobile and internal combustion engine manufacturers in the United States and elsewhere on a model-by-model basis or on an engine-specific basis;

d. agreeing, during those meetings, conversations, and communications, to coordinate price adjustments requested by certain automobile and internal combustion engine manufacturers;

e. submitting bids, price quotations, and price adjustments to certain automobile and internal combustion engine manufacturers in accordance with the agreements reached;

f. selling spark plugs, oxygen sensors, and starter motors to certain automobile and internal combustion engine manufacturers in the United States and elsewhere at collusive and noncompetitive prices;

g. accepting payment for spark plugs, oxygen sensors, and starter motors sold to certain automobile and internal combustion engine manufacturers in the United States and elsewhere at collusive and noncompetitive prices; and

h. engaging in meetings, conversations, and communications for the purpose of monitoring and enforcing adherence to the agreed-upon bid-rigging and price-fixing scheme.

Trade and Commerce

12. During the periods covered by this Information, Defendant and its co-conspirators sold to automobile and internal combustion engine manufacturers in the United States and elsewhere substantial quantities of spark plugs, oxygen sensors, and starter motors manufactured in the United States, Europe and elsewhere, and shipped into the United States and from other states in a continuous and uninterrupted flow of interstate and foreign trade and commerce. In addition, substantial quantities of equipment and supplies necessary to the production and distribution of spark plugs, oxygen sensors, and starter motors by Defendant or its co-conspirators, as well as payments for spark plugs, oxygen sensors, and starter motors sold by Defendant or its co-conspirators, traveled in interstate and foreign trade and commerce. The business

activities of Defendant or its co-conspirators in connection with the production and sale of spark plugs, oxygen sensors, and starter motors that were the subject of the charged conspiracy were within the flow of, and substantially affected, interstate and foreign trade and commerce.

Jurisdiction and Venue

13. The combination and conspiracy charged in this Count was carried out, at least in part, in the Eastern District of Michigan within the five years preceding the filing of this Information.

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

Dated:

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