

1 JACKLIN CHOU LEM (CSBN 255293)
2 ALEXANDRA J. SHEPARD (CSBN 205143)
3 HOWARD J. PARKER (WSBN 07233)
4 HENRY J. HAUSER (CSBN 286744)
5 ANDREW J. NICHOLSON-MEADE (CSBN 284070)
6 PARADI JAVANDEL (CSBN 295841)
7 U.S. Department of Justice
8 Antitrust Division
9 450 Golden Gate Avenue
10 Box 36046, Room 10-0101
11 San Francisco, CA 94102
12 Telephone: (415) 934-5300
13 jacklin.lem@usdoj.gov

14 Attorneys for the United States

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 UNITED STATES OF AMERICA

19 v.

20 NEC TOKIN CORPORATION,

21 Defendant.

CR No. 15 0426

) VIOLATION: 15 U.S.C. § 1
) Price Fixing

22 INFORMATION

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

24 I. DESCRIPTION OF THE OFFENSE

25 1. NEC TOKIN CORPORATION ("defendant" or "NEC TOKIN") is made a
26 defendant on the charge stated below.
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FILED
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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RS

1 7. During the time period identified in paragraph 2, NEC TOKIN's coconspirators
2 included business organizations that manufactured electrolytic capacitors sold in the United
3 States and elsewhere.

4 8. Various business organizations and individuals, not made defendants in this
5 Information, participated as coconspirators in the offense charged in this Information and
6 performed acts and made statements in furtherance of it.

7 9. Whenever in this Information reference is made to any act, deed, or transaction of
8 a business organization, the allegation means that the business organization engaged in the act,
9 deed, or transaction by or through its officers, directors, employees, agents, or other
10 representatives, or by or through the officers, directors, employees, agents, or other
11 representatives of its majority-owned and -controlled subsidiaries, while they were actively
12 engaged in the management, direction, control, or transaction of its business or affairs.

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14 IV. MEANS AND METHODS OF THE CONSPIRACY

15 10. For the purpose of forming and carrying out the charged combination and
16 conspiracy, the defendant and coconspirators did those things that they combined and conspired
17 to do, including, among other things:

18 a) participated at times in meetings, conversations, and communications with
19 each other in China, Germany, Japan, Singapore, Taiwan, the United States, and
20 elsewhere to discuss prices and bids of certain electrolytic capacitors;

21 b) agreed during various meetings, conversations, and communications to
22 fix, increase, maintain, and stabilize prices and rig bids of certain electrolytic capacitors;

23 c) negotiated prices, submitted bids, and issued price announcements for
24 certain electrolytic capacitors in accordance with the agreements reached;

25 d) sold, distributed, and accepted payments for electrolytic capacitors at
26 collusive, noncompetitive prices and bids in accordance with the agreements reached;

27 e) collected, exchanged, monitored, and discussed information on prices,
28 bids, sales, supply, demand, shipping, and the production of electrolytic capacitors for the

1 purpose of reaching agreements on prices and bids and monitoring and enforcing
2 adherence to the agreements reached;

3 f) authorized, ordered, and consented to the participation of subordinate
4 employees in the conspiracy; and

5 g) took steps to conceal the conspiracy and conspiratorial meetings,
6 conversations, and communications through various means, such as using code names to
7 refer to coconspirators, limiting and discouraging retention and distribution of documents
8 reflecting conspiratorial contacts, and providing misleading justifications for prices and
9 bids provided to customers to cover up their collusive conduct.

10 These means and methods of the conspiracy all involved electrolytic capacitors sold to customers
11 located within the United States and elsewhere, including to customers that manufactured and/or
12 sold in the United States under major United States and other brands significant quantities of
13 electronic goods containing electrolytic capacitors, such as computers, televisions, and gaming
14 systems.

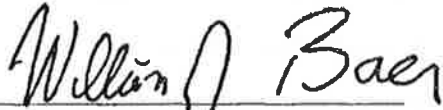
15 16 V. TRADE AND COMMERCE

17 11. During the time period identified in paragraph 2, NEC TOKIN and its
18 coconspirators manufactured electrolytic capacitors in Japan, Thailand, China, the United States,
19 and elsewhere and sold them in the United States or for delivery to the United States. The
20 charged combination and conspiracy involved trade or commerce within the United States and
21 U.S. import trade or commerce in electrolytic capacitors.

22 12. During the time period identified in paragraph 2, NEC TOKIN and its
23 coconspirators also sold foreign-manufactured electrolytic capacitors outside the United States
24 for incorporation into other products, including computers, televisions, and gaming systems, that
25 were sold in or for delivery to the United States. The charged combination and conspiracy had a
26 direct, substantial, and reasonably foreseeable effect on trade or commerce within the United
27 States or U.S. import trade or commerce in these electrolytic capacitor-containing products, and
28 that effect, in part, gives rise to this charge.

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

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3 Dated: September 2, 2015.

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6 William J. Baer
7 Assistant Attorney General

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10 Marc Siegel
11 Chief, San Francisco Office

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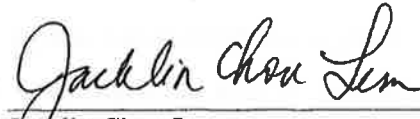
14 Brent Snyder
15 Deputy Assistant Attorney General

16
17 

18 E. Kate Patchen
19 Assistant Chief, San Francisco Office


20
21 

22 Marvin N. Price
23 Director of Criminal Enforcement

24
25 

26 Jacklin Chou Lem
27 Alexandra J. Shepard
28 Howard J. Parker
Henry J. Hauser
Andrew J. Nicholson-Meade
Paradi Javandel
Trial Attorneys

United States Department of Justice
Antitrust Division

29
30
31 
32 Melinda Haag
33 United States Attorney
34 Northern District of California