

1 NIAL E. LYNCH (State Bar No. 157959)
2 RICHARD B. COHEN (State Bar No. 79601)
3 EUGENE S. LITVINOFF (State Bar No. 214318)
4 NATHANAEL M. COUSINS (State Bar No. 177944)
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

11 Attorneys for the United States

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA) No. CR
16)
17) INFORMATION
18 v.)
19)
20) VIOLATION:
21 INFINEON TECHNOLOGIES AG,) Title 15, United States Code,
22) Section 1 (Price Fixing)
23)
24 Defendant.)
25)
26) San Francisco Venue

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

I.

DESCRIPTION OF THE OFFENSE

1. INFINEON TECHNOLOGIES AG (“INFINEON”) is made a defendant on the charge stated below.

2. From on or about July 1, 1999 until on or about June 15, 2002, defendant INFINEON and its coconspirators, entered into and engaged in a combination and conspiracy in the United States and elsewhere to suppress and eliminate competition by fixing the prices of Dynamic Random

1 Access Memory (“DRAM”) to be sold to certain original equipment manufacturers of personal
2 computers and servers (“OEMs”). The combination and conspiracy engaged in by the defendant and
3 its coconspirators was in unreasonable restraint of interstate and foreign trade and commerce in
4 violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

5 3. The charged combination and conspiracy consisted of a continuing agreement,
6 understanding, and concert of action among the defendant and its coconspirators, the substantial
7 terms of which were to agree to fix the prices for DRAM to be sold to certain OEMs.

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

- 11 (a) participating in meetings, conversations, and communications in the United
12 States and elsewhere to discuss the prices of DRAM to be sold to certain
13 OEMs;
- 14 (b) agreeing, during those meetings, conversations, and communications, to
15 charge prices of DRAM at certain levels to be sold to certain OEMs;
- 16 (c) issuing price quotations in accordance with the agreements reached; and
- 17 (d) exchanging information on sales of DRAM to certain OEM customers, for
18 the purpose of monitoring and enforcing adherence to the agreed-upon prices.

19 II.

20 DEFENDANT AND COCONSPIRATORS

21 5. INFINEON is a corporation organized and existing under the laws of the Federal
22 Republic of Germany. During the period covered by this Information, INFINEON was engaged in
23 the business of producing and, through INFINEON's subsidiaries, including INFINEON
24 TECHNOLOGIES NORTH AMERICA, selling DRAM to customers in the United States and
25 elsewhere.

26 6. Various corporations and individuals, not made defendants in this Information,

1 participated as coconspirators in the offense charged in this Information and performed acts and
2 made statements in furtherance of it.

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

7 III.

8 TRADE AND COMMERCE

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

13 9. During the period covered by this Information, the defendant and its coconspirators
14 sold and distributed DRAM in a continuous and uninterrupted flow of interstate and foreign trade
15 and commerce to customers located in states or countries other than the states or countries in which
16 the defendant and its coconspirators produced DRAM. The OEMs that were affected by the
17 conspiracy to suppress and eliminate competition were: Dell Inc., Compaq Computer Corporation,
18 Hewlett-Packard Company, Apple Computer, Inc., International Business Machines Corporation and
19 Gateway, Inc.

20 10. The business activities of the defendant and its coconspirators that are the subject of
21 this Information were within the flow of, and substantially affected, interstate and foreign trade and
22 commerce.

23 IV.

24 JURISDICTION AND VENUE

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

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

_____/s/_____
R. Hewitt Pate
Assistant Attorney General

_____/s/_____
Phillip H. Warren
Chief, San Francisco Office

_____/s/_____
James M. Griffin
Deputy Assistant Attorney General

_____/s/_____
Niall E. Lynch
Richard B. Cohen
Eugene S. Litvinoff
Nathanael M. Cousins
Attorneys
U.S. Department of Justice
Antitrust Division
450 Golden Gate Ave.
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660

_____/s/_____
Scott D. Hammond
Director of Criminal Enforcement
United States Department of Justice
Antitrust Division

_____/s/_____
Kevin V. Ryan
United States Attorney
Northern District of California