

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|--------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Criminal No.: 95-10297WGY |
| |) | |
| NEW OJI PAPER CO., LTD., |) | 15 U.S.C. § 1 |
| |) | |
| Defendant. |) | Filed: [9/26/95] |
| |) | Judge Young |

INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. NEW OJI PAPER CO., LTD. is made a defendant herein.
2. Beginning in July 1991 and continuing until early 1992, the exact dates being unknown to the United States, the defendant and co-conspirators engaged in a combination and conspiracy in unreasonable restraint of foreign and interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).
3. The aforesaid combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among

the defendant and co-conspirators, the substantial term of which was to fix prices of jumbo roll thermal facsimile paper ("fax paper") sold in the United States.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did the following things, among others:

- (a) discussed and agreed to increase the price of fax paper sold in the United States;
- (b) met in Tarrytown, New York in July 1991 and agreed to increase the price of fax paper sold to customers in the United States;
- (c) met on other occasions and participated in telephone conversations to confirm each firm's participation in the conspiracy and to confirm that the price increase would be implemented;
- (d) issued price increase announcements, directly or through their trading houses, to customers in the United States in accordance with their agreement;
and
- (e) charged higher prices to fax paper customers in the United States, directly or through their trading houses.

DEFENDANT AND CO-CONSPIRATORS

5. NEW OJI PAPER CO., LTD. ("NEW OJI"), is a corporation organized and existing under the laws of Japan, and has its principal place of business in Tokyo, Japan. NEW OJI was formed in October 1993 when Oji Paper Co., Ltd. ("OJI") merged with Kanzaki Paper Manufacturing Co., Ltd. ("KSK").

- (a) During the period covered by this Information, OJI manufactured fax paper in Japan and sold it for import to customers in the United States, through a trading house, Elof Hansson K.K. (a Japanese corporation located in Tokyo, Japan) and its affiliate, Elof Hansson Paper and Board, Inc. (a U.S. corporation with its principal place of business located in New York, New York). In 1991, OJI sold approximately \$8 million dollars of fax paper for import to customers in the United States.
- (b) During the period covered by this Information, Kanzaki Specialty Papers, Inc. ("KSP"), a U.S. manufacturer of fax paper, with its principal place of business located in Ware, Massachusetts, was a

wholly owned subsidiary of KSK. During the period covered by this Information, KSK transacted business through KSP. In 1991, KSK, through KSP, sold approximately \$40 million dollars of fax paper to customers in the United States.

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

7. Various persons and firms, not made defendants herein, participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance thereof.

III

TRADE AND COMMERCE

8. Fax paper is a type of specialty paper with a chemical coating that allows it to produce an image by a transfer of thermal energy from a print head. Fax paper manufacturers

produce the paper in bulk rolls, which are commonly referred to as jumbo rolls. Jumbo rolls are approximately 40 to 50 inches in width and weigh up to 2,000 pounds. Converters, independent firms that are the primary customers of fax paper, buy fax paper and cut the jumbo rolls down into smaller finished rolls that are suitable for use in fax machines, certain medical printing equipment, and other uses.

9. During the period covered by this Information, the defendant and co-conspirators:

- (a) purchased materials from outside the Commonwealth of Massachusetts for use in the business of producing and selling fax paper;
- (b) made sales to customers located in various states in the United States; and
- (c) invoiced and received payments from customers located in various states in the United States;

10. During the period covered by this Information, the business activities of the defendant and co-conspirators, as charged in this Information, were within the flow of, and substantially affected, foreign and interstate commerce.

JURISDICTION AND VENUE

11. The conspiracy charged in this Information was carried out, in part, within the District of Massachusetts within the five years preceding the filing of this Information.

ALL IN VIOLATION OF 15 U.S.C. § 1

Dated:

_____/s/_____
ANNE K. BINGAMAN
Assistant Attorney General

_____/s/_____
LISA M. PHELAN

_____/s/_____
GARY R. SPRATLING
Deputy Assistant Attorney General

_____/s/_____
SHERYL L. ROBINSON

_____/s/_____
J. ROBERT KRAMER II

Attorneys, Antitrust Division
U.S. Department of Justice
1401 H Street, N.W., Suite 3000
Washington, D.C. 20530
(202) 307-1166

_____/s/_____
DAVID A. BLOTNER

Attorneys, Antitrust Division
U.S. Department of Justice

_____/s/_____
DONALD K. STERN
United States Attorney
District of Massachusetts