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U.S. DISTRICT COURT  
SAN FRANCISCO, CALIFORNIA

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7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 UNITED STATES OF AMERICA

13  
14 v.

15 SANYO ELECTRIC CO., LTD.,

16 Defendant.  
17

CR 13 472

INFORMATION  
VIOLATION:  
Title 15, United States Code,  
Section 1 (Price Fixing)

San Francisco Venue

JST

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

20 I.

21 DESCRIPTION OF THE OFFENSE

22 1. SANYO Electric Co., Ltd. ("defendant") is made a defendant on the charge  
23 stated below:

24 2. From about April 2007 until about September 2008, the defendant and its co-  
25 conspirators entered into and engaged in a combination and conspiracy in the United States  
26 and elsewhere to suppress and eliminate competition by fixing the prices of cylindrical lithium  
27 ion battery cells sold in the United States and elsewhere for use in notebook computer battery  
28 packs. The combination and conspiracy engaged in by the defendant and its co-conspirators

1 was an unreasonable restraint of interstate and foreign trade and commerce in violation of  
2 Section 1 of the Sherman Act (15 U.S.C. § 1). The defendant knowingly joined and  
3 participated in the charged conspiracy from about April 2007 until about September 2008.

4 3. The charged combination and conspiracy consisted of a continuing agreement,  
5 understanding, and concert of action among the defendant and its co-conspirators, the  
6 substantial terms of which were to agree to fix the prices of cylindrical lithium ion battery  
7 cells used in notebook computer battery packs.

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

- 11 (a) participating in meetings, conversations, and communications in Korea,  
12 Japan, and elsewhere to discuss the prices of cylindrical lithium ion  
13 battery cells for use in notebook computer battery packs;
- 14 (b) agreeing, during those meetings, conversations, and communications, to  
15 charge prices of cylindrical lithium ion battery cells for use in notebook  
16 computer battery packs at certain predetermined levels;
- 17 (c) issuing price quotations in accordance with the agreements reached;
- 18 (d) collecting and exchanging information on prices and sales of cylindrical  
19 lithium ion battery cells for the purpose of monitoring and enforcing  
20 adherence to the agreed-upon prices;
- 21 (e) authorizing, ordering, and consenting to the participation of subordinate  
22 employees in the conspiracy; and
- 23 (f) taking steps to conceal the conspiracy and conspiratorial contacts,  
24 conversations, and communications through various means.

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1 II.

2 DEFENDANTS AND CO-CONSPIRATORS

3 5. SANYO Electric Co., Ltd. is a corporation organized and existing under the  
4 laws of Japan. During the time period covered by this Information, the defendant engaged in  
5 the business of manufacturing and selling cylindrical lithium ion battery cells and battery  
6 packs containing multiple cylindrical cells for use in electronic devices.

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

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

15 III.

16 TRADE AND COMMERCE

17 8. Cylindrical lithium ion battery cells are rechargeable batteries that, functioning  
18 alone or incorporated in groups into more powerful battery packs, are commonly used to  
19 power various electronic devices.

20 9. During the period covered by this Information, the defendant and its co-  
21 conspirators manufactured and sold cylindrical lithium ion battery cells and packs in a  
22 continuous and uninterrupted flow of interstate and foreign trade and commerce to customers  
23 located in states or countries other than and in addition to the states or countries in which  
24 cylindrical lithium ion battery cells were produced.

25 10. During the period covered by this Information, the business activities of the  
26 defendant and co-conspirators that are the subject of this Information were within the flow of,  
27 and substantially affected, interstate and foreign trade and commerce.

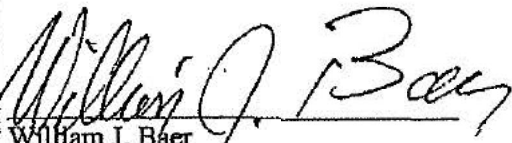
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IV.

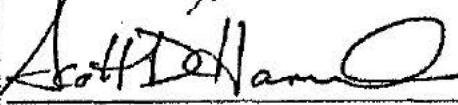
JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was carried out, in part, in the Northern District of California.

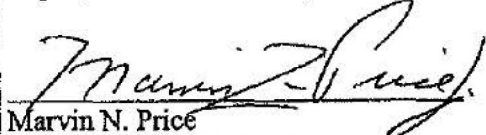
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

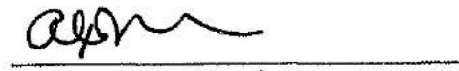
  
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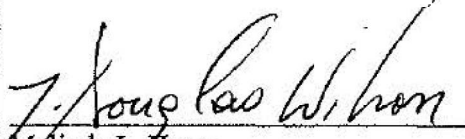
  
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