

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

MINEBEA CO., LTD.,

Defendant.

Criminal No.

Filed:

Violation: 15 U.S.C. § 1

1:15CR - 016

J. BLACK

INFORMATION

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

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Co-Conspirators

1. Minebea Co., Ltd. ("Defendant") is a corporation organized and existing under the laws of Japan with its principal place of business in Nagano, Japan. During the period covered by this Information, Defendant caused small sized ball bearings to be sold in the United States and elsewhere.

2. Another corporation and individuals, not made defendants in this Information, participated as coconspirators 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, agents, employees, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

Background

4. During the period covered by this Information, Defendant and its corporate coconspirator caused small sized ball bearings to be imported into the United States for sale in the United States.

5. Bearings are used in industry in numerous products to reduce friction and help parts roll smoothly past one another; they "bear" the load. Small sized ball bearings are those ball bearings whose outside diameter is 26 millimeters or less.

Conspiracy to Restrain Trade

6. From at least as early as early-to-mid 2008 and continuing until at least October 2011, the exact dates being unknown to the United States, Defendant and its corporate coconspirator entered into and engaged in a combination and conspiracy to suppress and eliminate competition by agreeing to fix, raise, and maintain the prices of small sized ball bearings sold in the United States and elsewhere. The combination and conspiracy engaged in by Defendant and its corporate coconspirator was in unreasonable restraint of interstate and import trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

7. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action between Defendant and its corporate coconspirator, the substantial terms of which were to fix, raise, and maintain the prices of small sized ball bearings sold in the United States and elsewhere.

Manner and Means of the Conspiracy

8. For the purpose of forming and carrying out the charged combination and conspiracy, Defendant and its corporate coconspirator did those things that they combined and conspired to do, including, among other things:

(a) participating in meetings, conversations, and communications to discuss prices to be submitted to small sized ball bearings customers in the United States and elsewhere;

(b) agreeing, during those meetings, conversations, and communications, on prices to be submitted to small sized ball bearings customers in the United States and elsewhere;

(c) agreeing, during those meetings, conversations, and communications, to coordinate price adjustments requested by small sized ball bearings customers in the United States and elsewhere;

(d) submitting prices and price adjustments to small sized ball bearings customers in the United States and elsewhere;

(e) selling small sized ball bearings to small sized ball bearings customers in the United States and elsewhere at collusive and noncompetitive prices;

(f) accepting payment for small sized ball bearings sold to small sized ball bearings customers in the United States and elsewhere at collusive and noncompetitive prices;

(g) engaging in meetings, conversations, and other communications for the purpose of monitoring and enforcing adherence to the agreed-upon price-fixing scheme; and

(h) employing measures to keep their conduct secret, including, but not limited to, using code names and meeting at remote locations.

Trade and Commerce

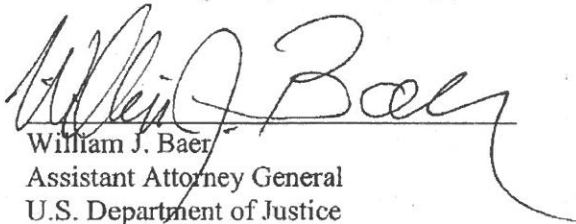
9. During the period covered by this Information, Defendant and its corporate coconspirator sold substantial quantities of small sized ball bearings to small sized ball bearings customers located in various states in the United States and elsewhere shipped from other states and from outside the United States in a continuous and uninterrupted flow of interstate and import trade and commerce. In addition, substantial quantities of equipment and supplies necessary to the distribution of small sized ball bearings sold by Defendant and its corporate coconspirator, as well as substantial payments for small sized ball bearings sold by Defendant and its corporate coconspirator, traveled in interstate and import trade and commerce. The business activities of Defendant and its corporate coconspirator in connection with the manufacture and sale of small sized ball bearings that were the subject of the charged conspiracy were within the flow of, and substantially affected, interstate and import trade and commerce.

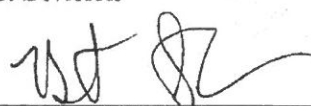
Jurisdiction and Venue

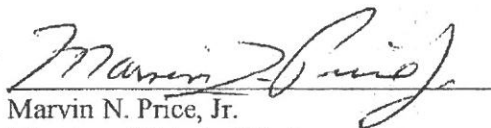
10. The combination and conspiracy charged in this Information was carried out within the United States, at least in part, within the five years preceding the filing of the Information.

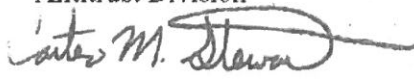
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

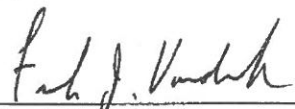
Dated: 2/2/15


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