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**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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

CRB

11
12 **UNITED STATES OF AMERICA**

13
14 v.

15
16 **DANIEL WILLIAM ASTON and**
TROD LIMITED, d/b/a BUY 4 LESS, d/b/a
17 **BUY FOR LESS, d/b/a BUY-FOR-LESS-**
ONLINE,

18 Defendants.

No. **CR 15 419**
INDICTMENT
VIOLATION:
Title 15, United States Code
Section 1 (Price Fixing)

19 The Grand Jury charges that:

20 I.

21 DESCRIPTION OF THE OFFENSE

22 1. The following corporation and individual are hereby indicted and made defendants on
23 the charge stated below:

- 24 a. DANIEL WILLIAM ASTON; and
25 b. TROD LIMITED, d/b/a BUY 4 LESS, d/b/a BUY FOR LESS, d/b/a BUY-FOR-
26 LESS-ONLINE (hereinafter "BUY 4 LESS").

27 2. Beginning as early as September 2013 and continuing until in or about January 2014,
28 the defendants and their co-conspirators entered into and engaged in a combination and

1 conspiracy to fix the prices of certain posters (“agreed-upon posters”) sold in the United
2 States on Amazon Marketplace, Amazon.com, Inc.’s (“Amazon”) website for third-party
3 sellers.

4 3. The combination and conspiracy engaged in by the defendants and their co-
5 conspirators was an unreasonable restraint of interstate commerce and U.S. import trade or
6 commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

7 4. The charged combination and conspiracy consisted of a continuing agreement,
8 understanding, and concert of action among the defendants and their co-conspirators, the
9 substantial terms of which were to fix, increase, maintain, and stabilize prices of the agreed-
10 upon posters.

11 II.

12 BACKGROUND

13 5. Posters are pieces of paper depicting printed images that are designed to be hung,
14 mounted on, or affixed to a wall or other vertical surface.

15 6. Amazon Marketplace operates as an auction model. Sellers create accounts with
16 Amazon through which they can offer various products. Though sales are made through
17 Amazon Marketplace, sellers control all pricing and shipping decisions on the products they
18 offer.

19 7. The defendants and their co-conspirators used commercially available algorithm-based
20 pricing software to set the prices of agreed-upon posters sold on Amazon Marketplace. This
21 software operates by collecting competitor pricing information for a specific product sold on
22 Amazon Marketplace and applying pricing rules set by the seller.

23 III.

24 DEFENDANTS AND CO-CONSPIRATORS

25 8. During the time period covered by this Indictment, BUY 4 LESS was a United
26 Kingdom corporation headquartered in Birmingham, England, that sold posters directly to
27 customers in the United States through Amazon.

28

1 9. During the time period covered by this Indictment, ASTON was a resident and citizen
2 of the United Kingdom. From at least as early as February 2010 until at least as late as
3 January 2014, ASTON was part owner and Director of BUY 4 LESS. While employed with
4 BUY 4 LESS, ASTON was involved in the sale of posters on Amazon.

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

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

13 IV.

14 MEANS AND METHODS OF THE CONSPIRACY

15 12. For the purpose of forming and carrying out the charged combination and conspiracy,
16 the defendants and their co-conspirators did those things that they combined and conspired to
17 do in the United States and elsewhere, including, among other things:

- 18 a. participated in conversations and communications with representatives of other poster-
19 selling firms to discuss the prices of the agreed-upon posters;
- 20 b. agreed during various conversations and communications to fix, increase, maintain,
21 and stabilize prices of the agreed-upon posters;
- 22 c. agreed to adopt specific pricing algorithms for the agreed-upon posters with the goal
23 of coordinating changes to their respective prices;
- 24 d. collected, exchanged, monitored, and discussed information on the prices and sales of
25 the agreed-upon posters for the purpose of reaching agreements on prices, enforcing
26 adherence to the agreements reached, and monitoring the effectiveness of the pricing
27 algorithms; and
28

1 e. sold, distributed, and accepted payment for the agreed-upon posters at collusive, non-
2 competitive prices on Amazon Marketplace in accordance with the agreements
3 reached.

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5 V.

6 TRADE AND COMMERCE

7 13. During the period covered by this Indictment, the defendants and their co-conspirators
8 sold posters in the United States or for delivery to the United States. The charged
9 combination and conspiracy involved trade or commerce within the United States and U.S.
10 import trade or commerce in posters.

11 14. During the period covered by this Indictment, the business activities of the defendants
12 and their co-conspirators in connection with the sale of the agreed-upon posters were within
13 the flow of, and substantially affected, interstate and U.S. import trade or commerce. During
14 the period covered by this Indictment, the defendants and their co-conspirators shipped the
15 posters between various states within the United States, and from foreign countries to
16 customers located in the United States. During the period covered by this Indictment, the
17 charged combination and conspiracy had a substantial and intended effect in the United
18 States, including on trade or commerce in posters.

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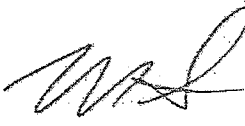
VI.


JURISDICTION AND VENUE

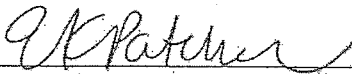
15. The combination and conspiracy charged in this Indictment was carried out, in part, in the Northern District of California, within the five years preceding the return of this Indictment.


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



William J. Baer
Assistant Attorney General

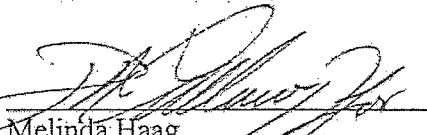

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Dated: 8/27/15

A TRUE BILL.

FOREPERSON