

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	Criminal No. 01-424
v.)	
)	Filed: July 25, 2001
MASARU ENDO;)	
SHIGEO YASUDA; and)	Violation: 15 U.S.C. § 1
AKIRA HASHIMOTO,)	
)	
Defendants.)	

INDICTMENT

The Grand Jury charges:

I

OFFENSE CHARGED

1. The following individuals are hereby indicted and made defendants on the charge stated below:

- (a) MASARU ENDO;
- (b) SHIGEO YASUDA; and
- (c) AKIRA HASHIMOTO.

2. Beginning at least as early as July 1993 and continuing until at least February 1998, the exact dates being unknown to the Grand Jury, the defendants Masaru Endo, Shigeo Yasuda, and Akira Hashimoto, and co-conspirators entered into and participated in a combination and conspiracy to suppress and eliminate competition by fixing the price of non-machined and semi-machined isostatic graphite sold in the United States and elsewhere. The combination and conspiracy

engaged in by the defendants and co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial terms of which were to agree to fix and maintain prices and to coordinate price increases for the sale of non-machined and semi-machined isostatic graphite in the United States and elsewhere.

II

MEANS AND METHODS OF THE CONSPIRACY

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

- (a) participating in meetings and conversations in the United States, Asia, and Europe to discuss the prices and grades of non-machined and semi-machined isostatic graphite sold in the United States and elsewhere;
- (b) agreeing, during those meetings and conversations, to charge prices at certain levels and otherwise to increase and maintain prices of non-machined and semi-machined isostatic graphite sold in the United States and elsewhere;
- (c) agreeing, during those meetings and conversations, to maintain market shares of sales of non-machined and semi-machined

isostatic graphite among the co-conspirators;

- (d) agreeing, during those meetings and conversations, to refrain from selling non-machined and semi-machined isostatic graphite to a co-conspirator's customer;
- (e) agreeing, during those meetings and conversations, to eliminate discounts from the fixed price of non-machined and semi-machined isostatic graphite offered to customers in the United States and elsewhere;
- (f) agreeing, during those meetings and conversations, to standardize the grades of non-machined and semi-machined isostatic graphite offered to customers in the United States and elsewhere for the purpose of facilitating the implementation of the above-described agreement;
- (g) exchanging sales and customer information for the purpose of monitoring and enforcing adherence to the terms of the above-described agreement; and
- (h) issuing price announcements and price quotations in accordance with the agreements reached.

III

DEFENDANTS AND CO-CONSPIRATORS

5. Defendant MASARU ENDO is a resident and citizen of Japan. During the period covered by this Indictment, MASARU ENDO was the Chairman of Ibiden Co., Ltd. During the period covered by this Indictment, Ibiden Co., Ltd.

was a company organized and existing under the laws of Japan and was engaged in the business of manufacturing non-machined and semi-machined isostatic graphite and, through its distributor Gunze Sangyo, Inc., selling non-machined and semi-machined isostatic graphite to customers in the United States and elsewhere.

6. Defendant SHIGEO YASUDA is a resident and citizen of Japan.

During the period covered by this Indictment, defendant SHIGEO YASUDA, was the General Manager, Ceramic Department, of Ibiden Co., Ltd.

7. Defendant AKIRA HASHIMOTO is a resident and citizen of Japan.

During parts of the period covered by this Indictment, defendant AKIRA HASHIMOTO was the President of Micro-Mech, Inc., a subsidiary of Ibiden Co., Ltd., and General Manager of International Sales, Ceramic Department, of Ibiden Co., Ltd.

8. Various corporations and individuals not made defendants in this Indictment participated as co-conspirators in the offense charged in this Indictment and performed acts and made statements in furtherance thereof.

9. Wherever in this Indictment 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 representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

IV

TRADE AND COMMERCE

10. Isostatic graphite is a fine grain carbon product with uniform

structure, great strength and resistance to heat and chemical reaction.

Manufacturers of isostatic graphite generally sell their product in a number of forms including non-machined blocks or rounds, semi-machined blocks, or finished, machined parts. Isostatic graphite is commonly sold for use in the production of, among other products, electrodes for electrical discharge machinery, dies for the continuous casting of metals, and various products used in the semi-conductor manufacturing process, all of which require its unique properties.

11. Total sales of non-machined and semi-machined isostatic graphite in the United States are estimated at approximately \$100 million during the term of the charged conspiracy.

12. During the period covered by this Indictment, the defendants and co-conspirators sold a substantial quantity of non-machined and semi-machined isostatic graphite in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which the non-machined and semi-machined isostatic graphite was produced.

13. During the period covered by this Indictment, the activities of the defendants and co-conspirators that are the subject of this Indictment were within the flow of, and substantially affected, interstate and foreign trade and commerce.

V

JURISDICTION AND VENUE

14. The combination and conspiracy charged in this Indictment was carried out, in part, within the Eastern District of Pennsylvania within the five years preceding the filing of this Indictment.

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

_____/s/_____
FOREPERSON

_____/s/_____
CHARLES A. JAMES
Assistant Attorney General

_____/s/_____
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_____/s/_____
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