

# EXHIBIT 1



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## Proposed Notice Program

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*In re Capacitors Antitrust Litigations: All Indirect Purchaser Actions*  
Master File No. 14-cv-03264-JD  
United States District Court for the Northern District of California

August 25, 2016

# **NOTICE PROGRAM OVERVIEW**

## NOTICE PROGRAM OVERVIEW

### Case Background

This Proposed Notice Program is submitted by A.B. Data, Ltd. (“A.B. Data”) in connection with *In re Capacitors Antitrust Litigation: All Indirect Purchaser Actions*, a case before the United States District Court for the Northern District of California. This document outlines the efforts that will be made to provide notice of settlement to reach potential Class Members.

Because direct notice in this case will not reach all potential Class Members, a paid-media Notice Program targeting unidentified Class Members is necessary.

### Class Definition

The Classes or Class Members for this Notice Program, under the nationwide administration scenario, include the following:

- **Electrolytic Injunctive Class:** All persons and entities in the United States who, during the period from April 1, 2002, to the present, purchased one or more electrolytic capacitor(s) from a capacitor distributor that a defendant manufactured.
- **Film Injunctive Class:** All persons and entities in the United States who, during the period from January 1, 2002, to the present, purchased one or more film capacitor(s) from a capacitor distributor that a defendant manufactured.
- Excluded from the Classes are defendants, their parent companies, subsidiaries and affiliates, any co-conspirators, defendants’ attorneys in this case, federal government entities and instrumentalities, states and their subdivisions, all judges assigned to this case, all jurors in this case, and all persons and entities that directly purchased electrolytic and/or film capacitors from defendants.

While Plaintiffs do not know the exact number of the members of the Classes, Plaintiffs believe that there are millions of members in each of the Classes.

### Geotargeting of Digital Media for Reduced-Cost State-Oriented Notice Program

As detailed in the “Geographic Considerations” section of this document, we have provided pricing for both a national media notice plan and, at a lower cost, for a media notice plan concentrating on the seven plaintiff states via geotargeting of the digital media involved.

### Program Components

This document summarizes the recommended notice-of-settlement program for the class action *In re Capacitors Antitrust Litigation: All Indirect Purchaser Actions*. This proposed program is consistent with the requirements set forth in Rule 23 of the Federal Rules of Civil Procedure.

A.B. Data recommends national, targeted paid-media notice consisting of print and internet vehicles that will reach the Class Members concerned, including the following:

- National trade magazines.
- National targeted trade websites.
- Email notice through email “blasts.”
- National sponsorship of selected trade e-newsletters.
- General-market publications to reach “C-level” business executives and electronics enthusiasts.
- Earned media, including the dissemination of a news release via Business Wire.
- Direct mail to key names and addresses in the electronics and purchasing industry.

A dedicated informational case website will be developed to complement the Notice Program and to ensure Class Members’ easy access to updated information. The case website will be keyword-optimized, providing the opportunity for it to be listed on the first page of results from search engines like Google and Bing.

### **Paid-Media/Earned-Media Program**

To reach unidentifiable Class Members, A.B. Data recommends the use of paid and earned media. Paid-media advertising is guaranteed to appear. Paid media also allow for limited control of the content, timing, and positioning of the message. Newspapers, magazines, newsletters, and the internet, among other sources, offer paid-media opportunities.

A.B. Data researched data regarding the target audience’s media consumption, determining the most appropriate media vehicles that would best deliver potential Class Members and provide them with the opportunity to see and respond to the Notice.

National targeted trade magazines and their affiliated websites and email lists, targeted internet advertising, a general-market national business newspaper, and direct mail to key industry contacts will deliver an efficient and effective plan for reaching potential Class Members. A.B. Data reviewed available trade and consumer magazines, newspapers, and online advertising for the target audience, as well as compatibility of the editorial content.

To complement the Notice Program and to ensure Class Members’ easy access to updated information, A.B. Data will develop a dedicated informational case website.

### **Media Placement Summary**

The following list provides a summary of A.B. Data’s recommended paid-media placements for this case. Information about each publication and its coverage of the target audience in this case is detailed in the “Media Placements” section of this document.

#### Print Media

Print ads will be placed in each of the following trade and consumer publications to reach professionals in the electronics industry, electronics hobbyists, and the “C-level” executives of manufacturers and industrial businesses that purchase capacitors:

- *The Wall Street Journal*
- *Electronic Design*
- *Nuts and Volts*

#### National Trade Publication Websites

“Banner” ads will be purchased on the following websites:

- [Electronicdesign.com](http://Electronicdesign.com)
- [Machinedesign.com](http://Machinedesign.com)
- [SourceESB.com](http://SourceESB.com)
- Microwaves & RF – [mwrf.com](http://mwrf.com)
- [Powerelectronics.com](http://Powerelectronics.com)
- [HydraulicsPneumatics.com](http://HydraulicsPneumatics.com)
- [Globalpurchasing.com](http://Globalpurchasing.com)
- [nutsvolts.com](http://nutsvolts.com)
- [passivecomponentmagazine.com](http://passivecomponentmagazine.com)
- [eetimes.com](http://eetimes.com)
- [ebnonline.com](http://ebnonline.com)

All banner ads will include an embedded link to the case-specific website. Generic product images of capacitors will also be included in banner ads, as this increases visibility of the ads.

#### **E-Newsletter Notice**

A.B. Data will schedule banner ads in the following e-newsletter:

- *Nuts and Volts*

This e-newsletter is emailed by its related print publication to 40,000 opt-in subscribers. A text ad will be placed at the top of this e-newsletter in a prominent position so that subscribers will notice it as they open the e-newsletter. The text ad will include 50 words of copy and an image of capacitors.

#### **Custom Email “Blast”**

The news release regarding the case will be sent as an email “blast” to opt-in subscribers of the following publications:

- Penton Publications (including the websites [Electronicdesign.com](http://Electronicdesign.com), [Machinedesign.com](http://Machinedesign.com), [SourceESB.com](http://SourceESB.com), [mwrf.com](http://mwrf.com), [Powerelectronics.com](http://Powerelectronics.com), and [HydraulicsPneumatics.com](http://HydraulicsPneumatics.com))
- *Passive Component Industry Magazine*
- EE Times

## **Direct Mail**

Direct-mail notice via postcards sent to approximately 150,000 potential Class Members for which Class Counsel provides mailing addresses will be prepared and mailed. The postcard notices will include the web address of the case-specific website and the toll-free telephone number of the case-specific call center.

As an option, A.B. Data can, if requested, include in its direct-mail notice efforts additional postcard notices to businesses included on a proprietary list of electrical and electronics manufacturers that we can purchase.

## **Earned Media**

In addition to the notice efforts involving print publications and digital media, A.B. Data recommends that a news release be disseminated via Business Wire distribution service to announce the Notice of Settlement. This news release will be distributed via Business Wire to more than 10,000 newsrooms, including print, broadcast, and digital media, across the United States. It will also be distributed to trade publications relevant to this field.

## **Due Process**

The Notice Program summarized herein is, in A.B. Data's experience, the best practicable under the circumstances for potential Class Members and meets due process requirements.

The Notice Program summarized in this document is similar to those that courts have approved and are recommended by the Federal Judicial Center's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*. As a Notice Program that primarily targets entities and consumers that have purchased specific types of capacitors (a product used primarily in the manufacturing of products), data to quantify the reach of this program are not available through traditional media resources, such as MRI, that provide accredited media research. Based on the trade-media resources for the passive-component industry and the electronics, electrical, and purchasing fields, some of which state that they deliver, in the words of one such source, "90% coverage of all companies in the passive component supply chain," A.B. Data believes that the proposed Notice Program satisfies Rule 23 requirements.

## **TARGET AUDIENCE**

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The Classes are numerous and include persons and entities from scores of industry categories and sizes. To ensure that the Notice Plan reaches as many Class Members as practicable under the circumstances, A.B. Data has reviewed the Indirect Purchaser Plaintiffs' Fourth Consolidated Complaint and discussed Notice Plan tactics with several industry experts who have served in the electronics and industrial purchasing fields for many years. Based on this information, several target audiences have been identified:

- "C-level" executives in midsize to large industries that purchase large quantities of capacitors.
- Purchasing and procurement managers and directors who work directly with distributors in negotiating the purchase and delivery of capacitors.
- Engineers and designers whose companies purchase capacitors for their use in developing products or systems that use capacitors.
- Hobbyists – people who purchase capacitors for their personal use.

## **GEOGRAPHIC CONSIDERATIONS**

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The national Class is numerous and generally includes all persons or entities in the United States that purchased electrolytic and film capacitors since 2002. This proposed Notice Program reaches a national audience with the Settlement Notice message.

It is our understanding that certification for the seven plaintiff states has also been proposed. This would include persons and entities that, as residents of one of the seven plaintiff states, indirectly purchased one or more electrolytic or film capacitors from a distributor that a defendant or co-conspirator manufactured during the respective Class Periods. The states included are:

- California
- Florida
- Iowa
- Michigan
- Minnesota
- Nebraska
- New York

Over a 14-year period, it is possible that Class Members may have moved since they made their purchases. Given that an average of 11.7% of the U.S. population moves annually (according to U.S. Census data), a significant percentage of the Class may have moved locally, regionally, or nationally during the past approximately 14 years. Companies and other businesses may have moved during this time as well. In addition, purchases may have been made within the Class jurisdiction and then transported across state lines to states not within the state-oriented Class definition.

Additionally, the trade publications and websites reviewed and recommended are not able to geotarget their banner ad impressions served to such geographically diverse states. Only the national digital campaign is capable of being geotargeted.

For these reasons, A.B. Data recommends that a national campaign be implemented to best reach potential Class Members.

However, in our detailed cost estimates appended to our main proposal, we have provided pricing for both the national plan and for a lower-cost plan concentrating on the seven plaintiff states via geotargeting of the digital media.

## **MEDIA PLACEMENTS**

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A variety of print and digital media placements are recommended to deliver the message about the class action settlement to potential Class Members and other concerned persons and entities.

The following print publications and digital media are recommended. Summaries of the audience reached, editorial focus, and recommended media tactics for each publication and digital media source follow.

- *Electronic Design*
- Penton Design Engineering & Sourcing Group
- [Globalpurchasing.com](http://Globalpurchasing.com)
- [SourceESB.com](http://SourceESB.com)
- *Nuts and Volts*
- [passivecomponentmagazine.com](http://passivecomponentmagazine.com)
- [eetimes.com](http://eetimes.com)
- [ebnonline.com](http://ebnonline.com)
- *The Wall Street Journal*



Media Tactics:	Single-page black-and-white ad in the print edition of <i>Electronic Design</i> ; 100,000 impressions on Electronic Design website
Print Magazine Circulation:	75,000
Website Audience:	392,253 unique visitors monthly; 766,068 average monthly page views
Publication Frequency:	Monthly
Editorial Focus:	The authority on existing and emerging technologies, providing the global electronic engineering community with a place to share ideas and access technical information, tools, and expert analysis at the component, chip, board, and system levels.



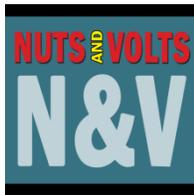
Media Tactics:	Email “blast” of the Summary Notice to 50,000 purchasing agents across Penton’s Design Engineering & Sourcing Group; 150,000 impressions targeting purchasing agents and engineers who use capacitors via Penton Design Engineering & Sourcing Group websites
Websites Included:	<ul style="list-style-type: none"> <li>• <a href="http://Electronicdesign.com">Electronicdesign.com</a></li> <li>• <a href="http://Machinedesign.com">Machinedesign.com</a></li> <li>• <a href="http://SourceESB.com">SourceESB.com</a></li> <li>• Microwaves &amp; RF – <a href="http://mwrif.com">mwrif.com</a></li> <li>• <a href="http://Powerelectronics.com">Powerelectronics.com</a></li> <li>• <a href="http://HydraulicsPneumatics.com">HydraulicsPneumatics.com</a></li> <li>• <a href="http://Globalpurchasing.com">Globalpurchasing.com</a></li> </ul>
Website Audience:	723,969 unique visitors monthly; 1,799,585 average monthly page views
Editorial Focus:	A network of brands that reaches 100% of the design process from intent to action. Design engineers and purchasing professionals are engaged in every part of the process, including educating themselves on new applications, emerging technologies, and latest product trends.



Media Tactics:	10,000 impressions on Global Purchasing website for 30-day campaign
Website Audience:	17,000 unique visitors monthly; 35,000 average monthly page views
Editorial Focus:	Keeps buyers and managers with procurement and supply chain responsibility up-to-date on the latest news, industry trends, sourcing strategies, and global supply chain solutions. Global Purchasing presents a variety of organic content covering distribution, OEM/CM buying trends, and economic and financial data relevant to supplier relationship decisions.



Media Tactics:	96,000 impressions on SourceESB website for 14-day campaign
Website Audience:	200,000+ unique visitors monthly; 500,000+ average monthly page views
Editorial Focus:	With more than 30 years of industry leadership, SourceESB brings the most accurate and authoritative information to purchasing managers and engineers. SourceESB is the only website that verifies authorization directly with the supplier and uniquely offers search by both part number and manufacturer.



Media Tactics:	Single-page black-and-white ad in print magazine; 70,000 impressions on website for 30-day campaign; E-newsletter emailed to 40,000+ email addresses; banner ad to include 50 words of copy, graphic, and website address
Print Magazine Circulation:	47,000
Website Audience:	36,133 unique average monthly impressions; 878,056 page views; average visitor views 12.56 pages per visit
Publication Frequency:	Monthly
Editorial Focus:	<i>Nuts and Volts</i> ' mission is to bring together consumers who design and build electronic circuits and projects for business and hobbies, as well as companies that produce products for the individual electronic enthusiast. Its editorial content each month covers electronics projects, theory, applications, circuits, and technology.



Media Tactics:	10,000 banner ad impressions on <a href="http://PassiveComponentmagazine.com">PassiveComponentmagazine.com</a> website for 30-day campaign; Email blast to 8,200 subscribers
Website Audience:	2,000 unique visitors monthly; average time per visit of more than 2 minutes
Editorial Focus:	In business since 1988, PCI eMagazine is dedicated to providing accurate business intelligence on the global supply chain for capacitors, resistors, inductors, and circuit protection.



Media Tactics:	250,000 banner ad impressions on <a href="http://eetimes.com">eetimes.com</a> website for 30-day campaign; Email blast to 41,177 purchasing/procurement U.S. subscribers
Website Audience:	500,000 unique visitors monthly
Editorial Focus:	Delivers business and technology news, provides analysis on trends, and offers information about price, availability, and specifications for new products. <i>EE Times</i> is written for those in the computer, communications, industrial, military/aerospace, component, test and measurement, and other industrial OEM markets.



Media Tactics:	70,000 banner ad impressions on <a href="http://ebnonline.com">ebnonline.com</a> website for 30-day campaign
Website Audience:	70,200 unique visitors monthly
Editorial Focus:	Known as the premier online community for global supply chain professionals, EBOnline reaches mid-level to senior management procurement/purchasing managers, supply chain executives, design engineers, and management at electronic component vendors and electronic component distributors. It is edited for supply and design chain professionals to participate in discussions regarding the industry and also disseminates time-critical industry information and learning.

## THE WALL STREET JOURNAL

Media Tactics:	1/6-page black-&-white ad to run in the legal pages
Daily Circulation:	1,337,483 print; 416,000 average unique digital impressions daily
Editorial Focus:	Building on its heritage as the world's leading financial and business newspaper, <i>The Wall Street Journal</i> has been ranked as the most believable and credible newspaper in every Pew Report since 1985.

## **DIGITAL MEDIA**

## DIGITAL MEDIA

National digital media are recommended as a strong element of this Notice Plan to reach the electronics hobbyist, who is most likely to be a heavy user of digital media as well. The digital-media campaign will target Adults, age 18+ who are electronics enthusiasts and are technically savvy. The national campaign will deliver 14.8 million targeted impressions over 30 days using a variety of digital strategies that will assist in reaching potential Class Members. Desktop, laptop, tablet, and mobile devices will be targeted for this campaign.

Several digital-media strategies will be utilized during the campaign. The strategies to be used to ensure that the banner ads are served to potential Class Members are summarized in the table below.

<b>Strategy Breakdown</b>	
<u>What Strategy?</u>	<u>Why?</u>
Contextual	Targeting websites with relevant content and context, such as electronics websites (examples: <a href="http://Rakuten.com">Rakuten.com</a> , <a href="http://Newegg.com">Newegg.com</a> , and <a href="http://PCMag.com">PCMag.com</a> ). This will help capture potential clients who were not previously in the data-targeting pools but have interest in electronics.
Behavioral (Data) Targeting	Targeting user IDs across the web whose holders have shown activity in the past or placed themselves in the data pools of our audience tab. Example: User located in the U.S., 18+, interested in IT, and building computers.
Predictive (Lookalike) Modeling	With strong geographical targeting, we are using "lookalike" modeling to target user IDs that have strong similarities to those of users who have previously "clicked through."
Desktop	Targeting computers and laptops visiting websites that are contextually relevant or being visited by relevant users in our data pools.
Mobile Web	Targeting mobile phones and tablets visiting websites that are contextually relevant or being visited by relevant users in our data pools.
Mobile In-App	Targeting users inside mobile applications that fit into our data pools.

If the state-targeted program is selected, digital media would deliver 7.4 million impressions into the target states over 30 days.

## **DIRECT MAIL**

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Direct-mail notice via postcards sent to approximately 150,000 potential Class Members for which Class Counsel provides mailing addresses will be prepared and mailed. The postcard notices will include the web address of the case-specific website and the toll-free telephone number of the case-specific call center.

As an option, A.B. Data can, if requested, include in its direct-mail notice efforts additional postcard notices to businesses included on a proprietary list of electrical and electronics manufacturers that we can purchase.

## **EARNED MEDIA**

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A.B. Data recommends that a news release be disseminated via Business Wire distribution to announce the Notice of Settlement. This news release will be distributed via Business Wire to more than 10,000 newsrooms, including print, broadcast and digital, across the United States. It will also be distributed to any trade publications relevant to this field.

Business Wire offers an extensive list of industry and trade categories with thousands of business publication titles. The industry categories that will be targeted include the following:

- Electronic games
- Medical devices
- Automotive
- Defense
- Energy
- Manufacturing
- Aerospace
- Automotive
- Chemicals/plastics
- Engineering
- Technology
- Audio/visual
- Consumer electronics
- Electronic design
- Automation
- Internet
- Mobile/wireless
- Satellite
- Security
- Semiconductor
- Telecommunications
- Logistics/supply chain management

## **SCHEDULING**

## SCHEDULING

The Notice Program is designed to run for approximately eight weeks. Notice programs that target consumers have run with this kind of scheduling protocol in dozens of cases during the past 10+ years. We recommend that this Notice Program follow the scheduling precedent that has been set.

### Proposed Notice Program Timeline

Media Source	Ad Unit	Publish Date	Start Date <sup>^</sup>	End Date	Space Close <sup>*</sup>
<i>Electronic Design</i>	Page B&W	November	11/1	11/30	9/19
<u>Electronicdesign.com</u>	Website Impressions		10/17	11/15	9/19
Penton Publications	Email Blast		10/19		9/19
<i>Nuts and Volts</i>	Page B&W	November	11/1	11/30	9/19
Nuts and Volts	Website Impressions		10/17	11/15	9/19
Nuts and Volts	E-Newsletter		10/24		9/19
<i>Passive Component Industry Magazine</i>	Website Impressions		10/17	11/15	9/19
<i>Passive Component Industry Magazine</i>	Email Blast		10/24		9/19
EE Times	Website Impressions		10/17	11/15	9/19
EE Times	Email Blast		10/31		9/19
EBN Online	Website Impressions		10/17	11/15	9/19
Global Purchasing	Website Impressions		10/17	11/15	9/19
SourceESB	Website Impressions		10/17	11/15	9/19
<i>The Wall Street Journal</i>	1/6-page ad	10/17			10/10
Digital Media	Website Impressions		10/17	11/15	9/19
Direct Mail	Postcard	10/17			9/19
Business Wire	Press Release	10/17			10/10

<sup>^</sup>Dates dependent upon publisher/website availability; must be flexible within 30-day period.

<sup>\*</sup>Space close time is 5 p.m. Eastern time unless otherwise noted.