

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION
_____ /

No. M 07-1827 SI
MDL No. 1827

No. C 11-0058 SI

This Order Relates To:

COSTCO WHOLESALE CORPORATION,

 Plaintiff,

 v.

AU OPTRONICS CORPORATION, ET AL.,

 Defendants.
_____ /

**ORDER GRANTING PLAINTIFF’S
MOTION FOR ORDER TO SERVE
DEFENDANT CHUNGHWA PICTURE
TUBES, LTD. THROUGH ITS U.S.
COUNSEL**

Plaintiff has filed a motion to serve a foreign defendant, Chunghwa Picture Tubes, Ltd., through its U.S. counsel pursuant to Federal Rule of Civil Procedure 4(f)(3). The Court has previously heard and granted a number of similar motions in this MDL. *See, e.g.*, Order Re: Defendant Nexgen MediaTech Inc.’s Motion to Dismiss for Insufficient Service of Process; Quashing Service; and Granting Direct Purchaser Plaintiffs’ Motion to Serve Nexgen Through its Counsel Under Fed. R. Civ. P. 4(f)(3), Nov. 19, 2008 (Master Docket No. 725); *see also* Master Docket Nos. 1309, 1657, 1779, 2109, 2532, and 2584.

For the reasons set forth in its prior orders, the Court finds that service under Rule 4(f)(3) is both available to plaintiff and appropriate in this case. *See, e.g., Rio Properties, Inc. v. Rio Intern. Interlink*, 284 F.3d 1007, 1014-15 (9th Cir. 2002) (holding that service of process under Rule 4(f)(3) is not a “last resort,” but “merely one means among several which enables service of process on an international defendant”). Further, due to Chunghwa’s active participation in this lawsuit for the past three years, the

1 Court finds that service through its U.S. counsel will fully comport with due process. *See FMAC Loan*
2 *Receivables v. Dagra*, 228 F.R.D. 531, 534 (E.D. Va. 2005) (finding service on defendant through his
3 attorney complied with due process because the numerous motions filed by defendant’s attorney made
4 it “abundantly clear” that the two had been in constant communication).

5
6 **CONCLUSION**

7 For the foregoing reasons and for good cause shown, the Court hereby GRANTS plaintiff’s
8 motion to serve Chunghwa Picture Tubes, Ltd. through its U.S. counsel pursuant to Federal Rule of
9 Civil Procedure 4(f)(3). Docket No. 12 in C 11-0058 SI; Docket No. 2562 in M 07-1827 SI.

10
11 **IT IS SO ORDERED.**

12
13 Dated: May 11, 2011



14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUSAN ILLSTON
United States District Judge