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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

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

No. C 3:11-02591 SI
Master File No. 07-cv-1827-SI
MDL No. 1827

This Document Relates to:

Case No. C 3:11-02591 SI

T-Mobile U.S.A. Inc.,

v.

AU OPTRONICS CORPORATION, *et al.*

**TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC.'S ANSWER TO
T-MOBILE'S AMENDED
COMPLAINT**

1 Defendant Toshiba America Electronic Components, Inc. (“TAEC”), by its undersigned
2 attorneys, for its Answer to the Amended Complaint (the “Complaint”), dated November 7,
3 2011, filed by T-Mobile U.S.A. Inc. (“Plaintiff”), states as follows:

4 **I. INTRODUCTION**

5 1. Paragraph 1 consists of Plaintiff’s characterization of its claims and an
6 explanation of defined terms, to which no response is required. Additionally, TAEC lacks
7 knowledge or information sufficient to form a belief as to the truth of the allegations contained
8 in Paragraph 1 and, therefore, denies these allegations. To the extent that the allegations
9 contained in Paragraph 1 are directed to TAEC, TAEC denies these allegations.

10 2. Paragraph 2 consists of Plaintiff’s characterization of its claims and legal
11 conclusions, to which no response is required. To the extent that the allegations contained in
12 Paragraph 2 relate to other Defendants and/or third parties, TAEC lacks knowledge or
13 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
14 these allegations. To the extent that the allegations contained in Paragraph 2 are directed to
15 TAEC, TAEC denies these allegations.

16 3. Paragraph 3 consists of Plaintiff’s explanation of defined terms, characterization
17 of its claims and legal conclusions, to which no response is required. To the extent that the
18 allegations contained in Paragraph 3 relate to other Defendants and/or third parties, TAEC lacks
19 knowledge or information sufficient to form a belief as to the truth of these allegations and,
20 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 3
21 are directed to TAEC, TAEC denies these allegations.

22 4. Paragraph 4 consists of Plaintiff’s characterization of its claims and legal
23 conclusions, to which no response is required. To the extent that the allegations contained in
24 Paragraph 4 relate to other Defendants and/or third parties, TAEC lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 4 are directed to
27 TAEC, TAEC denies these allegations.

1 5. Paragraph 5 consists of statements contained in public documents, which speak
2 for themselves and to which no response is required. To the extent that the allegations contained
3 in Paragraph 5 may be deemed to require a response from TAEC, TAEC denies these
4 allegations, except admits that LG Display Co. Ltd., LG Display America, Inc., Sharp
5 Corporation, Chunghwa Picture Tubes, Ltd., Epson Imaging Devices Corporation, Chi Mei
6 Optoelectronics Corporation, and HannStar Display Corporation agreed to plead guilty and pay
7 criminal fines for their roles in several separate and distinct conspiracies to fix prices of TFT-
8 LCD panels.

9 6. Paragraph 6 consists of Plaintiff's characterization of its claims and legal
10 conclusions, to which no response is required. Paragraph 6 also consists of statements in
11 public documents, which speak for themselves and to which no response is required. To the
12 extent that the allegations contained in Paragraph 6 may be deemed to require a response from
13 TAEC, TAEC denies these allegations, except admits that TAEC maintained offices in
14 California between January 1, 1996 and December 11, 2006.

15 7. Paragraph 7 consists of Plaintiff's characterization of its claims and legal
16 conclusions, to which no response is required. To the extent that the allegations contained in
17 Paragraph 7 relate to other Defendants and/or third parties, TAEC lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 7 are directed to
20 TAEC, TAEC denies these allegations, except is generally aware that TAEC maintained offices
21 in California between January 1, 1996 and December 11, 2006. To the extent that the
22 allegations contained in Paragraph 7 are directed to TAEC, TAEC denies these allegations.

23 8. Paragraph 8 consists of Plaintiff's characterization of its claims and legal
24 conclusions, to which no response is required. To the extent that the allegations contained in
25 Paragraph 8 relate to other Defendants and/or third parties, TAEC lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations. To the extent that the allegations contained in Paragraph 8 are directed to
28 TAEC, TAEC denies these allegations.

1 9. Paragraph 9 consists of Plaintiff's characterization of its claims and legal
2 conclusions, to which no response is required. To the extent that the allegations contained in
3 Paragraph 9 relate to other Defendants and/or third parties, TAEC lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 9 are directed to
6 TAEC, TAEC denies these allegations, except admits that Plaintiff has filed an action to obtain
7 damages.

8 **II. JURISDICTION AND VENUE**

9 10. Paragraph 10 consists of Plaintiff's characterization of its claims and legal
10 conclusions, to which no response is required. To the extent that the allegations contained in
11 Paragraph 10 may be deemed to require a response from TAEC, TAEC denies these allegations.

12 11. Paragraph 11 consists of Plaintiff's characterization of its claims and legal
13 conclusions, to which no response is required. To the extent that the allegations contained in
14 Paragraph 11 relate to other Defendants and/or third parties, TAEC lacks knowledge or
15 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
16 these allegations. To the extent that the allegations contained in Paragraph 11 may be deemed to
17 require a response from TAEC, TAEC denies these allegations.

18 12. Paragraph 12 consists of legal conclusions, to which no response is required. To
19 the extent that the allegations contained in Paragraph 12 may be deemed to require a response
20 from TAEC, TAEC denies these allegations.

21 13. Paragraph 13 consists of Plaintiff's characterization of its claims and legal
22 conclusions, to which no response is required. To the extent that the allegations contained in
23 Paragraph 13 relate to other Defendants and/or third parties, TAEC lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 13 may be deemed to
26 require a response from TAEC, TAEC denies these allegations, except admits that during at
27 least a portion of the time period between January 1, 1996 and December 11, 2006, TAEC
28 marketed, sold and/or distributed certain types of LCD panels to customers in the United States.

1 14. Paragraph 14 consists of legal conclusions, to which no response is required. To
2 the extent that the allegations contained in Paragraph 14 may be deemed to require a response
3 from TAEC, TAEC denies these allegations.

4 15. Paragraph 15 consists of legal conclusions, to which no response is required. To
5 the extent that the allegations contained in Paragraph 15 may be deemed to require a response
6 from TAEC, TAEC denies these allegations, except admits that Plaintiff's action was
7 consolidated and assigned to the San Francisco Division of the United States District Court for
8 the Northern District of California, Judge Susan Illston presiding.

9 16. Paragraph 16 consists of legal conclusions, to which no response is required. To
10 the extent that the allegations contained in Paragraph 16 may be deemed to require a response
11 from TAEC, TAEC denies these allegations.

12 **III. DEFINITIONS**

13 17. Paragraph 17 contains Plaintiff's explanation of a defined term used in its
14 Complaint, to which no response is required. To the extent that the allegations contained in
15 Paragraph 17 may be deemed to require a response from TAEC, TAEC denies these allegations.

16 18. Paragraph 18 contains Plaintiff's explanation of a defined term used in its
17 Complaint, to which no response is required. Paragraph 18 also consists of Plaintiff's
18 characterization of its claims and legal conclusions, to which no response is required. To the
19 extent that the allegations contained in Paragraph 18 may be deemed to require a response from
20 TAEC, TAEC denies these allegations.

21 19. Paragraph 19 contains Plaintiff's explanation of a defined term used in its
22 Complaint, to which no response is required. TAEC specifically objects to Plaintiff's definition
23 of "LCD Products," and the use of this term throughout the Complaint, because this definition
24 includes products at different levels of the production chain and creates confusion. To the extent
25 that the remainder of the allegations contained in Paragraph 19 may be deemed to require a
26 response from TAEC, TAEC denies these allegations.

1 20. Paragraph 20 contains Plaintiff's explanation of a defined term used in its
2 Complaint, to which no response is required. To the extent that the allegations contained in
3 Paragraph 20 may be deemed to require a response from TAEC, TAEC denies these allegations.

4 21. Paragraph 21 contains Plaintiff's explanation of a defined term used in its
5 Complaint, to which no response is required. To the extent that the allegations contained in
6 Paragraph 21 may be deemed to require a response from TAEC, TAEC denies these allegations.

7 **IV. THE PARTIES**

8 **A. Plaintiff T-Mobile**

9 22. Paragraph 22 consists of Plaintiff's characterization of its claims and legal
10 conclusions, to which no response is required. To the extent that the allegations contained in
11 Paragraph 22 relate to other Defendants and/or third parties, TAEC lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 22 are directed to
14 TAEC, TAEC denies these allegations.

15 23. Paragraph 23 consists of Plaintiff's characterization of its claims and legal
16 conclusions, to which no response is required. To the extent that the allegations contained in
17 Paragraph 23 relate to other Defendants and/or third parties, TAEC lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 23 are directed to
20 TAEC, TAEC denies these allegations.

21 24. Paragraph 24 consists of Plaintiff's characterization of its claims and legal
22 conclusions, to which no response is required. To the extent that the allegations contained in
23 Paragraph 24 relate to other Defendants and/or third parties, TAEC lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 24 are directed to
26 TAEC, TAEC denies these allegations.

27 25. TAEC lacks knowledge or information sufficient to form a belief as to the truth
28 of the allegations contained in Paragraph 25 and, therefore, denies these allegations.

1 26. TAEC lacks knowledge or information sufficient to form a belief as to the truth
2 of the allegations contained in Paragraph 26 and, therefore, denies these allegations. To the
3 extent that the allegations contained in Paragraph 26 relate to other Defendants and/or third
4 parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of these
5 allegations and, therefore, denies these allegations. To the extent that the allegations contained
6 in Paragraph 26 are directed to TAEC, TAEC denies these allegations.

7 27. Paragraph 27 consists of Plaintiff's characterization of its claims and legal
8 conclusions, to which no response is required. To the extent that the allegations contained in
9 Paragraph 27 relate to other Defendants and/or third parties, TAEC lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 27 may be deemed to
12 require a response from TAEC, TAEC denies these allegations.

13 28. Paragraph 28 consists of Plaintiff's characterization of its claims and legal
14 conclusions, to which no response is required. To the extent that the allegations contained in
15 Paragraph 28 relate to other Defendants and/or third parties, TAEC lacks knowledge or
16 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
17 these allegations. To the extent that the allegations contained in Paragraph 28 are directed to
18 TAEC, TAEC denies these allegations.

19 **B. Defendants**

20 **1. AU Optronics**

21 29. Paragraph 29 relates to another Defendant. Accordingly, TAEC lacks knowledge
22 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
23 29 and, therefore, denies these allegations.

24 30. Paragraph 30 relates to another Defendant. Accordingly, TAEC lacks knowledge
25 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
26 30 and, therefore, denies these allegations.

27 31. Paragraph 31 consists of Plaintiff's explanation of a defined term, a
28 characterization of its claims and legal conclusions, to which no response is required. Paragraph

1 31 also relates to other Defendants. Accordingly, TAEC lacks knowledge or information
2 sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 and,
3 therefore, denies these allegations.

4 **2. Chi Mei**

5 32. Paragraph 32 relates to another Defendant. Accordingly, TAEC lacks knowledge
6 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
7 32 and, therefore, denies these allegations.

8 33. Paragraph 33 relates to another Defendant. Accordingly, TAEC lacks knowledge
9 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
10 33 and, therefore, denies these allegations.

11 34. Paragraph 34 relates to another Defendant. Accordingly, TAEC lacks knowledge
12 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
13 34 and, therefore, denies these allegations.

14 35. Paragraph 35 relates to another Defendant. Accordingly, TAEC lacks knowledge
15 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
16 35 and, therefore, denies these allegations.

17 36. Paragraph 36 relates to another Defendant. Accordingly, TAEC lacks knowledge
18 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
19 36 and, therefore, denies these allegations.

20 37. Paragraph 37 relates to another Defendant. Accordingly, TAEC lacks knowledge
21 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
22 37 and, therefore, denies these allegations.

23 38. Paragraph 38 consists of Plaintiff's explanation of a defined term, a
24 characterization of its claims and legal conclusions, to which no response is required. Paragraph
25 38 also relates to other Defendants. Accordingly, TAEC lacks knowledge or information
26 sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 and,
27 therefore, denies these allegations.
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1 46. Paragraph 46 relates to another Defendant. Accordingly, TAEC lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 46 and, therefore, denies these allegations.

4 47. Paragraph 47 consists of Plaintiff's characterization of its claims and legal
5 conclusions, to which no response is required. Paragraph 47 also relates to other Defendants.
6 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
7 the allegations contained in Paragraph 47 and, therefore, denies these allegations.

8 **5. HannStar**

9 48. Paragraph 48 relates to another Defendant and includes Plaintiff's explanation of
10 a defined term, to which no response is required. Accordingly, TAEC lacks knowledge or
11 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48
12 and, therefore, denies these allegations.

13 **6. Hitachi**

14 49. Paragraph 49 relates to another Defendant and includes Plaintiff's explanation of
15 a defined term, to which no response is required. Accordingly, TAEC lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49
17 and, therefore, denies these allegations.

18 50. Paragraph 50 relates to another Defendant and includes Plaintiff's explanation of
19 a defined term, to which no response is required. Accordingly, TAEC lacks knowledge or
20 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50
21 and, therefore, denies these allegations.

22 51. Paragraph 51 relates to another Defendant and includes Plaintiff's explanation of
23 a defined term, to which no response is required. Accordingly, TAEC lacks knowledge or
24 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51
25 and, therefore, denies these allegations.

26 52. Paragraph 52 contains Plaintiff's explanation of a defined term used in its
27 Complaint, to which no response is required. To the extent that the allegations contained in
28 Paragraph 52 may be deemed to require a response from TAEC, TAEC denies these allegations.

1 7. **LG Display**

2 53. Paragraph 53 relates to another Defendant. Accordingly, TAEC lacks knowledge
3 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
4 53 and, therefore, denies these allegations.

5 54. Paragraph 54 relates to another Defendant. Accordingly, TAEC lacks knowledge
6 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
7 54 and, therefore, denies these allegations.

8 55. Paragraph 55 consists of Plaintiff’s explanation of a defined term, a
9 characterization of its claims and legal conclusions, to which no response is required. Paragraph
10 55 also relates to other Defendants. Accordingly, TAEC lacks knowledge or information
11 sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 and,
12 therefore, denies these allegations.

13 8. **Philips**

14 56. Paragraph 56 relates to another Defendant. Accordingly, TAEC lacks knowledge
15 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
16 56 and, therefore, denies these allegations.

17 57. Paragraph 57 consists of Plaintiff’s characterization of its claims and legal
18 conclusions, to which no response is required. Paragraph 57 also relates to other Defendants.
19 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 57 and, therefore, denies these allegations.

21 58. Paragraph 58 consists of Plaintiff’s characterization of its claims and legal
22 conclusions, to which no response is required. Paragraph 58 also relates to other Defendants.
23 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
24 the allegations contained in Paragraph 58 and, therefore, denies these allegations.

25 9. **Samsung**

26 59. Paragraph 59 relates to another Defendant. Accordingly, TAEC lacks knowledge
27 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
28 59 and, therefore, denies these allegations.

1 60. Paragraph 60 relates to another Defendant. Accordingly, TAEC lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 60 and, therefore, denies these allegations.

4 61. Paragraph 61 relates to another Defendant. Accordingly, TAEC lacks knowledge
5 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
6 61 and, therefore, denies these allegations.

7 62. Paragraph 62 relates to another Defendant. Accordingly, TAEC lacks knowledge
8 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
9 62 and, therefore, denies these allegations.

10 63. Paragraph 63 relates to another Defendant. Accordingly, TAEC lacks knowledge
11 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
12 63 and, therefore, denies these allegations.

13 64. Paragraph 64 consists of Plaintiff's explanation of a defined term, a
14 characterization of its claims and legal conclusions, to which no response is required. Paragraph
15 64 also relates to other Defendants. Accordingly, TAEC lacks knowledge or information
16 sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 and,
17 therefore, denies these allegations.

18 65. Paragraph 65 consists of Plaintiff's characterization of its claims and legal
19 conclusions, to which no response is required. Paragraph 65 also relates to other Defendants.
20 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 65 and, therefore, denies these allegations.

22 66. Paragraph 66 consists of Plaintiff's characterization of its claims and legal
23 conclusions, to which no response is required. To the extent that the allegations contained in
24 Paragraph 66 relate to other Defendants and/or third parties, TAEC lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 66 are directed to
27 TAEC, TAEC denies these allegations.

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1 67. Paragraph 67 consists of Plaintiff's characterization of its claims and legal
2 conclusions, to which no response is required. Paragraph 67 also relates to other Defendants.
3 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 67 and, therefore, denies these allegations.

5 68. Paragraph 68 consists of Plaintiff's characterization of its claims and legal
6 conclusions, to which no response is required. Paragraph 68 also relates to other Defendants.
7 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
8 the allegations contained in Paragraph 68 and, therefore, denies these allegations.

9 69. Paragraph 69 consists of Plaintiff's explanation of a defined term, a
10 characterization of its claims and legal conclusions, to which no response is required. Paragraph
11 69 also relates to other Defendants. Accordingly, TAEC lacks knowledge or information
12 sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 and,
13 therefore, denies these allegations.

14 **10. Sanvo**

15 70. Paragraph 70 relates to another Defendant. Accordingly, TAEC lacks knowledge
16 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
17 70 and, therefore, denies these allegations.

18 71. Paragraph 71 consists of Plaintiff's explanation of a defined term, a
19 characterization of its claims and legal conclusions, to which no response is required. Paragraph
20 71 also relates to other Defendants. Accordingly, TAEC lacks knowledge or information
21 sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 and,
22 therefore, denies these allegations.

23 **11. Sharp**

24 72. Paragraph 72 relates to another Defendant. Accordingly, TAEC lacks knowledge
25 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
26 72 and, therefore, denies these allegations.

1 73. Paragraph 73 relates to another Defendant. Accordingly, TAEC lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 73 and, therefore, denies these allegations.

4 74. Paragraph 74 consists of Plaintiff's explanation of a defined term, a
5 characterization of its claims and legal conclusions, to which no response is required. Paragraph
6 74 also relates to other Defendants. Accordingly, TAEC lacks knowledge or information
7 sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 and,
8 therefore, denies these allegations.

9 **12. Toshiba**

10 75. Paragraph 75 relates to another Defendant. Accordingly, TAEC lacks knowledge
11 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
12 75 and, therefore, denies these allegations, except admits that Toshiba Corporation is a Japanese
13 company with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-
14 8001, Japan.

15 76. Paragraph 76 relates to another Defendant. Accordingly, TAEC lacks knowledge
16 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
17 76 and, therefore, denies these allegations, except is generally aware that Toshiba Mobile
18 Display Co., Ltd. is located at 1-9-2, Hatara-cho, Fukaya-shi, Saitama 366-0032, Japan.

19 77. TAEC denies each and every allegation contained in Paragraph 77, except admits
20 that TAEC is located at 19900 MacArthur Boulevard, Suite 400, Irvine, California; that TAEC is
21 a wholly-owned subsidiary of Toshiba America, Inc.; and that during at least a portion of the
22 time period between January 1, 1996 and December 11, 2006, TAEC marketed, sold and/or
23 distributed certain types of LCD panels to customers in the United States. TAEC specifically
24 denies having manufactured LCD panels.

25 78. Paragraph 78 relates to another Defendant. Accordingly, TAEC lacks knowledge
26 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
27 78 and, therefore, denies these allegations, except is generally aware that Toshiba America
28 Information Systems, Inc. is located at 9740 Irvine Boulevard, Irvine, California.

1 79. Paragraph 79 consists of Plaintiff's explanation of a defined term, a
2 characterization of its claims and legal conclusions, to which no response is required. To the
3 extent that the allegations in Paragraph 79 may be deemed to require a response from TAEC,
4 TAEC denies each and every allegation in Paragraph 79.

5 **C. Co-Conspirators**

6 80. To the extent that the allegations contained in Paragraph 80 relate to other
7 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
8 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
9 that the allegations contained in Paragraph 80 are directed to TAEC, TAEC denies these
10 allegations.

11 81. To the extent that the allegations contained in Paragraph 81 relate to other
12 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
13 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
14 that the allegations contained in Paragraph 81 are directed to TAEC, TAEC denies these
15 allegations.

16 82. Paragraph 82 relates to third parties to this action. Accordingly, TAEC lacks
17 knowledge or information sufficient to form a belief as to the truth of the allegations contained
18 in Paragraph 82 and, therefore, denies these allegations.

19 83. To the extent that the allegations contained in Paragraph 83 relate to other
20 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
21 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
22 that the allegations contained in Paragraph 83 are directed to TAEC, TAEC denies these
23 allegations.

24 84. Paragraph 84 consists of Plaintiff's characterization of its claims and legal
25 conclusions, to which no response is required. To the extent that the allegations contained in
26 Paragraph 84 relate to other Defendants and/or third parties, TAEC lacks knowledge or
27 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
28

1 these allegations. To the extent that the allegations contained in Paragraph 84 are directed to
2 TAEC, TAEC denies these allegations.

3 **V. THE MARKET FOR LCD PANELS AND LCD PRODUCTS**

4 85. To the extent that the allegations contained in Paragraph 85 relate to other
5 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
6 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
7 that the allegations contained in Paragraph 85 are directed to TAEC, TAEC denies these
8 allegations, except admits that TFT-LCD panels are used in a number of finished products,
9 including, but not limited to, mobile wireless handsets, desktop computer monitors, and laptop
10 computers.

11 86. TAEC lacks knowledge or information sufficient to form a belief as to the truth
12 of the allegations contained in Paragraph 86 and, therefore, denies these allegations.

13 87. TAEC lacks knowledge or information sufficient to form a belief as to the truth
14 of the allegations contained in Paragraph 87 and, therefore, denies these allegations.

15 88. TAEC lacks knowledge or information sufficient to form a belief as to the truth
16 of the allegations contained in Paragraph 88 and, therefore, denies these allegations.

17 89. Paragraph 89 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations in
19 Paragraph 89 relate to other Defendants and/or third parties, TAEC lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 89 are directed to
22 TAEC, TAEC denies these allegations.

23 90. Paragraph 90 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. To the extent that the allegations in
25 Paragraph 90 relate to other Defendants and/or third parties, TAEC lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations. To the extent that the allegations contained in Paragraph 90 are directed to
28 TAEC, TAEC denies these allegations.

1 91. TAEC denies each and every allegation contained in Paragraph 91.

2 92. To the extent that the allegations contained in Paragraph 92 relate to other
3 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
4 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
5 that the allegations contained in Paragraph 92 are directed to TAEC, TAEC denies these
6 allegations.

7 93. To the extent that the allegations contained in Paragraph 93 relate to other
8 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
9 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
10 that the allegations contained in Paragraph 93 are directed to TAEC, TAEC denies these
11 allegations.

12 94. Paragraph 94 contains argument and legal conclusions, to which no response is
13 required. To the extent that the allegations contained in Paragraph 94 relate to other Defendants
14 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
15 truth of these allegations and, therefore, denies these allegations. To the extent that the
16 allegations contained in Paragraph 94 are directed to TAEC, TAEC denies these allegations.

17 95. To the extent that the allegations contained in Paragraph 95 relate to other
18 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
19 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
20 that the allegations contained in Paragraph 95 are directed to TAEC, TAEC denies these
21 allegations, except is generally aware that Toshiba Mobile Display Co., Ltd. f/k/a Toshiba
22 Matsushita Display Technology Co., Ltd., was formed in 2002 and that IPS Alpha Technology,
23 Ltd. was formed in 2005.

24 96. Paragraph 96 consists of Plaintiff's characterization of its claims and legal
25 conclusions, to which no response is required. To the extent that the allegations contained in
26 Paragraph 96 relate to other Defendants and/or third parties, TAEC lacks knowledge or
27 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
28

1 these allegations. To the extent that the allegations contained in Paragraph 96 are directed to
2 TAEC, TAEC denies these allegations.

3 97. Paragraph 97 consists of Plaintiff's characterization of its claims and legal
4 conclusions, to which no response is required. To the extent that the allegations contained in
5 Paragraph 97 relate to other Defendants and/or third parties, TAEC lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 97 are directed to
8 TAEC, TAEC denies these allegations.

9 **VI. DEFENDANTS ENGAGED IN PRICE FIXING OF LCD PANELS**

10 98. Paragraph 98 consists of Plaintiff's characterization of its claims and legal
11 conclusions, to which no response is required. To the extent that the allegations contained in
12 Paragraph 98 relate to other Defendants and/or third parties, TAEC lacks knowledge or
13 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
14 these allegations. To the extent that the allegations contained in Paragraph 98 are directed to
15 TAEC, TAEC denies these allegations.

16 99. Paragraph 99 consists of Plaintiff's characterization of its claims and legal
17 conclusions, to which no response is required. To the extent that the allegations contained in
18 Paragraph 99 relate to other Defendants and/or third parties, TAEC lacks knowledge or
19 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
20 these allegations. To the extent that the allegations contained in Paragraph 99 are directed to
21 TAEC, TAEC denies these allegations.

22 **A. Defendants Engaged in Bilateral and Multilateral Meetings and**
23 **Communications with Competitors to Inflate Prices of LCD Panels and LCD**
24 **Products**

25 100. Paragraph 100 consists of Plaintiff's characterization of its claims and legal
26 conclusions, to which no response is required. To the extent that the allegations contained in
27 Paragraph 100 relate to other Defendants and/or third parties, TAEC lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 100 are directed to
2 TAEC, TAEC denies these allegations.

3 1. **Defendants engaged in illegal bilateral and multilateral**
4 **communications with competitors about the pricing of TFT-LCD**
5 **Panels and STN-LCD Panels**

6 101. To the extent that the allegations contained in Paragraph 101 relate to other
7 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
8 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
9 that the allegations contained in Paragraph 101 are directed to TAEC, TAEC denies these
10 allegations.

11 102. Paragraph 102 relates to other Defendants and/or third parties to this action.
12 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
13 the allegations contained in Paragraph 102 and, therefore, denies these allegations. To the extent
14 that the allegations contained in Paragraph 102 are directed to TAEC, TAEC denies these
15 allegations.

16 103. To the extent that the allegations contained in Paragraph 103 relate to other
17 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
18 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
19 that the allegations contained in Paragraph 103 are directed to TAEC, TAEC denies these
20 allegations.

21 104. To the extent that the allegations contained in Paragraph 104 relate to other
22 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
23 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
24 that the allegations contained in Paragraph 104 are directed to TAEC, TAEC denies these
25 allegations.

26 105. Paragraph 105 relates to other Defendants and/or third parties to this action.
27 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
28 the allegations contained in Paragraph 105 and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 105 are directed to TAEC, TAEC denies these
2 allegations.

3 106. Paragraph 106 relates to other Defendants and/or third parties to this action.
4 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
5 the allegations contained in Paragraph 106 and, therefore, denies these allegations. To the extent
6 that the allegations contained in Paragraph 106 are directed to TAEC, TAEC denies these
7 allegations.

8 107. To the extent that the allegations contained in Paragraph 107 relate to other
9 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
10 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
11 that the allegations contained in Paragraph 107 are directed to TAEC, TAEC denies these
12 allegations.

13 108. Paragraph 108 relates to other Defendants and/or third parties to this action.
14 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
15 the allegations contained in Paragraph 108 and, therefore, denies these allegations. To the extent
16 that the allegations contained in Paragraph 108 are directed to TAEC, TAEC denies these
17 allegations.

18 109. Paragraph 109 relates to other Defendants and/or third parties to this action.
19 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 109 and, therefore, denies these allegations. To the extent
21 that the allegations contained in Paragraph 109 are directed to TAEC, TAEC denies these
22 allegations.

23 110. Paragraph 110 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. To the extent that the allegations in
25 Paragraph 110 relate to other Defendants and/or third parties, TAEC lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations. To the extent that the allegations contained in Paragraph 110 are directed to
28 TAEC, TAEC denies these allegations.

1 111. To the extent that the allegations in Paragraph 111 relate to other Defendants
2 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
3 truth of these allegations and, therefore, denies these allegations. To the extent that the
4 allegations contained in Paragraph 111 are directed to TAEC, TAEC denies these allegations.

5 112. To the extent that the allegations in Paragraph 112 relate to other Defendants
6 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
7 truth of these allegations and, therefore, denies these allegations. To the extent that the
8 allegations contained in Paragraph 112 are directed to TAEC, TAEC denies these allegations.

9 113. Paragraph 113 relates to other Defendants and/or third parties to this action.
10 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
11 the allegations contained in Paragraph 113 and, therefore, denies these allegations. To the extent
12 that the allegations contained in Paragraph 113 are directed to TAEC, TAEC denies these
13 allegations.

14 114. Paragraph 114 relates to other Defendants and/or third parties to this action.
15 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
16 the allegations contained in Paragraph 114 and, therefore, denies these allegations. To the extent
17 that the allegations contained in Paragraph 114 are directed to TAEC, TAEC denies these
18 allegations.

19 115. Paragraph 115 relates to other Defendants and/or third parties to this action.
20 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 115 and, therefore, denies these allegations. To the extent
22 that the allegations contained in Paragraph 115 are directed to TAEC, TAEC denies these
23 allegations.

24 116. Paragraph 116 relates to other Defendants and/or third parties to this action.
25 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
26 the allegations contained in Paragraph 116 and, therefore, denies these allegations. To the extent
27 that the allegations contained in Paragraph 116 are directed to TAEC, TAEC denies these
28 allegations.

1 117. Paragraph 117 relates to other Defendants and/or third parties to this action.
2 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
3 the allegations contained in Paragraph 117 and, therefore, denies these allegations. To the extent
4 that the allegations contained in Paragraph 117 are directed to TAEC, TAEC denies these
5 allegations.

6 118. Paragraph 118 relates to other Defendants and/or third parties to this action.
7 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
8 the allegations contained in Paragraph 118 and, therefore, denies these allegations. To the extent
9 that the allegations contained in Paragraph 118 are directed to TAEC, TAEC denies these
10 allegations.

11 119. Paragraph 119 relates to other Defendants and/or third parties to this action.
12 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
13 the allegations contained in Paragraph 119 and, therefore, denies these allegations. To the extent
14 that the allegations contained in Paragraph 119 are directed to TAEC, TAEC denies these
15 allegations

16 120. Paragraph 120 relates to other Defendants and/or third parties to this action.
17 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
18 the allegations contained in Paragraph 120 and, therefore, denies these allegations. To the extent
19 that the allegations contained in Paragraph 120 are directed to TAEC, TAEC denies these
20 allegations.

21 121. Paragraph 121 relates to other Defendants and/or third parties to this action.
22 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 121 and, therefore, denies these allegations. To the extent
24 that the allegations contained in Paragraph 121 are directed to TAEC, TAEC denies these
25 allegations.

26 122. Paragraph 122 relates to other Defendants and/or third parties to this action.
27 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
28 the allegations contained in Paragraph 122 and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 122 are directed to TAEC, TAEC denies these
2 allegations.

3 123. Paragraph 123 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations contained
5 in Paragraph 123 relate to other Defendants and/or third parties, TAEC lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 123 are directed to
8 TAEC, TAEC denies these allegations.

9 124. Paragraph 124 relates to other Defendants and/or third parties to this action.
10 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
11 the allegations contained in Paragraph 124 and, therefore, denies these allegations. To the extent
12 that the allegations contained in Paragraph 124 are directed to TAEC, TAEC denies these
13 allegations.

14 125. Paragraph 125 relates to other Defendants and/or third parties to this action.
15 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
16 the allegations contained in Paragraph 125 and, therefore, denies these allegations. To the extent
17 that the allegations contained in Paragraph 125 are directed to TAEC, TAEC denies these
18 allegations.

19 126. Paragraph 126 relates to other Defendants and/or third parties to this action.
20 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 126 and, therefore, denies these allegations. To the extent
22 that the allegations contained in Paragraph 126 are directed to TAEC, TAEC denies these
23 allegations.

24 127. Paragraph 127 contains argument, Plaintiff's characterization of its claims and/or
25 legal conclusions, to which no response is required. To the extent that the allegations contained
26 in Paragraph 127 relate to other Defendants and/or third parties, TAEC lacks knowledge or
27 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
28

1 these allegations. To the extent that the allegations contained in Paragraph 127 are directed to
2 TAEC, TAEC denies these allegations.

3 128. Paragraph 128 relates to other Defendants and/or third parties to this action.
4 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
5 the allegations contained in Paragraph 128 and, therefore, denies these allegations. To the extent
6 that the allegations contained in Paragraph 128 are directed to TAEC, TAEC denies these
7 allegations.

8 129. To the extent that the allegations contained in Paragraph 129 relate to other
9 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
10 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
11 that the allegations contained in Paragraph 129 are directed to TAEC, TAEC denies these
12 allegations.

13 130. Paragraph 130 relates to other Defendants and/or third parties to this action.
14 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
15 the allegations contained in Paragraph 130 and, therefore, denies these allegations. To the extent
16 that the allegations contained in Paragraph 130 are directed to TAEC, TAEC denies these
17 allegations.

18 131. Paragraph 131 relates to other Defendants and/or third parties to this action.
19 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 131 and, therefore, denies these allegations. To the extent
21 that the allegations contained in Paragraph 131 are directed to TAEC, TAEC denies these
22 allegations.

23 132. Paragraph 132 relates to other Defendants and/or third parties to this action.
24 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
25 the allegations contained in Paragraph 132 and, therefore, denies these allegations. To the extent
26 that the allegations contained in Paragraph 132 are directed to TAEC, TAEC denies these
27 allegations.

1 133. Paragraph 133 relates to other Defendants and/or third parties to this action.
2 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
3 the allegations contained in Paragraph 133 and, therefore, denies these allegations. To the extent
4 that the allegations contained in Paragraph 133 are directed to TAEC, TAEC denies these
5 allegations.

6 134. To the extent that the allegations contained in Paragraph 134 relate to other
7 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
8 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
9 that the allegations contained in Paragraph 134 are directed to TAEC, TAEC denies these
10 allegations.

11 135. Paragraph 135 relates to other Defendants and/or third parties to this action.
12 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
13 the allegations contained in Paragraph 135 and, therefore, denies these allegations. To the extent
14 that the allegations contained in Paragraph 135 are directed to TAEC, TAEC denies these
15 allegations.

16 136. To the extent that the allegations contained in Paragraph 136 relate to other
17 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
18 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
19 that the allegations contained in Paragraph 136 are directed to TAEC, TAEC denies these
20 allegations.

21 137. To the extent that the allegations contained in Paragraph 137 relate to other
22 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
23 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
24 that the allegations contained in Paragraph 137 are directed to TAEC, TAEC denies these
25 allegations.

26 138. To the extent that the allegations contained in Paragraph 138 relate to other
27 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
28 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 138 are directed to TAEC, TAEC denies these
2 allegations.

3 139. Paragraph 139 relates to other Defendants and/or third parties to this action.
4 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
5 the allegations contained in Paragraph 139 and, therefore, denies these allegations. To the extent
6 that the allegations contained in Paragraph 139 are directed to TAEC, TAEC denies these
7 allegations.

8 140. Paragraph 140 relates to other Defendants and/or third parties to this action.
9 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
10 the allegations contained in Paragraph 140 and, therefore, denies these allegations. To the extent
11 that the allegations contained in Paragraph 140 are directed to TAEC, TAEC denies these
12 allegations.

13 141. Paragraph 141 relates to other Defendants and/or third parties to this action.
14 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
15 the allegations contained in Paragraph 141 and, therefore, denies these allegations. To the extent
16 that the allegations contained in Paragraph 141 are directed to TAEC, TAEC denies these
17 allegations.

18 142. Paragraph 142 consists of purported statements by government authorities and/or
19 statements in public documents, which speak for themselves and to which no response is
20 required. To the extent that the allegations contained in Paragraph 142 relate to other
21 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
22 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
23 that the allegations contained in Paragraph 142 may be deemed to require a response from
24 TAEC, TAEC denies these allegations, except admits that LG Display Co. Ltd. and LG Display
25 America Inc. agreed to plead guilty for their participation in a conspiracy to fix prices of TFT-
26 LCD panels.

27 143. To the extent that the allegations contained in Paragraph 143 relate to other
28 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a

1 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
2 that the allegations contained in Paragraph 143 are directed to TAEC, TAEC denies these
3 allegations.

4 144. Paragraph 144 relates to other Defendants and/or third parties to this action.
5 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
6 the allegations contained in Paragraph 144 and, therefore, denies these allegations. To the extent
7 that the allegations contained in Paragraph 144 are directed to TAEC, TAEC denies these
8 allegations.

9 145. Paragraph 145 relates to other Defendants and/or third parties to this action.
10 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
11 the allegations contained in Paragraph 145 and, therefore, denies these allegations. To the extent
12 that the allegations contained in Paragraph 145 are directed to TAEC, TAEC denies these
13 allegations.

14 146. Paragraph 146 relates to other Defendants and/or third parties to this action.
15 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
16 the allegations contained in Paragraph 146 and, therefore, denies these allegations. To the extent
17 that the allegations contained in Paragraph 146 are directed to TAEC, TAEC denies these
18 allegations.

19 147. To the extent that the allegations in Paragraph 147 relate to other Defendants
20 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
21 truth of these allegations and, therefore, denies these allegations. To the extent that the
22 allegations contained in Paragraph 147 are directed to TAEC, TAEC denies these allegations.

23 148. To the extent that the allegations in Paragraph 148 relate to other Defendants
24 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
25 truth of these allegations and, therefore, denies these allegations. To the extent that the
26 allegations contained in Paragraph 148 are directed to TAEC, TAEC denies these allegations.

27 149. Paragraph 149 contains legal conclusions, to which no response is required. To
28 the extent that the allegations in Paragraph 149 relate to other Defendants and/or third parties,

1 TAEC lacks knowledge or information sufficient to form a belief as to the truth of these
2 allegations and, therefore, denies these allegations. To the extent that the allegations contained
3 in Paragraph 149 are directed to TAEC, TAEC denies these allegations.

4 150. Paragraph 150 contains legal conclusions, to which no response is required. To
5 the extent that the allegations in Paragraph 150 relate to other Defendants and/or third parties,
6 TAEC lacks knowledge or information sufficient to form a belief as to the truth of these
7 allegations and, therefore, denies these allegations. To the extent that the allegations contained
8 in Paragraph 150 are directed to TAEC, TAEC denies these allegations.

9 151. Paragraph 151 relates to other Defendants and/or third parties to this action.
10 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
11 the allegations contained in Paragraph 151 and, therefore, denies these allegations. To the extent
12 that the allegations contained in Paragraph 151 are directed to TAEC, TAEC denies these
13 allegations.

14 152. Paragraph 152 contains argument, Plaintiff's characterization of its claims and/or
15 legal conclusions, to which no response is required. To the extent that the allegations in
16 Paragraph 152 relate to other Defendants and/or third parties, TAEC lacks knowledge or
17 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
18 these allegations. To the extent that the allegations contained in Paragraph 152 are directed to
19 TAEC, TAEC denies these allegations, except is generally aware that Toshiba Corporation
20 participates in the IPS Alpha Technology, Ltd. joint venture.

21 153. Paragraph 153 relates to other Defendants and/or third parties to this action.
22 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 153 and, therefore, denies these allegations. To the extent
24 that the allegations contained in Paragraph 153 may be deemed to require a response from
25 TAEC, TAEC denies these allegations.

26 154. Paragraph 154 relates to other Defendants and/or third parties to this action.
27 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
28 the allegations contained in Paragraph 154 and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 154 may be deemed to require a response from
2 TAEC, TAEC denies these allegations.

3 155. Paragraph 155 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations in
5 Paragraph 155 relate to other Defendants and/or third parties, TAEC lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 155 are directed to
8 TAEC, TAEC denies these allegations.

9 156. Paragraph 156 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations in
11 Paragraph 156 relate to other Defendants and/or third parties, TAEC lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 156 are directed to
14 TAEC, TAEC denies these allegations.

15 2. **Defendants engaged in illegal communications about pricing in the**
16 **U.S.**

17 157. Paragraph 157 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations in
19 Paragraph 157 relate to other Defendants and/or third parties, TAEC lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 157 are directed to
22 TAEC, TAEC denies these allegations.

23 158. To the extent that the allegations in Paragraph 158 relate to other Defendants
24 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
25 truth of these allegations and, therefore, denies these allegations. To the extent that the
26 allegations contained in Paragraph 158 are directed to TAEC, TAEC denies these allegations.
27
28

1 159. Paragraph 159 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations in
3 Paragraph 159 relate to other Defendants and/or third parties, TAEC lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 159 are directed to
6 TAEC, TAEC denies these allegations.

7 160. Paragraph 160 contains argument, Plaintiff's characterization of its claims and/or
8 legal conclusions, to which no response is required. To the extent that the allegations in
9 Paragraph 160 relate to other Defendants and/or third parties, TAEC lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 160 are directed to
12 TAEC, TAEC denies these allegations.

13 **3. Defendants engaged in illegal communications about pricing with**
14 **respect to small panels**

15 161. Paragraph 161 contains argument, Plaintiff's characterization of its claims and/or
16 legal conclusions, to which no response is required. To the extent that the allegations in
17 Paragraph 161 relate to other Defendants and/or third parties, TAEC lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 161 are directed to
20 TAEC, TAEC denies these allegations.

21 162. Paragraph 162 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations in
23 Paragraph 162 relate to other Defendants and/or third parties, TAEC lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 162 are directed to
26 TAEC, TAEC denies these allegations.

1 **B. Defendants' Participation in the Conspiracy in California**

2 163. Paragraph 163 consists of argument, Plaintiff's characterization of its claims
3 and/or legal conclusions, to which no response is required. To the extent that the allegations
4 contained in Paragraph 163 relate to other Defendants and/or third parties, TAEC lacks
5 knowledge or information sufficient to form a belief as to the truth of these allegations and,
6 therefore, denies these allegations, except is generally aware that Toshiba America Information
7 Systems, Inc. maintained offices in California between January 1, 1996 and December 11, 2006.
8 To the extent that the allegations contained in Paragraph 163 are directed to TAEC, TAEC
9 denies these allegations, except admits that between January 1, 1996 and December 11, 2006,
10 TAEC maintained offices in California.

11 164. Paragraph 164 consists of argument, Plaintiff's characterization of its claims
12 and/or legal conclusions, to which no response is required. To the extent that the allegations in
13 Paragraph 164 relate to other Defendants and/or third parties, TAEC lacks knowledge or
14 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
15 these allegations. To the extent that the allegations contained in Paragraph 164 are directed to
16 TAEC, TAEC denies these allegations.

17 165. Paragraph 165 relates to other Defendants and/or third parties to this action.
18 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 165 and, therefore, denies these allegations. To the extent
20 that the allegations contained in Paragraph 165 are directed to TAEC, TAEC denies these
21 allegations.

22 166. Paragraph 166 contains argument, Plaintiff's characterization of its claims and/or
23 legal conclusions, to which no response is required. To the extent that the allegations contained
24 in Paragraph 166 relate to other Defendants and/or third parties, TAEC lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 166 are directed to
27 TAEC, TAEC denies these allegations.
28

1 167. Paragraph 167 relates to other Defendants and/or third parties to this action.
2 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
3 the allegations contained in Paragraph 167 and, therefore, denies these allegations. To the extent
4 that the allegations contained in Paragraph 167 are directed to TAEC, TAEC denies these
5 allegations.

6 168. Paragraph 168 contains argument, Plaintiff's characterization of its claims and/or
7 legal conclusions, to which no response is required. To the extent that the allegations contained
8 in Paragraph 168 relate to other Defendants and/or third parties, TAEC lacks knowledge or
9 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
10 these allegations. To the extent that the allegations contained in Paragraph 168 are directed to
11 TAEC, TAEC denies these allegations.

12 169. Paragraph 169 contains argument, Plaintiff's characterization of its claims and/or
13 legal conclusions, to which no response is required. To the extent that the allegations contained
14 in Paragraph 169 relate to other Defendants and/or third parties, TAEC lacks knowledge or
15 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
16 these allegations. To the extent that the allegations contained in Paragraph 169 are directed to
17 TAEC, TAEC denies these allegations.

18 170. Paragraph 170 relates to other Defendants and/or third parties to this action.
19 Accordingly, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 170 and, therefore, denies these allegations. To the extent
21 that the allegations contained in Paragraph 170 are directed to TAEC, TAEC denies these
22 allegations.

23 171. Paragraph 171 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. To the extent that the allegations contained
25 in Paragraph 171 relate to other Defendants and/or third parties, TAEC lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations, except is generally aware that Toshiba America Information Systems, Inc.
28 maintained offices in California between January 1, 1996 and December 11, 2006. To the extent

1 that the allegations contained in Paragraph 171 are directed to TAEC, TAEC denies these
2 allegations, except admits between January 1, 1996 and December 11, 2006, TAEC maintained
3 offices in California.

4 172. Paragraph 172 contains argument, Plaintiff's characterization of its claims and/or
5 legal conclusions, to which no response is required. To the extent that the allegations contained
6 in Paragraph 172 relate to other Defendants and/or third parties, TAEC lacks knowledge or
7 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
8 these allegations. To the extent that the allegations contained in Paragraph 172 are directed to
9 TAEC, TAEC denies these allegations.

10 173. Paragraph 173 contains argument, Plaintiff's characterization of its claims and/or
11 legal conclusions, to which no response is required. To the extent that the allegations contained
12 in Paragraph 173 relate to other Defendants and/or third parties, TAEC lacks knowledge or
13 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
14 these allegations. To the extent that the allegations contained in Paragraph 173 are directed to
15 TAEC, TAEC denies these allegations.

16 C. **Defendants Have Been Charged With and Have Pleaded Guilty to Fixing the**
17 **Price of LCD Panels and LCD Products Sold in the U.S.**

18 174. Paragraph 174 consists of purported statements by government authorities, news
19 reports and/or statements in public documents, which speak for themselves and to which no
20 response is required. To the extent that the allegations contained in Paragraph 174 may be
21 deemed to require a response from TAEC, TAEC denies these allegations.

22 175. Paragraph 175 consists of purported statements by government authorities, news
23 reports and/or statements in public documents, which speak for themselves and to which no
24 response is required. To the extent that the allegations contained in Paragraph 175 may be
25 deemed to require a response from TAEC, TAEC denies these allegations.

26 176. Paragraph 176 consists of purported statements by government authorities and/or
27 statements in public documents, which speak for themselves and to which no response is
28 required. To the extent that the allegations contained in Paragraph 176 may be deemed to

1 require a response from TAEC, TAEC responds that the United States Department of Justice has
2 confirmed in writing that it has dropped its investigation as to Toshiba and will not prosecute or
3 charge any of the Toshiba Entities or their employees.

4 177. Paragraph 177 consists of purported statements by government authorities and/or
5 statements in public documents, which speak for themselves and to which no response is
6 required. To the extent that the allegations contained in Paragraph 177 may be deemed to
7 require a response from TAEC, TAEC denies these allegations, except admits that Chi Mei
8 Optoelectronics Corporation agreed to plead guilty and pay a criminal fine for its participation in
9 a conspiracy to fix prices of TFT-LCD panels.

10 178. Paragraph 178 consists of purported statements by government authorities and/or
11 statements in public documents, which speak for themselves and to which no response is
12 required. To the extent that the allegations contained in Paragraph 178 may be deemed to
13 require a response from TAEC, TAEC denies these allegations, except admits that LG Display
14 agreed to plead guilty and pay a criminal fine for its participation in a conspiracy to fix prices of
15 TFT-LCD panels.

16 179. Paragraph 179 consists of purported statements by government authorities and/or
17 statements in public documents, which speak for themselves and to which no response is
18 required. To the extent that the allegations contained in Paragraph 179 may be deemed to
19 require a response from TAEC, TAEC denies these allegations, except admits that current or
20 former executives of LG Display agreed to plead guilty, pay criminal fines and/or serve federal
21 prison sentences for their participation in a conspiracy to fix prices of TFT-LCD panels.

22 180. Paragraph 180 consists of purported statements by government authorities and/or
23 statements in public documents, which speak for themselves and to which no response is
24 required. To the extent that the allegations contained in Paragraph 180 may be deemed to
25 require a response from TAEC, TAEC denies these allegations, except admits that current or
26 former executives of LG Display agreed to plead guilty, pay criminal fines and/or serve federal
27 prison sentences for their participation in a conspiracy to fix prices of TFT-LCD panels.
28

1 181. Paragraph 181 consists of purported statements by government authorities and/or
2 statements in public documents, which speak for themselves and to which no response is
3 required. To the extent that the allegations contained in Paragraph 181 may be deemed to
4 require a response from TAEC, TAEC denies these allegations, except admits that current or
5 former executives of LG Display agreed to plead guilty, pay criminal fines and/or serve federal
6 prison sentences for their participation in a conspiracy to fix prices of TFT-LCD panels.

7 182. Paragraph 182 consists of purported statements by government authorities and/or
8 statements in public documents, which speak for themselves and to which no response is
9 required. To the extent that the allegations contained in Paragraph 182 may be deemed to
10 require a response from TAEC, TAEC denies these allegations, except admits that Chunghwa
11 Picture Tubes, Ltd. agreed to plead guilty and pay a criminal fine for its participation in a
12 conspiracy to fix prices of TFT-LCD panels.

13 183. Paragraph 183 consists of purported statements by government authorities and/or
14 statements in public documents, which speak for themselves and to which no response is
15 required. To the extent that the allegations contained in Paragraph 183 may be deemed to
16 require a response from TAEC, TAEC denies these allegations, except admits that current or
17 former executives of Chunghwa Picture Tubes, Ltd. agreed to plead guilty, pay criminal fines
18 and/or serve federal prison sentences for their participation in a conspiracy to fix prices of TFT-
19 LCD panels.

20 184. Paragraph 184 consists of purported statements by government authorities and/or
21 statements in public documents, which speak for themselves and to which no response is
22 required. To the extent that the allegations contained in Paragraph 184 may be deemed to
23 require a response from TAEC, TAEC denies these allegations, except admits that current or
24 former executives of Chunghwa Picture Tubes, Ltd. have been indicted for their participation in
25 a conspiracy to fix prices of TFT-LCD panels.

26 185. Paragraph 185 consists of purported statements by government authorities and/or
27 statements in public documents, which speak for themselves and to which no response is
28 required. Paragraph 185 also contains argument, Plaintiff's characterization of its claims and/or

1 legal conclusions, to which no response is required. To the extent that the allegations contained
2 in Paragraph 185 may be deemed to require a response from TAEC, TAEC denies these
3 allegations, except admits that Sharp Corporation agreed to plead guilty and pay a criminal fine
4 for its participation in a conspiracy to fix prices of TFT-LCD panels.

5 186. Paragraph 186 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations in
7 Paragraph 186 relate to other Defendants and/or third parties, TAEC lacks knowledge or
8 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
9 these allegations. To the extent that the allegations contained in Paragraph 186 are directed to
10 TAEC, TAEC denies these allegations.

11 187. Paragraph 187 consists of purported statements by government authorities and/or
12 statements in public documents, which speak for themselves and to which no response is
13 required. Paragraph 187 also contains argument, Plaintiff's characterization of its claims and/or
14 legal conclusions, to which no response is required. To the extent that the allegations contained
15 in Paragraph 187 may be deemed to require a response from TAEC, TAEC denies these
16 allegations, except admits that Epson Japan agreed to plead guilty and pay a criminal fine for its
17 participation in a conspiracy to fix prices of TFT-LCD panels.

18 188. Paragraph 188 contains argument, Plaintiff's characterization of its claims and/or
19 legal conclusions, to which no response is required. To the extent that the allegations in
20 Paragraph 188 relate to other Defendants and/or third parties, TAEC lacks knowledge or
21 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
22 these allegations. To the extent that the allegations contained in Paragraph 188 are directed to
23 TAEC, TAEC denies these allegations.

24 189. Paragraph 189 contains argument, Plaintiff's characterization of its claims and/or
25 legal conclusions, to which no response is required. To the extent that Paragraph 189 relates to
26 other Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
27 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
28 that the allegations contained in Paragraph 189 are directed to TAEC, TAEC denies these

1 allegations, except admits that Toshiba Mobile Display Co., Ltd. f/k/a Toshiba Matsushita
2 Display Technology Co., Ltd., was formed in 2002 as a joint venture between Toshiba
3 Corporation and Matsushita Electric Industrial Co., Ltd.

4 190. Paragraph 190 contains argument, Plaintiff's characterization of its claims and/or
5 legal conclusions, to which no response is required. To the extent that the allegations in
6 Paragraph 190 relate to other Defendants and/or third parties, TAEC lacks knowledge or
7 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
8 these allegations. To the extent that the allegations contained in Paragraph 190 are directed to
9 TAEC, TAEC denies these allegations.

10 **D. Pricing in the LCD Panel Market Indicates Collusion by Defendants**

11 191. Paragraph 191 contains argument and legal conclusions, to which no response is
12 required. To the extent that the allegations in Paragraph 191 relate to other Defendants and/or
13 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
14 these allegations and, therefore, denies these allegations. To the extent that the allegations
15 contained in Paragraph 191 are directed to TAEC, TAEC denies these allegations.

16 192. Paragraph 192 contains argument and legal conclusions, to which no response is
17 required. To the extent that the allegations in Paragraph 192 relate to other Defendants and/or
18 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
19 these allegations and, therefore, denies these allegations. To the extent that the allegations
20 contained in Paragraph 192 are directed to TAEC, TAEC denies these allegations.

21 193. Paragraph 193 contains argument and legal conclusions, to which no response is
22 required. To the extent that the allegations in Paragraph 193 relate to other Defendants and/or
23 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
24 these allegations and, therefore, denies these allegations. To the extent that the allegations
25 contained in Paragraph 193 are directed to TAEC, TAEC denies these allegations.

26 194. Paragraph 194 contains argument and legal conclusions, to which no response is
27 required. To the extent that the allegations in Paragraph 194 relate to other Defendants and/or
28

1 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
2 these allegations and, therefore, denies these allegations. To the extent that the allegations
3 contained in Paragraph 194 are directed to TAEC, TAEC denies these allegations.

4 195. Paragraph 195 contains argument and legal conclusions, to which no response is
5 required. To the extent that the allegations in Paragraph 195 relate to other Defendants and/or
6 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
7 these allegations and, therefore, denies these allegations. To the extent that the allegations
8 contained in Paragraph 195 are directed to TAEC, TAEC denies these allegations.

9 196. Paragraph 196 contains argument and legal conclusions, to which no response is
10 required. To the extent that the allegations in Paragraph 196 relate to other Defendants and/or
11 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
12 these allegations and, therefore, denies these allegations. To the extent that the allegations
13 contained in Paragraph 196 are directed to TAEC, TAEC denies these allegations.

14 197. Paragraph 197 contains purported statements in news reports and/or public
15 documents, which speak for themselves and to which no response is required. Paragraph 197
16 also contains argument and legal conclusions, to which no response is required. To the extent
17 that the allegations contained in Paragraph 197 relate to other Defendants and/or third parties,
18 TAEC lacks knowledge or information sufficient to form a belief as to the truth of these
19 allegations and, therefore, denies these allegations. To the extent that the allegations contained
20 in Paragraph 197 are directed to TAEC, TAEC denies these allegations.

21 198. Paragraph 198 contains purported statements in news reports and/or public
22 documents, which speak for themselves and to which no response is required. To the extent that
23 the allegations contained in Paragraph 198 may be deemed to require a response from TAEC,
24 TAEC denies these allegations.

25 199. Paragraph 199 contains argument and legal conclusions, to which no response is
26 required. To the extent that the allegations in Paragraph 199 relate to other Defendants and/or
27 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
28

1 these allegations and, therefore, denies these allegations. To the extent that the allegations
2 contained in Paragraph 199 are directed to TAEC, TAEC denies these allegations.

3 200. Paragraph 200 contains argument and legal conclusions, to which no response is
4 required. To the extent that the allegations in Paragraph 200 relate to other Defendants and/or
5 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
6 these allegations and, therefore, denies these allegations. To the extent that the allegations
7 contained in Paragraph 200 are directed to TAEC, TAEC denies these allegations.

8 201. Paragraph 201 contains argument and legal conclusions, to which no response is
9 required. To the extent that the allegations in Paragraph 201 relate to other Defendants and/or
10 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
11 these allegations and, therefore, denies these allegations. To the extent that the allegations
12 contained in Paragraph 201 are directed to TAEC, TAEC denies these allegations.

13 202. TAEC lacks knowledge or information sufficient to form a belief as to the truth
14 of the allegations contained in Paragraph 202 and, therefore, denies these allegations.

15 203. Paragraph 203 contains argument and legal conclusions, to which no response is
16 required. To the extent that the allegations in Paragraph 203 relate to other Defendants and/or
17 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
18 these allegations and, therefore, denies these allegations. To the extent that the allegations
19 contained in Paragraph 203 are directed to TAEC, TAEC denies these allegations.

20 204. Paragraph 204 contains argument and legal conclusions, to which no response is
21 required. To the extent that the allegations in Paragraph 204 relate to other Defendants and/or
22 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
23 these allegations and, therefore, denies these allegations. To the extent that the allegations
24 contained in Paragraph 204 are directed to TAEC, TAEC denies these allegations.

25 205. Paragraph 205 contains argument and legal conclusions, to which no response is
26 required. To the extent that the allegations in Paragraph 205 relate to other Defendants and/or
27 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
28

1 these allegations and, therefore, denies these allegations. To the extent that the allegations
2 contained in Paragraph 205 are directed to TAEC, TAEC denies these allegations.

3 **E. The Conspiracy Extended to Earlier LCD Technologies**

4 206. TAEC lacks knowledge or information sufficient to form a belief as to the truth
5 of the allegations contained in Paragraph 206 and, therefore, denies these allegations.

6 207. To the extent that the allegations in Paragraph 207 relate to other Defendants
7 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
8 truth of these allegations and, therefore, denies these allegations. To the extent that the
9 allegations contained in Paragraph 207 are directed to TAEC, TAEC denies these allegations.

10 **1. Defendants' Bilateral Communications Regarding STN-LCD Panels**

11 208. Paragraph 208 contains argument and legal conclusions, to which no response is
12 required. To the extent that the allegations in Paragraph 208 relate to other Defendants and/or
13 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
14 these allegations and, therefore, denies these allegations. To the extent that the allegations
15 contained in Paragraph 208 are directed to TAEC, TAEC denies these allegations.

16 209. Paragraph 209 contains argument, Plaintiff's characterization of its claims and/or
17 legal conclusions, to which no response is required. To the extent that the allegations in
18 Paragraph 209 relate to other Defendants and/or third parties, TAEC lacks knowledge or
19 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
20 these allegations. To the extent that the allegations contained in Paragraph 209 are directed to
21 TAEC, TAEC denies these allegations.

22 210. To the extent that the allegations in Paragraph 210 relate to other Defendants
23 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
24 truth of these allegations and, therefore, denies these allegations. To the extent that the
25 allegations contained in Paragraph 210 are directed to TAEC, TAEC denies these allegations.

1 211. Paragraph 211 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations in
3 Paragraph 211 relate to other Defendants and/or third parties, TAEC lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 211 are directed to
6 TAEC, TAEC denies these allegations.

7 212. To the extent that the allegations in Paragraph 212 relate to other Defendants
8 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
9 truth of these allegations and, therefore, denies these allegations. To the extent that the
10 allegations contained in Paragraph 212 are directed to TAEC, TAEC denies these allegations.

11 213. To the extent that the allegations in Paragraph 213 relate to other Defendants
12 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
13 truth of these allegations and, therefore, denies these allegations. To the extent that the
14 allegations contained in Paragraph 213 are directed to TAEC, TAEC denies these allegations.

15 214. Paragraph 214 contains argument, Plaintiff's characterization of its claims and/or
16 legal conclusions, to which no response is required. To the extent that the allegations in
17 Paragraph 214 relate to other Defendants and/or third parties, TAEC lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 214 are directed to
20 TAEC, TAEC denies these allegations.

21 215. Paragraph 215 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations in
23 Paragraph 215 relate to other Defendants and/or third parties, TAEC lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 215 are directed to
26 TAEC, TAEC denies these allegations.

27 216. Paragraph 216 contains argument, Plaintiff's characterization of its claims and/or
28 legal conclusions, to which no response is required. To the extent that the allegations in

1 Paragraph 216 relate to other Defendants and/or third parties, TAEC lacks knowledge or
2 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
3 these allegations. To the extent that the allegations contained in Paragraph 216 are directed to
4 TAEC, TAEC denies these allegations.

5 217. To the extent that the allegations in Paragraph 217 relate to other Defendants
6 and/or third parties, TAEC lacks knowledge or information sufficient to form a belief as to the
7 truth of these allegations and, therefore, denies these allegations. To the extent that the
8 allegations contained in Paragraph 217 are directed to TAEC, TAEC denies these allegations.

9 218. Paragraph 218 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations in
11 Paragraph 218 relate to other Defendants and/or third parties, TAEC lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 218 are directed to
14 TAEC, TAEC denies these allegations.

15 219. Paragraph 219 contains argument, Plaintiff's characterization of its claims and/or
16 legal conclusions, to which no response is required. To the extent that the allegations in
17 Paragraph 219 relate to other Defendants and/or third parties, TAEC lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 219 are directed to
20 TAEC, TAEC denies these allegations.

21 220. Paragraph 220 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations in
23 Paragraph 220 relate to other Defendants and/or third parties, TAEC lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 220 are directed to
26 TAEC, TAEC denies these allegations.

27 221. Paragraph 221 contains argument, Plaintiff's characterization of its claims and/or
28 legal conclusions, to which no response is required. To the extent that the allegations in

1 Paragraph 221 relate to other Defendants and/or third parties, TAEC lacks knowledge or
2 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
3 these allegations. To the extent that the allegations contained in Paragraph 221 are directed to
4 TAEC, TAEC denies these allegations.

5 222. Paragraph 222 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations in
7 Paragraph 222 relate to other Defendants and/or third parties, TAEC lacks knowledge or
8 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
9 these allegations. To the extent that the allegations contained in Paragraph 222 are directed to
10 TAEC, TAEC denies these allegations.

11 **2. The Structure of the LCD Panel Market Facilitated the Inflation of**
12 **Prices of STN-LCD Panels As Well As TFT-LCD Panels**

13 223. TAEC lacks knowledge or information sufficient to form a belief as to the truth
14 of the allegations contained in Paragraph 223 and, therefore, denies these allegations.

15 224. TAEC lacks knowledge or information sufficient to form a belief as to the truth
16 of the allegations contained in Paragraph 224 and, therefore, denies these allegations.

17 225. Paragraph 225 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations in
19 Paragraph 225 relate to other Defendants and/or third parties, TAEC lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 225 are directed to
22 TAEC, TAEC denies these allegations.

23 226. TAEC lacks knowledge or information sufficient to form a belief as to the truth
24 of the allegations contained in Paragraph 226 and, therefore, denies these allegations.

25 227. Paragraph 227 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations in
27 Paragraph 227 relate to other Defendants and/or third parties, TAEC lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 227 are directed to
2 TAEC, TAEC denies these allegations.

3 228. Paragraph 228 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations in
5 Paragraph 228 relate to other Defendants and/or third parties, TAEC lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 228 are directed to
8 TAEC, TAEC denies these allegations.

9 229. Paragraph 229 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations in
11 Paragraph 229 relate to other Defendants and/or third parties, TAEC lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 229 are directed to
14 TAEC, TAEC denies these allegations.

15 230. Paragraph 230 contains argument, Plaintiff's characterization of its claims and/or
16 legal conclusions, to which no response is required. To the extent that the allegations in
17 Paragraph 230 relate to other Defendants and/or third parties, TAEC lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 230 are directed to
20 TAEC, TAEC denies these allegations.

21 **F. The Role of Trade Associations During the Conspiracy Period**

22 231. Paragraph 231 contains argument and legal conclusions, to which no response is
23 required. To the extent that the allegations contained in Paragraph 231 relate to other
24 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
25 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
26 that the allegations contained in Paragraph 231 are directed to TAEC, TAEC denies these
27 allegations.
28

1 232. Paragraph 232 contains argument and legal conclusions, to which no response is
2 required. To the extent that the allegations contained in Paragraph 232 relate to other
3 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
4 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
5 that the allegations contained in Paragraph 232 are directed to TAEC, TAEC denies these
6 allegations.

7 233. Paragraph 233 contains argument and legal conclusions, to which no response is
8 required. To the extent that the allegations contained in Paragraph 233 relate to other
9 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
10 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
11 that the allegations contained in Paragraph 233 are directed to TAEC, TAEC denies these
12 allegations.

13 234. Paragraph 234 contains argument and legal conclusions, to which no response is
14 required. To the extent that the allegations contained in Paragraph 234 relate to other
15 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
16 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
17 that the allegations contained in Paragraph 234 are directed to TAEC, TAEC denies these
18 allegations.

19 235. To the extent that the allegations contained in Paragraph 235 relate to other
20 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
21 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
22 that the allegations contained in Paragraph 235 are directed to TAEC, TAEC denies these
23 allegations.

24 236. To the extent that the allegations contained in Paragraph 236 relate to other
25 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
26 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
27 that the allegations contained in Paragraph 236 are directed to TAEC, TAEC denies these
28 allegations.

1 237. To the extent that the allegations contained in Paragraph 237 relate to other
2 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
3 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
4 that the allegations contained in Paragraph 237 are directed to TAEC, TAEC denies these
5 allegations.

6 238. To the extent that the allegations contained in Paragraph 238 relate to other
7 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
8 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
9 that the allegations contained in Paragraph 238 are directed to TAEC, TAEC denies these
10 allegations.

11 239. To the extent that the allegations contained in Paragraph 239 relate to other
12 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
13 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
14 that the allegations contained in Paragraph 239 are directed to TAEC, TAEC denies these
15 allegations.

16 240. To the extent that the allegations contained in Paragraph 240 relate to other
17 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
18 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
19 that the allegations contained in Paragraph 240 are directed to TAEC, TAEC denies these
20 allegations.

21 241. To the extent that the allegations contained in Paragraph 241 relate to other
22 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
23 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
24 that the allegations contained in Paragraph 241 are directed to TAEC, TAEC denies these
25 allegations.

26 242. To the extent that the allegations contained in Paragraph 242 relate to other
27 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
28 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 242 are directed to TAEC, TAEC denies these
2 allegations.

3 243. To the extent that the allegations contained in Paragraph 243 relate to other
4 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
5 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
6 that the allegations contained in Paragraph 243 are directed to TAEC, TAEC denies these
7 allegations.

8 244. To the extent that the allegations contained in Paragraph 244 relate to other
9 Defendants and/or third parties, TAEC lacks knowledge or information sufficient to form a
10 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent
11 that the allegations contained in Paragraph 244 are directed to TAEC, TAEC denies these
12 allegations.

13 **G. Conspiracy's Effect on U.S. Commerce**

14 245. Paragraph 245 contains argument, Plaintiff's characterization of its claims and/or
15 legal conclusions, to which no response is required. To the extent that the allegations in
16 Paragraph 245 relate to other Defendants and/or third parties, TAEC lacks knowledge or
17 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
18 these allegations. To the extent that the allegations contained in Paragraph 245 are directed to
19 TAEC, TAEC denies these allegations.

20 246. Paragraph 246 contains argument, Plaintiff's characterization of its claims and/or
21 legal conclusions, to which no response is required. To the extent that the allegations in
22 Paragraph 246 relate to other Defendants and/or third parties, TAEC lacks knowledge or
23 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
24 these allegations. To the extent that the allegations contained in Paragraph 246 are directed to
25 TAEC, TAEC denies these allegations.

26 247. Paragraph 247 contains argument, Plaintiff's characterization of its claims and/or
27 legal conclusions, to which no response is required. To the extent that the allegations in
28

1 Paragraph 247 relate to other Defendants and/or third parties, TAEC lacks knowledge or
2 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
3 these allegations. To the extent that the allegations contained in Paragraph 247 are directed to
4 TAEC, TAEC denies these allegations.

5 248. Paragraph 248 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations in
7 Paragraph 248 relate to other Defendants and/or third parties, TAEC lacks knowledge or
8 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
9 these allegations. To the extent that the allegations contained in Paragraph 248 are directed to
10 TAEC, TAEC denies these allegations.

11 249. Paragraph 249 contains argument, Plaintiff's characterization of its claims and/or
12 legal conclusions, to which no response is required. To the extent that the allegations in
13 Paragraph 249 relate to other Defendants and/or third parties, TAEC lacks knowledge or
14 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
15 these allegations. To the extent that the allegations contained in Paragraph 249 are directed to
16 TAEC, TAEC denies these allegations.

17 250. Paragraph 250 contains purported statements made by other Defendants and
18 statements in public documents, which speak for themselves and to which no response is
19 required. To the extent that the allegations in Paragraph 250 relate to other Defendants and/or
20 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
21 these allegations and, therefore, denies these allegations. To the extent that the allegations
22 contained in Paragraph 250 are directed to TAEC, TAEC denies these allegations.

23 251. Paragraph 251 contains purported statements made by other Defendants and
24 statements in public documents, which speak for themselves and to which no response is
25 required. To the extent that the allegations in Paragraph 251 relate to other Defendants and/or
26 third parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of
27 these allegations and, therefore, denies these allegations. To the extent that the allegations
28 contained in Paragraph 251 are directed to TAEC, TAEC denies these allegations.

1 252. Paragraph 252 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations in
3 Paragraph 252 relate to other Defendants and/or third parties, TAEC lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 252 are directed to
6 TAEC, TAEC denies these allegations.

7 **VII. PLAINTIFF'S INJURIES**

8 253. Paragraph 253 contains argument, Plaintiff's characterization of its claims and/or
9 legal conclusions, to which no response is required. To the extent that the allegations in
10 Paragraph 253 relate to other Defendants and/or third parties, TAEC lacks knowledge or
11 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
12 these allegations. To the extent that the allegations contained in Paragraph 253 are directed to
13 TAEC, TAEC denies these allegations.

14 254. Paragraph 254 contains argument, Plaintiff's characterization of its claims and/or
15 legal conclusions, to which no response is required. To the extent that the allegations in
16 Paragraph 254 relate to other Defendants and/or third parties, TAEC lacks knowledge or
17 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
18 these allegations. To the extent that the allegations contained in Paragraph 254 are directed to
19 TAEC, TAEC denies these allegations.

20 255. Paragraph 255 contains argument, Plaintiff's characterization of its claims and/or
21 legal conclusions, to which no response is required. To the extent that the allegations in
22 Paragraph 255 relate to other Defendants and/or third parties, TAEC lacks knowledge or
23 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
24 these allegations. To the extent that the allegations contained in Paragraph 255 are directed to
25 TAEC, TAEC denies these allegations.

26 256. Paragraph 256 contains argument, Plaintiff's characterization of its claims and/or
27 legal conclusions, to which no response is required. To the extent that the allegations in
28 Paragraph 256 relate to other Defendants and/or third parties, TAEC lacks knowledge or

1 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
2 these allegations. To the extent that the allegations contained in Paragraph 256 are directed to
3 TAEC, TAEC denies these allegations.

4 257. Paragraph 257 contains argument, Plaintiff's characterization of its claims and/or
5 legal conclusions, to which no response is required. To the extent that the allegations in
6 Paragraph 257 relate to other Defendants and/or third parties, TAEC lacks knowledge or
7 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
8 these allegations. To the extent that the allegations contained in Paragraph 257 are directed to
9 TAEC, TAEC denies these allegations.

10 258. Paragraph 258 contains argument, Plaintiff's characterization of its claims and/or
11 legal conclusions, to which no response is required. To the extent that the allegations in
12 Paragraph 258 relate to other Defendants and/or third parties, TAEC lacks knowledge or
13 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
14 these allegations. To the extent that the allegations contained in Paragraph 258 are directed to
15 TAEC, TAEC denies these allegations.

16 259. Paragraph 259 contains argument, Plaintiff's characterization of its claims and/or
17 legal conclusions, to which no response is required. To the extent that the allegations in
18 Paragraph 259 relate to other Defendants and/or third parties, TAEC lacks knowledge or
19 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
20 these allegations. To the extent that the allegations contained in Paragraph 259 are directed to
21 TAEC, TAEC denies these allegations.

22 **VIII. FRAUDULENT CONCEALMENT, EQUITABLE TOLLING, AND**
23 **CONTINUING TORT DOCTRINE**

24 260. Paragraph 260 contains argument, Plaintiff's characterization of its claims and/or
25 legal conclusions, to which no response is required. To the extent that the allegations in
26 Paragraph 260 relate to other Defendants and/or third parties, TAEC lacks knowledge or
27 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
28

1 these allegations. To the extent that the allegations contained in Paragraph 260 are directed to
2 TAEC, TAEC denies these allegations.

3 261. Paragraph 261 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations in
5 Paragraph 261 relate to other Defendants and/or third parties, TAEC lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 261 are directed to
8 TAEC, TAEC denies these allegations.

9 262. Paragraph 262 contains Plaintiff's characterization of its claims and/or legal
10 conclusions and, therefore, no response is required. To the extent that the allegations contained
11 in Paragraph 262 relate to other Defendants and/or third parties, TAEC lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 262 are directed to
14 TAEC, TAEC denies these allegations.

15 263. Paragraph 263 contains argument, Plaintiff's characterization of its claims and/or
16 legal conclusions, to which no response is required. To the extent that the allegations contained
17 in Paragraph 263 relate to other Defendants and/or third parties, TAEC lacks knowledge or
18 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 263 are directed to
20 TAEC, TAEC denies these allegations.

21 264. Paragraph 264 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations contained
23 in Paragraph 264 relate to other Defendants and/or third parties, TAEC lacks knowledge or
24 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 264 are directed to
26 TAEC, TAEC denies these allegations.

1 265. Paragraph 265 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations contained
3 in Paragraph 265 are directed to TAEC, TAEC denies these allegations.

4 266. Paragraph 266 contains argument, Plaintiff's characterization of its claims and/or
5 legal conclusions, to which no response is required. To the extent that the allegations contained
6 in Paragraph 266 relate to other Defendants and/or third parties, TAEC lacks knowledge or
7 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
8 these allegations. To the extent that the allegations contained in Paragraph 266 are directed to
9 TAEC, TAEC denies these allegations.

10 267. Paragraph 267 contains argument, Plaintiff's characterization of its claims and/or
11 legal conclusions, to which no response is required. To the extent that the allegations contained
12 in Paragraph 267 relate to other Defendants and/or third parties, TAEC lacks knowledge or
13 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
14 these allegations. To the extent that the allegations contained in Paragraph 267 are directed to
15 TAEC, TAEC denies these allegations.

16 268. Paragraph 268 contains argument, Plaintiff's characterization of its claims and/or
17 legal conclusions, to which no response is required. To the extent that the allegations in
18 Paragraph 268 relate to other Defendants and/or third parties, TAEC lacks knowledge or
19 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
20 these allegations. To the extent that the allegations contained in Paragraph 268 are directed to
21 TAEC, TAEC denies these allegations.

22 269. Paragraph 269 contains argument, Plaintiff's characterization of its claims and/or
23 legal conclusions, to which no response is required. To the extent that the allegations in
24 Paragraph 269 relate to other Defendants and/or third parties, TAEC lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 269 are directed to
27 TAEC, TAEC denies these allegations.
28

1 270. Paragraph 270 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations in
3 Paragraph 270 relate to other Defendants and/or third parties, TAEC lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 270 are directed to
6 TAEC, TAEC denies these allegations.

7 271. Paragraph 271 contains argument, Plaintiff's characterization of its claims and/or
8 legal conclusions, to which no response is required. To the extent that the allegations in
9 Paragraph 271 relate to other Defendants and/or third parties, TAEC lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 271 are directed to
12 TAEC, TAEC denies these allegations.

13 272. Paragraph 272 contains argument, Plaintiff's characterization of its claims and/or
14 legal conclusions, to which no response is required. To the extent that the allegations in
15 Paragraph 272 relate to other Defendants and/or third parties, TAEC lacks knowledge or
16 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
17 these allegations. To the extent that the allegations contained in Paragraph 272 are directed to
18 TAEC, TAEC denies these allegations.

19 273. Paragraph 273 contains argument, Plaintiff's characterization of its claims and/or
20 legal conclusions, to which no response is required. To the extent that the allegations in
21 Paragraph 273 relate to other Defendants and/or third parties, TAEC lacks knowledge or
22 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
23 these allegations. To the extent that the allegations contained in Paragraph 273 are directed to
24 TAEC, TAEC denies these allegations.

25 274. Paragraph 274 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations in
27 Paragraph 274 relate to other Defendants and/or third parties, TAEC lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 274 are directed to
2 TAEC, TAEC denies these allegations.

3 275. Paragraph 275 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations contained
5 in Paragraph 275 relate to other Defendants and/or third parties, TAEC lacks knowledge or
6 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 275 are directed to
8 TAEC, TAEC denies these allegations.

9 276. Paragraph 276 contains legal conclusions, to which no response is required. To
10 the extent that the allegations contained in Paragraph 276 relate to other Defendants and/or third
11 parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of the
12 allegations and, therefore, denies these allegations. To the extent that the allegations contained
13 in Paragraph 276 are directed to TAEC, TAEC denies these allegations.

14 277. Paragraph 277 contains legal conclusions, to which no response is required. To
15 the extent that the allegations contained in Paragraph 277 relate to other Defendants and/or third
16 parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of the
17 allegations and, therefore, denies these allegations. To the extent that the allegations contained
18 in Paragraph 277 are directed to TAEC, TAEC denies these allegations.

19 278. Paragraph 278 contains legal conclusions, to which no response is required. To
20 the extent that the allegations contained in Paragraph 278 relate to other Defendants and/or third
21 parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of the
22 allegations and, therefore, denies these allegations. To the extent that the allegations contained
23 in Paragraph 278 are directed to TAEC, TAEC denies these allegations.

24 279. Paragraph 279 contains legal conclusions, to which no response is required. To
25 the extent that the allegations contained in Paragraph 279 relate to other Defendants and/or third
26 parties, TAEC lacks knowledge or information sufficient to form a belief as to the truth of the
27 allegations and, therefore, denies these allegations. To the extent that the allegations contained
28 in Paragraph 279 are directed to TAEC, TAEC denies these allegations.

1 **IX. VIOLATIONS ALLEGED**

2 **First Claim for Relief**
3 **(Violation of Sherman Act Against All Defendants)**

4 280. TAEC hereby incorporates by reference its responses to Paragraphs 1-279 of the
5 Complaint as set forth above.

6 281. Paragraph 281 contains argument, Plaintiff's characterization of its claims and/or
7 legal conclusions, to which no response is required. To the extent that the allegations in
8 Paragraph 281 relate to other Defendants and/or third parties, TAEC lacks knowledge or
9 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
10 these allegations. To the extent that the allegations contained in Paragraph 281 are directed to
11 TAEC, TAEC denies these allegations.

12 282. Paragraph 282 contains argument, Plaintiff's characterization of its claims and/or
13 legal conclusions, to which no response is required. To the extent that the allegations in
14 Paragraph 282 relate to other Defendants and/or third parties, TAEC lacks knowledge or
15 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
16 these allegations. To the extent that the allegations contained in Paragraph 282 are directed to
17 TAEC, TAEC denies these allegations.

18 283. Paragraph 283 contains argument, Plaintiff's characterization of its claims and/or
19 legal conclusions, to which no response is required. To the extent that the allegations in
20 Paragraph 283 relate to other Defendants and/or third parties, TAEC lacks knowledge or
21 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
22 these allegations. To the extent that the allegations contained in Paragraph 283 are directed to
23 TAEC, TAEC denies these allegations.

24 284. Paragraph 284 contains argument, Plaintiff's characterization of its claims and/or
25 legal conclusions, to which no response is required. To the extent that the allegations in
26 Paragraph 284 relate to other Defendants and/or third parties, TAEC lacks knowledge or
27 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
28

1 these allegations. To the extent that the allegations contained in Paragraph 284 are directed to
2 TAEC, TAEC denies these allegations.

3 285. Paragraph 285 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations in
5 Paragraph 285 relate to other Defendants and/or third parties, TAEC lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 285 are directed to
8 TAEC, TAEC denies these allegations.

9 286. Paragraph 286 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations in
11 Paragraph 286 relate to other Defendants and/or third parties, TAEC lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 286 are directed to
14 TAEC, TAEC denies these allegations.

15 **Second Claim for Relief**
16 **(Violation of State Antitrust and Unfair Competition Laws)**

17 287. TAEC hereby incorporates by reference its responses to Paragraphs 1-286 of the
18 Complaint as set forth above.

19 288. Paragraph 288 contains argument, Plaintiff's characterization of its claims and/or
20 legal conclusions, to which no response is required. To the extent that the allegations in
21 Paragraph 288 relate to other Defendants and/or third parties, TAEC lacks knowledge or
22 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
23 these allegations. To the extent that the allegations contained in Paragraph 288 are directed to
24 TAEC, TAEC denies these allegations.

25 289. Paragraph 289 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations in
27 Paragraph 289 relate to other Defendants and/or third parties, TAEC lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 289 are directed to
2 TAEC, TAEC denies these allegations.

3 290. Paragraph 290 contains legal conclusions, to which no response is required.
4 TAEC lacks knowledge or information sufficient to form a belief as to the truth of the
5 allegations contained in Paragraph 290 and, therefore, denies these allegations.

6 291. Paragraph 291 contains argument, Plaintiff's characterization of its claims and/or
7 legal conclusions, to which no response is required. To the extent that the allegations in
8 Paragraph 291 relate to other Defendants and/or third parties, TAEC lacks knowledge or
9 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
10 these allegations, except is generally aware that Toshiba America Information Systems, Inc.
11 maintained offices in California between January 1, 1996 and December 11, 2006. To the extent
12 that the allegations contained in Paragraph 291 are directed to TAEC, TAEC denies these
13 allegations, except admits that between January 1, 1996 and December 11, 2006, TAEC
14 maintained offices in California.

15 292. Paragraph 292 contains argument, Plaintiff's characterization of its claims and/or
16 legal conclusions, to which no response is required. To the extent that the allegations in
17 Paragraph 292 relate to other Defendants and/or third parties, TAEC lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 292 are directed to
20 TAEC, TAEC denies these allegations.

21 293. Paragraph 293 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations in
23 Paragraph 293 relate to other Defendants and/or third parties, TAEC lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 293 are directed to
26 TAEC, TAEC denies these allegations.

27 294. Paragraph 294 contains argument, Plaintiff's characterization of its claims and/or
28 legal conclusions, to which no response is required. To the extent that the allegations in

1 Paragraph 294 relate to other Defendants and/or third parties, TAEC lacks knowledge or
2 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
3 these allegations. To the extent that the allegations contained in Paragraph 294 are directed to
4 TAEC, TAEC denies these allegations.

5 295. Paragraph 295 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations in
7 Paragraph 295 relate to other Defendants and/or third parties, TAEC lacks knowledge or
8 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
9 these allegations. To the extent that the allegations contained in Paragraph 295 are directed to
10 TAEC, TAEC denies these allegations.

11 296. Paragraph 296 contains argument, Plaintiff's characterization of its claims and/or
12 legal conclusions, to which no response is required. To the extent that the allegations in
13 Paragraph 296 relate to other Defendants and/or third parties, TAEC lacks knowledge or
14 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
15 these allegations. To the extent that the allegations contained in Paragraph 296 are directed to
16 TAEC, TAEC denies these allegations.

17 297. Paragraph 297 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations in
19 Paragraph 297 relate to other Defendants and/or third parties, TAEC lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 297 are directed to
22 TAEC, TAEC denies these allegations.

23 **X. PRAYER FOR RELIEF**

24 In answer to the Prayer for Relief, TAEC denies each and every allegation in the Prayer
25 and further specifically denies that Plaintiff is entitled to any of the relief requested or any
26 remedy whatsoever against TAEC.

27 All allegations of the Complaint not heretofore admitted or denied are here and now
28 denied as though specifically denied herein.

1 **AFFIRMATIVE DEFENSES**

2 Without assuming any burden it would not otherwise bear, and reserving its right to
3 amend its Answer to assert additional defenses as they may become known during discovery,
4 TAEC asserts the following separate and additional defenses:

5 **GENERAL DEFENSES**

6 **FIRST DEFENSE**

7 The conduct alleged to provide a basis for the claims of Plaintiff did not have a direct,
8 substantial and reasonably foreseeable effect on trade or commerce with the United States. The
9 Court, therefore, lacks subject matter jurisdiction over the claims of Plaintiff. The Court also
10 lacks subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337.

11 **SECOND DEFENSE**

12 Plaintiff's claims are barred, in whole or in part, by the Foreign Trade Antitrust
13 Improvements Act, 15 U.S.C. § 6a.

14 **THIRD DEFENSE**

15 The Complaint fails to state a claim upon which relief can be granted.

16 **FOURTH DEFENSE**

17 Plaintiff's claims are barred, in whole or in part, because the Complaint fails to plead
18 conspiracy with the particularity required under applicable law.

19 **FIFTH DEFENSE**

20 Plaintiff has failed to plead fraudulent concealment with the particularity required by
21 Rule 9(b) of the Federal Rules of Civil Procedure.

22 **SIXTH DEFENSE**

23 The Complaint should be dismissed on grounds of *forum non conveniens*.

24 **SEVENTH DEFENSE**

25 Plaintiff's claims against TAEC are barred to the extent that they have agreed to
26 arbitration or chosen a different forum for the resolution of their claims.

1 **EIGHTH DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks standing to bring
3 or maintain the claims set forth in the Complaint.

4 **NINTH DEFENSE**

5 Plaintiff's claims are barred, in whole or in part, by the doctrine of laches.

6 **TENTH DEFENSE**

7 Plaintiff's claims are barred, in whole or in part, because Plaintiff has suffered no
8 antitrust injury.

9 **ELEVENTH DEFENSE**

10 Plaintiff's claims are barred, in whole or in part, by applicable statutes of limitations,
11 including, but not limited to: 15 U.S.C. § 15b; 740 Ill. Comp. Stat. 10/7 § 7(2); Cal. Bus. &
12 Prof. Code § 17208; Cal. Bus. & Prof. Code § 16750.1; Cal. Civ. Proc. Code §§ 337-340.

13 **TWELFTH DEFENSE**

14 Plaintiff lacks standing to prosecute its state consumer protection claims, in whole or in
15 part, under, without limitation, the following statute: 740 Ill. Comp. Stat. 10/7, *et seq.*

16 **THIRTEENTH DEFENSE**

17 Plaintiff's claims are barred, in whole or in part, by the doctrine of waiver.

18 **FOURTEENTH DEFENSE**

19 Plaintiff's claims are barred, in whole or in part, by the doctrine of estoppel.

20 **FIFTEENTH DEFENSE**

21 Plaintiff's claims relating to purchases of LCD panels other than TFT-LCD panels,
22 including, but not limited to, color super-twist nematic ("CSTN") and monochrome super-twist
23 nematic ("MSTN"), are barred by applicable statutes of limitations, including, but not limited to:
24 15 U.S.C. § 15b; 740 Ill. Comp. Stat. 10/7 § 7(2); Cal. Bus. & Prof. Code § 17208; Cal. Bus. &
25 Prof. Code § 16750.1; Cal. Civ. Proc. Code §§ 337-340. These claims are also barred by the
26 doctrine of laches, and because the allegations relating to these products fail to state a claim
27 upon which relief can be granted.
28

1 **SIXTEENTH DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, because Plaintiff has not been injured in
3 its business or property by reason of any act of TAEC.

4 **SEVENTEENTH DEFENSE**

5 Plaintiff's claims are barred, in whole or in part, because any alleged injuries and
6 damages were not actually or proximately caused by any acts or omissions of TAEC and/or were
7 caused, if at all, solely and proximately by the conduct of third parties including, without
8 limitation, the prior, intervening or superseding conduct of such third parties.

9 **EIGHTEENTH DEFENSE**

10 To the extent that any actionable conduct occurred, Plaintiff's claims against TAEC are
11 barred because all such conduct would have been committed by individuals acting *ultra vires*.

12 **NINETEENTH DEFENSE**

13 Plaintiff's claims are barred, in whole or in part, because Plaintiff has suffered no
14 damages as a result of any actions taken by TAEC and/or the other Defendants.

15 **TWENTIETH DEFENSE**

16 Plaintiff's claims are barred, in whole or in part, because the alleged damages, if any, are
17 speculative and because of the impossibility of the ascertainment and allocation of such alleged
18 damages.

19 **TWENTY-FIRST DEFENSE**

20 Plaintiff is barred from recovery of any damages because of and to the extent of its
21 failure to mitigate damages.

22 **TWENTY-SECOND DEFENSE**

23 Plaintiff's claims are barred, in whole or in part, because any actions or practices of
24 TAEC that are the subject of the Complaint were undertaken unilaterally for legitimate business
25 reasons and in pursuit of TAEC's independent interests and those of its customers, and were not
26 the product of any contract, combination or conspiracy between TAEC and any other person or
27 entity.

1 **TWENTY-THIRD DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, because any acts or practices of TAEC
3 that are the subject of the Complaint were adopted in furtherance of legitimate business interests
4 of TAEC and of its customers and did not unreasonably restrain competition.

5 **TWENTY-FOURTH DEFENSE**

6 Plaintiff's claims are barred, in whole or in part, because any acts or practices of TAEC
7 that are the subject of the Complaint were cost justified or otherwise economically justified and
8 resulted from a good-faith effort to meet competition or market conditions.

9 **TWENTY-FIFTH DEFENSE**

10 Plaintiff's claims are barred, in whole or in part, as premised upon privileged conduct or
11 actions by TAEC.

12 **TWENTY-SIXTH DEFENSE**

13 Plaintiff's claims are barred, in whole or in part, because the alleged conduct complained
14 of was caused by, due to, based upon, or in response to directives, laws, regulations, policies
15 and/or acts of governments, governmental agencies and entities and/or regulatory agencies, and
16 as such is non-actionable or privileged.

17 **TWENTY-SEVENTH DEFENSE**

18 Plaintiff's claims are barred, in whole or in part, to the extent it seeks improper multiple
19 damage awards, and damage awards duplicative of those sought in other actions, in violation of
20 the Due Process guarantees of the Fifth and Fourteenth Amendments of the United States
21 Constitution.

22 **TWENTY-EIGHTH DEFENSE**

23 Plaintiff's claims are barred, in whole or in part, by the equitable doctrine of unclean
24 hands.

25 **TWENTY-NINTH DEFENSE**

26 Plaintiff's claims are barred, in whole or in part, by the doctrine of accord and
27 satisfaction.

1 **THIRTIETH DEFENSE**

2 Plaintiff's claims for equitable or injunctive relief should be dismissed because Plaintiff
3 has available an adequate remedy at law.

4 **THIRTY-FIRST DEFENSE**

5 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in
6 part, for failure to join indispensable parties.

7 **THIRTY-SECOND DEFENSE**

8 Without admitting the existence of any contract, combination or conspiracy in restraint
9 of trade, TAEC contends that it is entitled to set off any amounts paid to Plaintiff by any
10 Defendants other than TAEC who have settled, or do settle, Plaintiff's claims against them in
11 this action.

12 **THIRTY-THIRD DEFENSE**

13 Plaintiff's claims for injunctive relief are barred, in whole or in part, insofar as Plaintiff
14 seeks to enjoin alleged events that have already transpired without the requisite showing of
15 threatened future harm or continuing harm.

16 **THIRTY-FOURTH DEFENSE**

17 Plaintiff's claims are barred, in whole or in part, to the extent that it did not purchase
18 TFT-LCD panels directly from Defendants, because it is an indirect purchaser and barred from
19 maintaining an action under 15 U.S.C. § 1 for alleged injuries in that capacity.

20 **THIRTY-FIFTH DEFENSE**

21 Plaintiff's claims are barred, in whole or in part, because, as an indirect purchaser, it fails
22 to meet its burden of proving that it was damaged in fact by the conduct alleged in the
23 Complaint, including the burden of proving that any overcharge alleged in the Complaint was
24 not absorbed in whole or in part by direct purchasers or by other third parties, and was passed
25 through to the Plaintiff.

26 **THIRTY-SIXTH DEFENSE**

27 Plaintiff's claims are barred, in whole or in part, because, as an indirect purchaser, it fails
28 to meet its burden of proving that it was damaged in fact by the conduct alleged in the

1 Complaint, including the burden of proving that any overcharge alleged in the Complaint was
2 not absorbed by predecessors to the Plaintiff in the chain of distribution and was not passed on
3 to a third party.

4 **THIRTY-SEVENTH DEFENSE**

5 Plaintiff's claims are barred, in whole or in part, to the extent it passed on any
6 overcharges alleged in the Complaint to third parties and, as a result, was not injured and/or did
7 not suffer any damages as a result of any acts or practices of TAEC.

8 **THIRTY-EIGHTH DEFENSE**

9 TAEC adopts by reference any applicable defense pleaded by any other Defendant not
10 otherwise expressly set forth herein.

11 **THIRTY-NINTH DEFENSE**

12 TAEC reserves the right to assert other defenses as this action proceeds up to and
13 including the time of trial.

14 **DEFENSES TO SECOND CLAIM FOR RELIEF**
15 **(Violations of the State Antitrust and Unfair Competition Laws)**

16 **FORTIETH DEFENSE**

17 Plaintiff's claims are barred, in whole or in part, to the extent that its claims are based on
18 California law and any of the alleged events took place outside the state of California without
19 impact on California residents.

20 **FORTY-FIRST DEFENSE**

21 Plaintiff's claims under Cal. Bus. & Prof. Code §§ 16700, *et seq.*, are barred, in whole or
22 in part, because the application of §§ 16700, *et seq.*, to wholly interstate or foreign commerce
23 violates the Commerce Clause of the United States Constitution.

24 **FORTY-SECOND DEFENSE**

25 Any award of treble damages, punitive damages or restitution pursuant to Cal. Bus. &
26 Prof. Code §§ 16720, 16727, 16750, or 16761 would violate the Excessive Fines and Due
27 Process Clauses of the United States Constitution and equivalent clauses in the California
28 Constitution.

1 **FORTY-THIRD DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations,
3 including, but not limited to: Cal. Bus. & Prof. Code § 17208; Cal. Bus. & Prof. Code §
4 16750.1; Cal. Civ. Proc. Code §§ 337-340.

5 **FORTY-FOURTH DEFENSE**

6 Plaintiff lacks standing to prosecute its state antitrust claims, in whole or in part, under,
7 without limitation, the following statutes: Cal. Bus. & Prof. Code §§ 16700, *et seq.*; Cal. Bus. &
8 Prof. Code §§ 17200, *et seq.*

9 **FORTY-FIFTH DEFENSE**

10 Plaintiff lacks standing to prosecute its claims, in whole or in part, under, without
11 limitation, the following statutes: Cal. Bus. & Prof. Code §§ 17200, *et seq.*

12 **FORTY-SIXTH DEFENSE**

13 Any award of restitution under Cal. Bus. & Prof. Code § 17203 based upon asserted
14 interests or injuries of Plaintiff would violate the Excessive Fines Clause of the Eighth
15 Amendment (as incorporated by the Due Process Clause of the Fourteenth Amendment) to the
16 United States Constitution and Article I, Section 17 of the California Constitution.

17 **FORTY-SEVENTH DEFENSE**

18 Plaintiff's claims for monetary relief under Cal. Bus. & Prof. Code § 17203 are barred, in
19 whole or in part, because TAEC did not acquire any money or property from Plaintiff.

20 **FORTY-EIGHTH DEFENSE**

21 Any finding of liability under Cal. Bus. & Prof. Code § 17200, 17203 or 17204 would
22 violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution
23 and Article I, Section 7 of the California Constitution, because the standards of liability under
24 these statutes are unduly vague and subjective, permitting retroactive, random, arbitrary and
25 capricious punishment that serves no legitimate governmental interest.

26 **FORTY-NINTH DEFENSE**

27 Any award of restitution to Plaintiff under Cal. Bus. & Prof. Code § 17203 would
28 constitute a taking of property without just compensation in violation of the Taking Clause of

1 the Fifth Amendment to the United States Constitution (as incorporated by the Due Process
2 Clause of the Fourteenth Amendment to the United States Constitution) and Article I, Section 19
3 of the California Constitution.

4 **FIFTIETH DEFENSE**

5 Cal. Bus. & Prof. Code § 17204 improperly delegates the Executive Branch's
6 prosecutorial power to private parties, in contravention of the separation-of-powers doctrine and
7 the provisions of Article V of the California Constitution vesting the State's executive power in
8 the Executive Branch, by authorizing private plaintiffs without any individualized injury to bring
9 suit on behalf of the interests of the general public.

10 **FIFTY-FIRST DEFENSE**

11 Any award of restitution under Cal. Bus. & Prof. Code § 17203 to persons who refuse to
12 execute an acknowledgement that the payment is in full settlement of claims against Defendants
13 would violate the Due Process Clause of the Fourteenth Amendment to the United States
14 Constitution.

15 **FIFTY-SECOND DEFENSE**

16 Any award of treble damages, punitive damages or restitution pursuant to Cal. Bus. &
17 Prof. Code §§ 16720, 16727, 16750, or 16761 would violate the Excessive Fines and Due
18 Process Clauses of the United States Constitution and equivalent clauses in the California
19 Constitution.

20 **FIFTY-THIRD DEFENSE**

21 Plaintiff's claims under Cal. Bus. & Prof. Code §§ 16700, *et seq.* and §§ 17200, *et seq.*
22 are barred, in whole or in part, because those statutes are inapplicable to alleged wrongs suffered
23 by non-California residents based on alleged conduct of TAEC occurring outside of California.

24 **FIFTY-FOURTH DEFENSE**

25 Plaintiff's claims under N.Y. Gen. Bus. Law § 349 are barred, in whole or in part,
26 because any alleged conduct by TAEC is, or if in interstate commerce would be, subject to and
27 compliant with the rules and regulations of, and statutes administered by, the Federal Trade
28 Commission or other official department, division, commission or agency of the United States,

1 as these rules, regulations, or statutes are interpreted by the Federal Trade Commission or such
2 department, division, commission or agency of the federal courts. N.Y. Gen. Bus. Law § 349(d).

3 **FIFTY-FIFTH DEFENSE**

4 Plaintiff's claims under New York law and other applicable laws are barred by the
5 voluntary payment doctrine, under which one cannot recover payments with full knowledge of
6 the facts.

7 **FIFTY-SIXTH DEFENSE**

8 Plaintiff's claims under N.Y. Gen. Bus. Law §§ 340, *et seq.* are barred, in whole or in
9 part, because Plaintiff cannot establish actual damages.

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1 **TAEC’S PRAYER FOR RELIEF**

2 WHEREFORE, TAEC prays for judgment as follows:

3 1. That Plaintiff takes nothing by reason of the Complaint, and that the action be
4 dismissed with prejudice;

5 2. That the Court enter judgment in favor of TAEC and against Plaintiff with respect to
6 all causes of action in the Complaint;

7 3. That the Court award TAEC its attorneys’ fees and other costs reasonably incurred in
8 the defense of this action; and

9 4. That the Court order such other further relief for TAEC as the Court may deem just
10 and proper.

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12 Respectfully submitted,

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14 Dated: March 5, 2012

WHITE & CASE LLP

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16 By: /s/ Kristen J. McAhren

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