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8 Attorneys for Defendants
 9 AU OPTRONICS CORPORATION and
 10 AU OPTRONICS CORPORATION AMERICA

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

14 THIS DOCUMENT RELATES TO:

15 3:11-CV-02591 SI

16 T-MOBILE U.S.A., INC.,

17 Plaintiff,

18 vs.

19 AU OPTRONICS CORPORATION, *et al.*,

20 Defendants.
 21

Case No. 3:11-cv-02591 SI

MDL NO. 3:07-MD-1827 SI

**ANSWER BY DEFENDANTS
 AU OPTRONICS CORPORATION AND
 AU OPTRONICS CORPORATION
 AMERICA TO PLAINTIFF'S AMENDED
 COMPLAINT FOR DAMAGES AND
 INJUNCTIVE RELIEF**

1 Defendants AU Optronics Corporation and AU Optronics Corporation America (collectively, the
2 “AUO Defendants”), by and through their undersigned counsel, answer the Amended Complaint For
3 Damages And Injunctive Relief (the “Complaint”) of T-Mobile U.S.A., Inc. (“Plaintiff”) and allege
4 additional or affirmative defenses as follows. The AUO Defendants deny each and every allegation in
5 the Complaint not contained in numbered paragraphs. To the extent the Plaintiff’s allegations concern
6 persons and/or entities other than the AUO Defendants, the AUO Defendants deny that such allegations
7 support any claim for relief against the AUO Defendants. To the extent that the Plaintiff’s allegations
8 refer to claims dismissed by the Court in its February 6, 2012, Order, no response is required as such
9 claims and their underlying allegations no longer form a part of the operative Complaint

10 I. INTRODUCTION

11 1. **AUO Defendants’ Response:** The AUO Defendants lack knowledge or information
12 sufficient to form a belief as to the truth of the allegations in Paragraph 1 and therefore deny them.

13 2. **AUO Defendants’ Response:** To the extent the allegations of Paragraph 2 relate to
14 Plaintiff and other defendants, the AUO Defendants lack knowledge or information sufficient to form a
15 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 2 relate to the
16 AUO Defendants, the AUO Defendants deny them.

17 3. **AUO Defendants’ Response:** To the extent the allegations of Paragraph 3 relate to other
18 defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to their
19 truth, and therefore deny them. To the extent the allegations in Paragraph 3 relate to the AUO
20 Defendants, the AUO Defendants deny them.

21 4. **AUO Defendants’ Response:** To the extent the allegations of Paragraph 4 relate to
22 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
23 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 4 relate to the
24 AUO Defendants, the AUO Defendants deny them.

25 5. **AUO Defendants’ Response:** To the extent the allegations in Paragraph 5 are based on
26 reports or statements by government authorities, those reports speak for themselves and no response is
27 required. To the extent the allegations in Paragraph 5 may be deemed to require a response, the AUO
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1 Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of
2 Paragraph 5, and therefore deny them.

3 6. **AUO Defendants' Response:** To the extent Paragraph 6 relates to Plaintiff's state law
4 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
5 required. To the extent the allegations in Paragraph 6 are based on reports or statements by government
6 authorities, those reports speak for themselves and no response is required. To the extent the allegations
7 in Paragraph 6 may be deemed to require a response, the AUO Defendants lack knowledge or
8 information sufficient to form a belief as to the truth of the allegations of Paragraph 6, and therefore
9 deny them.

10 7. **AUO Defendants' Response:** To the extent Paragraph 7 relates to Plaintiff's state law
11 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
12 required. To the extent the allegations of Paragraph 7 relate to other defendants, the AUO Defendants
13 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
14 the extent the allegations in Paragraph 7 relate to the AUO Defendants, the AUO Defendants deny them.

15 8. **AUO Defendants' Response:** To the extent the allegations of Paragraph 8 relate to
16 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
17 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 8 relate to the
18 AUO Defendants, the AUO Defendants deny them.

19 9. **AUO Defendants' Response:** To the extent Paragraph 9 relates to Plaintiff's state law
20 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
21 required. Paragraph 9 consists of Plaintiff's description of its claims to which no response is required.
22 Paragraph 9 also contains legal conclusions to which no response is required. To the extent a response
23 is deemed required, the AUO Defendants deny the allegations of Paragraph 9 and deny that Plaintiff is
24 entitled to any of the relief it seeks.

25 II. JURISDICTION AND VENUE

26 10. **AUO Defendants' Response:** Paragraph 10 consists of Plaintiff's description of its
27 claims to which no response is required. Paragraph 10 also contains legal conclusions to which no
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1 response is required. To the extent a response is deemed required, the AUO Defendants deny the
2 allegations of Paragraph 10 and deny that Plaintiff is entitled to any of the relief it seeks.

3 11. **AUO Defendants' Response:** To the extent Paragraph 11 relates to Plaintiff's state law
4 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
5 required. To the extent a response is deemed required, the AUO Defendants deny them.

6 12. **AUO Defendants' Response:** Paragraph 12 consists of Plaintiff's description of its
7 claims to which no response is required. Paragraph 12 also contains legal conclusions to which no
8 response is required. To the extent a response is deemed required, the AUO Defendants deny the
9 allegations of Paragraph 12 and deny that Plaintiff is entitled to any of the relief it seeks.

10 13. **AUO Defendants' Response:** To the extent Paragraph 13 relates to Plaintiff's state law
11 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
12 required. To the extent the allegations of Paragraph 13 relate to Plaintiff or other defendants, the AUO
13 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
14 them. To the extent the allegations in Paragraph 13 relate to the AUO Defendants, the AUO Defendants
15 deny them.

16 14. **AUO Defendants' Response:** Paragraph 14 contains legal conclusions to which no
17 response is required.

18 15. **AUO Defendants' Response:** To the extent Paragraph 15 relates to Plaintiff's state law
19 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
20 required. Paragraph 15 consists of Plaintiff's description of its claims to which no response is required.
21 Paragraph 15 also contains legal conclusions to which no response is required. To the extent a response
22 is deemed required, the AUO Defendants deny the allegations of Paragraph 15 and deny that Plaintiff is
23 entitled to any of the relief it seeks.

24 16. **AUO Defendants' Response:** Paragraph 16 contains legal conclusions to which no
25 response is required.

26 III. DEFINITIONS

27 17. **AUO Defendants' Response:** Paragraph 17 consists of Plaintiff's definition to which no
28 response is required. To the extent a response is required, the AUO Defendants lack knowledge or

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and therefore
2 deny them.

3 18. **AUO Defendants' Response:** To the extent the allegations of Paragraph 18 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 18 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 19. **AUO Defendants' Response:** Paragraph 19 consists of Plaintiff's definition to which no
8 response is required. To the extent a response is required, the AUO Defendants lack knowledge or
9 information sufficient to form a belief as to the truth of the allegations in Paragraph 19 and therefore
10 deny them.

11 20. **AUO Defendants' Response:** Paragraph 20 consists of Plaintiff's definition to which no
12 response is required. To the extent a response is required, the AUO Defendants lack knowledge or
13 information sufficient to form a belief as to the truth of the allegations in Paragraph 20 and therefore
14 deny them.

15 21. **AUO Defendants' Response:** Paragraph 21 consists of Plaintiff's definition to which no
16 response is required. To the extent a response is required, the AUO Defendants lack knowledge or
17 information sufficient to form a belief as to the truth of the allegations in Paragraph 21 and therefore
18 deny them.

19 IV. THE PARTIES

20 A. Plaintiff T-Mobile

21 22. **AUO Defendants' Response:** To the extent the allegations of Paragraph 22 relate to
22 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
23 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 22 relate to
24 the AUO Defendants, the AUO Defendants deny them.

25 23. **AUO Defendants' Response:** To the extent the allegations of Paragraph 23 relate to
26 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
27 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 23 relate to
28 the AUO Defendants, the AUO Defendants deny them.

1 24. **AUO Defendants' Response:** To the extent the allegations of Paragraph 24 relate to
2 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
3 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 24 relate to
4 the AUO Defendants, the AUO Defendants deny them.

5 25. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
6 sufficient to form a belief as to the truth of the allegations in Paragraph 25 and therefore deny them.

7 26. **AUO Defendants' Response:** To the extent Paragraph 26 relates to Plaintiff's state law
8 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
9 required. Paragraph 26 consists of Plaintiff's definition to which no response is required. To the extent
10 a response is required, the AUO Defendants lack knowledge or information sufficient to form a belief as
11 to the truth of the allegations in Paragraph 26 and therefore deny them. To the extent the allegations of
12 Paragraph 26 relate to Plaintiff or other defendants, the AUO Defendants lack knowledge or information
13 sufficient to form a belief as to their truth, and therefore deny them. To the extent the allegations in
14 Paragraph 26 relate to the AUO Defendants, the AUO Defendants deny them.

15 27. **AUO Defendants' Response:** To the extent the allegations of Paragraph 27 relate to
16 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
17 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 27 relate to
18 the AUO Defendants, the AUO Defendants deny them.

19 28. **AUO Defendants' Response:** To the extent the allegations of Paragraph 28 relate to
20 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
21 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 28 relate to
22 the AUO Defendants, the AUO Defendants deny them.

23 **B. Defendants**

24 **1. AU Optronics**

25 29. **AUO Defendants' Response:** The AUO Defendants admit that AU Optronics
26 Corporation has its corporate headquarters at No. 1, Li-Hsin Rd. 2, Hsinchu Science Park, Hsinchu
27 30078, Taiwan. Except as otherwise specifically admitted, the AUO Defendants deny the allegations of
28 Paragraph 29.

1 30. **AUO Defendants' Response:** The AUO Defendants admit that AUO Optronics
2 Corporation America maintains its principal place of business at 9720 Cypresswood Drive, Suite 241,
3 Houston, Texas and is a wholly but indirectly owned subsidiary of AU Optronics Corporation. Except
4 as otherwise specifically admitted, the AUO Defendants deny the allegations of Paragraph 30.

5 31. **AUO Defendants' Response:** The AUO Defendants deny the allegations of Paragraph
6 31.

7 **2. Chi Mei**

8 32. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
9 sufficient to form a belief as to the truth of the allegations in Paragraph 32 and therefore deny them.

10 33. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
11 sufficient to form a belief as to the truth of the allegations in Paragraph 33 and therefore deny them.

12 34. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
13 sufficient to form a belief as to the truth of the allegations in Paragraph 34 and therefore deny them.

14 35. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
15 sufficient to form a belief as to the truth of the allegations in Paragraph 35 and therefore deny them.

16 36. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
17 sufficient to form a belief as to the truth of the allegations in Paragraph 36 and therefore deny them.

18 37. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
19 sufficient to form a belief as to the truth of the allegations in Paragraph 37 and therefore deny them.

20 38. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
21 sufficient to form a belief as to the truth of the allegations in Paragraph 38 and therefore deny them.

22 **3. Chunghwa**

23 39. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
24 sufficient to form a belief as to the truth of the allegations in Paragraph 39 and therefore deny them.

25 40. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
26 sufficient to form a belief as to the truth of the allegations in Paragraph 40 and therefore deny them.

27 41. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
28 sufficient to form a belief as to the truth of the allegations in Paragraph 41 and therefore deny them.

1 42. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
2 sufficient to form a belief as to the truth of the allegations in Paragraph 42 and therefore deny them.

3 43. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
4 sufficient to form a belief as to the truth of the allegations in Paragraph 43 and therefore deny them.

5 4. **Epson**

6 44. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
7 sufficient to form a belief as to the truth of the allegations in Paragraph 44 and therefore deny them.

8 45. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
9 sufficient to form a belief as to the truth of the allegations in Paragraph 45 and therefore deny them.

10 46. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
11 sufficient to form a belief as to the truth of the allegations in Paragraph 46 and therefore deny them.

12 47. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
13 sufficient to form a belief as to the truth of the allegations in Paragraph 47 and therefore deny them.

14 5. **HannStar**

15 48. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
16 sufficient to form a belief as to the truth of the allegations in Paragraph 48 and therefore deny them.

17 6. **Hitachi**

18 49. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
19 sufficient to form a belief as to the truth of the allegations in Paragraph 49 and therefore deny them.

20 50. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
21 sufficient to form a belief as to the truth of the allegations in Paragraph 50 and therefore deny them.

22 51. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
23 sufficient to form a belief as to the truth of the allegations in Paragraph 51 and therefore deny them.

24 52. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
25 sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore deny them.

26 7. **LG Display**

27 53. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
28 sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore deny them.

1 54. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
2 sufficient to form a belief as to the truth of the allegations in Paragraph 54 and therefore deny them.

3 55. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
4 sufficient to form a belief as to the truth of the allegations in Paragraph 55 and therefore deny them.

5 **8. Philips**

6 56. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
7 sufficient to form a belief as to the truth of the allegations in Paragraph 56 and therefore deny them.

8 57. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
9 sufficient to form a belief as to the truth of the allegations in Paragraph 57 and therefore deny them.

10 58. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
11 sufficient to form a belief as to the truth of the allegations in Paragraph 58 and therefore deny them.

12 **9. Samsung**

13 59. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
14 sufficient to form a belief as to the truth of the allegations in Paragraph 59 and therefore deny them.

15 60. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
16 sufficient to form a belief as to the truth of the allegations in Paragraph 60 and therefore deny them.

17 61. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
18 sufficient to form a belief as to the truth of the allegations in Paragraph 61 and therefore deny them.

19 62. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
20 sufficient to form a belief as to the truth of the allegations in Paragraph 62 and therefore deny them.

21 63. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
22 sufficient to form a belief as to the truth of the allegations in Paragraph 63 and therefore deny them.

23 64. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
24 sufficient to form a belief as to the truth of the allegations in Paragraph 64 and therefore deny them.

25 65. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
26 sufficient to form a belief as to the truth of the allegations in Paragraph 65 and therefore deny them.

27 66. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
28 sufficient to form a belief as to the truth of the allegations in Paragraph 66 and therefore deny them.

1 67. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
2 sufficient to form a belief as to the truth of the allegations in Paragraph 67 and therefore deny them.

3 68. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
4 sufficient to form a belief as to the truth of the allegations in Paragraph 68 and therefore deny them.

5 69. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
6 sufficient to form a belief as to the truth of the allegations in Paragraph 69 and therefore deny them.

7 **10. Sanyo**

8 70. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
9 sufficient to form a belief as to the truth of the allegations in Paragraph 70 and therefore deny them.

10 71. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
11 sufficient to form a belief as to the truth of the allegations in Paragraph 71 and therefore deny them.

12 **11. Sharp**

13 72. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
14 sufficient to form a belief as to the truth of the allegations in Paragraph 72 and therefore deny them.

15 73. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
16 sufficient to form a belief as to the truth of the allegations in Paragraph 73 and therefore deny them.

17 74. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
18 sufficient to form a belief as to the truth of the allegations in Paragraph 74 and therefore deny them.

19 **12. Toshiba**

20 75. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
21 sufficient to form a belief as to the truth of the allegations in Paragraph 75 and therefore deny them.

22 76. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
23 sufficient to form a belief as to the truth of the allegations in Paragraph 76 and therefore deny them.

24 77. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
25 sufficient to form a belief as to the truth of the allegations in Paragraph 77 and therefore deny them.

26 78. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
27 sufficient to form a belief as to the truth of the allegations in Paragraph 78 and therefore deny them.
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1 79. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
2 sufficient to form a belief as to the truth of the allegations in Paragraph 79 and therefore deny them.

3 **C. Co-Conspirators**

4 80. **AUO Defendants' Response:** To the extent the allegations of Paragraph 80 relate to
5 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
6 their truth, and therefore deny them. To the extent the allegations in Paragraph 80 relate to the AUO
7 Defendants, the AUO Defendants deny them.

8 81. **AUO Defendants' Response:** To the extent the allegations of Paragraph 81 relate to
9 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
10 their truth, and therefore deny them. To the extent the allegations in Paragraph 81 relate to the AUO
11 Defendants, the AUO Defendants deny them.

12 82. **AUO Defendants' Response:** To the extent the allegations of Paragraph 82 relate to
13 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
14 their truth, and therefore deny them. To the extent the allegations in Paragraph 82 relate to the AUO
15 Defendants, the AUO Defendants deny them.

16 83. **AUO Defendants' Response:** To the extent the allegations of Paragraph 83 relate to
17 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
18 their truth, and therefore deny them. To the extent the allegations in Paragraph 83 relate to the AUO
19 Defendants, the AUO Defendants deny them.

20 84. **AUO Defendants' Response:** To the extent the allegations of Paragraph 84 relate to
21 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
22 their truth, and therefore deny them. To the extent the allegations in Paragraph 84 relate to the AUO
23 Defendants, the AUO Defendants deny them.

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

25 85. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
26 sufficient to form a belief as to the truth of the allegations in Paragraph 85 and therefore deny them.

27 86. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
28 sufficient to form a belief as to the truth of the allegations in Paragraph 86 and therefore deny them.

1 87. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
2 sufficient to form a belief as to the truth of the allegations in Paragraph 87 and therefore deny them.

3 88. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
4 sufficient to form a belief as to the truth of the allegations in Paragraph 88 and therefore deny them.

5 89. **AUO Defendants' Response:** To the extent the allegations of Paragraph 89 relate to
6 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
7 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 89 relate to
8 the AUO Defendants, the AUO Defendants deny them.

9 90. **AUO Defendants' Response:** To the extent the allegations of Paragraph 90 relate to
10 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
11 their truth, and therefore deny them. To the extent the allegations in Paragraph 90 relate to the AUO
12 Defendants, the AUO Defendants deny them.

13 91. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
14 sufficient to form a belief as to the truth of the allegations in Paragraph 91 and therefore deny them.

15 92. **AUO Defendants' Response:** To the extent the allegations of Paragraph 92 relate to
16 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
17 their truth, and therefore deny them. To the extent the allegations in Paragraph 92 relate to the AUO
18 Defendants, the AUO Defendants deny them.

19 93. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
20 sufficient to form a belief as to the truth of the allegations in Paragraph 93 and therefore deny them.

21 94. **AUO Defendants' Response:** To the extent the allegations of Paragraph 94 relate to
22 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
23 their truth, and therefore deny them. To the extent the allegations in Paragraph 94 relate to the AUO
24 Defendants, the AUO Defendants deny them.

25 95. **AUO Defendants' Response:** To the extent the allegations of Paragraph 95 relate to
26 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
27 their truth, and therefore deny them. To the extent the allegations in Paragraph 95 relate to the AUO
28 Defendants, the AUO Defendants deny them.

1 96. **AUO Defendants' Response:** To the extent the allegations of Paragraph 96 relate to
2 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
3 their truth, and therefore deny them. To the extent the allegations in Paragraph 96 relate to the AUO
4 Defendants, the AUO Defendants deny them.

5 97. **AUO Defendants' Response:** To the extent the allegations of Paragraph 97 relate to
6 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
7 their truth, and therefore deny them. To the extent the allegations in Paragraph 97 relate to the AUO
8 Defendants, the AUO Defendants deny them.

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

10 98. **AUO Defendants' Response:** To the extent the allegations of Paragraph 98 relate to
11 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
12 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 98 relate to
13 the AUO Defendants, the AUO Defendants deny them.

14 99. **AUO Defendants' Response:** To the extent the allegations of Paragraph 99 relate to
15 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
16 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 99 relate to
17 the AUO Defendants, the AUO Defendants deny them.

18 **A. Defendants Engaged in Bilateral and Multilateral Meetings and**
19 **Communications With Competitors To Inflate Prices of LCD Panels and LCD**
20 **Products**

21 100. **AUO Defendants' Response:** To the extent the allegations of Paragraph 100 relate to
22 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
23 their truth, and therefore deny them. To the extent the allegations in Paragraph 100 relate to the AUO
24 Defendants, the AUO Defendants deny them.

1 **1. Defendants Engaged In Illegal Bilateral And Multilateral**
2 **Communications About The Pricing Of TFT-LCD Panels And STN-LCD**
3 **Panels**

4 101. **AUO Defendants' Response:** To the extent the allegations of Paragraph 101 relate to
5 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
6 their truth, and therefore deny them. To the extent the allegations in Paragraph 101 relate to the AUO
7 Defendants, the AUO Defendants deny them.

8 102. **AUO Defendants' Response:** To the extent the allegations of Paragraph 102 relate to
9 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
10 their truth, and therefore deny them. To the extent the allegations in Paragraph 102 relate to the AUO
11 Defendants, the AUO Defendants deny them.

12 103. **AUO Defendants' Response:** To the extent the allegations of Paragraph 103 relate to
13 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
14 their truth, and therefore deny them. To the extent the allegations in Paragraph 103 relate to the AUO
15 Defendants, the AUO Defendants deny them.

16 104. **AUO Defendants' Response:** To the extent the allegations of Paragraph 104 relate to
17 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
18 their truth, and therefore deny them. To the extent the allegations in Paragraph 104 relate to the AUO
19 Defendants, the AUO Defendants deny them.

20 105. **AUO Defendants' Response:** To the extent the allegations of Paragraph 105 relate to
21 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
22 their truth, and therefore deny them. To the extent the allegations in Paragraph 105 relate to the AUO
23 Defendants, the AUO Defendants deny them.

24 106. **AUO Defendants' Response:** To the extent the allegations of Paragraph 106 relate to
25 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
26 their truth, and therefore deny them. To the extent the allegations in Paragraph 106 relate to the AUO
27 Defendants, the AUO Defendants deny them.
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1 107. **AUO Defendants' Response:** To the extent the allegations of Paragraph 107 relate to
2 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
3 their truth, and therefore deny them. To the extent the allegations in Paragraph 107 relate to the AUO
4 Defendants, the AUO Defendants deny them.

5 108. **AUO Defendants' Response:** To the extent the allegations of Paragraph 108 relate to
6 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
7 their truth, and therefore deny them. To the extent the allegations in Paragraph 108 relate to the AUO
8 Defendants, the AUO Defendants deny them.

9 109. **AUO Defendants' Response:** To the extent the allegations of Paragraph 109 relate to
10 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
11 their truth, and therefore deny them. To the extent the allegations in Paragraph 109 relate to the AUO
12 Defendants, the AUO Defendants deny them.

13 110. **AUO Defendants' Response:** To the extent the allegations of Paragraph 110 relate to
14 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
15 their truth, and therefore deny them. To the extent the allegations in Paragraph 110 relate to the AUO
16 Defendants, the AUO Defendants deny them.

17 111. **AUO Defendants' Response:** To the extent the allegations of Paragraph 111 relate to
18 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
19 their truth, and therefore deny them. To the extent the allegations in Paragraph 111 relate to the AUO
20 Defendants, the AUO Defendants deny them.

21 112. **AUO Defendants' Response:** To the extent the allegations of Paragraph 112 relate to
22 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
23 their truth, and therefore deny them. To the extent the allegations in Paragraph 112 relate to the AUO
24 Defendants, the AUO Defendants deny them.

25 113. **AUO Defendants' Response:** To the extent the allegations of Paragraph 113 relate to
26 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
27 their truth, and therefore deny them. To the extent the allegations in Paragraph 113 relate to the AUO
28 Defendants, the AUO Defendants deny them.

1 114. **AUO Defendants' Response:** To the extent the allegations of Paragraph 114 relate to
2 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
3 their truth, and therefore deny them. To the extent the allegations in Paragraph 114 relate to the AUO
4 Defendants, the AUO Defendants deny them.

5 115. **AUO Defendants' Response:** To the extent the allegations of Paragraph 115 relate to
6 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
7 their truth, and therefore deny them. To the extent the allegations in Paragraph 115 relate to the AUO
8 Defendants, the AUO Defendants deny them.

9 116. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
10 sufficient to form a belief as to the truth of the allegations in Paragraph 116 and therefore deny them.

11 117. **AUO Defendants' Response:** To the extent the allegations of Paragraph 117 relate to
12 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
13 their truth, and therefore deny them. To the extent the allegations in Paragraph 117 relate to the AUO
14 Defendants, the AUO Defendants deny them.

15 118. **AUO Defendants' Response:** To the extent the allegations of Paragraph 118 relate to
16 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
17 their truth, and therefore deny them. To the extent the allegations in Paragraph 118 relate to the AUO
18 Defendants, the AUO Defendants deny them.

19 119. **AUO Defendants' Response:** To the extent the allegations of Paragraph 119 relate to
20 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
21 their truth, and therefore deny them. To the extent the allegations in Paragraph 119 relate to the AUO
22 Defendants, the AUO Defendants deny them.

23 120. **AUO Defendants' Response:** To the extent the allegations of Paragraph 120 relate to
24 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
25 their truth, and therefore deny them. To the extent the allegations in Paragraph 120 relate to the AUO
26 Defendants, the AUO Defendants deny them.

27 121. **AUO Defendants' Response:** To the extent the allegations of Paragraph 121 relate to
28 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 121 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 122. **AUO Defendants' Response:** To the extent the allegations of Paragraph 122 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 122 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 123. **AUO Defendants' Response:** To the extent the allegations of Paragraph 123 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 123 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 124. **AUO Defendants' Response:** To the extent the allegations of Paragraph 124 relate to
12 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
13 their truth, and therefore deny them. To the extent the allegations in Paragraph 124 relate to the AUO
14 Defendants, the AUO Defendants deny them.

15 125. **AUO Defendants' Response:** To the extent the allegations of Paragraph 125 relate to
16 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
17 their truth, and therefore deny them. To the extent the allegations in Paragraph 125 relate to the AUO
18 Defendants, the AUO Defendants deny them.

19 126. **AUO Defendants' Response:** To the extent the allegations of Paragraph 126 relate to
20 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
21 their truth, and therefore deny them. To the extent the allegations in Paragraph 126 relate to the AUO
22 Defendants, the AUO Defendants deny them.

23 127. **AUO Defendants' Response:** To the extent the allegations of Paragraph 127 relate to
24 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
25 their truth, and therefore deny them. To the extent the allegations in Paragraph 127 relate to the AUO
26 Defendants, the AUO Defendants deny them.

27 128. **AUO Defendants' Response:** To the extent the allegations of Paragraph 128 relate to
28 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 128 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 129. **AUO Defendants' Response:** To the extent the allegations of Paragraph 129 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 129 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 130. **AUO Defendants' Response:** To the extent the allegations of Paragraph 130 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 130 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 131. **AUO Defendants' Response:** To the extent the allegations of Paragraph 131 relate to
12 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
13 their truth, and therefore deny them. To the extent the allegations in Paragraph 131 relate to the AUO
14 Defendants, the AUO Defendants deny them.

15 132. **AUO Defendants' Response:** To the extent the allegations of Paragraph 132 relate to
16 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
17 their truth, and therefore deny them. To the extent the allegations in Paragraph 132 relate to the AUO
18 Defendants, the AUO Defendants deny them.

19 133. **AUO Defendants' Response:** To the extent the allegations of Paragraph 133 relate to
20 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
21 their truth, and therefore deny them. To the extent the allegations in Paragraph 133 relate to the AUO
22 Defendants, the AUO Defendants deny them.

23 134. **AUO Defendants' Response:** To the extent the allegations of Paragraph 134 relate to
24 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
25 their truth, and therefore deny them. To the extent the allegations in Paragraph 134 relate to the AUO
26 Defendants, the AUO Defendants deny them.

27 135. **AUO Defendants' Response:** To the extent the allegations of Paragraph 135 relate to
28 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 135 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 136. **AUO Defendants' Response:** To the extent the allegations of Paragraph 136 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 136 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 137. **AUO Defendants' Response:** To the extent the allegations of Paragraph 137 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 137 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 138. **AUO Defendants' Response:** To the extent the allegations of Paragraph 138 relate to
12 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
13 their truth, and therefore deny them. To the extent the allegations in Paragraph 138 relate to the AUO
14 Defendants, the AUO Defendants deny them.

15 139. **AUO Defendants' Response:** To the extent the allegations of Paragraph 139 relate to
16 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
17 their truth, and therefore deny them. To the extent the allegations in Paragraph 139 relate to the AUO
18 Defendants, the AUO Defendants deny them.

19 140. **AUO Defendants' Response:** To the extent the allegations of Paragraph 140 relate to
20 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
21 their truth, and therefore deny them. To the extent the allegations in Paragraph 140 relate to the AUO
22 Defendants, the AUO Defendants deny them.

23 141. **AUO Defendants' Response:** To the extent the allegations of Paragraph 141 relate to
24 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
25 their truth, and therefore deny them. To the extent the allegations in Paragraph 141 relate to the AUO
26 Defendants, the AUO Defendants deny them.

27 142. **AUO Defendants' Response:** To the extent the allegations in Paragraph 142 are based
28 on reports or statements by government authorities, those reports speak for themselves and no response

1 is required. To the extent the allegations of Paragraph 142 relate to other defendants, the AUO
2 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
3 them. To the extent the allegations in Paragraph 142 relate to the AUO Defendants, the AUO
4 Defendants deny them.

5 143. **AUO Defendants' Response:** To the extent the allegations of Paragraph 143 relate to
6 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
7 their truth, and therefore deny them. To the extent the allegations in Paragraph 143 relate to the AUO
8 Defendants, the AUO Defendants deny them.

9 144. **AUO Defendants' Response:** To the extent the allegations of Paragraph 144 relate to
10 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
11 their truth, and therefore deny them. To the extent the allegations in Paragraph 144 relate to the AUO
12 Defendants, the AUO Defendants deny them.

13 145. **AUO Defendants' Response:** To the extent the allegations of Paragraph 145 relate to
14 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
15 their truth, and therefore deny them. To the extent the allegations in Paragraph 145 relate to the AUO
16 Defendants, the AUO Defendants deny them.

17 146. **AUO Defendants' Response:** To the extent the allegations of Paragraph 146 relate to
18 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
19 their truth, and therefore deny them. To the extent the allegations in Paragraph 146 relate to the AUO
20 Defendants, the AUO Defendants deny them.

21 147. **AUO Defendants' Response:** To the extent the allegations of Paragraph 147 relate to
22 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
23 their truth, and therefore deny them. To the extent the allegations in Paragraph 147 relate to the AUO
24 Defendants, the AUO Defendants deny them.

25 148. **AUO Defendants' Response:** To the extent the allegations of Paragraph 148 relate to
26 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
27 their truth, and therefore deny them. To the extent the allegations in Paragraph 148 relate to the AUO
28 Defendants, the AUO Defendants deny them.

1 149. **AUO Defendants' Response:** To the extent the allegations of Paragraph 149 relate to
2 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
3 their truth, and therefore deny them. To the extent the allegations in Paragraph 149 relate to the AUO
4 Defendants, the AUO Defendants deny them.

5 150. **AUO Defendants' Response:** To the extent the allegations of Paragraph 150 relate to
6 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
7 their truth, and therefore deny them. To the extent the allegations in Paragraph 150 relate to the AUO
8 Defendants, the AUO Defendants deny them.

9 151. **AUO Defendants' Response:** To the extent the allegations of Paragraph 151 relate to
10 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
11 their truth, and therefore deny them. To the extent the allegations in Paragraph 151 relate to the AUO
12 Defendants, the AUO Defendants deny them.

13 152. **AUO Defendants' Response:** To the extent the allegations of Paragraph 152 relate to
14 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
15 their truth, and therefore deny them. To the extent the allegations in Paragraph 152 relate to the AUO
16 Defendants, the AUO Defendants deny them.

17 153. **AUO Defendants' Response:** To the extent the allegations of Paragraph 153 relate to
18 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
19 their truth, and therefore deny them. To the extent the allegations in Paragraph 153 relate to the AUO
20 Defendants, the AUO Defendants deny them.

21 154. **AUO Defendants' Response:** To the extent the allegations of Paragraph 154 relate to
22 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
23 their truth, and therefore deny them. To the extent the allegations in Paragraph 154 relate to the AUO
24 Defendants, the AUO Defendants deny them.

25 155. **AUO Defendants' Response:** To the extent the allegations of Paragraph 155 relate to
26 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
27 their truth, and therefore deny them. To the extent the allegations in Paragraph 155 relate to the AUO
28 Defendants, the AUO Defendants deny them.

1 156. **AUO Defendants' Response:** To the extent the allegations of Paragraph 156 relate to
2 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
3 their truth, and therefore deny them. To the extent the allegations in Paragraph 156 relate to the AUO
4 Defendants, the AUO Defendants deny them.

5 **2. Defendants Engaged In Illegal Communications About Pricing In**
6 **The U.S.**

7 157. **AUO Defendants' Response:** To the extent the allegations of Paragraph 157 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 157 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 158. **AUO Defendants' Response:** To the extent the allegations of Paragraph 158 relate to
12 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
13 their truth, and therefore deny them. To the extent the allegations in Paragraph 158 relate to the AUO
14 Defendants, the AUO Defendants deny them.

15 159. **AUO Defendants' Response:** To the extent the allegations of Paragraph 159 relate to
16 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
17 their truth, and therefore deny them. To the extent the allegations in Paragraph 159 relate to the AUO
18 Defendants, the AUO Defendants deny them.

19 160. **AUO Defendants' Response:** To the extent the allegations of Paragraph 160 relate to
20 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
21 their truth, and therefore deny them. To the extent the allegations in Paragraph 160 relate to the AUO
22 Defendants, the AUO Defendants deny them.

23 **3. Defendants Engaged In Illegal Communications About Pricing With Respect**
24 **To Small Panels**

25 161. **AUO Defendants' Response:** To the extent the allegations of Paragraph 161 relate to
26 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
27 their truth, and therefore deny them. To the extent the allegations in Paragraph 161 relate to the AUO
28 Defendants, the AUO Defendants deny them.

1 162. **AUO Defendants' Response:** To the extent the allegations of Paragraph 162 relate to
2 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
3 their truth, and therefore deny them. To the extent the allegations in Paragraph 162 relate to the AUO
4 Defendants, the AUO Defendants deny them.

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

6 163. **AUO Defendants' Response:** To the extent Paragraph 163 relates to Plaintiff's state law
7 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
8 required. To the extent the allegations of Paragraph 163 relate to other defendants, the AUO Defendants
9 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
10 the extent the allegations in Paragraph 163 relate to the AUO Defendants, the AUO Defendants deny
11 them.

12 164. **AUO Defendants' Response:** To the extent Paragraph 164 relates to Plaintiff's state law
13 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
14 required. To the extent the allegations of Paragraph 164 relate to Plaintiff or other defendants, the AUO
15 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
16 them. To the extent the allegations in Paragraph 164 relate to the AUO Defendants, the AUO
17 Defendants deny them.

18 165. **AUO Defendants' Response:** To the extent Paragraph 165 relates to Plaintiff's state law
19 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
20 required. To the extent the allegations of Paragraph 165 relate to Plaintiff or other defendants, the AUO
21 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
22 them. To the extent the allegations in Paragraph 165 relate to the AUO Defendants, the AUO
23 Defendants deny them.

24 166. **AUO Defendants' Response:** To the extent Paragraph 166 relates to Plaintiff's state law
25 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
26 required. To the extent the allegations of Paragraph 166 relate to Plaintiff or other defendants, the AUO
27 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
28

1 them. To the extent the allegations in Paragraph 166 relate to the AUO Defendants, the AUO
2 Defendants deny them.

3 167. **AUO Defendants' Response:** To the extent the allegations of Paragraph 167 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 167 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 168. **AUO Defendants' Response:** To the extent Paragraph 168 relates to Plaintiff's state law
8 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
9 required. To the extent the allegations of Paragraph 168 relate to other defendants, the AUO Defendants
10 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
11 the extent the allegations in Paragraph 168 relate to the AUO Defendants, the AUO Defendants deny
12 them.

13 169. **AUO Defendants' Response:** To the extent Paragraph 169 relates to Plaintiff's state law
14 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
15 required. To the extent the allegations of Paragraph 169 relate to Plaintiff or other defendants, the AUO
16 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
17 them. To the extent the allegations in Paragraph 169 relate to the AUO Defendants, the AUO
18 Defendants deny them.

19 170. **AUO Defendants' Response:** To the extent Paragraph 170 relates to Plaintiff's state law
20 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
21 required. To the extent the allegations of Paragraph 170 relate to other defendants, the AUO Defendants
22 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
23 the extent the allegations in Paragraph 170 relate to the AUO Defendants, the AUO Defendants deny
24 them.

25 171. **AUO Defendants' Response:** To the extent Paragraph 171 relates to Plaintiff's state law
26 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
27 required. To the extent the allegations of Paragraph 171 relate to other defendants, the AUO Defendants
28 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To

1 the extent the allegations in Paragraph 171 relate to the AUO Defendants, the AUO Defendants deny
2 them.

3 172. **AUO Defendants' Response:** To the extent Paragraph 172 relates to Plaintiff's state law
4 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
5 required. To the extent the allegations of Paragraph 172 relate to other defendants, the AUO Defendants
6 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
7 the extent the allegations in Paragraph 172 relate to the AUO Defendants, the AUO Defendants deny
8 them.

9 173. **AUO Defendants' Response:** To the extent Paragraph 173 relates to Plaintiff's state law
10 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
11 required. To the extent the allegations of Paragraph 173 relate to other defendants, the AUO Defendants
12 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
13 the extent the allegations in Paragraph 173 relate to the AUO Defendants, the AUO Defendants deny
14 them.

15 **C. Defendants Have Been Charged With And Have Pleaded Guilty To Fixing**
16 **The Price Of LCD Panels And LCD Products Sold In The U.S.**

17 174. **AUO Defendants' Response:** To the extent the allegations in Paragraph 174 are based
18 on reports or statements by government authorities, those reports speak for themselves and no response
19 is required. To the extent the allegations in Paragraph 174 may be deemed to require a response, the
20 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
21 allegations of Paragraph 174 , and therefore deny them.

22 175. **AUO Defendants' Response:** To the extent the allegations in Paragraph 175 are based
23 on news reports, those reports speak for themselves and no response is required. To the extent the
24 allegations in Paragraph 175 may be deemed to require a response, the AUO Defendants lack knowledge
25 or information sufficient to form a belief as to the truth of the allegations of Paragraph 175, and
26 therefore deny them.

27 176. **AUO Defendants' Response:** To the extent the allegations in Paragraph 176 are based
28 on reports or statements by government authorities, those reports speak for themselves and no response

1 is required. To the extent the allegations in Paragraph 176 may be deemed to require a response, the
2 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
3 allegations of Paragraph 176, and therefore deny them.

4 177. **AUO Defendants' Response:** To the extent the allegations in Paragraph 177 are based
5 on reports or statements by government authorities, those reports speak for themselves and no response
6 is required. To the extent the allegations in Paragraph 177 may be deemed to require a response, the
7 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
8 allegations of Paragraph 177, and therefore deny them.

9 178. **AUO Defendants' Response:** To the extent the allegations in Paragraph 178 are based
10 on reports or statements by government authorities, those reports speak for themselves and no response
11 is required. To the extent the allegations in Paragraph 178 may be deemed to require a response, the
12 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
13 allegations of Paragraph 178, and therefore deny them.

14 179. **AUO Defendants' Response:** To the extent the allegations in Paragraph 179 are based
15 on reports or statements by government authorities, those reports speak for themselves and no response
16 is required. To the extent the allegations in Paragraph 179 may be deemed to require a response, the
17 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
18 allegations of Paragraph 179, and therefore deny them.

19 180. **AUO Defendants' Response:** To the extent the allegations in Paragraph 180 are based
20 on reports or statements by government authorities, those reports speak for themselves and no response
21 is required. To the extent the allegations in Paragraph 180 may be deemed to require a response, the
22 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
23 allegations of Paragraph 180, and therefore deny them.

24 181. **AUO Defendants' Response:** To the extent the allegations in Paragraph 181 are based
25 on reports or statements by government authorities, those reports speak for themselves and no response
26 is required. To the extent the allegations in Paragraph 181 may be deemed to require a response, the
27 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
28 allegations of Paragraph 181, and therefore deny them.

1 182. **AUO Defendants' Response:** To the extent the allegations in Paragraph 182 are based
2 on reports or statements by government authorities, those reports speak for themselves and no response
3 is required. To the extent the allegations in Paragraph 182 may be deemed to require a response, the
4 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
5 allegations of Paragraph 182, and therefore deny them.

6 183. **AUO Defendants' Response:** To the extent the allegations in Paragraph 183 are based
7 on reports or statements by government authorities, those reports speak for themselves and no response
8 is required. To the extent the allegations in Paragraph 183 may be deemed to require a response, the
9 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
10 allegations of Paragraph 183, and therefore deny them.

11 184. **AUO Defendants' Response:** To the extent the allegations in Paragraph 184 are based
12 on reports or statements by government authorities, those reports speak for themselves and no response
13 is required. To the extent the allegations in Paragraph 184 may be deemed to require a response, the
14 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
15 allegations of Paragraph 184, and therefore deny them.

16 185. **AUO Defendants' Response:** To the extent the allegations in Paragraph 185 are based
17 on reports or statements by government authorities, those reports speak for themselves and no response
18 is required. To the extent the allegations in Paragraph 185 may be deemed to require a response, the
19 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
20 allegations of Paragraph 185, and therefore deny them.

21 186. **AUO Defendants' Response:** To the extent the allegations in Paragraph 186 are based
22 on reports or statements by government authorities, those reports speak for themselves and no response
23 is required. To the extent the allegations in Paragraph 186 may be deemed to require a response, the
24 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
25 allegations of Paragraph 186, and therefore deny them.

26 187. **AUO Defendants' Response:** To the extent the allegations in Paragraph 187 are based
27 on reports or statements by government authorities, those reports speak for themselves and no response
28 is required. To the extent the allegations in Paragraph 187 may be deemed to require a response, the

1 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
2 allegations of Paragraph 187, and therefore deny them.

3 188. **AUO Defendants' Response:** To the extent the allegations of Paragraph 188 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 188 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 189. **AUO Defendants' Response:** To the extent the allegations of Paragraph 189 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 189 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 190. **AUO Defendants' Response:** To the extent the allegations of Paragraph 190 relate to
12 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
13 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 190 relate to
14 the AUO Defendants, the AUO Defendants deny them.

15 **D. Pricing In The LCD Panel Market Indicates Collusion By Defendants**

16 191. **AUO Defendants' Response:** To the extent the allegations of Paragraph 190 relate to
17 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
18 their truth, and therefore deny them. To the extent the allegations in Paragraph 190 relate to the AUO
19 Defendants, the AUO Defendants deny them.

20 192. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
21 sufficient to form a belief as to the truth of the allegations in Paragraph 192 and therefore deny them.

22 193. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
23 sufficient to form a belief as to the truth of the allegations in Paragraph 193 and therefore deny them.

24 194. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
25 sufficient to form a belief as to the truth of the allegations in Paragraph 194 and therefore deny them.

26 195. **AUO Defendants' Response:** To the extent the allegations of Paragraph 195 relate to
27 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
28

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 195 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 196. **AUO Defendants' Response:** To the extent the allegations of Paragraph 196 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 196 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 197. **AUO Defendants' Response:** To the extent the allegations in Paragraph 197 are based
8 on news reports, those reports speak for themselves and no response is required. To the extent the
9 allegations of Paragraph 197 relate to other defendants, the AUO Defendants lack knowledge or
10 information sufficient to form a belief as to their truth, and therefore deny them. To the extent the
11 allegations in Paragraph 197 relate to the AUO Defendants, the AUO Defendants deny them.

12 198. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
13 sufficient to form a belief as to the truth of the allegations in Paragraph 198 and therefore deny them.

14 199. **AUO Defendants' Response:** To the extent the allegations of Paragraph 199 relate to
15 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
16 their truth, and therefore deny them. To the extent the allegations in Paragraph 199 relate to the AUO
17 Defendants, the AUO Defendants deny them.

18 200. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
19 sufficient to form a belief as to the truth of the allegations in Paragraph 200 and therefore deny them.

20 201. **AUO Defendants' Response:** To the extent the allegations of Paragraph 201 relate to
21 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
22 their truth, and therefore deny them. To the extent the allegations in Paragraph 201 relate to the AUO
23 Defendants, the AUO Defendants deny them.

24 202. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
25 sufficient to form a belief as to the truth of the allegations in Paragraph 202 and therefore deny them.

26 203. **AUO Defendants' Response:** To the extent the allegations of Paragraph 203 relate to
27 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
28

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 203 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 204. **AUO Defendants' Response:** To the extent the allegations of Paragraph 204 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 204 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 205. **AUO Defendants' Response:** To the extent the allegations of Paragraph 205 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 205 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 **E. The Conspiracy Extended To Earlier LCD Technologies**

12 206. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
13 sufficient to form a belief as to the truth of the allegations in Paragraph 206 and therefore deny them.

14 207. **AUO Defendants' Response:** To the extent the allegations of Paragraph 207 relate to
15 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
16 their truth, and therefore deny them. To the extent the allegations in Paragraph 207 relate to the AUO
17 Defendants, the AUO Defendants deny them.

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

19 208. **AUO Defendants' Response:** To the extent the allegations of Paragraph 208 relate to
20 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
21 their truth, and therefore deny them. To the extent the allegations in Paragraph 208 relate to the AUO
22 Defendants, the AUO Defendants deny them.

23 209. **AUO Defendants' Response:** To the extent the allegations of Paragraph 209 relate to
24 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
25 their truth, and therefore deny them. To the extent the allegations in Paragraph 209 relate to the AUO
26 Defendants, the AUO Defendants deny them.

27 210. **AUO Defendants' Response:** To the extent the allegations of Paragraph 210 relate to
28 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 210 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 211. **AUO Defendants' Response:** To the extent the allegations of Paragraph 211 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 211 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 212. **AUO Defendants' Response:** To the extent the allegations of Paragraph 212 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 212 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 213. **AUO Defendants' Response:** To the extent the allegations of Paragraph 213 relate to
12 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
13 their truth, and therefore deny them. To the extent the allegations in Paragraph 213 relate to the AUO
14 Defendants, the AUO Defendants deny them.

15 214. **AUO Defendants' Response:** To the extent the allegations of Paragraph 214 relate to
16 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
17 their truth, and therefore deny them. To the extent the allegations in Paragraph 214 relate to the AUO
18 Defendants, the AUO Defendants deny them.

19 215. **AUO Defendants' Response:** To the extent the allegations of Paragraph 215 relate to
20 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
21 their truth, and therefore deny them. To the extent the allegations in Paragraph 215 relate to the AUO
22 Defendants, the AUO Defendants deny them.

23 216. **AUO Defendants' Response:** To the extent the allegations of Paragraph 216 relate to
24 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
25 their truth, and therefore deny them. To the extent the allegations in Paragraph 216 relate to the AUO
26 Defendants, the AUO Defendants deny them.

27 217. **AUO Defendants' Response:** To the extent the allegations of Paragraph 217 relate to
28 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 217 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 218. **AUO Defendants' Response:** To the extent the allegations in Paragraph 218 are based
4 on reports or statements by government authorities, those reports speak for themselves and no response
5 is required. To the extent the allegations in Paragraph 218 may be deemed to require a response, the
6 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
7 allegations of Paragraph 218, and therefore deny them.

8 219. **AUO Defendants' Response:** To the extent the allegations of Paragraph 219 relate to
9 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
10 their truth, and therefore deny them. To the extent the allegations in Paragraph 219 relate to the AUO
11 Defendants, the AUO Defendants deny them.

12 220. **AUO Defendants' Response:** To the extent the allegations of Paragraph 220 relate to
13 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
14 their truth, and therefore deny them. To the extent the allegations in Paragraph 220 relate to the AUO
15 Defendants, the AUO Defendants deny them.

16 221. **AUO Defendants' Response:** To the extent the allegations of Paragraph 221 relate to
17 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
18 their truth, and therefore deny them. To the extent the allegations in Paragraph 221 relate to the AUO
19 Defendants, the AUO Defendants deny them.

20 222. **AUO Defendants' Response:** To the extent the allegations of Paragraph 222 relate to
21 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
22 their truth, and therefore deny them. To the extent the allegations in Paragraph 222 relate to the AUO
23 Defendants, the AUO Defendants deny them.

24 **2. The Structure Of The LCD Panel Market Facilitated The Inflation**
25 **Of Prices Of STN-LCD Panels As Well As TFT-LCD Panels**

26 223. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
27 sufficient to form a belief as to the truth of the allegations in Paragraph 223 and therefore deny them.
28

1 224. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
2 sufficient to form a belief as to the truth of the allegations in Paragraph 224 and therefore deny them.

3 225. **AUO Defendants' Response:** To the extent the allegations of Paragraph 225 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 225 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 226. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
8 sufficient to form a belief as to the truth of the allegations in Paragraph 226 and therefore deny them.

9 227. **AUO Defendants' Response:** To the extent the allegations of Paragraph 227 relate to
10 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
11 their truth, and therefore deny them. To the extent the allegations in Paragraph 227 relate to the AUO
12 Defendants, the AUO Defendants deny them.

13 228. **AUO Defendants' Response:** To the extent the allegations of Paragraph 228 relate to
14 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
15 their truth, and therefore deny them. To the extent the allegations in Paragraph 228 relate to the AUO
16 Defendants, the AUO Defendants deny them.

17 229. **AUO Defendants' Response:** To the extent the allegations in Paragraph 229 are based
18 on reports or statements by government authorities, those reports speak for themselves and no response
19 is required. To the extent the allegations in Paragraph 229 may be deemed to require a response, the
20 AUO Defendants lack knowledge or information sufficient to form a belief as to the truth of the
21 allegations of Paragraph 229, and therefore deny them.

22 230. **AUO Defendants' Response:** To the extent the allegations of Paragraph 230 relate to
23 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
24 their truth, and therefore deny them. To the extent the allegations in Paragraph 230 relate to the AUO
25 Defendants, the AUO Defendants deny them.

26 **F. The Role Of Trade Associations During The Conspiracy Period**

27 231. **AUO Defendants' Response:** To the extent the allegations of Paragraph 231 relate to
28 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 231 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 232. **AUO Defendants' Response:** The AUO Defendants admit that AU Optronics
4 Corporation is a member of the Taiwan TFT-LCD Association. To the extent the allegations of
5 Paragraph 232 relate to other defendants, the AUO Defendants lack knowledge or information sufficient
6 to form a belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 232
7 relate to the AUO Defendants, the AUO Defendants deny them.

8 233. **AUO Defendants' Response:** To the extent the allegations of Paragraph 233 relate to
9 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
10 their truth, and therefore deny them. To the extent the allegations in Paragraph 233 relate to the AUO
11 Defendants, the AUO Defendants deny them.

12 234. **AUO Defendants' Response:** To the extent the allegations of Paragraph 234 relate to
13 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
14 their truth, and therefore deny them. To the extent the allegations in Paragraph 234 relate to the AUO
15 Defendants, the AUO Defendants deny them.

16 235. **AUO Defendants' Response:** The AUO Defendants lack knowledge or information
17 sufficient to form a belief as to the truth of the allegations in Paragraph 235 and therefore deny them.

18 236. **AUO Defendants' Response:** AUO admits that a Superseding Indictment that names
19 AU Optronics Corporation and AU Optronics Corporation America as defendants was filed in the
20 United States District Court for the Northern District of California in the case of *United States of*
21 *America v. AU Optronics Corp., et al.* No. CR-09-0110 (SI) on June 10, 2010. To the extent Plaintiff
22 purports to characterize the Superseding Indictment, AUO denies that the characterization is accurate.
23 AUO admits that AU Optronics Corporation H.B. Chen President/COO gave a presentation entitled
24 “Beyond the Crystal Gateway” at the SID 2005 Business Conference. To the extent the allegations of
25 Paragraph 236 relate to other defendants, the AUO Defendants lack knowledge or information sufficient
26 to form a belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 236
27 relate to the AUO Defendants, the AUO Defendants deny them.
28

1 237. **AUO Defendants' Response:** AUO admits that AU Optronics Corporation H.B. Chen
2 President/COO gave a presentation entitled “Beyond the Crystal Gateway” at the SID 2005 Business
3 Conference. To the extent the allegations of Paragraph 237 relate to other defendants, the AUO
4 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
5 them. To the extent the allegations in Paragraph 237 relate to the AUO Defendants, the AUO
6 Defendants deny them.

7 238. **AUO Defendants' Response:** To the extent the allegations of Paragraph 238 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 238 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 239. **AUO Defendants' Response:** To the extent the allegations of Paragraph 239 relate to
12 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
13 their truth, and therefore deny them. To the extent the allegations in Paragraph 239 relate to the AUO
14 Defendants, the AUO Defendants deny them.

15 240. **AUO Defendants' Response:** To the extent the allegations of Paragraph 240 relate to
16 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
17 their truth, and therefore deny them. To the extent the allegations in Paragraph 240 relate to the AUO
18 Defendants, the AUO Defendants deny them.

19 241. **AUO Defendants' Response:** To the extent the allegations of Paragraph 241 relate to
20 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
21 their truth, and therefore deny them. To the extent the allegations in Paragraph 241 relate to the AUO
22 Defendants, the AUO Defendants deny them.

23 242. **AUO Defendants' Response:** The AUO Defendants admit that Dr. Hsiung was quoted
24 as saying: “[i]n an industry growing as rapidly as the flat panel display industry, it is increasingly
25 important to build connections across the supply chain and around the world . . . the GFPC plays a vital
26 part in building those connections and growing our business.” To the extent the allegations of Paragraph
27 242 relate to other defendants, the AUO Defendants lack knowledge or information sufficient to form a
28

1 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 242 relate to
2 the AUO Defendants, the AUO Defendants deny them.

3 243. **AUO Defendants' Response:** The AUO Defendants admit that Dr. Hsiung attended
4 and/or was aware of the 2006 GFPC and/or portions of the GFPC. To the extent the allegations of
5 Paragraph 243 relate to other defendants, the AUO Defendants lack knowledge or information sufficient
6 to form a belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 243
7 relate to the AUO Defendants, the AUO Defendants deny them.

8 244. **AUO Defendants' Response:** To the extent the allegations of Paragraph 244 relate to
9 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
10 their truth, and therefore deny them. To the extent the allegations in Paragraph 244 relate to the AUO
11 Defendants, the AUO Defendants deny them.

12 **G. Conspiracy's Effect On U.S. Commerce**

13 245. **AUO Defendants' Response:** To the extent the allegations of Paragraph 245 relate to
14 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
15 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 245 relate to
16 the AUO Defendants, the AUO Defendants deny them.

17 246. **AUO Defendants' Response:** To the extent the allegations of Paragraph 246 relate to
18 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
19 their truth, and therefore deny them. To the extent the allegations in Paragraph 246 relate to the AUO
20 Defendants, the AUO Defendants deny them.

21 247. **AUO Defendants' Response:** To the extent the allegations of Paragraph 247 relate to
22 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
23 their truth, and therefore deny them. To the extent the allegations in Paragraph 247 relate to the AUO
24 Defendants, the AUO Defendants deny them.

25 248. **AUO Defendants' Response:** To the extent the allegations of Paragraph 248 relate to
26 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
27 their truth, and therefore deny them. To the extent the allegations in Paragraph 248 relate to the AUO
28 Defendants, the AUO Defendants deny them.

1 required. To the extent the allegations of Paragraph 255 relate to Plaintiff or other defendants, the AUO
2 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
3 them. To the extent the allegations in Paragraph 255 relate to the AUO Defendants, the AUO
4 Defendants deny them.

5 256. **AUO Defendants' Response:** To the extent the allegations of Paragraph 256 relate to
6 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
7 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 256 relate to
8 the AUO Defendants, the AUO Defendants deny them.

9 257. **AUO Defendants' Response:** To the extent the allegations of Paragraph 257 relate to
10 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
11 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 257 relate to
12 the AUO Defendants, the AUO Defendants deny them.

13 258. **AUO Defendants' Response:** To the extent the allegations of Paragraph 258 relate to
14 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
15 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 258 relate to
16 the AUO Defendants, the AUO Defendants deny them.

17 259. **AUO Defendants' Response:** To the extent the allegations of Paragraph 259 relate to
18 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
19 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 259 relate to
20 the AUO Defendants, the AUO Defendants deny them.

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

23 260. **AUO Defendants' Response:** To the extent the allegations of Paragraph 260 relate to
24 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
25 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 260 relate to
26 the AUO Defendants, the AUO Defendants deny them.

27 261. **AUO Defendants' Response:** To the extent the allegations of Paragraph 261 relate to
28 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 261 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 262. **AUO Defendants' Response:** To the extent the allegations of Paragraph 262 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 262 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 263. **AUO Defendants' Response:** To the extent the allegations of Paragraph 263 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 263 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 264. **AUO Defendants' Response:** To the extent the allegations of Paragraph 264 relate to
12 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
13 their truth, and therefore deny them. To the extent the allegations in Paragraph 264 relate to the AUO
14 Defendants, the AUO Defendants deny them.

15 265. **AUO Defendants' Response:** To the extent the allegations of Paragraph 265 relate to
16 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
17 their truth, and therefore deny them. To the extent the allegations in Paragraph 265 relate to the AUO
18 Defendants, the AUO Defendants deny them.

19 266. **AUO Defendants' Response:** To the extent the allegations of Paragraph 266 relate to
20 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
21 their truth, and therefore deny them. To the extent the allegations in Paragraph 266 relate to the AUO
22 Defendants, the AUO Defendants deny them.

23 267. **AUO Defendants' Response:** To the extent the allegations of Paragraph 267 relate to
24 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
25 their truth, and therefore deny them. To the extent the allegations in Paragraph 267 relate to the AUO
26 Defendants, the AUO Defendants deny them.

27 268. **AUO Defendants' Response:** To the extent the allegations of Paragraph 268 relate to
28 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to

1 their truth, and therefore deny them. To the extent the allegations in Paragraph 268 relate to the AUO
2 Defendants, the AUO Defendants deny them.

3 269. **AUO Defendants' Response:** To the extent the allegations of Paragraph 269 relate to
4 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
5 their truth, and therefore deny them. To the extent the allegations in Paragraph 269 relate to the AUO
6 Defendants, the AUO Defendants deny them.

7 270. **AUO Defendants' Response:** To the extent the allegations of Paragraph 270 relate to
8 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
9 their truth, and therefore deny them. To the extent the allegations in Paragraph 270 relate to the AUO
10 Defendants, the AUO Defendants deny them.

11 271. **AUO Defendants' Response:** To the extent the allegations of Paragraph 271 relate to
12 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
13 their truth, and therefore deny them. To the extent the allegations in Paragraph 271 relate to the AUO
14 Defendants, the AUO Defendants deny them.

15 272. **AUO Defendants' Response:** To the extent the allegations in Paragraph 272 are based
16 on news reports, those reports speak for themselves and no response is required. To the extent the
17 allegations of Paragraph 272 relate to other defendants, the AUO Defendants lack knowledge or
18 information sufficient to form a belief as to their truth, and therefore deny them. To the extent the
19 allegations in Paragraph 272 relate to the AUO Defendants, the AUO Defendants deny them.

20 273. **AUO Defendants' Response:** To the extent the allegations of Paragraph 273 relate to
21 other defendants, the AUO Defendants lack knowledge or information sufficient to form a belief as to
22 their truth, and therefore deny them. To the extent the allegations in Paragraph 273 relate to the AUO
23 Defendants, the AUO Defendants deny them.

24 274. **AUO Defendants' Response:** To the extent the allegations of Paragraph 274 relate to
25 Plaintiff or other defendants, the AUO Defendants lack knowledge or information sufficient to form a
26 belief as to their truth, and therefore deny them. To the extent the allegations in Paragraph 274 relate to
27 the AUO Defendants, the AUO Defendants deny them.

1 288. **AUO Defendants' Response:** To the extent Paragraph 288 relates to Plaintiff's state law
2 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
3 required. To the extent the allegations of Paragraph 288 relate to other defendants, the AUO Defendants
4 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
5 the extent the allegations in Paragraph 288 relate to the AUO Defendants, the AUO Defendants deny
6 them.

7 289. **AUO Defendants' Response:** To the extent Paragraph 289 relates to Plaintiff's state law
8 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
9 required. To the extent the allegations of Paragraph 289 relate to Plaintiff or other defendants, the AUO
10 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
11 them. To the extent the allegations in Paragraph 289 relate to the AUO Defendants, the AUO
12 Defendants deny them.

13 290. **AUO Defendants' Response:** To the extent Paragraph 290 relates to Plaintiff's state law
14 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
15 required. To the extent the allegations of Paragraph 290 relate to Plaintiff or other defendants, the AUO
16 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
17 them. To the extent the allegations in Paragraph 290 relate to the AUO Defendants, the AUO
18 Defendants deny them.

19 291. **AUO Defendants' Response:** To the extent Paragraph 291 relates to Plaintiff's state law
20 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
21 required. To the extent the allegations of Paragraph 291 relate to Plaintiff or other defendants, the AUO
22 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
23 them. To the extent the allegations in Paragraph 291 relate to the AUO Defendants, the AUO
24 Defendants deny them.

25 292. **AUO Defendants' Response:** To the extent Paragraph 292 relates to Plaintiff's state law
26 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
27 required. To the extent the allegations of Paragraph 292 relate to Plaintiff or other defendants, the AUO
28 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny

1 them. To the extent the allegations in Paragraph 292 relate to the AUO Defendants, the AUO
2 Defendants deny them.

3 293. **AUO Defendants' Response:** To the extent Paragraph 293 relates to Plaintiff's state law
4 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
5 required. To the extent the allegations of Paragraph 293 relate to other defendants, the AUO Defendants
6 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
7 the extent the allegations in Paragraph 293 relate to the AUO Defendants, the AUO Defendants deny
8 them.

9 294. **AUO Defendants' Response:** To the extent Paragraph 294 relates to Plaintiff's state law
10 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
11 required. To the extent the allegations of Paragraph 294 relate to other defendants, the AUO Defendants
12 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
13 the extent the allegations in Paragraph 294 relate to the AUO Defendants, the AUO Defendants deny
14 them.

15 295. **AUO Defendants' Response:** To the extent Paragraph 295 relates to Plaintiff's state law
16 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
17 required. To the extent the allegations of Paragraph 295 relate to other defendants, the AUO Defendants
18 lack knowledge or information sufficient to form a belief as to their truth, and therefore deny them. To
19 the extent the allegations in Paragraph 295 relate to the AUO Defendants, the AUO Defendants deny
20 them.

21 296. **AUO Defendants' Response:** To the extent Paragraph 296 relates to Plaintiff's state law
22 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
23 required. To the extent the allegations of Paragraph 296 relate to Plaintiff or other defendants, the AUO
24 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
25 them. To the extent the allegations in Paragraph 296 relate to the AUO Defendants, the AUO
26 Defendants deny them.

27 297. **AUO Defendants' Response:** To the extent Paragraph 297 relates to Plaintiff's state law
28 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is

1 required. To the extent the allegations of Paragraph 297 relate to Plaintiff or other defendants, the AUO
2 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
3 them. To the extent the allegations in Paragraph 297 relate to the AUO Defendants, the AUO
4 Defendants deny them.

5 298. **AUO Defendants' Response:** To the extent Paragraph 298 relates to Plaintiff's state law
6 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
7 required. To the extent the allegations of Paragraph 298 relate to Plaintiff or other defendants, the AUO
8 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
9 them. To the extent the allegations in Paragraph 298 relate to the AUO Defendants, the AUO
10 Defendants deny them.

11 299. **AUO Defendants' Response:** To the extent Paragraph 299 relates to Plaintiff's state law
12 claims, those claims were dismissed by this Court's order dated February 6, 2012, and no response is
13 required. To the extent the allegations of Paragraph 299 relate to Plaintiff or other defendants, the AUO
14 Defendants lack knowledge or information sufficient to form a belief as to their truth, and therefore deny
15 them. To the extent the allegations in Paragraph 299 relate to the AUO Defendants, the AUO
16 Defendants deny them.

17 **AFFIRMATIVE DEFENSES**

18 Without assuming any burden of proof it would not otherwise bear, the AUO Defendants assert
19 the following additional and/or affirmative defenses to Plaintiff's Complaint:

20 **FIRST AFFIRMATIVE DEFENSE**

21 **(Failure to State a Claim)**

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

23 **SECOND AFFIRMATIVE DEFENSE**

24 **(Waiver, Estoppel, and/or Laches)**

25 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, by
26 the doctrines of waiver, estoppel, and/or laches.

1 **THIRD AFFIRMATIVE DEFENSE**

2 **(Unclean Hands)**

3 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, by
4 the equitable doctrine of unclean hands.

5 **FOURTH AFFIRMATIVE DEFENSE**

6 **(Remedies Unconstitutional, Unauthorized or Contrary to Public Policy)**

7 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part,
8 because the remedies sought are unconstitutional, contrary to public policy, or are otherwise
9 unauthorized.

10 **FIFTH AFFIRMATIVE DEFENSE**

11 **(Absence of Damages)**

12 Plaintiff's claims should be dismissed because Plaintiff has suffered no injury or damages as a
13 result of the matters alleged in the Complaint. To the extent that Plaintiff purportedly suffered injury or
14 damage, which the AUO Defendants specifically deny, the AUO Defendants further contend that any
15 such purported injury or damage was not by reason of any act or omission of the AUO Defendants.

16 **SIXTH AFFIRMATIVE DEFENSE**

17 **(No Antitrust Injury)**

18 Plaintiff's claims should be dismissed because Plaintiff has not suffered actual, cognizable
19 antitrust injury of the type antitrust laws are intended to remedy.

20 **SEVENTH AFFIRMATIVE DEFENSE**

21 **(Uncertainty of Damages)**

22 Plaintiff's claims should be dismissed because the alleged damages sought are too speculative
23 and uncertain, and cannot be practicably ascertained or allocated.

24 **EIGHTH AFFIRMATIVE DEFENSE**

25 **(Failure to Mitigate Damages)**

26 Plaintiff's claims should be dismissed, in whole or in part, because Plaintiff failed to take all
27 necessary, reasonable, and appropriate actions to mitigate its alleged damages, if any.

1 **NINTH AFFIRMATIVE DEFENSE**

2 **(Statute of Limitations)**

3 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, by
4 the applicable statute(s) of limitations.

5 **TENTH AFFIRMATIVE DEFENSE**

6 **(Unjust Enrichment)**

7 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part,
8 because Plaintiff would be unjustly enriched if it were allowed to recover any part of the damages
9 alleged in the Complaint.

10 **ELEVENTH AFFIRMATIVE DEFENSE**

11 **(Adequate Remedy at Law)**

12 Plaintiff's claims for injunctive relief should be dismissed because Plaintiff has available an
13 adequate remedy at law.

14 **TWELFTH AFFIRMATIVE DEFENSE**

15 **(Competition)**

16 Plaintiff's claims should be dismissed to the extent they are barred, in whole or in part, because
17 any action taken by or on behalf of the AUO Defendants was justified, constituted bona fide business
18 competition and was taken in pursuit of their own legitimate business and economic interests, and is
19 therefore privileged.

20 **THIRTEENTH AFFIRMATIVE DEFENSE**

21 **(Non-Actionable or Governmental Privilege)**

22 Plaintiff's claims are barred, in whole or in part, because the alleged conduct of the AUO
23 Defendants that is the subject of the Complaint was caused by, due to, based upon, or in response to
24 directives, laws, regulations, policies, and/or acts of governments, governmental agencies and entities,
25 and/or regulatory agencies, and such is non-actionable or privileged.

1 **FOURTEENTH AFFIRMATIVE DEFENSE**

2 **(Comparative Fault)**

3 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part,
4 because any and all injuries alleged in the Complaint, the fact and extent of which the AUO Defendants
5 specifically deny, were directly and proximately caused or contributed to by the statements, acts, and/or
6 omissions of Plaintiff and/or third parties or entities, other than the AUO Defendants.

7 **FIFTEENTH AFFIRMATIVE DEFENSE**

8 **(Acquiescence)**

9 Plaintiff's claims should be dismissed to the extent they are barred, in whole or in part, by
10 Plaintiff's acquiescence in and/or confirmation of any and all conduct and/or omissions alleged as to the
11 AUO Defendants.

12 **SIXTEENTH AFFIRMATIVE DEFENSE**

13 **(Failure to State a Claim Under the Foreign Trade Antitrust Improvements Act)**

14 Plaintiff's claims are barred, in whole or in part, because Plaintiff has failed to allege facts
15 sufficient to support a claim under the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a.

16 **SEVENTEENTH AFFIRMATIVE DEFENSE**

17 **(Uncertainty)**

18 Plaintiff's claims should be dismissed for uncertainty and vagueness and because its claims are
19 ambiguous, and/or unintelligible. The AUO Defendants aver that Plaintiff's claims do not describe the
20 events or legal theories with sufficient particularity to permit the AUO Defendants to ascertain what
21 other defenses may exist. The AUO Defendants therefore reserve the right to amend their Answer to
22 assert additional defenses and/or supplement, alter, or change their Answer and/or defenses upon the
23 discovery of more definitive facts upon the completion of their investigation and discovery.

24 **EIGHTEENTH AFFIRMATIVE DEFENSE**

25 **(Lack of Standing to Sue for Injuries Alleged)**

26 Plaintiff's claims should be dismissed, in whole or in part, to the extent Plaintiff lacks standing to
27 sue for the injuries alleged in the Complaint.

1 **NINETEENTH AFFIRMATIVE DEFENSE**

2 **(Competition Not Harmed)**

3 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part,
4 because the AUO Defendants' actions did not lessen competition in the relevant market.

5 **TWENTIETH AFFIRMATIVE DEFENSE**

6 **(Intervening or Superseding Acts of Third Parties)**

7 Plaintiff's purported damages, if any, resulted from the acts or omissions of third parties over
8 whom the AUO Defendants had no control or responsibility. The acts of such third parties constitute
9 intervening or superseding causes of harm, if any, suffered by Plaintiff.

10 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

11 **(Injury or Damages Offset by Benefits Received)**

12 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part,
13 because any claimed injury or damage has been offset by benefits Plaintiff received with respect to the
14 challenged conduct.

15 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

16 **(Failure to Allege Fraud or Fraudulent Conspiracy with Particularity)**

17 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part,
18 because Plaintiff has failed to allege fraud or fraudulent concealment with sufficient particularity.

19 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

20 **(Failure to Plead Conspiracy with Particularity)**

21 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part,
22 because Plaintiff has failed to allege conspiracy with sufficient particularity.

23 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

24 **(Set-Off)**

25 Without admitting that Plaintiff is entitled to recover damages in this matter, the AUO
26 Defendants are entitled to set off from any recovery Plaintiff may obtain against the AUO Defendants
27 any amount paid to by any other defendants who have settled, or do settle, Plaintiff's claims in this
28 matter.

1 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

2 **(Failure to State a Claim for Injunctive Relief)**

3 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part,
4 because Plaintiff has failed to state a claim for injunctive relief insofar as Plaintiff seeks to enjoin
5 alleged events that have already transpired without the requisite showing of threatened harm or
6 continuing harm.

7 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

8 **(Lack of Jurisdiction)**

9 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part,
10 because any alleged conduct of the AUO Defendants occurred outside of the personal jurisdiction or
11 subject-matter jurisdiction of the Court.

12 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

13 **(No Attorney Fees Allowed)**

14 An award of attorneys' fees, based upon the conduct alleged in the Complaint, is not allowed
15 under applicable federal or state law.

16 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

17 **(Due Process Violation)**

18 To the extent Plaintiff purports to seek relief on behalf of members of the general public who
19 have suffered no damages, the Complaint and each of its claims for relief therein violate the AUO
20 Defendants' right to due process under the California and United States Constitutions.

21 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

22 **(Justification)**

23 Plaintiff's claims are barred, in whole or in part, because any conduct engaged in by the AUO
24 Defendants has been reasonable, based upon independent, legitimate business and economic
25 justifications, and without any purpose or intent to injure competition
26
27
28

1 **THIRTIETH AFFIRMATIVE DEFENSE**

2 **(Ultra Vires Conduct)**

3 Plaintiff's claims against the AUO Defendants are barred, in whole or in part, because all such
4 conduct would have been committed by individuals acting ultra vires.

5 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

6 **(Damages Passed On)**

7 Plaintiff's claims are barred, in whole or in part, because any injury or damage alleged in the
8 Complaint, if any, was passed on to persons or entities other than Plaintiff.

9 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

10 **(No Unreasonable Restraint of Trade)**

11 Plaintiff's claims are barred, in whole or in part, because any actions taken by the AUO
12 Defendants have not unreasonably restrained trade.

13 **THIRTY-THIRD AFFIRMATIVE DEFENSE**

14 **(Compliance with FTC Rules, Regulations and Statutes)**

15 Any alleged conduct by the AUO Defendants has complied with the rules and regulations of, and
16 the statutes administered by, the Federal Trade Commission or other official departments, divisions,
17 commissions, or agencies of the United States as such rules, regulations or statutes are interpreted by the
18 Federal Trade Commission or such departments, divisions, commissions or agencies, or the federal
19 courts.

20 **THIRTY-FOURTH AFFIRMATIVE DEFENSE**

21 **(Duplicative Damages)**

22 Plaintiff's claims are barred, in whole or in part, to the extent that Plaintiff seeks damages that
23 are duplicative of damages sought in other actions.

24 **THIRTY-FIFTH AFFIRMATIVE DEFENSE**

25 **(Voluntary Payment Doctrine)**

26 Plaintiff's claims are barred, in whole or in part, by the voluntary payment doctrine, under which
27 one cannot recover payments made with full knowledge of the facts.
28

1 **THIRTY-SIXTH AFFIRMATIVE DEFENSE**

2 **(Lack of Market Power)**

3 Plaintiff's claims are barred, in whole or in part, because Plaintiff has failed to allege or prove
4 that the AUO Defendants possessed or possesses market power in any legally cognizable relevant
5 market.

6 **THIRTY-SEVENTH AFFIRMATIVE DEFENSE**

7 **(Improper Venue)**

8 Plaintiff's claims are barred, in whole or in part, because venue in the Northern District of
9 California is improper with respect to the allegations, claims, and/or causes of action set forth in the
10 Complaint that arise from conduct alleged to have occurred outside of that District.

11 **THIRTY-EIGHTH AFFIRMATIVE DEFENSE**

12 **(Other Causes)**

13 Plaintiff's claims, if any, are barred in whole or in part because Plaintiff's losses, if any, resulted
14 from causes other than the acts and occurrences alleged in the Complaint.

15 **THIRTY-NINTH AFFIRMATIVE DEFENSE**

16 **(Independent Conduct of Others)**

17 Plaintiff's claims are barred, in whole or in part, because any and all injuries and damages
18 alleged in the Complaint, in which the AUO Defendants deny having any part, were caused by
19 independent conduct of one or more persons and/or entities over whom the AUO Defendants had no
20 control and for whose actions/omissions the AUO Defendants are not responsible.

21 **FORTIETH AFFIRMATIVE DEFENSE**

22 **(Indirect Purchaser)**

23 Plaintiff is an indirect purchaser of TFT-LCD panels or products and is barred from bringing
24 antitrust actions based on Federal antitrust law in Federal Court.

25 **FORTY-FIRST AFFIRMATIVE DEFENSE**

26 **(Due Diligence)**

27 Plaintiff's claims are barred, in whole or in part, by Plaintiff's failure to exercise due diligence to
28 uncover any alleged conspiracy.

1 **FORTY-SECOND AFFIRMATIVE DEFENSE**

2 **(No Attempt to Conceal)**

3 Plaintiff's claims are barred, in whole or in part, because the AUO Defendants made no
4 affirmative attempt to conceal any alleged conduct.

5 **FORTY-THIRD AFFIRMATIVE DEFENSE**

6 **(Accord and Satisfaction)**

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

8 **FORTY-FOURTH AFFIRMATIVE DEFENSE**

9 **(Equal Protection)**

10 Plaintiff's claims are barred, in whole or in part, to the extent they seek an improper multiple
11 punitive award for a single wrong because such an award would violate the AUO Defendants' rights
12 guaranteed by the Equal Protection provision of the Fourteenth Amendment of the United States
13 Constitution.

14 **FORTY-FIFTH AFFIRMATIVE DEFENSE**

15 **(Double Jeopardy)**

16 Plaintiff's claims are barred, in whole or in part, to the extent they seek an improper multiple
17 punitive award for a single wrong because such an award would violate the AUO Defendants' rights
18 guaranteed by the Double Jeopardy Clause of the Fifth Amendment of the United States Constitution.

19 **FORTY-SIXTH AFFIRMATIVE DEFENSE**

20 **(Excessive Fines)**

21 Plaintiff's claims are barred, in whole or in part, to the extent they seek an improper multiple
22 punitive award for a single wrong because such an award would violate the AUO Defendants' rights
23 guaranteed by the Excessive Fines provision of the Eighth Amendment of the United States
24 Constitution.

1 **FIFTY-SECOND AFFIRMATIVE DEFENSE**

2 **(Failure to Invoke Arbitration Clause)**

3 To the extent Plaintiff has agreed to arbitration or chosen a different forum for the resolution of
4 its claims against AUO Defendants, its claims are barred and should be dismissed.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Defendants AU Optronics Corporation and AU Optronics Corporation America
7 pray for judgment as follows:

8 1. That Plaintiff take nothing under the Complaint, and the Complaint be dismissed with
9 prejudice;

10 2. That judgment be entered in favor of AU Optronics Corporation and AU Optronics
11 Corporation America and against Plaintiff on each and every cause of action set forth in the Complaint;

12 3. That AU Optronics Corporation and AU Optronics Corporation America recover their
13 costs of suit and attorneys' fees incurred herein; and

14 4. That AU Optronics Corporation and AU Optronics Corporation America be granted such
15 other and further relief as the Court deems just and proper.

16
17 Dated: March 5, 2012

NOSSAMAN LLP

18
19 By: /s/ Christopher A. Nedeau
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