

1 WILLIAM S. FARMER (SBN 46694)
 JACOB P. ALPREN (SBN 235713)
 2 ANDREW H. PONTIOUS (SBN 157174)
 COLLETTE ERICKSON FARMER & O'NEILL LLP
 3 235 Pine Street, Suite 1300
 4 San Francisco CA 94104
 Telephone: (415) 788-4646
 5 Fax: (415) 788-6929
 Email: wfarmer@collette.com
 6 jalpren@collette.com
 7 apontious@collette.com

8 *ATTORNEYS FOR DEFENDANT CHUNGHWA PICTURE TUBES*
 9 *LTD.*

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

12 IN RE TFT-LCD (FLAT PANEL)
 13 ANTITRUST LITIGATION

Master File No. C M:07-01827 SI
 Individual Case No. C 3:11-02591 SI
 MDL NO. 1827

14 This Document Relates to
 Case C 3:11-02591 SI

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

16 Plaintiff,

17 v.

**DEFENDANT CHUNGHWA PICTURE
 TUBES, LTD.'S ANSWER AND
 AFFIRMATIVE DEFENSES TO
 T-MOBILE U.S.A., INC.'S AMENDED
 COMPLAINT FOR DAMAGES AND
 INJUNCTIVE RELIEF**

18 AU OPTRONICS CORPORATION; AU
 19 OPTRONICS CORPORATION AMERICA,
 INC; CHI MEI CORPORATION; CHIMEI
 20 INNOLUX CORPORATION; CHI MEI
 OPTOELECTRONICS USA, INC.; CMO
 21 JAPAN CO. LTD.; NEXGEN MEDIATECH,
 INC.; NEXGEN MEDIATECH USA, INC.;
 22 CHUNGHWA PICTURE TUBES LTD.;
 TATUNG COMPANY; TATUNG COMPANY
 23 OF AMERICA, INC.; SEIKO EPSON
 CORPORATION; EPSON IMAGING
 24 DEVICES CORPORATION; EPSON
 ELECTRONICS AMERICA, INC.;
 25 HANNSTAR DISPLAY CORPORATION;
 HITACHI, LTD.; HITACHI DISPLAYS,
 26 LTD.; HITACHI ELECTRONIC DISPLAYS
 (USA), INC.; LG DISPLAY CO. LTD.; LG
 27 DISPLAY AMERICA, INC.; PHILIPS
 ELECTRONICS NORTH AMERICA
 28 CORPORATION; SAMSUNG
 ELECTRONICS CO., LTD.; SAMSUNG

1 SEMICONDUCTOR, INC.; SAMSUNG
ELECTRONICS AMERICA, INC.;
2 SAMSUNG SDI CO., LTD.; SAMSUNG SDI
AMERICA, INC.; SANYO CONSUMER
3 ELECTRONICS, LTD.; SHARP
CORPORATION; SHARP ELECTRONICS
4 CORPORATION; TOSHIBA
CORPORATION; TOSHIBA AMERICA
5 ELECTRONICS COMPONENTS, INC.;
TOSHIBA MOBILE DISPLAY
6 TECHNOLOGY CO., LTD.; TOSHIBA
AMERICA INFORMATION SYSTEMS, INC.,

7
8 Defendants.
9

10 Defendant Chunghwa Picture Tubes, Ltd. (“CPT”), by and through its undersigned counsel,
11 hereby files its Answer and Affirmative Defenses to Plaintiff T-Mobile U.S.A., Inc.’s (“T-Mobile”)
12 Amended Complaint filed November 17, 2011 (the “Complaint” or “Amended Complaint”),
13 admitting, denying or otherwise averring as follows. To the extent that the Amended Complaint’s
14 allegations refer to claims dismissed by the Court in its February 6, 2012 Order granting Defendants’
15 Joint Motion to Dismiss (“Feb. 6 Order”), CPT avers that no response is necessary as such claims
16 and their underlying allegations no longer form a part of the operative complaint. To the extent that a
17 response to such allegations is necessary, CPT denies each dismissed claim and its underlying
18 allegations.

19 **I. INTRODUCTION**

20 1. CPT lacks sufficient information to admit or deny the allegations contained in
21 Paragraph 1 of the Complaint. To the extent that a further response is required, CPT denies these
22 allegations.

23 2. CPT admits that certain employees of Chunghwa Picture Tubes, Ltd. attended certain
24 group meetings, commonly referred to as “Crystal Meetings,” with representatives of certain Large
25 Area TFT-LCD competitors between September 14, 2001 and December 1, 2006. The term “Crystal
26 Meetings” as used in this Answer, means group meetings between certain Large Area TFT-LCD
27 competitors that were held in Taiwan between September 14, 2001 and December 1, 2006 regarding
28 Large Area TFT-LCDs. The term “Large Area TFT-LCD,” as used in this Answer, means TFT-LCD

1 panels larger than 10 inches that were used to manufacture televisions, monitors, and notebook and
2 laptop computers. CPT further admits that it agreed to plead guilty to a one-count Information
3 charging it with participating in a conspiracy to suppress and eliminate competition by fixing the
4 prices of Large Area TFT-LCDs sold in the United States and elsewhere, from on or about
5 September 14, 2001 to on or about December 1, 2006, in violation of Section 1 of the Sherman Act.
6 CPT specifically denies that it conspired to fix, raise, stabilize or maintain prices for small-area TFT-
7 LCD panels, including any panels purchased by T-Mobile. Except as expressly admitted, to the
8 extent the allegations contained in Paragraph 2 pertain to CPT, CPT denies such allegations. To the
9 extent the allegations contained in Paragraph 2 do not pertain to CPT, CPT is without knowledge or
10 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2, and,
11 on that basis, denies such allegations.

12 3. To the extent the allegations of Paragraph 3 are definitional, no response is required.
13 To the extent a response is required, as to the first sentence of Paragraph 3, CPT is without
14 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
15 Paragraph 3, and, on that basis, denies such allegations. To the extent the allegations contained in the
16 second and third sentences of Paragraph 3 relate to CPT, CPT denies such allegations. To the extent
17 the allegations contained in the second and third sentences of Paragraph 3 do not relate to CPT, CPT
18 is without knowledge or information sufficient to form a belief as to the truth of the allegations
19 contained in Paragraph 3, and, on that basis, denies such allegations.

20 4. To the extent that the allegations in Paragraph 4 are directed at Plaintiff or other
21 defendants, CPT lacks information sufficient to form a belief as to the truth of the allegations
22 contained in Paragraph 4, and on that basis denies those allegations. To the extent the allegations of
23 Paragraph 4 are directed at CPT, CPT denies them.

24 5. CPT admits that it entered into a plea agreement with the U.S. Department of Justice,
25 the contents of which speak for themselves. CPT refers the Court to that document for a full and
26 complete statement of its contents. CPT further states that the plea agreements entered into by Sharp
27 Corporation, Epson Imaging Devices Corporation, and LG Display Co., Ltd. also speak for
28 themselves. CPT refers the Court to those documents for a full and complete statement of their

1 contents. Except as expressly admitted, to the extent the allegations contained in Paragraph 5 pertain
2 to CPT, CPT denies such allegations. To the extent the allegations contained in Paragraph 5 do not
3 pertain to CPT, CPT is without knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 5, and, on that basis, denies such allegations.

5 6. To the extent that the allegations of Paragraph 6 refer to claims dismissed by the
6 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
7 of the operative complaint. CPT admits that it entered into a plea agreement with the U.S.
8 Department of Justice, the contents of which speak for themselves. CPT refers the Court to that
9 document for a full and complete statement of its contents. CPT further states that the plea agreements
10 entered into by Sharp Corporation, Epson Imaging Devices Corporation, and LG Display Co., Ltd.
11 also speak for themselves. CPT refers the Court to those documents for a full and complete
12 statement of their contents. Except as expressly admitted, to the extent the allegations contained in
13 Paragraph 6 pertain to CPT, CPT denies such allegations. To the extent the allegations contained in
14 Paragraph 6 do not pertain to CPT, CPT is without knowledge or information sufficient to form a
15 belief as to the truth of the allegations contained in Paragraph 6, and, on that basis, denies such
16 allegations.

17 7. To the extent that the allegations of Paragraph 7 refer to claims dismissed by the
18 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
19 of the operative complaint. To the extent the allegations contained in Paragraph 7 pertain to CPT,
20 CPT denies such allegations. To the extent the allegations contained in Paragraph 7 do not pertain to
21 CPT, CPT is without knowledge or information sufficient to form a belief as to the truth of the
22 allegations contained in Paragraph 7, and, on that basis, denies such allegations.

23 8. To the extent that the allegations in Paragraph 8 are directed at other defendants, CPT
24 lacks information sufficient to form a belief as to the truth of the allegations contained in Paragraph
25 8, and on that basis denies those allegations. To the extent the allegations of Paragraph 8 are directed
26 at CPT, CPT denies them.

27 9. CPT admits T-Mobile purports to bring this action pursuant to federal and state
28 antitrust laws and seeks to recover the costs of suit, including reasonable attorneys' fees. To the

1 extent that the allegations of Paragraph 9 refer to claims dismissed by the Court's Feb. 6 Order, CPT
2 avers that no response is necessary as these claims no longer form a part of the operative complaint.
3 To the extent a further response is required, CPT denies any remaining allegations contained in
4 Paragraph 9.

5 **II. JURISDICTION AND VENUE**

6 10. CPT admits that Plaintiff purports to bring this action pursuant to federal antitrust
7 laws. To the extent a further response is required, CPT denies any remaining allegations contained in
8 Paragraph 10.

9 11. CPT admits that Plaintiff purports to bring this action pursuant to state antitrust laws.
10 To the extent that the allegations of Paragraph 11 refer to claims dismissed by the Court's Feb. 6
11 Order, CPT avers that no response is necessary as these claims no longer form a part of the operative
12 complaint. To the extent a further response is required, CPT denies any remaining allegations
13 contained in Paragraph 11.

14 12. To the extent Paragraph 12 states legal conclusions, CPT is not required to respond.
15 To the extent that the allegations of Paragraph 12 refer to claims dismissed by the Court's Feb. 6
16 Order, CPT avers that no response is necessary as these claims no longer form a part of the operative
17 complaint. To the extent a further response is required, CPT denies any remaining allegations of
18 Paragraph 12.

19 13. To the extent Paragraph 13 states legal conclusions, CPT is not required to respond.
20 To the extent that the allegations of Paragraph 13 refer to claims dismissed by the Court's Feb. 6
21 Order, CPT avers that no response is necessary as these claims no longer form a part of the operative
22 complaint. To the extent that the allegations in Paragraph 13 are directed at other defendants, CPT
23 lacks information sufficient to form a belief as to the truth of the allegations contained in Paragraph
24 13, and on that basis denies those allegations. To the extent the allegations of Paragraph 13 are
25 directed at CPT, CPT denies them.

26 14. The allegations in Paragraph 14 contain legal conclusions that do not require a
27 response. To the extent a response is required and the allegations in Paragraph 14 are directed at
28 other defendants, CPT lacks information sufficient to form a belief as to the truth of the allegations

1 contained in Paragraph 14, and on that basis denies those allegations. To the extent the allegations of
2 Paragraph 14 are directed at CPT, CPT denies them.

3 15. To the extent Paragraph 15 states legal conclusions, CPT is not required to respond.
4 CPT admits that because T-Mobile's action is related to the case captioned In Re TFT-LCD
5 Antitrust Litigation action, Case No.:07-cv-1827 SI, this action was assigned to the San Francisco
6 Division, Judge Susan Illston presiding. To the extent a further response is required and the
7 allegations of Paragraph 15 refer to claims dismissed by the Court's Feb. 6 Order, CPT avers that no
8 response is necessary as these claims no longer form a part of the operative complaint. CPT denies
9 any remaining allegations contained in Paragraph 15.

10 16. To the extent Paragraph 16 states legal conclusions, CPT is not required to respond.
11 CPT admits that pursuant to Pretrial Order #1 in M:07-cv-1827 SI, this case was automatically
12 consolidated with M:07-cv-1827 SI for all pretrial proceedings. To the extent a further response is
13 required, CPT denies the allegations contained in Paragraph 16.

14 **III. DEFINITIONS**

15 17. To the extent the allegations in Paragraph 17 are definitional, CPT is not required to
16 respond. To the extent a response is required, CPT admits that TFT-LCD and STN-LCD are glass
17 panels composed of an array of tiny pixels that are electronically manipulated in order to display
18 images. Except as expressly admitted, CPT denies these allegations.

19 18. To the extent the allegations in Paragraph 18 are definitional, CPT is not required to
20 respond. Except as expressly admitted, and to the extent that the allegations in Paragraph 18 pertain
21 to CPT, CPT denies such allegations. To the extent the allegations in Paragraph 18 do not pertain to
22 CPT, CPT is without knowledge or information sufficient to form a belief as to the truth of the
23 allegations contained in Paragraph 18, and, on that basis, denies such allegations.

24 19. The allegations in Paragraph 19 are definitional and do not require a response. To the
25 extent a response is required, CPT denies these allegations.

26 20. The allegations in Paragraph 20 are definitional and do not require a response. To the
27 extent a response is required, CPT denies these allegations.

28

1 21. The allegations in Paragraph 21 are definitional and do not require a response. To the
2 extent a response is required, CPT denies these allegations.

3 **IV. THE PARTIES**

4 **A. Plaintiff T-Mobile**

5 22. To the extent that the allegations of Paragraph 22 are directed at Plaintiff or other
6 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
7 allegations contained in Paragraph 22, and, on that basis, denies such allegations. To the extent that
8 these allegations are directed at CPT, it denies them.

9 23. CPT admits that Plaintiff purports to define “T-Mobile” to include T-Mobile U.S.A.,
10 Inc., as well as any company that purchased mobile wireless handsets during the Conspiracy Period
11 whose stock was later acquired or obtained by T-Mobile U.S.A., Inc. To the extent that the
12 allegations of Paragraph 23 are directed at Plaintiff or other defendants, CPT is without knowledge
13 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23,
14 and, on that basis, denies such allegations. To the extent that these allegations are directed at CPT, it
15 denies them.

16 24. To the extent that the allegations in Paragraph 24 pertain to CPT, CPT denies such
17 allegations. To the extent the allegations in Paragraph 24 do not pertain to CPT, CPT is without
18 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
19 Paragraph 24, and, on that basis, denies such allegations.

20 25. To the extent that the allegations of Paragraph 25 refer to claims dismissed by the
21 Court’s Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
22 of the operative complaint. To the extent a further response is required, CPT is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25,
24 and, on that basis, denies such allegations.

25 26. To the extent that the allegations of Paragraph 26 refer to claims dismissed by the
26 Court’s Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
27 of the operative complaint. To the extent a further response is required, CPT is without knowledge or
28

1 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26,
2 and, on that basis, denies such allegations.

3 27. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
4 is without knowledge or information sufficient to form a belief as to the truth of the allegations
5 contained in Paragraph 27, and, on that basis, denies such allegations. To the extent that these
6 allegations are directed at CPT, it denies them.

7 28. CPT is without knowledge or information sufficient to form a belief as to the truth of
8 the allegations contained in Paragraph 28, and, on that basis, denies such allegations.

9 **B. Defendants**

10 **1. AU Optronics**

11 29. CPT is without knowledge or information sufficient to form a belief as to the truth of
12 the allegations contained in Paragraph 29, and, on that basis, denies such allegations.

13 30. CPT is without knowledge or information sufficient to form a belief as to the truth of
14 the allegations contained in Paragraph 30, and, on that basis, denies such allegations.

15 31. CPT is without knowledge or information sufficient to form a belief as to the truth of
16 the allegations contained in Paragraph 31, and, on that basis, denies such allegations.

17 **2. Chi Mei**

18 32. CPT is without knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 32, and, on that basis, denies such allegations.

20 33. CPT is without knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 33, and, on that basis, denies such allegations.

22 34. CPT is without knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 34, and, on that basis, denies such allegations.

24 35. CPT is without knowledge or information sufficient to form a belief as to the truth of
25 the allegations contained in Paragraph 35, and, on that basis, denies such allegations.

26 36. CPT is without knowledge or information sufficient to form a belief as to the truth of
27 the allegations contained in Paragraph 36, and, on that basis, denies such allegations.

1 37. CPT is without knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 37, and, on that basis, denies such allegations.

3 38. CPT is without knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 38, and, on that basis, denies such allegations.

5 **3. Chunghwa**

6 39. CPT admits that Chunghwa Picture Tubes, Ltd. is headquartered at 1127 Heping Rd.
7 Bade City, Taoyuan, Taiwan, 334 R.O.C. and that it manufactures TFT-LCD Panels and that it
8 manufactures TFT-LCD panels. CPT further admits that CPT sold a small number of TFT-LCD
9 panels in the United States in the years 2001 through 2006. CPT admits that the Board of Directors
10 of CPT includes representatives from Tatung Company. CPT admits that Wei-Shan Lin is the
11 Chairman of CPT. Except as expressly admitted, CPT denies the allegations in Paragraph 39.

12 40. On information and belief, CPT admits that Tatung Company is a consolidated
13 consumer electronics and information technology company based in Taiwan. On information and
14 belief, CPT further admits that Tatung's principal place of business is at 22, Sec. 3, Chung Shan N.
15 Rd., Taipei City 104, Taiwan. CPT admits that Tatung Company owns a portion of CPT and TUS.
16 Except as expressly admitted, CPT denies the allegations contained in Paragraph 40.

17 41. On information and belief, CPT admits that Tatung America has its principal place of
18 business in Long Beach, California. Except as expressly admitted, CPT is without knowledge or
19 information sufficient to form a belief as to the truth of the remaining allegations contained in
20 Paragraph 41, and, on that basis, denies such allegations.

21 42. CPT states that the allegations in the first sentence of Paragraph 42 define the terms of
22 the Complaint and are not averments of fact for which a response is required. CPT, denies, however,
23 the characterization of Tatung Company of America, Inc., Tatung Company and CPT as being
24 synonymously known as "Chunghwa" and avers that Paragraph 42 renders the Complaint indefinite
25 and uncertain as to the distinction between CPT, Tatung Company of America, Inc. and Tatung
26 Company. CPT further denies the characterization in the second sentence of Paragraph 42.

27 43. CPT denies the characterization of Tatung Company of America, Inc., Tatung
28 Company and CPT as being synonymously known as "Chunghwa" and avers that Paragraph 43

1 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung Company
2 of America, Inc. and Tatung Company. CPT admits that C.Y. Lin and Chieng-Hon Lin formerly
3 served as Chairman and President of CPT. Except as expressly admitted, to the extent the remaining
4 allegations contained in Paragraph 43 relate to CPT, CPT denies such allegations, and to the extent
5 the allegations contained in Paragraph 43 do not relate to CPT, CPT is without knowledge or
6 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43,
7 and, on that basis, denies such allegations.

8 **4. Epson**

9 44. CPT is without knowledge or information sufficient to form a belief as to the truth of
10 the allegations contained in Paragraph 44, and, on that basis, denies such allegations.

11 45. CPT is without knowledge or information sufficient to form a belief as to the truth of
12 the allegations contained in Paragraph 45, and, on that basis, denies such allegations.

13 46. CPT is without knowledge or information sufficient to form a belief as to the truth of
14 the allegations contained in Paragraph 46, and, on that basis, denies such allegations.

15 47. CPT is without knowledge or information sufficient to form a belief as to the truth of
16 the allegations contained in Paragraph 47, and, on that basis, denies such allegations.

17 **5. HannStar**

18 48. CPT is without knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 48, and, on that basis, denies such allegations.

20 **6. Hitachi**

21 49. CPT is without knowledge or information sufficient to form a belief as to the truth of
22 the allegations contained in Paragraph 49, and, on that basis, denies such allegations.

23 50. CPT is without knowledge or information sufficient to form a belief as to the truth of
24 the allegations contained in Paragraph 50, and, on that basis, denies such allegations.

25 51. CPT is without knowledge or information sufficient to form a belief as to the truth of
26 the allegations contained in Paragraph 51, and, on that basis, denies such allegations.

27 52. CPT states that the allegations in the first sentence of Paragraph 52 define the terms
28 of the Complaint and are not averments of fact for which a response is required.

1 **7. LG Display**

2 53. CPT is without knowledge or information sufficient to form a belief as to the truth of
3 the allegations contained in Paragraph 53, and, on that basis, denies such allegations.

4 54. CPT is without knowledge or information sufficient to form a belief as to the truth of
5 the allegations contained in Paragraph 54, and, on that basis, denies such allegations.

6 55. CPT is without knowledge or information sufficient to form a belief as to the truth of
7 the allegations contained in Paragraph 55, and, on that basis, denies such allegations.

8 **8. Philips**

9 56. CPT is without knowledge or information sufficient to form a belief as to the truth of
10 the allegations contained in Paragraph 56, and, on that basis, denies such allegations.

11 57. CPT is without knowledge or information sufficient to form a belief as to the truth of
12 the allegations contained in Paragraph 57, and, on that basis, denies such allegations.

13 58. CPT is without knowledge or information sufficient to form a belief as to the truth of
14 the allegations contained in Paragraph 58, and, on that basis, denies such allegations.

15 **9. Samsung**

16 59. CPT is without knowledge or information sufficient to form a belief as to the truth of
17 the allegations contained in Paragraph 59, and, on that basis, denies such allegations.

18 60. CPT is without knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 60, and, on that basis, denies such allegations.

20 61. CPT is without knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 61, and, on that basis, denies such allegations.

22 62. CPT is without knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 62, and, on that basis, denies such allegations.

24 63. CPT is without knowledge or information sufficient to form a belief as to the truth of
25 the allegations contained in Paragraph 63, and, on that basis, denies such allegations.

26 64. CPT is without knowledge or information sufficient to form a belief as to the truth of
27 the allegations contained in Paragraph 64, and, on that basis, denies such allegations.

1 65. CPT is without knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 65, and, on that basis, denies such allegations.

3 66. CPT is without knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 66, and, on that basis, denies such allegations.

5 67. CPT is without knowledge or information sufficient to form a belief as to the truth of
6 the allegations contained in Paragraph 67, and, on that basis, denies such allegations.

7 68. CPT is without knowledge or information sufficient to form a belief as to the truth of
8 the allegations contained in Paragraph 68, and, on that basis, denies such allegations.

9 69. CPT is without knowledge or information sufficient to form a belief as to the truth of
10 the allegations contained in Paragraph 69, and, on that basis, denies such allegations.

11 **10. Sanyo**

12 70. CPT is without knowledge or information sufficient to form a belief as to the truth of
13 the allegations contained in Paragraph 70, and, on that basis, denies such allegations.

14 71. CPT is without knowledge or information sufficient to form a belief as to the truth of
15 the allegations contained in Paragraph 71, and, on that basis, denies such allegations.

16 **11. Sharp**

17 72. CPT is without knowledge or information sufficient to form a belief as to the truth of
18 the allegations contained in Paragraph 72, and, on that basis, denies such allegations.

19 73. CPT is without knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 73, and, on that basis, denies such allegations.

21 74. CPT is without knowledge or information sufficient to form a belief as to the truth of
22 the allegations contained in Paragraph 74, and, on that basis, denies such allegations.

23 **12. Toshiba**

24 75. CPT is without knowledge or information sufficient to form a belief as to the truth of
25 the allegations contained in Paragraph 75, and, on that basis, denies such allegations.

26 76. CPT is without knowledge or information sufficient to form a belief as to the truth of
27 the allegations contained in Paragraph 76, and, on that basis, denies such allegations.
28

1 77. CPT is without knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 77, and, on that basis, denies such allegations.

3 78. CPT is without knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 78, and, on that basis, denies such allegations.

5 79. CPT states that the allegations in the first sentence of Paragraph 79 define the terms
6 of the Complaint and are not averments of fact for which a response is required. CPT is without
7 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
8 Paragraph 79, and, on that basis, denies such allegations.

9 **C. Co-Conspirators**

10 80. To the extent the allegations contained in Paragraph 80 relate to CPT, CPT denies
11 such allegations. To the extent the allegations contained in Paragraph 80 do not relate to CPT, CPT
12 is without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained in Paragraph 80, and, on that basis, denies such allegations.

14 81. To the extent Paragraph 81 states legal conclusions, CPT is not required to respond.
15 To the extent the allegations contained in Paragraph 81 relate to CPT, CPT denies such allegations.
16 To the extent the allegations contained in Paragraph 81 do not relate to CPT, CPT is without
17 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
18 Paragraph 81, and, on that basis, denies such allegations.

19 82. CPT is without knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 82, and, on that basis, denies such allegations.

21 83. To the extent the allegations contained in Paragraph 83 relate to CPT, CPT denies
22 such allegations. To the extent the allegations contained in Paragraph 83 do not relate to CPT, CPT
23 is without knowledge or information sufficient to form a belief as to the truth of the allegations
24 contained in Paragraph 83, and, on that basis, denies such allegations.

25 84. To the extent Paragraph 84 states legal conclusions, CPT is not required to respond.
26 To the extent the allegations contained in Paragraph 84 relate to CPT, CPT denies such allegations.
27 To the extent the allegations contained in Paragraph 84 do not relate to CPT, CPT is without
28

1 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
2 Paragraph 84, and, on that basis, denies such allegations.

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

4 85. CPT admits the allegations contained in the first sentence of Paragraph 85. CPT is
5 without knowledge or information sufficient to form a belief as to the truth of the allegations
6 contained in the second sentence of Paragraph 85, and, on that basis, denies such allegations.

7 86. CPT admits that TFT-LCD panels have value as components of LCD Products.
8 Except as expressly admitted, CPT denies the allegations contained in Paragraph 86.

9 87. CPT is without knowledge or information sufficient to form a belief as to the truth of
10 the allegations contained in Paragraph 87, and, on that basis, denies such allegations.

11 88. CPT denies the allegations contained in Paragraph 88.

12 89. CPT denies the allegations contained in Paragraph 89.

13 90. CPT is without knowledge of information sufficient to form a belief as to the truth of
14 the allegations, contained in the first three sentences of Paragraph 90, and on that basis, denies such
15 allegations. CPT denies the allegations contained in the fourth and fifth sentence of Paragraph 90.

16 91. CPT denies the allegations contained in Paragraph 91.

17 92. To the extent the allegations contained in Paragraph 92 pertain to CPT, CPT denies
18 such allegations. To the extent the allegations contained in Paragraph 92 do not pertain to CPT, CPT
19 is without knowledge or information sufficient to form a belief as to the truth of the allegations
20 contained in Paragraph 92, and, on that basis, denies such allegations.

21 93. CPT admits that it is costly to build new fabrication plants, or “fabs,” to manufacture
22 TFT-LCD panels. CPT further admits that TFT-LCD panels are subject to technological
23 advancements and that firms in the industry must spend significant capital on research and
24 development. Except as expressly admitted, CPT denies the allegations contained in Paragraph 93.

25 94. CPT denies the allegations contained in Paragraph 94.

26 95. CPT is without knowledge or information sufficient to form a belief as to the truth of
27 the allegations contained in Paragraph 95, and, on that basis, denies such allegations.

1 96. To the extent the allegations contained in Paragraph 96 pertain to CPT, CPT denies
2 such allegations. To the extent the allegations contained in Paragraph 96 do not pertain to CPT, CPT
3 is without knowledge or information sufficient to form a belief as to the truth of the allegations
4 contained in Paragraph 96, and, on that basis, denies such allegations.

5 97. CPT incorporates here its averments to Paragraph 2. To the extent a further response
6 is required and these allegations are directed at Plaintiff or other defendants, CPT is without
7 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
8 Paragraph 97, and, on that basis, denies such allegations. To the extent a further response is required
9 and these allegations are directed at CPT, it denies them.

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

11 98. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
12 is without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained in Paragraph 98, and, on that basis, denies such allegations. To the extent that these
14 allegations are directed at CPT, it denies them.

15 99. To the extent these allegations are directed at Plaintiff or other defendants, CPT is
16 without knowledge or information sufficient to form a belief as to the truth of the allegations
17 contained in Paragraph 99, and, on that basis, denies such allegations. To the extent a further
18 response is required and these allegations are directed at CPT, it denies them.

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

22 100. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
23 is without knowledge or information sufficient to form a belief as to the truth of the allegations
24 contained in Paragraph 100, and, on that basis, denies such allegations. To the extent that these
25 allegations are directed at CPT and a further response is required, CPT admits that certain employees
26 of CPT attended certain group meetings in Taiwan (Crystal Meetings) with representatives of certain
27 Large Area TFT-LCD competitors between September 14, 2001 and December 1, 2006. CPT further
28 admits that sometimes understandings concerning prices of Large Area TFT-LCDs to certain Large

1 Area TFT-LCD customers were reached among attendees of Crystal Meetings. Except as expressly
2 admitted, CPT denies the allegations contained in Paragraph 100.

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

5 101. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
6 is without knowledge or information sufficient to form a belief as to the truth of the allegations
7 contained in Paragraph 101, and, on that basis, denies such allegations. To the extent that these
8 allegations are directed at CPT, it denies them.

9 102. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
10 is without knowledge or information sufficient to form a belief as to the truth of the allegations
11 contained in Paragraph 102, and, on that basis, denies such allegations. To the extent that these
12 allegations are directed at CPT, it denies them.

13 103. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
14 is without knowledge or information sufficient to form a belief as to the truth of the allegations
15 contained in Paragraph 103, and, on that basis, denies such allegations. To the extent that these
16 allegations are directed at CPT, it denies them.

17 104. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
18 is without knowledge or information sufficient to form a belief as to the truth of the allegations
19 contained in Paragraph 104, and, on that basis, denies such allegations. To the extent that these
20 allegations are directed at CPT, it denies them.

21 105. CPT is without knowledge or information sufficient to form a belief as to the truth of
22 the allegations contained in Paragraph 105, and, on that basis, denies such allegations.

23 106. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
24 is without knowledge or information sufficient to form a belief as to the truth of the allegations
25 contained in Paragraph 106, and, on that basis, denies such allegations. To the extent that these
26 allegations are directed at CPT, it denies them.

27 107. CPT denies the previous characterization of Tatung Company of America, Inc.,
28 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph

1 107 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
2 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
3 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
4 Paragraph 107. CPT is without knowledge or information sufficient to form a belief as to the truth of
5 the allegations contained in Paragraph 107, and, on that basis, denies such allegations.

6 108. CPT denies the previous characterization of Tatung Company of America, Inc.,
7 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
8 108 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
9 Company of America, Inc. and Tatung Company. CPT admits that Brian Lee testified that he met
10 with Sanyo representatives in order to gain a better understanding of the market. CPT incorporates
11 here its averments in response to Paragraph 2. To the extent the term “Chunghwa” refers to Tatung
12 Company or Tatung Company of America, Inc., CPT denies the allegations contained in Paragraph
13 108. Except as expressly admitted, CPT denies the allegations contained in Paragraph 108.

14 109. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
15 is without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained in Paragraph 109, and, on that basis, denies such allegations. To the extent that these
17 allegations are directed at CPT, it denies them.

18 110. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
19 is without knowledge or information sufficient to form a belief as to the truth of the allegations
20 contained in Paragraph 110, and, on that basis, denies such allegations. To the extent that these
21 allegations are directed at CPT, it denies them.

22 111. CPT is without knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 111, and, on that basis, denies such allegations.

24 112. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
25 is without knowledge or information sufficient to form a belief as to the truth of the allegations
26 contained in Paragraph 112, and, on that basis, denies such allegations. To the extent that these
27 allegations are directed at CPT, it denies them.

1 113. CPT incorporates here its averments in response to Paragraph 2. CPT denies the
2 previous characterization of Tatung Company of America, Inc., Tatung Company and CPT as being
3 synonymously known as “Chunghwa” and avers that Paragraph 113 renders the Complaint indefinite
4 and uncertain as to the distinction between CPT, Tatung Company of America, Inc. and Tatung
5 Company. To the extent the term “Chunghwa” refers to Tatung Company or Tatung Company of
6 America, Inc., CPT denies the allegations contained in Paragraph 113. CPT admits that certain
7 employees of Chunghwa Picture Tubes, Ltd. attended certain group meetings (Crystal Meetings)
8 with representatives of certain Large Area TFT-LCD competitors between September 14, 2001 and
9 December 1, 2006. Except as expressly admitted, CPT denies the allegations contained in Paragraph
10 113. To the extent that these allegations are directed at Plaintiff or other defendants, CPT is without
11 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
12 Paragraph 113, and, on that basis, denies such allegations.

13 114. CPT admits that Crystal Meetings were characterized as “CEO” or “Top” meetings
14 and “Commercial” or “Operational” meetings. CPT further admits that “Commercial” or
15 “Operational” meetings were generally attended by vice presidents and senior sales executives from
16 those companies who participated in these meetings. CPT further admits that certain “working-level”
17 meetings were held between September 14, 2001 and December 1, 2006. Except as expressly
18 admitted, CPT denies the allegations contained in Paragraph 114. To the extent that these
19 allegations are directed at Plaintiff or other defendants, CPT is without knowledge or information
20 sufficient to form a belief as to the truth of the allegations contained in Paragraph 114, and, on that
21 basis, denies such allegations.

22 115. CPT admits that CEO Crystal Meetings occurred from September 14, 2001 through
23 2002. CPT further admits that the attendees at CEO Crystal Meetings discussed the prices of Large
24 Area TFT-LCDs and the supply of Large Area TFT-LCDs. CPT further admits that sometimes
25 understandings concerning prices of Large Area TFT-LCDs to certain Large Area TFT-LCD
26 customers were reached among attendees of Crystal Meetings. CPT admits that the meetings had a
27 “chairman,” who sometimes used a projector with a whiteboard. CPT admits that CEO Crystal
28 Meeting attendees sometimes took turns making comments regarding Large Area TFT-LCDs.

1 Except as expressly admitted, CPT denies the allegations contained in Paragraph 115. To the extent
2 that these allegations are directed at Plaintiff or other defendants, CPT is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115,
4 and, on that basis, denies such allegations.

5 116. CPT admits that there were Commercial Crystal Meetings between September 14,
6 2001 and December 1, 2006 that operated in a manner similar to CEO Crystal Meetings. CPT admits
7 that Commercial meetings took place more frequently than CEO Crystal Meetings. Except as
8 expressly admitted, CPT denies the allegations contained in Paragraph 116. To the extent that these
9 allegations are directed at Plaintiff or other defendants, CPT is without knowledge or information
10 sufficient to form a belief as to the truth of the allegations contained in Paragraph 116, and, on that
11 basis, denies such allegations.

12 117. CPT admits that Crystal Meeting attendees sometimes discussed the prices of Large
13 Area TFT-LCDs and the supply of Large Area TFT-LCDs. CPT further admits that sometimes
14 understandings concerning prices of Large Area TFT-LCDs to certain Large Area TFT-LCD
15 customers were reached among attendees of Crystal Meetings. Except as expressly admitted, CPT
16 denies the allegations contained in Paragraph 117. To the extent that these allegations are directed at
17 Plaintiff or other defendants, CPT is without knowledge or information sufficient to form a belief as
18 to the truth of the allegations contained in Paragraph 117, and, on that basis, denies such allegations.

19 118. CPT admits that there were CEO and Commercial meetings during which the
20 attendees discussed the prices of Large Area TFT-LCDs and the supply of Large Area TFT-LCDs.
21 Except as expressly admitted, CPT denies the allegations contained in Paragraph 118. To the extent
22 that these allegations are directed at Plaintiff or other defendants, CPT is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 118,
24 and, on that basis, denies such allegations.

25 119. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
26 is without knowledge or information sufficient to form a belief as to the truth of the allegations
27 contained in Paragraph 119, and, on that basis, denies such allegations. To the extent that these
28 allegations are directed at CPT, CPT admits that there were CEO and Commercial meetings during

1 which the attendees discussed the prices of Large Area TFT-LCDs and the supply of Large Area
2 TFT-LCDs. Except as expressly admitted, CPT denies the allegations contained in Paragraph 119.

3 120. To the extent that these allegations are directed at plaintiff or other defendants, CPT
4 is without knowledge or information sufficient to form a belief as to the truth of the allegations
5 contained in paragraph 120, and, on that basis, denies such allegations. To the extent that these
6 allegations are directed at CPT, CPT admits that there were CEO and Commercial meetings during
7 which the attendees discussed the prices of Large Area TFT-LCDs and the supply of Large Area
8 TFT-LCDs and that participants may have taken steps to avoid drawing attention to those meetings.
9 Except as expressly admitted, CPT denies the allegations contained in paragraph 120.

10 121. CPT incorporates here its averments in response to Paragraph 2. CPT denies the
11 previous characterization of Tatung Company of America, Inc., Tatung Company and CPT as being
12 synonymously known as “Chunghwa” and avers that Paragraph 121 renders the Complaint indefinite
13 and uncertain as to the distinction between CPT, Tatung Company of America, Inc. and Tatung
14 Company. To the extent the term “Chunghwa” refers to Tatung Company or Tatung Company of
15 America, Inc., CPT denies the allegations contained in Paragraph 121. Except as expressly admitted,
16 CPT denies the allegations contained in Paragraph 121. To the extent that these allegations are
17 directed at Plaintiff or other defendants, CPT is without knowledge or information sufficient to form
18 a belief as to the truth of the allegations contained in Paragraph 121 and, on that basis, denies such
19 allegations.

20 122. CPT admits that the structure of the so-called “working-level” meetings was less
21 formal than the CEO or Commercial meetings and often occurred at restaurants over meals. CPT
22 further admits that “working-level” meeting attendees sometimes discussed Large Area TFT-LCD
23 prices, supply, demand, and production. Except as so expressly admitted, CPT is without knowledge
24 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
25 122, and, on that basis, denies such allegations.

26 123. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
27 is without knowledge or information sufficient to form a belief as to the truth of the allegations
28

1 contained in Paragraph 123, and, on that basis, denies such allegations. To the extent that these
2 allegations are directed at CPT, it denies them.

3 124. CPT is without knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 124, and, on that basis, denies such allegations.

5 125. CPT is without knowledge or information sufficient to form a belief as to the truth of
6 the allegations contained in Paragraph 125, and, on that basis, denies such allegations.

7 126. CPT is without knowledge or information sufficient to form a belief as to the truth of
8 the allegations contained in Paragraph 126, and, on that basis, denies such allegations.

9 127. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
10 is without knowledge or information sufficient to form a belief as to the truth of the allegations
11 contained in Paragraph 127, and, on that basis, denies such allegations. To the extent that these
12 allegations are directed at CPT, it denies them.

13 128. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
14 is without knowledge or information sufficient to form a belief as to the truth of the allegations
15 contained in Paragraph 128, and, on that basis, denies such allegations. To the extent that these
16 allegations are directed at CPT, it denies them.

17 129. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
18 is without knowledge or information sufficient to form a belief as to the truth of the allegations
19 contained in Paragraph 129, and, on that basis, denies such allegations. To the extent that these
20 allegations are directed at CPT, it denies them.

21 130. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
22 is without knowledge or information sufficient to form a belief as to the truth of the allegations
23 contained in Paragraph 130, and, on that basis, denies such allegations. To the extent that these
24 allegations are directed at CPT, it denies them.

25 131. CPT denies the previous characterization of Tatung Company of America, Inc.,
26 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
27 131 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
28 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to

1 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
2 Paragraph 131. CPT incorporates here its averments in response to Paragraph 2. CPT admits that
3 there were CEO, Commercial and Working Level meetings during which the attendees discussed the
4 prices of Large Area TFT-LCDs and the supply of Large Area TFT-LCDs. Except as expressly
5 admitted, CPT denies the allegations contained in paragraph 131.

6 132. CPT denies the previous characterization of Tatung Company of America, Inc.,
7 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
8 132 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
9 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
10 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
11 Paragraph 132. CPT incorporates here its averments in response to Paragraph 2. CPT admits that
12 there were CEO, Commercial and Working Level meetings during which the attendees discussed the
13 prices of Large Area TFT-LCDs and the supply of Large Area TFT-LCDs. Except as expressly
14 admitted, CPT denies the allegations contained in paragraph 132.

15 133. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
16 is without knowledge or information sufficient to form a belief as to the truth of the allegations
17 contained in Paragraph 133, and, on that basis, denies such allegations. To the extent that these
18 allegations are directed at CPT, it denies them.

19 134. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
20 is without knowledge or information sufficient to form a belief as to the truth of the allegations
21 contained in Paragraph 134, and, on that basis, denies such allegations. To the extent that these
22 allegations are directed at CPT, it denies them.

23 135. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
24 is without knowledge or information sufficient to form a belief as to the truth of the allegations
25 contained in Paragraph 135, and, on that basis, denies such allegations. To the extent that these
26 allegations are directed at CPT, it denies them.

27 136. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
28 is without knowledge or information sufficient to form a belief as to the truth of the allegations

1 contained in Paragraph 136, and, on that basis, denies such allegations. To the extent that these
2 allegations are directed at CPT, it denies them.

3 137. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
4 is without knowledge or information sufficient to form a belief as to the truth of the allegations
5 contained in Paragraph 137, and, on that basis, denies such allegations. To the extent that these
6 allegations are directed at CPT, it denies them.

7 138. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
8 is without knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained in Paragraph 138, and, on that basis, denies such allegations. To the extent that these
10 allegations are directed at CPT, it denies them.

11 139. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
12 is without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained in Paragraph 139, and, on that basis, denies such allegations. To the extent that these
14 allegations are directed at CPT, it denies them.

15 140. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
16 is without knowledge or information sufficient to form a belief as to the truth of the allegations
17 contained in Paragraph 140, and, on that basis, denies such allegations. To the extent that these
18 allegations are directed at CPT, it denies them.

19 141. CPT denies the previous characterization of Tatung Company of America, Inc.,
20 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
21 141 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
22 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
23 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
24 Paragraph 141. CPT incorporates here its averments in response to Paragraph 2. CPT admits that
25 there were CEO, Commercial and Working Level meetings during which the attendees discussed the
26 prices of Large Area TFT-LCDs and the supply of Large Area TFT-LCDs. Except as expressly
27 admitted, CPT denies the allegations contained in paragraph 141.

1 142. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
2 is without knowledge or information sufficient to form a belief as to the truth of the allegations
3 contained in Paragraph 142, and, on that basis, denies such allegations. To the extent that these
4 allegations are directed at CPT, it denies them.

5 143. CPT denies the previous characterization of Tatung Company of America, Inc.,
6 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
7 143 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
8 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
9 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
10 Paragraph 143. CPT incorporates here its averments in response to Paragraph 2. CPT admits that
11 there were CEO, Commercial and Working Level meetings during which the attendees discussed the
12 prices of Large Area TFT-LCDs and the supply of Large Area TFT-LCDs. Except as expressly
13 admitted, CPT denies the allegations contained in paragraph 143.

14 144. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
15 is without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained in Paragraph 144, and, on that basis, denies such allegations. To the extent that these
17 allegations are directed at CPT, it denies them.

18 145. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
19 is without knowledge or information sufficient to form a belief as to the truth of the allegations
20 contained in Paragraph 145, and, on that basis, denies such allegations. To the extent that these
21 allegations are directed at CPT, it denies them.

22 146. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
23 is without knowledge or information sufficient to form a belief as to the truth of the allegations
24 contained in Paragraph 146, and, on that basis, denies such allegations. To the extent that these
25 allegations are directed at CPT, it denies them.

26 147. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
27 is without knowledge or information sufficient to form a belief as to the truth of the allegations
28

1 contained in Paragraph 147, and, on that basis, denies such allegations. To the extent that these
2 allegations are directed at CPT, it denies them.

3 148. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
4 is without knowledge or information sufficient to form a belief as to the truth of the allegations
5 contained in Paragraph 148, and, on that basis, denies such allegations. To the extent that these
6 allegations are directed at CPT, it denies them.

7 149. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
8 is without knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained in Paragraph 149, and, on that basis, denies such allegations. To the extent that these
10 allegations are directed at CPT, it denies them.

11 150. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
12 is without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained in Paragraph 150, and, on that basis, denies such allegations. To the extent that these
14 allegations are directed at CPT, it denies them.

15 151. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
16 is without knowledge or information sufficient to form a belief as to the truth of the allegations
17 contained in Paragraph 151, and, on that basis, denies such allegations. To the extent that these
18 allegations are directed at CPT, it denies them.

19 152. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
20 is without knowledge or information sufficient to form a belief as to the truth of the allegations
21 contained in Paragraph 152, and, on that basis, denies such allegations. To the extent that these
22 allegations are directed at CPT, it denies them.

23 153. CPT denies the previous characterization of Tatung Company of America, Inc.,
24 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
25 153 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
26 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
27 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
28 Paragraph 153. CPT admits that certain low-level employees of Chunghwa Picture Tubes, Ltd.

1 attended group meetings with representatives of certain Large Area TFT-LCD competitors in 2001.
2 CPT further admits that employees of Mitsubishi Electric Corporation attended certain of those
3 meetings. Except as expressly admitted, and to the extent the allegations contained in Paragraph 153
4 pertain to CPT, CPT denies such allegations. To the extent the allegations contained in Paragraph
5 153 do not pertain to CPT, CPT is without knowledge or information sufficient to form a belief as to
6 the truth of the allegations contained in Paragraph 153, and, on that basis, denies such allegations.

7 154. To the extent that the allegations in Paragraph 154 are directed at other defendants,
8 CPT lacks information sufficient to form a belief as to the truth of the allegations contained in
9 Paragraph 154, and on that basis denies those allegations. To the extent the allegations of Paragraph
10 154 are directed at CPT, CPT denies them.

11 155. To the extent that these allegations are directed at other defendants, CPT is without
12 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
13 Paragraph 155, and, on that basis, denies such allegations. To the extent the allegations are directed
14 at CPT, CPT denies them.

15 156. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
16 is without knowledge or information sufficient to form a belief as to the truth of the allegations
17 contained in Paragraph 156, and, on that basis, denies such allegations. To the extent that these
18 allegations are directed at CPT, it denies them.

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

20 157. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
21 is without knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained in Paragraph 157, and, on that basis, denies such allegations. To the extent that these
23 allegations are directed at CPT, it denies them.

24 158. To the extent that these allegations are directed at other defendants, CPT is without
25 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
26 Paragraph 158, and, on that basis, denies such allegations. To the extent the allegations are directed
27 at CPT, CPT denies them.

1 159. To the extent that these allegations are directed at other defendants, CPT is without
2 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
3 Paragraph 159, and, on that basis, denies such allegations. To the extent the allegations are directed
4 at CPT, CPT denies them.

5 160. To the extent that the allegations in Paragraph 160 pertain to CPT, CPT denies such
6 allegations. To the extent the allegations in Paragraph 160 do not pertain to CPT, CPT is without
7 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
8 Paragraph 160, and, on that basis, denies such allegations.

9 **3. Defendants engaged in illegal communications about pricing with respect**
10 **to small panels**

11 161. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
12 is without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained in Paragraph 161, and, on that basis, denies such allegations. To the extent that these
14 allegations are directed at CPT, it denies them.

15 162. CPT denies the previous characterization of Tatung Company of America, Inc.,
16 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
17 162 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
18 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
19 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
20 Paragraph 162. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
21 is without knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained in Paragraph 162, and, on that basis, denies such allegations. To the extent that these
23 allegations are directed at CPT, it denies them.

24 **B. Defendants’ Participation in the Conspiracy in California**

25 163. CPT denies the previous characterization of Tatung Company of America, Inc.,
26 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
27 163 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
28 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to

1 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
2 Paragraph 163. To the extent that the allegations of Paragraph 163 refer to claims dismissed by the
3 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
4 of the operative complaint. To the extent Paragraph 163 refers to CPT's December 14, 2008 plea
5 hearing, CPT refers the Court to the transcript from that hearing, which speaks for itself. To the
6 extent the remaining allegations contained in Paragraph 163 pertain to CPT, CPT denies such
7 allegations. To the extent the allegations contained in Paragraph 163 do not pertain to CPT, CPT is
8 without knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained in Paragraph 163, and, on that basis, denies such allegations.

10 164. To the extent that the allegations of Paragraph 164 refer to claims dismissed by the
11 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
12 of the operative complaint. To the extent that these allegations are directed at Plaintiff or other
13 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
14 allegations contained in Paragraph 164, and, on that basis, denies such allegations. To the extent that
15 these allegations are directed at CPT, it denies them.

16 165. To the extent that the allegations of Paragraph 165 refer to claims dismissed by the
17 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
18 of the operative complaint. CPT is without knowledge or information sufficient to form a belief as to
19 the truth of the allegations contained in Paragraph 165, and, on that basis, denies such allegations.

20 166. To the extent that the allegations of Paragraph 166 refer to claims dismissed by the
21 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
22 of the operative complaint. To the extent that these allegations are directed at Plaintiff or other
23 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
24 allegations contained in Paragraph 166, and, on that basis, denies such allegations. To the extent that
25 these allegations are directed at CPT, it denies them.

26 167. To the extent that the allegations of Paragraph 167 refer to claims dismissed by the
27 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
28 of the operative complaint. To the extent that these allegations are directed at Plaintiff or other

1 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
2 allegations contained in Paragraph 167, and, on that basis, denies such allegations. To the extent that
3 these allegations are directed at CPT, it denies them.

4 168. To the extent that the allegations of Paragraph 168 refer to claims dismissed by the
5 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
6 of the operative complaint. To the extent that these allegations are directed at Plaintiff or other
7 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
8 allegations contained in Paragraph 168, and, on that basis, denies such allegations. To the extent that
9 these allegations are directed at CPT, it denies them.

10 169. To the extent that the allegations of Paragraph 169 refer to claims dismissed by the
11 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
12 of the operative complaint. To the extent that these allegations are directed at Plaintiff or other
13 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
14 allegations contained in Paragraph 169, and, on that basis, denies such allegations. To the extent that
15 these allegations are directed at CPT, it denies them.

16 170. To the extent that the allegations of Paragraph 170 refer to claims dismissed by the
17 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
18 of the operative complaint. To the extent that these allegations are directed at Plaintiff or other
19 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
20 allegations contained in Paragraph 170, and, on that basis, denies such allegations. To the extent that
21 these allegations are directed at CPT, it denies them.

22 171. To the extent that the allegations of Paragraph 171 refer to claims dismissed by the
23 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
24 of the operative complaint. To the extent that these allegations are directed at Plaintiff or other
25 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
26 allegations contained in Paragraph 171, and, on that basis, denies such allegations. To the extent that
27 these allegations are directed at CPT, it denies them.

28

1 172. To the extent that the allegations of Paragraph 172 refer to claims dismissed by the
2 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
3 of the operative complaint. To the extent that these allegations are directed at Plaintiff or other
4 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
5 allegations contained in Paragraph 172, and, on that basis, denies such allegations. To the extent that
6 these allegations are directed at CPT, it denies them.

7 173. To the extent that the allegations of Paragraph 173 refer to claims dismissed by the
8 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
9 of the operative complaint. To the extent that these allegations are directed at Plaintiff or other
10 defendants, CPT is without knowledge or information sufficient to form a belief as to the truth of the
11 allegations contained in Paragraph 173, and, on that basis, denies such allegations. To the extent that
12 these allegations are directed at CPT, it denies them.

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

15 174. CPT states that the Securities and Exchange Commission filing referred to in
16 Paragraph 174 speaks for itself. CPT refers the Court to that document for a full and complete
17 statement of its contents. To the extent a further response is required, CPT is without knowledge or
18 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 174,
19 and, on that basis, denies such allegations.

20 175. The news reports referred to in Paragraph 175 speak for themselves. CPT refers the
21 Court to those documents for a full and complete statement of their contents. To the extent a
22 response is required, CPT is without knowledge or information sufficient to form a belief as to the
23 truth of the allegations contained in Paragraph 175, and, on that basis, denies such allegations.

24 176. CPT states that the plea agreements referenced in Paragraph 176 speak for
25 themselves. CPT refers the Court to these documents for a full and complete statement of their
26 contents. To the extent a further response is required, CPT is without knowledge or information
27 sufficient to form a belief as to the truth of the allegations in Paragraph 176, and, on that basis,
28 denies such allegations.

1 177. CPT states that the plea agreement entered into by Chi Mei Optoelectronics
2 Corporation speaks for itself. CPT refers the Court to this document for a full and complete
3 statement of its contents. To the extent a further response is required, CPT is without knowledge or
4 information sufficient to form a belief as to the truth of the allegations in Paragraph 177, and, on that
5 basis, denies such allegations.

6 178. CPT states that the plea agreement entered into by LG Display Co., Ltd. and LG
7 Display America, Inc. speaks for itself. CPT refers the Court to this document for a full and
8 complete statement of its contents. To the extent a further response is required, CPT is without
9 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
10 Paragraph 178, and, on that basis, denies such allegations.

11 179. CPT states that the plea agreement entered into by Chung Suk “C.S.” Chung speaks
12 for itself. CPT refers the Court to this document for a full and complete statement of its contents. To
13 the extent a further response is required, CPT is without knowledge or information sufficient to form
14 a belief as to the truth of the allegations contained in Paragraph 179, and, on that basis, denies such
15 allegations.

16 180. CPT states that the plea agreement entered into by Bock Kwon speaks for itself. CPT
17 refers the Court to this document for a full and complete statement of its contents. To the extent a
18 further response is required, CPT is without knowledge or information sufficient to form a belief as
19 to the truth of the allegations contained in Paragraph 180, and, on that basis, denies such allegations.

20 181. CPT states that the indictment of Duk Mo Koo speaks for itself. CPT refers the Court
21 to this document for a full and complete statement of its contents. To the extent a further response is
22 required, CPT is without knowledge or information sufficient to form a belief as to the truth of the
23 allegations contained in Paragraph 181, and, on that basis, denies such allegations.

24 182. CPT denies the previous characterization of Tatung Company of America, Inc.,
25 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
26 182 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
27 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
28 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in

1 Paragraph 182. CPT admits that it entered into a plea agreement with the U.S. Department of Justice
2 on November 10, 2008, the contents of which speak for itself. CPT refers the court to this document
3 for a full and complete statement of its contents. Except as expressly admitted, CPT denies the
4 allegations contained in Paragraph 182.

5 183. CPT denies the previous characterization of Tatung Company of America, Inc.,
6 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
7 183 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
8 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
9 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
10 Paragraph 183. CPT states that the plea agreements referred to in Paragraph 183 speak for
11 themselves. CPT refers the court to those documents for a full and complete statement of its
12 contents. Except as so expressly admitted, CPT denies the allegations contained in Paragraph 183.

13 184. CPT denies the previous characterization of Tatung Company of America, Inc.,
14 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
15 184 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
16 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
17 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
18 Paragraph 184. CPT states that the indictment referred to in Paragraph 184 speaks for itself. CPT
19 refers the court to this document for a full and complete statement of its contents. Except as
20 expressly admitted, CPT denies the allegations contained in Paragraph 184.

21 185. CPT states that the plea agreement referenced in Paragraph 185 speaks for itself. CPT
22 refers the Court to this document for a full and complete statement of its contents. To the extent a
23 further response is required, CPT is without knowledge or information sufficient to form a belief as
24 to the truth of the allegations contained in Paragraph 185, and, on that basis, denies such allegations.

25 186. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
26 is without knowledge or information sufficient to form a belief as to the truth of the allegations
27 contained in Paragraph 186, and, on that basis, denies such allegations. To the extent that these
28 allegations are directed at CPT, it denies them.

1 187. CPT states that the plea agreement referenced in Paragraph 187 speaks for itself. CPT
2 refers the Court to this document for a full and complete statement of its contents. To the extent a
3 further response is required, CPT is without knowledge or information sufficient to form a belief as
4 to the truth of the allegations contained in Paragraph 187, and, on that basis, denies such allegations.

5 188. CPT is without knowledge or information sufficient to form a belief as to the truth of
6 the allegations contained in Paragraph 188, and, on that basis, denies such allegations.

7 189. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
8 is without knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained in Paragraph 189, and, on that basis, denies such allegations. To the extent that these
10 allegations are directed at CPT, it denies them.

11 190. CPT states that the allegations contained in Paragraph 190 define the terms of the
12 Complaint and are not averments of fact for which a response is required. To the extent a further
13 response is required, CPT denies such allegations.

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

15 191. CPT is without knowledge or information sufficient to form a belief as to the truth of
16 the allegations of the first sentence contained in Paragraph 191, and, on that basis, denies such
17 allegations. CPT denies the remaining allegations of Paragraph 191.

18 192. CPT is without knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 192, and, on that basis, denies such allegations.

20 193. CPT is without knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 193, and, on that basis, denies such allegations.

22 194. CPT is without knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 194, and, on that basis, denies such allegations.

24 195. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
25 is without knowledge or information sufficient to form a belief as to the truth of the allegations
26 contained in Paragraph 195, and, on that basis, denies such allegations. To the extent that these
27 allegations are directed at CPT, it denies them.

1 196. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
2 is without knowledge or information sufficient to form a belief as to the truth of the allegations
3 contained in Paragraph 196, and, on that basis, denies such allegations. To the extent that these
4 allegations are directed at CPT, it denies them.

5 197. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
6 is without knowledge or information sufficient to form a belief as to the truth of the allegations
7 contained in Paragraph 197, and, on that basis, denies such allegations. To the extent that these
8 allegations are directed at CPT, it denies them.

9 198. CPT is without knowledge or information sufficient to form a belief as to the truth of
10 the allegations contained in Paragraph 198, and, on that basis, denies such allegations.

11 199. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
12 is without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained in Paragraph 199, and, on that basis, denies such allegations. To the extent that these
14 allegations are directed at CPT, it denies them.

15 200. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
16 is without knowledge or information sufficient to form a belief as to the truth of the allegations
17 contained in Paragraph 200, and, on that basis, denies such allegations. To the extent that these
18 allegations are directed at CPT, it denies them.

19 201. CPT denies the allegations contained in Paragraph 201.

20 202. CPT is without knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 202, and, on that basis, denies such allegations.

22 203. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
23 is without knowledge or information sufficient to form a belief as to the truth of the allegations
24 contained in Paragraph 203, and, on that basis, denies such allegations. To the extent that these
25 allegations are directed at CPT, it denies them.

26 204. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
27 is without knowledge or information sufficient to form a belief as to the truth of the allegations
28

1 contained in Paragraph 204, and, on that basis, denies such allegations. To the extent that these
2 allegations are directed at CPT, it denies them.

3 205. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
4 is without knowledge or information sufficient to form a belief as to the truth of the allegations
5 contained in Paragraph 205, and, on that basis, denies such allegations. To the extent that these
6 allegations are directed at CPT, it denies them.

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

8 206. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
9 is without knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained in Paragraph 206, and, on that basis, denies such allegations. To the extent that these
11 allegations are directed at CPT, it denies them.

12 207. CPT admits that it manufactured both TFT-LCD panels and STN-LCD panels for a
13 certain period of time between 1997 and 2006. Except as expressly admitted, to the extent the
14 allegations contained in Paragraph 207 pertain to CPT, CPT denies such allegations. To the extent
15 the allegations contained in Paragraph 207 do not pertain to CPT, CPT is without knowledge or
16 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 207,
17 and, on that basis, denies such allegations.

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

19 208. CPT incorporates here its averments to Paragraph 2. CPT specifically denies that it
20 conspired to fix, raise, or stabilized or maintain prices for small-area TFT-LCD panels or STN-LCD
21 panels, including any panels purchased by T-Mobile. To the extent a further response is required and
22 these allegations are directed at Plaintiff or other defendants, CPT is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 208,
24 and, on that basis, denies such allegations. To the extent a further response is required and these
25 allegations are directed at CPT, it denies them.

26 209. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
27 is without knowledge or information sufficient to form a belief as to the truth of the allegations
28

1 contained in Paragraph 209, and, on that basis, denies such allegations. To the extent that these
2 allegations are directed at CPT, it denies them.

3 210. CPT states that the deposition transcript referenced in Paragraph 210 speaks for itself.
4 CPT refers the Court to that document for a full and complete statement of its contents. To the extent
5 a further response is required, CPT is without knowledge or information sufficient to form a belief as
6 to the truth of the allegations contained in Paragraph 210, and, on that basis, denies such allegations.

7 211. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
8 is without knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained in Paragraph 211, and, on that basis, denies such allegations. To the extent that these
10 allegations are directed at CPT, it denies them.

11 212. CPT is without knowledge or information sufficient to form a belief as to the truth of
12 the allegations contained in Paragraph 212, and, on that basis, denies such allegations.

13 213. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
14 is without knowledge or information sufficient to form a belief as to the truth of the allegations
15 contained in Paragraph 213, and, on that basis, denies such allegations. To the extent that these
16 allegations are directed at CPT, it denies them.

17 214. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
18 is without knowledge or information sufficient to form a belief as to the truth of the allegations
19 contained in Paragraph 214, and, on that basis, denies such allegations. To the extent that these
20 allegations are directed at CPT, it denies them.

21 215. CPT is without knowledge or information sufficient to form a belief as to the truth of
22 the allegations contained in Paragraph 215, and, on that basis, denies such allegations.

23 216. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
24 is without knowledge or information sufficient to form a belief as to the truth of the allegations
25 contained in Paragraph 216, and, on that basis, denies such allegations. To the extent that these
26 allegations are directed at CPT, it denies them.

27 217. CPT is without knowledge or information sufficient to form a belief as to the truth of
28 the allegations contained in Paragraph 217, and, on that basis, denies such allegations.

1 226. CPT is without knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 226, and, on that basis, denies such allegations.

3 227. CPT denies the allegations contained in the first sentence of Paragraph 227. To the
4 extent that the remaining allegations are directed at Plaintiff or other defendants, CPT is without
5 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
6 Paragraph 227, and, on that basis, denies such allegations. To the extent that the remaining
7 allegations are directed at CPT, it denies them.

8 228. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
9 is without knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained in Paragraph 228, and, on that basis, denies such allegations. To the extent that these
11 allegations are directed at CPT, it denies them.

12 229. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
13 is without knowledge or information sufficient to form a belief as to the truth of the allegations
14 contained in Paragraph 229, and, on that basis, denies such allegations. To the extent that these
15 allegations are directed at CPT, it denies them.

16 230. CPT denies the allegations contained in Paragraph 230.

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

18 231. CPT admits that the LCD market is served by several trade associations that put on
19 industry-wide meetings several times a year. To the extent that these allegations are directed at
20 Plaintiff or other defendants, CPT is without knowledge or information sufficient to form a belief as
21 to the truth of the allegations contained in Paragraph 231, and, on that basis, denies such allegations.
22 To the extent that these allegations are directed at CPT, it denies them.

23 232. CPT is without knowledge or information sufficient to form a belief as to the truth of
24 the allegations contained in Paragraph 232, and, on that basis, denies such allegations.

25 233. CPT is without knowledge or information sufficient to form a belief as to the truth of
26 the allegations contained in Paragraph 233, and, on that basis, denies such allegations.

27 234. CPT is without knowledge or information sufficient to form a belief as to the truth of
28 the allegations contained in Paragraph 234, and, on that basis, denies such allegations.

1 235. CPT is without knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 235, and, on that basis, denies such allegations.

3 236. CPT denies the previous characterization of Tatung Company of America, Inc.,
4 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
5 236 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
6 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
7 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
8 Paragraph 236. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
9 is without knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained in Paragraph 236, and, on that basis, denies such allegations. To the extent that these
11 allegations are directed at CPT, it denies them.

12 237. CPT is without knowledge or information sufficient to form a belief as to the truth of
13 the allegations contained in Paragraph 237, and, on that basis, denies such allegations.

14 238. CPT is without knowledge or information sufficient to form a belief as to the truth of
15 the allegations contained in Paragraph 238, and, on that basis, denies such allegations.

16 239. CPT is without knowledge or information sufficient to form a belief as to the truth of
17 the allegations contained in Paragraph 239, and, on that basis, denies such allegations.

18 240. CPT is without knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 240, and, on that basis, denies such allegations

20 241. CPT is without knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 241, and, on that basis, denies such allegations.

22 242. CPT is without knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 242, and, on that basis, denies such allegations.

24 243. CPT is without knowledge or information sufficient to form a belief as to the truth of
25 the allegations contained in Paragraph 243, and, on that basis, denies such allegations.

26 244. CPT denies the allegations contained in Paragraph 244.

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

2 245. To the extent Paragraph 245 states legal conclusions, CPT is not required to respond.
3 To the extent the allegations contained in Paragraph 245 pertain to CPT, CPT denies such
4 allegations. To the extent the allegations contained in Paragraph 245 do not pertain to CPT, CPT is
5 without knowledge or information sufficient to form a belief as to the truth of the allegations
6 contained in Paragraph 245, and, on that basis, denies such allegations.

7 246. CPT denies the allegations contained in the first sentence of Paragraph 246. To the
8 extent that the remaining allegations are directed at Plaintiff or other defendants, CPT is without
9 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
10 Paragraph 246, and, on that basis, denies such allegations. To the extent that the remaining
11 allegations are directed at CPT, it denies them.

12 247. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
13 is without knowledge or information sufficient to form a belief as to the truth of the allegations
14 contained in Paragraph 247, and, on that basis, denies such allegations. To the extent that these
15 allegations are directed at CPT, it denies them.

16 248. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
17 is without knowledge or information sufficient to form a belief as to the truth of the allegations
18 contained in Paragraph 248, and, on that basis, denies such allegations. To the extent that these
19 allegations are directed at CPT, it denies them.

20 249. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
21 is without knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained in Paragraph 249, and, on that basis, denies such allegations. To the extent that these
23 allegations are directed at CPT, it denies them.

24 250. To the extent Paragraph 250 states legal conclusions, CPT is not required to respond.
25 CPT states that the complaints referred to in Paragraph 250 speak for themselves. CPT refers the
26 Court to those documents for a full and complete statement of their contents. To the extent the
27 allegations contained in Paragraph 250 pertain to CPT, CPT denies such allegations. To the extent a
28

1 further response is required, CPT is without knowledge of information sufficient to form a belief as
2 to the truth of the allegations contained in Paragraph 250, and, on that basis, denies such allegations.

3 251. CPT admits that it entered into a plea agreement with the U.S. Department of Justice
4 on November 10, 2008, the contents of which speak for itself. CPT refers the Court to that document
5 for a full and complete statement of its contents. Except as expressly admitted, and to the extent the
6 allegations contained in Paragraph 251 pertain to CPT, CPT denies such allegations. To the extent
7 the allegations in Paragraph 251 do not pertain to CPT, CPT is without knowledge or information
8 sufficient to form a belief as to the truth of the allegations contained in Paragraph 251, and, on that
9 basis, denies such allegations.

10 252. To the extent Paragraph 252 states legal conclusions, CPT is not required to respond.
11 To the extent a further response is required, CPT denies the allegations contained in Paragraph 252.

12 **VII. PLAINTIFF'S INJURIES**

13 253. To the extent Paragraph 253 states legal conclusions, CPT is not required to respond.
14 To the extent a further response is required, CPT denies the allegations contained in Paragraph 253.

15 254. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
16 is without knowledge or information sufficient to form a belief as to the truth of the allegations
17 contained in Paragraph 254, and, on that basis, denies such allegations. To the extent that these
18 allegations are directed at CPT, it denies them.

19 255. CPT is without knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 255, and, on that basis, denies such allegations.

21 256. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
22 is without knowledge or information sufficient to form a belief as to the truth of the allegations
23 contained in Paragraph 256, and, on that basis, denies such allegations. To the extent that these
24 allegations are directed at CPT, it denies them.

25 257. To the extent that these allegations are directed at Plaintiff or other defendants, CPT
26 is without knowledge or information sufficient to form a belief as to the truth of the allegations
27 contained in Paragraph 257, and, on that basis, denies such allegations. To the extent that these
28 allegations are directed at CPT, it denies them.

1 258. CPT denies the allegations contained in Paragraph 258.

2 259. To the extent Paragraph 259 states legal conclusions, CPT is not required to respond.
3 To the extent a further response is required, CPT denies the allegations contained in Paragraph 259.

4 **VIII. FRAUDULENT CONCEALMENT, EQUITABLE TOLLING,**
5 **AND CONTINUING TORT DOCTRINE**

6 260. To the extent Paragraph 260 states legal conclusions, CPT is not required to respond.
7 To the extent a further response is required, CPT denies the allegations contained in Paragraph 260.

8 261. CPT admits that certain employees of CPT that attended Crystal Meetings took steps
9 to conceal the existence of the Crystal Meetings. To the extent that these allegations are directed at
10 Plaintiff or other defendants, CPT is without knowledge or information sufficient to form a belief as
11 to the truth of the allegations contained in Paragraph 261, and, on that basis, denies such allegations.
12 Except as expressly admitted, to the extent that these allegations are directed at CPT, it denies them.

13 262. CPT denies the previous characterization of Tatung Company of America, Inc.,
14 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
15 262 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
16 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
17 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
18 Paragraph 262. CPT states that the documents referred to in Paragraph 262 speak for themselves.
19 CPT refers the Court to those documents for a full and complete statement of their contents. CPT
20 states that Genichi Watanabe’s deposition testimony referred to in Paragraph 262 speak for itself.
21 CPT refers the Court to the deposition transcript for a full and complete statement of its contents. To
22 the extent a further response is required, CPT admits that certain employees of CPT that attended
23 CEO and Commercial Crystal Meetings took steps to conceal the existence of the Crystal Meetings.
24 Except as expressly admitted, CPT is without knowledge or information sufficient to form a belief as
25 to the truth of the allegations contained in Paragraph 262, and, on that basis, denies them.

26 263. CPT denies the previous characterization of Tatung Company of America, Inc.,
27 Tatung Company and CPT as being synonymously known as “Chunghwa” and avers that Paragraph
28 263 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung

1 Company of America, Inc. and Tatung Company. To the extent the term “Chunghwa” refers to
2 Tatung Company or Tatung Company of America, Inc., CPT denies the allegations contained in
3 Paragraph 263. CPT states that the documents referred to in Paragraph 263 speak for themselves.
4 CPT refers the Court to those documents for a full and complete statement of their contents. To the
5 extent a further response is required, CPT admits that certain employees at CPT that attended CEO
6 and Commercial Crystal Meetings took steps to keep information obtained at such meetings
7 confidential. Except as expressly admitted, CPT is without knowledge or information sufficient to
8 form a belief as to the truth of the allegations contained in Paragraph 263, and, on that basis, denies
9 them.

10 264. CPT admits that certain employees of CPT that attended CEO and Commercial
11 Crystal Meetings took steps to keep information obtained at such meetings confidential. Except as
12 expressly admitted, to the extent the allegations contained in Paragraph 264 pertain to CPT, CPT
13 denies such allegations. To the extent the allegations contained in Paragraph 264 do not pertain to
14 CPT, CPT is without knowledge or information sufficient to form a belief as to the truth of the
15 allegations contained in Paragraph 264, and, on that basis, denies them.

16 265. CPT is without knowledge or information sufficient to form a belief as to the truth of
17 the allegations contained in Paragraph 265, and, on that basis, denies such allegations.

18 266. CPT admits that Working Level meetings were discontinued in approximately the
19 summer of 2006 in favor of one-on-one meetings. Except as expressly admitted, to the extent the
20 allegations contained in Paragraph 266 pertain to CPT, CPT denies such allegations. To the extent
21 the allegations contained in Paragraph 266 do not pertain to CPT, CPT is without knowledge or
22 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 265,
23 and, on that basis, denies them.

24 267. To the extent Paragraph 267 states legal conclusions, CPT is not required to respond.
25 To the extent a further response is required and the allegations contained in Paragraph 267 pertain to
26 CPT, CPT denies such allegations. To the extent the allegations contained in Paragraph 267 do not
27 pertain to CPT, CPT is without knowledge or information sufficient to form a belief as to the truth of
28 the allegations contained in Paragraph 267, and, on that basis, denies them.

1 268. CPT is without knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 268, and, on that basis, denies such allegations.

3 269. CPT is without knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 269, and, on that basis, denies such allegations.

5 270. CPT is without knowledge or information sufficient to form a belief as to the truth of
6 the allegations contained in Paragraph 270, and, on that basis, denies such allegations.

7 271. CPT states that quotations referred to in Paragraph 271 speak for themselves. CPT
8 refers the Court to the source of those quotations for a full and complete statement of their contents.
9 To the extent a further response is required and the allegations contained in Paragraph 271 pertain to
10 CPT, CPT denies such allegations. To the extent the allegations contained in Paragraph 271 do not
11 pertain to CPT, CPT is without knowledge or information sufficient to form a belief as to the truth of
12 the allegations contained in Paragraph 271, and, on that basis, denies them.

13 272. CPT states that interview referred to in Paragraph 272 speaks for itself. CPT refers
14 the Court to that interview for a full and complete statement of its contents. To the extent a further
15 response is required, CPT is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations in Paragraph 272, and, on that basis, denies such allegations.

17 273. CPT denies the allegations contained in Paragraph 273.

18 274. CPT denies the allegations contained in Paragraph 274.

19 275. To the extent Paragraph 275 states legal conclusions, CPT is not required to respond.
20 To the extent a further response is required, CPT denies the allegations contained in Paragraph 275.

21 276. To the extent Paragraph 276 states legal conclusions, CPT is not required to respond.
22 To the extent a further response is required, CPT denies the allegations contained in Paragraph 276.

23 277. To the extent Paragraph 277 states legal conclusions, CPT is not required to respond.
24 To the extent a further response is required, CPT denies the allegations contained in Paragraph 277.

25 278. To the extent Paragraph 278 states legal conclusions, CPT is not required to respond.
26 To the extent a further response is required, CPT denies the allegations contained in Paragraph 278.

27 279. To the extent Paragraph 279 states legal conclusions, CPT is not required to respond.
28 To the extent a further response is required, CPT denies the allegations contained in Paragraph 279.

1 **IX. VIOLATIONS ALLEGED**

2 **First Claim for Relief**

3 **(Violation of Sherman Act Against All Defendants)**

4 280. CPT incorporates and realleges, as though fully set forth herein, each and every
5 denial, admission and averment set forth in the preceding paragraphs of this Answer.

6 281. To the extent Paragraph 281 states legal conclusions, CPT is not required to respond.
7 To the extent a further response is required, CPT denies the allegations contained in Paragraph 281.

8 282. CPT denies the allegations contained in Paragraph 282.

9 283. CPT denies the allegations contained in Paragraph 283.

10 284. To the extent Paragraph 284 states legal conclusions, CPT is not required to respond.
11 To the extent a further response is required, CPT denies the allegations contained in Paragraph 284.

12 285. To the extent Paragraph 285 states a legal conclusion, CPT is not required to respond.
13 To the extent a response is required, CPT denies the allegations contained in Paragraph 285.

14 286. To the extent Paragraph 286 states a legal conclusion, CPT is not required to respond.
15 To the extent a further response is required and the allegations contained in Paragraph 286 pertain to
16 CPT, CPT denies such allegations. To the extent the allegations contained in Paragraph 286 do not
17 pertain to CPT, CPT is without knowledge or information sufficient to form a belief as to the truth of
18 the allegations contained in Paragraph 286, and, on that basis, denies them.

19 **Second Claim for Relief**

20 **(Violation of State Antitrust and Unfair Competition Laws)**

21 287. CPT incorporates and realleges, as though fully set forth herein, each and every
22 denial, admission and averment set forth in the preceding paragraphs of this Answer.

23 288. To the extent Paragraph 288 states legal conclusions, CPT is not required to respond.
24 To the extent that the allegations of Paragraph 288 refer to claims dismissed by the Court's Feb. 6
25 Order, CPT avers that no response is necessary as these claims no longer form a part of the operative
26 complaint. To the extent a further response is required, CPT denies the allegations contained in
27 Paragraph 288.

1 289. To the extent that the allegations of Paragraph 289 refer to claims dismissed by the
2 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
3 of the operative complaint. To the extent a further response is required, CPT is without knowledge or
4 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 289,
5 and, on that basis, denies such allegations.

6 290. To the extent Paragraph 290 states legal conclusions, CPT is not required to respond.
7 To the extent that the allegations of Paragraph 290 refer to claims dismissed by the Court's Feb. 6
8 Order, CPT avers that no response is necessary as these claims no longer form a part of the operative
9 complaint. To the extent a further response is required, CPT denies the allegations contained in
10 Paragraph 290.

11 291. CPT denies the previous characterization of Tatung Company of America, Inc.,
12 Tatung Company and CPT as being synonymously known as "Chunghwa" and avers that Paragraph
13 108 renders the Complaint indefinite and uncertain as to the distinction between CPT, Tatung
14 Company of America, Inc. and Tatung Company. To the extent Paragraph 291 states legal
15 conclusions, CPT is not required to respond. To the extent the term "Chunghwa" refers to Tatung
16 Company or Tatung Company of America, Inc., CPT denies the allegations contained in Paragraph
17 291. To the extent that the allegations of Paragraph 291 refer to claims dismissed by the Court's Feb.
18 6 Order, CPT avers that no response is necessary as these claims no longer form a part of the
19 operative complaint. To the extent a further response is required and the allegations pertain to CPT,
20 CPT denies the allegations contained in Paragraph 291. To the extent that these allegations are
21 directed at Plaintiff or other defendants, CPT is without knowledge or information sufficient to form
22 a belief as to the truth of the allegations contained in Paragraph 291, and, on that basis, denies such
23 allegations.

24 292. To the extent that the allegations of Paragraph 292 refer to claims dismissed by the
25 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
26 of the operative complaint. To the extent a further response is required and the allegations pertain to
27 CPT, CPT denies the allegations contained in Paragraph 292. To the extent that these allegations are
28 directed at Plaintiff or other defendants, CPT is without knowledge or information sufficient to form

1 a belief as to the truth of the allegations contained in Paragraph 292, and, on that basis, denies such
2 allegations.

3 293. To the extent Paragraph 293 states legal conclusions, CPT is not required to respond.
4 To the extent that the allegations of Paragraph 293 refer to claims dismissed by the Court's Feb. 6
5 Order, CPT avers that no response is necessary as these claims no longer form a part of the operative
6 complaint. To the extent a further response is required, CPT denies the allegations contained in
7 Paragraph 293.

8 294. To the extent that the allegations of Paragraph 294 refer to claims dismissed by the
9 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
10 of the operative complaint. To the extent a further response is required, CPT denies the allegations
11 contained in Paragraph 294.

12 295. To the extent that the allegations of Paragraph 295 refer to claims dismissed by the
13 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
14 of the operative complaint. To the extent a further response is required, CPT denies the allegations
15 contained in Paragraph 295.

16 296. To the extent that the allegations of Paragraph 296 refer to claims dismissed by the
17 Court's Feb. 6 Order, CPT avers that no response is necessary as these claims no longer form a part
18 of the operative complaint. To the extent a further response is required, CPT denies the allegations
19 contained in Paragraph 296.

20 297. To the extent Paragraph 297 states legal conclusions, CPT is not required to respond.
21 To the extent that the allegations of Paragraph 297 refer to claims dismissed by the Court's Feb. 6
22 Order, CPT avers that no response is necessary as these claims no longer form a part of the operative
23 complaint. To the extent a further response is required, CPT denies the allegations contained in
24 Paragraph 297.

25 298. To the extent Paragraph 298 states legal conclusions, CPT is not required to respond.
26 To the extent that the allegations of Paragraph 298 refer to claims dismissed by the Court's Feb. 6
27 Order, CPT avers that no response is necessary as these claims no longer form a part of the operative
28

1 complaint. To the extent a further response is required, CPT denies the allegations contained in
2 Paragraph 298.

3 299. To the extent Paragraph 299 states legal conclusions, CPT is not required to respond.
4 To the extent that the allegations of Paragraph 299 refer to claims dismissed by the Court's Feb. 6
5 Order, CPT avers that no response is necessary as these claims no longer form a part of the operative
6 complaint. To the extent a further response is required, CPT denies the allegations contained in
7 Paragraph 299.

8 **X. PRAYER FOR RELIEF**

9 In answer to the Prayer for Relief, CPT denies each and every allegation in the Prayer and
10 further specifically denies that Plaintiff is entitled to any of the relief described or to any remedy
11 whatsoever against CPT.

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

14 **XI. JURY TRIAL DEMAND**

15 CPT avers that Plaintiff's demand for a jury trial constitutes a legal contention and/or
16 conclusions to which no response is necessary.

17 **XII. AFFIRMATIVE DEFENSES**

18 CPT asserts the following defenses, each as separate and distinct defenses to Plaintiff's
19 alleged causes of action. Insofar as any of the following expresses denial of an element of the claims,
20 or any of them, alleged against CPT, such expression is in no way intended as a concession that
21 Plaintiff is relieved of its burden to prove each and every element of any such claim. CPT reserves
22 the right to assert other defenses as discovery progresses in this matter.

23 **FIRST AFFIRMATIVE DEFENSE**

24 Plaintiff's Complaint fails to state a claim upon which relief can be granted.

25 **SECOND AFFIRMATIVE DEFENSE**

26 Plaintiff lacks standing to seek relief against or from CPT.
27
28

1 **THIRD AFFIRMATIVE DEFENSE**

2 Plaintiff's Complaint is barred by the applicable statutes of limitations.

3 **FOURTH AFFIRMATIVE DEFENSE**

4 Plaintiff has not sustained any cognizable injury or antitrust injury as a result of CPT's actions.

5 **FIFTH AFFIRMATIVE DEFENSE**

6 Plaintiff's claims are barred in whole or in part as their alleged damages, if any, are
7 speculative, and proof and allocation of said damages is therefore impossible.

8 **SIXTH AFFIRMATIVE DEFENSE**

9 Plaintiff has failed to adequately plead their claims of fraudulent concealment.

10 **SEVENTH AFFIRMATIVE DEFENSE**

11 Plaintiff's claims are barred in whole or in part because CPT's alleged conduct has not
12 unreasonably restrained trade and was based on independent and legitimate business justifications.

13 **EIGHTH AFFIRMATIVE DEFENSE**

14 Any alleged harm suffered by Plaintiff was caused by the conduct of third parties for which
15 CPT is not responsible.

16 **NINTH AFFIRMATIVE DEFENSE**

17 Plaintiff's claims against CPT are barred by the indirect purchaser rule.

18 **TENTH AFFIRMATIVE DEFENSE**

19 Plaintiff's claims are barred, in whole or in part, because Plaintiff has failed to allege facts
20 sufficient to support jurisdiction under the Foreign Trade Antitrust Improvement Act, 15 U.S.C. §
21 6a, for any claim in the Complaint.

22 **ELEVENTH AFFIRMATIVE DEFENSE**

23 Plaintiff's claims are barred, in whole or in part, to the extent Plaintiff seeks to recover
24 damages, if any, based on sales outside the United States.

25 **TWELFTH ADDITIONAL DEFENSE**

26 Plaintiff's claims are barred, in whole or in part, because the Complaint does not adequately
27 define the relevant market or products allegedly affected by the alleged conduct of CPT that is the
28 subject of the Complaint.

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

THIRTEENTH ADDITIONAL DEFENSE

To the extent there is a finding of an illegal overcharge, Plaintiff's claims are barred, in whole or in part, to the extent that such overcharge was absorbed, in whole or in part, by others, and was not passed through to Plaintiff or Plaintiff's purported assignor.

FOURTEENTH ADDITIONAL DEFENSE

Any award of treble damages, punitive damages and/or restitution to Plaintiff would be duplicative and would violate the Excessive Due Processes Clauses of the United States Constitution.

FIFTEENTH AFFIRMATIVE DEFENSE

CPT adopts by reference any defense, not otherwise expressly set forth herein, that is pleaded by any other defendant in this action.

SIXTEENTH ADDITIONAL DEFENSE

CPT reserves the right to assert any additional defenses that may be applicable to any claim asserted by Plaintiff.

XIII. CPT'S PRAYER FOR RELIEF

WHEREFORE, having stated its answer and affirmative defenses, CPT prays for relief as follows:

1. That Plaintiff take nothing under the Complaint, and the Complaint be dismissed with prejudice;
2. That judgment be entered in favor of CPT and against Plaintiff on each and every cause of action set forth in the Complaint;
3. That CPT recover its costs of suit and attorneys' fees incurred herein; and
4. That CPT be granted such other and further relief as the Court deems just and proper.

1 Dated: March 5, 2012

**COLLETTE ERICKSON FARMER & O'NEILL
LLP**

2
3 By: /s/ William S. Farmer

4 WILLIAM S. FARMER (SBN 46694)
5 JACOB P. ALPREN (SBN 235713)
6 ANDREW H. PONTIOUS (SBN 157174)
7 COLLETTE ERICKSON FARMER & O'NEILL LLP
8 235 Pine Street, Suite 1300
9 San Francisco CA 94104
10 Telephone: (415) 788-4646
11 Fax: (415) 788-6929
12 Email: wfarmer@collette.com
13 jalpren@collette.com
14 apontious@collette.com

15
16
17
18
19
20
21
22
23
24
25
26
27
28
Attorneys for Defendant
CHUNGHWA PICTURE TUBES, LTD.