

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 TATUNG COMPANY OF*
 9 *AMERICA, INC.*

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.

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

**DEFENDANT TATUNG COMPANY
 OF AMERICA, INC.'S ANSWER AND
 AFFIRMATIVE DEFENSES TO
 T-MOBILE U.S.A., INC.'S AMENDED
 COMPLAINT FOR DAMAGES AND
 INJUNCTIVE RELIEF**

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

19 **I. INTRODUCTION**

20 1. TUS lacks knowledge or sufficient facts to admit or deny the truth of the
21 allegations contained in Paragraph 1, and on that basis, denies such allegations

22 2. To the extent the allegations in Paragraph 2 are directed at Plaintiff or other
23 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
24 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
25 denies them.

26 3. To the extent the allegations of Paragraph 3 are definitional, no response is required.
27 To the extent a response is required and to the extent the allegations in Paragraph 3 are directed at
28 Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of

1 such allegations, and on that basis, denies such allegations. To the extent these allegations are
2 directed at TUS, TUS denies them.

3 4. To the extent the allegations in Paragraph 4 are directed at Plaintiff or other
4 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
5 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
6 denies them.

7 5. On information and belief, TUS admits that certain defendants entered into plea
8 agreements with the Department of Justice. TUS states that those documents speak for themselves
9 and refers the Court to those documents for a full and complete statement of their respective
10 contents. Except as expressly admitted and to the extent the allegations in Paragraph 5 are directed at
11 Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of
12 such allegations, and on that basis, denies such allegations. To the extent these allegations are
13 directed at TUS, TUS denies them.

14 6. To the extent that the allegations of Paragraph 6 refer to claims dismissed by the
15 Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
16 of the operative complaint. On information and belief, TUS admits that certain defendants entered
17 into plea agreements with the Department of Justice. TUS states that those documents speak for
18 themselves and refers the Court to those documents for a full and complete statement of their
19 respective contents. Except as expressly admitted and to the extent the allegations in Paragraph 6 are
20 directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to admit or deny
21 the truth of such allegations, and on that basis, denies such allegations. To the extent these
22 allegations are directed at TUS, TUS denies them.

23 7. To the extent that the allegations of Paragraph 7 refer to claims dismissed by the
24 Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
25 of the operative complaint. To the extent a further response is required and to the extent the
26 allegations in Paragraph 7 are directed at Plaintiff or other defendants, TUS lacks knowledge or
27 sufficient facts to admit or deny the truth of such allegations, and on that basis, denies such
28 allegations. To the extent these allegations are directed at TUS, TUS denies them.

1 8. To the extent the allegations in Paragraph 8 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them

5 9. TUS admits that T-Mobile purports to bring this action pursuant to federal and state
6 antitrust laws and seeks to recover the costs of suit, including reasonable attorneys' fees. To the
7 extent that the allegations of Paragraph 9 refer to claims dismissed by the Court's Feb. 6 Order, TUS
8 avers that no response is necessary as these claims no longer form a part of the operative complaint.
9 To the extent a further response is required, TUS denies the allegations contained in Paragraph 9.

10 **II. JURISDICTION AND VENUE**

11 10. TUS admits that T-Mobile purports to bring this action pursuant to federal
12 antitrust laws and seeks to recover treble damages. To the extent a further response is required,
13 TUS denies the allegations contained in Paragraph 10.

14 11. TUS admits that T-Mobile purports to bring this action pursuant to state antitrust laws
15 and seeks injunctive relief and recovery of treble damages. To the extent that the allegations of
16 Paragraph 11 refer to claims dismissed by the Court's Feb. 6 Order, TUS avers that no response is
17 necessary as these claims no longer form a part of the operative complaint. To the extent a further
18 response is required, TUS denies the allegations contained in Paragraph 11.

19 12. To the extent Paragraph 12 states legal conclusions, TUS is not required to respond.
20 To the extent that the allegations of Paragraph 12 refer to claims dismissed by the Court's Feb. 6
21 Order, TUS avers that no response is necessary as these claims no longer form a part of the operative
22 complaint. To the extent a further response is required, TUS denies the remaining allegations in
23 Paragraph 12.

24 13. To the extent Paragraph 13 states legal conclusions, TUS is not required to respond.
25 To the extent that the allegations of Paragraph 13 refer to claims dismissed by the Court's Feb. 6
26 Order, TUS avers that no response is necessary as these claims no longer form a part of the operative
27 complaint. To the extent a further response is required and to the extent the allegations in Paragraph
28 13 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to admit or

1 deny the truth of such allegations, and on that basis, denies such allegations. To the extent these
2 allegations are directed at TUS, TUS denies them.

3 14. To the extent Paragraph 14 states legal conclusions, TUS is not required to respond.
4 To the extent a further response is required and to the extent the allegations in Paragraph 14 are
5 directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to admit or deny
6 the truth of such allegations, and on that basis, denies such allegations. To the extent these
7 allegations are directed at TUS, TUS denies them.

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

15 16. To the extent Paragraph 16 states legal conclusions, TUS is not required to respond.
16 TUS admits that pursuant to Pretrial Order No. 1 in M:07-cv-1827 SI, this case was automatically
17 consolidated with M:07-cv-1827 SI in all pretrial proceedings. To the extent a further response is
18 required, TUS denies all remaining allegations contained in Paragraph 16.

19 **III. DEFINITIONS**

20 17. To the extent the allegations of Paragraph 17 are definitional, TUS is not required to
21 respond. To the extent a further response is required, TUS does not manufacture LCD panels and
22 lacks knowledge or sufficient facts to admit or deny the truth of such allegations contained in
23 Paragraph 17, and on that basis, denies such allegations.

24 18. To the extent the allegations of Paragraph 18 are definitional, TUS is not required to
25 respond. To the extent a further response is required, TUS does not manufacture LCD panels and
26 lacks knowledge or sufficient facts to admit or deny the truth of such allegations contained in
27 Paragraph 18, and on that basis, denies such allegations. To the extent a response is required, TUS
28 denies allegations contained in Paragraph 18.

1 19. To the extent the allegations of Paragraph 19 are definitional, TUS is not required to
2 respond. To the extent a response is required, TUS denies allegations contained in Paragraph 19.

3 20. To the extent the allegations of Paragraph 20 are definitional, TUS is not required to
4 respond. To the extent a response is required, TUS denies allegations contained in Paragraph 20.

5 21. To the extent the allegations of Paragraph 21 are definitional, TUS is not required to
6 respond. To the extent a response is required, TUS denies allegations contained in Paragraph 21.

7 **IV. THE PARTIES**

8 **A. Plaintiff T-Mobile**

9 22. To the extent the allegations in Paragraph 22 are directed at Plaintiff or other
10 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
11 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
12 denies them.

13 23. TUS admits that Plaintiff purports to define “T-Mobile” as described in Paragraph 23.
14 To the extent the allegations in Paragraph 23 are directed at Plaintiff or other defendants, TUS lacks
15 knowledge or sufficient facts to admit or deny the truth of such allegations, and on that basis, denies
16 such allegations. To the extent these allegations are directed at TUS, TUS denies them.

17 24. To the extent the allegations in Paragraph 24 are directed at Plaintiff or other
18 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
19 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
20 denies them.

21 25. To the extent that the allegations of Paragraph 25 refer to claims dismissed by the
22 Court’s Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
23 of the operative complaint. To the extent a further response is required, and the allegations in
24 Paragraph 25 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to
25 admit or deny the truth of such allegations, and on that basis, denies such allegations. To the extent
26 these allegations are directed at TUS, TUS denies them.

27 26. To the extent that the allegations of Paragraph 26 refer to claims dismissed by the
28 Court’s Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part

1 of the operative complaint. To the extent a further response is required, and the allegations in
2 Paragraph 25 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to
3 admit or deny the truth of such allegations, and on that basis, denies such allegations. To the extent
4 these allegations are directed at TUS, TUS denies them.

5 27. To the extent the allegations in Paragraph 27 are directed at Plaintiff or other
6 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
7 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
8 denies them.

9 28. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
10 contained in Paragraph 28, and on that basis, denies such allegations.

11 **B. Defendants**

12 **1. AU Optronics**

13 29. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
14 contained in Paragraph 29, and on that basis, denies such allegations.

15 30. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
16 contained in Paragraph 30, and on that basis, denies such allegations.

17 31. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
18 contained in Paragraph 31, and on that basis, denies such allegations.

19 **2. Chi Mei**

20 32. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
21 contained in Paragraph 32, and on that basis, denies such allegations.

22 33. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
23 contained in Paragraph 33, and on that basis, denies such allegations.

24 34. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
25 contained in Paragraph 34, and on that basis, denies such allegations.

26 35. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
27 contained in Paragraph 35, and on that basis, denies such allegations.
28

1 36. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
2 contained in Paragraph 36, and on that basis, denies such allegations.

3 37. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
4 contained in Paragraph 37, and on that basis, denies such allegations.

5 38. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
6 contained in Paragraph 38, and on that basis, denies such allegations.

7 **3. Chunghwa**

8 39. TUS admits that Plaintiff purports to define “CPT” as described in Paragraph 39. On
9 information and belief, TUS admits that CPT is headquartered at 1127 Heping Rd. Bade City,
10 Taoyuan, Taiwan, 334 R.O.C. and that CPT manufactures TFT-LCD Panels. TUS denies the
11 allegations contained in the second sentence, but TUS admits that Tatung Company owns a portion
12 of CPT and that Tatung Company is a consolidated consumer electronics and information
13 technology company based in Taiwan. With respect to the allegations contained in the third
14 sentence, TUS lacks knowledge or sufficient facts to admit or deny the allegations, and on that basis,
15 denies such allegations. With respect to the allegations contained in the fourth sentence, TUS lacks
16 knowledge or sufficient facts to admit or deny the allegations, and on that basis, denies such
17 allegations, except TUS states, on information and belief, that Weishan Lin has been the chairman of
18 CPT since 2007. With respect to the allegations contained in the final sentence, TUS lacks
19 knowledge or sufficient facts to admit or deny the allegations, and on that basis, denies such
20 allegations, except TUS states that it purchased LCD panels from CPT.

21 40. On information and belief, TUS admits the first and second sentences of Paragraph
22 40. TUS admits that Tatung Company owns a portion of CPT and TUS. Except as expressly
23 admitted, TUS denies the allegations contained in Paragraph 40.

24 41. TUS admits the allegations in Paragraph 41 that TUS is a California corporation with
25 its principal place of business at 2850 El Presidio Street, Long Beach, California. TUS admits the
26 allegation that Tatung Company of Taiwan owns approximately 50% of TUS. TUS denies the
27 allegation that the other half is owned by Lun Kuan Lin, the daughter of Tatung Company’s former
28 Chairman, T.S. Lin. Lun Kuan Lin is deceased. TUS denies the allegation that it sold and distributed

1 LCD Products manufactured by CPT to customers throughout the United States. Except as expressly
2 admitted, TUS denies any remaining allegations of Paragraph 41.

3 42. To the extent the allegations of Paragraph 42 are definitional, TUS is not required to
4 respond. TUS denies, however, the characterization of TUS, CPT, and Tatung Company as being
5 synonymously known as “Chunghwa” and avers that Paragraph 42 renders the Complaint indefinite
6 and uncertain as to the distinction between CPT, TUS and Tatung Company. TUS further denies the
7 characterization in the second sentence of Paragraph 42.

8 43. TUS denies the characterization in the first sentence of Paragraph 43 of TUS, CPT
9 and Tatung Company as being synonymously known as “Chunghwa” and avers that Paragraph 43
10 renders the Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung
11 Company. TUS denies such allegations set forth in the second and tenth sentences of Paragraph 43.
12 Except as expressly admitted, to the extent the remaining allegations contained in Paragraph 43
13 relate to TUS, TUS denies such allegations, and to the extent the allegations contained in Paragraph
14 43 do not relate to TUS, TUS is without knowledge or information sufficient to form a belief as to
15 the truth of the allegations contained in Paragraph 43, and, on that basis, denies such allegations.

16 **4. Epson**

17 44. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
18 contained in Paragraph 44, and on that basis, denies such allegations.

19 45. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
20 contained in Paragraph 45, and on that basis, denies such allegations.

21 46. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
22 contained in Paragraph 46, and on that basis, denies such allegations.

23 47. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
24 contained in Paragraph 47, and on that basis, denies such allegations.

25 **5. HannStar**

26 48. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
27 contained in Paragraph 48, and on that basis, denies such allegations.

1 **6. Hitachi**

2 49. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
3 contained in Paragraph 49, and on that basis, denies such allegations.

4 50. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
5 contained in Paragraph 50, and on that basis, denies such allegations.

6 51. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
7 contained in Paragraph 51, and on that basis, denies such allegations.

8 52. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
9 contained in Paragraph 52, and on that basis, denies such allegations.

10 **7. LG Display**

11 53. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
12 contained in Paragraph 53, and on that basis, denies such allegations.

13 54. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
14 contained in Paragraph 54, and on that basis, denies such allegations.

15 55. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
16 contained in Paragraph 55, and on that basis, denies such allegations.

17 **8. Philips**

18 56. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
19 contained in Paragraph 56, and on that basis, denies such allegations.

20 57. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
21 contained in Paragraph 57, and on that basis, denies such allegations.

22 58. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
23 contained in Paragraph 58, and on that basis, denies such allegations.

24 **9. Samsung**

25 59. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
26 contained in Paragraph 59, and on that basis, denies such allegations.

1 60. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
2 contained in Paragraph 60, and on that basis, denies such allegations.

3 61. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
4 contained in Paragraph 61, and on that basis, denies such allegations.

5 62. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
6 contained in Paragraph 62, and on that basis, denies such allegations.

7 63. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
8 contained in Paragraph 63, and on that basis, denies such allegations.

9 64. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
10 contained in Paragraph 64, and on that basis, denies such allegations.

11 65. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
12 contained in Paragraph 65, and on that basis, denies such allegations.

13 66. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
14 contained in Paragraph 66, and on that basis, denies such allegations.

15 67. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
16 contained in Paragraph 67, and on that basis, denies such allegations.

17 68. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
18 contained in Paragraph 68, and on that basis, denies such allegations.

19 69. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
20 contained in Paragraph 69, and on that basis, denies such allegations.

21 **10. Sanyo**

22 70. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
23 contained in Paragraph 70, and on that basis, denies such allegations.

24 71. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
25 contained in Paragraph 71, and on that basis, denies such allegations.

26 **11. Sharp**

27 72. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
28 contained in Paragraph 72, and on that basis, denies such allegations.

1 73. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
2 contained in Paragraph 73, and on that basis, denies such allegations.

3 74. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
4 contained in Paragraph 74, and on that basis, denies such allegations.

5 **12. Toshiba**

6 75. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
7 contained in Paragraph 75, and on that basis, denies such allegations.

8 76. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
9 contained in Paragraph 76, and on that basis, denies such allegations.

10 77. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
11 contained in Paragraph 77, and on that basis, denies such allegations.

12 78. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
13 contained in Paragraph 78, and on that basis, denies such allegations.

14 79. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
15 contained in Paragraph 79, and on that basis, denies such allegations.

16 **C. Co-Conspirators**

17 80. To the extent the allegations in Paragraph 80 are directed at Plaintiff or other
18 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
19 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
20 denies them.

21 81. To the extent Paragraph 81 states legal conclusions, TUS is not required to respond.
22 To the extent a further response is required and the allegations in Paragraph 81 are directed at
23 Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of
24 such allegations, and on that basis, denies such allegations. To the extent these allegations are
25 directed at TUS, TUS denies them.

26 82. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
27 contained in Paragraph 82, and on that basis, denies such allegations.

1 83. To the extent the allegations in Paragraph 83 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them.

5 84. To the extent Paragraph 84 states legal conclusions, TUS is not required to respond.
6 To the extent a further response is required and the allegations in Paragraph 84 are directed at
7 Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of
8 such allegations, and on that basis, denies such allegations. To the extent these allegations are
9 directed at TUS, TUS denies them.

10 **V. ALLEGATIONS CONCERNING THE MARKET FOR TFT-LCD PANELS AND**
11 **TFT-LCD PRODUCTS**

12 85. TUS admits the first sentence of Paragraph 85. Except as expressly admitted, TUS
13 lacks knowledge or sufficient facts to admit or deny the truth of the allegations contained in
14 Paragraph 85, and on that basis, denies such allegations.

15 86. As TUS does not manufacture LCD panels, TUS lacks knowledge or sufficient facts
16 to admit or deny the truth of the allegations contained in Paragraph 86, and on that basis, denies such
17 allegations.

18 87. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
19 contained in Paragraph 87, and on that basis, denies such allegations.

20 88. TUS denies the allegations contained in Paragraph 88.

21 89. TUS denies the allegations contained in Paragraph 89.

22 90. To the extent the allegations in Paragraph 90 are directed at Plaintiff or other
23 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
24 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
25 denies them.

26 91. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
27 contained in Paragraph 91, and on that basis, denies such allegations.

1 92. To the extent the allegations in Paragraph 92 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them.

5 93. As TUS does not manufacture LCD panels, TUS lacks knowledge or sufficient facts
6 to admit or deny the truth of the allegations contained in Paragraph 93, and on that basis, denies such
7 allegations.

8 94. As TUS does not manufacture LCD panels, TUS lacks knowledge or sufficient facts
9 to admit or deny the truth of the allegations contained in Paragraph 94, and on that basis, denies such
10 allegations.

11 95. TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations
12 contained in Paragraph 95, and on that basis, denies such allegations.

13 96. To the extent the allegations in Paragraph 96 are directed at Plaintiff or other
14 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
15 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
16 denies them.

17 97. To the extent the allegations in Paragraph 97 are directed at Plaintiff or other
18 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
19 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
20 denies them.

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

22 98. To the extent the allegations in Paragraph 98 are directed at Plaintiff or other
23 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
24 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
25 denies them.

26 99. To the extent the allegations in Paragraph 99 are directed at Plaintiff or other
27 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
28

1 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
2 denies them.

3 **A. Defendants Engaged in Bilateral and Multilateral Meetings and**
4 **Communications with Competitors to Inflate Prices of LCD Panels and LCD**
5 **Products**

6 100. To the extent the allegations in Paragraph 100 are directed at Plaintiff or other
7 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
8 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
9 denies them.

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

12 101. To the extent the allegations in Paragraph 101 are directed at Plaintiff or other
13 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
14 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
15 denies them.

16 102. To the extent the allegations in Paragraph 102 are directed at Plaintiff or other
17 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
18 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
19 denies them.

20 103. To the extent the allegations in Paragraph 103 are directed at Plaintiff or other
21 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
22 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
23 denies them.

24 104. To the extent the allegations in Paragraph 104 are directed at Plaintiff or other
25 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
26 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
27 denies them.

28 105. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
contained in Paragraph 105 and on that basis, denies such allegations.

1 106. To the extent the allegations in Paragraph 106 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them.

5 107. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
6 being synonymously known as “Chunghwa” and avers that such characterization renders the
7 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
8 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
9 contained in Paragraph 107. To the extent the allegations in Paragraph 107 are directed at Plaintiff
10 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
11 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
12 TUS, TUS denies them.

13 108. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
14 being synonymously known as “Chunghwa” and avers that such characterization renders the
15 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
16 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
17 contained in Paragraph 108. To the extent the allegations in Paragraph 108 are directed at Plaintiff
18 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
19 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
20 TUS, TUS denies them.

21 109. To the extent the allegations in Paragraph 109 are directed at Plaintiff or other
22 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
23 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
24 denies them.

25 110. To the extent the allegations in Paragraph 110 are directed at Plaintiff or other
26 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
27 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
28 denies them.

1 111. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
2 contained in Paragraph 111, and on that basis, denies such allegations.

3 112. To the extent the allegations in Paragraph 112 are directed at Plaintiff or other
4 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
5 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
6 denies them.

7 113. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
8 being synonymously known as “Chunghwa” and avers that such characterization renders the
9 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
10 To the extent the allegations in Paragraph 113 are directed at Plaintiff or other defendants, TUS
11 lacks knowledge or sufficient facts to admit or deny the truth of such allegations, and on that basis,
12 denies such allegations. To the extent these allegations are directed at TUS, TUS denies them.

13 114. To the extent the allegations in Paragraph 114 are directed at Plaintiff or other
14 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
15 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
16 denies them.

17 115. To the extent the allegations in Paragraph 115 are directed at Plaintiff or other
18 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
19 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
20 denies them.

21 116. To the extent the allegations in Paragraph 116 are directed at Plaintiff or other
22 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
23 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
24 denies them.

25 117. To the extent the allegations in Paragraph 117 are directed at Plaintiff or other
26 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
27 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
28 denies them.

1 118. To the extent the allegations in Paragraph 118 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them.

5 119. To the extent the allegations in Paragraph 119 are directed at Plaintiff or other
6 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
7 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
8 denies them.

9 120. To the extent the allegations in Paragraph 120 are directed at Plaintiff or other
10 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
11 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
12 denies them.

13 121. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
14 being synonymously known as “Chunghwa” and avers that such characterization renders the
15 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
16 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
17 contained in Paragraph 121. To the extent the allegations in Paragraph 121 are directed at Plaintiff
18 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
19 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
20 TUS, TUS denies them.

21 122. To the extent the allegations in Paragraph 122 are directed at Plaintiff or other
22 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
23 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
24 denies them.

25 123. To the extent the allegations in Paragraph 123 are directed at Plaintiff or other
26 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
27 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
28 denies them.

1 124. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
2 contained in Paragraph 124, and on that basis, denies such allegations.

3 125. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
4 contained in Paragraph 125, and on that basis, denies such allegations.

5 126. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
6 contained in Paragraph 126, and on that basis, denies such allegations.

7 127. To the extent the allegations in Paragraph 127 are directed at Plaintiff or other
8 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
9 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
10 denies them.

11 128. To the extent the allegations in Paragraph 128 are directed at Plaintiff or other
12 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
13 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
14 denies them.

15 129. To the extent the allegations in Paragraph 129 are directed at Plaintiff or other
16 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
17 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
18 denies them.

19 130. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
20 contained in Paragraph 130, and on that basis, denies such allegations.

21 131. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
22 being synonymously known as “Chunghwa” and avers that such characterization renders the
23 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
24 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
25 contained in Paragraph 131. To the extent the allegations in Paragraph 131 are directed at Plaintiff
26 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
27 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
28 TUS, TUS denies them.

1 132. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
2 being synonymously known as “Chunghwa” and avers that such characterization renders the
3 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
4 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
5 contained in Paragraph 132. To the extent the allegations in Paragraph 132 are directed at Plaintiff
6 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
7 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
8 TUS, TUS denies them.

9 133. To the extent the allegations in Paragraph 133 are directed at Plaintiff or other
10 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
11 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
12 denies them.

13 134. To the extent the allegations in Paragraph 134 are directed at Plaintiff or other
14 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
15 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
16 denies them.

17 135. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
18 contained in Paragraph 135, and on that basis, denies such allegations.

19 136. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
20 contained in Paragraph 136, and on that basis, denies such allegations.

21 137. To the extent the allegations in Paragraph 137 are directed at Plaintiff or other
22 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
23 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
24 denies them.

25 138. To the extent the allegations in Paragraph 138 are directed at Plaintiff or other
26 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
27 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
28 denies them.

1 139. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
2 contained in Paragraph 139, and on that basis, denies such allegations.

3 140. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
4 contained in Paragraph 140, and on that basis, denies such allegations.

5 141. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
6 being synonymously known as “Chunghwa” and avers that such characterization renders the
7 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
8 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
9 contained in Paragraph 141. To the extent the allegations in Paragraph 141 are directed at Plaintiff
10 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
11 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
12 TUS, TUS denies them.

13 142. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
14 contained in Paragraph 142, and on that basis, denies such allegations.

15 143. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
16 being synonymously known as “Chunghwa” and avers that such characterization renders the
17 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
18 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
19 contained in Paragraph 143. To the extent the allegations in Paragraph 143 are directed at Plaintiff
20 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
21 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
22 TUS, TUS denies them.

23 144. To the extent the allegations in Paragraph 144 are directed at Plaintiff or other
24 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
25 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
26 denies them.

27 145. To the extent the allegations in Paragraph 145 are directed at Plaintiff or other
28 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,

1 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
2 denies them.

3 146. To the extent the allegations in Paragraph 146 are directed at Plaintiff or other
4 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
5 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
6 denies them.

7 147. To the extent the allegations in Paragraph 147 are directed at Plaintiff or other
8 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
9 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
10 denies them.

11 148. To the extent the allegations in Paragraph 148 are directed at Plaintiff or other
12 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
13 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
14 denies them.

15 149. To the extent the allegations in Paragraph 149 are directed at Plaintiff or other
16 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
17 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
18 denies them.

19 150. To the extent the allegations in Paragraph 150 are directed at Plaintiff or other
20 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
21 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
22 denies them.

23 151. To the extent the allegations in Paragraph 151 are directed at Plaintiff or other
24 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
25 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
26 denies them.

27 152. To the extent the allegations in Paragraph 152 are directed at Plaintiff or other
28 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,

1 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
2 denies them.

3 153. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
4 being synonymously known as “Chunghwa” and avers that such characterization renders the
5 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
6 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
7 contained in Paragraph 153. To the extent the allegations in Paragraph 153 are directed at Plaintiff
8 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
9 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
10 TUS, TUS denies them.

11 154. To the extent the allegations in Paragraph 154 are directed at Plaintiff or other
12 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
13 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
14 denies them.

15 155. To the extent the allegations in Paragraph 155 are directed at Plaintiff or other
16 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
17 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
18 denies them.

19 156. To the extent the allegations in Paragraph 156 are directed at Plaintiff or other
20 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
21 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
22 denies them.

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

24 157. To the extent the allegations in Paragraph 157 are directed at Plaintiff or other
25 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
26 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
27 denies them.

1 158. To the extent the allegations in Paragraph 158 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them.

5 159. To the extent the allegations in Paragraph 159 are directed at Plaintiff or other
6 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
7 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
8 denies them.

9 160. To the extent the allegations in Paragraph 160 are directed at Plaintiff or other
10 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
11 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
12 denies them.

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

15 161. To the extent the allegations in Paragraph 161 are directed at Plaintiff or other
16 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
17 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
18 denies them.

19 162. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
20 being synonymously known as “Chunghwa” and avers that such characterization renders the
21 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
22 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
23 contained in Paragraph 162. To the extent the allegations in Paragraph 162 are directed at Plaintiff
24 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
25 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
26 TUS, TUS denies them.

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

2 163. TUS denies the previous characterizations of TUS, CPT and Tatung Company as
3 being synonymously known as “Chunghwa” and avers that such characterization renders the
4 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
5 To the extent that the allegations of Paragraph 163 refer to claims dismissed by the Court’s Feb. 6
6 Order, TUS avers that no response is necessary as these claims no longer form a part of the operative
7 complaint. To the extent a further response is required and the allegations in Paragraph 163 are
8 directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts to admit or deny
9 the truth of such allegations, and on that basis, denies such allegations. To the extent these
10 allegations are directed at TUS, TUS denies them.

11 164. To the extent that the allegations of Paragraph 164 refer to claims dismissed by the
12 Court’s Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
13 of the operative complaint. To the extent a further response is required and the allegations in
14 Paragraph 164 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts
15 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
16 extent these allegations are directed at TUS, TUS denies them.

17 165. To the extent that the allegations of Paragraph 165 refer to claims dismissed by the
18 Court’s Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
19 of the operative complaint. To the extent a further response is required, TUS lacks knowledge or
20 sufficient facts to admit or deny the truth of the allegations contained in Paragraph 165, and on that
21 basis, denies such allegations.

22 166. To the extent that the allegations of Paragraph 166 refer to claims dismissed by the
23 Court’s Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
24 of the operative complaint. To the extent a further response is required and the allegations in
25 Paragraph 166 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts
26 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
27 extent these allegations are directed at TUS, TUS denies them.

1 167. To the extent that the allegations of Paragraph 167 refer to claims dismissed by the
2 Court's Feb. 6 Order, TUS 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 and the allegations in
4 Paragraph 167 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts
5 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
6 extent these allegations are directed at TUS, TUS denies them.

7 168. To the extent that the allegations of Paragraph 168 refer to claims dismissed by the
8 Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
9 of the operative complaint. To the extent a further response is required and the allegations in
10 Paragraph 168 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts
11 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
12 extent these allegations are directed at TUS, TUS denies them.

13 169. To the extent that the allegations of Paragraph 169 refer to claims dismissed by the
14 Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
15 of the operative complaint. To the extent a further response is required and the allegations in
16 Paragraph 169 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts
17 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
18 extent these allegations are directed at TUS, TUS denies them.

19 170. To the extent that the allegations of Paragraph 170 refer to claims dismissed by the
20 Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
21 of the operative complaint. To the extent a further response is required and the allegations in
22 Paragraph 170 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts
23 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
24 extent these allegations are directed at TUS, TUS denies them.

25 171. To the extent that the allegations of Paragraph 171 refer to claims dismissed by the
26 Court's Feb. 6 Order, TUS 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 and the allegations in
28 Paragraph 171 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts

1 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
2 extent these allegations are directed at TUS, TUS denies them.

3 172. To the extent that the allegations of Paragraph 172 refer to claims dismissed by the
4 Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
5 of the operative complaint. To the extent a further response is required and the allegations in
6 Paragraph 172 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts
7 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
8 extent these allegations are directed at TUS, TUS denies them.

9 173. To the extent that the allegations of Paragraph 173 refer to claims dismissed by the
10 Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
11 of the operative complaint. To the extent a further response is required and the allegations in
12 Paragraph 173 are directed at Plaintiff or other defendants, TUS lacks knowledge or sufficient facts
13 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
14 extent these allegations are directed at TUS, TUS denies them.

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

17 174. TUS states that the Securities and Exchange Commission filing referred to in
18 Paragraph 174 speaks for itself. TUS refers the Court to that document for a full and complete
19 statement of its contents. To the extent a further response is required, TUS lacks knowledge or
20 sufficient facts to admit or deny the truth of the allegations contained in Paragraph 174, and on that
21 basis, denies such allegations.

22 175. TUS states that the news reports referred to in Paragraph 175 speak for themselves.
23 TUS refers the Court to those documents for a full and complete statement of their contents. To the
24 extent a further response is required, TUS lacks knowledge or sufficient facts to admit or deny the
25 truth of the allegations contained in Paragraph 175, and on that basis, denies such allegations.

26 176. TUS states that the plea agreements referenced in Paragraph 176 speak for
27 themselves. TUS refers the Court to these documents for a full and complete statement of their
28 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to

1 admit or deny the truth of the allegations contained in Paragraph 176, and on that basis, denies such
2 allegations.

3 177. TUS states that the plea agreements referenced in Paragraph 177 speak for
4 themselves. TUS refers the Court to these documents for a full and complete statement of their
5 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to
6 admit or deny the truth of the allegations contained in Paragraph 177, and on that basis, denies such
7 allegations.

8 178. TUS states that the plea agreements referenced in Paragraph 178 speak for
9 themselves. TUS refers the Court to these documents for a full and complete statement of their
10 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to
11 admit or deny the truth of the allegations contained in Paragraph 178, and on that basis, denies such
12 allegations.

13 179. TUS states that the plea agreements referenced in Paragraph 179 speak for
14 themselves. TUS refers the Court to these documents for a full and complete statement of their
15 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to
16 admit or deny the truth of the allegations contained in Paragraph 179, and on that basis, denies such
17 allegations.

18 180. TUS states that the plea agreements referenced in Paragraph 180 speak for
19 themselves. TUS refers the Court to these documents for a full and complete statement of their
20 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to
21 admit or deny the truth of the allegations contained in Paragraph 180, and on that basis, denies such
22 allegations.

23 181. TUS states that the indictments referenced in Paragraph 181 speak for themselves.
24 TUS refers the Court to these documents for a full and complete statement of their contents. To the
25 extent a further response is required, TUS lacks knowledge or sufficient facts to admit or deny the
26 truth of the allegations contained in Paragraph 181, and on that basis, denies such allegations.

27 182. TUS denies the previous characterization of TUS, CPT and Tatung Company as
28 being synonymously known as “Chunghwa” and avers that such characterization renders the

1 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
2 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
3 contained in Paragraph 182. TUS states that the plea agreements referenced in Paragraph 182 speak
4 for themselves. TUS refers the Court to these documents for a full and complete statement of their
5 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to
6 admit or deny the truth of the allegations contained in Paragraph 182, and on that basis, denies such
7 allegations.

8 183. TUS denies the previous characterization of TUS, CPT and Tatung Company as
9 being synonymously known as “Chunghwa” and avers that such characterization renders the
10 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
11 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
12 contained in Paragraph 183. TUS states that the plea agreements referenced in Paragraph 183 speak
13 for themselves. TUS refers the Court to these documents for a full and complete statement of their
14 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to
15 admit or deny the truth of the allegations contained in Paragraph 183, and on that basis, denies such
16 allegations.

17 184. TUS denies the previous characterization of TUS, CPT and Tatung Company as
18 being synonymously known as “Chunghwa” and avers that such characterization renders the
19 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
20 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
21 contained in Paragraph 184. TUS states that the indictments referenced in Paragraph 184 speak for
22 themselves. TUS refers the Court to these documents for a full and complete statement of their
23 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to
24 admit or deny the truth of the allegations contained in Paragraph 184, and on that basis, denies such
25 allegations.

26 185. TUS states that the plea agreements referenced in Paragraph 185 speak for
27 themselves. TUS refers the Court to these documents for a full and complete statement of their
28 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to

1 admit or deny the truth of the allegations contained in Paragraph 185, and on that basis, denies such
2 allegations.

3 186. To the extent the allegations in Paragraph 186 are directed at Plaintiff or other
4 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
5 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
6 denies them.

7 187. TUS states that the plea agreements referenced in Paragraph 187 speak for
8 themselves. TUS refers the Court to these documents for a full and complete statement of their
9 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to
10 admit or deny the truth of the allegations contained in Paragraph 187, and on that basis, denies such
11 allegations.

12 188. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
13 contained in Paragraph 188, and on that basis, denies such allegations.

14 189. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
15 contained in Paragraph 189, and on that basis, denies such allegations.

16 190. To the extent the allegations in Paragraph 190 are directed at Plaintiff or other
17 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
18 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
19 denies them.

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

21 191. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
22 contained in Paragraph 191, and on that basis, denies such allegations.

23 192. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
24 contained in Paragraph 192, and on that basis, denies such allegations.

25 193. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
26 contained in Paragraph 193, and on that basis, denies such allegations.

27 194. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
28 contained in Paragraph 194, and on that basis, denies such allegations.

1 195. To the extent the allegations in Paragraph 195 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them.

5 196. To the extent the allegations in Paragraph 196 are directed at Plaintiff or other
6 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
7 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
8 denies them.

9 197. To the extent the allegations in Paragraph 197 are directed at Plaintiff or other
10 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
11 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
12 denies them.

13 198. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
14 contained in Paragraph 198, and on that basis, denies such allegations.

15 199. To the extent the allegations in Paragraph 199 are directed at Plaintiff or other
16 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
17 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
18 denies them.

19 200. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
20 contained in Paragraph 200, and on that basis, denies such allegations.

21 201. TUS denies the allegations contained in Paragraph 201.

22 202. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
23 contained in Paragraph 202, and on that basis, denies such allegations.

24 203. To the extent the allegations in Paragraph 203 are directed at Plaintiff or other
25 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
26 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
27 denies them.

1 204. To the extent the allegations in Paragraph 204 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them.

5 205. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
6 contained in Paragraph 205, and on that basis, denies such allegations.

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

8 206. To the extent the allegations in Paragraph 206 are directed at Plaintiff or other
9 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
10 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
11 denies them.

12 207. To the extent the allegations in Paragraph 207 are directed at Plaintiff or other
13 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
14 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
15 denies them.

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

17 208. To the extent the allegations in Paragraph 208 are directed at Plaintiff or other
18 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
19 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
20 denies them.

21 209. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
22 contained in Paragraph 209, and on that basis, denies such allegations.

23 210. TUS states that the deposition transcript referenced in Paragraph 210 speaks for itself.
24 TUS refers the Court to that document for a full and complete statement of its contents. To the extent
25 a further response is required, TUS lacks knowledge or sufficient facts to admit or deny the truth of
26 the allegations contained in Paragraph 210, and on that basis, denies such allegations.

27 211. To the extent the allegations in Paragraph 211 are directed at Plaintiff or other
28 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,

1 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
2 denies them.

3 212. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
4 contained in Paragraph 212, and on that basis, denies such allegations.

5 213. To the extent the allegations in Paragraph 213 are directed at Plaintiff or other
6 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
7 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
8 denies them.

9 214. To the extent the allegations in Paragraph 214 are directed at Plaintiff or other
10 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
11 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
12 denies them.

13 215. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
14 contained in Paragraph 215, and on that basis, denies such allegations.

15 216. To the extent the allegations in Paragraph 216 are directed at Plaintiff or other
16 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
17 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
18 denies them.

19 217. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
20 contained in Paragraph 217, and on that basis, denies such allegations.

21 218. To the extent the allegations in Paragraph 218 are directed at Plaintiff or other
22 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
23 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
24 denies them.

25 219. To the extent the allegations in Paragraph 219 are directed at Plaintiff or other
26 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
27 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
28 denies them.

1 220. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
2 contained in Paragraph 220, and on that basis, denies such allegations.

3 221. To the extent the allegations in Paragraph 221 are directed at Plaintiff or other
4 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
5 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
6 denies them.

7 222. To the extent the allegations in Paragraph 222 are directed at Plaintiff or other
8 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
9 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
10 denies them.

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

13 223. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
14 contained in Paragraph 223, and on that basis, denies such allegations.

15 224. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
16 contained in Paragraph 224, and on that basis, denies such allegations.

17 225. To the extent the allegations in Paragraph 225 are directed at Plaintiff or other
18 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
19 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
20 denies them.

21 226. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
22 contained in Paragraph 226, and on that basis, denies such allegations.

23 227. TUS denies the allegations contained in the first sentence of Paragraph 227. To the
24 extent the remaining allegations in Paragraph 227 are directed at Plaintiff or other defendants, TUS
25 lacks knowledge or sufficient facts to admit or deny the truth of such allegations, and on that basis,
26 denies such allegations. To the extent the remaining allegations are directed at TUS, TUS denies
27 them.
28

1 228. To the extent the allegations in Paragraph 228 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them.

5 229. To the extent the allegations in Paragraph 229 are directed at Plaintiff or other
6 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
7 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
8 denies them.

9 230. TUS denies the allegations contained in Paragraph 230.

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

11 231. TUS admits that the LCD market is served by several trade associations that put on
12 industry-wide meetings several times a year. To the extent a further response is required, To the
13 extent the allegations in Paragraph 231 are directed at Plaintiff or other defendants, TUS lacks
14 knowledge or sufficient facts to admit or deny the truth of such allegations, and on that basis, denies
15 such allegations. To the extent these allegations are directed at TUS, TUS denies them.

16 232. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
17 contained in Paragraph 232, and on that basis, denies such allegations.

18 233. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
19 contained in Paragraph 233, and on that basis, denies such allegations.

20 234. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
21 contained in Paragraph 234, and on that basis, denies such allegations.

22 235. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
23 contained in Paragraph 235, and on that basis, denies such allegations.

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

1 contained in Paragraph 236. TUS lacks knowledge or sufficient facts to admit or deny the truth of
2 the allegations contained in Paragraph 236, and on that basis, denies such allegations.

3 237. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
4 contained in Paragraph 237, and on that basis, denies such allegations.

5 238. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
6 contained in Paragraph 238, and on that basis, denies such allegations.

7 239. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
8 contained in Paragraph 239, and on that basis, denies such allegations.

9 240. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
10 contained in Paragraph 240, and on that basis, denies such allegations.

11 241. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
12 contained in Paragraph 241, and on that basis, denies such allegations.

13 242. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
14 contained in Paragraph 242, and on that basis, denies such allegations.

15 243. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
16 contained in Paragraph 243, and on that basis, denies such allegations.

17 244. To the extent the allegations in Paragraph 244 are directed at Plaintiff or other
18 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
19 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
20 denies them.

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

22 245. To the extent Paragraph 245 states legal conclusions, no response is required. To the
23 extent the allegations in Paragraph 245 are directed at Plaintiff or other defendants, TUS lacks
24 knowledge or sufficient facts to admit or deny the truth of such allegations, and on that basis, denies
25 such allegations. To the extent these allegations are directed at TUS, TUS denies them.

26 246. To the extent the allegations in Paragraph 246 are directed at Plaintiff or other
27 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
28

1 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
2 denies them.

3 247. To the extent the allegations in Paragraph 247 are directed at Plaintiff or other
4 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
5 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
6 denies them.

7 248. To the extent the allegations in Paragraph 248 are directed at Plaintiff or other
8 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
9 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
10 denies them.

11 249. TUS denies the allegations contained in Paragraph 249.

12 250. To the extent Paragraph 250 states legal conclusions, TUS is not required to respond.
13 TUS states that the complaints referred to in Paragraph 250 speak for themselves. TUS refers the
14 Court to those documents for a full and complete statement of their contents. To the extent the
15 allegations contained in Paragraph 250 pertain to TUS, TUS denies such allegations. To the extent a
16 further response is required, TUS is without knowledge of information sufficient to form a belief as
17 to the truth of the allegations contained in Paragraph 250, and, on that basis, denies such allegations.

18 251. TUS states that the plea agreements referenced in Paragraph 251 speak for
19 themselves. TUS refers the Court to these documents for a full and complete statement of their
20 contents. To the extent a further response is required, TUS lacks knowledge or sufficient facts to
21 admit or deny the truth of the allegations contained in Paragraph 251, and on that basis, denies such
22 allegations.

23 252. To the extent Paragraph 252 states legal conclusions, TUS is not required to respond.
24 To the extent a response is required, TUS denies the allegations contained in Paragraph 252.

25 **VII. PLAINTIFF'S INJURIES**

26 253. To the extent Paragraph 253 states legal conclusions, TUS is not required to respond.
27 To the extent a response is required, TUS denies the allegations contained in Paragraph 253.

1 254. To the extent the allegations in Paragraph 254 are directed at Plaintiff or other
2 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
3 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
4 denies them.

5 255. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
6 contained in Paragraph 255, and on that basis, denies such allegations.

7 256. To the extent the allegations in Paragraph 256 are directed at Plaintiff or other
8 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
9 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
10 denies them.

11 257. To the extent the allegations in Paragraph 257 are directed at Plaintiff or other
12 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
13 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
14 denies them.

15 258. TUS denies the allegations contained in Paragraph 258.

16 259. To the extent Paragraph 259 states legal conclusions, TUS is not required to respond.
17 To the extent a response is required, TUS denies the allegations contained in Paragraph 259.

18 **VIII. FRAUDULENT CONCEALMENT, EQUITABLE TOLLING, AND CONTINUING**
19 **TORT DOCTRINE**

20 260. To the extent Paragraph 260 states legal conclusions, TUS is not required to respond.
21 To the extent a response is required, TUS denies the allegations contained in Paragraph 260.

22 261. To the extent the allegations in Paragraph 261 are directed at Plaintiff or other
23 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
24 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
25 denies them.

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

1 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
2 contained in Paragraph 262. To the extent the allegations in Paragraph 262 are directed at Plaintiff
3 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
4 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
5 TUS, TUS denies them.

6 263. TUS denies the previous characterization of TUS, CPT and Tatung Company as
7 being synonymously known as “Chunghwa” and avers that such characterization renders the
8 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
9 To the extent the term “Chunghwa” refers to Tatung Company or TUS, TUS denies the allegations
10 contained in Paragraph 263. To the extent the allegations in Paragraph 263 are directed at Plaintiff
11 or other defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such
12 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
13 TUS, TUS denies them.

14 264. To the extent the allegations in Paragraph 264 are directed at Plaintiff or other
15 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
16 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
17 denies them.

18 265. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
19 contained in Paragraph 265, and on that basis, denies such allegations.

20 266. To the extent the allegations in Paragraph 266 are directed at Plaintiff or other
21 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
22 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
23 denies them.

24 267. To the extent the allegations in Paragraph 267 are directed at Plaintiff or other
25 defendants, TUS lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
26 and on that basis, denies such allegations. To the extent these allegations are directed at TUS, TUS
27 denies them.

1 268. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
2 contained in Paragraph 268, and on that basis, denies such allegations.

3 269. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
4 contained in Paragraph 269, and on that basis, denies such allegations.

5 270. TUS lacks knowledge or sufficient facts to admit or deny the truth of the allegations
6 contained in Paragraph 270, and on that basis, denies such allegations.

7 271. TUS states that quotations referred to in Paragraph 271 speak for themselves. TUS
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 TUS, TUS denies such allegations. To the extent the allegations contained in Paragraph 271 do not
11 pertain to TUS, TUS is without knowledge or information sufficient to form a belief as to the truth
12 of the allegations contained in Paragraph 271, and, on that basis, denies them.

13 272. TUS states that interview referred to in Paragraph 272 speaks for itself. TUS 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, TUS 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. TUS denies the allegations contained in Paragraph 273.

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

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

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

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

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

27 279. To the extent Paragraph 279 states legal conclusions, TUS is not required to respond.
28 To the extent a response is required, TUS 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. TUS 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, TUS is not required to respond.
7 To the extent a response is required, TUS denies the allegations contained in Paragraph 281.

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

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

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

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

14 286. To the extent Paragraph 286 states legal conclusions, TUS is not required to respond.
15 To the extent a response is required, TUS denies the allegations contained in Paragraph 286.

16 **Second Claim for Relief**

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

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

20 288. To the extent Paragraph 288 states legal conclusions, TUS is not required to respond.
21 To the extent that the allegations of Paragraph 288 refer to claims dismissed by the Court's Feb. 6
22 Order, TUS 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, TUS denies the allegations contained in
24 Paragraph 288.

25 289. To the extent that the allegations of Paragraph 289 refer to claims dismissed by the
26 Court's Feb. 6 Order, TUS 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, TUS is without knowledge
28 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph

1 289, and, on that basis, denies such allegations. TUS further states that T-Mobile's state antitrust law
2 claims have been dismissed by the Court.

3 290. To the extent Paragraph 290 states legal conclusions, TUS is not required to respond.
4 To the extent that the allegations of Paragraph 290 refer to claims dismissed by the Court's Feb. 6
5 Order, TUS 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, TUS denies the allegations contained in
7 Paragraph 290.

8 291. TUS denies the previous characterization of TUS, CPT and Tatung Company as
9 being synonymously known as "Chunghwa" and avers that such characterization renders the
10 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung Company.
11 To the extent the term "Chunghwa" refers to Tatung Company or TUS, TUS denies the allegations
12 contained in Paragraph 291. To the extent Paragraph 291 states legal conclusions, TUS is not
13 required to respond. To the extent that the allegations of Paragraph 291 refer to claims dismissed by
14 the Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a
15 part of the operative complaint. To the extent a further response is required, TUS denies the
16 allegations contained in Paragraph 291.

17 292. To the extent Paragraph 292 states legal conclusions, TUS is not required to respond.
18 To the extent that the allegations of Paragraph 292 refer to claims dismissed by the Court's Feb. 6
19 Order, TUS avers that no response is necessary as these claims no longer form a part of the operative
20 complaint. To the extent a further response is required, TUS denies the allegations contained in
21 Paragraph 292.

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

27 294. To the extent that the allegations of Paragraph 294 refer to claims dismissed by the
28 Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part

1 of the operative complaint. To the extent a further response is required, TUS denies the allegations
2 contained in Paragraph 294.

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

7 296. To the extent that the allegations of Paragraph 296 refer to claims dismissed by the
8 Court's Feb. 6 Order, TUS avers that no response is necessary as these claims no longer form a part
9 of the operative complaint. To the extent a further response is required, TUS denies the allegations
10 contained in Paragraph 296.

11 297. To the extent Paragraph 297 states legal conclusions, TUS is not required to respond.
12 To the extent that the allegations of Paragraph 297 refer to claims dismissed by the Court's Feb. 6
13 Order, TUS avers that no response is necessary as these claims no longer form a part of the operative
14 complaint. To the extent a further response is required, TUS denies the allegations contained in
15 Paragraph 297.

16 298. To the extent Paragraph 298 states legal conclusions, TUS is not required to respond.
17 To the extent that the allegations of Paragraph 298 refer to claims dismissed by the Court's Feb. 6
18 Order, TUS avers that no response is necessary as these claims no longer form a part of the operative
19 complaint. To the extent a further response is required, TUS denies the allegations contained in
20 Paragraph 298.

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

26 **X. PRAYER FOR RELIEF**

27 In answer to the Prayer for Relief, TUS denies each and every allegation in the Prayer and
28 further specifically denies that Plaintiff is entitled to any of the relief described or to any remedy

1 whatsoever against TUS.

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

4 **XI. JURY TRIAL DEMAND**

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

7 **XII. AFFIRMATIVE DEFENSES**

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

13 **FIRST AFFIRMATIVE DEFENSE**

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

15 **SECOND AFFIRMATIVE DEFENSE**

16 Plaintiff lacks standing to seek relief against or from TUS.

17 **THIRD AFFIRMATIVE DEFENSE**

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

19 **FOURTH AFFIRMATIVE DEFENSE**

20 Plaintiff has not sustained any cognizable injury or antitrust injury as a result of TUS's
21 actions.

22 **FIFTH AFFIRMATIVE DEFENSE**

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

25 **SIXTH AFFIRMATIVE DEFENSE**

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

27 **SEVENTH AFFIRMATIVE DEFENSE**

28 Plaintiff's claims are barred in whole or in part because TUS's alleged conduct has not

1 unreasonably restrained trade and was based on independent and legitimate business justifications.

2 **EIGHTH AFFIRMATIVE DEFENSE**

3 Any alleged harm suffered by Plaintiff was caused by the conduct of third parties for which
4 TUS is not responsible.

5 **NINTH AFFIRMATIVE DEFENSE**

6 Plaintiff's claims against TUS are barred by the indirect purchaser rule.

7 **TENTH AFFIRMATIVE DEFENSE**

8 Plaintiff's claims are barred, in whole or in part, because Plaintiff has failed to allege facts
9 sufficient to support jurisdiction under the Foreign Trade Antitrust Improvement Act, 15 U.S.C. §
10 6a, for any claim in the Complaint.

11 **ELEVENTH AFFIRMATIVE DEFENSE**

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

14 **TWELFTH ADDITIONAL DEFENSE**

15 Plaintiff's claims are barred, in whole or in part, because the Complaint does not adequately
16 define the relevant market or products allegedly affected by the alleged conduct of TUS that is the
17 subject of the Complaint.

18 **THIRTEENTH ADDITIONAL DEFENSE**

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

22 **FOURTEENTH ADDITIONAL DEFENSE**

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

26 **FIFTEENTH AFFIRMATIVE DEFENSE**

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

1 **SIXTEENTH ADDITIONAL DEFENSE**

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

4 **XIII. TUS'S PRAYER FOR RELIEF**

5 WHEREFORE, having stated its answer and affirmative defenses, TUS prays for relief as
6 follows:

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

13 Dated: March 5, 2012

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

14 By: /s/ William S. Farmer

15 WILLIAM S. FARMER (SBN 46694)
16 JACOB P. ALPREN (SBN 235713)
17 ANDREW H. PONTIOUS (SBN 157174)
18 COLLETTE ERICKSON FARMER &
19 O'NEILL LLP
20 235 Pine Street, Suite 1300
21 San Francisco CA 94104
22 Telephone: (415) 788-4646
23 Fax: (415) 788-6929
24 Email: wfarmer@collette.com
25 jalpren@collette.com
26 apontious@collette.com

27 Attorneys for Defendant
28 TATUNG COMPANY OF AMERICA, INC.