

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*

9 **UNITED STATES DISTRICT COURT**

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

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

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

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

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

16 Plaintiff,

17 v.

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

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

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

12 Defendants.

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

22 **I. INTRODUCTION**

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

25 2. To the extent the allegations in Paragraph 2 are directed at Plaintiff or other
26 defendants, Tatung 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 Tatung,
28 Tatung denies them.

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

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

3 4. To the extent the allegations in Paragraph 4 are directed at Plaintiff or other
4 defendants, Tatung 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 Tatung,
6 Tatung denies them.

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

1 8. To the extent the allegations in Paragraph 8 are directed at Plaintiff or other
2 defendants, Tatung 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 Tatung,
4 Tatung denies them

5 9. Tatung 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,
8 Tatung avers that no response is necessary as these claims no longer form a part of the operative
9 complaint. To the extent a further response is required, Tatung denies the allegations contained in
10 Paragraph 9.

11 **II. JURISDICTION AND VENUE**

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

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

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

25 13. To the extent Paragraph 13 states legal conclusions, Tatung is not required to
26 respond. To the extent that the allegations of Paragraph 13 refer to claims dismissed by the Court's
27 Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a part of the
28 operative complaint. To the extent a further response is required and to the extent the allegations in

1 Paragraph 13 are directed at Plaintiff or other defendants, Tatung lacks knowledge or sufficient facts
2 to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
3 extent these allegations are directed at Tatung, Tatung denies them.

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

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

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

20 **III. DEFINITIONS**

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

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

1 19. To the extent the allegations of Paragraph 19 are definitional, Tatung is not required
2 to respond. To the extent a further response is required, Tatung denies any remaining allegations
3 contained in Paragraph 19.

4 20. To the extent the allegations of Paragraph 20 are definitional, Tatung is not required
5 to respond. To the extent a further response is required, Tatung denies any remaining allegations
6 contained in Paragraph 20.

7 21. To the extent the allegations of Paragraph 21 are definitional, Tatung is not required
8 to respond. To the extent a further response is required, Tatung denies any remaining allegations
9 contained in Paragraph 21.

10 **IV. THE PARTIES**

11 **A. Plaintiff T-Mobile**

12 22. To the extent the allegations in Paragraph 22 are directed at Plaintiff or other
13 defendants, Tatung 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 Tatung,
15 Tatung denies them.

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

20 24. To the extent the allegations in Paragraph 24 are directed at Plaintiff or other
21 defendants, Tatung 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 Tatung,
23 Tatung denies them.

24 25. To the extent that the allegations of Paragraph 25 refer to claims dismissed by the
25 Court’s Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a
26 part of the operative complaint. To the extent a further response is required and the allegations in
27 Paragraph 25 are directed at Plaintiff or other defendants, Tatung lacks knowledge or sufficient facts
28

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 Tatung, Tatung denies them.

3 26. To the extent that the allegations of Paragraph 26 refer to claims dismissed by the
4 Court's Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a
5 part of the operative complaint. To the extent a further response is required and the allegations in
6 Paragraph 26 are directed at Plaintiff or other defendants, Tatung 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 Tatung, Tatung denies them.

9 27. To the extent the allegations in Paragraph 27 are directed at Plaintiff or other
10 defendants, Tatung 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 Tatung,
12 Tatung denies them.

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

15 **B. Defendants**

16 **1. AU Optronics**

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

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

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

23 **2. Chi Mei**

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

26 33. Tatung lacks knowledge or sufficient facts to admit or deny the truth of the
27 allegations contained in Paragraph 33, and on that basis, denies such allegations.
28

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

3 35. Tatung lacks knowledge or sufficient facts to admit or deny the truth of the
4 allegations contained in Paragraph 35, and on that basis, denies such allegations.

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

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

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

11 **3. Chunghwa**

12 39. Tatung admits that Plaintiff purports to define “CPT” as described in Paragraph 39.
13 On information and belief, Tatung admits that CPT is headquartered at 1127 Heping Rd. Bade City,
14 Taoyuan, Taiwan, 334 R.O.C. and that it manufactures TFT-LCD Panels. Tatung denies the
15 allegations contained in the second sentence, but Tatung admits that it owns a portion of CPT and
16 that Tatung is a consolidated consumer electronics and information technology company based in
17 Taiwan. Tatung admits the allegations contained in the third and fourth sentences of Paragraph 39.
18 With respect to the allegations contained in the final sentence, Tatung lacks knowledge or sufficient
19 facts to admit or deny the allegations, and on that basis, denies such allegations. Except as expressly
20 admitted, Tatung denies the allegations contained in Paragraph 39.

21 40. Tatung admits the first and second sentences of Paragraph 40. Tatung denies the
22 allegations contained in the third sentence, but Tatung admits that it owns a portion of CPT and
23 Tatung Company of America, Inc. (“TUS” or “Tatung America”). Tatung denies the allegations
24 contained in the fourth sentence. Except as expressly admitted, Tatung denies the allegations
25 contained in Paragraph 40.

26 41. Tatung admits that Plaintiff purports to define “Tatung America” as described in
27 Paragraph 41. On information and belief, Tatung admits the allegations in Paragraph 41 that TUS is
28 a California corporation with its principal place of business at 2850 El Presidio Street, Long Beach,

1 California. Tatung further admits the allegation that Tatung owns approximately 50% of TUS.
2 Tatung denies the allegation that the other half of TUS is owned by Lun Kuan Lin, the daughter of
3 Tatung former Chairman, T.S. Lin. Lun Kuan Lin is deceased. On information and belief, Tatung
4 denies the allegation that Tatung America sold and distributed LCD Products manufactured by CPT
5 to customers throughout the United States. Except as expressly admitted, Tatung denies any
6 remaining allegations of Paragraph 41.

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

12 43. Tatung denies the characterization in the first sentence of Paragraph 43 of TUS, CPT
13 and Tatung as being synonymously known as “Chunghwa” and avers that Paragraph 43 renders the
14 Complaint indefinite and uncertain as to the distinction between CPT, TUS and Tatung. Tatung
15 admits that T.S. Lin formerly served as Chairman of Tatung and that W.S. Lin formerly served as
16 President of Tatung. On information and belief, Tatung admits C.Y. Lin and Chieng-Hon Lin
17 formerly served as Chairman and President of CPT. Except as expressly admitted and to the extent
18 the remaining allegations contained in Paragraph 43 relate to Tatung, Tatung denies such allegations,
19 and to the extent the allegations contained in Paragraph 43 do not relate to Tatung, Tatung is without
20 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
21 Paragraph 43, and, on that basis, denies such allegations.

22 **4. Epson**

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

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

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

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

3 **5. HannStar**

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

6 **6. Hitachi**

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

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

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

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

15 **7. LG Display**

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

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

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

22 **8. Philips**

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

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

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

3 **9. Samsung**

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

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

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

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

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

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

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

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

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

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

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

26 **10. Sanyo**

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

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

3 **11. Sharp**

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

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

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

10 **12. Toshiba**

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

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

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

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

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

21 **C. Co-Conspirators**

22 80. To the extent the allegations in Paragraph 80 are directed at Plaintiff or other
23 defendants, Tatung 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 Tatung,
25 Tatung denies them.

26 81. To the extent Paragraph 81 states legal conclusions, Tatung is not required to
27 respond. To the extent a further response is required and the allegations in Paragraph 81 are directed
28 at Plaintiff or other defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth

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

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

5 83. To the extent the allegations in Paragraph 83 are directed at Plaintiff or other
6 defendants, Tatung 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 Tatung,
8 Tatung denies them.

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

14 **V. ALLEGATIONS CONCERNING THE MARKET FOR TFT-LCD PANELS**
15 **AND TFT-LCD PRODUCTS**

16 85. Tatung admits the first sentence of Paragraph 85. Except as expressly admitted,
17 Tatung lacks knowledge or sufficient facts to admit or deny the truth of the allegations contained in
18 Paragraph 85, and on that basis, denies such allegations.

19 86. As Tatung does not manufacture LCD panels, Tatung lacks knowledge or sufficient
20 facts to admit or deny the truth of the allegations contained in Paragraph 86, and on that basis, denies
21 such allegations.

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

24 88. Tatung denies the allegations contained in Paragraph 88.

25 89. Tatung denies the allegations contained in Paragraph 89.

26 90. To the extent the allegations in Paragraph 90 are directed at Plaintiff or other
27 defendants, Tatung 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 Tatung,
2 Tatung denies them.

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

5 92. To the extent the allegations in Paragraph 92 are directed at Plaintiff or other
6 defendants, Tatung 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 Tatung,
8 Tatung denies them.

9 93. As Tatung does not manufacture LCD panels, Tatung lacks knowledge or sufficient
10 facts to admit or deny the truth of the allegations contained in Paragraph 93, and on that basis, denies
11 such allegations.

12 94. As Tatung does not manufacture LCD panels, Tatung lacks knowledge or sufficient
13 facts to admit or deny the truth of the allegations contained in Paragraph 94, and on that basis, denies
14 such allegations.

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

17 96. To the extent the allegations in Paragraph 96 are directed at Plaintiff or other
18 defendants, Tatung 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 Tatung,
20 Tatung denies them.

21 97. To the extent the allegations in Paragraph 97 are directed at Plaintiff or other
22 defendants, Tatung 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 Tatung,
24 Tatung denies them.

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

26 98. To the extent the allegations in Paragraph 98 are directed at Plaintiff or other
27 defendants, Tatung 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 Tatung,
2 Tatung denies them.

3 99. To the extent the allegations in Paragraph 99 are directed at Plaintiff or other
4 defendants, Tatung 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 Tatung,
6 Tatung denies them.

7 **A. Defendants Engaged in Bilateral and Multilateral Meetings and**
8 **Communications with Competitors to Inflate Prices of LCD Panels and LCD**
9 **Products**

10 100. To the extent the allegations in Paragraph 100 are directed at Plaintiff or other
11 defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
12 and on that basis, denies such allegations. To the extent these allegations are directed at Tatung,
13 Tatung denies them.

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

16 101. To the extent the allegations in Paragraph 101 are directed at Plaintiff or other
17 defendants, Tatung 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 Tatung,
19 Tatung denies them.

20 102. To the extent the allegations in Paragraph 102 are directed at Plaintiff or other
21 defendants, Tatung 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 Tatung,
23 Tatung denies them.

24 103. To the extent the allegations in Paragraph 103 are directed at Plaintiff or other
25 defendants, Tatung 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 Tatung,
27 Tatung denies them.

28 104. To the extent the allegations in Paragraph 104 are directed at Plaintiff or other
defendants, Tatung 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 Tatung,
2 Tatung denies them.

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

5 106. To the extent the allegations in Paragraph 106 are directed at Plaintiff or other
6 defendants, Tatung 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 Tatung,
8 Tatung denies them.

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

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

25 109. To the extent the allegations in Paragraph 109 are directed at Plaintiff or other
26 defendants, Tatung 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 Tatung,
28 Tatung denies them.

1 110. To the extent the allegations in Paragraph 110 are directed at Plaintiff or other
2 defendants, Tatung 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 Tatung,
4 Tatung denies them.

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

7 112. To the extent the allegations in Paragraph 112 are directed at Plaintiff or other
8 defendants, Tatung 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 Tatung,
10 Tatung denies them.

11 113. Tatung denies the previous characterizations of TUS, CPT and Tatung as being
12 synonymously known as “Chunghwa” and avers that such characterization renders the Complaint
13 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
14 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
15 contained in Paragraph 113. To the extent the allegations in Paragraph 113 are directed at Plaintiff or
16 other defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such
17 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
18 Tatung, Tatung denies them.

19 114. To the extent the allegations in Paragraph 114 are directed at Plaintiff or other
20 defendants, Tatung 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 Tatung,
22 Tatung denies them.

23 115. To the extent the allegations in Paragraph 115 are directed at Plaintiff or other
24 defendants, Tatung 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 Tatung,
26 Tatung denies them.

27 116. To the extent the allegations in Paragraph 116 are directed at Plaintiff or other
28 defendants, Tatung 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 Tatung,
2 Tatung denies them.

3 117. To the extent the allegations in Paragraph 117 are directed at Plaintiff or other
4 defendants, Tatung 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 Tatung,
6 Tatung denies them.

7 118. To the extent the allegations in Paragraph 118 are directed at Plaintiff or other
8 defendants, Tatung 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 Tatung,
10 Tatung denies them.

11 119. To the extent the allegations in Paragraph 119 are directed at Plaintiff or other
12 defendants, Tatung 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 Tatung,
14 Tatung denies them.

15 120. To the extent the allegations in Paragraph 120 are directed at Plaintiff or other
16 defendants, Tatung 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 Tatung,
18 Tatung denies them.

19 121. Tatung denies the previous characterizations of TUS, CPT and Tatung as being
20 synonymously known as “Chunghwa” and avers that such characterization renders the Complaint
21 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
22 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
23 contained in Paragraph 121. To the extent the allegations in Paragraph 121 are directed at Plaintiff or
24 other defendants, Tatung 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 Tatung, Tatung denies them.

27 122. To the extent the allegations in Paragraph 122 are directed at Plaintiff or other
28 defendants, Tatung 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 Tatung,
2 Tatung denies them.

3 123. To the extent the allegations in Paragraph 123 are directed at Plaintiff or other
4 defendants, Tatung 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 Tatung,
6 Tatung denies them.

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

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

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

13 127. To the extent the allegations in Paragraph 127 are directed at Plaintiff or other
14 defendants, Tatung 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 Tatung,
16 Tatung denies them.

17 128. To the extent the allegations in Paragraph 128 are directed at Plaintiff or other
18 defendants, Tatung 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 Tatung,
20 Tatung denies them.

21 129. To the extent the allegations in Paragraph 129 are directed at Plaintiff or other
22 defendants, Tatung 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 Tatung,
24 Tatung denies them.

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

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

1 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
2 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
3 contained in Paragraph 131. To the extent the allegations in Paragraph 131 are directed at Plaintiff or
4 other defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such
5 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
6 Tatung, Tatung denies them.

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

15 133. To the extent the allegations in Paragraph 133 are directed at Plaintiff or other
16 defendants, Tatung 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 Tatung,
18 Tatung denies them.

19 134. To the extent the allegations in Paragraph 134 are directed at Plaintiff or other
20 defendants, Tatung 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 Tatung,
22 Tatung denies them.

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

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

27 137. To the extent the allegations in Paragraph 137 are directed at Plaintiff or other
28 defendants, Tatung 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 Tatung,
2 Tatung denies them.

3 138. To the extent the allegations in Paragraph 138 are directed at Plaintiff or other
4 defendants, Tatung 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 Tatung,
6 Tatung denies them.

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

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

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

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

21 143. Tatung denies the previous characterizations of TUS, CPT and Tatung as being
22 synonymously known as “Chunghwa” and avers that such characterization renders the Complaint
23 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
24 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
25 contained in Paragraph 143. To the extent the allegations in Paragraph 143 are directed at Plaintiff or
26 other defendants, Tatung 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 Tatung, Tatung denies them.

1 144. To the extent the allegations in Paragraph 144 are directed at Plaintiff or other
2 defendants, Tatung 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 Tatung,
4 Tatung denies them.

5 145. To the extent the allegations in Paragraph 145 are directed at Plaintiff or other
6 defendants, Tatung 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 Tatung,
8 Tatung denies them.

9 146. To the extent the allegations in Paragraph 146 are directed at Plaintiff or other
10 defendants, Tatung 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 Tatung,
12 Tatung denies them.

13 147. To the extent the allegations in Paragraph 147 are directed at Plaintiff or other
14 defendants, Tatung 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 Tatung,
16 Tatung denies them.

17 148. To the extent the allegations in Paragraph 148 are directed at Plaintiff or other
18 defendants, Tatung 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 Tatung,
20 Tatung denies them.

21 149. To the extent the allegations in Paragraph 149 are directed at Plaintiff or other
22 defendants, Tatung 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 Tatung,
24 Tatung denies them.

25 150. To the extent the allegations in Paragraph 150 are directed at Plaintiff or other
26 defendants, Tatung 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 Tatung,
28 Tatung denies them.

1 151. To the extent the allegations in Paragraph 151 are directed at Plaintiff or other
2 defendants, Tatung 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 Tatung,
4 Tatung denies them.

5 152. To the extent the allegations in Paragraph 152 are directed at Plaintiff or other
6 defendants, Tatung 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 Tatung,
8 Tatung denies them.

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

17 154. To the extent the allegations in Paragraph 154 are directed at Plaintiff or other
18 defendants, Tatung 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 Tatung,
20 Tatung denies them.

21 155. To the extent the allegations in Paragraph 155 are directed at Plaintiff or other
22 defendants, Tatung 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 Tatung,
24 Tatung denies them.

25 156. To the extent the allegations in Paragraph 156 are directed at Plaintiff or other
26 defendants, Tatung 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 Tatung,
28 Tatung denies them.

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

2 157. To the extent the allegations in Paragraph 157 are directed at Plaintiff or other
3 defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
4 and on that basis, denies such allegations. To the extent these allegations are directed at Tatung,
5 Tatung denies them.

6 158. To the extent the allegations in Paragraph 158 are directed at Plaintiff or other
7 defendants, Tatung 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 Tatung,
9 Tatung denies them.

10 159. To the extent the allegations in Paragraph 159 are directed at Plaintiff or other
11 defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
12 and on that basis, denies such allegations. To the extent these allegations are directed at Tatung,
13 Tatung denies them.

14 160. To the extent the allegations in Paragraph 160 are directed at Plaintiff or other
15 defendants, Tatung 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 Tatung,
17 Tatung denies them.

18 **3. Defendants engaged in illegal communications about pricing with respect**
19 **to small panels**

20 161. To the extent the allegations in Paragraph 161 are directed at Plaintiff or other
21 defendants, Tatung 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 Tatung,
23 Tatung denies them.

24 162. Tatung denies the previous characterizations of TUS, CPT and Tatung as being
25 synonymously known as “Chunghwa” and avers that such characterization renders the Complaint
26 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
27 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
28 contained in Paragraph 162. To the extent the allegations in Paragraph 162 are directed at Plaintiff or

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

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

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

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

21 165. To the extent that the allegations of Paragraph 165 refer to claims dismissed by the
22 Court's Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a
23 part of the operative complaint. To the extent a further response is required, the Tatung lacks
24 knowledge or sufficient facts to admit or deny the truth of the allegations contained in Paragraph
25 165, and on that basis, denies such allegations.

26 166. To the extent that the allegations of Paragraph 166 refer to claims dismissed by the
27 Court's Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a
28 part of the operative complaint. To the extent a further response is required and the allegations in

1 Paragraph 166 are directed at Plaintiff or other defendants, Tatung lacks knowledge or sufficient
2 facts to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
3 extent these allegations are directed at Tatung, Tatung denies them.

4 167. To the extent that the allegations of Paragraph 167 refer to claims dismissed by the
5 Court's Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a
6 part of the operative complaint. To the extent a further response is required and the allegations in
7 Paragraph 167 are directed at Plaintiff or other defendants, Tatung lacks knowledge or sufficient
8 facts to admit or deny the truth of such allegations, and on that basis, denies such allegations. To the
9 extent these allegations are directed at Tatung, Tatung denies them.

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

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

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

1 171. To the extent that the allegations of Paragraph 171 refer to claims dismissed by the
2 Court's Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a
3 part of the operative complaint. To the extent a further response is required and the allegations in
4 Paragraph 171 are directed at Plaintiff or other defendants, Tatung lacks knowledge or sufficient
5 facts 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 Tatung, Tatung denies them.

7 172. To the extent that the allegations of Paragraph 172 refer to claims dismissed by the
8 Court's Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a
9 part of the operative complaint. To the extent a further response is required and the allegations in
10 Paragraph 172 are directed at Plaintiff or other defendants, Tatung lacks knowledge or sufficient
11 facts 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 Tatung, Tatung denies them.

13 173. To the extent that the allegations of Paragraph 173 refer to claims dismissed by the
14 Court's Feb. 6 Order, Tatung 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 and the allegations in
16 Paragraph 173 are directed at Plaintiff or other defendants, Tatung lacks knowledge or sufficient
17 facts 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 Tatung, Tatung denies them.

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

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

26 175. Tatung states that the news reports referred to in Paragraph 175 speak for themselves.
27 Tatung refers the Court to those documents for a full and complete statement of their contents. To
28

1 the extent a further response is required, Tatung lacks knowledge or sufficient facts to admit or deny
2 the truth of the allegations contained in Paragraph 175, and on that basis, denies such allegations.

3 176. Tatung states that the plea agreements referenced in Paragraph 176 speak for
4 themselves. Tatung refers the Court to these documents for a full and complete statement of their
5 contents. To the extent a further response is required, Tatung lacks knowledge or sufficient facts to
6 admit or deny the truth of the allegations contained in Paragraph 176, and on that basis, denies such
7 allegations.

8 177. Tatung states that the plea agreements referenced in Paragraph 177 speak for
9 themselves. Tatung refers the Court to these documents for a full and complete statement of their
10 contents. To the extent a further response is required, Tatung lacks knowledge or sufficient facts to
11 admit or deny the truth of the allegations contained in Paragraph 177, and on that basis, denies such
12 allegations.

13 178. Tatung states that the plea agreements referenced in Paragraph 178 speak for
14 themselves. Tatung refers the Court to these documents for a full and complete statement of their
15 contents. To the extent a further response is required, Tatung lacks knowledge or sufficient facts to
16 admit or deny the truth of the allegations contained in Paragraph 178, and on that basis, denies such
17 allegations.

18 179. Tatung states that the plea agreements referenced in Paragraph 179 speak for
19 themselves. Tatung refers the Court to these documents for a full and complete statement of their
20 contents. To the extent a further response is required, Tatung lacks knowledge or sufficient facts to
21 admit or deny the truth of the allegations contained in Paragraph 179, and on that basis, denies such
22 allegations.

23 180. Tatung states that the plea agreements referenced in Paragraph 180 speak for
24 themselves. Tatung refers the Court to these documents for a full and complete statement of their
25 contents. To the extent a further response is required, Tatung lacks knowledge or sufficient facts to
26 admit or deny the truth of the allegations contained in Paragraph 180, and on that basis, denies such
27 allegations.

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

5 182. Tatung denies the previous characterization of TUS, CPT and Tatung as being
6 synonymously known as “Chunghwa” and avers that such characterization renders the Complaint
7 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
8 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
9 contained in Paragraph 182. Tatung states that the plea agreements referenced in Paragraph 182
10 speak for themselves. Tatung refers the Court to these documents for a full and complete statement
11 of their contents. To the extent a further response is required, Tatung lacks knowledge or sufficient
12 facts to admit or deny the truth of the allegations contained in Paragraph 182, and on that basis,
13 denies such allegations.

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

23 184. Tatung denies the previous characterization of TUS, CPT and Tatung as being
24 synonymously known as “Chunghwa” and avers that such characterization renders the Complaint
25 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
26 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
27 contained in Paragraph 184. Tatung states that the indictments referenced in Paragraph 184 speak for
28 themselves. Tatung refers the Court to these documents for a full and complete statement of their

1 contents. To the extent a further response is required, Tatung lacks knowledge or sufficient facts to
2 admit or deny the truth of the allegations contained in Paragraph 184, and on that basis, denies such
3 allegations.

4 185. Tatung states that the plea agreements referenced in Paragraph 185 speak for
5 themselves. Tatung refers the Court to these documents for a full and complete statement of their
6 contents. To the extent a further response is required, Tatung lacks knowledge or sufficient facts to
7 admit or deny the truth of the allegations contained in Paragraph 185, and on that basis, denies such
8 allegations.

9 186. To the extent the allegations in Paragraph 186 are directed at Plaintiff or other
10 defendants, Tatung 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 Tatung,
12 Tatung denies them.

13 187. Tatung states that the plea agreements referenced in Paragraph 187 speak for
14 themselves. Tatung refers the Court to these documents for a full and complete statement of their
15 contents. To the extent a further response is required, Tatung lacks knowledge or sufficient facts to
16 admit or deny the truth of the allegations contained in Paragraph 187, and on that basis, denies such
17 allegations

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

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

22 190. To the extent the allegations in Paragraph 190 are directed at Plaintiff or other
23 defendants, Tatung 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 Tatung,
25 Tatung denies them.

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

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

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

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

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

7 195. To the extent the allegations in Paragraph 195 are directed at Plaintiff or other
8 defendants, Tatung 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 Tatung,
10 Tatung denies them.

11 196. To the extent the allegations in Paragraph 196 are directed at Plaintiff or other
12 defendants, Tatung 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 Tatung,
14 Tatung denies them.

15 197. To the extent the allegations in Paragraph 197 are directed at Plaintiff or other
16 defendants, Tatung 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 Tatung,
18 Tatung denies them.

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

21 199. To the extent the allegations in Paragraph 199 are directed at Plaintiff or other
22 defendants, Tatung 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 Tatung,
24 Tatung denies them.

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

27 201. Tatung denies the allegations contained in Paragraph 201.

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

3 203. To the extent the allegations in Paragraph 203 are directed at Plaintiff or other
4 defendants, Tatung 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 Tatung,
6 Tatung denies them.

7 204. To the extent the allegations in Paragraph 204 are directed at Plaintiff or other
8 defendants, Tatung 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 Tatung,
10 Tatung denies them.

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

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

14 206. To the extent the allegations in Paragraph 206 are directed at Plaintiff or other
15 defendants, Tatung 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 Tatung,
17 Tatung denies them.

18 207. To the extent the allegations in Paragraph 207 are directed at Plaintiff or other
19 defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
20 and on that basis, denies such allegations. To the extent these allegations are directed at Tatung,
21 Tatung denies them.

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

23 208. To the extent the allegations in Paragraph 208 are directed at Plaintiff or other
24 defendants, Tatung 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 Tatung,
26 Tatung denies them.

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

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

5 211. To the extent the allegations in Paragraph 211 are directed at Plaintiff or other
6 defendants, Tatung 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 Tatung,
8 Tatung denies them.

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

11 213. To the extent the allegations in Paragraph 213 are directed at Plaintiff or other
12 defendants, Tatung 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 Tatung,
14 Tatung denies them.

15 214. To the extent the allegations in Paragraph 214 are directed at Plaintiff or other
16 defendants, Tatung 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 Tatung,
18 Tatung denies them.

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

21 216. To the extent the allegations in Paragraph 216 are directed at Plaintiff or other
22 defendants, Tatung 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 Tatung,
24 Tatung denies them.

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

27 218. To the extent the allegations in Paragraph 218 are directed at Plaintiff or other
28 defendants, Tatung 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 Tatung,
2 Tatung denies them.

3 219. To the extent the allegations in Paragraph 219 are directed at Plaintiff or other
4 defendants, Tatung 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 Tatung,
6 Tatung denies them.

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

9 221. To the extent the allegations in Paragraph 221 are directed at Plaintiff or other
10 defendants, Tatung 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 Tatung,
12 Tatung denies them.

13 222. To the extent the allegations in Paragraph 222 are directed at Plaintiff or other
14 defendants, Tatung 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 Tatung,
16 Tatung denies them.

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

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

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

23 225. To the extent the allegations in Paragraph 225 are directed at Plaintiff or other
24 defendants, Tatung 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 Tatung,
26 Tatung denies them.

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

1 227. Tatung denies the allegations contained in the first sentence of Paragraph 227. To the
2 extent the remaining allegations in Paragraph 227 are directed at Plaintiff or other defendants,
3 Tatung lacks knowledge or sufficient facts to admit or deny the truth of such allegations, and on that
4 basis, denies such allegations. To the extent the remaining allegations are directed at Tatung, Tatung
5 denies them.

6 228. To the extent the allegations in Paragraph 228 are directed at Plaintiff or other
7 defendants, Tatung 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 Tatung,
9 Tatung denies them.

10 229. To the extent the allegations in Paragraph 229 are directed at Plaintiff or other
11 defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
12 and on that basis, denies such allegations. To the extent these allegations are directed at Tatung,
13 Tatung denies them.

14 230. Tatung denies the allegations contained in Paragraph 230.

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

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

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

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

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

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

1 236. Tatung denies the previous characterization of TUS, CPT and Tatung as being
2 synonymously known as “Chunghwa” and avers that such characterization renders the Complaint
3 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
4 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
5 contained in Paragraph 236. Tatung lacks knowledge or sufficient facts to admit or deny the truth of
6 the allegations contained in Paragraph 236, and on that basis, denies such allegations.

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

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

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

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

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

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

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

21 244. To the extent the allegations in Paragraph 244 are directed at Plaintiff or other
22 defendants, Tatung 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 Tatung,
24 Tatung denies them.

25 **G. Conspiracy’s Effect on U.S. Commerce**

26 245. To the extent Paragraph 245 states legal conclusions, no response is required. To the
27 extent the allegations in Paragraph 245 are directed at Plaintiff or other defendants, Tatung lacks
28

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

3 246. To the extent the allegations in Paragraph 246 are directed at Plaintiff or other
4 defendants, Tatung 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 Tatung,
6 Tatung denies them.

7 247. To the extent the allegations in Paragraph 247 are directed at Plaintiff or other
8 defendants, Tatung 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 Tatung,
10 Tatung denies them.

11 248. To the extent the allegations in Paragraph 248 are directed at Plaintiff or other
12 defendants, Tatung 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 Tatung,
14 Tatung denies them.

15 249. Tatung denies the allegations contained in Paragraph 249.

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

23 251. Tatung states that the plea agreements referenced in Paragraph 251 speak for
24 themselves. Tatung refers the Court to these documents for a full and complete statement of their
25 contents. To the extent a further response is required, Tatung lacks knowledge or sufficient facts to
26 admit or deny the truth of the allegations contained in Paragraph 251, and on that basis, denies such
27 allegations.

1 252. To the extent Paragraph 252 states legal conclusions, Tatung is not required to
2 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
3 252.

4 **VII. PLAINTIFF'S INJURIES**

5 253. To the extent Paragraph 253 states legal conclusions, Tatung is not required to
6 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
7 253.

8 254. To the extent the allegations in Paragraph 254 are directed at Plaintiff or other
9 defendants, Tatung 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 Tatung,
11 Tatung denies them.

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

14 256. To the extent the allegations in Paragraph 256 are directed at Plaintiff or other
15 defendants, Tatung 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 Tatung,
17 Tatung denies them.

18 257. To the extent the allegations in Paragraph 257 are directed at Plaintiff or other
19 defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such allegations,
20 and on that basis, denies such allegations. To the extent these allegations are directed at Tatung,
21 Tatung denies them.

22 258. Tatung denies the allegations contained in Paragraph 258.

23 259. To the extent Paragraph 259 states legal conclusions, Tatung is not required to
24 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
25 259.

1 **VIII. FRAUDULENT CONCEALMENT, EQUITABLE TOLLING, AND CONTINUING**
2 **TORT DOCTRINE**

3 260. To the extent Paragraph 260 states legal conclusions, Tatung is not required to
4 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
5 260.

6 261. To the extent the allegations in Paragraph 261 are directed at Plaintiff or other
7 defendants, Tatung 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 Tatung,
9 Tatung denies them.

10 262. Tatung denies the previous characterization of TUS, CPT and Tatung as being
11 synonymously known as “Chunghwa” and avers that such characterization renders the Complaint
12 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
13 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
14 contained in Paragraph 262. To the extent the allegations in Paragraph 262 are directed at Plaintiff or
15 other defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such
16 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
17 Tatung, Tatung denies them.

18 263. Tatung denies the previous characterization of TUS, CPT and Tatung as being
19 synonymously known as “Chunghwa” and avers that such characterization renders the Complaint
20 indefinite and uncertain as to the distinction between CPT, TUS and Tatung. To the extent the term
21 “Chunghwa” refers to Tatung or Tatung Company of America, Inc., Tatung denies the allegations
22 contained in Paragraph 263. To the extent the allegations in Paragraph 263 are directed at Plaintiff or
23 other defendants, Tatung lacks knowledge or sufficient facts to admit or deny the truth of such
24 allegations, and on that basis, denies such allegations. To the extent these allegations are directed at
25 Tatung, Tatung denies them.

26 264. To the extent the allegations in Paragraph 264 are directed at Plaintiff or other
27 defendants, Tatung 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 Tatung,
2 Tatung denies them.

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

5 266. To the extent the allegations in Paragraph 266 are directed at Plaintiff or other
6 defendants, Tatung 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 Tatung,
8 Tatung denies them.

9 267. To the extent the allegations in Paragraph 267 are directed at Plaintiff or other
10 defendants, Tatung 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 Tatung,
12 Tatung denies them.

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

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

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

19 271. Tatung states that quotations referred to in Paragraph 271 speak for themselves.
20 Tatung refers the Court to the source of those quotations for a full and complete statement of their
21 contents. To the extent a further response is required and the allegations contained in Paragraph 271
22 pertain to Tatung, Tatung denies such allegations. To the extent the allegations contained in
23 Paragraph 271 do not pertain to Tatung, Tatung is without knowledge or information sufficient to
24 form a belief as to the truth of the allegations contained in Paragraph 271, and, on that basis, denies
25 them.

26 272. Tatung states that interview referred to in Paragraph 272 speaks for itself. Tatung
27 refers the Court to that interview for a full and complete statement of its contents. To the extent a
28

1 further response is required, Tatung is without knowledge or information sufficient to form a belief
2 as to the truth of the allegations in Paragraph 272, and, on that basis, denies such allegations.

3 273. Tatung denies the allegations contained in Paragraph 273.

4 274. Tatung denies the allegations contained in Paragraph 274.

5 275. To the extent Paragraph 275 states legal conclusions, Tatung is not required to
6 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
7 275.

8 276. To the extent Paragraph 276 states legal conclusions, Tatung is not required to
9 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
10 276.

11 277. To the extent Paragraph 277 states legal conclusions, Tatung is not required to
12 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
13 277.

14 278. To the extent Paragraph 278 states legal conclusions, Tatung is not required to
15 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
16 278.

17 279. To the extent Paragraph 279 states legal conclusions, Tatung is not required to
18 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
19 279.

20 **IX. VIOLATIONS ALLEGED**

21 **First Claim for Relief**

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

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

25 281. To the extent Paragraph 281 states legal conclusions, Tatung is not required to
26 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
27 281.

28 282. Tatung denies the allegations contained in Paragraph 282.

1 283. Tatung denies the allegations contained in Paragraph 283.

2 284. To the extent Paragraph 284 states legal conclusions, Tatung is not required to
3 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
4 284.

5 285. To the extent Paragraph 285 states legal conclusions, Tatung is not required to
6 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
7 285.

8 286. To the extent Paragraph 286 states legal conclusions, Tatung is not required to
9 respond. To the extent a response is required, Tatung denies the allegations contained in Paragraph
10 286.

11 **Second Claim for Relief**

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

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

15 288. To the extent Paragraph 288 states legal conclusions, Tatung is not required to
16 respond. To the extent that the allegations of Paragraph 288 refer to claims dismissed by the Court's
17 Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a part of the
18 operative complaint. To the extent a further response is required, Tatung denies the allegations
19 contained in Paragraph 288.

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

25 290. To the extent Paragraph 290 states legal conclusions, Tatung is not required to
26 respond. To the extent that the allegations of Paragraph 290 refer to claims dismissed by the Court's
27 Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a part of the
28

1 operative complaint. To the extent a further response is required, Tatung denies the allegations
2 contained in Paragraph 290.

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

12 292. To the extent Paragraph 292 states legal conclusions, Tatung is not required to
13 respond. To the extent that the allegations of Paragraph 292 refer to claims dismissed by the Court’s
14 Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a part of the
15 operative complaint. To the extent a further response is required, Tatung denies the allegations
16 contained in Paragraph 292.

17 293. To the extent Paragraph 293 states legal conclusions, Tatung is not required to
18 respond. To the extent that the allegations of Paragraph 293 refer to claims dismissed by the Court’s
19 Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a part of the
20 operative complaint. To the extent a further response is required, Tatung denies the allegations
21 contained in Paragraph 293.

22 294. To the extent that the allegations of Paragraph 294 refer to claims dismissed by the
23 Court’s Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a
24 part of the operative complaint. To the extent a further response is required, Tatung denies the
25 allegations contained in Paragraph 294.

26 295. To the extent that the allegations of Paragraph 295 refer to claims dismissed by the
27 Court’s Feb. 6 Order, Tatung avers that no response is necessary as these claims no longer form a
28

1 part of the operative complaint. To the extent a further response is required, Tatung denies the
2 allegations contained in Paragraph 295.

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

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

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

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

22 **X. PRAYER FOR RELIEF**

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

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

1 **XI. JURY TRIAL DEMAND**

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

4 **XII. AFFIRMATIVE DEFENSES**

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

10 **FIRST AFFIRMATIVE DEFENSE**

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

12 **SECOND AFFIRMATIVE DEFENSE**

13 Plaintiff lacks standing to seek relief against or from Tatung.

14 **THIRD AFFIRMATIVE DEFENSE**

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

16 **FOURTH AFFIRMATIVE DEFENSE**

17 Plaintiff has not sustained any cognizable injury or antitrust injury as a result of Tatung's
18 actions.

19 **FIFTH AFFIRMATIVE DEFENSE**

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

22 **SIXTH AFFIRMATIVE DEFENSE**

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

24 **SEVENTH AFFIRMATIVE DEFENSE**

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

27 **EIGHTH AFFIRMATIVE DEFENSE**

1 Any alleged harm suffered by Plaintiff was caused by the conduct of third parties for which
2 Tatung is not responsible.

3 **NINTH AFFIRMATIVE DEFENSE**

4 Plaintiff's claims against Tatung are barred by the indirect purchaser rule.

5 **TENTH AFFIRMATIVE DEFENSE**

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

9 **ELEVENTH AFFIRMATIVE DEFENSE**

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

12 **TWELFTH ADDITIONAL DEFENSE**

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

16 **THIRTEENTH ADDITIONAL DEFENSE**

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

20 **FOURTEENTH ADDITIONAL DEFENSE**

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

24 **FIFTEENTH AFFIRMATIVE DEFENSE**

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

27 **SIXTEENTH ADDITIONAL DEFENSE**

28 Plaintiff's claims are barred, in whole or in part, because the alleged conduct of Tatung that

1 is the subject of the Complaint occurred outside the jurisdiction of the Court.

2 **SEVENTEENTH ADDITIONAL DEFENSE**

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

5 **XIII. TATUNG'S PRAYER FOR RELIEF**

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

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

14 Dated: March 5, 2012

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

15 By: /s/ William S. Farmer

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

28 Attorneys for Defendant
TATUNG COMPANY