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 11 *Chunghwa Picture Tubes, Ltd. and Tatung Company*

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **SAN FRANCISCO DIVISION**

16 IN RE TFT-LCD (FLAT PANEL)  
 17 ANTITRUST LITIGATION

18 THIS DOCUMENT RELATES TO:

19 T-MOBILE U.S.A., I.N.C.,

20 Plaintiff,

21 v.

22 AU OPTRONICS CORPORATION, ET AL.

23 Defendant.

Master Docket No. C M:07-01827 SI  
 Individual Case No. C 3:11-02591 SI

**DEFENDANTS CHUNGHWA PICTURE  
 TUBES, LTD. AND TATUNG  
 COMPANY'S OPPOSITION TO THE  
 COURT'S RULING AUTHORIZING  
 PLAINTIFF TO SERVE DEFENDANTS  
 CHUNGHWA PICTURE TUBES LTD.  
 AND TATUNG COMPANY THROUGH  
 THEIR U.S. COUNSEL PURSUANT TO  
 FED. R. CIV. P. 4(f)(3)**

Date: August 12, 2011

Time: 9:00 a.m.

Court Room: No. 10

Honorable Susan Illston

1 **INTRODUCTION**

2 Defendants Chunghwa Picture Tubes, Ltd. (“CPT”) and Tatung Company respectfully  
3 submit this opposition to the Court’s tentative ruling dated July 12, 2011, regarding T-Mobile’s Rule  
4 4(f) motion. Defendants incorporate by reference their prior briefs on this issue in this case. See  
5 Docket Nos. 1591 and 1715. In addition, Defendants respectfully submit some new authority,  
6 decided in this District, on the issue of service under Rule 4(f)(3), in support of their opposition.

7 **ARGUMENT**

8 In *Fujitsu Ltd. v. Belkin Int’l, Inc.*, 2011 U.S. Dist. LEXIS 34076 (N.D. Cal. Mar. 29, 2011),  
9 the court recently denied plaintiff’s request to serve two Taiwanese corporations through their U.S.  
10 counsel pursuant to Rule 4(f) in circumstances similar to those present in this case. Similar to CPT  
11 and Tatung Company, both Taiwanese corporations in *Fujitsu* were aware of the litigation at issue,  
12 and were represented by the same counsel, who had already filed motions on behalf of both  
13 defendants in the case. *Id.* at 25 n.11. Citing this Court’s decision in *In re TFT-LCD (Flat Panel)*  
14 *Antitrust Litig.*, 270 F.R.D. 535, 537, the court noted that effecting service through the letters  
15 rogatory process would be expensive and time consuming, cause significant delays, and prevent the  
16 plaintiff from coordinating discovery activities with all of the defendants in the case. *Id.* at 26.  
17 Nonetheless, the court held that these circumstances did not justify ordering service on the two  
18 Taiwanese corporations in a manner not prescribed by Taiwanese law. *Id.*

19 Specifically, the court held that it would be “inappropriate” to order service on the two  
20 Taiwanese corporations through their U.S. counsel because the circumstances at issue in the case  
21 were distinguishable from those at issue in the three cases the plaintiff cited in its brief: *Rio*  
22 *Properties, Inc. v. Rio Int’l Interlink*, 284 F.3d 1007 (9th Cir. 2002), *Network-01 Sec. Solutions, Inc.*  
23 *v. DOLink Corp. et al.*, no. 6:05-CV-291-LED, Dkt. No. 55 (E.D. Tex. Feb. 8, 2006), and *In re TFT-*  
24 *LCD. Id.* at 29-30. In contrast to the circumstances at issue in *Fujitsu*, *Rio Properties* involved “an  
25 elusive international defendant, striving to evade service;”<sup>1</sup> *Network-01* involved a waiver of service  
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27 <sup>1</sup> *Id.* at 27.



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BAKER & MCKENZIE LLP

Dated: July 29, 2011

By: /s/ Patrick J. Ahern  
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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a true and correct copy of the foregoing document was served upon the parties and counsel of record, through the Court's ECF system, on July 29, 2011.

/s/ Patrick J. Ahern  
Patrick J. Ahern  
One of the Attorneys for Defendants  
Chunghwa Picture Tubes, Ltd. and Tatung  
Company