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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
9 LITIGATION

No. M 07-1827 SI
MDL No. 1827

10 This Order Relates To:

No. C 11-2591 SI

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

**ORDER GRANTING PLAINTIFF'S
MOTION FOR ORDER AUTHORIZING
PLAINTIFF TO SERVE DEFENDANTS
CHUNGHWA PICTURE TUBES, LTD.
AND TATUNG CO. THROUGH THEIR
U.S. COUNSEL**

12 Plaintiff,

13 v.

14 AU OPTRONICS CORPORATION, et al.,

15 Defendants.
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18 On July 12, 2011, this Court issued an order tentatively authorizing T-Mobile to serve
19 defendants Chunghwa Pictures Tubes, Ltd. and Tatung Co. through their U.S. counsel pursuant to
20 Federal Rule of Civil Procedure 4(f)(3). *See* Order Granting Plaintiff T-Mobile's Motion for Order
21 Authorizing Plaintiff to Serve Defendants Chunghwa Picture Tubes, Ltd. and Tatung Co. Through Their
22 U.S. Counsel (July 12, 2011), Master Docket No. 3079. The order gave defendants until July 29, 2011,
23 to raise with the Court any new arguments against service under Rule 4(f)(3).

24 Defendants have now filed a brief in opposition to the Court's tentative order. The brief
25 discusses one new case from this district in which the court declined to authorize service under
26 Rule 4(f)(3). *See Fujitsu Ltd. v. Belkin Int'l, Inc.*, 2011 U.S. Dist. LEXIS 34076 (N.D. Cal. Mar. 29,
27 2011) (denying plaintiff's request to serve two Taiwanese companies under Rule 4(f)(3)).

28 Nothing in *Fujitsu* alters this Court's decision to permit service under Rule 4(f)(3). *Fujitsu* did

1 not determine that service under Rule 4(f)(3) was contrary to law or otherwise improper. Rather, the
2 court agreed that, provided such service was consistent with “constitutional notions of due process,” the
3 decision to permit such service was in the discretion of the trial judge. *Id.* at *22.

4 The Court therefore adheres to its decision that, due to Chunghwa’s active participation in this
5 MDL for the past three years and the close corporate ties between Chunghwa and Tatung, service on
6 both defendants through their U.S. counsel will fully comport with due process. Accordingly, T-
7 Mobile’s motion is GRANTED. T-Mobile may serve both Chunghwa and Tatung through their U.S.
8 counsel.

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10 **IT IS SO ORDERED.**

11 Dated: August 4, 2011



SUSAN ILLSTON
United States District Judge