

1 JEFFREY M. DAVIDSON (State Bar No. 248620)
 E-Mail: jdavidson@ cov.com
 2 COVINGTON & BURLING LLP
 One Front Street, 35th Floor
 3 San Francisco, California 94111
 Telephone: (415) 591-6000
 4 Facsimile: (415) 591-6091

5 TIMOTHY C. HESTER
 E-Mail: thester@cov.com
 6 ROBERT D. WICK
 E-Mail: rwick@cov.com
 7 DEREK LUDWIN
 E-Mail: dludwin@cov.com
 8 THEODORE P. METZLER
 E-Mail: tmetzler@cov.com
 9 COVINGTON & BURLING LLP
 10 1201 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004

11 Attorneys for Defendants SAMSUNG
 ELECTRONICS CO., LTD., SAMSUNG
 12 SEMICONDUCTOR, INC., and SAMSUNG
 ELECTRONICS AMERICA, INC.
 13

14 **UNITED STATES DISTRICT COURT**
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

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

Master File No. 3:07-md-1827 SI

19
 20 This Document Relates To:
 Case No. C 3:11-02591 SI

MDL No. 1827

21 T-MOBILE U.S.A., INC.,
 22
 23 Plaintiff,
 24
 25 v.
 26 AU OPTRONICS CORPORATION, et al.
 27
 28 Defendants.

**ANSWER OF DEFENDANTS
 SAMSUNG ELECTRONICS CO., LTD.,
 SAMSUNG SEMICONDUCTOR, INC.,
 AND SAMSUNG ELECTRONICS
 AMERICA, INC. TO T-MOBILE'S
 AMENDED COMPLAINT**

1 Defendants Samsung Electronics Company, Ltd. (“SEC”), Samsung Semiconductor, Inc.
2 (“SSI”), and Samsung Electronics America, Inc. (“SEA”) (collectively “Samsung”), by and
3 through their undersigned counsel of record, answer the Amended Complaint (“Complaint”) of
4 T-Mobile U.S.A., Inc. (“T-Mobile” or “Plaintiff”) and allege additional or affirmative defenses
5 as follows. Samsung denies each and every allegation in the Complaint’s section headings and
6 in all portions of the Complaint not contained in numbered paragraphs. To the extent that the
7 Complaint’s allegations concern persons and/or entities other than Samsung, Samsung denies
8 that such allegations support any claim for relief against Samsung. To the extent that the
9 Complaint’s allegations refer to claims dismissed by the Court in its February 6, 2012 Order
10 granting Defendants’ Joint Motion to Dismiss (“Feb. 6 Order”), Samsung avers that no response
11 is necessary as such claims and their underlying allegations no longer form a part of the
12 operative complaint. To the extent that a response to such allegations is necessary, Samsung
13 denies each dismissed claim and its underlying allegations.

14 ANSWER

15 **I. Introduction**

16 1. Samsung lacks knowledge or information sufficient to form a belief as to the
17 truth of the allegations of Paragraph 1, and therefore denies them.

18 2. Samsung admits that during at least some portion of the period alleged, its
19 representatives attended meetings or had communication with one or more defendants
20 concerning pricing for TFT-LCD panels. To the extent that the remaining allegations of
21 Paragraph 2 relate to Samsung, Samsung denies them, with the exception of matters specifically
22 admitted herein. To the extent that the remaining allegations of Paragraph 2 relate to other
23 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
24 and therefore denies them.

25 3. Samsung admits that hand-held devices could include different technologies
26 during at least part of the time alleged and that Plaintiff purports to use the abbreviations in
27 Paragraph 3 in the manner described. Samsung further admits that during at least some portion
28 of the period alleged, its representatives attended meetings or had communication with one or

1 more defendants concerning pricing for TFT-LCD panels. Samsung also admits that when H.B.
2 Suh was asked during his deposition “When you spoke with competitors about pricing of mobile
3 display panels, did those discussions include, from time to time, TFD, TFT, and color STN?” he
4 responded “Sometimes, yes.” To the extent that the remaining allegations of Paragraph 3 are
5 definitional, Samsung avers that no response is required. To the extent that the remaining
6 allegations of Paragraph 3 require a response and relate to Samsung, Samsung denies them, with
7 the exception of matters specifically admitted herein. To the extent that the remaining
8 allegations of Paragraph 3 require a response and relate to other defendants, Samsung lacks
9 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.

10 4. Samsung lacks knowledge or information sufficient to form a belief as to the
11 truth of the allegations of the first two sentences of Paragraph 4, and therefore denies them. To
12 the extent that the remaining allegations of Paragraph 4 relate to other defendants, Samsung
13 lacks knowledge or information sufficient to form a belief as to their truth, and therefore denies
14 them. To the extent that the remaining allegations of Paragraph 4 relate to Samsung, Samsung
15 denies them.

16 5. Samsung admits that LG Display Co. Ltd., LG Display America, Inc., Sharp
17 Corporation, Chunghwa Picture Tubes, Ltd., Epson Imaging Devices Corporation, Chi Mei
18 Optoelectronics Corporation, and HannStar Display Corporation have entered plea agreements,
19 the terms of which are matters of public record. With the exception of those matters specifically
20 admitted herein, Samsung lacks knowledge or information sufficient to form a belief as to the
21 truth of the allegations of Paragraph 5, and therefore denies them.

22 6. To the extent that the allegations of Paragraph 6 refer to claims dismissed by the
23 Court’s Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
24 form a part of the operative complaint. To the extent that a response is required, Samsung
25 admits that, during at least part of the period alleged, Samsung Semiconductor, Inc. maintained
26 offices and operations in California. To the extent that a response is required, Samsung further
27 admits that LG Display Co. Ltd., LG Display America, Inc., Sharp Corporation, Chunghwa
28 Picture Tubes, Ltd., and Epson Imaging Devices Corporation have entered plea agreements, the

1 terms of which are matters of public record. To the extent that a response is required, and to the
2 extent that the remaining allegations of Paragraph 6 relate to other defendants, Samsung lacks
3 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.
4 To the extent that a response is required, and to the extent that the remaining allegations of
5 Paragraph 6 relate to Samsung, Samsung denies them, with the exception of those matters
6 specifically admitted herein.

7 7. To the extent that the allegations of Paragraph 7 refer to claims dismissed by the
8 Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
9 form a part of the operative complaint. To the extent that a response is required, Samsung
10 admits that during at least some portion of the period alleged, some of its employees attended
11 meetings or had communication with one or more defendants concerning pricing for TFT-LCD
12 panels. To the extent that a response is required, and to the extent that the remaining allegations
13 of Paragraph 7 relate to Samsung, Samsung denies them, with the exception of matters
14 specifically admitted herein. To the extent that a response is required, and to the extent that the
15 remaining allegations of Paragraph 7 relate to other defendants, Samsung lacks knowledge or
16 information sufficient to form a belief as to their truth, and therefore denies them.

17 8. To the extent that the allegations of Paragraph 8 relate to other defendants or to
18 Plaintiff, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
19 and therefore denies them. To the extent that the allegations of Paragraph 8 relate to Samsung,
20 Samsung denies them.

21 9. To the extent that the allegations of Paragraph 9 refer to claims dismissed by the
22 Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
23 form a part of the operative complaint. To the extent that a response is required, Samsung
24 admits that Plaintiff purports to invoke the cited statutory provisions, but otherwise denies the
25 allegations of Paragraph 9.

26 **II. Allegations Concerning Jurisdiction And Venue**

27 10. Samsung admits that Plaintiff purports to invoke the cited statutory provisions,
28 but otherwise denies the allegations of Paragraph 10.

1 11. To the extent that the allegations of Paragraph 11 refer to claims dismissed by the
2 Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
3 form a part of the operative complaint. To the extent that a response is required, Samsung
4 admits that Plaintiff purports to invoke the cited statutory provisions, but otherwise denies the
5 allegations of Paragraph 11.

6 12. Samsung avers that the allegations of Paragraph 12 regarding jurisdiction
7 constitute legal contentions and/or conclusions to which no response is required. To the extent
8 that the allegations of Paragraph 12 refer to claims dismissed by the Court's Feb. 6 Order,
9 Samsung avers that no response is necessary as these claims no longer form a part of the
10 operative complaint.

11 13. Samsung admits that Samsung Semiconductor Inc. ("SSI") maintains its
12 headquarters in California. Samsung avers that the remaining allegations of Paragraph 13
13 constitute legal contentions and/or conclusions to which no response is required. To the extent
14 that the allegations of Paragraph 13 refer to claims dismissed by the Court's Feb. 6 Order,
15 Samsung avers that no response is necessary as these claims no longer form a part of the
16 operative complaint. To the extent that a response to the allegations of Paragraph 13 is required
17 and to the extent that any of the allegations of Paragraph 13 relate to other defendants or to
18 Plaintiff, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
19 and therefore denies them. To the extent that a response to the allegations of Paragraph 13 is
20 required and to the extent that any of the allegations of Paragraph 13 relate to Samsung,
21 Samsung admits that SEC manufactured and through its subsidiaries manufactured, marketed,
22 sold, and/or distributed TFT-LCD panels in the United States and other parts of the world
23 during at least part of the period alleged. To the extent that the remaining allegations of
24 Paragraph 9 relate to Samsung, Samsung denies them.

25 14. Samsung avers that the allegations of Paragraph 14 regarding venue constitute
26 legal contentions and/or conclusions to which no response is required. To the extent that a
27 response is required, Samsung denies the allegations of Paragraph 14 insofar as they relate to
28 Samsung. To the extent that a response is required and insofar as the allegations of Paragraph

1 14 relate to other defendants or to Plaintiff, Samsung lacks knowledge or information sufficient
2 to form a belief as to their truth, and therefore denies them.

3 15. Samsung avers that the allegations of Paragraph 15 regarding the grounds for
4 relating this case to MDL No. 1827 constitute legal contentions and/or conclusions to which no
5 response is required. To the extent that the allegations of Paragraph 15 refer to claims dismissed
6 by the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no
7 longer form a part of the operative complaint. To the extent that a response is required,
8 Samsung admits that the case has been consolidated with 3:07-MD-1827 SI for pretrial
9 proceedings, but otherwise denies the allegations of Paragraph 15.

10 16. Samsung admits that the case has been consolidated with 3:07-MD-1827 SI for
11 pretrial proceedings, and otherwise avers that the allegations of Paragraph 16 constitute legal
12 contentions and/or conclusions to which no response is required.

13 **III. Plaintiff's Definitions**

14 17. To the extent that the allegations of Paragraph 17 are definitional, Samsung avers
15 that no response is required. To the extent that a response is required, Samsung denies all of the
16 allegations of Paragraph 17, with the exception of matters specifically admitted herein as
17 follows. Samsung admits that LCD is a type of display technology that may be incorporated
18 into finished electronic devices, including mobile wireless handsets, and that Plaintiff purports
19 to use the term "LCD Panel" as described in Paragraph 17.

20 18. To the extent that the allegations of Paragraph 18 are definitional, Samsung avers
21 that no response is required. To the extent that a response is required, Samsung denies all of the
22 allegations of Paragraph 18, with the exception of matters specifically admitted herein as
23 follows. Samsung admits that Plaintiff purports to use the abbreviations in Paragraph 18 in the
24 manner described.

25 19. To the extent that the allegations of Paragraph 19 are definitional, Samsung avers
26 that no response is required. To the extent that a response is required, Samsung denies all of the
27 allegations of Paragraph 19, with the exception of matters specifically admitted herein as
28

1 follows. Samsung admits that Plaintiff purports to use the phrase “LCD Products” to mean
2 products that contain LCD Panels.

3 20. To the extent that the allegations of Paragraph 20 are definitional, Samsung avers
4 that no response is required. To the extent that a response is required, Samsung admits that
5 Plaintiff purports to use the term “OEM” to refer to an original equipment manufacturer of an
6 LCD Product.

7 21. To the extent that the allegations of Paragraph 21 are definitional, Samsung avers
8 that no response is required. To the extent that a response is required, Samsung admits that
9 Plaintiff purports to use the term “Conspiracy Period” in the manner described in Paragraph 21.

10 **IV. Allegations Concerning The Parties**

11 22. Samsung admits that, during at least part of the period alleged, T-Mobile
12 purchased mobile wireless handsets from SEC or its subsidiaries. Samsung denies the
13 allegations contained in the last sentence of Paragraph 22. To the extent that the remaining
14 allegations of Paragraph 22 relate to other defendants or to Plaintiff, Samsung lacks knowledge
15 or information sufficient to form a belief as to their truth, and therefore denies them. To the
16 extent that the remaining allegations of Paragraph 22 relate to Samsung, Samsung denies them.

17 23. Samsung admits that Plaintiff purports to use the name “T-Mobile” in the manner
18 described in Paragraph 23. To the extent that the remaining allegations of Paragraph 23 relate to
19 Plaintiff or to other defendants, Samsung lacks knowledge or information sufficient to form a
20 belief as to their truth, and therefore denies them. To the extent that the remaining allegations of
21 Paragraph 23 relate to Samsung, Samsung denies them.

22 24. Samsung lacks knowledge or information sufficient to form a belief as to the
23 truth of the allegations of the first sentence of Paragraph 24, and therefore denies them.
24 Samsung denies the remaining allegations of Paragraph 24.

25 25. To the extent that the allegations of Paragraph 25 refer to claims dismissed by the
26 Court’s Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
27 form a part of the operative complaint. To the extent a response is required, Samsung lacks
28

1 knowledge or information sufficient to form a belief as to the truth of the allegations of
2 Paragraph 25, and therefore 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, Samsung avers that no response is necessary as these claims no longer
5 form a part of the operative complaint. To the extent a response is required, and to the extent
6 the allegations of Paragraph 26 relate to other defendants or to Plaintiff, Samsung lacks
7 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.
8 To the extent a response is required, and to the extent that the remaining allegations of
9 Paragraph 26 relate to Samsung, Samsung denies them.

10 27. Samsung denies the allegations of Paragraph 27.

11 28. To the extent that the allegations of Paragraph 28 relate to other defendants or to
12 Plaintiff, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
13 and therefore denies them. To the extent that the remaining allegations of Paragraph 28 relate to
14 Samsung, Samsung denies them.

15 29. Samsung lacks knowledge or information sufficient to form a belief as to the
16 truth of the allegations of Paragraph 29, and therefore denies them.

17 30. Samsung lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations of Paragraph 30, and therefore denies them.

19 31. Samsung admits that Plaintiff purports to refer to AU Optronics Corporation and
20 AU Optronics Corporation America, Inc. collectively as "AU Optronics." Samsung lacks
21 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
22 of Paragraph 31, and therefore denies them.

23 32. Samsung lacks knowledge or information sufficient to form a belief as to the
24 truth of the allegations of Paragraph 32, and therefore denies them.

25 33. Samsung lacks knowledge or information sufficient to form a belief as to the
26 truth of the allegations of Paragraph 33, and therefore denies them.

27 34. Samsung lacks knowledge or information sufficient to form a belief as to the
28 truth of the allegations of Paragraph 34, and therefore denies them.

1 35. Samsung lacks knowledge or information sufficient to form a belief as to the
2 truth of the allegations of Paragraph 35, and therefore denies them.

3 36. Samsung admits that Plaintiff purports to refer to Nexgen Mediatech, Inc. as
4 “Nexgen.” Samsung lacks knowledge or information sufficient to form a belief as to the truth of
5 the remaining allegations of Paragraph 36, and therefore denies them.

6 37. Samsung admits that Plaintiff purports to refer to Nexgen Mediatech USA, Inc.
7 as “Nexgen USA.” Samsung lacks knowledge or information sufficient to form a belief as to
8 the truth of the remaining allegations of Paragraph 37, and therefore denies them.

9 38. Samsung admits that Plaintiff purports to refer to Chi Mei Corporation, Chi Mei
10 Optoelectronics Corporation, Chi Mei Optoelectronics USA, Inc., CMO Japan Co., Ltd.,
11 Nexgen, and Nexgen USA collectively as “Chi Mei.” Samsung lacks knowledge or information
12 sufficient to form a belief as to the truth of the remaining allegations of Paragraph 38, and
13 therefore denies them.

14 39. Samsung admits that Plaintiff purports to refer to Chunghwa Picture Tubes Ltd.
15 as “CPT.” Samsung lacks knowledge or information sufficient to form a belief as to the truth of
16 the remaining allegations of Paragraph 39, and therefore denies them.

17 40. Samsung lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations of Paragraph 40, and therefore denies them.

19 41. Samsung admits that Plaintiff purports to refer to Tatung Company of America,
20 Inc. as “Tatung America.” Samsung lacks knowledge or information sufficient to form a belief
21 as to the truth of the remaining allegations of Paragraph 41, and therefore denies them.

22 42. Samsung admits that the Plaintiff purports to refer to CPT, Tatung Company, and
23 Tatung America collectively as “Chunghwa.” Samsung lacks knowledge or information
24 sufficient to form a belief as to the truth of the remaining allegations of Paragraph 42, and
25 therefore denies them.

26 43. Samsung lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations of Paragraph 43, and therefore denies them.

28

1 44. Samsung admits that Plaintiff purports to refer to Seiko Epson Corporation as
2 “Seiko Epson.” Samsung lacks knowledge or information sufficient to form a belief as to the
3 truth of the remaining allegations of Paragraph 44, and therefore denies them.

4 45. Samsung admits that Plaintiff purports to refer to Epson Imaging Devices
5 Corporation as “Epson Japan.” Samsung lacks knowledge or information sufficient to form a
6 belief as to the truth of the remaining allegations of Paragraph 45, and therefore denies them.

7 46. Samsung admits that Plaintiff purports to refer to Epson Electronics America,
8 Inc. as “Epson America.” Samsung lacks knowledge or information sufficient to form a belief
9 as to the truth of the remaining allegations of Paragraph 46, and therefore denies them.

10 47. Samsung admits that Plaintiff purports to refer to Seiko Epson, Epson Japan, and
11 Epson America collectively as “Epson.” Samsung lacks knowledge or information sufficient to
12 form a belief as to the truth of the remaining allegations of Paragraph 47, and therefore denies
13 them.

14 48. Samsung admits that Plaintiff purports to refer to HannStar Display Corporation
15 as “HannStar.” Samsung lacks knowledge or information sufficient to form a belief as to the
16 truth of the remaining allegations of Paragraph 48, and therefore denies them.

17 49. Samsung lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations of Paragraph 49, and therefore denies them.

19 50. Samsung lacks knowledge or information sufficient to form a belief as to the
20 truth of the allegations of Paragraph 50, and therefore denies them.

21 51. Samsung lacks knowledge or information sufficient to form a belief as to the
22 truth of the allegations of Paragraph 51, and therefore denies them.

23 52. Samsung admits that Plaintiff purports to refer to Hitachi Displays Ltd., Hitachi
24 America Ltd., and Hitachi Electronic Devices (USA), Inc. as “Hitachi.” Samsung lacks
25 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
26 of Paragraph 52, and therefore denies them.

27 53. Samsung lacks knowledge or information sufficient to form a belief as to the
28 truth of the allegations of Paragraph 53, and therefore denies them.

1 54. Samsung lacks knowledge or information sufficient to form a belief as to the
2 truth of the allegations of Paragraph 54, and therefore denies them.

3 55. Samsung admits that Plaintiff purports to refer to LG Display Co., Ltd. and LG
4 Display America, Inc. collectively as “LG Display.” Samsung lacks knowledge or information
5 sufficient to form a belief as to the truth of the remaining allegations of Paragraph 55, and
6 therefore denies them.

7 56. Samsung admits that Plaintiff purports to refer to Philips Electronics North
8 America Corporation as “Philips.” Samsung lacks knowledge or information sufficient to form
9 a belief as to the truth of the remaining allegations of Paragraph 56, and therefore denies them.

10 57. Samsung admits that Plaintiff purports to refer to Philips Mobile Display
11 Systems as “Philips Mobile Display.” Samsung lacks knowledge or information sufficient to
12 form a belief as to the truth of the remaining allegations of Paragraph 57, and therefore denies
13 them.

14 58. Samsung lacks knowledge or information sufficient to form a belief as to the
15 truth of the allegations of Paragraph 58, and therefore denies them.

16 59. Samsung admits that the Samsung Electronics Corporation, Ltd. (“SEC”)
17 maintains its executive offices at Samsung Electronics Building, 1320-10, Seocho 2-dong,
18 Seocho-gu, Seoul, Republic of Korea. Samsung also admits that SEC manufactured, and
19 through its subsidiaries, marketed, sold, and/or distributed TFT-LCD panels and products
20 containing TFT-LCD panels in the United States during at least part of the period alleged.
21 Samsung also admits that Plaintiff purports to refer to SEC as “Samsung Electronics.” With the
22 exception of these specifically admitted matters, Samsung otherwise denies all of the allegations
23 of Paragraph 59.

24 60. Samsung admits that Samsung Electronics America, Inc. (“SEA”) is a New
25 Jersey corporation wholly owned by SEC, maintaining offices at 105 Challenger Road,
26 Ridgefield Park, New Jersey 07660. Samsung further admits that SEA marketed, sold, and/or
27 distributed products containing TFT-LCD panels in the United States during at least part of the
28

1 period alleged. With exception of these specifically admitted matters, Samsung otherwise
2 denies all of the allegations of Paragraph 60.

3 61. Samsung admits that Samsung Semiconductor, Inc. (“SSI”) is a California
4 corporation wholly owned by SEC, maintaining offices at 3655 North First Street, San Jose,
5 California, 95134. Samsung further admits that SSI marketed, sold, and/or distributed TFT-
6 LCD panels in the United States during at least part of the period alleged. With the exception of
7 these specifically admitted matters, Samsung otherwise denies all of the allegations of
8 Paragraph 61.

9 62. Samsung denies that it holds a “controlling interest” in Samsung SDI Co., Ltd.
10 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
11 remaining allegations of Paragraph 62, and therefore denies them.

12 63. Samsung lacks knowledge or information sufficient to form a belief as to the
13 truth of the allegations of Paragraph 63, and therefore denies them.

14 64. Samsung admits that Plaintiff purports to refer to Samsung SDI Co., Ltd. and
15 Samsung SDI America, Inc. collectively as “Samsung SDI.” Samsung lacks knowledge or
16 information sufficient to form a belief as to the truth of the remaining allegations of Paragraph
17 64, and therefore denies them.

18 65. Samsung admits the allegations of the first and second sentences of Paragraph 65
19 and also admits that Sheppard Mullin is no longer counsel for SEC, SEA, and SSI in the MDL
20 proceeding. To the extent that the allegations of Paragraph 65 relate to Samsung (used herein to
21 refer solely to SEC, SEA, and SSI), Samsung denies them, with the exception of matters
22 specifically admitted herein. To the extent that the allegations of Paragraph 65 relate to other
23 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
24 and therefore denies them.

25 66. To the extent that the allegations of Paragraph 66 relate to Samsung (used herein
26 to refer solely to SEC, SEA, and SSI), Samsung denies them. To the extent that the allegations
27 of Paragraph 66 relate to other defendants, Samsung lacks knowledge or information sufficient
28

1 to form a belief as to their truth, and with the exception of matters specifically admitted herein,
2 therefore denies them.

3 67. Samsung lacks knowledge or information sufficient to form a belief as to the
4 truth of the allegations of Paragraph 67, and therefore denies them.

5 68. To the extent that the allegations of Paragraph 68 relate to Samsung (used herein
6 to refer solely to SEC, SEA, and SSI), Samsung denies them. To the extent that the allegations
7 of Paragraph 68 relate to other defendants, Samsung lacks knowledge sufficient to form a belief
8 as to their truth, and therefore denies them.

9 69. Samsung admits that Plaintiff purports to refer to SEC, SEA, SSI, Samsung SDI
10 Co., Ltd., and Samsung SDI America, Inc. collectively as “Samsung.” Samsung avers that the
11 remaining allegations of Paragraph 69 constitute legal contentions and/or conclusions, which
12 require no response. In responding to the allegations of the Complaint, Samsung uses the term
13 “Samsung” herein to refer solely to SEC, SEA, and SSI. To the extent that a response is
14 required and to the extent that the allegations of Paragraph 69 relate to Samsung, Samsung
15 denies them. To the extent that a response is required and to the extent that any allegation of
16 Paragraph 69 relates to Samsung SDI Co., Ltd., Samsung SDI America, Inc., or any other
17 defendant, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
18 and therefore denies them.

19 70. Samsung lacks knowledge or information sufficient to form a belief as to the
20 truth of the allegations of Paragraph 70, and therefore denies them.

21 71. Samsung admits that Plaintiff purports to refer to Sanyo Consumer Electronics
22 Co., Ltd. as “Sanyo.” Samsung lacks knowledge or information sufficient to form a belief as to
23 the truth of the remaining allegations of Paragraph 71, and therefore denies them.

24 72. Samsung lacks knowledge or information sufficient to form a belief as to the
25 truth of the allegations of Paragraph 72, and therefore denies them.

26 73. Samsung lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations of Paragraph 73, and therefore denies them.

28

1 74. Samsung admits that Plaintiff purports to refer to Sharp Corporation and Sharp
2 Electronics Corporation collectively as “Sharp.” Samsung lacks knowledge or information
3 sufficient to form a belief as to the truth of the remaining allegations of Paragraph 74, and
4 therefore denies them.

5 75. Samsung lacks knowledge or information sufficient to form a belief as to the
6 truth of the allegations of Paragraph 75, and therefore denies them.

7 76. Samsung lacks knowledge or information sufficient to form a belief as to the
8 truth of the allegations of Paragraph 76, and therefore denies them.

9 77. Samsung lacks knowledge or information sufficient to form a belief as to the
10 truth of the allegations of Paragraph 77, and therefore denies them.

11 78. Samsung lacks knowledge or information sufficient to form a belief as to the
12 truth of the allegations of Paragraph 78, and therefore denies them.

13 79. Samsung admits that Plaintiff purports to refer to Toshiba Corporation, Toshiba
14 Mobile Display Co., Ltd., Toshiba America Electronic Components, Inc. and Toshiba America
15 Information Systems, Inc. collectively as “Toshiba.” Samsung lacks knowledge or information
16 sufficient to form a belief as to the truth of the remaining allegations of Paragraph 79, and
17 therefore denies them.

18 80. To the extent that the allegations of Paragraph 80 refer to other defendants,
19 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
20 therefore denies them. To the extent that the allegations of Paragraph 80 refer to Samsung,
21 Samsung denies them.

22 81. Samsung avers that the allegations of Paragraph 81 constitute legal contentions
23 and/or conclusions to which no response is required. To the extent that a response is required,
24 and to the extent that the allegations of Paragraph 81 refer to other defendants, Samsung lacks
25 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.
26 To the extent that a response is required, and to the extent that the allegations of Paragraph 81
27 refer to Samsung, Samsung denies them.

1 82. Samsung lacks knowledge or information sufficient to form a belief as to the
2 truth of the allegations of Paragraph 82, and therefore denies them.

3 83. To the extent that the allegations of Paragraph 83 refer to other defendants or to
4 alleged co-conspirators, Samsung lacks knowledge or information sufficient to form a belief as
5 to their truth, and therefore denies them. To the extent that the allegations of Paragraph 83 refer
6 to Samsung, Samsung denies them .

7 84. Samsung avers that the allegations of Paragraph 84 constitute legal contentions
8 and/or conclusions to which no response is required. To the extent that a response is required,
9 Samsung denies the allegations of Paragraph 84 insofar as they relate to Samsung. To the extent
10 that a response is required and insofar as the allegations of Paragraph 84 relate to other
11 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
12 and therefore denies them.

13 **V. Allegations Concerning the Market For TFT-LCD Panels And TFT-LCD Products**

14 85. Samsung admits that LCD panels are a type of display utilized in numerous
15 electronic products, including mobile wireless handsets. With the exception of these matters
16 specifically admitted, Samsung otherwise lacks knowledge or information sufficient to form a
17 belief as to the truth of the remaining allegations of Paragraph 85, and therefore denies them.

18 86. Samsung denies the allegations of Paragraph 86.

19 87. Samsung denies the allegations in the first sentence of Paragraph 87. Samsung
20 lacks knowledge or information sufficient to form a belief as to the truth of the remaining
21 allegations of Paragraph 87 and therefore denies them.

22 88. Samsung denies the allegations of Paragraph 88.

23 89. Samsung denies the allegations of Paragraph 89.

24 90. Samsung denies the allegations of Paragraph 90.

25 91. Samsung denies the allegations of Paragraph 91.

26 92. Samsung denies the allegations of Paragraph 92.

27 93. Samsung denies the allegations of Paragraph 93 with the exception of those
28 matters specifically admitted as follows. Samsung admits that new fabrication plants can cost

1 more than \$2 billion and that rapidly evolving technology and intellectual property requirements
2 in the TFT-LCD panel industry may create a need for research, development, and investment.

3 94. Samsung denies the allegations of Paragraph 94.

4 95. Samsung lacks knowledge or information sufficient to form a belief as to the
5 truth of the allegations of Paragraph 95, and therefore denies them.

6 96. To the extent that the allegations of Paragraph 96 relate to other defendants,
7 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
8 therefore denies them. To the extent that the allegations of Paragraph 96 relate to Samsung,
9 Samsung denies them.

10 97. Samsung lacks knowledge or information sufficient to form a belief as to the
11 truth of the allegations of the first sentence of Paragraph 97, and therefore denies them.

12 Samsung denies the remaining allegations of Paragraph 97.

13 **VI. Allegations Concerning the Alleged Price Fixing of TFT-LCD Panels**

14 98. Samsung admits that Cingular Wireless was identified as a major customer of
15 Motorola in a 2003 PowerPoint document on which Jason Yun's name appears. Samsung lacks
16 knowledge or information sufficient to form a belief as to the truth of the allegations of the first
17 sentence of Paragraph 98, and therefore denies them. To the extent that the remaining
18 allegations of Paragraph 98 relate to Samsung, Samsung denies them, with the exception of
19 those matters specifically admitted herein. To the extent that the remaining allegations of
20 Paragraph 98 relate to other defendants, Samsung lacks knowledge or information sufficient to
21 form a belief as to their truth, and therefore denies them.

22 99. Samsung admits that H.B. Suh and Masatoshi Tanaka had bilateral
23 communications during which, on at least some occasions, pricing for TFT-LCD panels used in
24 mobile wireless handsets was discussed. To the extent that the remaining allegations of
25 Paragraph 99 relate to Samsung, Samsung denies them, with the exception of those matters
26 specifically admitted herein. To the extent that the remaining allegations of Paragraph 99 relate
27 to other defendants, Samsung lacks knowledge or information sufficient to form a belief as to
28 their truth, and therefore denies them.

1 100. Samsung admits that both group discussions and bilateral discussions took place
2 between various employees of Samsung and at least some other defendants and alleged co-
3 conspirators in the United States, Japan, South Korea, and Taiwan. Samsung also admits that at
4 least some of these group discussions and some of these bilateral discussions included exchange
5 of production, pricing, and market information. Samsung further admits that some of these
6 group discussions and some of these bilateral discussions were attended by Samsung employees
7 of varying levels. Samsung also admits that pricing information from competitors was, at times,
8 transmitted to higher-level employees and was, at times, considered as a datapoint by those who
9 had responsibility for setting prices. To the extent that the remaining allegations of Paragraph
10 100 relate to Samsung, Samsung denies them, with the exception of matters specifically
11 admitted herein. To the extent that the remaining allegations of Paragraph 100 relate to other
12 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
13 and therefore denies them.

14 101. Samsung lacks knowledge or information sufficient to form a belief as to the
15 truth of the allegations of Paragraph 101, and therefore denies them.

16 102. Samsung admits that H.S. Kim testified that he attended a vendor conference in
17 1998 “and there was a table where many different LCD companies’ sales reps were seated
18 together, and there was this suggestion, “Why don’t we get together once?” Samsung further
19 admits that, when Mr. Kim was asked, “To the best of your recollection, can you name any
20 company that was there when the suggestion was made to get together once?”, Mr. Kim testified
21 that “the only people I can vaguely remember would be Yamamoto-san from NEC, because he
22 was with me many times at such vendor conferences.” To the extent that the remaining
23 allegations of Paragraph 102 relate to Samsung, Samsung denies them, with the exception of
24 matters specifically admitted herein. To the extent that the remaining allegations of Paragraph
25 102 relate to other defendants, Samsung lacks knowledge or information sufficient to form a
26 belief as to their truth, and therefore denies them.

27 103. Samsung admits that Samsung employees met in 1998 with representatives of
28 Sharp, Toshiba, NEC, LG Electronics, and Mitsubishi, and that information on projected sales

1 volumes was exchanged during this meeting. Samsung further admits that, when asked about
2 this meeting, H.S. Kim testified that “I would think probably there would have been a
3 discussion about the business forecast for that particular year, because the meeting was in
4 March.” Samsung further admits that a description of this meeting appears in the Samsung
5 defendants’ contention interrogatory responses, which were served on March 4, 2011. To the
6 extent that the remaining allegations of Paragraph 103 relate to Samsung, Samsung denies them,
7 with the exception of matters specifically admitted herein. To the extent that the remaining
8 allegations of Paragraph 103 relate to other defendants, Samsung lacks knowledge or
9 information sufficient to form a belief as to their truth, and therefore denies them.

10 104. Samsung admits that Samsung employees met again in 1998 with representatives
11 of Sharp, Toshiba, NEC, LG Electronics, and Mitsubishi, and that information on projected
12 sales volumes was exchanged during this meeting. Samsung admits that H.S. Kim testified that
13 similar companies attended this meeting, and that Mr. Yamamoto was present. Samsung further
14 admits that a description of this meeting appears in the Samsung defendants’ contention
15 interrogatory responses, which were served on March 4, 2011. To the extent that the remaining
16 allegations of Paragraph 104 relate to Samsung, Samsung denies them, with the exception of
17 matters specifically admitted herein. To the extent that the remaining allegations of Paragraph
18 104 relate to other defendants, Samsung lacks knowledge or information sufficient to form a
19 belief as to their truth, and therefore denies them.

20 105. Samsung admits that its employees had conversations with NEC employees
21 involving discussion of LCD prices. Samsung further admits that Samsung’s contention
22 interrogatory responses state that H.B. Suh met with Mr. Nakamura and that Mr. Suh and Mr.
23 Nakamura reached understandings about prices. Samsung also admits that Mr. Suh testified that
24 he met and spoke on the phone with Mr. Nakamura and that Mr. Suh and Mr. Nakamura
25 discussed notebook panel prices. To the extent that the remaining allegations of Paragraph 105
26 relate to Samsung, Samsung denies them, with the exception of matters specifically admitted
27 herein. To the extent that the remaining allegations of Paragraph 105 relate to other defendants,
28

1 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
2 therefore denies them.

3 106. Samsung admits that Samsung employees met with employees of LG Display
4 and other TFT-LCD panel manufacturers in and after 1999, and that pricing trends and other
5 aspects of the TFT-LCD panel market were discussed at at least some of these meetings. To the
6 extent that the remaining allegations of Paragraph 106 relate to Samsung, Samsung denies them,
7 with the exception of matters specifically admitted herein. To the extent that the remaining
8 allegations of Paragraph 106 relate to other defendants, Samsung lacks knowledge or
9 information sufficient to form a belief as to their truth, and therefore denies them.

10 107. Samsung admits that portions of an email sent by Carl Steudle on December 16,
11 1999 stated that Sanyo told Samsung it “did not want to be the only guy to raise prices for Feb.”
12 and that they “feel they can get one last price increase in Q1 and Feb. will be the month.” To
13 the extent that the remaining allegations of Paragraph 107 relate to Samsung, Samsung denies
14 them, with the exception of matters specifically admitted herein. To the extent that the
15 remaining allegations of Paragraph 107 relate to other defendants, Samsung lacks knowledge or
16 information sufficient to form a belief as to their truth, and therefore denies them.

17 108. Samsung lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations of Paragraph 108, and therefore denies them.

19 109. Samsung lacks knowledge or information sufficient to form a belief as to the
20 truth of the allegations of Paragraph 109, and therefore denies them.

21 110. Samsung admits that some Samsung employees met with employees of Toshiba,
22 Epson, and Sharp, and that pricing of TFT-LCD panels sold to Motorola was discussed at some
23 of these meetings. To the extent that the remaining allegations of Paragraph 110 relate to
24 Samsung, Samsung denies them, with the exception of matters specifically admitted herein. To
25 the extent that the remaining allegations of Paragraph 110 relate to other defendants, Samsung
26 lacks knowledge or information sufficient to form a belief as to their truth, and therefore denies
27 them.

1 111. Samsung lacks knowledge or information sufficient to form a belief as to the
2 truth of the allegations of Paragraph 111, and therefore denies them.

3 112. Samsung admits that employees of Samsung, AU Optronics, LG Display, Sharp,
4 and other defendants attended “vendor conferences.” Samsung also admits that H.S. Kim may
5 have introduced his successor, S.R. Kim, to Mr. Kuma, an AU Optronics employee, at a vendor
6 conference in 1999. To the extent that the allegations of Paragraph 112 relate to Samsung,
7 Samsung otherwise denies these allegations, with the exception of those matters specifically
8 admitted herein. To the extent that the allegations of Paragraph 112 relate to other defendants,
9 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
10 therefore denies them.

11 113. Samsung admits that beginning in 2001 and continuing into 2005, a number of
12 TFT-LCD panel manufacturers, including Samsung, AU Optronics, Chunghwa, Chi Mei,
13 HannStar, and LG Display met periodically to discuss various topics, including TFT-LCD panel
14 price, and volume information. Samsung further admits that Samsung employees attended
15 multiple meetings with employees of one or more other defendants during the 2001-2005 time
16 period. Samsung admits that some such meetings, sometimes referred to as “Crystal Meetings,”
17 occurred in Taiwan, and also admits that other meetings took place during this same time frame
18 in South Korea, Japan, and the United States. To the extent that the remaining allegations of
19 Paragraph 113 relate to Samsung, Samsung otherwise denies these allegations, with the
20 exception of those matters specifically admitted herein. To the extent that the remaining
21 allegations of Paragraph 113 relate to other defendants, Samsung lacks knowledge or
22 information sufficient to form a belief as to their truth, and therefore denies them.

23 114. Samsung admits that there were meetings between high-level executives and that
24 at least some of these were called “CEO” or “Top” meetings and also meetings attended by mid-
25 level employees, some of which were called “Commercial” or “Operational” meetings.
26 Samsung further admits that there were also, at times, less formal meetings and communications
27 between employees of Samsung and some other defendants. To the extent that the allegations
28 of Paragraph 114 relate to Samsung, Samsung otherwise denies these allegations, with the

1 exception of those matters specifically admitted herein. To the extent that the allegations of
2 Paragraph 114 relate to other defendants, Samsung lacks knowledge or information sufficient to
3 form a belief as to their truth, and therefore denies them.

4 115. Samsung admits that high-level meetings occurred in 2001 and 2002. Samsung
5 also admits that meetings sometimes utilized charts with price and volume information.
6 Samsung further admits that attendees discussed market demand and supply, current and future
7 price projections, and other competitive information. To the extent that the allegations of
8 Paragraph 115 relate to Samsung, Samsung otherwise denies these allegations, with the
9 exception of those matters specifically admitted herein. To the extent that the allegations of
10 Paragraph 115 relate to other defendants, Samsung lacks knowledge or information sufficient to
11 form a belief as to their truth, and therefore denies them.

12 116. Samsung admits that mid-level meetings during certain periods took place
13 approximately once a month, more frequently than high-level meetings. To the extent that the
14 allegations of Paragraph 116 relate to Samsung, Samsung otherwise denies these allegations,
15 with the exception of those matters specifically admitted herein. To the extent that the
16 allegations of Paragraph 116 relate to other defendants, Samsung lacks knowledge or
17 information sufficient to form a belief as to their truth, and therefore denies them.

18 117. Samsung admits that attendees at at least some of these meetings exchanged
19 information about current and future TFT-LCD panel prices. To the extent that the allegations
20 of Paragraph 117 relate to Samsung, Samsung otherwise denies these allegations, with the
21 exception of those matters specifically admitted herein. To the extent that the allegations of
22 Paragraph 117 relate to other defendants, Samsung lacks knowledge or information sufficient to
23 form a belief as to their truth, and therefore denies them.

24 118. Samsung admits that information about supply, demand, and production of TFT-
25 LCD panels were exchanged at at least some of the meetings attended by employees of
26 Samsung and other defendants. To the extent that the allegations of Paragraph 118 relate to
27 Samsung, Samsung denies these allegations, with the exception of those matters specifically
28 admitted herein. To the extent that the allegations of Paragraph 118 relate to other defendants,

1 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
2 therefore denies them.

3 119. To the extent that the allegations of Paragraph 119 relate to Samsung, Samsung
4 denies them. To the extent that the allegations of Paragraph 119 relate to other defendants,
5 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
6 therefore denies them.

7 120. Samsung admits that participants at some crystal meetings took steps to avoid
8 drawing attention to those meetings. To the extent that the remaining allegations of Paragraph
9 120 relate to other defendants, Samsung lacks knowledge or information sufficient to form a
10 belief as to their truth, and therefore denies them. To the extent that the remaining allegations of
11 Paragraph 120 relate to Samsung, Samsung denies them, with the exception of matters
12 specifically admitted herein.

13 121. Samsung admits that these meetings, at times, included discussions of TFT-
14 LCDs used in televisions, desktop monitors, and notebook and laptop computers. To the extent
15 that the allegations of Paragraph 121 relate to Samsung, Samsung otherwise denies these
16 allegations, with the exception of those matters specifically admitted herein. To the extent that
17 the allegations of Paragraph 121 relate to other defendants, Samsung lacks knowledge or
18 information sufficient to form a belief as to their truth, and therefore denies them.

19 122. Samsung admits there were informal meetings between employees of Samsung
20 and some other defendants, and that some of these took place at restaurants over meals.
21 Samsung also admits that information on the prices, supply, demand, and production of TFT-
22 LCD panels was exchanged at some of these meetings and that this information was, in some
23 instances, later given to individuals with responsibility for pricing. To the extent that the
24 allegations of Paragraph 122 relate to Samsung, Samsung otherwise denies these allegations,
25 with the exception of those matters specifically admitted herein. To the extent that the
26 allegations of Paragraph 122 relate to other defendants, Samsung lacks knowledge or
27 information sufficient to form a belief as to their truth, and therefore denies them.

1 123. Samsung admits that attendees at at least some group meetings made reference to
2 defendants who had not attended those meetings. To the extent that the allegations of Paragraph
3 123 relate to Samsung, Samsung otherwise denies these allegations, with the exception of those
4 matters specifically admitted herein. To the extent that the allegations of Paragraph 123 relate
5 to other defendants, Samsung lacks knowledge or information sufficient to form a belief as to
6 their truth, and therefore denies them.

7 124. Samsung lacks knowledge or information sufficient to form a belief as to the
8 truth of the allegations of Paragraph 124, and therefore denies them.

9 125. Samsung admits that H.B. Suh met with Mr. Matsura approximately three or four
10 times and that Mr. Matsura testified that he did so. Samsung further admits that Mr. Suh and
11 Mr. Matsura sometimes reached common understandings on pricing to mutual customers.
12 Samsung also admits that Mr. Suh testified that he and Mr. Matsura discussed the prices of 15-
13 inch monitor and television panels. To the extent that the remaining allegations of Paragraph
14 125 relate to Samsung, Samsung denies them, with the exception of matters specifically
15 admitted herein. To the extent that the remaining allegations of Paragraph 125 relate to other
16 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
17 and therefore denies them.

18 126. Samsung admits that Michael Hanson testified that he met with Gordon West
19 once or twice and spoke on the telephone with Mr. West approximately once per month over a
20 certain period. Samsung further admits that Mr. Hanson testified that he conveyed the
21 information he received from Mr. West to Yul Rak Sohn. To the extent that the remaining
22 allegations of Paragraph 126 relate to Samsung, Samsung denies them, with the exception of
23 matters specifically admitted herein. To the extent that the remaining allegations of Paragraph
24 126 relate to other defendants, Samsung lacks knowledge or information sufficient to form a
25 belief as to their truth, and therefore denies them.

26 127. Samsung lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations of Paragraph 127, and therefore denies them.

28

1 128. Samsung admits that representatives from AU Optronics were present at at least
2 some of the meetings that were also attended by Samsung employees. Samsung also admits that
3 Samsung and AU Optronics had bilateral discussions on occasion during the period alleged. To
4 the extent that the allegations of Paragraph 128 relate to Samsung, Samsung otherwise denies
5 these allegations, with the exception of those matters specifically admitted herein. To the extent
6 that the allegations of Paragraph 128 relate to other defendants, Samsung lacks knowledge of
7 information sufficient to form a belief as to their truth, and therefore denies them.

8 129. Samsung admits that representatives from AU Optronics were present at at least
9 some of the meetings that were also attended by Samsung employees. Samsung also admits that
10 AU Optronics communicated with competitors concerning TFT-LCDs. To the extent that the
11 allegations of Paragraph 129 relate to Samsung, Samsung otherwise denies these allegations,
12 with the exception of those matters specifically admitted herein. To the extent that the
13 allegations of Paragraph 129 relate to other defendants, Samsung lacks knowledge of
14 information sufficient to form a belief as to their truth, and therefore denies them.

15 130. Samsung admits that representatives from Chi Mei were present at at least some
16 of the meetings that were also attended by Samsung employees. Samsung also admits that
17 Samsung and Chi Mei had bilateral discussions on occasion during the period alleged. To the
18 extent that the allegations of Paragraph 130 relate to Samsung, Samsung otherwise denies these
19 allegations, with the exception of those matters specifically admitted herein. To the extent that
20 the allegations of Paragraph 130 relate to other defendants, Samsung lacks knowledge of
21 information sufficient to form a belief as to their truth, and therefore denies them.

22 131. Samsung admits that representatives from Chunghwa were present at at least
23 some of the meetings that were also attended by Samsung employees, and that Samsung and
24 Chunghwa had bilateral discussions on at least one occasion during the period alleged. To the
25 extent that the allegations of Paragraph 131 relate to Samsung, Samsung otherwise denies these
26 allegations, with the exception of those matters specifically admitted herein. To the extent that
27 the allegations of Paragraph 131 relate to other defendants, Samsung lacks knowledge of
28 information sufficient to form a belief as to their truth, and therefore denies them.

1 132. Samsung admits that representatives from Chunghwa were present at at least
2 some of the meetings that were also attended by Samsung employees. Samsung also admits that
3 Chunghwa communicated with competitors concerning TFT-LCDs. To the extent that the
4 allegations of Paragraph 132 relate to Samsung, Samsung otherwise denies these allegations,
5 with the exception of those matters specifically admitted herein. To the extent that the
6 allegations of Paragraph 132 relate to other defendants, Samsung lacks knowledge of
7 information sufficient to form a belief as to their truth, and therefore denies them.

8 133. Samsung admits that one or more Samsung employees took part in bilateral
9 discussions with Epson on occasion during the period alleged and that some such discussions
10 included communications about prices of TFT-LCD panels. Samsung also admits that H.B. Suh
11 of Samsung engaged in discussions with a Mr. Ito of Epson, during which information was
12 shared concerning the prices the two companies would quote to Motorola. To the extent that the
13 allegations of Paragraph 133 relate to Samsung, Samsung otherwise denies these allegations,
14 with the exception of those matters specifically admitted herein. To the extent that the
15 allegations of Paragraph 133 relate to other defendants, Samsung lacks knowledge of
16 information sufficient to form a belief as to their truth, and therefore denies them.

17 134. Samsung admits that Epson's communications with its competitors included
18 communications concerning TFT-LCD panels of different sizes. To the extent that the
19 allegations of Paragraph 134 relate to Samsung, Samsung otherwise denies these allegations,
20 with the exception of those matters specifically admitted herein. To the extent that the
21 allegations of Paragraph 134 relate to other defendants, Samsung lacks knowledge of
22 information sufficient to form a belief as to their truth, and therefore denies them.

23 135. Samsung admits that representatives from HannStar were present at at least some
24 of the meetings that were also attended by Samsung employees. Samsung also admits that
25 Samsung and HannStar had bilateral discussions on occasion during the period alleged. To the
26 extent that the allegations of Paragraph 135 relate to Samsung, Samsung otherwise denies these
27 allegations, with the exception of those matters specifically admitted herein. To the extent that
28

1 the allegations of Paragraph 135 relate to other defendants, Samsung lacks knowledge of
2 information sufficient to form a belief as to their truth, and therefore denies them.

3 136. Samsung admits that bilateral discussions took place on occasion during the
4 period alleged between representatives from Samsung and representatives from Hitachi.
5 Samsung further admits that at least some of these discussions included communications
6 relating to TFT-LCD panels. Samsung further admits that on occasion Samsung and Hitachi
7 discussed prices or price ranges for one or more customers. To the extent that the allegations of
8 Paragraph 136 relate to Samsung, Samsung otherwise denies these allegations, with the
9 exception of those matters specifically admitted herein. To the extent that the allegations of
10 Paragraph 136 relate to other defendants, Samsung lacks knowledge of information sufficient to
11 form a belief as to their truth, and therefore denies them.

12 137. Samsung admits that one or more Samsung representatives met on at least one
13 occasion with Genechi Watanabe during the period alleged to discuss TFT-LCDs. To the extent
14 that the allegations of Paragraph 137 relate to Samsung, Samsung otherwise denies these
15 allegations, with the exception of those matters specifically admitted herein. To the extent that
16 the allegations of Paragraph 137 relate to other defendants, Samsung lacks knowledge of
17 information sufficient to form a belief as to their truth, and therefore denies them.

18 138. Samsung admits that Hitachi's communications with its competitors included
19 communications concerning TFT-LCD panels of different sizes and that Samsung employees
20 had bilateral communications with Hitachi employees, during which there was discussion of
21 TFT-LCD panels of different sizes. To the extent that the allegations of Paragraph 138 relate to
22 Samsung, Samsung otherwise denies these allegations, with the exception of those matters
23 specifically admitted herein. To the extent that the allegations of Paragraph 138 relate to other
24 defendants, Samsung lacks knowledge of information sufficient to form a belief as to their truth,
25 and therefore denies them.

26 139. Samsung admits that representatives from LG Display were present at at least
27 some of the meetings that were also attended by Samsung employees. Samsung also admits that
28 Samsung and LG Display had bilateral discussions on occasion during the period alleged. To

1 the extent that the allegations of Paragraph 139 relate to Samsung, Samsung otherwise denies
2 these allegations, with the exception of those matters specifically admitted herein. To the extent
3 that the allegations of Paragraph 139 relate to other defendants, Samsung lacks knowledge of
4 information sufficient to form a belief as to their truth, and therefore denies them.

5 140. Samsung lacks knowledge or information sufficient to form a belief as to the
6 truth of the allegations in Paragraph 140, and therefore denies them.

7 141. Samsung lacks knowledge or information sufficient to form a belief as to the
8 truth of the allegations in Paragraph 141, and therefore denies them.

9 142. Samsung lacks knowledge or information sufficient to form a belief as to the
10 truth of the allegations in Paragraph 142, and therefore denies them.

11 143. Samsung admits that it participated in several of the referenced meetings with
12 competitors, as well as bilateral discussions with at least some other defendants, during at least
13 some portion of the period alleged. Samsung further admits that it has had communications, at
14 times, about TFT-LCD panel prices with Chunghwa, Epson, Hitachi, Sharp, and Toshiba.
15 Samsung also admits that H.B. Suh participated in bilateral meetings with competitors where
16 TFT-LCD panels were discussed, and that, at his deposition, when asked “When you spoke with
17 competitors about pricing of mobile display panels, did those discussions included, from time to
18 time, TFD, TFT, and color STN?” he responded “Sometimes, yes.” To the extent that the
19 allegations of Paragraph 143 relate to Samsung, Samsung otherwise denies these allegations,
20 with the exception of those matters specifically admitted herein.

21 144. Samsung admits that it had communications with competitors, including Hitachi
22 and Sharp, concerning TFT-LCDs of different sizes. Samsung further admits that Samsung
23 employees took part in numerous meetings between competitors in the TFT-LCD industry
24 during approximately the 2001-2006 time frame, including on some of the dates alleged in
25 Paragraph 144. To the extent that the allegations of Paragraph 144 relate to Samsung, Samsung
26 otherwise denies these allegations, with the exception of those matters specifically admitted
27 herein. To the extent that the allegations of Paragraph 144 relate to other defendants, Samsung
28

1 lacks knowledge of information sufficient to form a belief as to their truth, and therefore denies
2 them.

3 145. To the extent that the allegations of Paragraph 145 relate to Samsung (used
4 herein to refer solely to SEC, SEA, and SSI), Samsung denies these allegations. To the extent
5 that the allegations of Paragraph 145 relate to other defendants, Samsung lacks knowledge or
6 information sufficient to form a belief as to their truth, and therefore denies them.

7 146. Samsung admits that Samsung employees and Sharp employees had
8 communications on at least one occasion during the period alleged with respect to prices of
9 TFT-LCDs. To the extent that the allegations of Paragraph 146 relate to Samsung, Samsung
10 otherwise denies these allegations, with the exception of those matters specifically admitted
11 herein. To the extent that the allegations of Paragraph 146 relate to other defendants, Samsung
12 lacks knowledge of information sufficient to form a belief as to their truth, and therefore denies
13 them.

14 147. Samsung admits that Mike Hanson of SSI met with Brian Graham during the
15 period alleged and that during at least some of these meetings, Graham discussed and exchanged
16 information concerning price and volume. To the extent that the allegations of Paragraph 147
17 relate to Samsung, Samsung otherwise denies these allegations, with the exception of those
18 matters specifically admitted herein. To the extent that the allegations of Paragraph 147 relate
19 to other defendants, Samsung lacks knowledge of information sufficient to form a belief as to
20 their truth, and therefore denies them.

21 148. Samsung lacks knowledge or information sufficient to forma a belief as to the
22 truth of the allegations in Paragraph 148, and therefore denies them.

23 149. Samsung admits that its employees participated in bilateral discussions with
24 Toshiba on at least one occasion during the period alleged and that these discussions sometimes
25 included discussions of prices for TFT-LCD panels. Samsung also admits that H.B. Suh of
26 Samsung met with Mr. Chiba, Mr. Tanaka, Mr. Amano, and Mr. Kanamori of Toshiba, and that
27 TFT-LCD pricing was discussed at at least some of these meetings. To the extent that the
28 allegations of Paragraph 149 relate to Samsung, Samsung otherwise denies these allegations,

1 with the exception of those matters specifically admitted herein. To the extent that the
2 allegations of Paragraph 149 relate to other defendants, Samsung lacks knowledge of
3 information sufficient to form a belief as to their truth, and therefore denies them.

4 150. Samsung admits that one or more of its employees had communications with
5 Toshiba employees concerning LCDs of different sizes. To the extent that the allegations of
6 Paragraph 150 relate to Samsung, Samsung otherwise denies these allegations, with the
7 exception of those matters specifically admitted herein. To the extent that the allegations of
8 Paragraph 150 relate to other defendants, Samsung lacks knowledge of information sufficient to
9 form a belief as to their truth, and therefore denies them.

10 151. Samsung lacks knowledge or information sufficient to form a belief as to the
11 truth of the allegations of Paragraph 151, and therefore denies them.

12 152. Samsung lacks knowledge or information sufficient to form a belief as to the
13 truth of the allegations of Paragraph 152, and therefore denies them.

14 153. Samsung lacks knowledge or information sufficient to form a belief as to the
15 truth of the allegations of Paragraph 153, and therefore denies them.

16 154. Samsung admits that a representative from NEC LCD Technologies, Ltd. was
17 present at two meetings that were also attended by a Samsung employee. To the extent that the
18 remaining allegations of Paragraph 154 relate to Samsung, Samsung denies these allegations,
19 with the exception of those matters specifically admitted herein. To the extent that the
20 remaining allegations of Paragraph 154 relate to other defendants, Samsung lacks knowledge or
21 information sufficient to form a belief as to their truth, and therefore denies them.

22 155. Samsung admits that bilateral discussions took place between various employees
23 of Samsung and at least some other defendants. Samsung also admits that at least some of these
24 bilateral discussions included an exchange of information regarding pricing for small-sized
25 TFT-LCD panels used in mobile devices. Samsung further admits that pricing information
26 during these discussions was, at times, shared with higher-level employees and was, at times,
27 considered as a datapoint by those who had responsibility for setting prices. To the extent that
28 the remaining allegations of Paragraph 155 relate to Samsung, Samsung denies them, with the

1 exception of matters specifically admitted herein. To the extent that the remaining allegations
2 of Paragraph 155 relate to other defendants, Samsung lacks knowledge or information sufficient
3 to form a belief as to their truth, and therefore denies them.

4 156. Samsung admits that its employees at times participated in bilateral meetings
5 with competitors regarding prices for TFT-LCD panels incorporated into mobile wireless
6 handsets. To the extent that the remaining allegations of Paragraph 156 relate to Samsung,
7 Samsung denies them, with the exception of matters specifically admitted herein. To the extent
8 that the remaining allegations of Paragraph 156 relate to other defendants, Samsung lacks
9 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.

10 157. Samsung admits that, at times, H.S. Kim requested that his direct reports obtain
11 information concerning competitors, including pricing information, and that this information
12 was, at times, considered as a datapoint by those Samsung employees who had responsibility for
13 setting prices. To the extent that the remaining allegations of Paragraph 157 relate to Samsung,
14 Samsung denies them, with the exception of matters specifically admitted herein. To the extent
15 that the remaining allegations of Paragraph 157 relate to other defendants, Samsung lacks
16 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.

17 158. Samsung lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations of the second sentence of Paragraph 158. To the extent that the
19 remaining allegations of Paragraph 158 relate to Samsung, Samsung denies them. To the extent
20 that the remaining allegations of Paragraph 158 relate to other defendants, Samsung lacks
21 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.

22 159. Samsung admits that Michael Hanson met with Brian Graham on several
23 occasions and that during at least some of these meetings Graham and Hanson discussed and
24 exchanged information concerning pricing. Samsung also admits that Hanson met with
25 representatives of LG Display (then LPL), Toshiba, and AU Optronics, and that during at least
26 some of these meetings pricing information was exchanged. Samsung further admits that
27 Hanson's in-person meetings with representatives of other companies sometimes took place at
28 restaurants and bars, and that Hanson also had conversations with contacts at other LCD panel

1 suppliers by phone. Samsung also admits that pricing information from competitors was, at
2 times, transmitted to higher-level employees and was, at times, considered as a datapoint by
3 those who had responsibility for setting prices. To the extent that the remaining allegations of
4 Paragraph 159 relate to Samsung, Samsung denies them, with the exception of matters
5 specifically admitted herein. To the extent that the remaining allegations of Paragraph 159
6 relate to other defendants, Samsung lacks knowledge or information sufficient to form a belief
7 as to their truth, and therefore denies them.

8 160. Samsung admits that group and/or bilateral discussions took place between
9 various employees of Samsung and at least some other defendants and alleged co-conspirators
10 in the United States, Japan, South Korea, and Taiwan. To the extent that the remaining
11 allegations of Paragraph 160 relate to Samsung, Samsung denies them, with the exception of
12 matters specifically admitted herein. To the extent that the remaining allegations of Paragraph
13 160 relate to other defendants, Samsung lacks knowledge or information sufficient to form a
14 belief as to their truth, and therefore denies them.

15 161. Samsung admits that bilateral discussions took place between various employees
16 of Samsung and at least some other defendants. Samsung also admits that at least some of these
17 bilateral discussions included an exchange of information regarding pricing for small-sized
18 TFT-LCD panels used in mobile devices. Samsung further admits that pricing information
19 during these discussions was, at times, shared with higher-level employees and was, at times,
20 considered as a datapoint by those who had responsibility for setting prices. To the extent that
21 the remaining allegations of Paragraph 161 relate to Samsung, Samsung denies them, with the
22 exception of matters specifically admitted herein. To the extent that the remaining allegations
23 of Paragraph 161 relate to other defendants, Samsung lacks knowledge or information sufficient
24 to form a belief as to their truth, and therefore denies them.

25 162. Samsung admits that H.B. Suh participated in bilateral meetings with competitors
26 regarding prices for TFT-LCD panels incorporated into mobile wireless handsets. Samsung also
27 admits that, during his deposition, when Mr. Suh was asked “When you spoke with competitors
28 about pricing of mobile display panels, did those discussions include, from time to time, TFD,

1 TFT, and color STN?” he responded “Sometimes, yes.” Samsung further admits that, beginning
2 in 2003, Mr. Suh had both in-person and telephone discussions with Yoshihiko Kitayama of
3 Sharp and that during some of these discussions, pricing for TFT-LCD panels for Motorola and
4 other customers was discussed. Samsung admits that Mr. Suh had both in-person and telephone
5 discussions with Makoto Chiba of Toshiba and that during some of these discussions pricing for
6 TFT-LCD panels for Motorola and other customers was discussed. Samsung also admits that
7 Mr. Suh had both in-person and telephone discussions with Mr. Ito of Epson and that during
8 some of these discussions pricing for TFT-LCD panels for Motorola and other customers was
9 discussed. To the extent that the remaining allegations of Paragraph 162 relate to Samsung,
10 Samsung denies them, with the exception of matters specifically admitted herein. To the extent
11 that the remaining allegations of Paragraph 162 relate to other defendants, Samsung lacks
12 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.

13 163. To the extent that the allegations of Paragraph 163 refer to claims dismissed by
14 the Court’s Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
15 form a part of the operative complaint. To the extent that a response is required, Samsung
16 admits that SSI maintains offices and conducts operations in California. To the extent that a
17 response is required, and to the extent that the remaining allegations of Paragraph 163 relate to
18 Samsung, Samsung otherwise denies these allegations, with the exception of those matters
19 specifically admitted herein. To the extent that a response is required, and to the extent that the
20 remaining allegations of Paragraph 163 relate to other defendants, Samsung lacks knowledge or
21 information sufficient to form a belief as to their truth, and therefore denies them.

22 164. To the extent that the allegations of Paragraph 164 refer to claims dismissed by
23 the Court’s Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
24 form a part of the operative complaint. To the extent that a response is required, and to the
25 extent that the allegations of Paragraph 164 relate to Samsung, Samsung denies them. To the
26 extent that a response is required, and to the extent that the allegations of Paragraph 164 relate
27 to other defendants, Samsung lacks knowledge or information sufficient to form a belief as to
28 their truth, and therefore denies them.

1 165. To the extent that the allegations of Paragraph 165 refer to claims dismissed by
2 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
3 form a part of the operative complaint. To the extent that a response is required, Samsung
4 admits that SSI maintained offices in San Jose, California. To the extent that a response is
5 required, Samsung also admits that Jason Yun was Director of TFT-LCD Panel Sales at SSI's
6 San Jose offices from 2002 to 2006, that Mr. Yun was, at times, responsible for mobile display
7 products sold to various Samsung customers, including Motorola and RIM, and that Mr. Yun
8 discussed pricing for LCD panels with at least some of Samsung's customers in the United
9 States. To the extent that a response is required, Samsung denies the remaining allegations of
10 Paragraph 165 with the exception of those matters specifically admitted herein.

11 166. To the extent that the allegations of Paragraph 166 refer to claims dismissed by
12 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
13 form a part of the operative complaint. To the extent that a response is required, Samsung
14 admits that Mr. Yun obtained information from competitors about pricing for TFT-LCD panels
15 used in mobile wireless handsets. To the extent that a response is required, Samsung denies the
16 allegations of the first sentence of Paragraph 166 with the exception of those matters
17 specifically admitted herein. To the extent that a response is required, Samsung lacks
18 knowledge or information sufficient to form a belief as to the truth the remaining allegations of
19 Paragraph 166, and therefore denies them, with the exception of those matters specifically
20 admitted herein.

21 167. To the extent that the allegations of Paragraph 167 refer to claims dismissed by
22 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
23 form a part of the operative complaint. To the extent that a response is required, Samsung
24 admits that on occasion, Mr. Yun may have shared information from competitors about pricing
25 for TFT-LCD panels used in mobile wireless handsets with Samsung's U.S. sales team for
26 Motorola and with other Samsung employees outside the U.S., some of whom had responsibility
27 for determining Samsung's pricing for TFT-LCD panels. To the extent that a response is
28 required, Samsung lacks knowledge or information sufficient to form a belief as to the truth the

1 remaining allegations of Paragraph 167, and therefore denies them, with the exception of those
2 matters specifically admitted herein.

3 168. To the extent that the allegations of Paragraph 168 refer to claims dismissed by
4 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
5 form a part of the operative complaint. To the extent that a response is required, Samsung
6 admits that Mr. Yun received information from colleagues in Korea, Japan, and Taiwan, and
7 that at least some of these colleagues engaged in bilateral or multilateral communications with
8 competitors, including on occasion Sharp, Toshiba, and Epson. To the extent that a response is
9 required, Samsung denies the remaining allegations of Paragraph 168, with the exception of
10 those matters specifically admitted herein.

11 169. To the extent that the allegations of Paragraph 169 refer to claims dismissed by
12 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
13 form a part of the operative complaint. To the extent that a response is required, Samsung
14 admits that Seishu Arai was a Samsung employee based in Japan, that Mr. Arai had meetings
15 with employees of Sharp and Toshiba during which pricing and volume of TFT-LCD panels
16 was sometimes discussed, and that some of these discussions involved panels that might be
17 incorporated into mobile wireless handsets. To the extent that a response is required, Samsung
18 also admits that Mr. Arai may have communicated some information obtained from competitors
19 to Mr. Yun. To the extent that a response is required, Samsung lacks knowledge or information
20 sufficient to form a belief as to the truth of the allegations of the last sentence of Paragraph 169,
21 and therefore denies them. To the extent that a response is required, Samsung denies the
22 remaining allegations of Paragraph 169, with the exception of those matters specifically
23 admitted herein.

24 170. To the extent that the allegations of Paragraph 170 refer to claims dismissed by
25 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
26 form a part of the operative complaint. To the extent that a response is required, and to the
27 extent that the allegations of Paragraph 170 relate to Samsung, Samsung denies them. To the
28 extent that a response is required, and to the extent that the allegations of Paragraph 170 relate

1 to other defendants, Samsung lacks knowledge or information sufficient to form a belief as to
2 their truth, and therefore denies them.

3 171. To the extent that the allegations of Paragraph 171 refer to claims dismissed by
4 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
5 form a part of the operative complaint. To the extent that a response is required, Samsung
6 admits that H.B. Suh met with Mr. Chiba and Mr. Tanaka of Toshiba, that TFT-LCD panel
7 pricing was discussed at at least some of these meetings, and that at least some of these
8 meetings included discussions of small TFT-LCD panels used in portable electronic devices.
9 To the extent that a response is required, and to the extent that the remaining allegations of
10 Paragraph 171 relate to Samsung, Samsung otherwise denies these allegations, with the
11 exception of those matters specifically admitted herein. To the extent that a response is
12 required, and to the extent that the remaining allegations of Paragraph 171 relate to other
13 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
14 and therefore denies them.

15 172. To the extent that the allegations of Paragraph 172 refer to claims dismissed by
16 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
17 form a part of the operative complaint. To the extent that a response is required, and to the
18 extent that the allegations of Paragraph 172 relate to Samsung, Samsung denies them. To the
19 extent that a response is required, and to the extent that the allegations of Paragraph 172 relate
20 to other defendants, Samsung lacks knowledge or information sufficient to form a belief as to
21 their truth, and therefore denies them.

22 173. To the extent that the allegations of Paragraph 173 refer to claims dismissed by
23 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
24 form a part of the operative complaint. To the extent that a response is required, and to the
25 extent that the allegations of Paragraph 173 relate to Samsung, Samsung denies them. To the
26 extent that a response is required, and to the extent that the allegations of Paragraph 173 relate
27 to other defendants, Samsung lacks knowledge or information sufficient to form a belief as to
28 their truth, and therefore denies them.

1 174. Samsung admits that, in December 2006, government authorities in Japan, South
2 Korea, the European Union, and the United States revealed the existence of investigations into
3 the TFT-LCD panel industry, the details of which are matters of public record. Samsung
4 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
5 allegations of Paragraph 174, and therefore denies them.

6 175. Samsung lacks knowledge or information sufficient to form a belief as to the
7 truth of the allegations of Paragraph 175, and therefore denies them.

8 176. Samsung admits that at least one of the Defendants approached the Antitrust
9 Division of the DOJ to enter into a leniency agreement with respect to its competitor contacts
10 concerning the prices of TFT-LCD panels, that there is an ongoing investigation by the DOJ,
11 and that a number of defendants and their executives have entered guilty pleas. Samsung
12 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
13 allegations of Paragraph 176, and therefore denies them.

14 177. Samsung admits that Chi Mei Optoelectronics has entered a guilty plea, the terms
15 of which are matters of public record. With the exception of those matters specifically admitted
16 herein, Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
17 allegations of Paragraph 177, and therefore denies them.

18 178. Samsung admits that LG Display has entered a guilty plea, the terms of which are
19 matters of public record. With the exception of those matters specifically admitted herein,
20 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
21 allegations of Paragraph 178, and therefore denies them.

22 179. Samsung admits that Chung Suk "C.S." Chung has entered a guilty plea, the
23 terms of which are matters of public record. With the exception of those matters specifically
24 admitted herein, Samsung lacks knowledge or information sufficient to form a belief as to the
25 truth of the allegations of Paragraph 179, and therefore denies them.

26 180. Samsung admits that Bock Kwon has entered a guilty plea, the terms of which
27 are matters of public record. With the exception of those matters specifically admitted herein,
28

1 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
2 allegations of Paragraph 180, and therefore denies them.

3 181. Samsung admits that Duk Mo Koo has been indicted and that the terms of this
4 indictment are matters of public record. With the exception of those matters specifically
5 admitted herein, Samsung lacks knowledge or information sufficient to form a belief as to the
6 truth of the allegations of Paragraph 181, and therefore denies them.

7 182. Samsung admits that Chunghwa has entered a plea agreement with the DOJ, the
8 terms of which are a matter of public record. With the exception of these matters specifically
9 admitted, Samsung otherwise lacks knowledge or information sufficient to form a belief as to
10 the truth of the remaining allegations of Paragraph 182, and therefore denies them.

11 183. Samsung admits that Chih-Chun "C.C." Liu, Hsueh-Lung "Brian" Lee, and
12 Chieng-Hon "Frank" Lin have entered into plea agreements, the terms of which are matters of
13 public record. Samsung lacks knowledge or information sufficient to form a belief as to the
14 truth of the remaining allegations of Paragraph 183, and therefore denies them.

15 184. Samsung admits that former Chunghwa executives have been indicted in
16 connection with contacts between competitors in the TFT-LCD panel industry, and that the
17 contents of these indictments are a matter of public record. Samsung lacks knowledge or
18 information sufficient to form a belief as to the truth of the remaining allegations of Paragraph
19 184, and therefore denies them.

20 185. Samsung admits that Sharp Corporation entered a plea agreement with the DOJ,
21 the terms of which are a matter of public record. Samsung also admits that there were informal
22 meetings and bilateral discussions between employees of Samsung and Sharp. Samsung further
23 admits that information on the prices of TFT-LCD panels was exchanged at some of these
24 meetings. To the extent that the remaining allegations of Paragraph 185 relate to Samsung,
25 Samsung otherwise denies these allegations, with the exception of those matters specifically
26 admitted herein. To the extent that the remaining allegations of Paragraph 185 relate to other
27 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
28 and therefore denies them.

1 186. Samsung admits that there were bilateral discussions between employees of
2 Samsung and Sharp and that information on the prices of TFT-LCD panels was exchanged at
3 some of these meetings. To the extent that the remaining allegations of Paragraph 186 relate to
4 Samsung, Samsung otherwise denies these allegations, with the exception of those matters
5 specifically admitted herein. To the extent that the remaining allegations of Paragraph 186
6 relate to other defendants, Samsung lacks knowledge or information sufficient to form a belief
7 as to their truth, and therefore denies them.

8 187. Samsung admits that Epson Imaging Devices Corporation entered a plea
9 agreement with the DOJ, the terms of which are a matter of public record. With the exception
10 of these matters specifically admitted, Samsung otherwise lacks knowledge or information
11 sufficient to form a belief as to the truth of the remaining allegations of Paragraph 187, and
12 therefore denies them.

13 188. Samsung lacks knowledge or information sufficient to form a belief as to the
14 truth of the allegations of Paragraph 188, and therefore denies them.

15 189. Samsung lacks knowledge or information sufficient to form a belief as to the
16 truth of the allegations of Paragraph 189, and therefore denies them.

17 190. Samsung admits that Plaintiff purports to make allegations concerning corporate
18 families in the manner described in Paragraph 190. To the extent that the remaining allegations
19 of Paragraph 190 relate to Samsung, Samsung otherwise denies these allegations, with the
20 exception of those matters specifically admitted herein. To the extent that the remaining
21 allegations of Paragraph 190 relate to other defendants, Samsung lacks knowledge or
22 information sufficient to form a belief as to their truth, and therefore denies them.

23 191. Samsung lacks knowledge or information sufficient to form a belief as to the
24 truth of the allegations of the first sentence of Paragraph 191, and therefore denies them.
25 Samsung denies the remaining allegations of Paragraph 191.

26 192. Samsung lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations of Paragraph 192, and therefore denies them.

28

1 193. Samsung lacks knowledge or information sufficient to form a belief as to the
2 truth of the allegations of Paragraph 193, and therefore denies them.

3 194. Samsung lacks knowledge or information sufficient to form a belief as to the
4 truth of the allegations of Paragraph 194, and therefore denies them.

5 195. To the extent that the allegations of Paragraph 195 relate to other defendants,
6 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
7 therefore denies them. To the extent that the allegations of Paragraph 195 relate to Samsung,
8 Samsung denies them.

9 196. Samsung denies the allegations of the last sentence of Paragraph 196. Samsung
10 lacks knowledge or information sufficient to form a belief as to the truth of the remaining
11 allegations of Paragraph 196, and therefore denies them.

12 197. Samsung denies the allegations of the second sentence of Paragraph 197.
13 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
14 remaining allegations of Paragraph 197, and therefore denies them.

15 198. Samsung lacks knowledge or information sufficient to form a belief as to the
16 truth of the allegations of Paragraph 198, and therefore denies them.

17 199. Samsung admits that there have been at least eight generations of TFT-LCD
18 panel fabs, that each new generation has been produced from a larger size of glass than the
19 preceding generation, and that third-generation fabs existed in 1996. To the extent that the
20 remaining allegations of Paragraph 199 relate to Samsung, Samsung denies these allegations,
21 with the exception of those matters specifically admitted herein. To the extent that the
22 remaining allegations of Paragraph 199 relate to other defendants, Samsung lacks knowledge or
23 information sufficient to form a belief as to their truth, and therefore denies them.

24 200. Samsung denies the allegations of Paragraph 200.

25 201. Samsung denies the allegations of Paragraph 201.

26 202. Samsung lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations of Paragraph 202, and therefore denies them.

28 203. Samsung denies the allegations of Paragraph 203.

1 204. To the extent that the allegations of Paragraph 204 relate to other defendants,
2 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
3 therefore denies them. To the extent that the allegations of Paragraph 204 relate to Samsung,
4 Samsung denies them.

5 205. Samsung denies the allegations of the first sentence of Paragraph 205. Samsung
6 lacks knowledge or information sufficient to form a belief as to the truth of the remaining
7 allegations of Paragraph 205, and therefore denies them.

8 206. Samsung admits that, during the period alleged, both TFT-LCD and STN-LCD
9 panels were used in mobile wireless handsets. Samsung also admits that Plaintiff purports to
10 define “STN-LCD Panel” to include both CSTN-LCD panels and MSTN-LCD panels.
11 Samsung denies the allegations contained in the last sentence of Paragraph 206. Samsung lacks
12 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
13 in Paragraph 206, and therefore denies them.

14 207. Samsung admits that it manufactured TFT-LCD panels, that some of its
15 employees were responsible for establishing pricing for TFT-LCDs, and that some of its
16 employees engaged in bilateral discussions during which pricing for TFT-LCD panels was
17 sometimes a topic. To the extent that the remaining allegations of Paragraph 207 relate to
18 Samsung, Samsung denies these allegations, with the exception of those matters specifically
19 admitted herein. To the extent that the remaining allegations of Paragraph 207 relate to other
20 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
21 and therefore denies them.

22 208. To the extent that the allegations of Paragraph 208 relate to other defendants,
23 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
24 therefore denies them. To the extent that the allegations of Paragraph 208 relate to Samsung,
25 Samsung denies them.

26 209. Samsung admits that, during his deposition, when Mr. Suh was asked “When you
27 spoke with competitors about pricing of mobile display panels, did those discussions include,
28 from time to time, TFD, TFT, and color STN?” Mr. Suh replied “Sometimes, yes.” Samsung

1 also admits that Samsung employee H.B. Suh had bilateral communications with representatives
2 from Epson, Sharp, and Toshiba. To the extent that the remaining allegations of Paragraph 209
3 relate to Samsung, Samsung denies these allegations, with the exception of those matters
4 specifically admitted herein. To the extent that the remaining allegations of Paragraph 209
5 relate to other defendants, Samsung lacks knowledge or information sufficient to form a belief
6 as to their truth, and therefore denies them.

7 210. Samsung admits that the quote from Mr. Suh's deposition given by Plaintiff in
8 Paragraph 210 is accurate.

9 211. Samsung admits that some of its employees engaged in bilateral discussions with
10 Brian Graham of Sharp and that pricing information for TFT-LCD panels was exchanged during
11 at least some of these discussions. To the extent that the remaining allegations of Paragraph 211
12 relate to Samsung, Samsung denies these allegations, with the exception of those matters
13 specifically admitted herein. To the extent that the remaining allegations of Paragraph 211
14 relate to other defendants, Samsung lacks knowledge or information sufficient to form a belief
15 as to their truth, and therefore denies them.

16 212. Samsung lacks knowledge or information sufficient to form a belief as to the
17 truth of the allegations of Paragraph 212, and therefore denies them.

18 213. Samsung admits that some of its employees had bilateral discussions with
19 employees of Sharp and that pricing for TFT-LCD panels was discussed on at least some of
20 those occasions. To the extent that the remaining allegations of Paragraph 213 relate to
21 Samsung, Samsung denies these allegations, with the exception of those matters specifically
22 admitted herein. To the extent that the remaining allegations of Paragraph 213 relate to other
23 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
24 and therefore denies them.

25 214. To the extent that the allegations of Paragraph 214 relate to other defendants,
26 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
27 therefore denies them. To the extent that the allegations of Paragraph 214 relate to Samsung,
28 Samsung denies them.

1 215. To the extent that the allegations of Paragraph 215 relate to Samsung, Samsung
2 denies them. To the extent that the allegations of Paragraph 215 relate to other defendants,
3 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
4 therefore denies them.

5 216. To the extent that the allegations of Paragraph 216 relate to Samsung, Samsung
6 denies them. To the extent that the allegations of Paragraph 216 relate to other defendants,
7 Samsung lacks knowledge of information sufficient to form a belief as to their truth, and
8 therefore denies them.

9 217. Samsung lacks knowledge or information sufficient to form a belief as to the
10 truth of the allegations of Paragraph 217, and therefore denies them.

11 218. Samsung lacks knowledge or information sufficient to form a belief as to the
12 truth of the allegations of Paragraph 218, and therefore denies them.

13 219. Samsung lacks knowledge or information sufficient to form a belief as to the
14 truth of the allegations of Paragraph 219, and therefore denies them.

15 220. Samsung admits that some Samsung employees met with employees of Toshiba,
16 Epson, and Sharp, and that pricing of TFT-LCD panels sold to Motorola was discussed at at
17 least some of these meetings. To the extent that the remaining allegations of Paragraph 220
18 relate to Samsung, Samsung denies these allegations, with the exception of those matters
19 specifically admitted herein. To the extent that the remaining allegations of Paragraph 220
20 relate to other defendants, Samsung lacks knowledge or information sufficient to form a belief
21 as to their truth, and therefore denies them.

22 221. Samsung lacks knowledge or information sufficient to form a belief as to the
23 truth of the allegations of Paragraph 221, and therefore denies them.

24 222. Samsung denies the allegations of Paragraph 222.

25 223. Samsung denies the allegations contained in the first sentence of Paragraph 223.
26 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
27 remaining allegations of Paragraph 223, and therefore denies them.

28

1 224. Samsung denies the allegations contained in the first sentence of Paragraph 224.
2 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
3 remaining allegations of Paragraph 224, and therefore denies them.

4 225. To the extent that the allegations of Paragraph 225 relate to other defendants or
5 to purchasers of LCD panels, Samsung lacks knowledge or information sufficient to form a
6 belief as to their truth, and therefore denies them. To the extent that the allegations of Paragraph
7 225 relate to Samsung, Samsung denies them.

8 226. Samsung lacks knowledge or information sufficient to form a belief as to the
9 truth of the allegations of Paragraph 226 and the illustration contained therein, and therefore
10 denies them.

11 227. Samsung denies the allegations contained in the first sentence of Paragraph 227.
12 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
13 remaining allegations of Paragraph 227, and therefore denies them.

14 228. To the extent that the allegations of Paragraph 228 relate to other defendants,
15 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
16 therefore denies them. To the extent that the allegations of Paragraph 228 relate to Samsung,
17 Samsung denies them.

18 229. To the extent that the allegations of Paragraph 229 relate to other defendants,
19 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
20 therefore denies them. To the extent that the allegations of Paragraph 229 relate to Samsung,
21 Samsung denies them.

22 230. Samsung denies the allegations of Paragraph 230.

23 231. Samsung admits that the LCD market is served by several major trade
24 associations that put on industry-wide meetings several times a year. Samsung avers that the
25 remaining allegations of Paragraph 231 constitute legal contentions and/or conclusions to which
26 no response is required. To the extent a response is required and to the extent that the
27 allegations of Paragraph 231 relate to Samsung, Samsung denies them, with the exception of
28 matters specifically admitted herein. To the extent that the allegations of Paragraph 231 require

1 a response and to the extent that these allegations relate to other defendants, Samsung lacks
2 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.

3 232. Samsung lacks knowledge or information sufficient to form a belief as to the
4 truth of the allegations of Paragraph 232, and therefore denies them.

5 233. Samsung admits the Electronic Display Industrial Research Association of Korea
6 (“EDIRAK”) and the Korea Display Equipment Material Industry Association (“KODEMIA”)
7 were trade associations of South Korean manufacturers during at least part of the period alleged.
8 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
9 remaining allegations of Paragraph 233, and therefore denies them.

10 234. Samsung lacks knowledge or information sufficient to form a belief as to the
11 truth of the allegations of Paragraph 234, and therefore denies them.

12 235. Samsung admits that the Society for Information Display (“SID”) put on multiple
13 meetings during the period alleged and that at least some of these were attended by executives
14 from major LCD producers. Samsung also admits that one of these meetings is named the “SID
15 International Symposium and Business Conference” and that another is called the “International
16 Display Research Conference.” Samsung lacks knowledge or information sufficient to form a
17 belief as to the truth of the remaining allegations of Paragraph 235, and therefore denies them.

18 236. Samsung admits that, for at least some part of the period alleged, Dong-Hun Lee
19 was a SEC executive with final pricing authority for Samsung TFT-LCDs and H.S. Kim’s
20 superior at SEC. Samsung also admits representatives from Samsung, including Dong-Hun Lee,
21 were in attendance at SID 2004. With the exception of matters specifically admitted herein,
22 Samsung otherwise denies the allegations of Paragraph 236 to the extent that they relate to
23 Samsung. To the extent that the allegations of Paragraph 236 relate to other defendants,
24 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
25 therefore denies them.

26 237. Samsung admits that Jun-Hyung Souk, an employee of SEC at the time, attended
27 SID 2005. Samsung lacks knowledge or information sufficient to form a belief as to the truth of
28 the remaining allegations of Paragraph 237, and therefore denies them.

1 238. Samsung admits that the program for the SID 2005 conference identified Jun
2 Souk as “Executive VP, Samsung Electronics” and described a presentation he was scheduled to
3 give, entitled “Managing the Crystal Cycles” as follows: “By reviewing what happened during
4 the business up-and-down cycles of the LCD in the past, we have learned lessons that will
5 reduce the burden in future cycles. Efforts made in cost reduction, line-investment timing, and
6 new market generation will be described.” Samsung further admits that Jun-Hyung Souk, an
7 employee of SEC at the time, attended SID 2005. Samsung otherwise denies the allegations of
8 Paragraph 238, with the exception of the matters specifically admitted herein.

9 239. Samsung admits that Sang Wan Lee and Jun-Hyung Souk, employees of SEC at
10 the time, and Joe Virginia, an employee of SSI at the time, attended SID 2005. Samsung lacks
11 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
12 of Paragraph 239, and therefore denies them.

13 240. Samsung lacks knowledge or information sufficient to form a belief as to the
14 truth of the allegations of Paragraph 240, and therefore denies them.

15 241. Samsung admits that Jun-Hyung Souk, an employee of SEC at the time, attended
16 the GFPC 2006 conference. Samsung lacks knowledge or information sufficient to form a
17 belief as to the truth of the remaining allegations of Paragraph 241, and therefore denies them.

18 242. Samsung lacks knowledge or information sufficient to form a belief as to the
19 truth of the allegations of Paragraph 242, and therefore denies them.

20 243. Samsung lacks knowledge or information sufficient to form a belief as to the
21 truth of the allegations of Paragraph 243, and therefore denies them.

22 244. Samsung denies the allegations of Paragraph 244.

23 245. Samsung denies the allegations of Paragraph 245.

24 246. Samsung denies the allegations contained in the first sentence of Paragraph 246.
25 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
26 remaining allegations of Paragraph 246, and therefore denies them.

27 247. Samsung admits that it manufactured products containing TFT-LCD panels and
28 sold at least some of these in the United States. To the extent that the remaining allegations of

1 Paragraph 247 relate to other defendants, Samsung lacks knowledge or information sufficient to
2 form a believe as to their truth, and therefore denies them. To the extent that the remaining
3 allegations of Paragraph 247 relate to Samsung, Samsung denies them, with the exception of
4 those matters specifically admitted herein.

5 248. To the extent that the allegations of the first sentence of Paragraph 248 relate to
6 other defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
7 truth, and therefore denies them. To the extent that the allegations of the first sentence of
8 Paragraph 248 relate to Samsung, Samsung denies them. Samsung denies the allegations of the
9 second sentence of Paragraph 248.

10 249. Samsung denies the allegations of Paragraph 249.

11 250. Samsung admits that Samsung and Sharp have filed the three complaints cited by
12 Plaintiff in Paragraph 250 with the U.S. International Trade Commission and that each
13 complaint contains allegations employing the language quoted by Plaintiff. To the extent that
14 the remaining allegations of Paragraph 250 relate to Samsung, Samsung denies them, with the
15 exception of those matters specifically admitted herein. To the extent that the remaining
16 allegations of Paragraph 250 relate to other defendants, Samsung lacks knowledge or
17 information sufficient to form a belief as to their truth, and therefore denies them.

18 251. Samsung admits that some other defendants have entered guilty pleas, the terms
19 of which are matters of public record. Samsung otherwise lacks knowledge or information
20 sufficient to form a belief as to the truth of the allegations of Paragraph 251, and therefore
21 denies them.

22 252. Samsung denies the allegations of Paragraph 252.

23 **VII. Allegations Concerning Plaintiff's Alleged Injuries**

24 253. Samsung denies the allegations of Paragraph 253.

25 254. Samsung admits that, during at least part of the period alleged, T-Mobile
26 purchased mobile wireless handsets from Samsung and/or its sales agents in the United States.
27 To the extent that the remaining allegations of Paragraph 254 relate to Samsung, Samsung
28 denies them, with the exception of those matters specifically admitted herein. To the extent that

1 the remaining allegations of Paragraph 254 relate to other defendants, Samsung lacks
2 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.

3 255. In response to the allegations contained in the first sentence of Paragraph 255,
4 Samsung admits that it sold certain handsets to T-Mobile pursuant to one or more agreements.
5 Samsung denies the allegations of the second sentence of Paragraph 255.

6 256. To the extent that the allegations of Paragraph 256 relate to Samsung, Samsung
7 denies them. To the extent that the allegations of Paragraph 256 relate to other defendants,
8 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
9 therefore denies them.

10 257. Samsung lacks knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in the first sentence of Paragraph 257, and therefore denies
12 them. Samsung denies the remaining allegations of Paragraph 257.

13 258. Samsung denies the allegations of Paragraph 258.

14 259. Samsung denies the allegations of Paragraph 259.

15 **VIII. Allegations Concerning Concealment of the Alleged Conspiracy**

16 260. Samsung denies the allegations of Paragraph 260.

17 261. Samsung admits that at least some attendees at meetings between competitors
18 attempted to conceal the fact and substance of certain meetings and took steps to do so. To the
19 extent that the remaining allegations of Paragraph 261 relate to other defendants, Samsung lacks
20 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.
21 To the extent that the remaining allegations of Paragraph 261 relate to Samsung, Samsung
22 denies them, with the exception of those matters specifically admitted herein.

23 262. To the extent that the allegations of Paragraph 262 relate to other defendants,
24 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
25 therefore denies them. To the extent that the allegations of Paragraph 262 relate to Samsung,
26 Samsung denies them.

27 263. Samsung admits that at least some attendees at meetings between competitors
28 attempted to conceal the fact and substance of certain meetings and took steps to do so. To the

1 extent that the remaining allegations of Paragraph 263 relate to other defendants, Samsung lacks
2 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.
3 To the extent that the remaining allegations of Paragraph 263 relate to Samsung, Samsung
4 denies them, with the exception of those matters specifically admitted herein.

5 264. Samsung admits that at least some attendees at meetings between competitors
6 attempted to conceal the fact and substance of certain meetings and took steps to do so.
7 Samsung further admits that at least some discussions among defendants about price, output, or
8 other competitively sensitive topics were not disclosed to the public. To the extent that the
9 remaining allegations of Paragraph 264 relate to other defendants, Samsung lacks knowledge or
10 information sufficient to form a belief as to their truth, and therefore denies them. To the extent
11 that the remaining allegations of Paragraph 264 relate to Samsung, Samsung denies them, with
12 the exception of those matters specifically admitted herein.

13 265. Samsung lacks knowledge or information sufficient to form a belief as to the
14 truth of the allegations of Paragraph 265, and therefore denies them.

15 266. Samsung admits that group meetings between Samsung and other defendants
16 were discontinued. To the extent that the remaining allegations of Paragraph 266 relate to other
17 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their truth,
18 and therefore denies them. To the extent that the remaining allegations of Paragraph 266 relate
19 to Samsung, Samsung denies them, with the exception of those matters specifically admitted
20 herein.

21 267. Samsung denies the allegations of Paragraph 267.

22 268. To the extent that the allegations of Paragraph 268 relate to other defendants,
23 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
24 therefore denies them. To the extent that the allegations of Paragraph 268 relate to Samsung,
25 Samsung denies them.

26 269. Samsung lacks knowledge or information sufficient to form a belief as to the
27 truth of the allegations of Paragraph 269, and therefore denies them.

28

1 270. Samsung lacks knowledge or information sufficient to form a belief as to the
2 truth of the allegations of Paragraph 270, and therefore denies them.

3 271. To the extent that the allegations of Paragraph 271 relate to other defendants,
4 Samsung lacks knowledge or information sufficient to form a belief as to their truth, and
5 therefore denies them. To the extent that the allegations of Paragraph 271 relate to Samsung,
6 Samsung denies them.

7 272. Samsung lacks knowledge or information sufficient to form a belief as to the
8 truth of the allegations of Paragraph 272, and therefore denies them.

9 273. Samsung denies the allegations of Paragraph 273.

10 274. Samsung denies the allegations of Paragraph 274.

11 275. Samsung denies the allegations of Paragraph 275.

12 276. Samsung avers that the allegations of Paragraph 276 constitute legal contentions
13 and/or conclusions to which no response is required. To the extent a response is required,
14 Samsung admits Samsung admits that some other defendants have entered guilty pleas, the
15 terms of which are matters of public record. Samsung otherwise lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations of Paragraph 276, and
17 therefore denies them.

18 277. Samsung avers that the allegations of Paragraph 277 constitute legal contentions
19 and/or conclusions to which no response is required. To the extent a response is required, and to
20 the extent that the allegations of Paragraph 277 relate to other defendants, Samsung lacks
21 knowledge or information sufficient to form a belief as to the truth of the allegations of
22 Paragraph 277, and therefore denies them. To the extent a response is required, and to the
23 extent that the allegations of Paragraph 277 relate to Samsung, Samsung denies them.

24 278. Samsung avers that the allegations of Paragraph 278 constitute legal contentions
25 and/or conclusions to which no response is required. To the extent a response is required, and to
26 the extent that the allegations of Paragraph 278 relate to other defendants, Samsung lacks
27 knowledge or information sufficient to form a belief as to the truth of the allegations of
28

1 Paragraph 278, and therefore denies them. To the extent a response is required, and to the
2 extent that the allegations of Paragraph 278 relate to Samsung, Samsung denies them.

3 279. Samsung avers that the allegations of Paragraph 279 constitute legal contentions
4 and/or conclusions to which no response is required. To the extent that the allegations of
5 Paragraph 279 refer to claims dismissed by the Court's Feb. 6 Order, Samsung avers that no
6 response is necessary as these claims no longer form a part of the operative complaint. To the
7 extent a response is required, and to the extent that the allegations of Paragraph 279 relate to
8 other defendants, Samsung lacks knowledge or information sufficient to form a belief as to the
9 truth of the allegations of Paragraph 279, and therefore denies them. To the extent a response is
10 required, and to the extent that the allegations of Paragraph 279 relate to Samsung, Samsung
11 denies them.

12 **IX. Violations Alleged**

13 280. Samsung repeats and incorporates by reference its responses to Paragraphs 1
14 through 279 of the Complaint with the same force and effect as if set forth herein at length.

15 281. Samsung avers that the allegations of Paragraph 281 constitute legal contentions
16 and/or conclusions to which no response is required. To the extent that a response is required,
17 Samsung denies the allegations of Paragraph 281.

18 282. Samsung denies the allegations of Paragraph 282 and its subparts.

19 283. Samsung denies the allegations of Paragraph 283 and its subparts.

20 284. Samsung avers that the allegations of Paragraph 284 constitute legal contentions
21 and/or conclusions to which no response is required. To the extent that a response is required,
22 Samsung denies the allegations of Paragraph 284.

23 285. Samsung avers that the allegations of Paragraph 285 constitute legal contentions
24 and/or conclusions to which no response is required. To the extent that a response is required,
25 Samsung denies the allegations of Paragraph 285.

26 286. Samsung avers that the allegations of Paragraph 286 constitute legal contentions
27 and/or conclusions to which no response is required. To the extent that a response is required
28 and to the extent that the allegations of Paragraph 286 relate to Samsung, Samsung denies them.

1 To the extent that a response is required and to the extent that the allegations of Paragraph 286
2 relate to other defendants, Samsung lacks knowledge or information sufficient to form a belief
3 as to their truth, and therefore denies them.

4 287. Samsung repeats and incorporates by reference its responses to Paragraphs 1
5 through 286 of the Complaint with the same force and effect as if set forth herein at length.

6 288. To the extent that the allegations of Paragraph 288 refer to claims dismissed by
7 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
8 form a part of the operative complaint. To the extent that a response is required, Samsung
9 denies the allegations of Paragraph 288.

10 289. To the extent that the allegations of Paragraph 289 refer to claims dismissed by
11 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
12 form a part of the operative complaint. To the extent that a response is required, Samsung lacks
13 knowledge or information sufficient to form a belief as to the truth of the allegations of
14 Paragraph 289, and therefore denies them.

15 290. Samsung avers that the allegations of Paragraph 290 constitute legal contentions
16 and/or conclusions to which no response is required. To the extent that the allegations of
17 Paragraph 290 refer to claims dismissed by the Court's Feb. 6 Order, Samsung avers that no
18 response is necessary as these claims no longer form a part of the operative complaint. To the
19 extent that a response is required, Samsung denies the allegations of Paragraph 290.

20 291. To the extent that the allegations of Paragraph 291 refer to claims dismissed by
21 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
22 form a part of the operative complaint. To the extent that a response is required, Samsung
23 admits that SSI maintained offices in California during at least part of the period alleged. To the
24 extent that a response is required, and to the extent that the remaining allegations of Paragraph
25 291 relate to Samsung, Samsung denies these allegations, with the exception of those matters
26 specifically admitted herein. To the extent that a response is required, and to the extent that the
27 remaining allegations of Paragraph 291 relate to other defendants, Samsung lacks knowledge or
28 information sufficient to form a belief as to their truth, and therefore denies them.

1 292. To the extent that the allegations of Paragraph 292 refer to claims dismissed by
2 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
3 form a part of the operative complaint. To the extent that a response is required, Samsung
4 denies the allegations of Paragraph 292.

5 293. To the extent that the allegations of Paragraph 293 refer to claims dismissed by
6 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
7 form a part of the operative complaint. To the extent that a response is required, Samsung
8 denies the allegations of Paragraph 293.

9 294. To the extent that the allegations of Paragraph 294 and its subparts refer to
10 claims dismissed by the Court's Feb. 6 Order, Samsung avers that no response is necessary as
11 these claims no longer form a part of the operative complaint. To the extent that a response is
12 required, Samsung denies the allegations of Paragraph 294 and its subparts.

13 295. To the extent that the allegations of Paragraph 295 and its subparts refer to
14 claims dismissed by the Court's Feb. 6 Order, Samsung avers that no response is necessary as
15 these claims no longer form a part of the operative complaint. To the extent that a response is
16 required, Samsung denies the allegations of Paragraph 295 and its subparts.

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

21 297. To the extent that the allegations of Paragraph 297 refer to claims dismissed by
22 the Court's Feb. 6 Order, Samsung avers that no response is necessary as these claims no longer
23 form a part of the operative complaint. To the extent that a response is required, Samsung
24 denies the allegations of Paragraph 297.

25 298. Samsung admits that SSI maintained offices in California during at least part of
26 the period alleged. Samsung avers that the remaining allegations of Paragraph 298 and its
27 subparts constitute legal contentions and/or conclusions to which no response is required. To
28 the extent that the remaining allegations of Paragraph 298 and its subparts refer to claims

1 dismissed by the Court's Feb. 6 Order, Samsung avers that no response is necessary as these
2 claims no longer form a part of the operative complaint. To the extent that a response is
3 required and to the extent that the allegations of Paragraph 298 and its subparts relate to
4 Samsung, Samsung otherwise denies them, with the exception of matters specifically admitted
5 herein. To the extent that a response is required and to the extent that the allegations of
6 Paragraph 298 and its subparts relate to other defendants or to Plaintiff, Samsung lacks
7 knowledge or information sufficient to form a belief as to their truth, and therefore denies them.

8 299. Samsung avers that the allegations of Paragraph 299 and its subparts constitute
9 legal contentions and/or conclusions to which no response is required. To the extent that the
10 allegations of Paragraph 299 and its subparts refer to claims dismissed by the Court's Feb. 6
11 Order, Samsung avers that no response is necessary as these claims no longer form a part of the
12 operative complaint. To the extent that a response is required and to the extent that the
13 allegations of Paragraph 299 and its subparts relate to Samsung, Samsung denies them. To the
14 extent that a response is required and to the extent that the allegations of Paragraph 299 and its
15 subparts relate to other defendants or to Plaintiff, Samsung lacks knowledge or information
16 sufficient to form a belief as to their truth, and therefore denies them.

17 **X. Plaintiff's Prayer For Relief**

18 Samsung denies that Plaintiff suffered any injury or incurred any damages by any act or
19 omission of Samsung as alleged in the Complaint, and further denies that Plaintiff is entitled to
20 any relief under any theory by means of the allegations set forth in the Complaint.

21 **XI. Plaintiff's Demand for a Jury Trial**

22 Samsung avers that Plaintiff's demand for a jury trial constitutes a legal contention
23 and/or conclusion to which no response is necessary.
24
25
26
27
28

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

SEPARATE AND AFFIRMATIVE DEFENSES

Samsung asserts the following defenses to Plaintiff’s alleged causes of action. Insofar as any of the following expresses denial of an element of any claim alleged against Samsung, such expression does not indicate that Plaintiff is relieved of their burden to prove each and every element of any such claim.

Samsung adopts and incorporates by reference any and all other additional or affirmative defenses asserted or to be asserted by any other defendant in this proceeding to the extent that Samsung may share in such affirmative defenses.

Samsung has not knowingly or intentionally waived any applicable defenses and explicitly reserves the right to assert and rely on such other applicable defenses as may become available or apparent during discovery proceedings. Samsung further reserves the right to amend its Answer and/or its defenses accordingly, and/or to delete defenses that it determines are not applicable during the course of subsequent discovery.

FIRST ADDITIONAL OR AFFIRMATIVE DEFENSE

(Failure to State a Claim)

The Complaint fails to state a claim upon which relief can be granted.

SECOND ADDITIONAL OR AFFIRMATIVE DEFENSE

(Failure to Join Indispensable Parties)

Plaintiff’s claims should be dismissed to the extent that they are barred, in whole or in part, for failure to join indispensable parties.

THIRD ADDITIONAL OR AFFIRMATIVE DEFENSE

(Failure to State a Claim Under the Foreign Trade Antitrust Improvements Act)

Plaintiff’s claims for any foreign purchases, if any, should be dismissed to the extent that they are barred, in whole or in part, because Plaintiff has failed to allege facts sufficient to support a claim under the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a.

1 **SIXTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

2 **(No Detrimental Reliance)**

3 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in
4 part, because Plaintiff did not detrimentally rely upon any alleged deceptive trade conduct as
5 alleged in the Complaint.

6 **SEVENTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

7 **(Lack of Proximate Cause)**

8 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in
9 part, due to the absence of any injury or damage for which Samsung's actions, conduct, or
10 omissions were the proximate cause.

11 **EIGHTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

12 **(Comparative Fault)**

13 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in
14 part, because any and all injuries alleged in the Complaint, the fact and extent of which
15 Samsung specifically denies, were directly and proximately caused or contributed to by the
16 statements, acts, and/or omissions of Plaintiff and/or third parties or entities other than
17 Samsung.

18 **NINETEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

19 **(Intervening or Superseding Acts of Third Parties)**

20 Plaintiff's damages resulted from the acts or omissions of third parties over whom
21 Samsung had no control or responsibility. The acts of such third parties constitute intervening
22 or superseding causes of the harm, if any, suffered by Plaintiff.

23 **TWENTIETH ADDITIONAL OR AFFIRMATIVE DEFENSE**

24 **(Absence of Damages)**

25 Plaintiff's claims should be dismissed because Plaintiff has suffered no injury or
26 damages as a result of the matters alleged in the Complaint. To the extent that Plaintiff
27 purportedly suffered injury or damage, which Samsung specifically denies, Samsung further
28

1 contends that any such purported injury or damage was not by reason of any act or omission of
2 Samsung.

3 **TWENTY-FIRST ADDITIONAL OR AFFIRMATIVE DEFENSE**

4 **(Uncertainty of Damages)**

5 Plaintiff's claims should be dismissed because the alleged damages sought are too
6 speculative and uncertain, and cannot be practicably ascertained or allocated.

7 **TWENTY-SECOND ADDITIONAL OR AFFIRMATIVE DEFENSE**

8 **(Failure to Mitigate Damages)**

9 Plaintiff's claims should be dismissed to the extent that they are barred, in whole
10 or in part, because Plaintiff failed to take all necessary, reasonable, and appropriate actions to
11 mitigate their alleged damages, if any.

12 **TWENTY-THIRD ADDITIONAL OR AFFIRMATIVE DEFENSE**

13 **(Injury or Damages Offset by Benefits Received)**

14 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in
15 part, because any claimed injury or damage has been offset by the benefits received by Plaintiff
16 with respect to the challenged conduct.

17 **TWENTY-FOURTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

18 **(Limitation on Liability)**

19 To the extent that Samsung has any liability to Plaintiff, that liability is limited at most to
20 that portion of the actual damages sustained by Plaintiff that are attributable to Samsung's
21 commerce.

22 **TWENTY-FIFTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

23 **(Set Off)**

24 Without admitting that Plaintiff is entitled to recover damages in this matter, Samsung is
25 entitled to set off from any recovery Plaintiff may obtain against Samsung any amount paid to
26 Plaintiff by any other Defendants who have settled, or do settle, Plaintiff's claims in this matter.
27
28

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

DATED: February 21, 2012

COVINGTON & BURLING LLP

By: /s/ Jeffrey M. Davidson

JEFFREY M. DAVIDSON
Attorney for Defendants
SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG SEMICONDUCTOR, INC.,
and SAMSUNG ELECTRONICS
AMERICA, INC.