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 12 *America Electronic Components, Inc.*

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

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

No. C 3:11-02591 SI
 Master File No. 07-cv-1827-SI
 MDL No. 1827

17 This Document Relates to:
 18 Case No. C 3:11-02591 SI
 19
 20 T-Mobile U.S.A. Inc.,
 21 v.
 22 AU OPTRONICS CORPORATION, *et al.*
 23

**TOSHIBA CORPORATION'S
 ANSWER TO T-MOBILE'S
 AMENDED COMPLAINT**

1 Defendant Toshiba Corporation (“TSB”), by its undersigned attorneys, for its Answer to
2 the Amended Complaint (the “Complaint”), dated November 7, 2011, filed by T-Mobile U.S.A.
3 Inc. (“Plaintiff”), states as follows:

4 **I. INTRODUCTION**

5 1. Paragraph 1 consists of Plaintiff’s characterization of its claims and an
6 explanation of defined terms, to which no response is required. Additionally, TSB lacks
7 knowledge or information sufficient to form a belief as to the truth of the allegations contained
8 in Paragraph 1 and, therefore, denies these allegations. To the extent that the allegations
9 contained in Paragraph 1 are directed to TSB, TSB denies these allegations.

10 2. Paragraph 2 consists of Plaintiff’s characterization of its claims and legal
11 conclusions, to which no response is required. To the extent that the allegations contained in
12 Paragraph 2 relate to other Defendants and/or third parties, TSB lacks knowledge or information
13 sufficient to form a belief as to the truth of these allegations and, therefore, denies these
14 allegations. To the extent that the allegations contained in Paragraph 2 are directed to TSB, TSB
15 denies these allegations.

16 3. Paragraph 3 consists of Plaintiff’s explanation of defined terms, characterization
17 of its claims and legal conclusions, to which no response is required. To the extent that the
18 allegations contained in Paragraph 3 relate to other Defendants and/or third parties, TSB lacks
19 knowledge or information sufficient to form a belief as to the truth of these allegations and,
20 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 3
21 are directed to TSB, TSB denies these allegations.

22 4. Paragraph 4 consists of Plaintiff’s characterization of its claims and legal
23 conclusions, to which no response is required. To the extent that the allegations contained in
24 Paragraph 4 relate to other Defendants and/or third parties, TSB lacks knowledge or information
25 sufficient to form a belief as to the truth of these allegations and, therefore, denies these
26 allegations. To the extent that the allegations contained in Paragraph 4 are directed to TSB, TSB
27 denies these allegations.
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1 5. Paragraph 5 consists of statements contained in public documents, which speak
2 for themselves and to which no response is required. To the extent that the allegations contained
3 in Paragraph 5 may be deemed to require a response from TSB, TSB denies these allegations,
4 except admits that LG Display Co. Ltd., LG Display America, Inc., Sharp Corporation,
5 Chunghwa Picture Tubes, Ltd., Epson Imaging Devices Corporation, Chi Mei Optoelectronics
6 Corporation, and HannStar Display Corporation agreed to plead guilty and pay criminal fines for
7 their roles in several separate and distinct conspiracies to fix prices of TFT-LCD panels.

8 6. Paragraph 6 contains argument, Plaintiff's characterization of its claims and/or
9 legal conclusions, to which no response is required. To the extent that the allegations in
10 Paragraph 6 relate to other Defendants and/or third parties, TSB lacks knowledge or information
11 sufficient to form a belief as to the truth of these allegations and, therefore, denies these
12 allegations, except admits that Toshiba America Electronic Components, Inc. and Toshiba
13 America Information Systems, Inc. maintained offices in California between January 1, 1996
14 and December 11, 2006. To the extent that the allegations contained in Paragraph 6 are directed
15 to TSB, TSB denies these allegations.

16 7. Paragraph 7 consists of Plaintiff's characterization of its claims and legal
17 conclusions, to which no response is required. To the extent that the allegations contained in
18 Paragraph 7 relate to other Defendants and/or third parties, TSB lacks knowledge or information
19 sufficient to form a belief as to the truth of these allegations and, therefore, denies these
20 allegations. To the extent that the allegations contained in Paragraph 7 are directed to TSB, TSB
21 denies these allegations, except admits that Toshiba America Electronic Components, Inc. and
22 Toshiba America Information Systems, Inc. maintained offices in California between January 1,
23 1996 and December 11, 2006.

24 8. Paragraph 8 consists of Plaintiff's characterization of its claims and legal
25 conclusions, to which no response is required. To the extent that the allegations contained in
26 Paragraph 8 relate to other Defendants and/or third parties, TSB lacks knowledge or information
27 sufficient to form a belief as to the truth of these allegations and, therefore, denies these
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1 allegations. To the extent that the allegations contained in Paragraph 8 are directed to TSB, TSB
2 denies these allegations.

3 9. Paragraph 9 consists of Plaintiff's characterization of its claims and legal
4 conclusions, to which no response is required. To the extent that the allegations contained in
5 Paragraph 9 relate to other Defendants and/or third parties, TSB lacks knowledge or information
6 sufficient to form a belief as to the truth of these allegations and, therefore, denies these
7 allegations. To the extent that the allegations contained in Paragraph 9 are directed to TSB, TSB
8 denies these allegations, except admits that Plaintiff has filed an action to obtain damages.

9 **II. JURISDICTION AND VENUE**

10 10. Paragraph 10 consists of Plaintiff's characterization of its claims and legal
11 conclusions, to which no response is required. To the extent that the allegations contained in
12 Paragraph 10 may be deemed to require a response from TSB, TSB denies these allegations.

13 11. Paragraph 11 consists of Plaintiff's characterization of its claims and legal
14 conclusions, to which no response is required. To the extent that the allegations contained in
15 Paragraph 11 relate to other Defendants and/or third parties, TSB lacks knowledge or
16 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
17 these allegations. To the extent that the allegations contained in Paragraph 11 may be deemed to
18 require a response from TSB, TSB denies these allegations.

19 12. Paragraph 12 consists of legal conclusions, to which no response is required. To
20 the extent that the allegations contained in Paragraph 12 may be deemed to require a response
21 from TSB, TSB denies these allegations.

22 13. Paragraph 13 consists of Plaintiff's characterization of its claims and legal
23 conclusions, to which no response is required. To the extent that the allegations contained in
24 Paragraph 13 relate to other Defendants and/or third parties, TSB lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 13 may be deemed to
27 require a response from TSB, TSB denies these allegations, as TSB did not sell LCD panels or
28 products containing LCD panels directly to customers in the United States during this time

1 period. TSB further denies manufacturing, selling or distributing LCD panels after 2002, when
2 it ceased manufacturing LCD panels.

3 14. Paragraph 14 consists of legal conclusions, to which no response is required. To
4 the extent that the allegations contained in Paragraph 14 may be deemed to require a response
5 from TSB, TSB denies these allegations.

6 15. Paragraph 15 consists of legal conclusions, to which no response is required. To
7 the extent that the allegations contained in Paragraph 15 may be deemed to require a response
8 from TSB, TSB denies these allegations, except admits that Plaintiff's action was consolidated
9 and assigned to the San Francisco Division of the United States District Court for the Northern
10 District of California, Judge Susan Illston presiding.

11 16. Paragraph 16 consists of legal conclusions, to which no response is required. To
12 the extent that the allegations contained in Paragraph 16 may be deemed to require a response
13 from TSB, TSB denies these allegations.

14 **III. DEFINITIONS**

15 17. Paragraph 17 contains Plaintiff's explanation of a defined term used in its
16 Complaint, to which no response is required. To the extent that the allegations contained in
17 Paragraph 17 may be deemed to require a response from TSB, TSB denies these allegations.

18 18. Paragraph 18 contains Plaintiff's explanation of a defined term used in its
19 Complaint, to which no response is required. Paragraph 18 also consists of Plaintiff's
20 characterization of its claims and legal conclusions, to which no response is required. To the
21 extent that the allegations contained in Paragraph 18 may be deemed to require a response from
22 TSB, TSB denies these allegations.

23 19. Paragraph 19 contains Plaintiff's explanation of a defined term used in its
24 Complaint, to which no response is required. TSB specifically objects to Plaintiff's definition of
25 "LCD Products," and the use of this term throughout the Complaint, because this definition
26 includes products at different levels of the production chain and creates confusion. To the extent
27 that the remainder of the allegations contained in Paragraph 19 may be deemed to require a
28 response from TSB, TSB denies these allegations.

1 20. Paragraph 20 contains Plaintiff's explanation of a defined term used in its
2 Complaint, to which no response is required. To the extent that the allegations contained in
3 Paragraph 20 may be deemed to require a response from TSB, TSB denies these allegations.

4 21. Paragraph 21 contains Plaintiff's explanation of a defined term used in its
5 Complaint, to which no response is required. To the extent that the allegations contained in
6 Paragraph 21 may be deemed to require a response from TSB, TSB denies these allegations.

7 **IV. THE PARTIES**

8 **A. Plaintiff T-Mobile**

9 22. Paragraph 22 consists of Plaintiff's characterization of its claims and legal
10 conclusions, to which no response is required. To the extent that the allegations contained in
11 Paragraph 22 relate to other Defendants and/or third parties, TSB lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 22 are directed to
14 TSB, TSB denies these allegations.

15 23. Paragraph 23 consists of Plaintiff's characterization of its claims and legal
16 conclusions, to which no response is required. To the extent that the allegations contained in
17 Paragraph 23 relate to other Defendants and/or third parties, TSB lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 23 are directed to
20 TSB, TSB denies these allegations.

21 24. Paragraph 24 consists of Plaintiff's characterization of its claims and legal
22 conclusions, to which no response is required. To the extent that the allegations contained in
23 Paragraph 24 relate to other Defendants and/or third parties, TSB lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 24 are directed to
26 TSB, TSB denies these allegations.

27 25. TSB lacks knowledge or information sufficient to form a belief as to the truth of
28 the allegations contained in Paragraph 25 and, therefore, denies these allegations.

1 26. TSB lacks knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 26 and, therefore, denies these allegations. To the extent
3 that the allegations contained in Paragraph 26 relate to other Defendants and/or third parties,
4 TSB lacks knowledge or information sufficient to form a belief as to the truth of these
5 allegations and, therefore, denies these allegations. To the extent that the allegations contained
6 in Paragraph 26 are directed to TSB, TSB denies these allegations.

7 27. Paragraph 27 consists of Plaintiff’s characterization of its claims and legal
8 conclusions, to which no response is required. To the extent that the allegations contained in
9 Paragraph 27 relate to other Defendants and/or third parties, TSB lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 27 may be deemed to
12 require a response from TSB, TSB denies these allegations.

13 28. Paragraph 28 consists of Plaintiff’s characterization of its claims and legal
14 conclusions, to which no response is required. To the extent that the allegations contained in
15 Paragraph 28 relate to other Defendants and/or third parties, TSB lacks knowledge or
16 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
17 these allegations. To the extent that the allegations contained in Paragraph 28 are directed to
18 TSB, TSB denies these allegations.

19 **B. Defendants**

20 **1. AU Optronics**

21 29. Paragraph 29 relates to another Defendant. Accordingly, TSB lacks knowledge
22 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
23 29 and, therefore, denies these allegations.

24 30. Paragraph 30 relates to another Defendant. Accordingly, TSB lacks knowledge
25 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
26 30 and, therefore, denies these allegations.

27 31. Paragraph 31 consists of Plaintiff’s explanation of a defined term, a
28 characterization of its claims and legal conclusions, to which no response is required. Paragraph

1 31 also relates to other Defendants. Accordingly, TSB lacks knowledge or information
2 sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 and,
3 therefore, denies these allegations.

4 **2. Chi Mei**

5 32. Paragraph 32 relates to another Defendant. Accordingly, TSB lacks knowledge
6 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
7 32 and, therefore, denies these allegations.

8 33. Paragraph 33 relates to another Defendant. Accordingly, TSB lacks knowledge
9 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
10 33 and, therefore, denies these allegations.

11 34. Paragraph 34 relates to another Defendant. Accordingly, TSB lacks knowledge
12 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
13 34 and, therefore, denies these allegations.

14 35. Paragraph 35 relates to another Defendant. Accordingly, TSB lacks knowledge
15 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
16 35 and, therefore, denies these allegations.

17 36. Paragraph 36 relates to another Defendant. Accordingly, TSB lacks knowledge
18 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
19 36 and, therefore, denies these allegations.

20 37. Paragraph 37 relates to another Defendant. Accordingly, TSB lacks knowledge
21 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
22 37 and, therefore, denies these allegations.

23 38. Paragraph 38 consists of Plaintiff's explanation of a defined term, a
24 characterization of its claims and legal conclusions, to which no response is required. Paragraph
25 38 also relates to other Defendants. Accordingly, TSB lacks knowledge or information
26 sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 and,
27 therefore, denies these allegations.
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3. Chunghwa

39. Paragraph 39 relates to another Defendant. Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39 and, therefore, denies these allegations.

40. Paragraph 40 relates to another Defendant. Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 and, therefore, denies these allegations.

41. Paragraph 41 relates to another Defendant. Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 and, therefore, denies these allegations.

42. Paragraph 42 consists of Plaintiff’s explanation of a defined term, a characterization of its claims and legal conclusions, to which no response is required. Paragraph 42 also relates to other Defendants. Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 and, therefore, denies these allegations.

43. Paragraph 43 consists of Plaintiff’s characterization of its claims and legal conclusions, to which no response is required. Paragraph 43 also relates to other Defendants. Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 and, therefore, denies these allegations.

4. Epson

44. Paragraph 44 relates to another Defendant. Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 and, therefore, denies these allegations.

45. Paragraph 45 relates to another Defendant. Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 and, therefore, denies these allegations.

1 46. Paragraph 46 relates to another Defendant. Accordingly, TSB lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 46 and, therefore, denies these allegations.

4 47. Paragraph 47 consists of Plaintiff's characterization of its claims and legal
5 conclusions, to which no response is required. Paragraph 47 also relates to other Defendants.
6 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
7 the allegations contained in Paragraph 47 and, therefore, denies these allegations.

8 **5. HannStar**

9 48. Paragraph 48 relates to another Defendant and includes Plaintiff's explanation of
10 a defined term, to which no response is required. Accordingly, TSB lacks knowledge or
11 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48
12 and, therefore, denies these allegations.

13 **6. Hitachi**

14 49. Paragraph 49 relates to another Defendant and includes Plaintiff's explanation of
15 a defined term, to which no response is required. Accordingly, TSB lacks knowledge or
16 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49
17 and, therefore, denies these allegations.

18 50. Paragraph 50 relates to another Defendant and includes Plaintiff's explanation of
19 a defined term, to which no response is required. Accordingly, TSB lacks knowledge or
20 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50
21 and, therefore, denies these allegations.

22 51. Paragraph 51 relates to another Defendant and includes Plaintiff's explanation of
23 a defined term, to which no response is required. Accordingly, TSB lacks knowledge or
24 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51
25 and, therefore, denies these allegations.

26 52. Paragraph 52 contains Plaintiff's explanation of a defined term used in its
27 Complaint, to which no response is required. To the extent that the allegations contained in
28 Paragraph 52 may be deemed to require a response from TSB, TSB denies these allegations.

1 7. **LG Display**

2 53. Paragraph 53 relates to another Defendant. Accordingly, TSB lacks knowledge
3 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
4 53 and, therefore, denies these allegations.

5 54. Paragraph 54 relates to another Defendant. Accordingly, TSB lacks knowledge
6 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
7 54 and, therefore, denies these allegations.

8 55. Paragraph 55 consists of Plaintiff's explanation of a defined term, a
9 characterization of its claims and legal conclusions, to which no response is required. Paragraph
10 55 also relates to other Defendants. Accordingly, TSB lacks knowledge or information
11 sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 and,
12 therefore, denies these allegations.

13 8. **Philips**

14 56. Paragraph 56 relates to another Defendant. Accordingly, TSB lacks knowledge
15 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
16 56 and, therefore, denies these allegations.

17 57. Paragraph 57 consists of Plaintiff's characterization of its claims and legal
18 conclusions, to which no response is required. Paragraph 57 also relates to other Defendants.
19 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 57 and, therefore, denies these allegations.

21 58. Paragraph 58 consists of Plaintiff's characterization of its claims and legal
22 conclusions, to which no response is required. Paragraph 58 also relates to other Defendants.
23 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
24 the allegations contained in Paragraph 58 and, therefore, denies these allegations.

25 9. **Samsung**

26 59. Paragraph 59 relates to another Defendant. Accordingly, TSB lacks knowledge
27 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
28 59 and, therefore, denies these allegations.

1 60. Paragraph 60 relates to another Defendant. Accordingly, TSB lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 60 and, therefore, denies these allegations.

4 61. Paragraph 61 relates to another Defendant. Accordingly, TSB lacks knowledge
5 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
6 61 and, therefore, denies these allegations.

7 62. Paragraph 62 relates to another Defendant. Accordingly, TSB lacks knowledge
8 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
9 62 and, therefore, denies these allegations.

10 63. Paragraph 63 relates to another Defendant. Accordingly, TSB lacks knowledge
11 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
12 63 and, therefore, denies these allegations.

13 64. Paragraph 64 consists of Plaintiff's explanation of a defined term, a
14 characterization of its claims and legal conclusions, to which no response is required. Paragraph
15 64 also relates to other Defendants. Accordingly, TSB lacks knowledge or information
16 sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 and,
17 therefore, denies these allegations.

18 65. Paragraph 65 consists of Plaintiff's characterization of its claims and legal
19 conclusions, to which no response is required. Paragraph 65 also relates to other Defendants.
20 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 65 and, therefore, denies these allegations.

22 66. Paragraph 66 consists of Plaintiff's characterization of its claims and legal
23 conclusions, to which no response is required. To the extent that the allegations contained in
24 Paragraph 66 relate to other Defendants and/or third parties, TSB lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 66 are directed to
27 TSB, TSB denies these allegations.
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1 67. Paragraph 67 consists of Plaintiff's characterization of its claims and legal
2 conclusions, to which no response is required. Paragraph 67 also relates to other Defendants.
3 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 67 and, therefore, denies these allegations.

5 68. Paragraph 68 consists of Plaintiff's characterization of its claims and legal
6 conclusions, to which no response is required. Paragraph 68 also relates to other Defendants.
7 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
8 the allegations contained in Paragraph 68 and, therefore, denies these allegations.

9 69. Paragraph 69 consists of Plaintiff's explanation of a defined term, a
10 characterization of its claims and legal conclusions, to which no response is required. Paragraph
11 69 also relates to other Defendants. Accordingly, TSB lacks knowledge or information
12 sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 and,
13 therefore, denies these allegations.

14 **10. Sanvo**

15 70. Paragraph 70 relates to another Defendant. Accordingly, TSB lacks knowledge
16 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
17 70 and, therefore, denies these allegations.

18 71. Paragraph 71 consists of Plaintiff's explanation of a defined term, a
19 characterization of its claims and legal conclusions, to which no response is required. Paragraph
20 71 also relates to other Defendants. Accordingly, TSB lacks knowledge or information
21 sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 and,
22 therefore, denies these allegations.

23 **11. Sharp**

24 72. Paragraph 72 relates to another Defendant. Accordingly, TSB lacks knowledge
25 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
26 72 and, therefore, denies these allegations.

1 73. Paragraph 73 relates to another Defendant. Accordingly, TSB lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 73 and, therefore, denies these allegations.

4 74. Paragraph 74 consists of Plaintiff's explanation of a defined term, a
5 characterization of its claims and legal conclusions, to which no response is required. Paragraph
6 74 also relates to other Defendants. Accordingly, TSB lacks knowledge or information
7 sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 and,
8 therefore, denies these allegations.

9 **12. Toshiba**

10 75. TSB denies each and every allegation contained in Paragraph 75, except admits
11 that TSB is a Japanese company with its principal place of business at 1-1, Shibaura 1-chome,
12 Minato-ku, Tokyo 105-8001, Japan, and that TSB manufactured, sold and/or distributed certain
13 types of LCD panels and products containing certain types of LCD panels only during a portion
14 of the time period between January 1, 1996 to December 11, 2006. TSB specifically denies
15 having sold or distributed LCD panels or products containing LCD panels throughout the United
16 States from January 1, 1996 to December 11, 2006, as TSB did not sell LCD panels or products
17 containing LCD panels directly to customers in the United States during this time period. TSB
18 further denies manufacturing, selling or distributing LCD panels after 2002, when it ceased
19 manufacturing LCD panels.

20 76. Paragraph 76 relates to another Defendant. Accordingly, TSB lacks knowledge
21 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
22 76 and, therefore, denies these allegations, except admits that Toshiba Mobile Display Co.,
23 Ltd.'s principal place of business is located at 1-9-2, Hatara-cho, Fukaya-shi, Saitama 366-0032,
24 Japan.

25 77. Paragraph 77 relates to another Defendant. Accordingly, TSB lacks knowledge
26 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
27 77 and, therefore, denies these allegations, except admits that Toshiba America Electronic
28 Components, Inc. is located at 19900 MacArthur Boulevard, Suite 400, Irvine, California, and

1 that Toshiba America Electronic Components, Inc. is a wholly-owned subsidiary of Toshiba
2 America, Inc.

3 78. Paragraph 78 relates to another Defendant. Accordingly, TSB lacks knowledge
4 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
5 78 and, therefore, denies these allegations, except admits that Toshiba America Information
6 Systems, Inc. is located at 9740 Irvine Boulevard, Irvine, California, and Toshiba America
7 Information Systems, Inc. is a wholly-owned subsidiary of Toshiba America, Inc.

8 79. Paragraph 79 consists of Plaintiff's explanation of a defined term, a
9 characterization of its claims and legal conclusions, to which no response is required. To the
10 extent that the allegations in Paragraph 79 may be deemed to require a response from TSB, TSB
11 denies each and every allegation in Paragraph 79.

12 **C. Co-Conspirators**

13 80. To the extent that the allegations contained in Paragraph 80 relate to other
14 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
15 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
16 allegations contained in Paragraph 80 are directed to TSB, TSB denies these allegations.

17 81. To the extent that the allegations contained in Paragraph 81 relate to other
18 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
19 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
20 allegations contained in Paragraph 81 are directed to TSB, TSB denies these allegations.

21 82. Paragraph 82 relates to third parties to this action. Accordingly, TSB lacks
22 knowledge or information sufficient to form a belief as to the truth of the allegations contained
23 in Paragraph 82 and, therefore, denies these allegations.

24 83. To the extent that the allegations contained in Paragraph 83 relate to other
25 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
26 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
27 allegations contained in Paragraph 83 are directed to TSB, TSB denies these allegations.
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1 84. Paragraph 84 consists of Plaintiff's characterization of its claims and legal
2 conclusions, to which no response is required. To the extent that the allegations contained in
3 Paragraph 84 relate to other Defendants and/or third parties, TSB lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 84 are directed to
6 TSB, TSB denies these allegations.

7 **V. THE MARKET FOR LCD PANELS AND LCD PRODUCTS**

8 85. To the extent that the allegations contained in Paragraph 85 relate to other
9 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
10 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
11 allegations contained in Paragraph 85 are directed to TSB, TSB denies these allegations, except
12 admits that TFT-LCD panels are used in a number of finished products, including, but not
13 limited to, mobile wireless handsets, desktop computer monitors, and laptop computers.

14 86. TSB lacks knowledge or information sufficient to form a belief as to the truth of
15 the allegations contained in Paragraph 86 and, therefore, denies these allegations.

16 87. TSB lacks knowledge or information sufficient to form a belief as to the truth of
17 the allegations contained in Paragraph 87 and, therefore, denies these allegations.

18 88. TSB lacks knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 88 and, therefore, denies these allegations.

20 89. Paragraph 89 contains argument, Plaintiff's characterization of its claims and/or
21 legal conclusions, to which no response is required. To the extent that the allegations in
22 Paragraph 89 relate to other Defendants and/or third parties, TSB lacks knowledge or
23 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
24 these allegations. To the extent that the allegations contained in Paragraph 89 are directed to
25 TSB, TSB denies these allegations.

26 90. Paragraph 90 argument, Plaintiff's characterization of its claims and/or legal
27 conclusions, to which no response is required. To the extent that the allegations in Paragraph 90
28 relate to other Defendants and/or third parties, TSB lacks knowledge or information sufficient to

1 form a belief as to the truth of these allegations and, therefore, denies these allegations. To the
2 extent that the allegations contained in Paragraph 90 are directed to TSB, TSB denies these
3 allegations.

4 91. TSB denies each and every allegation contained in Paragraph 91.

5 92. To the extent that the allegations contained in Paragraph 92 relate to other
6 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
7 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
8 allegations contained in Paragraph 92 are directed to TSB, TSB denies these allegations.

9 93. To the extent that the allegations contained in Paragraph 93 relate to other
10 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
11 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
12 allegations contained in Paragraph 93 are directed to TSB, TSB denies these allegations.

13 94. Paragraph 94 contains argument and legal conclusions, to which no response is
14 required. To the extent that the allegations contained in Paragraph 94 relate to other Defendants
15 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
16 truth of these allegations and, therefore, denies these allegations. To the extent that the
17 allegations contained in Paragraph 94 are directed to TSB, TSB denies these allegations.

18 95. To the extent that the allegations contained in Paragraph 95 relate to other
19 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
20 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
21 allegations contained in Paragraph 95 are directed to TSB, TSB denies these allegations, except
22 admits that Toshiba Mobile Display Co., Ltd., f/k/a Toshiba Matsushita Display Technology
23 Co., Ltd. was formed in 2002 by TSB and Matsushita Electric Industrial Co., Ltd.; and admits
24 that IPS Alpha Technology, Ltd. was formed in 2005 by Hitachi Displays, Ltd., Matsushita
25 Electric Industrial Co., Ltd. and TSB.

26 96. Paragraph 96 consists of Plaintiff's characterization of its claims and legal
27 conclusions, to which no response is required. To the extent that the allegations contained in
28 Paragraph 96 relate to other Defendants and/or third parties, TSB lacks knowledge or

1 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
2 these allegations. To the extent that the allegations contained in Paragraph 96 are directed to
3 TSB, TSB denies these allegations.

4 97. Paragraph 97 consists of Plaintiff's characterization of its claims and legal
5 conclusions, to which no response is required. To the extent that the allegations contained in
6 Paragraph 97 relate to other Defendants and/or third parties, TSB lacks knowledge or
7 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
8 these allegations. To the extent that the allegations contained in Paragraph 97 are directed to
9 TSB, TSB denies these allegations.

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

11 98. Paragraph 98 consists of Plaintiff's characterization of its claims and legal
12 conclusions, to which no response is required. To the extent that the allegations contained in
13 Paragraph 98 relate to other Defendants and/or third parties, TSB lacks knowledge or
14 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
15 these allegations. To the extent that the allegations contained in Paragraph 98 are directed to
16 TSB, TSB denies these allegations.

17 99. Paragraph 99 consists of Plaintiff's characterization of its claims and legal
18 conclusions, to which no response is required. To the extent that the allegations contained in
19 Paragraph 99 relate to other Defendants and/or third parties, TSB lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 99 are directed to
22 TSB, TSB denies these allegations.

23 **A. Defendants Engaged in Bilateral and Multilateral Meetings and**
24 **Communications with Competitors to Inflate Prices of LCD Panels and LCD**
25 **Products**

26 100. Paragraph 100 consists of Plaintiff's characterization of its claims and legal
27 conclusions, to which no response is required. To the extent that the allegations contained in
28 Paragraph 100 relate to other Defendants and/or third parties, TSB lacks knowledge or

1 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
2 these allegations. To the extent that the allegations contained in Paragraph 100 are directed to
3 TSB, TSB denies these allegations.

4 1. **Defendants engaged in illegal bilateral and multilateral**
5 **communications with competitors about the pricing of TFT-LCD**
6 **Panels and STN-LCD Panels**

7 101. To the extent that the allegations contained in Paragraph 101 relate to other
8 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
9 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
10 allegations contained in Paragraph 101 are directed to TSB, TSB denies these allegations.

11 102. Paragraph 102 relates to other Defendants and/or third parties to this action.
12 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
13 the allegations contained in Paragraph 102 and, therefore, denies these allegations. To the extent
14 that the allegations contained in Paragraph 102 are directed to TSB, TSB denies these
15 allegations.

16 103. To the extent that the allegations contained in Paragraph 103 relate to other
17 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
19 allegations contained in Paragraph 103 are directed to TSB, TSB denies these allegations.

20 104. To the extent that the allegations contained in Paragraph 104 relate to other
21 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
22 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
23 allegations contained in Paragraph 104 are directed to TSB, TSB denies these allegations.

24 105. Paragraph 105 relates to other Defendants and/or third parties to this action.
25 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
26 the allegations contained in Paragraph 105 and, therefore, denies these allegations. To the extent
27 that the allegations contained in Paragraph 105 are directed to TSB, TSB denies these
28 allegations.

1 106. Paragraph 106 relates to other Defendants and/or third parties to this action.
2 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
3 the allegations contained in Paragraph 106 and, therefore, denies these allegations. To the extent
4 that the allegations contained in Paragraph 106 are directed to TSB, TSB denies these
5 allegations.

6 107. To the extent that the allegations contained in Paragraph 107 relate to other
7 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
8 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
9 allegations contained in Paragraph 107 are directed to TSB, TSB denies these allegations.

10 108. Paragraph 108 relates to other Defendants and/or third parties to this action.
11 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
12 the allegations contained in Paragraph 108 and, therefore, denies these allegations. To the extent
13 that the allegations contained in Paragraph 108 are directed to TSB, TSB denies these
14 allegations.

15 109. Paragraph 109 relates to other Defendants and/or third parties to this action.
16 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
17 the allegations contained in Paragraph 109 and, therefore, denies these allegations. To the extent
18 that the allegations contained in Paragraph 109 are directed to TSB, TSB denies these
19 allegations.

20 110. Paragraph 110 contains argument, Plaintiff's characterization of its claims and/or
21 legal conclusions, to which no response is required. To the extent that the allegations in
22 Paragraph 110 relate to other Defendants and/or third parties, TSB lacks knowledge or
23 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
24 these allegations. To the extent that the allegations contained in Paragraph 110 are directed to
25 TSB, TSB denies these allegations.

26 111. To the extent that the allegations in Paragraph 111 relate to other Defendants
27 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
28

1 truth of these allegations and, therefore, denies these allegations. To the extent that the
2 allegations contained in Paragraph 111 are directed to TSB, TSB denies these allegations.

3 112. To the extent that the allegations in Paragraph 112 relate to other Defendants
4 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
5 truth of these allegations and, therefore, denies these allegations. To the extent that the
6 allegations contained in Paragraph 112 are directed to TSB, TSB denies these allegations.

7 113. Paragraph 113 relates to other Defendants and/or third parties to this action.
8 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
9 the allegations contained in Paragraph 113 and, therefore, denies these allegations. To the extent
10 that the allegations contained in Paragraph 113 are directed to TSB, TSB denies these
11 allegations.

12 114. Paragraph 114 relates to other Defendants and/or third parties to this action.
13 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
14 the allegations contained in Paragraph 114 and, therefore, denies these allegations. To the extent
15 that the allegations contained in Paragraph 114 are directed to TSB, TSB denies these
16 allegations.

17 115. Paragraph 115 relates to other Defendants and/or third parties to this action.
18 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 115 and, therefore, denies these allegations. To the extent
20 that the allegations contained in Paragraph 115 are directed to TSB, TSB denies these
21 allegations.

22 116. Paragraph 116 relates to other Defendants and/or third parties to this action.
23 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
24 the allegations contained in Paragraph 116 and, therefore, denies these allegations. To the extent
25 that the allegations contained in Paragraph 116 are directed to TSB, TSB denies these
26 allegations.

27 117. Paragraph 117 relates to other Defendants and/or third parties to this action.
28 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of

1 the allegations contained in Paragraph 117 and, therefore, denies these allegations. To the extent
2 that the allegations contained in Paragraph 117 are directed to TSB, TSB denies these
3 allegations.

4 118. Paragraph 118 relates to other Defendants and/or third parties to this action.
5 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
6 the allegations contained in Paragraph 118 and, therefore, denies these allegations. To the extent
7 that the allegations contained in Paragraph 118 are directed to TSB, TSB denies these
8 allegations.

9 119. Paragraph 119 relates to other Defendants and/or third parties to this action.
10 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
11 the allegations contained in Paragraph 119 and, therefore, denies these allegations. To the extent
12 that the allegations contained in Paragraph 119 are directed to TSB, TSB denies these
13 allegations

14 120. Paragraph 120 relates to other Defendants and/or third parties to this action.
15 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
16 the allegations contained in Paragraph 120 and, therefore, denies these allegations. To the extent
17 that the allegations contained in Paragraph 120 are directed to TSB, TSB denies these
18 allegations.

19 121. Paragraph 121 relates to other Defendants and/or third parties to this action.
20 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 121 and, therefore, denies these allegations. To the extent
22 that the allegations contained in Paragraph 121 are directed to TSB, TSB denies these
23 allegations.

24 122. Paragraph 122 relates to other Defendants and/or third parties to this action.
25 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
26 the allegations contained in Paragraph 122 and, therefore, denies these allegations. To the extent
27 that the allegations contained in Paragraph 122 are directed to TSB, TSB denies these
28 allegations.

1 123. Paragraph 123 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations contained
3 in Paragraph 123 relate to other Defendants and/or third parties, TSB lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 123 are directed to
6 TSB, TSB denies these allegations.

7 124. Paragraph 124 relates to other Defendants and/or third parties to this action.
8 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
9 the allegations contained in Paragraph 124 and, therefore, denies these allegations. To the extent
10 that the allegations contained in Paragraph 124 are directed to TSB, TSB denies these
11 allegations.

12 125. Paragraph 125 relates to other Defendants and/or third parties to this action.
13 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
14 the allegations contained in Paragraph 125 and, therefore, denies these allegations. To the extent
15 that the allegations contained in Paragraph 125 are directed to TSB, TSB denies these
16 allegations.

17 126. Paragraph 126 relates to other Defendants and/or third parties to this action.
18 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 126 and, therefore, denies these allegations. To the extent
20 that the allegations contained in Paragraph 126 are directed to TSB, TSB denies these
21 allegations.

22 127. Paragraph 127 contains argument, Plaintiff's characterization of its claims and/or
23 legal conclusions, to which no response is required. To the extent that the allegations contained
24 in Paragraph 127 relate to other Defendants and/or third parties, TSB lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 127 are directed to
27 TSB, TSB denies these allegations.
28

1 128. Paragraph 128 relates to other Defendants and/or third parties to this action.
2 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
3 the allegations contained in Paragraph 128 and, therefore, denies these allegations. To the extent
4 that the allegations contained in Paragraph 128 are directed to TSB, TSB denies these
5 allegations.

6 129. To the extent that the allegations contained in Paragraph 129 relate to other
7 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
8 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
9 allegations contained in Paragraph 129 are directed to TSB, TSB denies these allegations.

10 130. Paragraph 130 relates to other Defendants and/or third parties to this action.
11 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
12 the allegations contained in Paragraph 130 and, therefore, denies these allegations. To the extent
13 that the allegations contained in Paragraph 130 are directed to TSB, TSB denies these
14 allegations.

15 131. Paragraph 131 relates to other Defendants and/or third parties to this action.
16 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
17 the allegations contained in Paragraph 131 and, therefore, denies these allegations. To the extent
18 that the allegations contained in Paragraph 131 are directed to TSB, TSB denies these
19 allegations.

20 132. Paragraph 132 relates to other Defendants and/or third parties to this action.
21 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
22 the allegations contained in Paragraph 132 and, therefore, denies these allegations. To the extent
23 that the allegations contained in Paragraph 132 are directed to TSB, TSB denies these
24 allegations.

25 133. Paragraph 133 relates to other Defendants and/or third parties to this action.
26 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
27 the allegations contained in Paragraph 133 and, therefore, denies these allegations. To the extent
28

1 that the allegations contained in Paragraph 133 are directed to TSB, TSB denies these
2 allegations.

3 134. To the extent that the allegations contained in Paragraph 134 relate to other
4 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
6 allegations contained in Paragraph 134 are directed to TSB, TSB denies these allegations.

7 135. Paragraph 135 relates to other Defendants and/or third parties to this action.
8 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
9 the allegations contained in Paragraph 135 and, therefore, denies these allegations. To the extent
10 that the allegations contained in Paragraph 135 are directed to TSB, TSB denies these
11 allegations.

12 136. To the extent that the allegations contained in Paragraph 136 relate to other
13 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
14 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
15 allegations contained in Paragraph 136 are directed to TSB, TSB denies these allegations.

16 137. To the extent that the allegations contained in Paragraph 137 relate to other
17 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
19 allegations contained in Paragraph 137 are directed to TSB, TSB denies these allegations.

20 138. To the extent that the allegations contained in Paragraph 138 relate to other
21 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
22 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
23 allegations contained in Paragraph 138 are directed to TSB, TSB denies these allegations.

24 139. Paragraph 139 relates to other Defendants and/or third parties to this action.
25 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
26 the allegations contained in Paragraph 139 and, therefore, denies these allegations. To the extent
27 that the allegations contained in Paragraph 139 are directed to TSB, TSB denies these
28 allegations.

1 140. Paragraph 140 relates to other Defendants and/or third parties to this action.
2 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
3 the allegations contained in Paragraph 140 and, therefore, denies these allegations. To the extent
4 that the allegations contained in Paragraph 140 are directed to TSB, TSB denies these
5 allegations.

6 141. Paragraph 141 relates to other Defendants and/or third parties to this action.
7 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
8 the allegations contained in Paragraph 141 and, therefore, denies these allegations. To the extent
9 that the allegations contained in Paragraph 141 are directed to TSB, TSB denies these
10 allegations.

11 142. Paragraph 142 consists of purported statements by government authorities and/or
12 statements in public documents, which speak for themselves and to which no response is
13 required. To the extent that the allegations contained in Paragraph 142 relate to other
14 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
15 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
16 allegations contained in Paragraph 142 may be deemed to require a response from TSB, TSB
17 denies these allegations, except admits that LG Display Co. Ltd. and LG Display America Inc.
18 agreed to plead guilty for their participation in a conspiracy to fix prices of TFT-LCD panels.

19 143. To the extent that the allegations contained in Paragraph 143 relate to other
20 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
21 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
22 allegations contained in Paragraph 143 are directed to TSB, TSB denies these allegations.

23 144. Paragraph 144 relates to other Defendants and/or third parties to this action.
24 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
25 the allegations contained in Paragraph 144 and, therefore, denies these allegations. To the extent
26 that the allegations contained in Paragraph 144 are directed to TSB, TSB denies these
27 allegations.
28

1 145. Paragraph 145 relates to other Defendants and/or third parties to this action.
2 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
3 the allegations contained in Paragraph 145 and, therefore, denies these allegations. To the extent
4 that the allegations contained in Paragraph 145 are directed to TSB, TSB denies these
5 allegations.

6 146. Paragraph 146 relates to other Defendants and/or third parties to this action.
7 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
8 the allegations contained in Paragraph 146 and, therefore, denies these allegations. To the extent
9 that the allegations contained in Paragraph 146 are directed to TSB, TSB denies these
10 allegations.

11 147. To the extent that the allegations in Paragraph 147 relate to other Defendants
12 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
13 truth of these allegations and, therefore, denies these allegations. To the extent that the
14 allegations contained in Paragraph 147 are directed to TSB, TSB denies these allegations.

15 148. To the extent that the allegations in Paragraph 148 relate to other Defendants
16 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
17 truth of these allegations and, therefore, denies these allegations. To the extent that the
18 allegations contained in Paragraph 148 are directed to TSB, TSB denies these allegations.

19 149. Paragraph 149 contains legal conclusions, to which no response is required. To
20 the extent that the allegations in Paragraph 149 relate to other Defendants and/or third parties,
21 TSB lacks knowledge or information sufficient to form a belief as to the truth of these
22 allegations and, therefore, denies these allegations. To the extent that the allegations contained
23 in Paragraph 149 are directed to TSB, TSB denies these allegations.

24 150. Paragraph 150 contains legal conclusions, to which no response is required. To
25 the extent that the allegations in Paragraph 150 relate to other Defendants and/or third parties,
26 TSB lacks knowledge or information sufficient to form a belief as to the truth of these
27 allegations and, therefore, denies these allegations. To the extent that the allegations contained
28 in Paragraph 150 are directed to TSB, TSB denies these allegations.

1 151. Paragraph 151 relates to other Defendants and/or third parties to this action.
2 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
3 the allegations contained in Paragraph 151 and, therefore, denies these allegations. To the extent
4 that the allegations contained in Paragraph 151 are directed to TSB, TSB denies these
5 allegations.

6 152. Paragraph 152 contains argument, Plaintiff's characterization of its claims and/or
7 legal conclusions, to which no response is required. To the extent that the allegations in
8 Paragraph 152 relate to other Defendants and/or third parties, TSB lacks knowledge or
9 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
10 these allegations. To the extent that the allegations contained in Paragraph 152 are directed to
11 TSB, TSB denies these allegations, except admits that TSB participated in the formation of IPS
12 Alpha Technology, Ltd.

13 153. Paragraph 153 relates to other Defendants and/or third parties to this action.
14 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
15 the allegations contained in Paragraph 153 and, therefore, denies these allegations. To the extent
16 that the allegations contained in Paragraph 153 may be deemed to require a response from TSB,
17 TSB denies these allegations.

18 154. Paragraph 154 relates to other Defendants and/or third parties to this action.
19 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 154 and, therefore, denies these allegations. To the extent
21 that the allegations contained in Paragraph 154 may be deemed to require a response from TSB,
22 TSB denies these allegations.

23 155. Paragraph 155 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. To the extent that the allegations in
25 Paragraph 155 relate to other Defendants and/or third parties, TSB lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations. To the extent that the allegations contained in Paragraph 155 are directed to
28 TSB, TSB denies these allegations.

1 156. Paragraph 156 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations in
3 Paragraph 156 relate to other Defendants and/or third parties, TSB lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 156 are directed to
6 TSB, TSB denies these allegations.

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

9 157. Paragraph 157 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations in
11 Paragraph 157 relate to other Defendants and/or third parties, TSB lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 157 are directed to
14 TSB, TSB denies these allegations.

15 158. To the extent that the allegations in Paragraph 158 relate to other Defendants
16 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
17 truth of these allegations and, therefore, denies these allegations. To the extent that the
18 allegations contained in Paragraph 158 are directed to TSB, TSB denies these allegations.

19 159. Paragraph 159 contains argument, Plaintiff's characterization of its claims and/or
20 legal conclusions, to which no response is required. To the extent that the allegations in
21 Paragraph 159 relate to other Defendants and/or third parties, TSB lacks knowledge or
22 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
23 these allegations. To the extent that the allegations contained in Paragraph 159 are directed to
24 TSB, TSB denies these allegations.

25 160. Paragraph 160 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations in
27 Paragraph 160 relate to other Defendants and/or third parties, TSB lacks knowledge or
28

1 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
2 these allegations. To the extent that the allegations contained in Paragraph 160 are directed to
3 TSB, TSB denies these allegations.

4 **3. Defendants engaged in illegal communications about pricing with**
5 **respect to small panels**

6 161. Paragraph 161 contains argument, Plaintiff's characterization of its claims and/or
7 legal conclusions, to which no response is required. To the extent that the allegations in
8 Paragraph 161 relate to other Defendants and/or third parties, TSB lacks knowledge or
9 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
10 these allegations. To the extent that the allegations contained in Paragraph 161 are directed to
11 TSB, TSB denies these allegations.

12 162. Paragraph 162 contains argument, Plaintiff's characterization of its claims and/or
13 legal conclusions, to which no response is required. To the extent that the allegations in
14 Paragraph 162 relate to other Defendants and/or third parties, TSB lacks knowledge or
15 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
16 these allegations. To the extent that the allegations contained in Paragraph 162 are directed to
17 TSB, TSB denies these allegations.

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

19 163. Paragraph 163 consists of argument, Plaintiff's characterization of its claims
20 and/or legal conclusions, to which no response is required. To the extent that the allegations
21 contained in Paragraph 163 relate to other Defendants and/or third parties, TSB lacks knowledge
22 or information sufficient to form a belief as to the truth of these allegations and, therefore,
23 denies these allegations, except admits that Toshiba America Electronic Components, Inc. and
24 Toshiba America Information Systems, Inc. maintained offices in California between January 1,
25 1996 and December 11, 2006. To the extent that the allegations contained in Paragraph 163 are
26 directed to TSB, TSB denies these allegations.

1 164. Paragraph 164 consists of argument, Plaintiff's characterization of its claims
2 and/or legal conclusions, to which no response is required. To the extent that the allegations in
3 Paragraph 164 relate to other Defendants and/or third parties, TSB lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 164 are directed to
6 TSB, TSB denies these allegations.

7 165. Paragraph 165 relates to other Defendants and/or third parties to this action.
8 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
9 the allegations contained in Paragraph 165 and, therefore, denies these allegations. To the extent
10 that the allegations contained in Paragraph 165 are directed to TSB, TSB denies these
11 allegations.

12 166. Paragraph 166 contains argument, Plaintiff's characterization of its claims and/or
13 legal conclusions, to which no response is required. To the extent that the allegations contained
14 in Paragraph 166 relate to other Defendants and/or third parties, TSB lacks knowledge or
15 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
16 these allegations. To the extent that the allegations contained in Paragraph 166 are directed to
17 TSB, TSB denies these allegations.

18 167. Paragraph 167 relates to other Defendants and/or third parties to this action.
19 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 167 and, therefore, denies these allegations. To the extent
21 that the allegations contained in Paragraph 167 are directed to TSB, TSB denies these
22 allegations.

23 168. Paragraph 168 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. To the extent that the allegations contained
25 in Paragraph 168 relate to other Defendants and/or third parties, TSB lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations. To the extent that the allegations contained in Paragraph 168 are directed to
28 TSB, TSB denies these allegations.

1 169. Paragraph 169 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations contained
3 in Paragraph 169 relate to other Defendants and/or third parties, TSB lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 169 are directed to
6 TSB, TSB denies these allegations.

7 170. Paragraph 170 relates to other Defendants and/or third parties to this action.
8 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of
9 the allegations contained in Paragraph 170 and, therefore, denies these allegations. To the extent
10 that the allegations contained in Paragraph 170 are directed to TSB, TSB denies these
11 allegations.

12 171. Paragraph 171 contains argument, Plaintiff's characterization of its claims and/or
13 legal conclusions, to which no response is required. To the extent that the allegations contained
14 in Paragraph 171 relate to other Defendants and/or third parties, TSB lacks knowledge or
15 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
16 these allegations, except admits that Toshiba America Information Systems, Inc. maintained
17 offices in California between January 1, 1996 and December 11, 2006. To the extent that the
18 allegations contained in Paragraph 171 are directed to TSB, TSB denies these allegations.

19 172. Paragraph 172 contains argument, Plaintiff's characterization of its claims and/or
20 legal conclusions, to which no response is required. To the extent that the allegations contained
21 in Paragraph 172 relate to other Defendants and/or third parties, TSB lacks knowledge or
22 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
23 these allegations. To the extent that the allegations contained in Paragraph 172 are directed to
24 TSB, TSB denies these allegations.

25 173. Paragraph 173 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations contained
27 in Paragraph 173 relate to other Defendants and/or third parties, TSB lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 173 are directed to
2 TSB, TSB denies these allegations.

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

5 174. Paragraph 174 consists of purported statements by government authorities, news
6 reports and/or statements in public documents, which speak for themselves and to which no
7 response is required. To the extent that the allegations contained in Paragraph 174 may be
8 deemed to require a response from TSB, TSB denies these allegations.

9 175. Paragraph 175 consists of purported statements by government authorities, news
10 reports and/or statements in public documents, which speak for themselves and to which no
11 response is required. To the extent that the allegations contained in Paragraph 175 may be
12 deemed to require a response from TSB, TSB denies these allegations.

13 176. Paragraph 176 consists of purported statements by government authorities and/or
14 statements in public documents, which speak for themselves and to which no response is
15 required. To the extent that the allegations contained in Paragraph 176 may be deemed to
16 require a response from TSB, TSB responds that the United States Department of Justice has
17 confirmed in writing that it has dropped its investigation as to Toshiba and will not prosecute or
18 charge any of the Toshiba Entities or their employees.

19 177. Paragraph 177 consists of purported statements by government authorities and/or
20 statements in public documents, which speak for themselves and to which no response is
21 required. To the extent that the allegations contained in Paragraph 177 may be deemed to
22 require a response from TSB, TSB denies these allegations, except admits that Chi Mei
23 Optoelectronics Corporation agreed to plead guilty and pay a criminal fine for its participation in
24 a conspiracy to fix prices of TFT-LCD panels.

25 178. Paragraph 178 consists of purported statements by government authorities and/or
26 statements in public documents, which speak for themselves and to which no response is
27 required. To the extent that the allegations contained in Paragraph 178 may be deemed to
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1 require a response from TSB, TSB denies these allegations, except admits that LG Display
2 agreed to plead guilty and pay a criminal fine for its participation in a conspiracy to fix prices of
3 TFT-LCD panels.

4 179. Paragraph 179 consists of purported statements by government authorities and/or
5 statements in public documents, which speak for themselves and to which no response is
6 required. To the extent that the allegations contained in Paragraph 179 may be deemed to
7 require a response from TSB, TSB denies these allegations, except admits that current or former
8 executives of LG Display agreed to plead guilty, pay criminal fines and/or serve federal prison
9 sentences for their participation in a conspiracy to fix prices of TFT-LCD panels.

10 180. Paragraph 180 consists of purported statements by government authorities and/or
11 statements in public documents, which speak for themselves and to which no response is
12 required. To the extent that the allegations contained in Paragraph 180 may be deemed to
13 require a response from TSB, TSB denies these allegations, except admits that current or former
14 executives of LG Display agreed to plead guilty, pay criminal fines and/or serve federal prison
15 sentences for their participation in a conspiracy to fix prices of TFT-LCD panels.

16 181. Paragraph 181 consists of purported statements by government authorities and/or
17 statements in public documents, which speak for themselves and to which no response is
18 required. To the extent that the allegations contained in Paragraph 181 may be deemed to
19 require a response from TSB, TSB denies these allegations, except admits that current or former
20 executives of LG Display agreed to plead guilty, pay criminal fines and/or serve federal prison
21 sentences for their participation in a conspiracy to fix prices of TFT-LCD panels.

22 182. Paragraph 182 consists of purported statements by government authorities and/or
23 statements in public documents, which speak for themselves and to which no response is
24 required. To the extent that the allegations contained in Paragraph 182 may be deemed to
25 require a response from TSB, TSB denies these allegations, except admits that Chunghwa
26 Picture Tubes, Ltd. agreed to plead guilty and pay a criminal fine for its participation in a
27 conspiracy to fix prices of TFT-LCD panels.
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1 183. Paragraph 183 consists of purported statements by government authorities and/or
2 statements in public documents, which speak for themselves and to which no response is
3 required. To the extent that the allegations contained in Paragraph 183 may be deemed to
4 require a response from TSB, TSB denies these allegations, except admits that current or former
5 executives of Chunghwa Picture Tubes, Ltd. agreed to plead guilty, pay criminal fines and/or
6 serve federal prison sentences for their participation in a conspiracy to fix prices of TFT-LCD
7 panels.

8 184. Paragraph 184 consists of purported statements by government authorities and/or
9 statements in public documents, which speak for themselves and to which no response is
10 required. To the extent that the allegations contained in Paragraph 184 may be deemed to
11 require a response from TSB, TSB denies these allegations, except admits that current or former
12 executives of Chunghwa Picture Tubes, Ltd. have been indicted for their participation in a
13 conspiracy to fix prices of TFT-LCD panels.

14 185. Paragraph 185 consists of purported statements by government authorities and/or
15 statements in public documents, which speak for themselves and to which no response is
16 required. Paragraph 185 also contains argument, Plaintiff's characterization of its claims and/or
17 legal conclusions, to which no response is required. To the extent that the allegations contained
18 in Paragraph 185 may be deemed to require a response from TSB, TSB denies these allegations,
19 except admits that Sharp Corporation agreed to plead guilty and pay a criminal fine for its
20 participation in a conspiracy to fix prices of TFT-LCD panels.

21 186. Paragraph 186 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations in
23 Paragraph 186 relate to other Defendants and/or third parties, TSB lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 186 are directed to
26 TSB, TSB denies these allegations.

27 187. Paragraph 187 consists of purported statements by government authorities and/or
28 statements in public documents, which speak for themselves and to which no response is

1 required. Paragraph 187 also contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations contained
3 in Paragraph 187 may be deemed to require a response from TSB, TSB denies these allegations,
4 except admits that Epson Japan agreed to plead guilty and pay a criminal fine for its
5 participation in a conspiracy to fix prices of TFT-LCD panels.

6 188. Paragraph 188 contains argument, Plaintiff's characterization of its claims and/or
7 legal conclusions, to which no response is required. To the extent that the allegations in
8 Paragraph 188 relate to other Defendants and/or third parties, TSB lacks knowledge or
9 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
10 these allegations. To the extent that the allegations contained in Paragraph 188 are directed to
11 TSB, TSB denies these allegations.

12 189. Paragraph 189 contains argument and legal conclusions, to which no response is
13 required. To the extent that the allegations contained in Paragraph 189 relate to other
14 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
15 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
16 allegations contained in Paragraph 189 are directed to TSB, TSB denies these allegations, except
17 admits that (i) TSB entered into a TFT-LCD Technology Transfer and License Agreement with
18 a predecessor of HannStar in March 1998; (ii) TSB and Matsushita Electric Industrial Co., Ltd.
19 formed a joint venture, AFPD Pte., Ltd. to manufacture TFT-LCDs in March 2001; (iii) in April
20 2002, TSB and Matsushita Electric Industrial Co. Ltd. formed Toshiba Mobile Display Co.,
21 Ltd., f/k/a/ Toshiba Matsushita Display Technology Co., Ltd.; and (iv) in 2006, TSB purchased
22 an approximate 20% stake in LG Display's TFT-LCD manufacturing facility in Poland.

23 190. Paragraph 190 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. To the extent that the allegations in
25 Paragraph 190 relate to other Defendants and/or third parties, TSB lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations. To the extent that the allegations contained in Paragraph 190 are directed to
28 TSB, TSB denies these allegations.

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

2 191. Paragraph 191 contains argument and legal conclusions, to which no response is
3 required. To the extent that the allegations in Paragraph 191 relate to other Defendants and/or
4 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
5 these allegations and, therefore, denies these allegations. To the extent that the allegations
6 contained in Paragraph 191 are directed to TSB, TSB denies these allegations.

7 192. Paragraph 192 contains argument and legal conclusions, to which no response is
8 required. To the extent that the allegations in Paragraph 192 relate to other Defendants and/or
9 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
10 these allegations and, therefore, denies these allegations. To the extent that the allegations
11 contained in Paragraph 192 are directed to TSB, TSB denies these allegations.

12 193. Paragraph 193 contains argument and legal conclusions, to which no response is
13 required. To the extent that the allegations in Paragraph 193 relate to other Defendants and/or
14 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
15 these allegations and, therefore, denies these allegations. To the extent that the allegations
16 contained in Paragraph 193 are directed to TSB, TSB denies these allegations.

17 194. Paragraph 194 contains argument and legal conclusions, to which no response is
18 required. To the extent that the allegations in Paragraph 194 relate to other Defendants and/or
19 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
20 these allegations and, therefore, denies these allegations. To the extent that the allegations
21 contained in Paragraph 194 are directed to TSB, TSB denies these allegations.

22 195. Paragraph 195 contains argument and legal conclusions, to which no response is
23 required. To the extent that the allegations in Paragraph 195 relate to other Defendants and/or
24 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
25 these allegations and, therefore, denies these allegations. To the extent that the allegations
26 contained in Paragraph 195 are directed to TSB, TSB denies these allegations.
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1 196. Paragraph 196 contains argument and legal conclusions, to which no response is
2 required. To the extent that the allegations in Paragraph 196 relate to other Defendants and/or
3 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
4 these allegations and, therefore, denies these allegations. To the extent that the allegations
5 contained in Paragraph 196 are directed to TSB, TSB denies these allegations.

6 197. Paragraph 197 contains purported statements in news reports and/or public
7 documents, which speak for themselves and to which no response is required. Paragraph 197
8 also contains argument and legal conclusions, to which no response is required. To the extent
9 that the allegations contained in Paragraph 197 relate to other Defendants and/or third parties,
10 TSB lacks knowledge or information sufficient to form a belief as to the truth of these
11 allegations and, therefore, denies these allegations. To the extent that the allegations contained
12 in Paragraph 197 are directed to TSB, TSB denies these allegations.

13 198. Paragraph 198 contains purported statements in news reports and/or public
14 documents, which speak for themselves and to which no response is required. To the extent that
15 the allegations contained in Paragraph 198 may be deemed to require a response from TSB, TSB
16 denies these allegations.

17 199. Paragraph 199 contains argument and legal conclusions, to which no response is
18 required. To the extent that the allegations in Paragraph 199 relate to other Defendants and/or
19 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
20 these allegations and, therefore, denies these allegations. To the extent that the allegations
21 contained in Paragraph 199 are directed to TSB, TSB denies these allegations.

22 200. Paragraph 200 contains argument and legal conclusions, to which no response is
23 required. To the extent that the allegations in Paragraph 200 relate to other Defendants and/or
24 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
25 these allegations and, therefore, denies these allegations. To the extent that the allegations
26 contained in Paragraph 200 are directed to TSB, TSB denies these allegations.

27 201. Paragraph 201 contains argument and legal conclusions, to which no response is
28 required. To the extent that the allegations in Paragraph 201 relate to other Defendants and/or

1 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
2 these allegations and, therefore, denies these allegations. To the extent that the allegations
3 contained in Paragraph 201 are directed to TSB, TSB denies these allegations.

4 202. TSB lacks knowledge or information sufficient to form a belief as to the truth of
5 the allegations contained in Paragraph 202 and, therefore, denies these allegations.

6 203. Paragraph 203 contains argument and legal conclusions, to which no response is
7 required. To the extent that the allegations in Paragraph 203 relate to other Defendants and/or
8 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
9 these allegations and, therefore, denies these allegations. To the extent that the allegations
10 contained in Paragraph 203 are directed to TSB, TSB denies these allegations.

11 204. Paragraph 204 contains argument and legal conclusions, to which no response is
12 required. To the extent that the allegations in Paragraph 204 relate to other Defendants and/or
13 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
14 these allegations and, therefore, denies these allegations. To the extent that the allegations
15 contained in Paragraph 204 are directed to TSB, TSB denies these allegations.

16 205. Paragraph 205 contains argument and legal conclusions, to which no response is
17 required. To the extent that the allegations in Paragraph 205 relate to other Defendants and/or
18 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
19 these allegations and, therefore, denies these allegations. To the extent that the allegations
20 contained in Paragraph 205 are directed to TSB, TSB denies these allegations.

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

22 206. TSB lacks knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 206 and, therefore, denies these allegations.

24 207. To the extent that the allegations in Paragraph 207 relate to other Defendants
25 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
26 truth of these allegations and, therefore, denies these allegations. To the extent that the
27 allegations contained in Paragraph 207 are directed to TSB, TSB denies these allegations.
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1 **1. Defendants' Bilateral Communications Regarding STN-LCD Panels**

2 208. Paragraph 208 contains argument and legal conclusions, to which no response is
3 required. To the extent that the allegations in Paragraph 208 relate to other Defendants and/or
4 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
5 these allegations and, therefore, denies these allegations. To the extent that the allegations
6 contained in Paragraph 208 are directed to TSB, TSB denies these allegations.

7 209. Paragraph 209 contains argument, Plaintiff's characterization of its claims and/or
8 legal conclusions, to which no response is required. To the extent that the allegations in
9 Paragraph 209 relate to other Defendants and/or third parties, TSB lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 209 are directed to
12 TSB, TSB denies these allegations.

13 210. To the extent that the allegations in Paragraph 210 relate to other Defendants
14 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
15 truth of these allegations and, therefore, denies these allegations. To the extent that the
16 allegations contained in Paragraph 210 are directed to TSB, TSB denies these allegations.

17 211. Paragraph 211 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations in
19 Paragraph 211 relate to other Defendants and/or third parties, TSB lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 211 are directed to
22 TSB, TSB denies these allegations.

23 212. To the extent that the allegations in Paragraph 212 relate to other Defendants
24 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
25 truth of these allegations and, therefore, denies these allegations. To the extent that the
26 allegations contained in Paragraph 212 are directed to TSB, TSB denies these allegations.

1 213. To the extent that the allegations in Paragraph 213 relate to other Defendants
2 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
3 truth of these allegations and, therefore, denies these allegations. To the extent that the
4 allegations contained in Paragraph 213 are directed to TSB, TSB denies these allegations.

5 214. Paragraph 214 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations in
7 Paragraph 214 relate to other Defendants and/or third parties, TSB lacks knowledge or
8 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
9 these allegations. To the extent that the allegations contained in Paragraph 214 are directed to
10 TSB, TSB denies these allegations.

11 215. Paragraph 215 contains argument, Plaintiff's characterization of its claims and/or
12 legal conclusions, to which no response is required. To the extent that the allegations in
13 Paragraph 215 relate to other Defendants and/or third parties, TSB lacks knowledge or
14 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
15 these allegations. To the extent that the allegations contained in Paragraph 215 are directed to
16 TSB, TSB denies these allegations.

17 216. Paragraph 216 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations in
19 Paragraph 216 relate to other Defendants and/or third parties, TSB lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 216 are directed to
22 TSB, TSB denies these allegations.

23 217. To the extent that the allegations in Paragraph 217 relate to other Defendants
24 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the
25 truth of these allegations and, therefore, denies these allegations. To the extent that the
26 allegations contained in Paragraph 217 are directed to TSB, TSB denies these allegations.

27 218. Paragraph 218 contains argument, Plaintiff's characterization of its claims and/or
28 legal conclusions, to which no response is required. To the extent that the allegations in

1 Paragraph 218 relate to other Defendants and/or third parties, TSB lacks knowledge or
2 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
3 these allegations. To the extent that the allegations contained in Paragraph 218 are directed to
4 TSB, TSB denies these allegations.

5 219. Paragraph 219 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations in
7 Paragraph 219 relate to other Defendants and/or third parties, TSB lacks knowledge or
8 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
9 these allegations. To the extent that the allegations contained in Paragraph 219 are directed to
10 TSB, TSB denies these allegations.

11 220. Paragraph 220 contains argument, Plaintiff's characterization of its claims and/or
12 legal conclusions, to which no response is required. To the extent that the allegations in
13 Paragraph 220 relate to other Defendants and/or third parties, TSB lacks knowledge or
14 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
15 these allegations. To the extent that the allegations contained in Paragraph 220 are directed to
16 TSB, TSB denies these allegations.

17 221. Paragraph 221 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations in
19 Paragraph 221 relate to other Defendants and/or third parties, TSB lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 221 are directed to
22 TSB, TSB denies these allegations.

23 222. Paragraph 222 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. To the extent that the allegations in
25 Paragraph 222 relate to other Defendants and/or third parties, TSB lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations. To the extent that the allegations contained in Paragraph 222 are directed to
28 TSB, TSB denies these allegations.

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

223. TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 223 and, therefore, denies these allegations.

224. TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 224 and, therefore, denies these allegations.

225. Paragraph 225 contains argument, Plaintiff’s characterization of its claims and/or legal conclusions, to which no response is required. To the extent that the allegations in Paragraph 225 relate to other Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies these allegations. To the extent that the allegations contained in Paragraph 225 are directed to TSB, TSB denies these allegations.

226. TSB lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 226 and, therefore, denies these allegations.

227. Paragraph 227 contains argument, Plaintiff’s characterization of its claims and/or legal conclusions, to which no response is required. To the extent that the allegations in Paragraph 227 relate to other Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies these allegations. To the extent that the allegations contained in Paragraph 227 are directed to TSB, TSB denies these allegations.

228. Paragraph 228 contains argument, Plaintiff’s characterization of its claims and/or legal conclusions, to which no response is required. To the extent that the allegations in Paragraph 228 relate to other Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies these allegations. To the extent that the allegations contained in Paragraph 228 are directed to TSB, TSB denies these allegations.

229. Paragraph 229 contains argument, Plaintiff’s characterization of its claims and/or legal conclusions, to which no response is required. To the extent that the allegations in

1 Paragraph 229 relate to other Defendants and/or third parties, TSB lacks knowledge or
2 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
3 these allegations. To the extent that the allegations contained in Paragraph 229 are directed to
4 TSB, TSB denies these allegations.

5 230. Paragraph 230 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations in
7 Paragraph 230 relate to other Defendants and/or third parties, TSB lacks knowledge or
8 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
9 these allegations. To the extent that the allegations contained in Paragraph 230 are directed to
10 TSB, TSB denies these allegations.

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

12 231. Paragraph 231 contains argument and legal conclusions, to which no response is
13 required. To the extent that the allegations contained in Paragraph 231 relate to other
14 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
15 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
16 allegations contained in Paragraph 231 are directed to TSB, TSB denies these allegations.

17 232. Paragraph 232 contains argument and legal conclusions, to which no response is
18 required. To the extent that the allegations contained in Paragraph 232 relate to other
19 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
20 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
21 allegations contained in Paragraph 232 are directed to TSB, TSB denies these allegations.

22 233. Paragraph 233 contains argument and legal conclusions, to which no response is
23 required. To the extent that the allegations contained in Paragraph 233 relate to other
24 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
25 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
26 allegations contained in Paragraph 233 are directed to TSB, TSB denies these allegations.
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1 234. Paragraph 234 contains argument and legal conclusions, to which no response is
2 required. To the extent that the allegations contained in Paragraph 234 relate to other
3 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
4 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
5 allegations contained in Paragraph 234 are directed to TSB, TSB denies these allegations.

6 235. To the extent that the allegations contained in Paragraph 235 relate to other
7 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
8 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
9 allegations contained in Paragraph 235 are directed to TSB, TSB denies these allegations.

10 236. To the extent that the allegations contained in Paragraph 236 relate to other
11 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
12 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
13 allegations contained in Paragraph 236 are directed to TSB, TSB denies these allegations.

14 237. To the extent that the allegations contained in Paragraph 237 relate to other
15 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
16 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
17 allegations contained in Paragraph 237 are directed to TSB, TSB denies these allegations.

18 238. To the extent that the allegations contained in Paragraph 238 relate to other
19 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
20 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
21 allegations contained in Paragraph 238 are directed to TSB, TSB denies these allegations.

22 239. To the extent that the allegations contained in Paragraph 239 relate to other
23 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
24 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
25 allegations contained in Paragraph 239 are directed to TSB, TSB denies these allegations.

26 240. To the extent that the allegations contained in Paragraph 240 relate to other
27 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
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1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
2 allegations contained in Paragraph 240 are directed to TSB, TSB denies these allegations.

3 241. To the extent that the allegations contained in Paragraph 241 relate to other
4 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
6 allegations contained in Paragraph 241 are directed to TSB, TSB denies these allegations.

7 242. To the extent that the allegations contained in Paragraph 242 relate to other
8 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
9 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
10 allegations contained in Paragraph 242 are directed to TSB, TSB denies these allegations.

11 243. To the extent that the allegations contained in Paragraph 243 relate to other
12 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
13 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
14 allegations contained in Paragraph 243 are directed to TSB, TSB denies these allegations.

15 244. To the extent that the allegations contained in Paragraph 244 relate to other
16 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief
17 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
18 allegations contained in Paragraph 244 are directed to TSB, TSB denies these allegations.

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

20 245. Paragraph 245 contains argument, Plaintiff's characterization of its claims and/or
21 legal conclusions, to which no response is required. To the extent that the allegations in
22 Paragraph 245 relate to other Defendants and/or third parties, TSB lacks knowledge or
23 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
24 these allegations. To the extent that the allegations contained in Paragraph 245 are directed to
25 TSB, TSB denies these allegations.

26 246. Paragraph 246 contains argument, Plaintiff's characterization of its claims and/or
27 legal conclusions, to which no response is required. To the extent that the allegations in
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1 Paragraph 246 relate to other Defendants and/or third parties, TSB lacks knowledge or
2 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
3 these allegations. To the extent that the allegations contained in Paragraph 246 are directed to
4 TSB, TSB denies these allegations.

5 247. Paragraph 247 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations in
7 Paragraph 247 relate to other Defendants and/or third parties, TSB lacks knowledge or
8 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
9 these allegations. To the extent that the allegations contained in Paragraph 247 are directed to
10 TSB, TSB denies these allegations.

11 248. Paragraph 248 contains argument, Plaintiff's characterization of its claims and/or
12 legal conclusions, to which no response is required. To the extent that the allegations in
13 Paragraph 248 relate to other Defendants and/or third parties, TSB lacks knowledge or
14 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
15 these allegations. To the extent that the allegations contained in Paragraph 248 are directed to
16 TSB, TSB denies these allegations.

17 249. Paragraph 249 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations in
19 Paragraph 249 relate to other Defendants and/or third parties, TSB lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 249 are directed to
22 TSB, TSB denies these allegations.

23 250. Paragraph 250 contains purported statements made by other Defendants and
24 statements in public documents, which speak for themselves and to which no response is
25 required. To the extent that the allegations in Paragraph 250 relate to other Defendants and/or
26 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
27 these allegations and, therefore, denies these allegations. To the extent that the allegations
28 contained in Paragraph 250 are directed to TSB, TSB denies these allegations.

1 251. Paragraph 251 contains purported statements made by other Defendants and
2 statements in public documents, which speak for themselves and to which no response is
3 required. To the extent that the allegations in Paragraph 251 relate to other Defendants and/or
4 third parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of
5 these allegations and, therefore, denies these allegations. To the extent that the allegations
6 contained in Paragraph 251 are directed to TSB, TSB denies these allegations.

7 252. Paragraph 252 contains argument, Plaintiff's characterization of its claims and/or
8 legal conclusions, to which no response is required. To the extent that the allegations in
9 Paragraph 252 relate to other Defendants and/or third parties, TSB lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 252 are directed to
12 TSB, TSB denies these allegations.

13 **VII. PLAINTIFF'S INJURIES**

14 253. Paragraph 253 contains argument, Plaintiff's characterization of its claims and/or
15 legal conclusions, to which no response is required. To the extent that the allegations in
16 Paragraph 253 relate to other Defendants and/or third parties, TSB lacks knowledge or
17 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
18 these allegations. To the extent that the allegations contained in Paragraph 253 are directed to
19 TSB, TSB denies these allegations.

20 254. Paragraph 254 contains argument, Plaintiff's characterization of its claims and/or
21 legal conclusions, to which no response is required. To the extent that the allegations in
22 Paragraph 254 relate to other Defendants and/or third parties, TSB lacks knowledge or
23 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
24 these allegations. To the extent that the allegations contained in Paragraph 254 are directed to
25 TSB, TSB denies these allegations.

26 255. Paragraph 255 contains argument, Plaintiff's characterization of its claims and/or
27 legal conclusions, to which no response is required. To the extent that the allegations in
28 Paragraph 255 relate to other Defendants and/or third parties, TSB lacks knowledge or

1 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
2 these allegations. To the extent that the allegations contained in Paragraph 255 are directed to
3 TSB, TSB denies these allegations.

4 256. Paragraph 256 contains argument, Plaintiff's characterization of its claims and/or
5 legal conclusions, to which no response is required. To the extent that the allegations in
6 Paragraph 256 relate to other Defendants and/or third parties, TSB lacks knowledge or
7 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
8 these allegations. To the extent that the allegations contained in Paragraph 256 are directed to
9 TSB, TSB denies these allegations.

10 257. Paragraph 257 contains argument, Plaintiff's characterization of its claims and/or
11 legal conclusions, to which no response is required. To the extent that the allegations in
12 Paragraph 257 relate to other Defendants and/or third parties, TSB lacks knowledge or
13 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
14 these allegations. To the extent that the allegations contained in Paragraph 257 are directed to
15 TSB, TSB denies these allegations.

16 258. Paragraph 258 contains argument, Plaintiff's characterization of its claims and/or
17 legal conclusions, to which no response is required. To the extent that the allegations in
18 Paragraph 258 relate to other Defendants and/or third parties, TSB lacks knowledge or
19 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
20 these allegations. To the extent that the allegations contained in Paragraph 258 are directed to
21 TSB, TSB denies these allegations.

22 259. Paragraph 259 contains argument, Plaintiff's characterization of its claims and/or
23 legal conclusions, to which no response is required. To the extent that the allegations in
24 Paragraph 259 relate to other Defendants and/or third parties, TSB lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 259 are directed to
27 TSB, TSB denies these allegations.

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

3 260. Paragraph 260 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations in
5 Paragraph 260 relate to other Defendants and/or third parties, TSB lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 260 are directed to
8 TSB, TSB denies these allegations.

9 261. Paragraph 261 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations in
11 Paragraph 261 relate to other Defendants and/or third parties, TSB lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 261 are directed to
14 TSB, TSB denies these allegations.

15 262. Paragraph 262 contains Plaintiff's characterization of its claims and/or legal
16 conclusions and, therefore, no response is required. To the extent that the allegations contained
17 in Paragraph 262 relate to other Defendants and/or third parties, TSB lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 262 are directed to
20 TSB, TSB denies these allegations.

21 263. Paragraph 263 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations contained
23 in Paragraph 263 relate to other Defendants and/or third parties, TSB lacks knowledge or
24 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 263 are directed to
26 TSB, TSB denies these allegations.

27 264. Paragraph 264 contains argument, Plaintiff's characterization of its claims and/or
28 legal conclusions, to which no response is required. To the extent that the allegations contained

1 in Paragraph 264 relate to other Defendants and/or third parties, TSB lacks knowledge or
2 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
3 these allegations. To the extent that the allegations contained in Paragraph 264 are directed to
4 TSB, TSB denies these allegations.

5 265. Paragraph 265 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations contained
7 in Paragraph 265 are directed to TSB, TSB denies these allegations.

8 266. Paragraph 266 contains argument, Plaintiff's characterization of its claims and/or
9 legal conclusions, to which no response is required. To the extent that the allegations contained
10 in Paragraph 266 relate to other Defendants and/or third parties, TSB lacks knowledge or
11 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
12 these allegations. To the extent that the allegations contained in Paragraph 266 are directed to
13 TSB, TSB denies these allegations.

14 267. Paragraph 267 contains argument, Plaintiff's characterization of its claims and/or
15 legal conclusions, to which no response is required. To the extent that the allegations contained
16 in Paragraph 267 relate to other Defendants and/or third parties, TSB lacks knowledge or
17 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
18 these allegations. To the extent that the allegations contained in Paragraph 267 are directed to
19 TSB, TSB denies these allegations.

20 268. Paragraph 268 contains argument, Plaintiff's characterization of its claims and/or
21 legal conclusions, to which no response is required. To the extent that the allegations in
22 Paragraph 268 relate to other Defendants and/or third parties, TSB lacks knowledge or
23 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
24 these allegations. To the extent that the allegations contained in Paragraph 268 are directed to
25 TSB, TSB denies these allegations.

26 269. Paragraph 269 contains argument, Plaintiff's characterization of its claims and/or
27 legal conclusions, to which no response is required. To the extent that the allegations in
28 Paragraph 269 relate to other Defendants and/or third parties, TSB lacks knowledge or

1 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
2 these allegations. To the extent that the allegations contained in Paragraph 269 are directed to
3 TSB, TSB denies these allegations.

4 270. Paragraph 270 contains argument, Plaintiff's characterization of its claims and/or
5 legal conclusions, to which no response is required. To the extent that the allegations in
6 Paragraph 270 relate to other Defendants and/or third parties, TSB lacks knowledge or
7 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
8 these allegations. To the extent that the allegations contained in Paragraph 270 are directed to
9 TSB, TSB denies these allegations.

10 271. Paragraph 271 contains argument, Plaintiff's characterization of its claims and/or
11 legal conclusions, to which no response is required. To the extent that the allegations in
12 Paragraph 271 relate to other Defendants and/or third parties, TSB lacks knowledge or
13 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
14 these allegations. To the extent that the allegations contained in Paragraph 271 are directed to
15 TSB, TSB denies these allegations.

16 272. Paragraph 272 contains argument, Plaintiff's characterization of its claims and/or
17 legal conclusions, to which no response is required. To the extent that the allegations in
18 Paragraph 272 relate to other Defendants and/or third parties, TSB lacks knowledge or
19 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
20 these allegations. To the extent that the allegations contained in Paragraph 272 are directed to
21 TSB, TSB denies these allegations.

22 273. Paragraph 273 contains argument, Plaintiff's characterization of its claims and/or
23 legal conclusions, to which no response is required. To the extent that the allegations in
24 Paragraph 273 relate to other Defendants and/or third parties, TSB lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 273 are directed to
27 TSB, TSB denies these allegations.

1 274. Paragraph 274 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations in
3 Paragraph 274 relate to other Defendants and/or third parties, TSB lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 274 are directed to
6 TSB, TSB denies these allegations.

7 275. Paragraph 275 contains argument, Plaintiff's characterization of its claims and/or
8 legal conclusions, to which no response is required. To the extent that the allegations contained
9 in Paragraph 275 relate to other Defendants and/or third parties, TSB lacks knowledge or
10 information sufficient to form a belief as to the truth of the allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 275 are directed to
12 TSB, TSB denies these allegations.

13 276. Paragraph 276 contains legal conclusions, to which no response is required. To
14 the extent that the allegations contained in Paragraph 276 relate to other Defendants and/or third
15 parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of the
16 allegations and, therefore, denies these allegations. To the extent that the allegations contained
17 in Paragraph 276 are directed to TSB, TSB denies these allegations.

18 277. Paragraph 277 contains legal conclusions, to which no response is required. To
19 the extent that the allegations contained in Paragraph 277 relate to other Defendants and/or third
20 parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of the
21 allegations and, therefore, denies these allegations. To the extent that the allegations contained
22 in Paragraph 277 are directed to TSB, TSB denies these allegations.

23 278. Paragraph 278 contains legal conclusions, to which no response is required. To
24 the extent that the allegations contained in Paragraph 278 relate to other Defendants and/or third
25 parties, TSB lacks knowledge or information sufficient to form a belief as to the truth of the
26 allegations and, therefore, denies these allegations. To the extent that the allegations contained
27 in Paragraph 278 are directed to TSB, TSB denies these allegations.
28

1 289. Paragraph 289 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations in
3 Paragraph 289 relate to other Defendants and/or third parties, TSB lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 289 are directed to
6 TSB, TSB denies these allegations.

7 290. Paragraph 290 contains legal conclusions, to which no response is required. TSB
8 lacks knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained in Paragraph 290 and, therefore, denies these allegations.

10 291. Paragraph 291 contains argument, Plaintiff's characterization of its claims and/or
11 legal conclusions, to which no response is required. To the extent that the allegations in
12 Paragraph 291 relate to other Defendants and/or third parties, TSB lacks knowledge or
13 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
14 these allegations, except is generally aware that Toshiba America Electronic Components, Inc.
15 and Toshiba America Information Systems, Inc. maintained offices in California between
16 January 1, 1996 and December 11, 2006. To the extent that the allegations contained in
17 Paragraph 291 are directed to TSB, TSB denies these allegations.

18 292. Paragraph 292 contains argument, Plaintiff's characterization of its claims and/or
19 legal conclusions, to which no response is required. To the extent that the allegations in
20 Paragraph 292 relate to other Defendants and/or third parties, TSB lacks knowledge or
21 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
22 these allegations. To the extent that the allegations contained in Paragraph 292 are directed to
23 TSB, TSB denies these allegations.

24 293. Paragraph 293 contains argument, Plaintiff's characterization of its claims and/or
25 legal conclusions, to which no response is required. To the extent that the allegations in
26 Paragraph 293 relate to other Defendants and/or third parties, TSB lacks knowledge or
27 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
28

1 these allegations. To the extent that the allegations contained in Paragraph 293 are directed to
2 TSB, TSB denies these allegations.

3 294. Paragraph 294 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations in
5 Paragraph 294 relate to other Defendants and/or third parties, TSB lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 294 are directed to
8 TSB, TSB denies these allegations.

9 295. Paragraph 295 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations in
11 Paragraph 295 relate to other Defendants and/or third parties, TSB lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 295 are directed to
14 TSB, TSB denies these allegations.

15 296. Paragraph 296 contains argument, Plaintiff's characterization of its claims and/or
16 legal conclusions, to which no response is required. To the extent that the allegations in
17 Paragraph 296 relate to other Defendants and/or third parties, TSB lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 296 are directed to
20 TSB, TSB denies these allegations.

21 297. Paragraph 297 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations in
23 Paragraph 297 relate to other Defendants and/or third parties, TSB lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 297 are directed to
26 TSB, TSB denies these allegations.

1 **X. PRAYER FOR RELIEF**

2 In answer to the Prayer for Relief, TSB denies each and every allegation in the Prayer
3 and further specifically denies that Plaintiff is entitled to any of the relief requested or any
4 remedy whatsoever against TSB.

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

7 **AFFIRMATIVE DEFENSES**

8 Without assuming any burden it would not otherwise bear, and reserving its right to
9 amend its Answer to assert additional defenses as they may become known during discovery,
10 TSB asserts the following separate and additional defenses:

11 **GENERAL DEFENSES**

12 **FIRST DEFENSE**

13 The conduct alleged to provide a basis for the claims of Plaintiff did not have a direct,
14 substantial and reasonably foreseeable effect on trade or commerce with the United States. The
15 Court, therefore, lacks subject matter jurisdiction over the claims of Plaintiff. The Court also
16 lacks subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337.

17 **SECOND DEFENSE**

18 Plaintiff's claims are barred, in whole or in part, by the Foreign Trade Antitrust
19 Improvements Act, 15 U.S.C. § 6a.

20 **THIRD DEFENSE**

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

22 **FOURTH DEFENSE**

23 Plaintiff's claims are barred, in whole or in part, because the Complaint fails to plead
24 conspiracy with the particularity required under applicable law.

25 **FIFTH DEFENSE**

26 Plaintiff has failed to plead fraudulent concealment with the particularity required by
27 Rule 9(b) of the Federal Rules of Civil Procedure.

1 **SIXTH DEFENSE**

2 The Complaint should be dismissed on grounds of *forum non conveniens*.

3 **SEVENTH DEFENSE**

4 Plaintiff's claims against TSB are barred to the extent that they have agreed to arbitration
5 or chosen a different forum for the resolution of their claims.

6 **EIGHTH DEFENSE**

7 Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks standing to bring
8 or maintain the claims set forth in the Complaint.

9 **NINTH DEFENSE**

10 Plaintiff's claims are barred, in whole or in part, by the doctrine of laches.

11 **TENTH DEFENSE**

12 Plaintiff's claims are barred, in whole or in part, because Plaintiff has suffered no
13 antitrust injury.

14 **ELEVENTH DEFENSE**

15 Plaintiff's claims are barred, in whole or in part, by applicable statutes of limitations,
16 including, but not limited to: 15 U.S.C. § 15b; 740 Ill. Comp. Stat. 10/7 § 7(2); Cal. Bus. &
17 Prof. Code § 17208; Cal. Bus. & Prof. Code § 16750.1; Cal. Civ. Proc. Code §§ 337-340.

18 **TWELFTH DEFENSE**

19 Plaintiff lacks standing to prosecute its state consumer protection claims, in whole or in
20 part, under, without limitation, the following statute: 740 Ill. Comp. Stat. 10/7, *et seq.*

21 **THIRTEENTH DEFENSE**

22 Plaintiff's claims are barred, in whole or in part, by the doctrine of waiver.

23 **FOURTEENTH DEFENSE**

24 Plaintiff's claims are barred, in whole or in part, by the doctrine of estoppel.

25 **FIFTEENTH DEFENSE**

26 Plaintiff's claims relating to purchases of LCD panels other than TFT-LCD panels,
27 including, but not limited to, color super-twist nematic ("CSTN") and monochrome super-twist
28 nematic ("MSTN"), are barred by applicable statutes of limitations, including, but not limited to:

1 15 U.S.C. § 15b; 740 Ill. Comp. Stat. 10/7 § 7(2); Cal. Bus. & Prof. Code § 17208; Cal. Bus. &
2 Prof. Code § 16750.1; Cal. Civ. Proc. Code §§ 337-340. These claims are also barred by the
3 doctrine of laches, and because the allegations relating to these products fail to state a claim
4 upon which relief can be granted.

5 **SIXTEENTH DEFENSE**

6 Plaintiff's claims are barred, in whole or in part, because Plaintiff has not been injured in
7 its business or property by reason of any act of TSB.

8 **SEVENTEENTH DEFENSE**

9 Plaintiff's claims are barred, in whole or in part, because any alleged injuries and
10 damages were not actually or proximately caused by any acts or omissions of TSB and/or were
11 caused, if at all, solely and proximately by the conduct of third parties including, without
12 limitation, the prior, intervening or superseding conduct of such third parties.

13 **EIGHTEENTH DEFENSE**

14 To the extent that any actionable conduct occurred, Plaintiff's claims against TSB are
15 barred because all such conduct would have been committed by individuals acting *ultra vires*.

16 **NINETEENTH DEFENSE**

17 Plaintiff's claims are barred, in whole or in part, because Plaintiff has suffered no
18 damages as a result of any actions taken by TSB and/or the other Defendants.

19 **TWENTIETH DEFENSE**

20 Plaintiff's claims are barred, in whole or in part, because the alleged damages, if any, are
21 speculative and because of the impossibility of the ascertainment and allocation of such alleged
22 damages.

23 **TWENTY-FIRST DEFENSE**

24 Plaintiff is barred from recovery of any damages because of and to the extent of its
25 failure to mitigate damages.

26 **TWENTY-SECOND DEFENSE**

27 Plaintiff's claims are barred, in whole or in part, because any actions or practices of TSB
28 that are the subject of the Complaint were undertaken unilaterally for legitimate business reasons

1 and in pursuit of TSB's independent interests and those of its customers, and were not the
2 product of any contract, combination or conspiracy between TSB and any other person or entity.

3 **TWENTY-THIRD DEFENSE**

4 Plaintiff's claims are barred, in whole or in part, because any acts or practices of TSB
5 that are the subject of the Complaint were adopted in furtherance of legitimate business interests
6 of TSB and of its customers and did not unreasonably restrain competition.

7 **TWENTY-FOURTH DEFENSE**

8 Plaintiff's claims are barred, in whole or in part, because any acts or practices of TSB
9 that are the subject of the Complaint were cost justified or otherwise economically justified and
10 resulted from a good-faith effort to meet competition or market conditions.

11 **TWENTY-FIFTH DEFENSE**

12 Plaintiff's claims are barred, in whole or in part, as premised upon privileged conduct or
13 actions by TSB.

14 **TWENTY-SIXTH DEFENSE**

15 Plaintiff's claims are barred, in whole or in part, because the alleged conduct complained
16 of was caused by, due to, based upon, or in response to directives, laws, regulations, policies
17 and/or acts of governments, governmental agencies and entities and/or regulatory agencies, and
18 as such is non-actionable or privileged.

19 **TWENTY-SEVENTH DEFENSE**

20 Plaintiff's claims are barred, in whole or in part, to the extent it seeks improper multiple
21 damage awards, and damage awards duplicative of those sought in other actions, in violation of
22 the Due Process guarantees of the Fifth and Fourteenth Amendments of the United States
23 Constitution.

24 **TWENTY-EIGHTH DEFENSE**

25 Plaintiff's claims are barred, in whole or in part, by the equitable doctrine of unclean
26 hands.

27
28

1 **TWENTY-NINTH DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, by the doctrine of accord and
3 satisfaction.

4 **THIRTIETH DEFENSE**

5 Plaintiff's claims for equitable or injunctive relief should be dismissed because Plaintiff
6 has available an adequate remedy at law.

7 **THIRTY-FIRST DEFENSE**

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

10 **THIRTY-SECOND DEFENSE**

11 Without admitting the existence of any contract, combination or conspiracy in restraint
12 of trade, TSB contends that it is entitled to set off any amounts paid to Plaintiff by any
13 Defendants other than TSB who have settled, or do settle, Plaintiff's claims against them in this
14 action.

15 **THIRTY-THIRD DEFENSE**

16 Plaintiff's claims for injunctive relief are barred, in whole or in part, insofar as Plaintiff
17 seeks to enjoin alleged events that have already transpired without the requisite showing of
18 threatened future harm or continuing harm.

19 **THIRTY-FOURTH DEFENSE**

20 Plaintiff's claims are barred, in whole or in part, to the extent that it did not purchase
21 TFT-LCD panels directly from Defendants, because it is an indirect purchaser and barred from
22 maintaining an action under 15 U.S.C. § 1 for alleged injuries in that capacity.

23 **THIRTY-FIFTH DEFENSE**

24 Plaintiff's claims are barred, in whole or in part, because, as an indirect purchaser, it fails
25 to meet its burden of proving that it was damaged in fact by the conduct alleged in the
26 Complaint, including the burden of proving that any overcharge alleged in the Complaint was
27 not absorbed in whole or in part by direct purchasers or by other third parties, and was passed
28 through to the Plaintiff.

1 **THIRTY-SIXTH DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, because, as an indirect purchaser, it fails
3 to meet its burden of proving that it was damaged in fact by the conduct alleged in the
4 Complaint, including the burden of proving that any overcharge alleged in the Complaint was
5 not absorbed by predecessors to the Plaintiff in the chain of distribution and was not passed on
6 to a third party.

7 **THIRTY-SEVENTH DEFENSE**

8 Plaintiff's claims are barred, in whole or in part, to the extent it passed on any
9 overcharges alleged in the Complaint to third parties and, as a result, was not injured and/or did
10 not suffer any damages as a result of any acts or practices of TSB.

11 **THIRTY-EIGHTH DEFENSE**

12 TSB adopts by reference any applicable defense pleaded by any other Defendant not
13 otherwise expressly set forth herein.

14 **THIRTY-NINTH DEFENSE**

15 TSB reserves the right to assert other defenses as this action proceeds up to and
16 including the time of trial.

17 **DEFENSES TO SECOND CLAIM FOR RELIEF**
18 **(Violations of the State Antitrust and Unfair Competition Laws)**

19 **FORTIETH DEFENSE**

20 Plaintiff's claims are barred, in whole or in part, to the extent that its claims are based on
21 California law and any of the alleged events took place outside the state of California without
22 impact on California residents.

23 **FORTY-FIRST DEFENSE**

24 Plaintiff's claims under Cal. Bus. & Prof. Code §§ 16700, *et seq.*, are barred, in whole or
25 in part, because the application of §§ 16700, *et seq.*, to wholly interstate or foreign commerce
26 violates the Commerce Clause of the United States Constitution.

1 **FORTY-SECOND DEFENSE**

2 Any award of treble damages, punitive damages or restitution pursuant to Cal. Bus. &
3 Prof. Code §§ 16720, 16727, 16750, or 16761 would violate the Excessive Fines and Due
4 Process Clauses of the United States Constitution and equivalent clauses in the California
5 Constitution.

6 **FORTY-THIRD DEFENSE**

7 Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations,
8 including, but not limited to: Cal. Bus. & Prof. Code § 17208; Cal. Bus. & Prof. Code §
9 16750.1; Cal. Civ. Proc. Code §§ 337-340.

10 **FORTY-FOURTH DEFENSE**

11 Plaintiff lacks standing to prosecute its state antitrust claims, in whole or in part, under,
12 without limitation, the following statutes: Cal. Bus. & Prof. Code §§ 16700, *et seq.*; Cal. Bus. &
13 Prof. Code §§ 17200, *et seq.*

14 **FORTY-FIFTH DEFENSE**

15 Plaintiff lacks standing to prosecute its claims, in whole or in part, under, without
16 limitation, the following statutes: Cal. Bus. & Prof. Code §§ 17200, *et seq.*

17 **FORTY-SIXTH DEFENSE**

18 Any award of restitution under Cal. Bus. & Prof. Code § 17203 based upon asserted
19 interests or injuries of Plaintiff would violate the Excessive Fines Clause of the Eighth
20 Amendment (as incorporated by the Due Process Clause of the Fourteenth Amendment) to the
21 United States Constitution and Article I, Section 17 of the California Constitution.

22 **FORTY-SEVENTH DEFENSE**

23 Plaintiff's claims for monetary relief under Cal. Bus. & Prof. Code § 17203 are barred, in
24 whole or in part, because TSB did not acquire any money or property from Plaintiff.

25 **FORTY-EIGHTH DEFENSE**

26 Any finding of liability under Cal. Bus. & Prof. Code § 17200, 17203 or 17204 would
27 violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution
28 and Article I, Section 7 of the California Constitution, because the standards of liability under

1 these statutes are unduly vague and subjective, permitting retroactive, random, arbitrary and
2 capricious punishment that serves no legitimate governmental interest.

3 **FORTY-NINTH DEFENSE**

4 Any award of restitution to Plaintiff under Cal. Bus. & Prof. Code § 17203 would
5 constitute a taking of property without just compensation in violation of the Taking Clause of
6 the Fifth Amendment to the United States Constitution (as incorporated by the Due Process
7 Clause of the Fourteenth Amendment to the United States Constitution) and Article I, Section 19
8 of the California Constitution.

9 **FIFTIETH DEFENSE**

10 Cal. Bus. & Prof. Code § 17204 improperly delegates the Executive Branch's
11 prosecutorial power to private parties, in contravention of the separation-of-powers doctrine and
12 the provisions of Article V of the California Constitution vesting the State's executive power in
13 the Executive Branch, by authorizing private plaintiffs without any individualized injury to bring
14 suit on behalf of the interests of the general public.

15 **FIFTY-FIRST DEFENSE**

16 Any award of restitution under Cal. Bus. & Prof. Code § 17203 to persons who refuse to
17 execute an acknowledgement that the payment is in full settlement of claims against Defendants
18 would violate the Due Process Clause of the Fourteenth Amendment to the United States
19 Constitution.

20 **FIFTY-SECOND DEFENSE**

21 Any award of treble damages, punitive damages or restitution pursuant to Cal. Bus. &
22 Prof. Code §§ 16720, 16727, 16750, or 16761 would violate the Excessive Fines and Due
23 Process Clauses of the United States Constitution and equivalent clauses in the California
24 Constitution.

25 **FIFTY-THIRD DEFENSE**

26 Plaintiff's claims under Cal. Bus. & Prof. Code §§ 16700, *et seq.* and §§ 17200, *et seq.*
27 are barred, in whole or in part, because those statutes are inapplicable to alleged wrongs suffered
28 by non-California residents based on alleged conduct of TSB occurring outside of California.

1 **FIFTY-FOURTH DEFENSE**

2 Plaintiff's claims under N.Y. Gen. Bus. Law § 349 are barred, in whole or in part,
3 because any alleged conduct by TSB is, or if in interstate commerce would be, subject to and
4 compliant with the rules and regulations of, and statutes administered by, the Federal Trade
5 Commission or other official department, division, commission or agency of the United States,
6 as these rules, regulations, or statutes are interpreted by the Federal Trade Commission or such
7 department, division, commission or agency of the federal courts. N.Y. Gen. Bus. Law § 349(d).

8 **FIFTY-FIFTH DEFENSE**

9 Plaintiff's claims under New York law and other applicable laws are barred by the
10 voluntary payment doctrine, under which one cannot recover payments with full knowledge of
11 the facts.

12 **FIFTY-SIXTH DEFENSE**

13 Plaintiff's claims under N.Y. Gen. Bus. Law §§ 340, *et seq.* are barred, in whole or in
14 part, because Plaintiff cannot establish actual damages.

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1 **TSB'S PRAYER FOR RELIEF**

2 WHEREFORE, TSB prays for judgment as follows:

3 1. That Plaintiff takes nothing by reason of the Complaint, and that the action be
4 dismissed with prejudice;

5 2. That the Court enter judgment in favor of TSB and against Plaintiff with respect to all
6 causes of action in the Complaint;

7 3. That the Court award TSB its attorneys' fees and other costs reasonably incurred in
8 the defense of this action; and

9 4. That the Court order such other further relief for TSB as the Court may deem just and
10 proper.

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12 Respectfully submitted,

13
14 Dated: March 5, 2012

WHITE & CASE LLP

15
16 By: /s/ Kristen J. McAhren

17 Christopher M. Curran (*pro hac vice*)

John H. Chung (*pro hac vice*)

Martin M. Toto (*pro hac vice*)

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