

1 Christopher M. Curran (*pro hac vice*)  
 2 John H. Chung (*pro hac vice*)  
 3 Martin M. Toto (*pro hac vice*)  
 4 Kristen J. McAhren (*pro hac vice*)  
 5 WHITE & CASE LLP  
 6 1155 Avenue of the Americas  
 7 New York, NY 10036  
 8 (212) 819-8200 (telephone)  
 9 (212) 354-3811 (facsimile)  
 10 [ccurran@whitecase.com](mailto:ccurran@whitecase.com)  
 11 [jchung@whitecase.com](mailto:jchung@whitecase.com)  
 12 [mtoto@whitecase.com](mailto:mtoto@whitecase.com)  
 13 [kmcahren@whitecase.com](mailto:kmcahren@whitecase.com)

14 *Attorneys for Toshiba Corporation, Toshiba*  
 15 *Mobile Display Co., Ltd., Toshiba America*  
 16 *Information Systems, Inc. and Toshiba*  
 17 *America Electronic Components, Inc.*

18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

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

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

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

This Document Relates to:  
 Case No. C 3:11-02591 SI

**TOSHIBA MOBILE DISPLAY CO.,  
 LTD.’S ANSWER TO T-MOBILE’S  
 AMENDED COMPLAINT**

T-Mobile U.S.A. Inc.,  
 v.  
 AU OPTRONICS CORPORATION, *et al.*

1 Defendant Toshiba Mobile Display Co., Ltd. f/k/a Toshiba Matsushita Display  
2 Technology Co., Ltd. (“TMD”), by its undersigned attorneys, for its Answer to the Amended  
3 Complaint (the “Complaint”), dated November 7, 2011, filed by T-Mobile U.S.A. Inc.  
4 (“Plaintiff”), states as follows:

5 **I. INTRODUCTION**

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

11 2. Paragraph 2 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 2 relate to other Defendants and/or third parties, TMD 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 2 are directed to  
16 TMD, TMD denies these allegations.

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

23 4. Paragraph 4 consists of Plaintiff’s characterization of its claims and legal  
24 conclusions, to which no response is required. To the extent that the allegations contained in  
25 Paragraph 4 relate to other Defendants and/or third parties, TMD 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 4 are directed to  
28 TMD, TMD denies these allegations.

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 TMD, TMD 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 consists of Plaintiff's characterization of its claims and legal  
9 conclusions, to which no response is required. Paragraph 6 also consists of statements in  
10 public documents, which speak for themselves and to which no response is required. To the  
11 extent that the allegations contained in Paragraph 6 may be deemed to require a response from  
12 TMD, TMD denies these allegations, except is generally aware that Toshiba America Electronic  
13 Components, Inc. and Toshiba America Information Systems, Inc. maintained offices in  
14 California between January 1, 1996 and December 11, 2006.

15           7. Paragraph 7 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 7 relate to other Defendants and/or third parties, TMD 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 7 are directed to  
20 TMD, TMD denies these allegations, except is generally aware that Toshiba America Electronic  
21 Components, Inc. and Toshiba America Information Systems, Inc. maintained offices in  
22 California between January 1, 1996 and December 11, 2006.

23           8. Paragraph 8 consists of Plaintiff's characterization of its claims and legal  
24 conclusions, to which no response is required. To the extent that the allegations contained in  
25 Paragraph 8 relate to other Defendants and/or third parties, TMD 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 8 are directed to  
28 TMD, TMD denies these allegations.

1           9.       Paragraph 9 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 9 relate to other Defendants and/or third parties, TMD 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 9 are directed to  
6 TMD, TMD denies these allegations, except admits that Plaintiff has filed an action to obtain  
7 damages.

8       **II.       JURISDICTION AND VENUE**

9           10.       Paragraph 10 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 10 may be deemed to require a response from TMD, TMD denies these allegations.

12           11.       Paragraph 11 consists of Plaintiff's characterization of its claims and legal  
13 conclusions, to which no response is required. To the extent that the allegations contained in  
14 Paragraph 11 relate to other Defendants and/or third parties, TMD 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 11 may be deemed to  
17 require a response from TMD, TMD denies these allegations.

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

21           13.       Paragraph 13 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 13 relate to other Defendants and/or third parties, TMD 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 13 may be deemed to  
26 require a response from TMD, TMD denies these allegations. TMD also denies that it conducts  
27 business throughout the United States, as TMD did not sell LCD panels directly to customers in  
28 the United States.

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

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

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

12       **III. DEFINITIONS**

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

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

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

27           25. TMD 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.     TMD 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 TMD 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 TMD, TMD 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, TMD 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 TMD, TMD 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, TMD 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 TMD, TMD denies these allegations.

19           **B.     Defendants**

20                 **1.     AU Optronics**

21           29.     Paragraph 29 relates to another Defendant. Accordingly, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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.  
28

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

**3. Chunghwa**

39. Paragraph 39 relates to another Defendant. Accordingly, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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 TMD, TMD denies these allegations.

1                   7.     **LG Display**

2           53.     Paragraph 53 relates to another Defendant. Accordingly, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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 TMD, TMD denies these allegations.  
28

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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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, TMD 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. Paragraph 75 relates to another Defendant. Accordingly, TMD lacks knowledge  
11 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
12 75 and, therefore, denies these allegations, except admits that Toshiba Corporation is a Japanese  
13 company with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-  
14 8001, Japan.

15           76. TMD denies each and every allegation contained in Paragraph 76, except admits  
16 that TMD's principal place of business is located at 1-9-2, Hatara-cho, Fukaya-shi, Saitama 366-  
17 0032, Japan, and that TMD manufactured, sold, and/or distributed certain types of LCD panels  
18 during 2002-2006. TMD specifically denies that it manufactured, sold and/or distributed LCD  
19 panels during the entire period between January 1, 1996 and December 11, 2006, as TMD did  
20 not exist until 2002. TMD also denies that it manufactured, marketed, sold and/or distributed  
21 LCD panels to customers throughout the United States, as TMD did not sell LCD panels directly  
22 to customers in the United States.

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

1           78. Paragraph 78 relates to another Defendant. Accordingly, TMD lacks knowledge  
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
3 78 and, therefore, denies these allegations, except is generally aware that Toshiba America  
4 Information Systems, Inc. is located at 9740 Irvine Boulevard, Irvine, California.

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

9           **C. Co-Conspirators**

10          80. To the extent that the allegations contained in Paragraph 80 relate to other  
11 Defendants and/or third parties, TMD 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 80 are directed to TMD, TMD denies these allegations.

14          81. To the extent that the allegations contained in Paragraph 81 relate to other  
15 Defendants and/or third parties, TMD 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 81 are directed to TMD, TMD denies these allegations.

18          82. Paragraph 82 relates to third parties to this action. Accordingly, TMD lacks  
19 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
20 in Paragraph 82 and, therefore, denies these allegations.

21          83. To the extent that the allegations contained in Paragraph 83 relate to other  
22 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief  
23 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
24 allegations contained in Paragraph 83 are directed to TMD, TMD denies these allegations.

25          84. Paragraph 84 consists of Plaintiff's characterization of its claims and legal  
26 conclusions, to which no response is required. To the extent that the allegations contained in  
27 Paragraph 84 relate to other Defendants and/or third parties, TMD 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 84 are directed to  
2 TMD, TMD denies these allegations.

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

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

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

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

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

16 89. Paragraph 89 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 89 relate to other Defendants and/or third parties, TMD 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 89 are directed to  
21 TMD, TMD denies these allegations.

22 90. Paragraph 90 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 90 relate to other Defendants and/or third parties, TMD 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 90 are directed to  
27 TMD, TMD denies these allegations.

28 91. TMD denies each and every allegation contained in Paragraph 91.

1           92. To the extent that the allegations contained in Paragraph 92 relate to other  
2 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief  
3 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
4 allegations contained in Paragraph 92 are directed to TMD, TMD denies these allegations.

5           93. To the extent that the allegations contained in Paragraph 93 relate to other  
6 Defendants and/or third parties, TMD 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 93 are directed to TMD, TMD denies these allegations.

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

14           95. To the extent that the allegations contained in Paragraph 95 relate to other  
15 Defendants and/or third parties, TMD 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 95 are directed to TMD, TMD denies these allegations,  
18 except admits that TMD was formed in 2002 and is generally aware that IPS Alpha Technology,  
19 Ltd. was formed in 2005.

20           96. Paragraph 96 consists of Plaintiff's characterization of its claims and legal  
21 conclusions, to which no response is required. To the extent that the allegations contained in  
22 Paragraph 96 relate to other Defendants and/or third parties, TMD 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 96 are directed to  
25 TMD, TMD denies these allegations.

26           97. Paragraph 97 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 97 relate to other Defendants and/or third parties, TMD 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 97 are directed to  
3 TMD, TMD denies these allegations.

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

5 98. Paragraph 98 consists of Plaintiff's characterization of its claims and legal  
6 conclusions, to which no response is required. To the extent that the allegations contained in  
7 Paragraph 98 relate to other Defendants and/or third parties, TMD 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 98 are directed to  
10 TMD, TMD denies these allegations.

11 99. Paragraph 99 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 99 relate to other Defendants and/or third parties, TMD 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 99 are directed to  
16 TMD, TMD denies these allegations.

17 **A. Defendants Engaged in Bilateral and Multilateral Meetings and**  
18 **Communications with Competitors to Inflate Prices of LCD Panels and LCD**  
19 **Products**

20 100. Paragraph 100 consists of Plaintiff's characterization of its claims and legal  
21 conclusions, to which no response is required. To the extent that the allegations contained in  
22 Paragraph 100 relate to other Defendants and/or third parties, TMD 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 100 are directed to  
25 TMD, TMD denies these allegations.

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

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

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

13                   103. To the extent that the allegations contained in Paragraph 103 relate to other  
14 Defendants and/or third parties, TMD 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 103 are directed to TMD, TMD denies these allegations.

17                   104. To the extent that the allegations contained in Paragraph 104 relate to other  
18 Defendants and/or third parties, TMD 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 104 are directed to TMD, TMD denies these allegations.

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

26                   106. Paragraph 106 relates to other Defendants and/or third parties to this action.  
27 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
28 the allegations contained in Paragraph 106 and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 106 are directed to TMD, TMD denies these  
2 allegations.

3 107. To the extent that the allegations contained in Paragraph 107 relate to other  
4 Defendants and/or third parties, TMD 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 107 are directed to TMD, TMD denies these allegations.

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

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

17 110. Paragraph 110 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 110 relate to other Defendants and/or third parties, TMD 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 110 are directed to  
22 TMD, TMD denies these allegations.

23 111. To the extent that the allegations in Paragraph 111 relate to other Defendants  
24 and/or third parties, TMD 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 111 are directed to TMD, TMD denies these allegations.

27 112. To the extent that the allegations in Paragraph 112 relate to other Defendants  
28 and/or third parties, TMD lacks knowledge or information sufficient to form a belief as to the

1 truth of these allegations and, therefore, denies these allegations. To the extent that the  
2 allegations contained in Paragraph 112 are directed to TMD, TMD denies these allegations.

3 113. Paragraph 113 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations contained in Paragraph 113 and, therefore, denies these allegations. To the extent  
6 that the allegations contained in Paragraph 113 are directed to TMD, TMD denies these  
7 allegations.

8 114. Paragraph 114 relates to other Defendants and/or third parties to this action.  
9 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
10 the allegations contained in Paragraph 114 and, therefore, denies these allegations. To the extent  
11 that the allegations contained in Paragraph 114 are directed to TMD, TMD denies these  
12 allegations.

13 115. Paragraph 115 relates to other Defendants and/or third parties to this action.  
14 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
15 the allegations contained in Paragraph 115 and, therefore, denies these allegations. To the extent  
16 that the allegations contained in Paragraph 115 are directed to TMD, TMD denies these  
17 allegations.

18 116. Paragraph 116 relates to other Defendants and/or third parties to this action.  
19 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
20 the allegations contained in Paragraph 116 and, therefore, denies these allegations. To the extent  
21 that the allegations contained in Paragraph 116 are directed to TMD, TMD denies these  
22 allegations.

23 117. Paragraph 117 relates to other Defendants and/or third parties to this action.  
24 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
25 the allegations contained in Paragraph 117 and, therefore, denies these allegations. To the extent  
26 that the allegations contained in Paragraph 117 are directed to TMD, TMD denies these  
27 allegations.

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

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

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

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

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

26           123. Paragraph 123 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 contained  
28 in Paragraph 123 relate to other Defendants and/or third parties, TMD 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 123 are directed to  
3 TMD, TMD denies these allegations.

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

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

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

19 127. Paragraph 127 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 127 relate to other Defendants and/or third parties, TMD 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 127 are directed to  
24 TMD, TMD denies these allegations.

25 128. Paragraph 128 relates to other Defendants and/or third parties to this action.  
26 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
27 the allegations contained in Paragraph 128 and, therefore, denies these allegations. To the extent  
28

1 that the allegations contained in Paragraph 128 are directed to TMD, TMD denies these  
2 allegations.

3 129. To the extent that the allegations contained in Paragraph 129 relate to other  
4 Defendants and/or third parties, TMD 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 129 are directed to TMD, TMD denies these allegations.

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

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

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

22 133. Paragraph 133 relates to other Defendants and/or third parties to this action.  
23 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
24 the allegations contained in Paragraph 133 and, therefore, denies these allegations. To the extent  
25 that the allegations contained in Paragraph 133 are directed to TMD, TMD denies these  
26 allegations.

27 134. To the extent that the allegations contained in Paragraph 134 relate to other  
28 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
2 allegations contained in Paragraph 134 are directed to TMD, TMD denies these allegations.

3 135. Paragraph 135 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations contained in Paragraph 135 and, therefore, denies these allegations. To the extent  
6 that the allegations contained in Paragraph 135 are directed to TMD, TMD denies these  
7 allegations.

8 136. To the extent that the allegations contained in Paragraph 136 relate to other  
9 Defendants and/or third parties, TMD 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 136 are directed to TMD, TMD denies these allegations.

12 137. To the extent that the allegations contained in Paragraph 137 relate to other  
13 Defendants and/or third parties, TMD 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 137 are directed to TMD, TMD denies these allegations.

16 138. To the extent that the allegations contained in Paragraph 138 relate to other  
17 Defendants and/or third parties, TMD 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 138 are directed to TMD, TMD denies these allegations.

20 139. Paragraph 139 relates to other Defendants and/or third parties to this action.  
21 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
22 the allegations contained in Paragraph 139 and, therefore, denies these allegations. To the extent  
23 that the allegations contained in Paragraph 139 are directed to TMD, TMD denies these  
24 allegations.

25 140. Paragraph 140 relates to other Defendants and/or third parties to this action.  
26 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
27 the allegations contained in Paragraph 140 and, therefore, denies these allegations. To the extent  
28

1 that the allegations contained in Paragraph 140 are directed to TMD, TMD denies these  
2 allegations.

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

8 142. Paragraph 142 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 142 relate to other  
11 Defendants and/or third parties, TMD 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 142 may be deemed to require a response from TMD, TMD  
14 denies these allegations, except admits that LG Display Co. Ltd. and LG Display America Inc.  
15 agreed to plead guilty for their participation in a conspiracy to fix prices of TFT-LCD panels.

16 143. To the extent that the allegations contained in Paragraph 143 relate to other  
17 Defendants and/or third parties, TMD 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 143 are directed to TMD, TMD denies these allegations.

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

25 145. Paragraph 145 relates to other Defendants and/or third parties to this action.  
26 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
27 the allegations contained in Paragraph 145 and, therefore, denies these allegations. To the extent  
28

1 that the allegations contained in Paragraph 145 are directed to TMD, TMD denies these  
2 allegations.

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

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

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

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

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

26 151. Paragraph 151 relates to other Defendants and/or third parties to this action.  
27 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
28 the allegations contained in Paragraph 151 and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 151 are directed to TMD, TMD denies these  
2 allegations.

3 152. Paragraph 152 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 152 relate to other Defendants and/or third parties, TMD 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 152 are directed to  
8 TMD, TMD denies these allegations, except is generally aware that Toshiba Corporation  
9 participates in the IPS Alpha Technology, Ltd. joint venture.

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

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

20 155. Paragraph 155 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 155 relate to other Defendants and/or third parties, TMD 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 155 are directed to  
25 TMD, TMD denies these allegations.

26 156. Paragraph 156 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 156 relate to other Defendants and/or third parties, TMD 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 156 are directed to  
3 TMD, TMD denies these allegations.

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

6 157. Paragraph 157 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 157 relate to other Defendants and/or third parties, TMD 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 157 are directed to  
11 TMD, TMD denies these allegations.

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

16 159. Paragraph 159 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 159 relate to other Defendants and/or third parties, TMD 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 159 are directed to  
21 TMD, TMD denies these allegations.

22 160. Paragraph 160 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 160 relate to other Defendants and/or third parties, TMD 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 160 are directed to  
27 TMD, TMD denies these allegations.  
28

1                   **3. Defendants engaged in illegal communications about pricing with**  
2                   **respect to small panels**

3           161. Paragraph 161 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 161 relate to other Defendants and/or third parties, TMD 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 161 are directed to  
8 TMD, TMD denies these allegations.

9           162. Paragraph 162 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 162 relate to other Defendants and/or third parties, TMD 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 162 are directed to  
14 TMD, TMD denies these allegations.

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

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

24           164. Paragraph 164 consists of argument, Plaintiff's characterization of its claims  
25 and/or legal conclusions, to which no response is required. To the extent that the allegations in  
26 Paragraph 164 relate to other Defendants and/or third parties, TMD 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 164 are directed to  
2 TMD, TMD denies these allegations.

3 165. Paragraph 165 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations contained in Paragraph 165 and, therefore, denies these allegations. To the extent  
6 that the allegations contained in Paragraph 165 are directed to TMD, TMD denies these  
7 allegations.

8 166. Paragraph 166 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 166 relate to other Defendants and/or third parties, TMD lacks knowledge or  
11 information sufficient to form a belief as to the truth of these allegations and, therefore, denies  
12 these allegations. To the extent that the allegations contained in Paragraph 166 are directed to  
13 TMD, TMD denies these allegations.

14 167. Paragraph 167 relates to other Defendants and/or third parties to this action.  
15 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
16 the allegations contained in Paragraph 167 and, therefore, denies these allegations. To the extent  
17 that the allegations contained in Paragraph 167 are directed to TMD, TMD denies these  
18 allegations.

19 168. Paragraph 168 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 168 relate to other Defendants and/or third parties, TMD 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 168 are directed to  
24 TMD, TMD denies these allegations.

25 169. Paragraph 169 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 169 relate to other Defendants and/or third parties, TMD 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 169 are directed to  
2 TMD, TMD denies these allegations.

3 170. Paragraph 170 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations contained in Paragraph 170 and, therefore, denies these allegations. To the extent  
6 that the allegations contained in Paragraph 170 are directed to TMD, TMD denies these  
7 allegations.

8 171. Paragraph 171 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 171 relate to other Defendants and/or third parties, TMD lacks knowledge or  
11 information sufficient to form a belief as to the truth of these allegations and, therefore, denies  
12 these allegations, except is generally aware that Toshiba America Information Systems, Inc.  
13 maintained offices in California between January 1, 1996 and December 11, 2006. To the extent  
14 that the allegations contained in Paragraph 171 are directed to TMD, TMD denies these  
15 allegations.

16 172. Paragraph 172 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 172 relate to other Defendants and/or third parties, TMD 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 172 are directed to  
21 TMD, TMD denies these allegations.

22 173. Paragraph 173 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 173 relate to other Defendants and/or third parties, TMD 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 173 are directed to  
27 TMD, TMD denies these allegations.  
28

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

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

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

11           176. Paragraph 176 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 176 may be deemed to  
14 require a response from TMD, TMD responds that the United States Department of Justice has  
15 confirmed in writing that it has dropped its investigation as to Toshiba and will not prosecute or  
16 charge any of the Toshiba Entities or their employees.

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

23           178. Paragraph 178 consists of purported statements by government authorities and/or  
24 statements in public documents, which speak for themselves and to which no response is  
25 required. To the extent that the allegations contained in Paragraph 178 may be deemed to  
26 require a response from TMD, TMD denies these allegations, except admits that LG Display  
27  
28

1 agreed to plead guilty and pay a criminal fine for its participation in a conspiracy to fix prices of  
2 TFT-LCD panels.

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

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

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

21 182. Paragraph 182 consists of purported statements by government authorities and/or  
22 statements in public documents, which speak for themselves and to which no response is  
23 required. To the extent that the allegations contained in Paragraph 182 may be deemed to  
24 require a response from TMD, TMD denies these allegations, except admits that Chunghwa  
25 Picture Tubes, Ltd. agreed to plead guilty and pay a criminal fine for its participation in a  
26 conspiracy to fix prices of TFT-LCD panels.

27 183. Paragraph 183 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. To the extent that the allegations contained in Paragraph 183 may be deemed to  
2 require a response from TMD, TMD denies these allegations, except admits that current or  
3 former executives of Chunghwa Picture Tubes, Ltd. agreed to plead guilty, pay criminal fines  
4 and/or serve federal prison sentences for their participation in a conspiracy to fix prices of TFT-  
5 LCD panels.

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

12 185. Paragraph 185 consists of purported statements by government authorities and/or  
13 statements in public documents, which speak for themselves and to which no response is  
14 required. Paragraph 185 also 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 185 may be deemed to require a response from TMD, TMD denies these  
17 allegations, except admits that Sharp Corporation agreed to plead guilty and pay a criminal fine  
18 for its participation in a conspiracy to fix prices of TFT-LCD panels.

19 186. Paragraph 186 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 186 relate to other Defendants and/or third parties, TMD 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 186 are directed to  
24 TMD, TMD denies these allegations.

25 187. Paragraph 187 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. Paragraph 187 also 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 187 may be deemed to require a response from TMD, TMD denies these  
2 allegations, except admits that Epson Japan agreed to plead guilty and pay a criminal fine for its  
3 participation in a conspiracy to fix prices of TFT-LCD panels.

4 188. Paragraph 188 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 188 relate to other Defendants and/or third parties, TMD 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 188 are directed to  
9 TMD, TMD denies these allegations.

10 189. Paragraph 189 contains argument, Plaintiff's characterization of its claims and/or  
11 legal conclusions, to which no response is required. To the extent that Paragraph 189 relates to  
12 other Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a  
13 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent  
14 that the allegations contained in Paragraph 189 are directed to TMD, TMD denies these  
15 allegations, except admits that TMD was formed in 2002 as a joint venture between Toshiba  
16 Corporation and Matsushita Electric Industrial Co., Ltd.

17 190. Paragraph 190 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 190 relate to other Defendants and/or third parties, TMD 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 190 are directed to  
22 TMD, TMD denies these allegations.

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

24 191. Paragraph 191 contains argument and legal conclusions, to which no response is  
25 required. To the extent that the allegations in Paragraph 191 relate to other Defendants and/or  
26 third parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
27  
28

1 these allegations and, therefore, denies these allegations. To the extent that the allegations  
2 contained in Paragraph 191 are directed to TMD, TMD denies these allegations.

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

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

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

18 195. Paragraph 195 contains argument and legal conclusions, to which no response is  
19 required. To the extent that the allegations in Paragraph 195 relate to other Defendants and/or  
20 third parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
21 these allegations and, therefore, denies these allegations. To the extent that the allegations  
22 contained in Paragraph 195 are directed to TMD, TMD denies these allegations.

23 196. Paragraph 196 contains argument and legal conclusions, to which no response is  
24 required. To the extent that the allegations in Paragraph 196 relate to other Defendants and/or  
25 third parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
26 these allegations and, therefore, denies these allegations. To the extent that the allegations  
27 contained in Paragraph 196 are directed to TMD, TMD denies these allegations.  
28

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

8            198. Paragraph 198 contains purported statements in news reports and/or public  
9 documents, which speak for themselves and to which no response is required. To the extent that  
10 the allegations contained in Paragraph 198 may be deemed to require a response from TMD,  
11 TMD denies these allegations.

12            199. Paragraph 199 contains argument and legal conclusions, to which no response is  
13 required. To the extent that the allegations in Paragraph 199 relate to other Defendants and/or  
14 third parties, TMD 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 199 are directed to TMD, TMD denies these allegations.

17            200. Paragraph 200 contains argument and legal conclusions, to which no response is  
18 required. To the extent that the allegations in Paragraph 200 relate to other Defendants and/or  
19 third parties, TMD 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 200 are directed to TMD, TMD denies these allegations.

22            201. Paragraph 201 contains argument and legal conclusions, to which no response is  
23 required. To the extent that the allegations in Paragraph 201 relate to other Defendants and/or  
24 third parties, TMD 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 201 are directed to TMD, TMD denies these allegations.

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

1           203. Paragraph 203 contains argument and legal conclusions, to which no response is  
2 required. To the extent that the allegations in Paragraph 203 relate to other Defendants and/or  
3 third parties, TMD 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 203 are directed to TMD, TMD denies these allegations.

6           204. Paragraph 204 contains argument and legal conclusions, to which no response is  
7 required. To the extent that the allegations in Paragraph 204 relate to other Defendants and/or  
8 third parties, TMD 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 204 are directed to TMD, TMD denies these allegations.

11           205. Paragraph 205 contains argument and legal conclusions, to which no response is  
12 required. To the extent that the allegations in Paragraph 205 relate to other Defendants and/or  
13 third parties, TMD 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 205 are directed to TMD, TMD denies these allegations.

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

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

19           207. To the extent that the allegations in Paragraph 207 relate to other Defendants  
20 and/or third parties, TMD lacks knowledge or information sufficient to form a belief as to the  
21 truth of these allegations and, therefore, denies these allegations. To the extent that the  
22 allegations contained in Paragraph 207 are directed to TMD, TMD denies these allegations.

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

24           208. Paragraph 208 contains argument and legal conclusions, to which no response is  
25 required. To the extent that the allegations in Paragraph 208 relate to other Defendants and/or  
26 third parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of  
27  
28

1 these allegations and, therefore, denies these allegations. To the extent that the allegations  
2 contained in Paragraph 208 are directed to TMD, TMD denies these allegations.

3 209. Paragraph 209 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 209 relate to other Defendants and/or third parties, TMD 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 209 are directed to  
8 TMD, TMD denies these allegations.

9 210. To the extent that the allegations in Paragraph 210 relate to other Defendants  
10 and/or third parties, TMD lacks knowledge or information sufficient to form a belief as to the  
11 truth of these allegations and, therefore, denies these allegations. To the extent that the  
12 allegations contained in Paragraph 210 are directed to TMD, TMD denies these allegations.

13 211. Paragraph 211 contains argument, Plaintiff's characterization of its claims and/or  
14 legal conclusions, to which no response is required. To the extent that the allegations in  
15 Paragraph 211 relate to other Defendants and/or third parties, TMD 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 211 are directed to  
18 TMD, TMD denies these allegations.

19 212. To the extent that the allegations in Paragraph 212 relate to other Defendants  
20 and/or third parties, TMD lacks knowledge or information sufficient to form a belief as to the  
21 truth of these allegations and, therefore, denies these allegations. To the extent that the  
22 allegations contained in Paragraph 212 are directed to TMD, TMD denies these allegations.

23 213. To the extent that the allegations in Paragraph 213 relate to other Defendants  
24 and/or third parties, TMD 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 213 are directed to TMD, TMD denies these allegations.

27 214. Paragraph 214 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 214 relate to other Defendants and/or third parties, TMD 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 214 are directed to  
4 TMD, TMD denies these allegations.

5 215. Paragraph 215 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 215 relate to other Defendants and/or third parties, TMD 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 215 are directed to  
10 TMD, TMD denies these allegations.

11 216. Paragraph 216 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 216 relate to other Defendants and/or third parties, TMD 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 216 are directed to  
16 TMD, TMD denies these allegations.

17 217. To the extent that the allegations in Paragraph 217 relate to other Defendants  
18 and/or third parties, TMD lacks knowledge or information sufficient to form a belief as to the  
19 truth of these allegations and, therefore, denies these allegations. To the extent that the  
20 allegations contained in Paragraph 217 are directed to TMD, TMD denies these allegations.

21 218. Paragraph 218 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 218 relate to other Defendants and/or third parties, TMD 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 218 are directed to  
26 TMD, TMD denies these allegations.

27 219. Paragraph 219 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 219 relate to other Defendants and/or third parties, TMD 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 219 are directed to  
4 TMD, TMD denies these allegations.

5 220. Paragraph 220 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 220 relate to other Defendants and/or third parties, TMD 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 220 are directed to  
10 TMD, TMD denies these allegations.

11 221. Paragraph 221 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 221 relate to other Defendants and/or third parties, TMD 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 221 are directed to  
16 TMD, TMD denies these allegations.

17 222. Paragraph 222 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 222 relate to other Defendants and/or third parties, TMD 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 222 are directed to  
22 TMD, TMD denies these allegations.

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

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

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

1           225. Paragraph 225 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 225 relate to other Defendants and/or third parties, TMD 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 225 are directed to  
6 TMD, TMD denies these allegations.

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

9           227. Paragraph 227 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 227 relate to other Defendants and/or third parties, TMD 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 227 are directed to  
14 TMD, TMD denies these allegations.

15           228. Paragraph 228 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 228 relate to other Defendants and/or third parties, TMD 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 228 are directed to  
20 TMD, TMD denies these allegations.

21           229. Paragraph 229 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 229 relate to other Defendants and/or third parties, TMD 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 229 are directed to  
26 TMD, TMD denies these allegations.

27           230. Paragraph 230 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 230 relate to other Defendants and/or third parties, TMD 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 230 are directed to  
4 TMD, TMD denies these allegations.

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

6 231. Paragraph 231 contains argument and legal conclusions, to which no response is  
7 required. To the extent that the allegations contained in Paragraph 231 relate to other  
8 Defendants and/or third parties, TMD 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 231 are directed to TMD, TMD denies these allegations.

11 232. Paragraph 232 contains argument and legal conclusions, to which no response is  
12 required. To the extent that the allegations contained in Paragraph 232 relate to other  
13 Defendants and/or third parties, TMD 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 232 are directed to TMD, TMD denies these allegations.

16 233. Paragraph 233 contains argument and legal conclusions, to which no response is  
17 required. To the extent that the allegations contained in Paragraph 233 relate to other  
18 Defendants and/or third parties, TMD 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 233 are directed to TMD, TMD denies these allegations.

21 234. Paragraph 234 contains argument and legal conclusions, to which no response is  
22 required. To the extent that the allegations contained in Paragraph 234 relate to other  
23 Defendants and/or third parties, TMD 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 234 are directed to TMD, TMD denies these allegations.

26 235. To the extent that the allegations contained in Paragraph 235 relate to other  
27 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief  
28

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
2 allegations contained in Paragraph 235 are directed to TMD, TMD denies these allegations.

3 236. To the extent that the allegations contained in Paragraph 236 relate to other  
4 Defendants and/or third parties, TMD 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 236 are directed to TMD, TMD denies these allegations.

7 237. To the extent that the allegations contained in Paragraph 237 relate to other  
8 Defendants and/or third parties, TMD 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 237 are directed to TMD, TMD denies these allegations.

11 238. To the extent that the allegations contained in Paragraph 238 relate to other  
12 Defendants and/or third parties, TMD 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 238 are directed to TMD, TMD denies these allegations.

15 239. To the extent that the allegations contained in Paragraph 239 relate to other  
16 Defendants and/or third parties, TMD 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 239 are directed to TMD, TMD denies these allegations.

19 240. To the extent that the allegations contained in Paragraph 240 relate to other  
20 Defendants and/or third parties, TMD 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 240 are directed to TMD, TMD denies these allegations.

23 241. To the extent that the allegations contained in Paragraph 241 relate to other  
24 Defendants and/or third parties, TMD 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 241 are directed to TMD, TMD denies these allegations.

27 242. To the extent that the allegations contained in Paragraph 242 relate to other  
28 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
2 allegations contained in Paragraph 242 are directed to TMD, TMD denies these allegations.

3 243. To the extent that the allegations contained in Paragraph 243 relate to other  
4 Defendants and/or third parties, TMD 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 243 are directed to TMD, TMD denies these allegations.

7 244. To the extent that the allegations contained in Paragraph 244 relate to other  
8 Defendants and/or third parties, TMD 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 244 are directed to TMD, TMD denies these allegations.

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

12 245. Paragraph 245 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 245 relate to other Defendants and/or third parties, TMD 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 245 are directed to  
17 TMD, TMD denies these allegations.

18 246. Paragraph 246 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 246 relate to other Defendants and/or third parties, TMD 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 246 are directed to  
23 TMD, TMD denies these allegations.

24 247. Paragraph 247 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 247 relate to other Defendants and/or third parties, TMD 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 247 are directed to  
2 TMD, TMD denies these allegations.

3 248. Paragraph 248 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 248 relate to other Defendants and/or third parties, TMD 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 248 are directed to  
8 TMD, TMD denies these allegations.

9 249. Paragraph 249 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 249 relate to other Defendants and/or third parties, TMD 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 249 are directed to  
14 TMD, TMD denies these allegations.

15 250. Paragraph 250 contains purported statements made by other Defendants and  
16 statements in public documents, which speak for themselves and to which no response is  
17 required. To the extent that the allegations in Paragraph 250 relate to other Defendants and/or  
18 third parties, TMD 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 250 are directed to TMD, TMD denies these allegations.

21 251. Paragraph 251 contains purported statements made by other Defendants and  
22 statements in public documents, which speak for themselves and to which no response is  
23 required. To the extent that the allegations in Paragraph 251 relate to other Defendants and/or  
24 third parties, TMD 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 251 are directed to TMD, TMD denies these allegations.

27 252. Paragraph 252 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 252 relate to other Defendants and/or third parties, TMD 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 252 are directed to  
4 TMD, TMD denies these allegations.

5 **VII. PLAINTIFF'S INJURIES**

6 253. Paragraph 253 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 253 relate to other Defendants and/or third parties, TMD 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 253 are directed to  
11 TMD, TMD denies these allegations.

12 254. Paragraph 254 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 254 relate to other Defendants and/or third parties, TMD 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 254 are directed to  
17 TMD, TMD denies these allegations.

18 255. Paragraph 255 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 255 relate to other Defendants and/or third parties, TMD 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 255 are directed to  
23 TMD, TMD denies these allegations.

24 256. Paragraph 256 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 256 relate to other Defendants and/or third parties, TMD 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 256 are directed to  
2 TMD, TMD denies these allegations.

3 257. Paragraph 257 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 257 relate to other Defendants and/or third parties, TMD 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 257 are directed to  
8 TMD, TMD denies these allegations.

9 258. Paragraph 258 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 258 relate to other Defendants and/or third parties, TMD 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 258 are directed to  
14 TMD, TMD denies these allegations.

15 259. Paragraph 259 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 259 relate to other Defendants and/or third parties, TMD 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 259 are directed to  
20 TMD, TMD denies these allegations.

21 **VIII. FRAUDULENT CONCEALMENT, EQUITABLE TOLLING, AND**  
22 **CONTINUING TORT DOCTRINE**

23 260. Paragraph 260 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 260 relate to other Defendants and/or third parties, TMD 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 260 are directed to  
28 TMD, TMD denies these allegations.

1           261. Paragraph 261 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 261 relate to other Defendants and/or third parties, TMD 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 261 are directed to  
6 TMD, TMD denies these allegations.

7           262. Paragraph 262 contains Plaintiff's characterization of its claims and/or legal  
8 conclusions and, therefore, no response is required. To the extent that the allegations contained  
9 in Paragraph 262 relate to other Defendants and/or third parties, TMD 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 262 are directed to  
12 TMD, TMD denies these allegations.

13           263. Paragraph 263 contains argument, Plaintiff's characterization of its claims and/or  
14 legal conclusions, to which no response is required. To the extent that the allegations contained  
15 in Paragraph 263 relate to other Defendants and/or third parties, TMD lacks knowledge or  
16 information sufficient to form a belief as to the truth of the allegations and, therefore, denies  
17 these allegations. To the extent that the allegations contained in Paragraph 263 are directed to  
18 TMD, TMD denies these allegations.

19           264. Paragraph 264 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 264 relate to other Defendants and/or third parties, TMD lacks knowledge or  
22 information sufficient to form a belief as to the truth of the allegations and, therefore, denies  
23 these allegations. To the extent that the allegations contained in Paragraph 264 are directed to  
24 TMD, TMD denies these allegations.

25           265. Paragraph 265 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 265 are directed to TMD, TMD denies these allegations.  
28

1           266. Paragraph 266 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 266 relate to other Defendants and/or third parties, TMD lacks knowledge or  
4 information sufficient to form a belief as to the truth of the allegations and, therefore, denies  
5 these allegations. To the extent that the allegations contained in Paragraph 266 are directed to  
6 TMD, TMD denies these allegations.

7           267. Paragraph 267 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 267 relate to other Defendants and/or third parties, TMD 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 267 are directed to  
12 TMD, TMD denies these allegations.

13           268. Paragraph 268 contains argument, Plaintiff's characterization of its claims and/or  
14 legal conclusions, to which no response is required. To the extent that the allegations in  
15 Paragraph 268 relate to other Defendants and/or third parties, TMD 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 268 are directed to  
18 TMD, TMD denies these allegations.

19           269. Paragraph 269 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 269 relate to other Defendants and/or third parties, TMD 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 269 are directed to  
24 TMD, TMD denies these allegations.

25           270. Paragraph 270 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 270 relate to other Defendants and/or third parties, TMD 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 270 are directed to  
2 TMD, TMD denies these allegations.

3 271. Paragraph 271 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 271 relate to other Defendants and/or third parties, TMD 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 271 are directed to  
8 TMD, TMD denies these allegations.

9 272. Paragraph 272 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 272 relate to other Defendants and/or third parties, TMD 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 272 are directed to  
14 TMD, TMD denies these allegations.

15 273. Paragraph 273 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 273 relate to other Defendants and/or third parties, TMD 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 273 are directed to  
20 TMD, TMD denies these allegations.

21 274. Paragraph 274 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 274 relate to other Defendants and/or third parties, TMD 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 274 are directed to  
26 TMD, TMD denies these allegations.

27 275. Paragraph 275 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 275 relate to other Defendants and/or third parties, TMD 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 275 are directed to  
4 TMD, TMD denies these allegations.

5 276. Paragraph 276 contains legal conclusions, to which no response is required. To  
6 the extent that the allegations contained in Paragraph 276 relate to other Defendants and/or third  
7 parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of the  
8 allegations and, therefore, denies these allegations. To the extent that the allegations contained  
9 in Paragraph 276 are directed to TMD, TMD denies these allegations.

10 277. Paragraph 277 contains legal conclusions, to which no response is required. To  
11 the extent that the allegations contained in Paragraph 277 relate to other Defendants and/or third  
12 parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of the  
13 allegations and, therefore, denies these allegations. To the extent that the allegations contained  
14 in Paragraph 277 are directed to TMD, TMD denies these allegations.

15 278. Paragraph 278 contains legal conclusions, to which no response is required. To  
16 the extent that the allegations contained in Paragraph 278 relate to other Defendants and/or third  
17 parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of the  
18 allegations and, therefore, denies these allegations. To the extent that the allegations contained  
19 in Paragraph 278 are directed to TMD, TMD denies these allegations.

20 279. Paragraph 279 contains legal conclusions, to which no response is required. To  
21 the extent that the allegations contained in Paragraph 279 relate to other Defendants and/or third  
22 parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of the  
23 allegations and, therefore, denies these allegations. To the extent that the allegations contained  
24 in Paragraph 279 are directed to TMD, TMD denies these allegations.

1 **IX. VIOLATIONS ALLEGED**

2 **First Claim for Relief**  
3 **(Violation of Sherman Act Against All Defendants)**

4 280. TMD hereby incorporates by reference its responses to Paragraphs 1-279 of the  
5 Complaint as set forth above.

6 281. Paragraph 281 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 281 relate to other Defendants and/or third parties, TMD 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 281 are directed to  
11 TMD, TMD denies these allegations.

12 282. Paragraph 282 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 282 relate to other Defendants and/or third parties, TMD 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 282 are directed to  
17 TMD, TMD denies these allegations.

18 283. Paragraph 283 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 283 relate to other Defendants and/or third parties, TMD 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 283 are directed to  
23 TMD, TMD denies these allegations.

24 284. Paragraph 284 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 284 relate to other Defendants and/or third parties, TMD 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 284 are directed to  
2 TMD, TMD denies these allegations.

3 285. Paragraph 285 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 285 relate to other Defendants and/or third parties, TMD 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 285 are directed to  
8 TMD, TMD denies these allegations.

9 286. Paragraph 286 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 286 relate to other Defendants and/or third parties, TMD 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 286 are directed to  
14 TMD, TMD denies these allegations.

15 **Second Claim for Relief**  
16 **(Violation of State Antitrust and Unfair Competition Laws)**

17 287. TMD hereby incorporates by reference its responses to Paragraphs 1-286 of the  
18 Complaint as set forth above.

19 288. Paragraph 288 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 288 relate to other Defendants and/or third parties, TMD 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 288 are directed to  
24 TMD, TMD denies these allegations.

25 289. Paragraph 289 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 289 relate to other Defendants and/or third parties, TMD 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 289 are directed to  
2 TMD, TMD denies these allegations.

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

6 291. Paragraph 291 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 291 relate to other Defendants and/or third parties, TMD lacks knowledge or  
9 information sufficient to form a belief as to the truth of these allegations and, therefore, denies  
10 these allegations, except is generally aware that Toshiba America Electronic Components, Inc.  
11 and Toshiba America Information Systems, Inc. maintained offices in California between  
12 January 1, 1996 and December 11, 2006. To the extent that the allegations contained in  
13 Paragraph 291 are directed to TMD, TMD denies these allegations.

14 292. Paragraph 292 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 292 relate to other Defendants and/or third parties, TMD 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 292 are directed to  
19 TMD, TMD denies these allegations.

20 293. Paragraph 293 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 293 relate to other Defendants and/or third parties, TMD 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 293 are directed to  
25 TMD, TMD denies these allegations.

26 294. Paragraph 294 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 294 relate to other Defendants and/or third parties, TMD 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 294 are directed to  
3 TMD, TMD denies these allegations.

4 295. Paragraph 295 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 295 relate to other Defendants and/or third parties, TMD 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 295 are directed to  
9 TMD, TMD denies these allegations.

10 296. Paragraph 296 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 296 relate to other Defendants and/or third parties, TMD 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 296 are directed to  
15 TMD, TMD denies these allegations.

16 297. Paragraph 297 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 297 relate to other Defendants and/or third parties, TMD 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 297 are directed to  
21 TMD, TMD denies these allegations.

22 **X. PRAYER FOR RELIEF**

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

26 All allegations of the Complaint not heretofore admitted or denied are here and now  
27 denied as though specifically denied herein.  
28

1 **AFFIRMATIVE DEFENSES**

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

5 **GENERAL DEFENSES**

6 **FIRST DEFENSE**

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

11 **SECOND DEFENSE**

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

14 **THIRD DEFENSE**

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

16 **FOURTH DEFENSE**

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

19 **FIFTH DEFENSE**

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

22 **SIXTH DEFENSE**

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

24 **SEVENTH DEFENSE**

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

1 **EIGHTH DEFENSE**

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

4 **NINTH DEFENSE**

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

6 **TENTH DEFENSE**

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

9 **ELEVENTH DEFENSE**

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

13 **TWELFTH DEFENSE**

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

16 **THIRTEENTH DEFENSE**

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

18 **FOURTEENTH DEFENSE**

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

20 **FIFTEENTH DEFENSE**

21 Plaintiff's claims relating to purchases of LCD panels other than TFT-LCD panels,  
22 including, but not limited to, color super-twist nematic ("CSTN") and monochrome super-twist  
23 nematic ("MSTN"), are barred by applicable statutes of limitations, including, but not limited to:  
24 15 U.S.C. § 15b; 740 Ill. Comp. Stat. 10/7 § 7(2); Cal. Bus. & Prof. Code § 17208; Cal. Bus. &  
25 Prof. Code § 16750.1; Cal. Civ. Proc. Code §§ 337-340. These claims are also barred by the  
26 doctrine of laches, and because the allegations relating to these products fail to state a claim  
27 upon which relief can be granted.  
28

1 **SIXTEENTH DEFENSE**

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

4 **SEVENTEENTH DEFENSE**

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

9 **EIGHTEENTH DEFENSE**

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

12 **NINETEENTH DEFENSE**

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

15 **TWENTIETH DEFENSE**

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

19 **TWENTY-FIRST DEFENSE**

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

22 **TWENTY-SECOND DEFENSE**

23 Plaintiff's claims are barred, in whole or in part, because any actions or practices of  
24 TMD that are the subject of the Complaint were undertaken unilaterally for legitimate business  
25 reasons and in pursuit of TMD's independent interests and those of its customers, and were not  
26 the product of any contract, combination or conspiracy between TMD and any other person or  
27 entity.

1 **TWENTY-THIRD DEFENSE**

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

5 **TWENTY-FOURTH DEFENSE**

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

9 **TWENTY-FIFTH DEFENSE**

10 Plaintiff's claims are barred, in whole or in part, as premised upon privileged conduct or  
11 actions by TMD.

12 **TWENTY-SIXTH DEFENSE**

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

17 **TWENTY-SEVENTH DEFENSE**

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

22 **TWENTY-EIGHTH DEFENSE**

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

25 **TWENTY-NINTH DEFENSE**

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

28

1 **THIRTIETH DEFENSE**

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

4 **THIRTY-FIRST DEFENSE**

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

7 **THIRTY-SECOND DEFENSE**

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

12 **THIRTY-THIRD DEFENSE**

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

16 **THIRTY-FOURTH DEFENSE**

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

20 **THIRTY-FIFTH DEFENSE**

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

26 **THIRTY-SIXTH DEFENSE**

27 Plaintiff's claims are barred, in whole or in part, because, as an indirect purchaser, it fails  
28 to meet its burden of proving that it was damaged in fact by the conduct alleged in the

1 Complaint, including the burden of proving that any overcharge alleged in the Complaint was  
2 not absorbed by predecessors to the Plaintiff in the chain of distribution and was not passed on  
3 to a third party.

4 **THIRTY-SEVENTH DEFENSE**

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

8 **THIRTY-EIGHTH DEFENSE**

9 TMD adopts by reference any applicable defense pleaded by any other Defendant not  
10 otherwise expressly set forth herein.

11 **THIRTY-NINTH DEFENSE**

12 TMD reserves the right to assert other defenses as this action proceeds up to and  
13 including the time of trial.

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

16 **FORTIETH DEFENSE**

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

20 **FORTY-FIRST DEFENSE**

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

24 **FORTY-SECOND DEFENSE**

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

1 **FORTY-THIRD DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations,  
3 including, but not limited to: Cal. Bus. & Prof. Code § 17208; Cal. Bus. & Prof. Code §  
4 16750.1; Cal. Civ. Proc. Code §§ 337-340.

5 **FORTY-FOURTH DEFENSE**

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

9 **FORTY-FIFTH DEFENSE**

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

12 **FORTY-SIXTH DEFENSE**

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

17 **FORTY-SEVENTH DEFENSE**

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

20 **FORTY-EIGHTH DEFENSE**

21 Any finding of liability under Cal. Bus. & Prof. Code § 17200, 17203 or 17204 would  
22 violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution  
23 and Article I, Section 7 of the California Constitution, because the standards of liability under  
24 these statutes are unduly vague and subjective, permitting retroactive, random, arbitrary and  
25 capricious punishment that serves no legitimate governmental interest.

26 **FORTY-NINTH DEFENSE**

27 Any award of restitution to Plaintiff under Cal. Bus. & Prof. Code § 17203 would  
28 constitute a taking of property without just compensation in violation of the Taking Clause of

1 the Fifth Amendment to the United States Constitution (as incorporated by the Due Process  
2 Clause of the Fourteenth Amendment to the United States Constitution) and Article I, Section 19  
3 of the California Constitution.

4 **FIFTIETH DEFENSE**

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

10 **FIFTY-FIRST DEFENSE**

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

15 **FIFTY-SECOND DEFENSE**

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

20 **FIFTY-THIRD DEFENSE**

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

24 **FIFTY-FOURTH DEFENSE**

25 Plaintiff's claims under N.Y. Gen. Bus. Law § 349 are barred, in whole or in part,  
26 because any alleged conduct by TMD is, or if in interstate commerce would be, subject to and  
27 compliant with the rules and regulations of, and statutes administered by, the Federal Trade  
28 Commission or other official department, division, commission or agency of the United States,

1 as these rules, regulations, or statutes are interpreted by the Federal Trade Commission or such  
2 department, division, commission or agency of the federal courts. N.Y. Gen. Bus. Law § 349(d).

3 **FIFTY-FIFTH DEFENSE**

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

7 **FIFTY-SIXTH DEFENSE**

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

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **TMD'S PRAYER FOR RELIEF**

2 WHEREFORE, TMD 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 TMD and against Plaintiff with respect to  
6 all causes of action in the Complaint;

7 3. That the Court award TMD 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 TMD as the Court may deem just  
10 and proper.

11  
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*)  
18 John H. Chung (*pro hac vice*)  
19 Martin M. Toto (*pro hac vice*)  
20 Kristen J. McAhren (*pro hac vice*)  
21 WHITE & CASE LLP  
22 1155 Avenue of the Americas  
23 New York, NY 10036  
24 (212) 819-8200 (telephone)  
25 (212) 354-3811 (facsimile)  
26 [ccurran@whitecase.com](mailto:ccurran@whitecase.com)  
27 [jchung@whitecase.com](mailto:jchung@whitecase.com)  
28 [mtoto@whitecase.com](mailto:mtoto@whitecase.com)  
[kmcahren@whitecase.com](mailto:kmcahren@whitecase.com)

*Attorneys for Toshiba Corporation, Toshiba Mobile Display Co., Ltd., Toshiba America Information Systems, Inc. and Toshiba America Electronic Components, Inc.*