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**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

T-Mobile U.S.A. Inc.,

v.

AU OPTRONICS CORPORATION, *et al.*

**TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC.'S ANSWER TO  
T-MOBILE'S AMENDED  
COMPLAINT**

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

4 **I. INTRODUCTION**

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

10 2. Paragraph 2 consists of Plaintiff's characterization of its claims and legal  
11 conclusions, to which no response is required. To the extent that the allegations contained in  
12 Paragraph 2 relate to other Defendants and/or third parties, TAIS 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 2 are directed to  
15 TAIS, TAIS denies these allegations.

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

22 4. Paragraph 4 consists of Plaintiff's characterization of its claims and legal  
23 conclusions, to which no response is required. To the extent that the allegations contained in  
24 Paragraph 4 relate to other Defendants and/or third parties, TAIS 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 4 are directed to  
27 TAIS, TAIS denies these allegations.  
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1           5.       Paragraph 5 consists of statements contained in public documents, which speak  
2 for themselves and to which no response is required. To the extent that the allegations contained  
3 in Paragraph 5 may be deemed to require a response from TAIS, TAIS 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 TAIS, TAIS denies these allegations, except admits that TAIS maintained offices in California  
13 between January 1, 1996 and December 11, 2006.

14          7.       Paragraph 7 consists of Plaintiff's characterization of its claims and legal  
15 conclusions, to which no response is required. To the extent that the allegations contained in  
16 Paragraph 7 relate to other Defendants and/or third parties, TAIS 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 7 are directed to  
19 TAIS, TAIS denies these allegations, except is generally aware that TAIS maintained offices in  
20 California between January 1, 1996 and December 11, 2006. To the extent that the allegations  
21 contained in Paragraph 7 are directed to TAIS, TAIS denies these allegations..

22          8.       Paragraph 8 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 8 relate to other Defendants and/or third parties, TAIS 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 8 are directed to  
27 TAIS, TAIS denies these allegations.  
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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, TAIS 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 TAIS, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations, except admits that during at least a  
27 portion of the time period between January 1, 1996 and December 11, 2006, TAIS marketed,  
28

1 sold and/or distributed certain types of products containing LCD panels to customers in the  
2 United States.

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

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

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

14 **III. DEFINITIONS**

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

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

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

27           25. TAIS 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.     TAIS 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 TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

19           **B.     Defendants**

20                   **1.     AU Optronics**

21           29.     Paragraph 29 relates to another Defendant. Accordingly, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS lacks knowledge or information  
26 sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 and,  
27 therefore, denies these allegations.  
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1                   **3.     Chunghwa**

2           39.     Paragraph 39 relates to another Defendant. Accordingly, TAIS lacks knowledge  
3 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
4 39 and, therefore, denies these allegations.

5           40.     Paragraph 40 relates to another Defendant. Accordingly, TAIS lacks knowledge  
6 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
7 40 and, therefore, denies these allegations.

8           41.     Paragraph 41 relates to another Defendant. Accordingly, TAIS lacks knowledge  
9 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
10 41 and, therefore, denies these allegations.

11          42.     Paragraph 42 consists of Plaintiff's explanation of a defined term, a  
12 characterization of its claims and legal conclusions, to which no response is required. Paragraph  
13 42 also relates to other Defendants. Accordingly, TAIS lacks knowledge or information  
14 sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 and,  
15 therefore, denies these allegations.

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

20                   **4.     Epson**

21          44.     Paragraph 44 relates to another Defendant. Accordingly, TAIS lacks knowledge  
22 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
23 44 and, therefore, denies these allegations.

24          45.     Paragraph 45 relates to another Defendant. Accordingly, TAIS lacks knowledge  
25 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
26 45 and, therefore, denies these allegations.

1           46. Paragraph 46 relates to another Defendant. Accordingly, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

1                   **7.     LG Display**

2           53.     Paragraph 53 relates to another Defendant. Accordingly, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.  
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1           67. Paragraph 67 consists of Plaintiff's characterization of its claims and legal  
2 conclusions, to which no response is required. Paragraph 67 also relates to other Defendants.  
3 Accordingly, TAIS 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, TAIS 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, TAIS 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. Sanyo**

15           70. Paragraph 70 relates to another Defendant. Accordingly, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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, TAIS 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. Paragraph 76 relates to another Defendant. Accordingly, TAIS lacks knowledge  
16 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
17 76 and, therefore, denies these allegations, except is generally aware that Toshiba Mobile  
18 Display Co., Ltd. is located at 1-9-2, Hatara-cho, Fukaya-shi, Saitama 366-0032, Japan.

19           77. Paragraph 77 relates to another Defendant. Accordingly, TAIS lacks knowledge  
20 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
21 77 and, therefore, denies these allegations, except is generally aware that Toshiba America  
22 Electronic Components, Inc. is located at 19900 MacArthur Boulevard, Suite 400, Irvine,  
23 California.

24           78. TAIS denies each and every allegation contained in Paragraph 78, except admits  
25 that TAIS is located at 9740 Irvine Boulevard, Irvine, California.; that TAIS is a wholly-owned  
26 subsidiary of Toshiba America, Inc.; and that during at least a portion of the time period  
27 between January 1, 1996 and December 11, 2006, TAIS marketed, sold and/or distributed  
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1 certain types of LCD products to customers in the United States. TAIS specifically denies  
2 having manufactured LCD panels.

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

7 **C. Co-Conspirators**

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

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

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

19 83. To the extent that the allegations contained in Paragraph 83 relate to other  
20 Defendants and/or third parties, TAIS 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 83 are directed to TAIS, TAIS denies these allegations.

23 84. Paragraph 84 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 84 relate to other Defendants and/or third parties, TAIS 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 84 are directed to  
28 TAIS, TAIS denies these allegations.

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

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

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

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

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

14            89.     Paragraph 89 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 89 relate to other Defendants and/or third parties, TAIS 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 89 are directed to  
19 TAIS, TAIS denies these allegations.

20            90.     Paragraph 90 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 90 relate to other Defendants and/or third parties, TAIS 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 90 are directed to  
25 TAIS, TAIS denies these allegations.

26            91.     TAIS denies each and every allegation contained in Paragraph 91.

27            92.     To the extent that the allegations contained in Paragraph 92 relate to other  
28 Defendants and/or third parties, TAIS 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 92 are directed to TAIS, TAIS denies these allegations.

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

7 94. Paragraph 94 contains argument and legal conclusions, to which no response is  
8 required. To the extent that the allegations contained in Paragraph 94 relate to other Defendants  
9 and/or third parties, TAIS 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 94 are directed to TAIS, TAIS denies these allegations.

12 95. To the extent that the allegations contained in Paragraph 95 relate to other  
13 Defendants and/or third parties, TAIS 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 95 are directed to TAIS, TAIS denies these allegations,  
16 except is generally aware that Toshiba Mobile Display Co., Ltd. f/k/a Toshiba Matsushita  
17 Display Technology Co., Ltd., was formed in 2002 and that IPS Alpha Technology, Ltd. was  
18 formed in 2005.

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

25 97. Paragraph 97 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 97 relate to other Defendants and/or third parties, TAIS 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 97 are directed to  
2 TAIS, TAIS denies these allegations.

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

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

10 99. Paragraph 99 consists of Plaintiff's characterization of its claims and legal  
11 conclusions, to which no response is required. To the extent that the allegations contained in  
12 Paragraph 99 relate to other Defendants and/or third parties, TAIS 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 99 are directed to  
15 TAIS, TAIS denies these allegations.

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

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

8           102.   Paragraph 102 relates to other Defendants and/or third parties to this action.  
9 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

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

21          105.   Paragraph 105 relates to other Defendants and/or third parties to this action.  
22 Accordingly, TAIS 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 TAIS, TAIS denies these  
25 allegations.

26          106.   Paragraph 106 relates to other Defendants and/or third parties to this action.  
27 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

7 108. Paragraph 108 relates to other Defendants and/or third parties to this action.  
8 Accordingly, TAIS 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 TAIS, TAIS denies these  
11 allegations.

12 109. Paragraph 109 relates to other Defendants and/or third parties to this action.  
13 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

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

27 112. To the extent that the allegations in Paragraph 112 relate to other Defendants  
28 and/or third parties, TAIS 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 TAIS, TAIS denies these allegations.

3 113. Paragraph 113 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TAIS 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 TAIS, TAIS denies these  
7 allegations.

8 114. Paragraph 114 relates to other Defendants and/or third parties to this action.  
9 Accordingly, TAIS 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 TAIS, TAIS denies these  
12 allegations.

13 115. Paragraph 115 relates to other Defendants and/or third parties to this action.  
14 Accordingly, TAIS 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 TAIS, TAIS denies these  
17 allegations.

18 116. Paragraph 116 relates to other Defendants and/or third parties to this action.  
19 Accordingly, TAIS 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 TAIS, TAIS denies these  
22 allegations.

23 117. Paragraph 117 relates to other Defendants and/or third parties to this action.  
24 Accordingly, TAIS 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 TAIS, TAIS denies these  
27 allegations.  
28

1           118. Paragraph 118 relates to other Defendants and/or third parties to this action.  
2 Accordingly, TAIS 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 TAIS, TAIS denies these  
5 allegations.

6           119. Paragraph 119 relates to other Defendants and/or third parties to this action.  
7 Accordingly, TAIS 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 TAIS, TAIS denies these  
10 allegations

11           120. Paragraph 120 relates to other Defendants and/or third parties to this action.  
12 Accordingly, TAIS 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 TAIS, TAIS denies these  
15 allegations.

16           121. Paragraph 121 relates to other Defendants and/or third parties to this action.  
17 Accordingly, TAIS 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 TAIS, TAIS denies these  
20 allegations.

21           122. Paragraph 122 relates to other Defendants and/or third parties to this action.  
22 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

4 124. Paragraph 124 relates to other Defendants and/or third parties to this action.  
5 Accordingly, TAIS 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 TAIS, TAIS denies these  
8 allegations.

9 125. Paragraph 125 relates to other Defendants and/or third parties to this action.  
10 Accordingly, TAIS 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 TAIS, TAIS denies these  
13 allegations.

14 126. Paragraph 126 relates to other Defendants and/or third parties to this action.  
15 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

25 128. Paragraph 128 relates to other Defendants and/or third parties to this action.  
26 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

7 130. Paragraph 130 relates to other Defendants and/or third parties to this action.  
8 Accordingly, TAIS 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 TAIS, TAIS denies these  
11 allegations.

12 131. Paragraph 131 relates to other Defendants and/or third parties to this action.  
13 Accordingly, TAIS 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 TAIS, TAIS denies these  
16 allegations.

17 132. Paragraph 132 relates to other Defendants and/or third parties to this action.  
18 Accordingly, TAIS 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 TAIS, TAIS denies these  
21 allegations.

22 133. Paragraph 133 relates to other Defendants and/or third parties to this action.  
23 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

3 135. Paragraph 135 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

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

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

20 139. Paragraph 139 relates to other Defendants and/or third parties to this action.  
21 Accordingly, TAIS 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 TAIS, TAIS denies these  
24 allegations.

25 140. Paragraph 140 relates to other Defendants and/or third parties to this action.  
26 Accordingly, TAIS 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 TAIS, TAIS denies these  
2 allegations.

3 141. Paragraph 141 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS  
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, TAIS 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 TAIS, TAIS denies these allegations.

20 144. Paragraph 144 relates to other Defendants and/or third parties to this action.  
21 Accordingly, TAIS 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 TAIS, TAIS denies these  
24 allegations.

25 145. Paragraph 145 relates to other Defendants and/or third parties to this action.  
26 Accordingly, TAIS 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 TAIS, TAIS denies these  
2 allegations.

3 146. Paragraph 146 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TAIS 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 TAIS, TAIS denies these  
7 allegations.

8 147. To the extent that the allegations in Paragraph 147 relate to other Defendants  
9 and/or third parties, TAIS 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 TAIS, TAIS denies these allegations.

12 148. To the extent that the allegations in Paragraph 148 relate to other Defendants  
13 and/or third parties, TAIS 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 TAIS, TAIS 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 TAIS 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 TAIS, TAIS 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 TAIS 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 TAIS, TAIS denies these allegations.

26 151. Paragraph 151 relates to other Defendants and/or third parties to this action.  
27 Accordingly, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS,  
14 TAIS denies these allegations.

15 154. Paragraph 154 relates to other Defendants and/or third parties to this action.  
16 Accordingly, TAIS 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 TAIS,  
19 TAIS 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, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS denies these allegations.

12           158. To the extent that the allegations in Paragraph 158 relate to other Defendants  
13 and/or third parties, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS 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, TAIS 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 TAIS, TAIS 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, TAIS 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               TAIS, TAIS 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, TAIS 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              TAIS, TAIS 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, TAIS 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. maintained offices in California between January 1, 1996 and December 11,  
22              2006. To the extent that the allegations contained in Paragraph 163 are directed to TAIS, TAIS  
23              denies these allegations, except admits that between January 1, 1996 and December 11, 2006,  
24              TAIS maintained offices in California.

25              164.   Paragraph 164 consists of argument, Plaintiff's characterization of its claims  
26              and/or legal conclusions, to which no response is required. To the extent that the allegations in  
27              Paragraph 164 relate to other Defendants and/or third parties, TAIS lacks knowledge or  
28

1 information sufficient to form a belief as to the truth of these allegations and, therefore, denies  
2 these allegations. To the extent that the allegations contained in Paragraph 164 are directed to  
3 TAIS, TAIS denies these allegations.

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

9 166. Paragraph 166 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 contained  
11 in Paragraph 166 relate to other Defendants and/or third parties, TAIS 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 166 are directed to  
14 TAIS, TAIS denies these allegations.

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

20 168. Paragraph 168 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 contained  
22 in Paragraph 168 relate to other Defendants and/or third parties, TAIS 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 168 are directed to  
25 TAIS, TAIS denies these allegations.

26 169. Paragraph 169 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 169 relate to other Defendants and/or third parties, TAIS 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 169 are directed to  
3 TAIS, TAIS denies these allegations.

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

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

18 172. Paragraph 172 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 contained  
20 in Paragraph 172 relate to other Defendants and/or third parties, TAIS 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 172 are directed to  
23 TAIS, TAIS denies these allegations.

24 173. Paragraph 173 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 contained  
26 in Paragraph 173 relate to other Defendants and/or third parties, TAIS 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 173 are directed to  
2 TAIS, TAIS denies these allegations.

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

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

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

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

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

25 178. Paragraph 178 consists of purported statements by government authorities and/or  
26 statements in public documents, which speak for themselves and to which no response is  
27 required. To the extent that the allegations contained in Paragraph 178 may be deemed to  
28

1 require a response from TAIS, TAIS denies these allegations, except admits that LG Display  
2 agreed to plead guilty and pay a criminal fine for its participation in a conspiracy to fix prices of  
3 TFT-LCD panels.

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

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

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

22 182. Paragraph 182 consists of purported statements by government authorities and/or  
23 statements in public documents, which speak for themselves and to which no response is  
24 required. To the extent that the allegations contained in Paragraph 182 may be deemed to  
25 require a response from TAIS, TAIS denies these allegations, except admits that Chunghwa  
26 Picture Tubes, Ltd. agreed to plead guilty and pay a criminal fine for its participation in a  
27 conspiracy to fix prices of TFT-LCD panels.  
28

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

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

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

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

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

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

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

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

20 190. Paragraph 190 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 190 relate to other Defendants and/or third parties, TAIS 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 190 are directed to  
25 TAIS, TAIS denies these allegations.

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

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

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

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

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

22           195. Paragraph 195 contains argument and legal conclusions, to which no response is  
23 required. To the extent that the allegations in Paragraph 195 relate to other Defendants and/or  
24 third parties, TAIS lacks knowledge or information sufficient to form a belief as to the truth of  
25 these allegations and, therefore, denies these allegations. To the extent that the allegations  
26 contained in Paragraph 195 are directed to TAIS, TAIS denies these allegations.  
27  
28

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

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

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

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

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

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

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

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

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

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

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

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

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

24 207. To the extent that the allegations in Paragraph 207 relate to other Defendants  
25 and/or third parties, TAIS lacks knowledge or information sufficient to form a belief as to the  
26 truth of these allegations and, therefore, denies these allegations. To the extent that the  
27 allegations contained in Paragraph 207 are directed to TAIS, TAIS denies these allegations.  
28



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

7               225.   Paragraph 225 contains argument, Plaintiff's characterization of its claims and/or  
8 legal conclusions, to which no response is required. To the extent that the allegations in  
9 Paragraph 225 relate to other Defendants and/or third parties, TAIS 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 225 are directed to  
12 TAIS, TAIS denies these allegations.

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

15              227.   Paragraph 227 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 227 relate to other Defendants and/or third parties, TAIS 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 227 are directed to  
20 TAIS, TAIS denies these allegations.

21              228.   Paragraph 228 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 228 relate to other Defendants and/or third parties, TAIS 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 228 are directed to  
26 TAIS, TAIS denies these allegations.

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

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

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

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

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

22 233. Paragraph 233 contains argument and legal conclusions, to which no response is  
23 required. To the extent that the allegations contained in Paragraph 233 relate to other  
24 Defendants and/or third parties, TAIS lacks knowledge or information sufficient to form a belief  
25 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
26 allegations contained in Paragraph 233 are directed to TAIS, TAIS denies these allegations.  
27  
28

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

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

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

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

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

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

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

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

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

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

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

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

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

26 246. Paragraph 246 contains argument, Plaintiff's characterization of its claims and/or  
27 legal conclusions, to which no response is required. To the extent that the allegations in  
28

1 Paragraph 246 relate to other Defendants and/or third parties, TAIS lacks knowledge or  
2 information sufficient to form a belief as to the truth of these allegations and, therefore, denies  
3 these allegations. To the extent that the allegations contained in Paragraph 246 are directed to  
4 TAIS, TAIS denies these allegations.

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

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

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

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



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

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

13 **VII. PLAINTIFF'S INJURIES**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 273. Paragraph 273 contains argument, Plaintiff's characterization of its claims and/or  
23 legal conclusions, to which no response is required. To the extent that the allegations in  
24 Paragraph 273 relate to other Defendants and/or third parties, TAIS lacks knowledge or  
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies  
26 these allegations. To the extent that the allegations contained in Paragraph 273 are directed to  
27 TAIS, TAIS denies these allegations.  
28

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

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

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

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

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

1           279. Paragraph 279 contains legal conclusions, to which no response is required. To  
2 the extent that the allegations contained in Paragraph 279 relate to other Defendants and/or third  
3 parties, TAIS lacks knowledge or information sufficient to form a belief as to the truth of the  
4 allegations and, therefore, denies these allegations. To the extent that the allegations contained  
5 in Paragraph 279 are directed to TAIS, TAIS denies these allegations.

6 **IX. VIOLATIONS ALLEGED**

7                                   **First Claim for Relief**  
8                                   **(Violation of Sherman Act Against All Defendants)**

9           280. TAIS hereby incorporates by reference its responses to Paragraphs 1-279 of the  
10 Complaint as set forth above.

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

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

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

284. Paragraph 284 contains argument, Plaintiff's characterization of its claims and/or legal conclusions, to which no response is required. To the extent that the allegations in Paragraph 284 relate to other Defendants and/or third parties, TAIS lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies these allegations. To the extent that the allegations contained in Paragraph 284 are directed to TAIS, TAIS denies these allegations.

285. Paragraph 285 contains argument, Plaintiff's characterization of its claims and/or legal conclusions, to which no response is required. To the extent that the allegations in Paragraph 285 relate to other Defendants and/or third parties, TAIS lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies these allegations. To the extent that the allegations contained in Paragraph 285 are directed to TAIS, TAIS denies these allegations.

286. Paragraph 286 contains argument, Plaintiff's characterization of its claims and/or legal conclusions, to which no response is required. To the extent that the allegations in Paragraph 286 relate to other Defendants and/or third parties, TAIS lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies these allegations. To the extent that the allegations contained in Paragraph 286 are directed to TAIS, TAIS denies these allegations.

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

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

288. Paragraph 288 contains argument, Plaintiff's characterization of its claims and/or legal conclusions, to which no response is required. To the extent that the allegations in Paragraph 288 relate to other Defendants and/or third parties, TAIS lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies these allegations. To the extent that the allegations contained in Paragraph 288 are directed to TAIS, TAIS denies these allegations.



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

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

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

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

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

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

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

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

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

1     **X.     PRAYER FOR RELIEF**

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

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

7                             **AFFIRMATIVE DEFENSES**

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

11                            **GENERAL DEFENSES**

12    **FIRST DEFENSE**

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

17    **SECOND DEFENSE**

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

20    **THIRD DEFENSE**

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

22    **FOURTH DEFENSE**

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

25    **FIFTH DEFENSE**

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

1 **SIXTH DEFENSE**

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

3 **SEVENTH DEFENSE**

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

6 **EIGHTH DEFENSE**

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

9 **NINTH DEFENSE**

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

11 **TENTH DEFENSE**

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

14 **ELEVENTH DEFENSE**

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

18 **TWELFTH DEFENSE**

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

21 **THIRTEENTH DEFENSE**

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

23 **FOURTEENTH DEFENSE**

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

25 **FIFTEENTH DEFENSE**

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

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

5 **SIXTEENTH DEFENSE**

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

8 **SEVENTEENTH DEFENSE**

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

13 **EIGHTEENTH DEFENSE**

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

16 **NINETEENTH DEFENSE**

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

19 **TWENTIETH DEFENSE**

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

23 **TWENTY-FIRST DEFENSE**

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

26 **TWENTY-SECOND DEFENSE**

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

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

4 **TWENTY-THIRD DEFENSE**

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

8 **TWENTY-FOURTH DEFENSE**

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

12 **TWENTY-FIFTH DEFENSE**

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

15 **TWENTY-SIXTH DEFENSE**

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

20 **TWENTY-SEVENTH DEFENSE**

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

25 **TWENTY-EIGHTH DEFENSE**

26 Plaintiff's claims are barred, in whole or in part, by the equitable doctrine of unclean  
27 hands.  
28

1 **TWENTY-NINTH DEFENSE**

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

4 **THIRTIETH DEFENSE**

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

7 **THIRTY-FIRST DEFENSE**

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

10 **THIRTY-SECOND DEFENSE**

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

15 **THIRTY-THIRD DEFENSE**

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

19 **THIRTY-FOURTH DEFENSE**

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

23 **THIRTY-FIFTH DEFENSE**

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

1 **THIRTY-SIXTH DEFENSE**

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

7 **THIRTY-SEVENTH DEFENSE**

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

11 **THIRTY-EIGHTH DEFENSE**

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

14 **THIRTY-NINTH DEFENSE**

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

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

19 **FORTIETH DEFENSE**

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

23 **FORTY-FIRST DEFENSE**

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

1 **FORTY-SECOND DEFENSE**

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

6 **FORTY-THIRD DEFENSE**

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

10 **FORTY-FOURTH DEFENSE**

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

14 **FORTY-FIFTH DEFENSE**

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

17 **FORTY-SIXTH DEFENSE**

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

22 **FORTY-SEVENTH DEFENSE**

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

25 **FORTY-EIGHTH DEFENSE**

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



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

3 **FORTY-NINTH DEFENSE**

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

9 **FIFTIETH DEFENSE**

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

15 **FIFTY-FIRST DEFENSE**

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

20 **FIFTY-SECOND DEFENSE**

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

25 **FIFTY-THIRD DEFENSE**

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

1 **FIFTY-FOURTH DEFENSE**

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

8 **FIFTY-FIFTH DEFENSE**

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

12 **FIFTY-SIXTH DEFENSE**

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

1 **TAIS'S PRAYER FOR RELIEF**

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

7 3. That the Court award TAIS 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 TAIS 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

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