

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

No. M 07-1827 SI
MDL No. 1827

_____ /
This Order Relates To:

No. C 12-0335 SI

VIEWSONIC CORPORATION,

Plaintiff,

**ORDER GRANTING PLAINTIFF
VIEWSONIC'S MOTION FOR AN
ORDER AUTHORIZING PLAINTIFF TO
SERVE DEFENDANT CHUNGHWA
PICTURE TUBES, LTD. THROUGH ITS
U.S. COUNSEL**

v.

AU OPTRONICS CORPORATION, *et al.*,

Defendants.
_____ /

Plaintiff has filed a motion to serve a foreign defendant, Chunghwa Picture Tubes, Ltd., through its U.S. counsel pursuant to Federal Rule of Civil Procedure 4(f)(3). The Court has previously heard and granted a number of similar motions in this MDL. *See, e.g.*, Order Re: Defendant Nexgen MediaTech Inc.'s Motion to Dismiss for Insufficient Service of Process; Quashing Service; and Granting Direct Purchaser Plaintiffs' Motion to Serve Nexgen Through its Counsel Under Fed. R. Civ. P. 4(f)(3), Master Docket No. 725 (Nov. 19, 2008); *see also* Master Docket Nos. 1309, 1657, 1779, 2109, 2532, 2584, 2747, 2748, 2825, 3079, 3217, 3345, 3394, 3443, 3654, 3655, 4785, 4797, 4798. Chunghwa has opposed these motions to preserve its objections to this manner of service, but has recognized this Court's inclination to permit service through its U.S. counsel.

Given the number of these motions, the Court is well acquainted with the content of Chunghwa's

1 opposition.¹ In order to save Chunghwa the time and expense of filing another opposition brief, the
2 Court rules as follows:

3 For the reasons set forth in its prior orders, the Court finds that service under Rule 4(f)(3) is both
4 available to plaintiff and appropriate in this case. *See, e.g., Rio Properties, Inc. v. Rio Intern. Interlink,*
5 284 F.3d 1007, 1014-15 (9th Cir. 2002) (holding that service of process under Rule 4(f)(3) is not a “last
6 resort,” but “merely one means among several which enables service of process on an international
7 defendant”). Further, due to Chunghwa’s active participation in this MDL for the past three years, the
8 Court finds that service through its U.S. counsel will fully comport with due process. *See FMAC Loan*
9 *Receivables v. Dagra*, 228 F.R.D. 531, 534 (E.D. Va. 2005) (finding service on defendant through his
10 attorney complied with due process because the numerous motions filed by defendant’s attorney made
11 it “abundantly clear” that the two had been in constant communication).


12 Absent further objection from Chunghwa, plaintiff may serve Chunghwa through its U.S.
13 counsel **after April 21, 2012**. If Chunghwa has a specific objection not already addressed by the prior
14 orders of this Court, it may file an opposition before that date.

15
16 **CONCLUSION**

17 For the foregoing reasons and for good cause shown, the Court hereby GRANTS plaintiff’s
18 motion to serve Chunghwa Picture Tubes, Ltd. through its U.S. counsel pursuant to Federal Rule of
19 Civil Procedure 4(f)(3). Docket No. 11 in 12-0335; Docket No. 5309 in 07-1827. Absent objection
20 from Chunghwa, plaintiff may serve Chunghwa through counsel after April 21, 2012.

21 **IT IS SO ORDERED.**

22 Dated: March 29, 2012

23 
24 _____
25 SUSAN ILLSTON
26 United States District Judge

27 _____
28 ¹Specifically, Chunghwa’s opposition briefs have argued 1) that plaintiffs have not met the requirements for invoking alternative service under Rule 4(f)(3); and 2) that service through its U.S. counsel violates due process.