

1 HOLLY A. HOUSE (SB# 136045) hollyhouse@paulhastings.com  
 2 KEVIN C. McCANN (SB# 120874) kevinmccann@paulhastings.com  
 3 SEAN D. UNGER (SB# 231694) seanunger@paulhastings.com  
 4 PAUL HASTINGS LLP  
 5 55 Second Street  
 6 Twenty-Fourth Floor  
 7 San Francisco, CA 94105-3441  
 8 Telephone: (415) 856-7000  
 9 Facsimile: (415) 856-7100

10 LEE F. BERGER (SB# 222756) leeberger@paulhastings.com  
 11 PAUL HASTINGS LLP  
 12 875 15th Street, N.W.  
 13 Washington, DC 20005  
 14 Telephone: (202) 551-1772  
 15 Facsimile: (202) 551-0172

16 Attorneys for Defendants  
 17 LG Display Co., Ltd. and LG Display America, Inc.

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN FRANCISCO DIVISION

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

Case No. 3:12-cv-00335 SI

Case No. M 07-md-01827 SI

MDL No. 1827

23 This Document Relates to Individual Case  
 24 No. 12-cv-00335 SI:

25 VIEWSONIC CORPORATION,

26 Plaintiff,

27 vs.

28 AU OPTRONICS CORPORATION, et al.,

Defendants.

**STIPULATION AND ~~PROPOSED~~  
 ORDER INCORPORATING AND  
 APPLYING BRIEFING FROM OTHER  
 MDL CASES INTO VIEWSONIC  
 CORPORATION'S MOTION TO DISMISS  
 DEFENDANTS LG DISPLAY CO., LTD.  
 AND LG DISPLAY AMERICA, INC.'S  
 COUNTERCLAIMS AND DEFENSES  
 CONCERNING DUPLICATIVE  
 RECOVERY**

Judge: Honorable Susan Y. Illston

Case No. 3:12-cv-00335 SI  
 Case No. M 07-1827 SI

STIPULATION AND [PROPOSED] ORDER  
 INCORPORATING AND APPLYING  
 BRIEFING FROM OTHER MDL CASES

1 Plaintiff ViewSonic Corporation (“Plaintiff”) and Defendants LG Display Co., Ltd. and  
2 LG Display America, Inc. (collectively, “LG Display”) stipulate as follows:

3 WHEREAS, Plaintiff filed a Second Amended Complaint (the “Complaint”) in Case No.  
4 3:12-cv-0335 SI (N.D. Cal.) on October 8, 2012;

5 WHEREAS, Defendants filed a Motion to Dismiss the Complaint (the “Motion”) on  
6 October 22, 2012 (MDL Dkt. No. 7023);

7 WHEREAS, the Court granted the Motion in part and denied it in part on November 28,  
8 2012 (MDL Dkt. No. 7255);

9 WHEREAS, LG Display answered the Complaint and asserted counterclaims for  
10 declaratory relief and certain affirmative defenses relating to issues of “duplicative recovery” (the  
11 “Counterclaims”) on December 19, 2012 (MDL Dkt. No. 7384);

12 WHEREAS, Plaintiff intends to file a motion to dismiss the Counterclaims;

13 WHEREAS, the Court has granted motions to dismiss the Counterclaims in other cases,  
14 *see* D.I. 5795 (Court’s order denying leave to amend LG Display’s Answers to include the  
15 Counterclaims in various other TFT-LCD panel litigation MDL actions); D.I. 6833 (Court’s order  
16 granting several direct action plaintiffs’ motion to dismiss LG Display’s counterclaims and strike  
17 their defenses regarding duplicative recovery); D.I. 7512 (Court’s order granting Rockwell’s  
18 motion to dismiss LG Display’s counterclaims and strike their defenses regarding duplicative  
19 recovery) (together the “Orders”);

20 WHEREAS, a similar motion to dismiss the Counterclaims is currently before the Court  
21 in the *Tech Data* case, 3:11-cv-05765-SI, D.I. 7090;

22 WHEREAS, LG Display wishes to preserve its right to appeal the Court’s ruling that its  
23 duplicative recovery defenses and counterclaims have no legal basis, *see* Orders (finding that LG  
24 Display had not provided a legal basis for its proposed “violation of laws of duplicative recovery”  
25 defenses or its related counterclaims);

26 WHEREAS, the parties seek to avoid further briefing in this case regarding the  
27 Counterclaims, and thus seek to have the Court rule on Plaintiff’s motion to dismiss on the basis  
28 of prior briefing and without a hearing;

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiff and  
2 LG Display, by and through their respective undersigned counsel, as follows:

3 1. The parties agree that Plaintiff will file its Notice of Motion to Dismiss referencing  
4 this stipulation;

5 2. The parties agree that the following documents will be incorporated and applied in  
6 this case for purposes of briefing on Plaintiff's motion to dismiss:

7 a. D.I. 7090 (Tech Data's motion to dismiss LG Display's counterclaims and  
8 defenses regarding duplicative recovery) will be considered in place of  
9 Plaintiff's Memorandum of Law in Support of its Motion to Dismiss;

10 b. D.I. 7290 (LG Display's opposition to Tech Data's motion to dismiss LG  
11 Display's counterclaims and defenses regarding duplicative recovery) will  
12 be considered in place of LG Display's Opposition to Plaintiff's Motion to  
13 Dismiss;

14 c. D.I. 7409 (Tech Data's reply in support of its motion to dismiss LG  
15 Display's counterclaims and defenses regarding duplicative recovery) will  
16 be considered in place of Plaintiff's Reply in Support of its Motion to  
17 Dismiss.

18 3. The parties agree that no further briefing on the Counterclaims will be necessary;  
19 and

20 4. The Court may decide Plaintiff's motion to dismiss without a hearing based on this  
21 stipulation and the briefing incorporated herein.

22 5. In the event the Court grants Plaintiff's motion to dismiss, Plaintiff agrees that LG  
23 Display has preserved its ability to challenge such order in the event of an appeal.



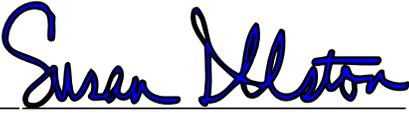
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Pursuant to General Order No. 45, § X-B, the filer attests that concurrence in the filing of this document has been obtained from each of the above signatories.

**[PROPOSED] ORDER**

In accordance with the parties' stipulation set forth above, IT IS SO ORDERED.

Dated: 1/17, 2013

By:   
Hon. Susan Illston  
United States District Judge

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