

Nos. 12-10500, 12-10514
(consolidated with Nos. 12-10492, 12-10493)

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

United States of America,

Plaintiff-Appellee,

v.

AU Optronics Corporation,

Defendant-Appellant.

United States of America,

Plaintiff-Appellee,

v.

AU Optronics Corporation America,

Defendant-Appellant.

On Appeal from the United States District Court for the
Northern District of California, No. 3:09-cr-00110-SI
District Judge Susan Illston

**MOTION TO FILE AMICUS LETTER BRIEF OF THE MINISTRY OF
ECONOMIC AFFAIRS OF THE REPUBLIC OF CHINA IN SUPPORT OF
DEFENDANT AUO'S PETITION FOR PANEL REHEARING**

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Attorney for Amicus

The Ministry of Economic Affairs of the Republic of China

Pursuant to Federal Rule of Procedure 29 and Ninth Circuit Rule 29-2, the Ministry of Economic Affairs of the Republic of China moves for leave to file the attached amicus letter brief in support of AUO's petition for panel rehearing, filed on August 25, 2014, concerning the fine of \$500 million imposed by the district court in this matter. The Ministry is in charge of all economic administration and development affairs in Taiwan. As such, it has a substantial interest in the fact that AU Optronics, a Taiwanese corporation, was subjected to a massive fine that affects business activities in Taiwan.

Counsel for a party did not author the enclosed amicus brief letter in whole or in part, nor did a party contribute money to the preparation or filing of the amicus letter.

The parties have been contacted and have no objection to filing this amicus letter.

Dated: September 4, 2014

Respectfully Submitted,

/s/

MARC J. ZILVERSMIT
Attorney for Amicus
The Ministry of Economic Affairs
of the Republic of China

CERTIFICATE OF SERVICE
When All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on September 4, 2014 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature: /s/
Marc Zilversmit

CERTIFICATE OF SERVICE
When Not All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on _____, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature: _____



MINISTRY OF ECONOMIC AFFAIRS
REPUBLIC OF CHINA
15, FU-ZHOU STREET
TAIPEI, TAIWAN

TEL: 886-2-23212200
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September 2, 2014

Molly C. Dwyer
Clerk of Court
U.S. Court of Appeals for the Ninth Circuit
95 7th Street
San Francisco, California 94103

Re: United States v. Hsiung, et al., No. 12-10492

Dear Ms. Dwyer:

The Ministry of Economic Affairs of the Republic of China is in charge of all economic administration and development affairs in Taiwan.

In *United States v. Hsiung*, the Court of Appeals affirmed the District Court's ruling to fine US\$500 million on AU Optronics. The decision of this case concerns us because it directly impacts business activities in Taiwan.

The Court stated in its written statement that the affirmation of the defendants' convictions and fine was based solely on the minimal *direct* sales of raw LCD panels into the United States (Slip op. at 7, 36, 42.). It is to our understanding, that the degree of penalty should appropriately reflect the actual criminal activities confirmed by investigations and examinations. The degree of penalty should not, however, exceed the confirmed range of the fact to expand the applicability of the penalties. We believe this is a ground commonly shared by every country in the enforcement of their respective antitrust laws for economic justice.

In consideration of the close and long-lasting economic partnership between the United States and the Republic of China, we sincerely hope that our understanding of the Court's opinion will receive proper attention by the Court, and that the Court will reconsider its final decision regarding the sentences.

Sincerely,

Woody T. J. Duh
Minister