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18 AU OPTRONICS CORPORATION AMERICA

19
20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

22 UNITED STATES OF AMERICA,
23 Plaintiff,
24 v.
25 AU OPTRONICS CORPORATION, *et al.*,
26 Defendants.

Case No. CR-09-0110 (SI)

**(PROPOSED) ORDER GRANTING AUO
DEFENDANTS’ MOTION IN LIMINE TO
EXCLUDE OVERCHARGE TESTIMONY
OF PROPOSED EXPERT KEITH LEFFLER,
Ph.D.**

Date: February 13, 2012
Time: 8:30 a.m.
Judge: Hon. Susan Illston
Place: Courtroom 10, 19th Floor

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Before this Court is Defendants AU Optronics Corporation’s and AU Optronics Corporation America’s (collectively “AUO”) motion in limine to exclude Dr. Keith Leffler’s opinion because his regression methodology and results are not reliable under Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Specifically, the overcharge estimated by his regression analysis is not statistically significant to the level generally accepted by economists, by statisticians and by controlling case authority. Therefore, any testimony based on that estimated overcharge—and the resultant total “loss” calculated on the basis of that estimate—is insufficiently reliable. The Court grants AUO’s request for judicial notice of the documents attached to the Declaration of Michael F. Healy.

Having considered all of the papers submitted and argument, and good cause appearing,
IT IS HEREBY ORDERED that Dr. Leffler’s testimony shall be excluded.

Dated: _____

The Honorable Susan Illston
United States District Judge