

UNITED STATES DISTRICT COURT

Northern

District of

California

UNITED STATES OF AMERICA  
V.

JUDGMENT IN A CRIMINAL CASE  
(For Organizational Defendants)

AMERICA AU OPTRONICS CORPORATION

CASE NUMBER: CR 09-00110-11 SI

K.C. Maxwell and John Cline, Retained  
Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

- pleaded guilty to count(s) \_\_\_\_\_
- pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- was found guilty on count(s) One  
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
15 U.S.C. § 1	Price Fixing	December 2006	One

The defendant organization is sentenced as provided in pages 2 5 of this judgment.

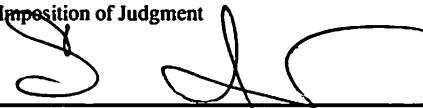
- The defendant organization has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's  
Federal Employer I.D. No.: 77-0553316

Defendant Organization's Principal Business Address:  
1525 McCarthy Boulevard, Suite 218  
Milpitas, California

Defendant Organization's Mailing Address:  
1525 McCarthy Boulevard, Suite 218  
Milpitas, California

September 20, 2012  
Date of Imposition of Judgment  
  
Signature of Judge

Honorable Susan Illston, U.S. District Judge  
Name and Title of Judge

10/1/12  
Date

DEFENDANT ORGANIZATION: AU Optronics Corporation America  
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### PROBATION

The defendant organization is hereby sentenced to probation for a term of :

Three (3) years

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

### STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: AU Optronics Corporation America  
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**SPECIAL CONDITIONS OF SUPERVISION**

1) AU Optronics Corporation America shall develop, adopt, and implement an effective compliance and ethics program. Such a program shall establish standards and procedures to prevent and detect criminal conduct. AU Optronics Corporation America shall notify its employees and shareholders of its criminal behavior and its effective compliance and ethics program. All aspects of the program shall be reported to the probation officer as directed and quarterly reports detailing the organization’s progress shall be submitted to ensure compliance.

2) AUO/AUOA are required to hire, at their expense, an independent monitor within sixty (60) calendar days of the date of sentencing, to monitor AUO/AUOA’s antitrust compliance program for the period of their probation supervision. Within thirty (30) calendar days after the date of sentencing, AUO/AUOA shall recommend to the Probation Office and the United States Department of Justice, Antitrust Division, San Francisco Field Office a pool of three qualified monitor candidates and provide to the Probation Office and the Antitrust Division a description of each candidate's qualifications and credentials. After consultation with the Antitrust Division, the Probation Office, in its sole discretion, shall either select one of the candidates nominated by AUO/AUOA to serve as the monitor, select an alternative-qualified monitor of its own choosing, or instruct AUO/AUOA to propose three additional candidates for selection pursuant to the process set forth above. The monitor shall not be an employee or agent of AUO/AUOA and shall not hold any interest in, or have any relationship with, AUO/AUOA or their directors, officers, employees, agents, or business partners. The monitor shall provide quarterly reports to the probation office regarding antitrust compliance.



DEFENDANT ORGANIZATION: AU Optronics Corporation America  
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**SCHEDULE OF PAYMENTS**

Having assessed the organization’s ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 400 due immediately, balance due
  - not later than September 20, 2012, or
  - in accordance with  C or  D below; or
- B  Payment to begin immediately (may be combined with  C or  D below); or
- C  Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D Special instructions regarding the payment of criminal monetary penalties:

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant organization shall pay the cost of prosecution.
- The defendant organization shall pay the following court cost(s):
- The defendant organization shall forfeit the defendant organization’s interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.