

1 Wayne A. Cross (*pro hac vice*)  
John H. Chung (*pro hac vice*)  
2 Kristen J. McAhren (*pro hac vice*)  
WHITE & CASE LLP  
3 1155 Avenue of the Americas  
New York, NY 10036  
4 Telephone: (212) 819-8200  
Facsimile: (212) 354-8113  
5

6 *Attorneys for Toshiba Corporation, Toshiba*  
*Matsushita Display Technology Co., Ltd.,*  
7 *Toshiba America Electronic Components, Inc.*  
*and Toshiba America Information Systems,*  
8 *Inc.*

9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 IN RE: TFT-LCD (FLAT PANEL)  
13 ANTITRUST LITIGATION  
14  
15 This Document Relates to:  
16 ALL CASES  
17

No. M 07-1827 SI  
MDL No. 1827

**TOSHIBA CORPORATION'S  
ANSWER TO SECOND AMENDED  
DIRECT PURCHASER PLAINTIFFS'  
CONSOLIDATED COMPLAINT**

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Defendant Toshiba Corporation (“TSB”), by its undersigned attorneys, for its Answer to  
2 the Second Amended Direct Purchaser Plaintiffs’ Consolidated Complaint (the “Complaint”),  
3 dated March 3, 2009, states as follows:

4 **I. INTRODUCTION**

5 1. Paragraph 1 consists of Plaintiffs’ characterization of their claims and Plaintiffs’  
6 explanation of defined terms used in their Complaint, to which no response is required. TSB  
7 specifically objects to Plaintiffs’ definition of “TFT-LCD Products,” and the use of this term  
8 throughout the Complaint, because this definition includes products at different levels of the  
9 production chain and creates confusion. To the extent that the remainder of the allegations  
10 contained in Paragraph 1 may be deemed to require a response from TSB, TSB denies these  
11 allegations, except admits that TFT-LCD panels are used in a number of finished products,  
12 including, but not limited to, computer monitors, televisions and cellular phones.

13 2. To the extent that the allegations contained in Paragraph 2 relate to other Defendants,  
14 TSB lacks knowledge or information sufficient to form a belief as to the truth of these  
15 allegations and, therefore, denies these allegations. To the extent that the allegations contained  
16 in Paragraph 2 are directed to TSB, TSB denies these overly generic and simplistic statements,  
17 except admits that the statements generally describe some basic aspects relating to the  
18 manufacture of TFT-LCD panels, modules and finished products.

19 3. To the extent that the allegations contained in Paragraph 3 relate to other Defendants,  
20 TSB lacks knowledge or information sufficient to form a belief as to the truth of these  
21 allegations and, therefore, denies these allegations. To the extent that the allegations contained  
22 in Paragraph 3 are directed to TSB, TSB denies these allegations, except admits that TFT-LCD  
23 panels are oftentimes manufactured in fabrication plants, or “fabs.”

24 4. To the extent that the allegations contained in Paragraph 4 relate to other Defendants,  
25 TSB lacks knowledge or information sufficient to form a belief as to the truth of these  
26 allegations and, therefore, denies these allegations. To the extent that the allegations contained  
27 in Paragraph 4 are directed to TSB, TSB denies these allegations.  
28

1 5. To the extent that the allegations contained in Paragraph 5 relate to other Defendants,  
2 TSB lacks knowledge or information sufficient to form a belief as to the truth of these  
3 allegations and, therefore, denies these allegations. To the extent that the allegations contained  
4 in Paragraph 5 are directed to TSB, TSB denies these allegations.

## 5 **II. JURISDICTION AND VENUE**

6 6. Paragraph 6 consists of legal conclusions, to which no response is required. To the  
7 extent that the allegations contained in Paragraph 6 may be deemed to require a response from  
8 TSB, TSB denies these allegations, except admits that Plaintiffs have filed an action to obtain  
9 certain relief and damages.

10 7. Paragraph 7 consists of legal conclusions, to which no response is required. To the  
11 extent that the allegations contained in Paragraph 7 may be deemed to require a response from  
12 TSB, TSB denies these allegations.

13 8. Paragraph 8 consists of legal conclusions, to which no response is required. To the  
14 extent that the allegations contained in Paragraph 8 may be deemed to require a response from  
15 TSB, TSB denies these allegations.

16 9. Paragraph 9 consists of legal conclusions, to which no response is required. To the  
17 extent that the allegations contained in Paragraph 9 may be deemed to require a response from  
18 TSB, TSB denies these allegations.

## 19 **III. PARTIES**

### 20 **A. Plaintiffs**

21 10. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
22 allegations contained in Paragraph 10 and, therefore, denies these allegations.

23 11. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
24 allegations contained in Paragraph 11 and, therefore, denies these allegations.

25 12. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
26 allegations contained in Paragraph 12 and, therefore, denies these allegations.

27 13. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
28 allegations contained in Paragraph 13 and, therefore, denies these allegations.

1 14. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
2 allegations contained in Paragraph 14 and, therefore, denies these allegations.

3 15. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
4 allegations contained in Paragraph 15 and, therefore, denies these allegations.

5 16. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
6 allegations contained in Paragraph 16 and, therefore, denies these allegations.

7 17. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
8 allegations contained in Paragraph 17 and, therefore, denies these allegations.

9 18. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
10 allegations contained in Paragraph 18 and, therefore, denies these allegations.

11 19. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
12 allegations contained in Paragraph 19 and, therefore, denies these allegations.

13 20. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
14 allegations contained in Paragraph 20 and, therefore, denies these allegations.

15 21. TSB lacks knowledge or information sufficient to form a belief as to the truth of the  
16 allegations contained in Paragraph 21 and, therefore, denies these allegations.

17 **B. Japanese Defendants**

18 **1. Epson America**

19 22. Paragraph 22 relates to another Defendant. Accordingly, TSB lacks knowledge or  
20 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22  
21 and, therefore, denies these allegations.

22 **2. Hitachi**

23 23. Paragraph 23 relates to another Defendant. Accordingly, TSB lacks knowledge or  
24 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23  
25 and, therefore, denies these allegations.

26 24. Paragraph 24 relates to another Defendant. Accordingly, TSB lacks knowledge or  
27 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24  
28 and, therefore, denies these allegations.

1           25. Paragraph 25 relates to another Defendant. Accordingly, TSB lacks knowledge or  
2 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25  
3 and, therefore, denies these allegations.

4           26. Paragraph 26 consists of Plaintiffs' explanation of a defined term used in their  
5 Complaint, to which no response is required. To the extent that the allegations contained in  
6 Paragraph 26 may be deemed to require a response from TSB, TSB denies these allegations.

7           **3. Sharp**

8           27. Paragraph 27 relates to another Defendant. Accordingly, TSB lacks knowledge or  
9 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27  
10 and, therefore, denies these allegations.

11           28. Paragraph 28 relates to another Defendant. Accordingly, TSB lacks knowledge or  
12 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28  
13 and, therefore, denies these allegations.

14           29. Paragraph 29 consists of Plaintiffs' explanation of a defined term used in their  
15 Complaint, to which no response is required. To the extent that the allegations contained in  
16 Paragraph 29 may be deemed to require a response from TSB, TSB denies these allegations.

17           **4. Toshiba**

18           30. TSB denies each and every allegation contained in Paragraph 30, except admits  
19 that TSB is a Japanese company with its principal place of business at 1-1, Shibaura 1-chome,  
20 Minato-ku, Tokyo 105-8001, Japan; admits that TSB participates in the Toshiba Matsushita  
21 Display Technology Co., Ltd. and IPS Alpha Technology, Ltd. joint ventures; and that TSB  
22 manufactured, sold, and/or distributed TFT-LCD panels and products containing TFT-LCD  
23 panels only during a portion of the Class Period. Specifically, TSB denies having sold or  
24 distributed TFT-LCD panels or products containing TFT-LCD panels to customers throughout  
25 the United States during the Class Period, as TSB did not sell TFT-LCD panels or products  
26 containing TFT-LCD panels directly to customers in the United States. TSB further denies  
27 manufacturing, selling or distributing TFT-LCD panels after 2006, when it ceased  
28 manufacturing TFT-LCD panels.

1           31. Paragraph 31 relates to another Defendant. Accordingly, TSB lacks knowledge or  
2 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31  
3 and, therefore, denies these allegations, except TSB is admits that Toshiba America Electronic  
4 Components, Inc. is a California corporation with its principal place of business at 19900  
5 MacArthur Boulevard, Suite 400, Irvine, California; and that during a portion of the Class  
6 Period, Toshiba America Electronic Components, Inc. sold TFT-LCD panels manufactured by  
7 TSB and Toshiba Matsushita Display Technology Co., Ltd. to customers in the United States.

8           32. Paragraph 32 relates to another Defendant. Accordingly, TSB lacks knowledge or  
9 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32  
10 and, therefore, denies these allegations, except TSB admits that Toshiba America Information  
11 Systems, Inc. is a California corporation with its principal place of business at 9740 Irvine  
12 Boulevard, Irvine, California; and that during a portion of the Class Period, Toshiba America  
13 Information Systems, Inc. sold products manufactured or marketed by TSB containing TFT-  
14 LCD panels to customers in the United States.

15           33. Paragraph 33 consists of Plaintiffs' explanation of a defined term used in their  
16 Complaint, to which no response is required. To the extent that the allegations contained in  
17 Paragraph 33 may be deemed to require a response from TSB, TSB denies these allegations.

18           **5. Toshiba Matsushita**

19           34. Paragraph 34 relates to another Defendant. Accordingly, TSB lacks knowledge or  
20 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34  
21 and, therefore, denies these allegations, except TSB admits that Toshiba Matsushita Display  
22 Technology Co., Ltd. is a Japanese company with its principal place of business at Rivage  
23 Shinagawa, 1-8, Konan 4-chome, Minato-ku, Tokyo 108-0075, Japan; that Toshiba Matsushita  
24 Display Technology Co., Ltd. is a joint venture between TSB and Panasonic Corporation.

1 **C. Korean Defendants**

2 **1. LG Display**

3 35. Paragraph 35 relates to another Defendant. Accordingly, TSB lacks knowledge or  
4 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35  
5 and, therefore, denies these allegations.

6 36. Paragraph 36 relates to another Defendant. Accordingly, TSB lacks knowledge or  
7 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36  
8 and, therefore, denies these allegations.

9 37. Paragraph 37 consists of Plaintiffs' explanation of a defined term used in their  
10 Complaint, to which no response is required. To the extent that the allegations contained in  
11 Paragraph 37 may be deemed to require a response from TSB, TSB denies these allegations.

12 **2. Samsung**

13 38. Paragraph 38 relates to another Defendant. Accordingly, TSB lacks knowledge or  
14 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38  
15 and, therefore, denies these allegations.

16 39. Paragraph 39 relates to another Defendant. Accordingly, TSB lacks knowledge or  
17 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39  
18 and, therefore, denies these allegations.

19 40. Paragraph 40 relates to another Defendant. Accordingly, TSB lacks knowledge or  
20 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40  
21 and, therefore, denies these allegations.

22 41. Paragraph 41 consists of Plaintiffs' explanation of a defined term used in their  
23 Complaint, to which no response is required. To the extent that the allegations contained in  
24 Paragraph 41 may be deemed to require a response from TSB, TSB denies these allegations.

1 **D. Taiwanese Defendants**

2 **1. AU Optronics**

3 42. Paragraph 42 relates to another Defendant. Accordingly, TSB lacks knowledge or  
4 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42  
5 and, therefore, denies these allegations.

6 43. Paragraph 43 relates to another Defendant. Accordingly, TSB lacks knowledge or  
7 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43  
8 and, therefore, denies these allegations.

9 44. Paragraph 44 consists of Plaintiffs' explanation of a defined term used in their  
10 Complaint, to which no response is required. To the extent that the allegations contained in  
11 Paragraph 44 may be deemed to require a response from TSB, TSB denies these allegations.

12 **2. Chi Mei**

13 45. Paragraph 45 relates to another Defendant. Accordingly, TSB lacks knowledge or  
14 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45  
15 and, therefore, denies these allegations.

16 46. Paragraph 46 relates to another Defendant. Accordingly, TSB lacks knowledge or  
17 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46  
18 and, therefore, denies these allegations.

19 47. Paragraph 47 relates to another Defendant. Accordingly, TSB lacks knowledge or  
20 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47  
21 and, therefore, denies these allegations.

22 48. Paragraph 48 relates to another Defendant. Accordingly, TSB lacks knowledge or  
23 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48  
24 and, therefore, denies these allegations.

25 49. Paragraph 49 relates to another Defendant. Accordingly, TSB lacks knowledge or  
26 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49  
27 and, therefore, denies these allegations.



1 50. Paragraph 50 relates to another Defendant. Accordingly, TSB lacks knowledge or  
2 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50  
3 and, therefore, denies these allegations.

4 51. Paragraph 51 consists of Plaintiffs' explanation of a defined term used in their  
5 Complaint, to which no response is required. To the extent that the allegations contained in  
6 Paragraph 51 may be deemed to require a response from TSB, TSB denies these allegations.

7 **3. Chunghwa**

8 52. Paragraph 52 relates to another Defendant. Accordingly, TSB lacks knowledge or  
9 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52  
10 and, therefore, denies these allegations.

11 53. Paragraph 53 relates to another Defendant. Accordingly, TSB lacks knowledge or  
12 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53  
13 and, therefore, denies these allegations.

14 54. Paragraph 54 consists of Plaintiffs' explanation of a defined term used in their  
15 Complaint, to which no response is required. To the extent that the allegations contained in  
16 Paragraph 54 may be deemed to require a response from TSB, TSB denies these allegations.

17 **4. HannStar**

18 55. Paragraph 55 relates to another Defendant. Accordingly, TSB lacks knowledge or  
19 information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55  
20 and, therefore, denies these allegations.

21 **IV. AGENTS AND CO-CONSPIRATORS**

22 56. To the extent that the allegations contained in Paragraph 56 relate to other  
23 Defendants, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
24 these allegations and, therefore, denies these allegations. To the extent that the allegations  
25 contained in Paragraph 56 are directed to TSB, TSB denies these allegations.

26 57. To the extent that the allegations contained in Paragraph 57 relate to other  
27 Defendants, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
28

1 these allegations and, therefore, denies these allegations. To the extent that the allegations  
2 contained in Paragraph 57 are directed to TSB, TSB denies these allegations.

3 58. Paragraph 58 relates to third parties to this action. Accordingly, TSB lacks  
4 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
5 in Paragraph 58 and, therefore, denies these allegations.

6 59. Paragraph 59 relates to a third party to this action. Accordingly, TSB lacks  
7 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
8 in Paragraph 59 and, therefore, denies these allegations.

9 60. Paragraph 60 relates to a third party to this action. Accordingly, TSB lacks  
10 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
11 in Paragraph 60 and, therefore, denies these allegations.

12 61. Paragraph 61 relates to a third party to this action. Accordingly, TSB lacks  
13 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
14 in Paragraph 61 and, therefore, denies these allegations, except admits that TSB participated in  
15 the formation of IPS Alpha Technology, Ltd.

16 62. Paragraph 62 relates to a third party to this action. Accordingly, TSB lacks  
17 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
18 in Paragraph 62 and, therefore, denies these allegations.

19 63. Paragraph 63 relates to a third party to this action. Accordingly, TSB lacks  
20 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
21 in Paragraph 63 and, therefore, denies these allegations.

22 64. Paragraph 64 relates to a third party to this action. Accordingly, TSB lacks  
23 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
24 in Paragraph 64 and, therefore, denies these allegations.

25 65. Paragraph 65 relates to a third party to this action. Accordingly, TSB lacks  
26 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
27 in Paragraph 65 and, therefore, denies these allegations, except TSB is generally aware that  
28

1 Panasonic Corporation holds ownership interests in Toshiba Matsushita Display Technology  
2 Co., Ltd. and IPS Alpha Technology, Ltd.

3 66. Paragraph 66 relates to a third party to this action. Accordingly, TSB lacks  
4 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
5 in Paragraph 66 and, therefore, denies these allegations.

#### 6 **V. CLASS ACTION ALLEGATIONS**

7 67. Paragraph 67 consists of Plaintiffs' characterization of their claims, to which no  
8 response is required. To the extent that the allegations contained in Paragraph 67 may be  
9 deemed to require a response from TSB, TSB denies these allegations. TSB further denies that  
10 this action can properly be maintained as a class action on behalf of the purported class or  
11 otherwise.

12 68. Paragraph 68 consists of Plaintiffs' characterization of their claims, to which no  
13 response is required. To the extent that the allegations contained in Paragraph 68 may be  
14 deemed to require a response from TSB, TSB denies these allegations. TSB further denies that  
15 this action can properly be maintained as a class action on behalf of the purported class or  
16 otherwise.

17 69. Paragraph 69 consists of Plaintiffs' characterization of their claims, to which no  
18 response is required. To the extent that the allegations contained in Paragraph 69 may be  
19 deemed to require a response from TSB, TSB denies these allegations. TSB further denies that  
20 this action can properly be maintained as a class action on behalf of the purported class or  
21 otherwise.

22 70. Paragraph 70 consists of Plaintiffs' characterization of their claims and legal  
23 conclusions, to which no response is required. To the extent that the allegations in Paragraph 70  
24 may be deemed to require a response from TSB, TSB denies these allegations. TSB further  
25 denies that this action can properly be maintained as a class action on behalf of the purported  
26 class or otherwise.

27 71. Paragraph 71 consists of Plaintiffs' characterization of their claims and legal  
28 conclusions, to which no response is required. To the extent that the allegations in Paragraph 71

1 may be deemed to require a response from TSB, TSB denies these allegations. TSB further  
2 denies that this action can properly be maintained as a class action on behalf of the purported  
3 class or otherwise.

4 72. Paragraph 72 consists of Plaintiffs' characterization of their claims and legal  
5 conclusions, to which no response is required. To the extent that the allegations in Paragraph 72  
6 may be deemed to require a response from TSB, TSB denies these allegations. TSB further  
7 denies that this action can properly be maintained as a class action on behalf of the purported  
8 class or otherwise.

9 73. Paragraph 73 consists of Plaintiffs' characterization of their claims and legal  
10 conclusions, to which no response is required. To the extent that the allegations in Paragraph 73  
11 may be deemed to require a response from TSB, TSB denies these allegations. TSB further  
12 denies that this action can properly be maintained as a class action on behalf of the purported  
13 class or otherwise.

14 74. Paragraph 74 consists of Plaintiffs' characterization of their claims and legal  
15 conclusions, to which no response is required. To the extent that the allegations in Paragraph 74  
16 may be deemed to require a response from TSB, TSB denies these allegations. TSB further  
17 denies that this action can properly be maintained as a class action on behalf of the purported  
18 class or otherwise.

19 75. Paragraph 75 consists of Plaintiffs' characterization of their claims and legal  
20 conclusions, to which no response is required. To the extent that the allegations in Paragraph 75  
21 may be deemed to require a response from TSB, TSB denies these allegations. TSB further  
22 denies that this action can properly be maintained as a class action on behalf of the purported  
23 class or otherwise.

24 76. Paragraph 76 consists of Plaintiffs' characterization of their claims and legal  
25 conclusions, to which no response is required. To the extent that the allegations in Paragraph 76  
26 may be deemed to require a response from TSB, TSB denies these allegations. TSB further  
27 denies that this action can properly be maintained as a class action on behalf of the purported  
28 class or otherwise.

1 **VI. TRADE AND COMMERCE**

2 77. Paragraph 77 consists of legal conclusions, to which no response is required. To the  
3 extent that the allegations contained in Paragraph 77 relate to other Defendants, TSB lacks  
4 knowledge or information sufficient to form a belief as to the truth of these allegations and,  
5 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 77  
6 are directed to TSB, TSB denies these allegations.

7 78. Paragraph 78 consists of legal conclusions, to which no response is required. To the  
8 extent that the allegations contained in Paragraph 78 relate to other Defendants, TSB lacks  
9 knowledge or information sufficient to form a belief as to the truth of these allegations and,  
10 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 78  
11 are directed to TSB, TSB denies these allegations.

12 79. Paragraph 79 consists of legal conclusions, to which no response is required. To the  
13 extent that the allegations contained in Paragraph 79 relate to other Defendants, TSB lacks  
14 knowledge or information sufficient to form a belief as to the truth of these allegations and,  
15 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 79  
16 are directed to TSB, TSB denies these allegations.

17 **VII. FACTUAL ALLEGATIONS**

18 **A. TFT-LCD Technology**

19 80. To the extent that the allegations contained in Paragraph 80 relate to other  
20 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
21 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
22 allegations contained in Paragraph 80 are directed to TSB, TSB denies these allegations, except  
23 TSB is generally aware of prior applications for TFT-LCD technology.

24 81. To the extent that the allegations contained in Paragraph 81 relate to other  
25 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
26 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
27 allegations contained in Paragraph 81 are directed to TSB, TSB denies these allegations, except  
28 TSB is generally aware of the basic structure of TFT-LCD panels.

1 82. To the extent that the allegations contained in Paragraph 82 relate to other  
2 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
3 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
4 allegations contained in Paragraph 82 are directed to TSB, TSB denies these allegations, except  
5 TSB is generally aware of active matrix LCD technology.

6 83. To the extent that the allegations contained in Paragraph 83 relate to other  
7 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
8 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
9 allegations contained in Paragraph 83 are directed to TSB, TSB denies these allegations.

10 84. To the extent that the allegations contained in Paragraph 84 relate to other  
11 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
12 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
13 allegations contained in Paragraph 84 are directed to TSB, TSB denies these allegations, except  
14 TSB admits that TFT-LCD panels are used as components in cell phones, personal digital  
15 assistants, and cameras.

16 85. To the extent that the allegations contained in Paragraph 85 relate to other  
17 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
19 allegations contained in Paragraph 85 are directed to TSB, TSB denies these allegations.

20 **B. Structure of TFT-LCD Industry**

21 86. TSB denies each and every allegation contained in Paragraph 86.

22 **1. Market Concentration**

23 87. To the extent that the allegations contained in Paragraph 87 relate to other  
24 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
25 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
26 allegations contained in Paragraph 87 are directed to TSB, TSB denies these allegations.

27 88. To the extent that the allegations contained in Paragraph 88 relate to other  
28 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
2 allegations contained in Paragraph 88 are directed to TSB, TSB denies these allegations.

### 3 **2. Information Sharing**

4 89. To the extent that the allegations contained in Paragraph 89 relate to other  
5 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
6 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
7 allegations contained in Paragraph 89 are directed to TSB, TSB denies these allegations.

8 90. To the extent that the allegations contained in Paragraph 90 relate to other  
9 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
10 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
11 allegations contained in Paragraph 90 are directed to TSB, TSB denies these allegations.

### 12 **3. Consolidation**

13 91. To the extent that the allegations contained in Paragraph 91 relate to other  
14 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
15 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
16 allegations contained in Paragraph 91 are directed to TSB, TSB denies these allegations, except  
17 admits that Toshiba Matsushita Display Technology Co., Ltd. was formed in 2002 by TSB and  
18 Matsushita Electric Industrial Co., Ltd.; and admits that IPS Alpha Technology, Ltd. was formed  
19 in 2005 by Hitachi Displays, Ltd., Matsushita Electric Industrial Co., Ltd. and TSB.

### 20 **4. Multiple Interrelated Business Relationships**

21 92. To the extent that the allegations contained in Paragraph 92 relate to other  
22 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
23 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
24 allegations contained in Paragraph 92 are directed to TSB, TSB denies these allegations, except  
25 admits that Toshiba Matsushita Display Technology Co., Ltd. was formed in or about 2002.

26 93. To the extent that the allegations contained in Paragraph 93 relate to other  
27 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
28

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
2 allegations contained in Paragraph 93 are directed to TSB, TSB denies these allegations.

### 3 **5. High Costs of Entry Into the Industry**

4 94. To the extent that the allegations contained in Paragraph 94 relate to other  
5 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
6 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
7 allegations contained in Paragraph 94 are directed to TSB, TSB denies these allegations.

8 95. To the extent that the allegations contained in Paragraph 95 relate to other  
9 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
10 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
11 allegations contained in Paragraph 95 are directed to TSB, TSB denies these allegations.

### 12 **6. The “Crystal Cycle”**

13 96. To the extent that the allegations contained in Paragraph 96 relate to other  
14 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
15 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
16 allegations contained in Paragraph 96 are directed to TSB, TSB denies these allegations.

17 97. To the extent that the allegations contained in Paragraph 97 relate to other  
18 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
19 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
20 allegations contained in Paragraph 97 are directed to TSB, TSB denies these allegations.

21 98. To the extent that the allegations contained in Paragraph 98 relate to other  
22 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
23 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
24 allegations contained in Paragraph 98 are directed to TSB, TSB denies these allegations.

### 25 **7. Dominant Products**

26 99. To the extent that the allegations contained in Paragraph 99 relate to other  
27 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
28



1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
2 allegations contained in Paragraph 99 are directed to TSB, TSB denies these allegations.

3 100. To the extent that the allegations contained in Paragraph 100 relate to other  
4 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
6 allegations contained in Paragraph 100 are directed to TSB, TSB denies these allegations.

7 **C. Pre-Conspiracy Market**

8 101. To the extent that the allegations contained in Paragraph 101 relate to other  
9 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
10 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
11 allegations contained in Paragraph 101 are directed to TSB, TSB denies these allegations.

12 102. To the extent that the allegations contained in Paragraph 102 relate to other  
13 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
14 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
15 allegations contained in Paragraph 102 are directed to TSB, TSB denies these allegations.

16 103. To the extent that the allegations contained in Paragraph 103 relate to other  
17 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
19 allegations contained in Paragraph 103 are directed to TSB, TSB denies these allegations.

20 104. To the extent that the allegations contained in Paragraph 104 relate to other  
21 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
22 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
23 allegations contained in Paragraph 104 are directed to TSB, TSB denies these allegations.

24 105. To the extent that the allegations contained in Paragraph 105 relate to other  
25 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
26 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
27 allegations contained in Paragraph 105 are directed to TSB, TSB denies these allegations.  
28

1 **D. Defendants' and Co-Conspirators' Illegal Agreements**

2 106. To the extent that the allegations contained in Paragraph 106 relate to other  
3 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
4 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
5 allegations contained in Paragraph 106 are directed to TSB, TSB denies these allegations.

6 **1. "Crystal Meetings"**

7 107. To the extent that the allegations contained in Paragraph 107 relate to other  
8 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
9 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
10 allegations contained in Paragraph 107 are directed to TSB, TSB denies these allegations.

11 108. To the extent that the allegations contained in Paragraph 108 relate to other  
12 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
13 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
14 allegations contained in Paragraph 108 are directed to TSB, TSB denies these allegations.

15 109. To the extent that the allegations contained in Paragraph 109 relate to other  
16 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
17 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
18 allegations contained in Paragraph 109 are directed to TSB, TSB denies these allegations.

19 110. To the extent that the allegations contained in Paragraph 110 relate to other  
20 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
21 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
22 allegations contained in Paragraph 110 are directed to TSB, TSB denies these allegations.

23 111. To the extent that the allegations contained in Paragraph 111 relate to other  
24 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
25 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
26 allegations contained in Paragraph 111 are directed to TSB, TSB denies these allegations.

27 112. To the extent that the allegations contained in Paragraph 112 relate to other  
28 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
2 allegations contained in Paragraph 112 are directed to TSB, TSB denies these allegations.

3 113. To the extent that the allegations contained in Paragraph 113 relate to other  
4 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
6 allegations contained in Paragraph 113 are directed to TSB, TSB denies these allegations.

7 114. To the extent that the allegations contained in Paragraph 114 relate to other  
8 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
9 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
10 allegations contained in Paragraph 114 are directed to TSB, TSB denies these allegations.

## 11 **2. Bilateral Discussions**

12 115. To the extent that the allegations contained in Paragraph 115 relate to other  
13 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
14 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
15 allegations contained in Paragraph 115 are directed to TSB, TSB denies these allegations.

16 116. To the extent that the allegations contained in Paragraph 116 relate to other  
17 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
19 allegations contained in Paragraph 116 are directed to TSB, TSB denies these allegations.

20 117. To the extent that the allegations contained in Paragraph 117 relate to other  
21 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
22 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
23 allegations contained in Paragraph 117 are directed to TSB, TSB denies these allegations.

## 24 **3. Defendants' and Co-Conspirators' Participation in Group and Bilateral** 25 **Discussions**

26 118. Paragraph 118 relates to other Defendants and/or third parties to this action.  
27 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
28 the allegations contained in Paragraph 118 and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 118 are directed to TSB, TSB denies these  
2 allegations.

3 119. Paragraph 119 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations contained in Paragraph 119 and, therefore, denies these allegations. To the extent  
6 that the allegations contained in Paragraph 119 are directed to TSB, TSB denies these  
7 allegations.

8 120. Paragraph 120 relates to other Defendants and/or third parties to this action.  
9 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
10 the allegations contained in Paragraph 120 and, therefore, denies these allegations. To the extent  
11 that the allegations contained in Paragraph 120 are directed to TSB, TSB denies these  
12 allegations.

13 121. Paragraph 121 relates to other Defendants and/or third parties to this action.  
14 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
15 the allegations contained in Paragraph 121 and, therefore, denies these allegations. To the extent  
16 that the allegations contained in Paragraph 121 are directed to TSB, TSB denies these  
17 allegations.

18 122. Paragraph 122 relates to other Defendants and/or third parties to this action.  
19 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
20 the allegations contained in Paragraph 122 and, therefore, denies these allegations. To the extent  
21 that the allegations contained in Paragraph 122 are directed to TSB, TSB denies these  
22 allegations.

23 123. Paragraph 123 relates to other Defendants and/or third parties to this action.  
24 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
25 the allegations contained in Paragraph 123 and, therefore, denies these allegations. To the extent  
26 that the allegations contained in Paragraph 123 are directed to TSB, TSB denies these  
27 allegations.

1           124. Paragraph 124 relates to other Defendants and/or third parties to this action.  
2 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
3 the allegations contained in Paragraph 124 and, therefore, denies these allegations. To the extent  
4 that the allegations contained in Paragraph 124 are directed to TSB, TSB denies these  
5 allegations.

6           125. Paragraph 125 relates to other Defendants and/or third parties to this action.  
7 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
8 the allegations contained in Paragraph 125 and, therefore, denies these allegations. To the extent  
9 that the allegations contained in Paragraph 125 are directed to TSB, TSB denies these  
10 allegations.

11           126. To the extent that the allegations in Paragraph 126 relate to other Defendants  
12 and/or third parties, TSB lacks knowledge or information sufficient to form a belief as to the  
13 truth of the allegations contained in Paragraph 126 and, therefore, denies these allegations. To  
14 the extent that the allegations contained in Paragraph 126 are directed to TSB, TSB denies these  
15 allegations.

16           127. Paragraph 127 relates to other Defendants and/or third parties to this action.  
17 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
18 the allegations contained in Paragraph 127 and, therefore, denies these allegations. To the extent  
19 that the allegations contained in Paragraph 127 are directed to TSB, TSB denies these  
20 allegations.

21           128. Paragraph 128 relates to other Defendants and/or third parties to this action.  
22 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
23 the allegations contained in Paragraph 128 and, therefore, denies these allegations. To the extent  
24 that the allegations contained in Paragraph 128 are directed to TSB, TSB denies these  
25 allegations.

26           129. Paragraph 129 relates to other Defendants and/or third parties to this action.  
27 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
28 the allegations contained in Paragraph 129 and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 129 are directed to TSB, TSB denies these  
2 allegations.

3 130. Paragraph 130 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations contained in Paragraph 130 and, therefore, denies these allegations. To the extent  
6 that the allegations contained in Paragraph 130 are directed to TSB, TSB denies these  
7 allegations.

8 131. Paragraph 131 consists of Plaintiffs' characterization of their claims and legal  
9 conclusions, to which no response is required. To the extent that the allegations contained in  
10 Paragraph 131 relate to other Defendants and/or third parties, TSB lacks knowledge or  
11 information sufficient to form a belief as to the truth of these allegations and, therefore, denies  
12 these allegations. To the extent that the allegations contained in Paragraph 131 are directed to  
13 TSB, TSB denies these allegations.

14 132. Paragraph 132 relates to other Defendants and/or third parties to this action.  
15 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
16 the allegations contained in Paragraph 132 and, therefore, denies these allegations. To the extent  
17 that the allegations contained in Paragraph 132 are directed to TSB, TSB denies these  
18 allegations.

19 133. TSB denies each and every allegation contained in Paragraph 133, except admits  
20 that Toshiba Matsushita Display Technology Co., Ltd. is a joint venture between TSB and  
21 Panasonic Corporation. To the extent that the allegations contained in Paragraph 133 relate to  
22 other Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a  
23 belief as to the truth of these allegations and, therefore, denies these allegations.

24 134. TSB denies each and every allegation contained in Paragraph 134, except admits  
25 that IPS Alpha Technology, Ltd. is a joint venture between Hitachi Displays, Ltd., Panasonic  
26 Corporation, and TSB. To the extent that the allegations contained in Paragraph 134 relate to  
27 other Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a  
28 belief as to the truth of these allegations and, therefore, denies these allegations.

1 **E. International Government Antitrust Investigations**

2 135. TSB denies each and every allegation contained in Paragraph 135. To the extent  
3 that the allegations contained in Paragraph 135 relate to other Defendants and/or third parties,  
4 TSB lacks knowledge or information sufficient to form a belief as to the truth of these  
5 allegations and, therefore, denies these allegations.

6 136. Paragraph 136 consists of purported statements by government authorities, news  
7 reports and/or statements in public documents, which speak for themselves and to which no  
8 response is required. To the extent that the allegations contained in Paragraph 136 may be  
9 deemed to require a response from TSB, TSB denies these allegations.

10 137. Paragraph 137 consists of purported statements by government authorities, news  
11 reports and/or statements in public documents, which speak for themselves and to which no  
12 response is required. To the extent that the allegations contained in Paragraph 137 may be  
13 deemed to require a response from TSB, TSB denies these allegations.

14 138. Paragraph 138 consists of purported statements by government authorities and/or  
15 statements in public documents, which speak for themselves and to which no response is  
16 required. To the extent that the allegations contained in Paragraph 138 may be deemed to  
17 require a response from TSB, TSB denies these allegations, except admits that LG Display Co.  
18 Ltd. (and its U.S. subsidiary, LG Display America, Inc.), Sharp Corporation, and Chunghwa  
19 Picture Tubes, Ltd. agreed to plead guilty and pay criminal fines for their roles in several  
20 separate and distinct conspiracies to fix prices of TFT-LCD panels.

21 139. Paragraph 139 consists of purported statements by government authorities and/or  
22 statements in public documents, which speak for themselves and to which no response is  
23 required. To the extent that the allegations contained in Paragraph 139 may be deemed to  
24 require a response from TSB, TSB denies these allegations, except admits that LG Display Co.  
25 Ltd. and LG Display America Inc. agreed to plead guilty and pay a criminal fine for their  
26 participation in a conspiracy to fix prices of TFT-LCD panels.

27 140. Paragraph 140 consists of purported statements by government authorities and/or  
28 statements in public documents, which speak for themselves and to which no response is

1 required. To the extent that the allegations contained in Paragraph 140 may be deemed to  
2 require a response from TSB, TSB denies these allegations, except admits that Chunghwa  
3 Picture Tubes, Ltd. agreed to plead guilty and pay a criminal fine for its participation in a  
4 conspiracy to fix prices of TFT-LCD panels.

5 141. Paragraph 141 consists of purported statements by government authorities, which  
6 speak for themselves and to which no response is required. Paragraph 141 also relates to other  
7 Defendants. Accordingly, TSB lacks knowledge or information sufficient to form a belief as to  
8 the truth of the allegations contained in Paragraph 141 and, therefore, denies these allegations.  
9 To the extent that the allegations contained in Paragraph 141 are directed to TSB, TSB denies  
10 these allegations.

11 142. Paragraph 142 consists of purported statements by government authorities and/or  
12 statements in public documents, which speak for themselves and to which no response is  
13 required. To the extent that the allegations contained in Paragraph 142 may be deemed to  
14 require a response from TSB, TSB denies these allegations, except admits that Sharp  
15 Corporation agreed to plead guilty and pay a criminal fine for its participation several separate  
16 and distinct conspiracies to fix the price of TFT-LCD panels.

17 143. Paragraph 143 consists of purported statements by government authorities, which  
18 speak for themselves and to which no response is required. Paragraph 143 also relates to  
19 another Defendant. Accordingly, TSB lacks knowledge or information sufficient to form a  
20 belief as to the truth of the allegations contained in Paragraph 143 and, therefore, denies these  
21 allegations. To the extent that the allegations contained in Paragraph 143 are directed to TSB,  
22 TSB denies these allegations.

23 144. Paragraph 144 consists of purported statements by government authorities, which  
24 speak for themselves and to which no response is required. Paragraph 144 also relates to  
25 another Defendant. Accordingly, TSB lacks knowledge or information sufficient to form a  
26 belief as to the truth of the allegations contained in Paragraph 144 and, therefore, denies these  
27 allegations. To the extent that the allegations contained in Paragraph 144 are directed to TSB,  
28 TSB denies these allegations.



1           145. Paragraph 145 consists of purported statements by government authorities, news  
2 reports and/or statements in public documents, which speak for themselves and to which no  
3 response is required. To the extent that the allegations contained in Paragraph 145 may be  
4 deemed to require a response from TSB, TSB denies these allegations. Paragraph 145 relates to  
5 other Defendants. Accordingly, TSB lacks knowledge or information sufficient to form a belief  
6 as to the truth of the allegations contained in Paragraph 145 and, therefore, denies these  
7 allegations. Furthermore, without any basis or support, Plaintiffs purport to incorporate by  
8 reference *in camera* submissions made by the United States Department of Justice. TSB lacks  
9 knowledge or information sufficient to for a belief as to the truth of any such allegations, and  
10 therefore denies these allegations.

11           146. TSB denies each and every allegation contained in Paragraph 146. Also, to the  
12 extent that the allegations contained in Paragraph 146 relate to other Defendants and/or third  
13 parties to this action, TSB lacks knowledge or information sufficient to form a belief as to the  
14 truth of these allegations and, therefore, denies these allegations.

15           **F. Market During the Conspiracy**

16           147. To the extent that the allegations contained in Paragraph 147 relate to other  
17 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
19 allegations contained in Paragraph 147 are directed to TSB, TSB denies these allegations.

20           148. To the extent that the allegations contained in Paragraph 148 relate to other  
21 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
22 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
23 allegations contained in Paragraph 148 are directed to TSB, TSB denies these allegations.

24           **1. 1996**

25           149. To the extent that the allegations contained in Paragraph 149 relate to other  
26 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
27 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
28 allegations contained in Paragraph 149 are directed to TSB, TSB denies these allegations.

1           150. To the extent that the allegations contained in Paragraph 150 relate to other  
2 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
3 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
4 allegations contained in Paragraph 150 are directed to TSB, TSB denies these allegations.

5           151. To the extent that the allegations contained in Paragraph 151 relate to other  
6 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
7 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
8 allegations contained in Paragraph 151 are directed to TSB, TSB denies these allegations.

9           152. To the extent that the allegations contained in Paragraph 152 relate to other  
10 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
11 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
12 allegations contained in Paragraph 152 are directed to TSB, TSB denies these allegations.

13           153. To the extent that the allegations contained in Paragraph 153 relate to other  
14 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
15 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
16 allegations contained in Paragraph 153 are directed to TSB, TSB denies these allegations.

17           154. To the extent that the allegations contained in Paragraph 154 relate to other  
18 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
19 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
20 allegations contained in Paragraph 154 are directed to TSB, TSB denies these allegations.

21           **2. 1997-1998**

22           155. To the extent that the allegations contained in Paragraph 155 relate to other  
23 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
24 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
25 allegations contained in Paragraph 155 are directed to TSB, TSB denies these allegations.

26           156. Paragraph 156 relates to other Defendants and/or third parties to this action.  
27 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
28 the allegations contained in Paragraph 156 and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 156 are directed to TSB, TSB denies these  
2 allegations.

3 157. Paragraph 157 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations contained in Paragraph 156 and, therefore, denies these allegations. To the extent  
6 that the allegations contained in Paragraph 157 are directed to TSB, TSB denies these  
7 allegations.

8 158. Paragraph 158 relates to other Defendants and/or third parties to this action.  
9 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
10 the allegations contained in Paragraph 158 and, therefore, denies these allegations. To the extent  
11 that the allegations contained in Paragraph 158 are directed to TSB, TSB denies these  
12 allegations.

13 **3. 1999**

14 159. Paragraph 159 relates to other Defendants and/or third parties to this action.  
15 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
16 the allegations contained in Paragraph 159 and, therefore, denies these allegations. To the extent  
17 that the allegations contained in Paragraph 159 are directed to TSB, TSB denies these  
18 allegations.

19 160. Paragraph 160 relates to other Defendants and/or third parties to this action.  
20 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
21 the allegations contained in Paragraph 160 and, therefore, denies these allegations. To the extent  
22 that the allegations contained in Paragraph 160 are directed to TSB, TSB denies these  
23 allegations.

24 161. Paragraph 161 relates to other Defendants and/or third parties to this action.  
25 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
26 the allegations contained in Paragraph 161 and, therefore, denies these allegations. To the extent  
27 that the allegations contained in Paragraph 161 are directed to TSB, TSB denies these  
28 allegations.

1           162. Paragraph 162 relates to other Defendants and/or third parties to this action.  
2 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
3 the allegations contained in Paragraph 162 and, therefore, denies these allegations. To the extent  
4 that the allegations contained in Paragraph 162 are directed to TSB, TSB denies these  
5 allegations.

6           163. Paragraph 163 relates to other Defendants and/or third parties to this action.  
7 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
8 the allegations contained in Paragraph 163 and, therefore, denies these allegations. To the extent  
9 that the allegations contained in Paragraph 163 are directed to TSB, TSB denies these  
10 allegations.

11           **4. 2000-2001**

12           164. Paragraph 164 relates to other Defendants and/or third parties to this action.  
13 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
14 the allegations contained in Paragraph 164 and, therefore, denies these allegations. To the extent  
15 that the allegations contained in Paragraph 164 are directed to TSB, TSB denies these  
16 allegations.

17           165. To the extent that the allegations contained in Paragraph 165 relate to other  
18 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
19 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
20 allegations contained in Paragraph 165 are directed to TSB, TSB denies these allegations.

21           166. To the extent that the allegations contained in Paragraph 166 relate to other  
22 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
23 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
24 allegations contained in Paragraph 166 are directed to TSB, TSB denies these allegations.

25           167. Paragraph 167 consists of a news report, which speaks for itself and to which no  
26 response is required. To the extent that the allegations contained in Paragraph 167 relate to  
27 other Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a  
28 belief as to the truth of these allegations and, therefore, denies these allegations. To the extent

1 that the allegations contained in Paragraph 167 are directed to TSB, TSB denies these  
2 allegations.

3 168. To the extent that the allegations contained in Paragraph 168 relate to other  
4 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
6 allegations contained in Paragraph 168 are directed to TSB, TSB denies these allegations.

7 169. To the extent that the allegations contained in Paragraph 169 relate to other  
8 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
9 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
10 allegations contained in Paragraph 169 are directed to TSB, TSB denies these allegations.

11 **5. 2002-2003**

12 170. To the extent that the allegations contained in Paragraph 170 relate to other  
13 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
14 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
15 allegations contained in Paragraph 170 are directed to TSB, TSB denies these allegations.

16 171. To the extent that the allegations contained in Paragraph 171 relate to other  
17 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
19 allegations contained in Paragraph 171 are directed to TSB, TSB denies these allegations.

20 172. To the extent that the allegations contained in Paragraph 172 relate to other  
21 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
22 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
23 allegations contained in Paragraph 172 are directed to TSB, TSB denies these allegations.

24 173. To the extent that the allegations contained in Paragraph 173 relate to other  
25 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
26 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
27 allegations contained in Paragraph 173 are directed to TSB, TSB denies these allegations.  
28

1 174. To the extent that the allegations contained in Paragraph 174 relate to other  
2 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
3 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
4 allegations contained in Paragraph 174 are directed to TSB, TSB denies these allegations.

5 175. To the extent that the allegations contained in Paragraph 175 relate to other  
6 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
7 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
8 allegations contained in Paragraph 175 are directed to TSB, TSB denies these allegations.

9 176. To the extent that the allegations contained in Paragraph 176 relate to other  
10 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
11 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
12 allegations contained in Paragraph 176 are directed to TSB, TSB denies these allegations.

13 177. Paragraph 177 relates to other Defendants and/or third parties to this action.  
14 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
15 the allegations contained in Paragraph 177 and, therefore, denies these allegations. To the extent  
16 that the allegations contained in Paragraph 177 are directed to TSB, TSB denies these  
17 allegations.

18 178. TSB denies each and every allegation in Paragraph 178, except admits that  
19 Toshiba Matsushita Display Technology Co., Ltd. is a joint venture between TSB and Panasonic  
20 Corporation. To the extent that the allegations contained in Paragraph 178 relate to other  
21 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
22 as to the truth of these allegations and, therefore, denies these allegations.

23 179. Paragraph 179 relates to other Defendants and/or third parties to this action.  
24 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
25 the allegations contained in Paragraph 179 and, therefore, denies these allegations. To the extent  
26 that the allegations contained in Paragraph 179 are directed to TSB, TSB denies these  
27 allegations.

1 180. To the extent that the allegations contained in Paragraph 180 relate to other  
2 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
3 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
4 allegations contained in Paragraph 180 are directed to TSB, TSB denies these allegations.

5 **6. 2004**

6 181. To the extent that the allegations contained in Paragraph 181 relate to other  
7 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
8 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
9 allegations contained in Paragraph 181 are directed to TSB, TSB denies these allegations.

10 182. To the extent that the allegations contained in Paragraph 182 relate to other  
11 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
12 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
13 allegations contained in Paragraph 182 are directed to TSB, TSB denies these allegations.

14 183. Paragraph 183 relates to other Defendants and/or third parties to this action.  
15 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
16 the allegations contained in Paragraph 183 and, therefore, denies these allegations. To the extent  
17 that the allegations contained in Paragraph 183 are directed to TSB, TSB denies these  
18 allegations.

19 184. Paragraph 184 relates to other Defendants and/or third parties to this action.  
20 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
21 the allegations contained in Paragraph 184 and, therefore, denies these allegations. To the extent  
22 that the allegations contained in Paragraph 184 are directed to TSB, TSB denies these  
23 allegations.

24 **7. 2005**

25 185. To the extent that the allegations contained in Paragraph 185 relate to other  
26 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
27 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
28 allegations contained in Paragraph 185 are directed to TSB, TSB denies these allegations.

1           186. TSB lacks knowledge or information sufficient to form a belief as to the truth of  
2 the allegations in Paragraph 186 and, therefore, denies these allegations.

3           187. Paragraph 187 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations contained in Paragraph 187 and, therefore, denies these allegations. To the extent  
6 that the allegations contained in Paragraph 187 are directed to TSB, TSB denies these  
7 allegations.

8           188. Paragraph 188 relates to other Defendants and/or third parties to this action.  
9 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
10 the allegations contained in Paragraph 188 and, therefore, denies these allegations. To the extent  
11 that the allegations contained in Paragraph 188 are directed to TSB, TSB denies these  
12 allegations.

13           189. Paragraph 189 relates to other Defendants and/or third parties to this action.  
14 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
15 the allegations contained in Paragraph 189 and, therefore, denies these allegations. To the extent  
16 that the allegations contained in Paragraph 189 are directed to TSB, TSB denies these  
17 allegations.

18           190. Paragraph 190 relates to other Defendants and/or third parties to this action.  
19 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
20 the allegations contained in Paragraph 190 and, therefore, denies these allegations. To the extent  
21 that the allegations contained in Paragraph 190 are directed to TSB, TSB denies these  
22 allegations.

23           191. Paragraph 191 relates to other Defendants and/or third parties to this action.  
24 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
25 the allegations contained in Paragraph 191 and, therefore, denies these allegations. To the extent  
26 that the allegations contained in Paragraph 191 are directed to TSB, TSB denies these  
27 allegations.



1 192. To the extent that the allegations contained in Paragraph 192 relate to other  
2 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
3 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
4 allegations contained in Paragraph 192 are directed to TSB, TSB denies these allegations.

5 193. To the extent that the allegations contained in Paragraph 193 relate to other  
6 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
7 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
8 allegations contained in Paragraph 193 are directed to TSB, TSB denies these allegations.

9 **8. 2006**

10 194. Paragraph 194 relates to other Defendants and/or third parties to this action.  
11 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
12 the allegations contained in Paragraph 194 and, therefore, denies these allegations. To the extent  
13 that the allegations contained in Paragraph 194 are directed to TSB, TSB denies these  
14 allegations.

15 195. Paragraph 195 relates to other Defendants and/or third parties to this action.  
16 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
17 the allegations contained in Paragraph 195 and, therefore, denies these allegations. To the extent  
18 that the allegations contained in Paragraph 195 are directed to TSB, TSB denies these  
19 allegations.

20 196. To the extent that the allegations contained in Paragraph 196 relate to other  
21 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
22 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
23 allegations contained in Paragraph 196 are directed to TSB, TSB denies these allegations.

24 197. To the extent that the allegations contained in Paragraph 197 relate to other  
25 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
26 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
27 allegations contained in Paragraph 197 are directed to TSB, TSB denies these allegations.  
28

1 **G. The Role of Trade Associations During the Conspiracy Period**

2 198. To the extent that the allegations contained in Paragraph 198 relate to other  
3 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
4 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
5 allegations contained in Paragraph 198 are directed to TSB, TSB denies these allegations.

6 199. Paragraph 199 relates to other Defendants and/or third parties to this action.  
7 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
8 the allegations contained in Paragraph 199 and, therefore, denies these allegations. To the extent  
9 that the allegations contained in Paragraph 199 are directed to TSB, TSB denies these  
10 allegations.

11 200. Paragraph 200 relates to other Defendants and/or third parties to this action.  
12 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
13 the allegations contained in Paragraph 200 and, therefore, denies these allegations. To the extent  
14 that the allegations contained in Paragraph 200 are directed to TSB, TSB denies these  
15 allegations.

16 201. TSB denies each and every allegation contained in Paragraph 201, except admits  
17 that TSB is a member of the Semiconductor Equipment Association of Japan. Paragraph 201  
18 also relates to other Defendants and/or third parties to this action. Accordingly, TSB lacks  
19 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
20 in Paragraph 201 and, therefore, denies these allegations.

21 202. To the extent that the allegations contained in Paragraph 202 relate to other  
22 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
23 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
24 allegations contained in Paragraph 202 are directed to TSB, TSB denies these allegations.

25 203. Paragraph 203 relates to other Defendants and/or third parties to this action.  
26 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
27 the allegations contained in Paragraph 203 and, therefore, denies these allegations. To the extent  
28

1 that the allegations contained in Paragraph 203 are directed to TSB, TSB denies these  
2 allegations.

3 204. Paragraph 204 relates to other Defendants and/or third parties to this action.  
4 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations contained in Paragraph 204 and, therefore, denies these allegations. To the extent  
6 that the allegations contained in Paragraph 204 are directed to TSB, TSB denies these  
7 allegations.

8 205. Paragraph 205 relates to other Defendants and/or third parties to this action.  
9 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
10 the allegations contained in Paragraph 205 and, therefore, denies these allegations. To the extent  
11 that the allegations contained in Paragraph 205 are directed to TSB, TSB denies these  
12 allegations.

13 206. Paragraph 206 relates to other Defendants and/or third parties to this action.  
14 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
15 the allegations contained in Paragraph 206 and, therefore, denies these allegations. To the extent  
16 that the allegations contained in Paragraph 206 are directed to TSB, TSB denies these  
17 allegations.

18 207. To the extent that the allegations contained in Paragraph 207 relate to other  
19 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
20 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
21 allegations contained in Paragraph 207 are directed to TSB, TSB denies these allegations.

22 208. To the extent that the allegations contained in Paragraph 208 relate to other  
23 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
24 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
25 allegations contained in Paragraph 208 are directed to TSB, TSB denies these allegations.

26 209. TSB denies each and every allegation contained in Paragraph 209, except admits  
27 that certain TSB executives may have attended certain trade conferences. Paragraph 209 relates  
28 to other Defendants and/or third parties to this action. Accordingly, TSB lacks knowledge or

1 information sufficient to form a belief as to the truth of the allegations contained in Paragraph  
2 209 and, therefore, denies these allegations.

3 210. To the extent that the allegations contained in Paragraph 210 relate to other  
4 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
6 allegations contained in Paragraph 210 are directed to TSB, TSB denies these allegations.

### 7 **VIII. FRAUDULENT CONCEALMENT**

8 211. Paragraph 211 contains Plaintiffs' characterization of their claims and legal  
9 conclusions and, therefore, no response is required. To the extent that the allegations contained  
10 in Paragraph 211 relate to other Defendants and/or third parties, TSB lacks knowledge or  
11 information sufficient to form a belief as to the truth of these allegations and, therefore, denies  
12 these allegations. To the extent that the allegations contained in Paragraph 211 are directed to  
13 TSB, TSB denies these allegations.

14 212. Paragraph 212 relates to other Defendants and/or third parties to this action.  
15 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
16 the allegations contained in Paragraph 212 and, therefore, denies these allegations. To the extent  
17 that the allegations contained in Paragraph 212 are directed to TSB, TSB denies these  
18 allegations.

19 213. Paragraph 213 relates to other Defendants and/or third parties to this action.  
20 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
21 the allegations contained in Paragraph 213 and, therefore, denies these allegations. To the extent  
22 that the allegations contained in Paragraph 213 are directed to TSB, TSB denies these  
23 allegations.

24 214. Paragraph 214 relates to other Defendants and/or third parties to this action.  
25 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
26 the allegations contained in Paragraph 214 and, therefore, denies these allegations. To the extent  
27 that the allegations contained in Paragraph 214 are directed to TSB, TSB denies these  
28 allegations.

1           215. Paragraph 215 relates to other Defendants and/or third parties to this action.  
2 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
3 the allegations contained in Paragraph 215 and, therefore, denies these allegations. To the extent  
4 that the allegations contained in Paragraph 215 are directed to TSB, TSB denies these  
5 allegations.

6           216. Paragraph 216 relates to other Defendants and/or third parties to this action.  
7 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
8 the allegations contained in Paragraph 216 and, therefore, denies these allegations. To the extent  
9 that the allegations contained in Paragraph 216 are directed to TSB, TSB denies these  
10 allegations.

11           217. Paragraph 217 relates to other Defendants and/or third parties to this action.  
12 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
13 the allegations contained in Paragraph 217 and, therefore, denies these allegations. To the extent  
14 that the allegations contained in Paragraph 217 are directed to TSB, TSB denies these  
15 allegations.

16           218. Paragraph 218 relates to other Defendants and/or third parties to this action.  
17 Accordingly, TSB lacks knowledge or information sufficient to form a belief as to the truth of  
18 the allegations contained in Paragraph 218 and, therefore, denies these allegations. To the extent  
19 that the allegations contained in Paragraph 218 are directed to TSB, TSB denies these  
20 allegations.

21           219. TSB denies each and every allegation contained in Paragraph 219 to the extent they  
22 relate to TSB, except TSB is generally aware of certain public statements identified in Paragraph  
23 219, but deny any “pretextual explanation.” Paragraph 219 relates to other Defendants and/or  
24 third parties to this action. Accordingly, TSB lacks knowledge or information sufficient to form  
25 a belief as to the truth of the allegations contained in Paragraph 219 and, therefore, denies these  
26 allegations.

27           220. To the extent that the allegations contained in Paragraph 220 relate to other  
28 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
2 allegations contained in Paragraph 220 are directed to TSB, TSB denies these allegations.

3 221. To the extent that the allegations contained in Paragraph 221 relate to other  
4 Defendants and/or third parties, TSB lacks knowledge or information sufficient to form a belief  
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the  
6 allegations contained in Paragraph 221 are directed to TSB, TSB denies these allegations.  
7 Paragraph 221 also contains conclusions of law, to which no response is required.

8 **IX. CLAIM FOR VIOLATIONS OF 15 U.S.C. § 1**

9 222. TSB hereby incorporates by reference its responses to Paragraphs 1-222 of the  
10 Complaint as set forth above.

11 223. Paragraph 223 consists of arguments, Plaintiffs' characterization of their claims  
12 and/or legal conclusions, to which no response is required. To the extent that Paragraph 223  
13 may be deemed to require a response from TSB, TSB lacks knowledge or information sufficient  
14 to form a belief as to the truth of these allegations and, therefore, denies these allegations.

15 224. Paragraph 224 consists of arguments, Plaintiffs' characterization of their claims  
16 and/or legal conclusions, to which no response is required. To the extent that Paragraph 224  
17 may be deemed to require a response from TSB, TSB lacks knowledge or information sufficient  
18 to form a belief as to the truth of these allegations and, therefore, denies these allegations.

19 225. Paragraph 225 consists of arguments, Plaintiffs' characterization of their claims  
20 and/or legal conclusions, to which no response is required. To the extent that Paragraph 225  
21 may be deemed to require a response from TSB, TSB lacks knowledge or information sufficient  
22 to form a belief as to the truth of these allegations and, therefore, denies these allegations.

23 226. Paragraph 226 consists of arguments, Plaintiffs' characterization of their claims  
24 and/or legal conclusions, to which no response is required. To the extent that Paragraph 226  
25 may be deemed to require a response from TSB, TSB lacks knowledge or information sufficient  
26 to form a belief as to the truth of these allegations and, therefore, denies these allegations.

27 227. Paragraph 227 consists of arguments, Plaintiffs' characterization of their claims  
28 and/or legal conclusions, to which no response is required. To the extent that Paragraph 227

1 may be deemed to require a response from TSB, TSB lacks knowledge or information sufficient  
2 to form a belief as to the truth of these allegations and, therefore, denies these allegations.

3 228. Paragraph 228 consists of arguments, Plaintiffs' characterization of their claims  
4 and/or legal conclusions, to which no response is required. To the extent that Paragraph 228  
5 may be deemed to require a response from TSB, TSB lacks knowledge or information sufficient  
6 to form a belief as to the truth of these allegations and, therefore, denies these allegations.

7 **X. PRAYER FOR RELIEF**

8 In answer to the Prayer for Relief, TSB denies each and every allegation in the Prayer  
9 and further specifically denies that Plaintiffs are entitled to any of the relief requested or any  
10 remedy whatsoever against TSB.

11 All allegations of the Complaint not heretofore admitted or denied are here and now  
12 denied as though specifically denied herein.

13 **AFFIRMATIVE DEFENSES**

14 Without assuming any burden it would not otherwise bear, and reserving its right to  
15 amend its Answer to assert additional defenses as they may become known during discovery,  
16 TSB asserts the following separate and additional defenses:

17 **FIRST DEFENSE**

18 The conduct alleged to provide a basis for the claims of Plaintiffs and any putative  
19 class members did not have a direct, substantial and reasonably foreseeable effect on trade or  
20 commerce with the United States. The Court, therefore lacks subject matter jurisdiction of the  
21 claims of Plaintiffs and any putative class members. The Court also lacks subject matter  
22 jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337.

23 **SECOND DEFENSE**

24 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
25 part, by the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a.

26 **THIRD DEFENSE**

27 The Complaint fails to state a claim upon which relief can be granted.  
28

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

**FOURTH DEFENSE**

Plaintiffs’ claims are barred in whole or part because the Complaint fails to plead conspiracy with particularity required under applicable law.

**FIFTH DEFENSE**

Plaintiffs, and each of them, have failed to plead fraudulent concealment with the particularity required by Rule 9(b) of the Federal Rules of Civil Procedure.

**SIXTH DEFENSE**

The Complaint should be dismissed on grounds of *forum non conveniens*.

**SEVENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members against TSB are barred to the extent that they have agreed to arbitration or chosen a different forum for the resolution of their claims.

**EIGHTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, because they cannot be maintained as a class action.

**NINTH DEFENSE**

The relief sought by Plaintiffs, and each of them, is barred because the named Plaintiffs are not proper class representatives.

**TENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are improperly joined within the meaning of Rule 20 of the Federal Rules of Civil Procedure because they did not arise out of the same transaction, occurrence or series of transactions or occurrences and/or do not involve questions of law or fact common to all Defendants.

**ELEVENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, because Plaintiffs, and each of them, lack standing to bring or maintain the claims set forth in the Complaint.



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

**TWELFTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, to the extent that they did not purchase TFT-LCD panels directly from Defendants, because they are indirect purchasers and barred from maintaining an action under 15 U.S.C. § 1 for alleged injuries in that capacity.

**THIRTEENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, because Plaintiffs, and each of them, have suffered no antitrust injury.

**FOURTEENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, by applicable statutes of limitations, including 15 U.S.C. § 15b.

**FIFTEENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, by the doctrine of waiver.

**SIXTEENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, by the doctrine of estoppel.

**SEVENTEENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, by the doctrine of laches.

**EIGHTEENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, because no Plaintiff has been injured in its business or property by reason of any act of TSB.

**NINETEENTH DEFENSE**

Plaintiffs’ claims and claims of any putative class members are barred, in whole or in part, because any alleged injuries and damages were not legally or proximately caused by any acts or omissions of TSB and/or were caused, if at all, solely and proximately by the conduct of

1 third parties including, without limitations, the prior, intervening or superseding conduct of such  
2 third parties.

3 **TWENTIETH DEFENSE**

4 To the extent that any actionable conduct occurred, Plaintiffs' claims and claims of any  
5 putative class members against TSB are barred because all such conduct would have been  
6 committed by individuals acting *ultra vires*.

7 **TWENTY-FIRST DEFENSE**

8 Plaintiffs' claims are barred, in whole or in part, because Plaintiffs have suffered no  
9 damages as a result of any actions taken by TSB and/or the other Defendants.

10 **TWENTY-SECOND DEFENSE**

11 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
12 part, because the alleged damages, if any, are speculative and because of the impossibility of the  
13 ascertainment and allocation of such alleged damages.

14 **TWENTY-THIRD DEFENSE**

15 Plaintiffs and any putative class members are barred from recovery of any damages  
16 because of and to the extent of their failure to mitigate damages.

17 **TWENTY-FOURTH DEFENSE**

18 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
19 part, because any actions or practices of TSB that are subject of the Complaint were undertaken  
20 unilaterally for legitimate business reasons and in pursuit of TSB's independent interests and  
21 those of its customers, and were not the product of any contract, combination or conspiracy  
22 between TSB and any other person or entity.

23 **TWENTY-FIFTH DEFENSE**

24 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
25 part, because any acts or practices of TSB that are the subject of the Complaint were adopted in  
26 furtherance of legitimate business interests of TSB and of its customers and did not  
27 unreasonably restrain competition.  
28

1 **TWENTY-SIXTH DEFENSE**

2 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
3 part, because any acts or practices of TSB that are the subject of the Complaint were cost  
4 justified or otherwise economically justified and resulted from a good-faith effort to meet  
5 competition or market conditions.

6 **TWENTY-SEVENTH DEFENSE**

7 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
8 part, as premised upon privileged conduct or actions by TSB.

9 **TWENTY-EIGHTH DEFENSE**

10 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
11 part, because the alleged conduct complained of was caused by, due to, based upon, or in  
12 response to directives, laws, regulations, policies and/or acts of governments, governmental  
13 agencies and entities and/or regulatory agencies, and as such is non-actionable or privileged.

14 **TWENTY-NINTH DEFENSE**

15 Plaintiffs' claims and claims of any putative class members are barred, in whole or in part,  
16 because, as indirect purchasers, they fail to meet their burden of proving that they were damaged  
17 in fact by the conduct of which complaint is here made, including the burden of proving that any  
18 so-called overcharge of which complaint is made was not absorbed in whole or in part by direct  
19 purchasers or by other third parties, and was passed through to the Plaintiffs.

20 **THIRTIETH DEFENSE**

21 Plaintiffs' claims and claims of any putative class members are barred, in whole or in part,  
22 because, as indirect purchasers, they fail to meet their burden of proving that they were damaged  
23 in fact by the conduct of which complaint is here made, including the burden of proving that any  
24 so-called overcharge of which complaint is made and which was not absorbed by predecessors  
25 to the Plaintiffs in the chain of distribution was not passed on to a third party.

26 **THIRTY-FIRST DEFENSE**

27 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
28 part, to the extent they seek improper multiple damage awards, and damage awards duplicative

1 of those sought in other actions, in violation of the Due Process guarantees of the Fifth and  
2 Fourteenth Amendments of the United States Constitution.

3 **THIRTY-SECOND DEFENSE**

4 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
5 part, by the equitable doctrine of unclean hands.

6 **THIRTY-THIRD DEFENSE**

7 Plaintiffs' claims and claims of any putative class members are barred, in whole or in  
8 part, by the doctrine of accord and satisfaction.

9 **THIRTY-FOURTH DEFENSE**

10 Without admitting the existence of any contract, combination or conspiracy in restraint  
11 of trade, TSB contends that it is entitled to set off any amounts paid to Plaintiffs by any  
12 Defendants other than TSB who have settled, or do settle, Plaintiffs' claims against them in this  
13 action.

14 **THIRTY-FIFTH DEFENSE**

15 Plaintiffs' claims and claims of any putative class members for injunctive relief are  
16 barred, in whole or in part, insofar as Plaintiffs seek to enjoin alleged events that have already  
17 transpired without the requisite showing of threatened future harm or continuing harm.

18 **THIRTY-SIXTH DEFENSE**

19 TSB adopts by reference any applicable defense pleaded by any other Defendant not  
20 otherwise expressly set forth herein.

21 **THIRTY-SEVENTH DEFENSE**

22 TSB reserves the right to assert other defenses as this action proceeds up to and  
23 including the time of trial.

24 **TSB'S PRAYER FOR RELIEF**

25 WHEREFORE, TSB prays for judgment as follows:

26 1. That Plaintiffs take nothing by reason of the Complaint, and that the action be  
27 dismissed with prejudice;

1           2. That the Court enter judgment in favor of TSB and against Plaintiffs with respect to  
2 all causes of action in the Complaint;

3           3. That the Court award TSB its attorneys' fees and other costs reasonably incurred in  
4 the defense of this action; and

5           4. That the Court order such other further relief for TSB as the Court may deem just and  
6 proper.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

Respectfully submitted,

Dated: March 30, 2009

WHITE & CASE LLP

By: /s/ Wayne A. Cross

Wayne A. Cross (*pro hac vice*)

John H. Chung (*pro hac vice*)

Kristen J. McAhren (*pro hac vice*)

WHITE & CASE LLP

1155 Avenue of the Americas

New York, NY 10036

Telephone: (212) 819-8200

Facsimile: (212) 354-8113

*Attorneys for Toshiba Corporation, Toshiba  
Matsushita Display Technology Co., Ltd., Toshiba  
America Electronic Components, Inc. and Toshiba  
America Information Systems, Inc.*