

No. 14-8003

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Motorola Mobility, LLC,

Plaintiff-Appellant,

v.

AU Optronics Corporation, et al.,

Defendants/Appellees.

*On Appeal Pursuant to 28 U.S.C. § 1292(b) From United States District
Court for the Northern District of Illinois
Case No. 09-C-6610
Honorable Joan B. Gottschall, Presiding*

MOTION OF THE MINISTRY OF ECONOMIC AFFAIRS, REPUBLIC OF CHINA,
TAIWAN FOR LEAVE TO FILE LETTER AS AMICUS CURIAE TO EXPRESS ITS
VIEWS REGARDING APPLICATION OF THE FOREIGN TRADE ANTITRUST
IMPROVEMENT ACT

BRIAN H. GETZ
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*Attorney for Ministry of Economic Affairs,
Republic of China, Taiwan*

The Ministry of Economic Affairs, Republic of China, Taiwan, respectfully moves pursuant to Federal Rule of Appellate Procedure 29(b) for leave to file the accompanying letter as *amicus curiae* to express its views regarding application of the Foreign Trade Antitrust Improvement Act.

The Ministry of Economic Affairs is in charge of all commercial and business activities within Taiwan, with the main objective of promoting the healthy growth and development of the industries of the Republic of China. By its letter, the Ministry hopes to express its views that unduly expansive extraterritorial application of U.S. law would undermine principles of international comity.

The Ministry of Economic Affairs' letter will be helpful to the Court because it provides a foreign government Ministry's perspective regarding the implications of Plaintiff's position on antitrust enforcement generally.

For the foregoing reasons, the Ministry of Economic Affairs' motion for leave to file the accompanying *amicus curiae* letter should be granted.

No party or party's counsel contributed money that was intended to fund the preparation of the Ministry's amicus letter. Defendant AU Optronics Corporation did assist the Ministry by funding the preparation of this motion for leave to file. (Fed. R. App. Proc. 29(c)(5)(B).)

DATED: May 25, 2014

By: /s/ Brian H. Getz

BRIAN H. GETZ

Attorney for Ministry of Economic
Affairs, Republic of China, Taiwan



MINISTRY OF ECONOMIC AFFAIRS

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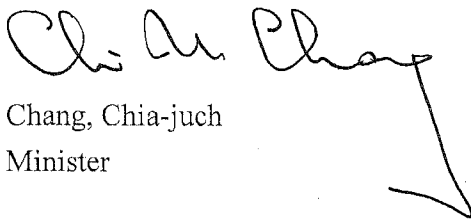
Gino J. Agnello
Clerk of Court
U.S. Court of Appeals for the Seventh Circuit
Room 2722
219 S. Dearborn Street
Chicago, Illinois 60604

Re: Motorola Mobility LLC v. AU Optronics, et al., No. 14-8003

Dear Mr. Agnello:

We are the Ministry of Economic Affairs for the government of the Republic of China, Taiwan. Our ministry is in charge of all commercial and business activities within Taiwan with its main objective of promoting the healthy growth and development of the overall industries of the Republic of China. By this letter we hope to express our views that we believe that unduly expansive extraterritorial application of US law would undermine principles of international comity. We recognize the necessity of the enforcement of the U.S. antitrust laws by your esteemed Court, but for the avoidance of harming the interest of foreign countries, we hope your esteemed Court can make the ruling by considering the relevant laws, including the domestic effects exception of the Foreign Trade Antitrust Improvement Act ("FTAIA") under which U.S. antitrust laws have no jurisdiction over any extraterritorial anticompetitive activities unless there is a "direct, substantial and reasonably foreseeable effect" on U.S. commerce and the direct effect gives rise to a Sherman Act claim, which was applied correctly by Circuit Judge Posner.

Sincerely,



Chang, Chia-juch
Minister



CERTIFICATE OF SERVICE

Certificate of Service When All Case Participants Are CM/ECF Participants

I hereby certify that on May 29, 2014, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Kirk C. Jenkins



CERTIFICATE OF SERVICE

Certificate of Service When Not All Case Participants Are CM/ECF Participants

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

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

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

counsel / party:

address:

s/ _____