

Exhibit B



U.S. Department of Justice

Antitrust Division

San Francisco Field Office

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December 23, 2011

VIA EMAIL:

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Counsel for defendant Lai-Juh Chen

Re: U.S. v. AU Optronics, et al., No. CR-09-0110 SI

Dear Counsel :

The government is providing additional discovery to the appearing defendants in this case. Attachment A is a news article (original Chinese version) dated May 13, 2010 from Wealth Magazine, in which certain statements regarding this case are attributed to Jau-Yang (J.Y.) Ho, formerly of CMO, who is on the government's witness list. Attachment B is a May 6, 2010 letter from David Joe, President of HannStar Display Corporation, to Niall Lynch, a former member of the government's LCD prosecution team, regarding the LCD investigation. As you know, Mr. Joe was indicted for his participation in the LCD conspiracy. He remains a fugitive.

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In addition, the government is producing information below that was provided during trial preparation meetings by witnesses who might testify at trial. We are providing this information as part of our ongoing obligation to produce any new information provided by a witness that is possibly exculpatory or impeachment information or is a material variance from prior statement(s) of a witness. The witness name, company and date of meeting are provided above the information provided by the witness

Dominic Chen (AUO), 12-2-11

- QDI was a competitor of AUO. For a period of time QDI was larger than CMO. QDI was aggressive on pricing and were a large competitor is 2005/2006. AUO acquired QDI in 2006.
- Terry's prices did not affect Dominic Chen's prices. HQ would at times ask Chen for his perspective about prices and sometimes Chen would use intelligence he got from HP and LG to inform his perspective.
- Chen did not always convey information from Terry to HQ. Chen did not want to let HQ know that he was very close with competitors. HQ knew that Chen had contact with Terry and sometimes HQ requested that Chen express AUO's thoughts on pricing to Terry. But HQ was nervous that Dominic was going to leak certain AUO information to competitors, like trade secrets. So, they left Chen out of key conversations to maintain confidentiality of that information. Emails where Richard Bai reported competitor information from his contacts in Taiwan to Dominic were not common, they happened one to two times a year.
- Dominic Chen does not recall specifically receiving CM reports. It probably didn't register because he didn't know what they were. Dominic might not have read the e-mail at the time since he did not know what it was. Dominic has no recollection of CM style charts. Dominic does not recall receiving CM pricing or shipment charts even though there are some CM charts on his hard drive. There is also a folder named "NBCrystal."

Dominic thinks that the folder "NBCrystal" that exists on his computer was copied from someone else's computer on a thumb drive. He did not create or name the folder. When Dominic was in Taiwan or someone from the PM department was in Texas, he must have copied some of their information because they wanted him to have access to the information. Dominic often did not even have time to read the detailed information, he just copied it. He was extremely busy because he had many different functions at AUO and was going to school so he did not always have time to do read everything in a detailed way. He does not recall specifically when he received this information from someone else.

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Another possibility is that this folder did not exist originally on his working hard drive. Dominic loaded everything he had on thumb drives on his computer hard drive when he turned his hard drive over to Counsel for AUO. The files could have been located on a thumb drive. What AUO's Counsel received is more comprehensive than what the FBI seized because he added everything he had (USB drives, DVDs etc.) to his hard drive.

- Dominic did not request business training, but he did ask HQ if there was any business training available. However, he knew enough that he would not want customers to find out he was meeting with competitors. HP would be angry because they try to play competitors off of each other so they cannot do that if the competitors are talking to each other.
- There are a lot of difference between the way that Taiwanese and American culture sees this behavior. Now Dominic understands this.

Milton Kuan (CPT), 12-20-11

- Milton recalls that he would submit crystal meeting reports to his supervisor, Yvonne Yun, and that Yvonne would submit the report to her supervisor, Cindy Wang. Milton is not sure what would happen to the report thereafter.
- Milton recalls that Samsung's Sonia Chen suggested meeting one on one instead of as a group, and that she made this suggestion in a group meeting.

Brian Lee (CPT), 12-19-11

- Brian Lee does not now recall whether he mentioned the DRAM matter at the December 13, 2006 meeting with CPT sales and IT staff regarding the deletion of documents from CPT computers

Finally, the government was advised by counsel for CPT that Brian Lee, C.C. Liu and C.H. Lin entered into separate employment agreements with CPT. It is the government's understanding through CPT counsel that these agreements were executed with CPT around the time that Brian Lee, C.C. Liu and C.H. Lin signed their plea agreements. In his deposition in the LCD MDL case, C.C. Liu indicated that he did have a separate employment agreement with CPT. Although not entirely clear from the deposition transcript, it appears that Mr. Liu was paid by CPT during the time of his incarceration under the terms of this agreement. Also, the government was told by counsel for CH Lin, before Mr. Lin pled guilty in this case, that Mr. Lin would like CPT to pay his fine. The government does not know if CPT paid the fines for any of these individuals or if it paid them during the time of their incarceration.

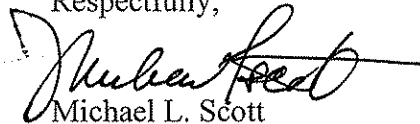
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All of the discovery material provided today, including the information from witnesses listed in this letter, is designated CONFIDENTIAL pursuant to the Stipulated Protective Order signed by Judge Illston on August 23, 2010.

Please let me know if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Scott", with a long horizontal flourish extending to the right.

Michael L. Scott
Antitrust Division

attachments

Attachment A

PChome 新聞

找東西！ 進階搜尋

泰國水患 歐債 APEC 王健民 無薪假 東北季風

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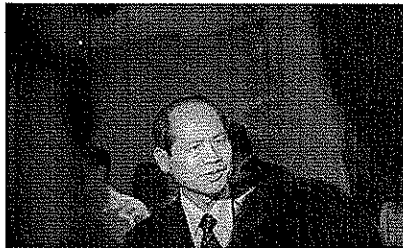
雜誌首頁 > 財經投資 >

圖文 | 推薦 | 字小圖大

坐牢！何昭陽：真是想像不到的大災難

財訊 | 2010-05-13 文 / 田哲如, 圖 / 本報資料室

作為世界霸權的美國果真「法力無邊」，對全球八大面板廠提起反托拉斯調查，已讓台灣的華映、奇美電相繼認罪，不但公司付出巨額罰款，總經理等高階主管還得到美國坐牢。一輩子專注當技術人的前奇美電總經理何昭陽，在繫獄之前道出心聲。



今年六十一歲的何昭陽，去年遵循奇美高階主管六十歲就退出第一線的傳統，卸任奇美電總經理，只擔任奇美實業的陽春董事、掛名兩家小型子公司董事長。這原本該是他在奇美集團工作了四十年之後，準備享受退休生活的開始；然而，今年四月底美國司法部突然發布新聞，何昭陽即將赴美國坐牢十四個月！

「我們忽略了國外的遊戲規則」

這是因為，美國司法部在二〇〇六年底大規模調查亞洲八家LCD面板業者涉嫌聯合操縱價格、違反美國《反托拉斯法》(Antitrust Law)，而繼〇八年底中華映管三名高階主管與美國達成認罪協商、已在美服完九個月刑期之後，奇美電的何昭陽和協理楊柱祥也在今年四月與美國司法部完成協商，願為違反美國法律而進監獄、繳罰金，成為第一家台灣面板業者遭美國重重處罰的案例。

「真是想像不到的大災難。」何昭陽在五月上旬一場由理律法律事務所舉辦的專題研討會中，強忍他個人遭受美國司法制裁的激動情緒，眼眶泛紅、娓娓道來整個過程和心得。由於奇美電是台灣面板業第二大、全球第四大，加上奇美集團在台灣的企业形象一向不差，向美國認罪的消息震撼了台灣企業界，使得這場低調進行的法律研討會吸引了包括台積電、遠傳電信、南亞科等數十家科技業者出席。同樣被美國調查的台灣第一大面板廠——友達，也

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- 戀上科技白
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- 謝金河：股票市場的錢愈來愈難賺
- 延後退休、減少給付才能讓老有所養
- 阿富汗的稀土寶藏
- 謝金河：義大利才是超級炸彈
- 美得過火！全民喊罷美 變臉變有錢
- 獲利只給懂得等待的人
- 小心！無薪假 蝴蝶效應

派人在座。

何昭陽表示，他從擔任十五年的奇美實業總經理，到掌管奇美電，幾十年來都把精力放在技術和經營、擴廠的事情上，不清楚美國《反托拉斯法》是怎麼回事，公司法務部門對美國法律所重視的也是專利、智慧財產議題，沒有注意到產品銷往美國市場竟會觸犯《反托拉斯法》，「我們忽略了國外的遊戲規則，結果產生意想不到的後果。」

這位白髮蒼蒼的歐吉桑，極力避談個人即將失去一年多的自由，但仍壓抑哽咽地說，「被美國調查的這段期間，滋味很難受，出國都被限制，公司的氣氛也一直怪怪的，士氣受到很大打擊」（按：奇美電已在今年被鴻海集團併購），他表示，為了這個案子，公司花費了許多行政資源，「所有文件都不敢銷毀，一箱一箱被美國司法部拿去翻譯，律師費更是天文數字。」

何昭陽對在場業者訴說他從這個案子得到的四個教訓。首先，進入新的市場要認真了解對方的法律，尤其美國司法部近年對境外人士的調查、追訴愈來愈嚴苛，必須認清此一國際環境的改變；其次，奇美電的面板產品直接銷往美國的比重才不過五%，大部分都是出口到中國組裝，終端產品再從中國銷到美國，「但是這些統統都要算進去（美國的反托拉斯處罰認定範圍），後果不得了！」

第一頁 上一步 1 2 下一步 最後一頁

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- 親子天下
- men's uno 男人誌
- iThome 電腦報週刊
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- 花草遊戲雜誌
- VOGUE
- Money 錢女人變有錢
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瘋殺特賣

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Attachment B



瀚宇彩晶股份有限公司

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Phone: 886-2-5591-1888

Fax: 886-2-5592-6630

May 6, 2010

Mr. Niall Lynch

Assistant Chief

United States Department of Justice, Antitrust Division

450 Golden Gate Avenue

Box 36046

San Francisco, CA 94102

USA

Subject to Rule 11(f) Fed. R. Crim. P and Rule 41(f) Fed. R. Evidence

Dear Mr. Lynch:

To supplement my counsel, Mr. Irwin Schwartz' letter to you, I would like to provide you with further information. HannStar was incorporated on June 18, 1998, and began commercial sales in 2000. When HannStar entered into the thin-film transistor liquid crystal display ("TFT-LCD") industry in 2000, the revenues of Samsung Electronic Co., Ltd. were one hundred twenty (120) times of HannStar's. In Taiwan, Chunghwa Picture Tubes, Ltd. had also manufactured and sold their products for some time already, and its revenues were six (6) times of HannStar's.

During the entire period from 2001 to 2006, HannStar manufactured mainly panels for smaller screen monitors and some for notebooks. In contrast, other TFT-LCD suppliers produced larger screen monitors and notebooks, and many panels for television. HannStar tried to market panels for television in 2004 but was not successful.

HannStar has been a small player in the industry, and did not have enough product lines to be a price mover. Instead, our customers usually dictated our prices to us, if we wanted to sell products to them. At times, they would push us to reduce our prices, and then go to other suppliers for their needs if HannStar could not meet their demands on price. From our customers, we learned more about competitors' true pricing than ever was revealed by our competitors.

The first meeting I attended, as I recall, was in September 2001. I was directed by HannStar's chief executive officer to accompany him to the meeting. To my understanding, HannStar's attendance was in response to an invitation we could not decline. I stopped going to meetings in mid-2002.



瀚宇彩晶股份有限公司

HannStar Display Corporation

No. 48, Wucyuan Rd., Wugu Industrial Zone

Taipei County 248, Taiwan R.O.C.

Phone: 886-2-5591-1888

Fax: 886-2-5592-6630

Mr. Niall Lynch

May 6, 2010

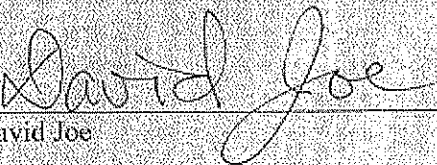
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I assumed the responsibilities as HannStar's President on December 1, 2004. From the time I became President through 2006, HannStar encountered serious financial situations, and was on its edge of going bankrupt. I had to focus all my efforts on tackling with critical financial problems.

I have tried to be a productive person and a good role model for my son. In this matter, I have fallen short due to my ignorance, and I greatly regret that.

I hope the above helps you in evaluating my offer submitted by Mr. Schwartz in the letter sent earlier.

Sincerely,


David Joe

cc: Irwin Schwartz, Esq.