

SHORT RECORD  
Appeal No. 14-8003  
Filed 2/24/14

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

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MOTOROLA MOBILITY LLC,

Plaintiff and Appellant,

vs.

AU OPTRONICS CORPORATION, et al.,

Defendants and Appellees.

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On Petition for Interlocutory Appeal from an Order of the  
United States District Court for the Northern District of Illinois  
Case No. 09-cv-6610

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**PETITION FOR INTERLOCUTORY APPEAL**

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## TABLE OF CONTENTS

QUESTION PRESENTED .....	1
INTRODUCTION .....	1
BACKGROUND .....	4
REASONS FOR PERMITTING THE APPEAL .....	7
A.    The Order Presents A Controlling Question Of Law.....	8
B.    The Legal Question Is Contestable – In Fact, The Decision Below Is Clearly Wrong.....	8
C.    Interlocutory Appellate Review Of The Order Will Likely Expedite Resolution Of This Lawsuit. ....	11
D.    The Order Presents A Matter Of Exceptional Practical Importance...	12
CONCLUSION.....	14

## TABLE OF AUTHORITIES

	Page(s)
<b>Cases</b>	
<i>Ahrenholz v. Bd. of Trs. of the Univ. of Ill.</i> , 219 F.3d 674 (7th Cir. 2000) .....	7, 8
<i>Animal Sci. Prods., Inc. v. China Minmetals Corp.</i> , 654 F.3d 462 (3d Cir. 2011) .....	9
<i>Boim v. Quranic Literacy Inst. &amp; Holy Land Found. for Relief &amp; Dev.</i> , 291 F.3d 1000 (7th Cir. 2002) .....	7
<i>Empagran S.A. v. F. Hoffman-LaRoche Ltd.</i> 388 F.3d 337 (D.C. Cir. 2004) .....	8
<i>F. Hoffmann-La Roche Ltd. v. Empagran S.A.</i> , 542 U.S. 155 (2004) .....	9, 10
<i>In re Pharmacy Benefit Managers Antitrust Litig.</i> , 582 F.3d 432 (3d Cir. 2009) .....	6
<i>In re Text Messaging Antitrust Litig.</i> , 630 F.3d 622, 626 (7th Cir. 2010) .....	8
<i>In re TFT-LCD (Flat Panel) Antitrust Litig.</i> , 785 F. Supp. 2d 835 (N.D. Cal. 2011) .....	4
<i>In re TFT-LCD (Flat Panel) Antitrust Litig.</i> , No. 07-cv-1827, 2010 WL 2610641 (N.D. Cal. June 28, 2010) .....	4
<i>In re TFT-LCD (Flat Panel) Antitrust Litig.</i> , No. 07-cv-1827, 2012 WL 3276932 (N.D. Cal. Aug. 9, 2012) .....	4, 6
<i>Minn-Chem, Inc. v. Agrium, Inc.</i> , 683 F.3d 845 (7th Cir. 2012) .....	passim
<i>Sterk v. Redbox Automated Retail, LLC</i> , 672 F.3d 535 (7th Cir. 2012) .....	11
<i>Turicentro, S.A. v. Am. Airlines Inc.</i> , 303 F.3d 293 (3d Cir. 2002) .....	9
<i>Williams v. C.I.R.</i> , 1 F.3d 502 (7th Cir. 1993) .....	5

<i>Winkler v. Eli Lilly &amp; Co.</i> , 101 F.3d 1196 (7th Cir. 1996) .....	5
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**Statutes**

28 U.S.C. § 1292(b) .....	7, 8, 11
Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6(a) .....	<i>passim</i>



## QUESTION PRESENTED

Defendants in this case admittedly violated U.S. antitrust laws by forming a cartel that fixed the price of liquid crystal display panels (“LCD panels”). They marketed that product to plaintiff Motorola Mobility LLC (“Motorola”), a U.S. company that unknowingly agreed to pay the fixed prices. Although defendants delivered most of their LCD panels to Motorola’s foreign subsidiaries, defendants were aware that a substantial proportion (nearly half) would be incorporated into Motorola mobile devices imported into the United States, and a further small percentage were delivered directly to Motorola in the United States. The district court nonetheless held that the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6(a) (the “FTAIA”), bars Motorola as a matter of law from recovering for the injuries caused by the sales of any price-fixed LCD panels first delivered abroad. *See* Jan. 23, 2014 Memorandum Opinion and Order (the “Order”) (App. Ex. A).

The question presented is: Does the FTAIA bar a U.S. plaintiff from recovering antitrust damages with respect to price-fixed goods delivered abroad when the purchases are made through its foreign subsidiaries at prices and quantities determined in the United States?

## INTRODUCTION

Defendants operated a quintessential, hard-core international price-fixing cartel that conspired to fix the price of LCD panels at an enormous cost to the American economy. LCD panels are used as displays in a wide variety of consumer products, including mobile phones, televisions, laptops, and computer monitors.

Defendants held secret pricing meetings with competitors in places such as hotel conference rooms, karaoke bars, and tea rooms, and they marketed their products at those fixed prices to American companies. Most of them have admitted their misconduct in open court during guilty plea allocutions; one has been tried and convicted by the United States Department of Justice (the “DOJ”); at least a dozen individual executives have gone to prison; and in recognition of the harm caused, these companies have paid well over a billion dollars to the U.S. government in criminal fines.

Among the many customers injured by this conspiracy was plaintiff Motorola, a U.S. company, which purchased over \$5 billion worth of LCD panels from cartel members for use in its mobile devices. A small proportion of those panels were shipped directly to Motorola in the United States, but 99% were delivered to Motorola’s foreign subsidiaries for use in making Motorola finished products. In fixing the prices, defendants knew that a substantial proportion (nearly half) of those panels would be incorporated in Motorola mobile devices imported into this country for sale to American consumers; the other half of the phones were sold abroad.

But Motorola and its foreign subsidiaries always paid a single negotiated price for defendants’ LCD panels that was determined by Motorola in the United States, regardless of the panels’ initial or final destination. That price was, in turn, inflated by defendants’ conspiratorial price fixing. In this suit, Motorola seeks recompense for these price-fixed purchases under the U.S. antitrust laws. The

question presented in this interlocutory appeal is whether the district court erred in holding that the FTAIA bars Motorola from recovering any antitrust damages for the panels delivered abroad.

The FTAIA establishes a default rule that anticompetitive conduct in wholly-foreign and U.S. export commerce is exempt from application of the U.S. antitrust laws. By contrast, the FTAIA is inapplicable to – and the U.S. antitrust laws continue to apply to – anticompetitive conduct involving “import trade or import commerce.” But even where the FTAIA would otherwise preclude application of the antitrust laws, it includes an exception: the antitrust laws apply to conduct in foreign commerce that “has a direct, substantial, and reasonably foreseeable effect” on U.S. domestic or import commerce, and that “effect gives rise to a claim” under the antitrust laws.

In this case, the parties agree that the 1% of LCD panels delivered to Motorola in the United States falls outside the FTAIA. But the parties – and the two different district judges who have determined this question on the exact same record – disagree about the application of the FTAIA to the remaining 99%. All agree, however, that this question should be resolved now, because it is a controlling and unsettled question of law whose immediate resolution will prevent highly duplicative proceedings with respect to the vast majority of the injury at issue. *See* Feb. 13, 2014 Order (stipulated order certifying case for interlocutory review) (the “Certification Order”) (App. Ex. B). This Court should grant the petition to review and reverse the district court’s order, which fails to acknowledge

that defendants' conduct at least had a direct, substantial, and foreseeable effect on U.S. domestic and import commerce, giving rise to the very antitrust claims at issue here.

## BACKGROUND

Motorola filed suit in the Northern District of Illinois on October 20, 2009. But because defendants' cartel had so many victims, the suit was consolidated with others and transferred for pretrial purposes to an MDL court in the Northern District of California. Defendants then moved to dismiss Motorola's first amended complaint on the grounds that the FTAIA barred Motorola's Sherman Act claim insofar as it was based upon purchases of price-fixed LCD panels through its foreign subsidiaries, even though a substantial number of the panels were used in U.S.-bound products and all panels were purchased at a single price approved by Motorola in the United States.

The MDL court initially granted defendants' motion. *See In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. 07-cv-1827, 2010 WL 2610641 (N.D. Cal. June 28, 2010). After Motorola amended its complaint, the court rejected a similar motion to dismiss, *see In re TFT-LCD (Flat Panel) Antitrust Litig.*, 785 F. Supp. 2d 835, 842-43 (N.D. Cal. 2011), as well as a motion for summary judgment at the close of fact discovery, *In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. 07-cv-1827, 2012 WL 3276932, at \*2 (N.D. Cal. Aug. 9, 2012) (App. Ex. C) ("[W]hether the price fixing activities alleged by Motorola in this case gave rise to direct, substantial, and reasonably foreseeable effects on domestic commerce, and whether such effects gave

rise to a Sherman Act claim present issues of fact which must be resolved by the jury in this case.”) (the “MDL Order”). Having so held, the MDL court remanded Motorola’s case to the Northern District of Illinois for trial, which was scheduled to begin on March 10, 2014.

Unsatisfied with the MDL court’s determination at summary judgment, however, defendants moved for reconsideration of the summary judgment order. Motorola opposed, arguing, among other things, that there were neither new facts nor new law that would make it appropriate to second guess the MDL court. Nonetheless, on January 23, 2014, the district court granted the motion for reconsideration and vacated the MDL court’s prior ruling denying summary judgment without further briefing or oral argument. *See Order at 20.*

The district court first determined that it had the power to reconsider the MDL court’s order because, in its view, the MDL court had committed “clear error” in applying the statutory requirements of the FTAIA, and there was no controlling case law in the Seventh Circuit defining the power of a transferor court to reconsider rulings made by an MDL court.<sup>1</sup> *See Order at 8-9.* Specifically, the

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<sup>1</sup> This alone was a serious error. This Court, and others, have held that revisiting the pre-trial rulings of a transferee court on such grounds is inefficient, unfair, and contrary to the purposes of MDL proceedings. *See Winkler v. Eli Lilly & Co.*, 101 F.3d 1196, 1202 n.5 (7th Cir. 1996) (“It would vitiate much of the purpose of consolidating litigation if, after remand, parties could simply re-visit the transferee court’s pre-trial rulings, and force the common defendant to deal piecemeal with once-collective matters.”); *Williams v. C.I.R.*, 1 F.3d 502, 503 (7th Cir. 1993) (“Litigants have a right to expect that a change in judges will not mean going back to square one. The second judge may alter previous rulings if new information convinces him that they are incorrect, but he is not free to do so even though the time for reconsideration has not expired, merely because he has a (Continued...)”).

district court held that the “fundamental problem with the MDL court’s analysis is that it did not address how the domestic conduct that Motorola argues it can prove constituted a domestic effect that gives rise to a Sherman Act claim.” Order at 15.

Based on an overly narrow reading of the FTAIA’s caveats – and barely even mentioning this Court’s recent and authoritative exposition on the subject in *Minn-Chem, Inc. v. Agrium, Inc.*, 683 F.3d 845, 853 (7th Cir. 2012) – the district court rejected the MDL court’s view that, because Motorola was a U.S. company targeted by the cartel in the United States, and because Motorola controlled not just the price paid by its foreign subsidiaries, but the vendors chosen, the quantities purchased, and the devices that were made, “a reasonable jury could find a ‘concrete link between defendants’ price setting-conduct . . . its domestic effect, and the foreign injury suffered by Motorola and its affiliates.” MDL Order at 5 (citation omitted). The district court further held that the FTAIA’s “import exclusion” does not apply even in a situation where defendants sold “price-fixed LCD panels to Motorola manufacturing facilities abroad that Defendants knew would be incorporated into Motorola devices sold in the United States.” Order at 19.

The immediate result of the district court’s decision was to eliminate 99% of the purchases covered by Motorola’s Sherman Act claim from the case, but the claim itself remained for trial based on the 1% of panels delivered to Motorola in the United States. That claim would necessitate a lengthy trial over minimal damages,

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different view of the law or facts from the first judge.”); *see also, e.g., In re Pharmacy Benefit Managers Antitrust Litig.*, 582 F.3d 432, 441-42 (3d Cir. 2009) (“[W]e do not believe that Congress intended that a ‘Return to Go’ card would be dealt to parties involved in MDL transfers.”).

after which Motorola would seek appellate review on the question whether the district court erred in preventing the remaining 99% of purchases from going to trial. Moreover, the district court's decision casts a cloud over the MDL court's determinations with respect to several other plaintiffs whose claims are going forward against these same defendants. Accordingly, the district court issued the Certification Order on February 13, 2014, certifying its decision for interlocutory appeal pursuant to 28 U.S.C. § 1292(b). The district court expressly found that all of the requirements of § 1292(b) were met: The issues set forth in its Certification Order were controlling, contested, and of great practical importance to the efficient resolution of this matter and the scope of U.S. antitrust laws generally.

Certification Order ¶ 1.

### **REASONS FOR PERMITTING THE APPEAL**

This case is plainly appropriate for interlocutory review. This Court has previously acknowledged its “duty . . . to allow an immediate appeal to be taken when the statutory criteria are met” under 28 U.S.C. §1292(b), *Ahrenholz v. Bd. of Trs. of the Univ. of Ill.*, 219 F.3d 674, 677 (7th Cir. 2000) – i.e., when “(1) the appeal presents a question of law; (2) it is controlling; (3) it is contestable; [and] (4) its resolution will expedite the resolution of the litigation.” *Boim v. Quranic Literacy Inst. & Holy Land Found. for Relief & Dev.*, 291 F.3d 1000, 1007 (7th Cir. 2002) (citing *Ahrenholz*, 219 F.3d at 675)). As the district court recognized in certifying its order, and as defendants themselves have stipulated, all four conditions for interlocutory appeal are easily met here.

**A. The Order Presents A Controlling Question Of Law.**

The Order presents a question of law that is “controlling.” “Decisions holding that the application of a legal standard is a controlling question of law within the meaning of section 1292(b) are numerous.” *In re Text Messaging Antitrust Litig.*, 630 F.3d 622, 626 (7th Cir. 2010) (Posner, J.) (collecting cases); *see also Ahrenholz*, 219 F.3d at 676 (“a question of the meaning of a statutory . . . provision” represents a controlling question of law under Section 1292(b)). Preliminary issues of antitrust liability are frequently treated as appropriate questions for §1292(b) petitions given the economic complexities of the issues that often remain for trial. Indeed, this Court’s authoritative exposition of the meaning of the FTAIA in *Minn-Chem* was decided on a §1292(b) petition. *See* 683 F.3d 845, 848; *see also Empagran S.A. v. F. Hoffman-LaRoche, Ltd.*, 388 F.3d 337, 339 (D.C. Cir. 2004) (similar).

**B. The Legal Question Is Contestable – In Fact, The Decision Below Is Clearly Wrong.**

The Order presents a legal question that is undoubtedly “contestable.” Indeed, the district court and the MDL court came to contrary conclusions when applying the FTAIA to the same issues, on the same facts, in the same case. There is substantial confusion among the district courts and the Courts of Appeal as to how to apply the FTAIA, especially when it comes to difficult questions regarding international cartels whose global misconduct also affects the United States economy. Clear guidance from this Court is sorely needed. That said, the district court’s decision in this case is plainly incorrect in multiple respects.



First, the district court erred in applying the FTAIA's "import exclusion" for cases where the conduct involves "import commerce." Relying on the Third Circuit's decision in *Turicentro, S.A. v. Am. Airlines Inc.*, 303 F.3d 293 (3d Cir. 2002), the district court concluded that the "dispositive inquiry" is "whether the conduct of defendants, not plaintiffs, involves 'import trade or commerce,'" Order at 19, and so held that any LCD panels delivered to Motorola's subsidiaries abroad fell outside the import exclusion. But this ignored more recent guidance to the contrary from the Third Circuit itself. In *Animal Sci. Prods., Inc. v. China Minmetals Corp.*, 654 F.3d 462, 470 (3d Cir. 2011), that Court held that "[f]unctioning as a physical importer may satisfy the import trade or commerce exception, but it is not a necessary prerequisite." The relevant inquiry is whether "the defendants' conduct target[ed] import goods or services." *Id.* Defendants' conduct here clearly did that: They delivered price-fixed LCD panels to Motorola's foreign subsidiaries knowing that a substantial percentage were bound for the United States in finished Motorola mobile devices.

Even more surprising than the determination that these sales did not involve U.S. import commerce, however, is the district court's conclusion that they also did not even *affect* U.S. domestic or import commerce for purposes of the FTAIA's "domestic effects exception." As the Supreme Court explained in *F. Hoffmann-La Roche Ltd. v. Empagran S.A.*, 542 U.S. 155 (2004), that exception applies where anticompetitive conduct involving foreign commerce "*both* (1) sufficiently affects American commerce, *i.e.*, it has a 'direct, substantial, and reasonably foreseeable

effect’ on American domestic, import, or (certain) export commerce, *and* (2) has an effect of a kind that antitrust law considers harmful, *i.e.*, the ‘effect’ must ‘giv[e] rise to a [Sherman Act] claim.’” *Id.* at 162 (quoting FTAIA). As this Court recently made clear in *Minn-Chem*, application of the exception requires “a reasonably proximate causal nexus” between the conduct and the domestic effect, not that the domestic effect “follow as an immediate consequence of the defendant’s . . . activity.” 683 F.3d at 857.

Hardest to comprehend is the district court’s view that the exception does not apply because there was no “‘substantial’ effect on American domestic or import commerce.” Order at 18. The court cited *Minn-Chem*, but failed to apply its teachings, holding that “[b]ecause the economic consequences of Motorola’s domestic approval of LCD prices were not felt in the U.S. economy, the domestic approval [of prices] cannot constitute a domestic effect that gives rise to a Sherman Act claim.” *Id.* But of course the “economic consequences of Motorola’s domestic approval of LCD prices were . . . felt in the U.S. economy.” *Id.* It is undisputed that Motorola both imported LCD panels directly from defendants at that same fixed price and imported and sold to U.S. consumers billions of dollars-worth of mobile phones containing price-fixed panels. To hold, as a matter of law, that such an impact on U.S. import or domestic commerce from defendants’ hard-core, price-fixing conduct is “insubstantial” is bizarre. As this Court said regarding the same inquiry in *Minn-Chem*, “[w]herever the floor may be, it is so far below these numbers that we do not worry about it here.” *Minn-Chem*, 683 F.3d at 856.

This case presents an incontrovertible link between the domestic effects of defendants' price-fixing conduct and the (allegedly) foreign injury, and even if the district court's approach to the domestic effects analysis were not fundamentally flawed for the reasons given above, that flawed analysis should *still* have come out in favor of allowing Motorola's claim. The idea that getting a U.S. company to agree to an inflated price for a cartelized product does not proximately cause the antitrust injury experienced by that company's foreign subsidiaries when they take deliveries of the price-fixed product at the price and quantity determined by Motorola in the United States is head-scratching at best. At the very least, this issue was decided on summary judgment and presented a triable question of fact.

**C. Interlocutory Appellate Review Of The Order Will Likely Expedite Resolution Of This Lawsuit.**

"[A]ll that section 1292(b) requires as a precondition to an interlocutory appeal, once it is determined that the appeal presents a controlling question of law on which there is a substantial ground for a difference of opinion, is that an immediate appeal *may* materially advance the ultimate termination of the litigation." *Sterk v. Redbox Automated Retail, LLC*, 672 F.3d 535, 536 (7th Cir. 2012) (emphasis in original). Expediting the litigation does not require resolution in its entirety, as it is sufficient that an interlocutory appeal would remove "uncertainty about the status of a . . . claim" that might delay settlement or resolution. *Id.*

Here, the parties agree that interlocutory appellate review will expedite the resolution of this lawsuit, saving substantial litigation costs and judicial resources.

The Order dismissed 99% of Motorola's Sherman Act claim. Without interlocutory review, Motorola's only choice is to pursue a lengthy and costly trial on the remaining 1%, where damages might still be meaningful but might also be offset after final judgment and trebling by the prior settlements Motorola has achieved (making it a potentially lose-lose proposition). Of course, at that point, Motorola could seek review on the FTAIA issues. But if it prevailed, the parties would just face the prospect of a second lengthy and costly trial on many of the same issues as before. This procedure would be a manifest waste of judicial resources and an impracticable way to conduct this litigation.

The district court agreed unequivocally in its Certification Order:

The Court further finds that immediate appellate review of the 1/23/14 Order will expedite the resolution of this litigation . . . Absent interlocutory review, the parties and the Court will face a lengthy and costly trial in which very little will be at stake before Motorola is able to seek appellate review of the appropriate application of the FTAIA.

Certification Order ¶ 1(g).

**D. The Order Presents A Matter Of Exceptional Practical Importance.**

The district court also acknowledged that this issue presents a matter of exceptional practical importance as to "how broadly the U.S. antitrust laws are applied." *See* Certification Order ¶ 1(h). As this Court well knows, the FTAIA applies not only to private antitrust actions, but also to the federal enforcement agencies as well. *See Minn-Chem*, 683 F.3d at 853 ("The statute applies not only to private actions, such as this one, but also to actions brought by the two federal

agencies entrusted with the enforcement of the antitrust laws.”). If the district court’s opinion stands, it could have a severe, negative impact on the antitrust enforcement agencies’ ability to pursue international cartels that target U.S. companies with global manufacturing operations.

Indeed, at least some of the criminal fines in the case were based on the very type of commerce at issue in this petition: sales of price-fixed products delivered to the foreign subsidiaries of U.S. companies and sales of finished products in the U.S. containing price-fixed panels first delivered abroad. If the district court is right, then an admitted price-fixing cartel can operate in the United States and specifically target U.S. companies, and then immunize its criminal conduct simply by making sure the price-fixed goods at issue are first shipped somewhere abroad. Such a perverse result would undermine the ability of the antitrust enforcement agencies to effectively protect U.S. companies and consumers.

It is common knowledge that a substantial percentage of U.S. manufacturers utilize global supply chains and foreign subsidiaries to effectively compete in the global economy. If allowed to stand, the district court’s ruling would allow foreign cartelists to come to the United States, unfairly overcharge U.S. manufacturers, hamper their ability to compete fairly, and then walk away scot-free, based solely on fortuities, such as how a U.S. company is structured or where title to the price-fixed product initially changes hands. This cannot be what Congress intended when it passed the FTAIA, and it is contrary to the view expressed by this Court in *Minn-Chem*. There, as here, “[i]t is the U.S. authorities or private plaintiffs who have the

incentive – and the right – to complain about overcharges paid as a result of the . . . cartel, and whose interests will be sacrificed if the law is interpreted not to permit this kind of case.” *Minn-Chem*, 683 F.3d at 860.

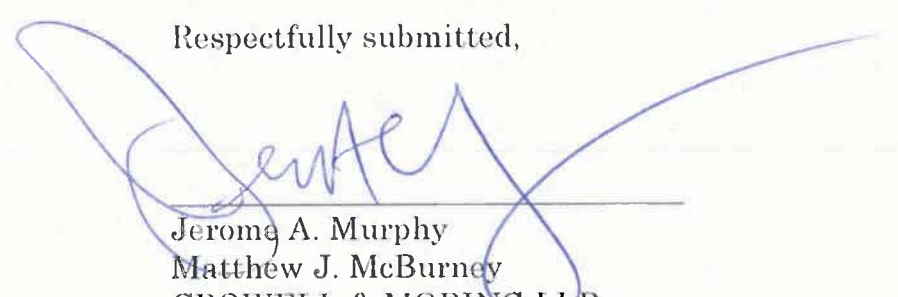
Motorola respectfully submits that this petition presents an issue of exceptional practical importance not only to Motorola, but to the many other U.S. manufacturers who must compete in the global economy, and to the federal agencies charged with enforcing the U.S. antitrust laws. Effective deterrence of hard-core, international price-fixing cartels whose conduct negatively affects the U.S. economy requires that they be punished for all the harm (and self-serving profits) their conduct has caused. And beyond that, U.S. plaintiffs who are injured by that conduct surely deserve complete recompense.

### CONCLUSION

For the reasons set forth above, Motorola respectfully submits that this petition for interlocutory appellate review should be granted.

Dated: February 24, 2014

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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on February 24, 2014, he caused a copy of this Petition and the attached Appendix to be served via email on the clerk of the United States Court of Appeals for the Seventh Circuit.

The undersigned attorney hereby further certifies that on February 24, 2014, he caused a copy of this Petition and the attached Appendix to be placed with a third-party commercial carrier for overnight delivery to be served on the following counsel of record:

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# APPENDIX

**TABLE OF CONTENTS**

Memorandum Opinion and Order (Dkt. No. 182, filed Jan. 23, 2014).....	Tab A
Order (Dkt. No 187, filed Feb. 13, 2014).....	Tab B
<i>In re TFT-LCD (Flat Panel) Antitrust Litig.</i> , No. 07-cv-1827, 2012 WL 3276932 (N.D. Cal. Aug. 9, 2012).....	Tab C

# Tab A

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MOTOROLA MOBILITY, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 09 C 6610
v.	)	
	)	Judge Joan B. Gottschall
AU OPTRONICS CORPORATION, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION & ORDER**

The Foreign Trade Antitrust Improvements Act of 1982 (“FTAIA”) places all nonimport foreign commerce outside the Sherman Act’s reach unless such conduct (1) has a “direct, substantial, and reasonably foreseeable effect” on American domestic or import commerce; and (2) such effect gives rise to a Sherman Act claim. Motorola Mobility, Inc. (“Motorola”) alleges that numerous manufacturers of liquid crystal display (“LCD”) panels (collectively, “Defendants”) conspired to raise prices of LCD panels in violation of the Sherman Act. The MDL court denied Defendants’ motion for partial summary judgment with respect to Motorola’s Sherman Act claim based on purchases of LCD panels by its foreign affiliates, finding that Motorola had presented admissible evidence from which a jury could find that final decisions regarding pricing of LCD panels took place in the United States. The case was remanded to this court for trial, and Defendants moved for reconsideration of the MDL court’s ruling, arguing that there was no domestic effect that gave rise to Motorola’s foreign affiliates’ Sherman Act claims. For the reasons stated below, Defendants’ motion for reconsideration is granted.

## **I. BACKGROUND**

Motorola is a technology company based in Libertyville, Illinois, that manufactures a number of electronic devices, including mobile phones. These mobile phones contain LCD panels that Defendants sold to Motorola and its foreign affiliates. The complaint alleges that, from 1996-2006, Defendants took part in a global conspiracy to raise the price of LCD panels above the price that would have prevailed in a competitive market.

The purchases of LCD panels at issue in this case fall into three categories: (1) purchases of LCD panels by Motorola that were delivered directly to Motorola facilities in the United States (“Category I”); (2) purchases of LCD panels by Motorola’s foreign affiliates that were delivered to the foreign affiliates’ manufacturing facilities abroad, where they were incorporated into mobile phones that were later sold in the United States (“Category II”); and (3) purchases of LCD panels by Motorola’s foreign affiliates that were delivered to the foreign affiliates’ manufacturing facilities abroad and were later incorporated into mobile phones sold outside the United States (“Category III”). Motorola’s foreign affiliates have assigned their claims to Motorola.

Whether Motorola can bring claims under the Sherman Act based on the Category II and Category III purchases is the question that is now before this court. That question was addressed three times by the MDL court: first, in its order granting Defendants’ motion to dismiss the first amended complaint; second, in its order denying Defendants’ motion to dismiss the second amended complaint; and third, in its order denying Defendants’ motion for partial summary judgment.



***Motorola I***

Defendants moved to dismiss the first amended complaint on the ground that the FTAIA barred Motorola's claims based on the Category II and Category III purchases by Motorola's foreign affiliates. Defendants argued that Motorola's claims based on these purchases fell under the FTAIA's general rule that the Sherman Act shall not apply to nonimport conduct involving trade with foreign nations and that Defendants' conduct did not fall under the FTAIA's exception for conduct having a direct, substantial, and reasonably foreseeable domestic effect that gives rise to a Sherman Act claim.

The MDL court agreed with Defendants and granted the motion to dismiss. First, the court noted that Motorola had conceded that it could not assert any claims based on the sale of LCD panels to Motorola subsidiaries abroad if the panels never entered the United States (Category III sales). *In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. 09 C 5840, 2010 WL 2610641, at \*3 (N.D. Cal. June 28, 2010) ("*Motorola I*"). The issue in dispute was whether Motorola could seek to recover based on its foreign affiliates' purchases of LCD panels that were delivered to the foreign affiliates' manufacturing facilities abroad, where they were incorporated into mobile phones that were later sold in the United States (Category II purchases). *Id.*

Next, the court rejected Motorola's argument that the products at issue were "imports" that are not subject to the FTAIA. The court held that the dispositive inquiry is whether the conduct of the defendants, not plaintiffs, involves "import trade or commerce." *Id.* at \*5 (citing *Turicentro, S.A. v. Am. Airlines Inc.*, 303 F.3d 293, 303 (3d Cir. 2002), *overruled on other grounds by Animal Sci. Prods. Inc. v. China Minmetals Corp.*, 654 F.3d 462, 467-68 (3d Cir. 2011)). The court noted that Motorola had not alleged that the products were brought to the

United States by Defendants, but rather by Motorola affiliates, and so the products at issue were not “imports.” *Id.*

Having found that the FTAIA’s general rule of non-liability applied to Motorola’s Category II claims, the court next turned to whether the claims nevertheless fell under the domestic injury exception. The court focused its analysis on the domestic injury exception’s second prong: whether the alleged domestic effect gave rise to the Sherman Act claim. The court noted that, under Ninth Circuit precedent, the “gives rise to” language of the FTAIA requires a plaintiff to establish proximate cause between the alleged anticompetitive effects in the United States and the plaintiff’s foreign injury. *Id.* at \*6 (citing *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, 546 F.3d 981, 987-88 (9th Cir. 2008)). In *DRAM*, the plaintiff alleged that the domestic effect of the defendants’ anti-competitive behavior—higher DRAM prices in the United States—gave rise to its foreign injury of having to pay higher DRAM prices abroad because the defendants could not have raised prices worldwide and maintained their global price-fixing arrangement without fixing the DRAM prices in the United States. *Id.* at 984. The Ninth Circuit held that such allegations were insufficient to satisfy the second prong of the FTAIA’s domestic injury exception because the fact that the conspiracy had effects in the United States and abroad did not show that “the effect in the United States, rather than the overall price-fixing conspiracy itself, proximately caused the effect abroad.” *Id.* at 988 (citing *In re Monosodium Glutamate Antitrust Litig.*, 477 F.3d 535, 539-40 (8th Cir. 2007), for the proposition that proximate cause is not met by allegations that “there was a single global price kept in equipoise by the maintenance of super-competitive prices in the U.S. market”). The MDL court found that, as in *DRAM*, Motorola’s allegations that Defendants engaged in a “global conspiracy” that impacted “global prices” and that Motorola’s foreign affiliates “suffered injury

as a result of defendants' antitrust violations" fell "far short of alleging that the domestic effect of defendants' conduct gave rise to Motorola's foreign injuries." *Motorola I*, 2010 WL 2610641, at \*7. Accordingly, the court granted Defendants' motion to dismiss Motorola's foreign injury claims, with leave to amend.

### ***Motorola II***

In its second amended complaint, Motorola added allegations that senior executives of the Defendants instructed subordinates in the United States to communicate with employees of their competitors to exchange pricing and other competitive information to be used in fixing prices for LCD panels sold to U.S. companies. Motorola alleged that Defendants and their co-conspirators used their U.S. affiliates, salespeople, and contacts to enter into supply agreements in Illinois to sell Motorola LCD panels at unlawfully inflated prices. It alleged that procurement teams at Motorola based in the U.S. negotiated the prices, conditions, and quantities that governed all Motorola purchases of LCD panels around the world for inclusion in Motorola devices. It alleged that its U.S. procurement teams negotiated each LCD panel purchase with Defendants through a process that involved developing requests and preliminary specifications in collaboration with U.S. representatives for Defendants and the final negotiation of the terms of purchase for LCD panels. It alleged that the prices set through this domestic negotiation process directly and immediately impacted Motorola's business plans, including its most basic business choices involving the production, pricing, and sales of its own products. After the price for LCD panels was set, Motorola's supply chain organization, which was based in Illinois, used an automatic scheduling process to determine the quantity requirements for it and its subsidiaries. This process was directed by Motorola from the U.S., and the foreign affiliates issued purchase orders at the price and quantity determined by Motorola in the United States.

Defendants again moved to dismiss, arguing that Motorola had failed to cure the flaws that the MDL court had identified when it dismissed the first amended complaint. Defendants argued that Motorola's allegation that Motorola directed from Illinois that purchases be made abroad by its foreign affiliates was insufficient to establish that any domestic effect gave rise to its Sherman Act claim. Defendants relied on a number of cases from courts across the country that found that allegedly super-competitive domestic prices cannot proximately cause plaintiffs' foreign injuries; rather, such injuries are caused by the foreign effects of the price-fixing conspiracy itself. *See In re TFT-LCD (Flat Panel) Antitrust Litig.*, 785 F. Supp. 2d 835, 841-42 (N.D. Cal. 2011) ("*Motorola II*").

The MDL court distinguished this case, however, noting that Motorola is an American company, that Motorola alleged that the domestic effect was the setting of a global price in the United States for all LCD panel purchases around the world, that the complaint alleged that the terms of purchase were negotiated by Motorola's procurement teams within the United States and applied worldwide, and that Motorola's foreign affiliates were bound by these negotiations.

*Id.* The court held:

These allegations establish a concrete link between defendants' price-setting conduct (the collusion between the defendants to establish an artificially high price for LCD Panels), its domestic effect (the negotiations between Motorola and defendants that resulted in the setting of a global, anticompetitive price for all LCD Panels sold to Motorola) and the foreign injury suffered by Motorola and its affiliates (payment of higher prices abroad).

*Id.* at 843. The court denied the motion to dismiss, noting that, ultimately, Motorola would still need to prove that global prices were negotiated and set by Motorola's procurement team in Illinois and that a single global price was effective worldwide. *Id.* at 844.

***Motorola III***

The summary judgment briefing focused on whether Motorola could satisfy the standard set by the court in *Motorola II*—whether it could prove that its foreign affiliates in fact paid prices for LCDs pursuant to contracts that were negotiated and entered into in the U.S. Defendants noted that discovery had revealed that over 99% of the LCD purchases at issue were purchases by Motorola’s foreign affiliates who assigned their claims to Motorola. They argued that the record demonstrated that prices were not negotiated in Illinois, as Motorola had alleged, but abroad. And they argued that, contrary to Motorola’s allegations, Motorola’s foreign affiliates did not pay inflated prices for LCDs pursuant to supply agreements entered into in Illinois, but rather entered into agreements outside the U.S.

Applying the standard it set out in *Motorola II*, the MDL court denied Defendants’ motion for summary judgment. *In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. M 07-1827, 2012 WL 3276932, at \*2 (N.D. Cal. Aug. 9, 2012) (“*Motorola IIF*”). The court based its decision on Motorola’s “domestic roots,” “the locale of the transactions at issue,” and the fact that Defendants (i) “targeted Motorola in the United States”; (ii) “knew that Motorola sold mobile devices in the United States and that the United States was one of the largest markets for mobile devices in the world”; (iii) “established U.S. subsidiaries to facilitate sales of LCD panels to Motorola in the United States”; (iv) “met with Motorola on several occasions in the United States to discuss, and, at times, negotiate prices for LCD panels”; (v) “used their employees—both U.S.-based and those stationed abroad—in furtherance of the price-fixing conspiracy”; and (vi) pled guilty to participating in a conspiracy to fix prices of LCD panels sold in the United States. *Id.* at \*2-3.

In response to Defendants' argument that Motorola had not identified any effect on U.S. domestic commerce that gave rise to Motorola's Sherman Act claim, the court held:

Motorola has presented admissible evidence from which a jury could infer that final decisions regarding pricing of LCD panels took place in the United States. Motorola also points to the deposition testimony of its employees to support its claim that foreign affiliates issued purchase orders at the price and quantity determined by Motorola in the United States.

*Id.* at \*3 (citations omitted). The case was then remanded to this court for trial, where Defendants filed a motion for reconsideration of the MDL court's order denying summary judgment.

## II. STANDARD OF REVIEW

Defendants move for reconsideration under Federal Rule of Civil Procedure 54(b), which provides that an order "that adjudicates fewer than all the claims or rights and liabilities of fewer than all the parties . . . may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities." The Seventh Circuit has not addressed how transferor courts should review the pretrial determinations of transferee MDL courts.<sup>1</sup> The Fifth Circuit has held that transferor courts should use the law of the case doctrine to determine whether to revisit an MDL court's decision. *In re Ford Motor Co.*, 591 F.3d 406, 411 (5th Cir. 2009). Under that doctrine, "a successor judge has the same discretion to reconsider an order as would the first judge, but should not overrule the earlier judge's order or judgment merely because the later judge might have decided matters differently." *Id.* The doctrine allows successor courts to "correct serious errors of the transferee court." *Id.*

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<sup>1</sup> A transferor court refers to the court in which the suit was begun (here, the Northern District of Illinois); the transferee court refers to the court to which the case was transferred for MDL pretrial rulings (the Northern District of California).

One recent decision criticized the Fifth Circuit's holding, however. *See Hill v. Ford Motor Co.*, No. 11 C 799, 2013 WL 5360015, at \*6 (N.D. Ga. Sept. 25, 2013). The *Hill* court noted that almost every case invoking the law of the case doctrine involved an earlier *appellate* decision, not an earlier decision of the district court. *Id.* The court suggested that the law of the case doctrine should not apply to review of MDL court pretrial rulings, because "a district judge [can] always reverse a prior ruling that she had made in the same case if she later decided she had been wrong . . . . On appeal, the appellate court is only going to care whether the ultimate ruling was right, not whether the judge's first call on the issue was arguably meritorious." *Id.* Ultimately, however, the court noted that it did not matter whether the transferor court applied the law of the case doctrine, because the standard in considering a motion for reconsideration is the same as the law of the case doctrine standard. *Id.* Under both standards, a court may correct clear errors of law. *See Zurich Capital Mkts. Inc. v. Coglianese*, 383 F. Supp. 2d 1041, 1045 (N.D. Ill. 2005) ("[U]nder Rule 54(b), a court may correct clear errors of fact or law in an interlocutory order.")

Accordingly, this court will also apply the "clear error" standard of review to the MDL court's denial of summary judgment, while being mindful of the fact that "[i]t would vitiate most of the purposes of consolidating litigation if, after remand, parties could simply re-visit the transferee court's pre-trial rulings . . . ." *Winkler v. Eli Lilly & Co.*, 101 F.3d 1196, 1202 n.5 (7th Cir. 1996).

The court is reviewing the MDL court's denial of summary judgment. Summary judgment is appropriate when the movant shows there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56; *Smith v. Hope Sch.*, 560 F.3d 694, 699 (7th Cir. 2009). "[A] factual dispute is 'genuine' only if a reasonable

jury could find for either party.” *SMS Demag Aktiengesellschaft v. Material Scis. Corp.*, 565 F.3d 365, 368 (7th Cir. 2009). The court ruling on the motion construes all facts and makes all reasonable inferences in the light most favorable to the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Summary judgment is warranted when the nonmoving party cannot establish an element of its case on which it will bear the burden of proof at trial. *Kidwell v. Eisenhower*, 697 F.3d 957, 964 (7th Cir. 2012).

### III. ANALYSIS

#### A. Whether Motorola Can Satisfy the Domestic Injury Exception

##### 1. The FTAIA and *Empagran I*

Motorola brings claims under Section 1 of the Sherman Act, 15 U.S.C. § 1. In 1982, Congress amended the Sherman Act by passing the FTAIA. “The FTAIA seeks to make clear to American exporters (and to firms doing business abroad) that the Sherman Act does not prevent them from entering into business arrangements . . . , however anticompetitive, as long as those arrangements adversely affect only foreign markets.” *F. Hoffmann-La Roche Ltd. v. Empagran S.A.*, 542 U.S. 155, 161 (2004) (“*Empagran I*”). Section 6(a) of the FTAIA reads as follows:

Sections 1 to 7 of this title [*i.e.*, the Sherman Act] shall not apply to conduct involving trade or commerce (other than import trade or import commerce) with foreign nations unless—

(1) such conduct has a direct, substantial, and reasonably foreseeable effect—

(A) on trade or commerce which is not trade or commerce with foreign nations; or

(B) on export trade or export commerce with foreign nations, of a person engaged in such trade or commerce in the United States; and

(2) such effect gives rise to a claim under the provisions of sections 1 to 7 of this title, other than this section.

If sections 1 to 7 of this title apply to such conduct because of the operation of paragraph (1)(B), then sections 1 to 7 title of this title shall



apply to such conduct only for injury to export business in the United States.

15 U.S.C. §6a.

In *Empagran I*, the Supreme Court explained that the FTAIA “lays down a general rule placing all (nonimport) activity involving foreign commerce outside the Sherman Act’s reach.” 542 U.S. at 162. “It then brings such conduct back within the Sherman Act’s reach provided that the conduct *both* (1) sufficiently affects American commerce, *i.e.*, it has a ‘direct, substantial, and reasonably foreseeable effect’ on American domestic, import or (certain) export commerce, *and* (2) has an effect of a kind that antitrust law considers harmful, *i.e.*, the ‘effect’ must ‘giv[e] rise to a Sherman Act claim.’” *Id.* (quoting 15 U.S.C. §§6a(1), (2)).

In *Empagran I*, the plaintiffs were a group of foreign and domestic purchasers of vitamins who alleged that vitamin manufacturers and distributors had engaged in a price-fixing conspiracy, raising the price of vitamin products to customers in the United States and to customers in foreign countries. 542 U.S. at 159. The Court focused on the “anticompetitive price-fixing activity that [was] in significant part foreign, that cause[d] some domestic antitrust injury, and that independently cause[d] separate foreign injury.” *Id.* at 158. The Court held that the domestic injury exception does not apply where the plaintiff’s claim rests solely on the independent foreign injury. *Id.* at 159. The Court arrived at this conclusion for two main reasons.

First, the Court noted that it ordinarily construes ambiguous statutes to avoid unreasonable interference with the sovereign authority of other nations. *Id.* at 164. This rule of statutory construction helps the potentially conflicting laws of different nations work together in harmony—“a harmony particularly needed in today’s highly interdependent commercial world.” *Id.* at 164-65. The Court noted that application of American antitrust laws to foreign

anticompetitive conduct is reasonable insofar as those laws reflect a legislative effort to redress *domestic* antitrust injury that foreign anticompetitive conduct has caused. *Id.* at 165. But it questioned why it would be reasonable to apply America's antitrust laws to foreign conduct insofar as that conduct causes independent foreign harm and that foreign harm alone gives rise to the plaintiff's claim, as "application of those laws creates a serious risk of interference with a foreign nation's ability independently to regulate its own commercial affairs." *Id.* ("Why should American law supplant, for example, Canada's or Great Britain's or Japan's own determination about how best to protect Canadian or British or Japanese customers from anticompetitive conduct engaged in significant part by Canadian or British or Japanese or other foreign companies?").

Second, it found that the FTAIA's language and history suggested that Congress designed the FTAIA to "clarify, perhaps to limit, but not to *expand* in any significant way, the Sherman Act's scope as applied to foreign commerce." *Id.* at 169. And the Court noted that it saw no significant indication that at the time Congress wrote the FTAIA, courts would have thought the Sherman Act applicable where the plaintiff's claim rests solely on independent foreign injury. Accordingly, the Court held that the domestic injury exception does not apply where the plaintiff's claim rests solely on the independent foreign injury. The Court remanded the case to the D.C. Circuit to consider the plaintiff's alternative argument that its foreign injury was not in fact independent of any adverse domestic effect.

## **2. *Empagran II*, *DRAM*, and the Proximate Causation Requirement**

On remand in *Empagran II*, the D.C. Circuit first held that, in determining whether domestic effects "give rise to" a Sherman Act claim, courts should look to see whether there is "a direct causal relationship, that is, proximate causation." *Empagran S.A. v. F. Hoffmann-*

*LaRoche, Ltd.*, 417 F.3d 1267, 1271 (D.C. Cir. 2005) (“*Empagran II*”). The court found that this interpretation of the FTAIA accords with the principle of prescriptive comity that sovereign nations should respect each other by limiting the reach of their laws. *Id.* Applying the proximate cause standard, the court considered the plaintiffs’ allegations that the defendants were able to sustain super-competitive prices abroad only by maintaining super-competitive prices in the United States as well. *Id.* The court found these allegations to be insufficient because they established at most but-for causation, not proximate causation, reasoning:

Under the appellants’ theory, it was the foreign effects of price-fixing outside of the United States that directly caused, or “g[a]ve rise to,” their losses when they purchased vitamins abroad at super-competitive prices. That the appellees knew or could foresee the effect of their allegedly anti-competitive activities in the United States on the plaintiffs’ injuries abroad or had as a purpose to manipulate United States trade does not establish that “U.S. effects” proximately caused the appellants’ harm. . . . It was the foreign effects of price-fixing outside of the United States that directly caused or “g[a]ve rise to” the appellants’ losses when they purchased vitamins abroad at super-competitive prices.

*Id.*

In *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation.*, 546 F.3d 981, 986 (9th Cir. 2008), the Ninth Circuit also adopted the proximate cause standard. The court considered the plaintiff’s allegations that the defendants’ global conspiracy to fix DRAM prices had a domestic effect (higher DRAM prices in the United States) which gave rise to its foreign injury of having to pay higher DRAM prices abroad because the defendants could not have raised prices worldwide and maintained their global price-fixing arrangement without fixing the DRAM prices in the United States. *Id.* at 988. The court found that the plaintiff had not shown that the higher U.S. prices proximately caused its foreign injury of having to pay higher prices abroad because “[o]ther actors or forces may have affected foreign prices.” *Id.* “In particular, that the conspiracy had effects in the United States and abroad does not show that the effect in the United States, rather than the overall price-fixing conspiracy itself, proximately caused the

effect abroad.” *Id.* at 988-89 (citing *In re Monosodium Glutamate*, 477 F.3d 535, 539-40 (8th Cir. 2007) (“The domestic effects of the price fixing scheme (increased U.S. prices) were not the direct cause of the appellants’ injuries. Rather, it was the foreign effects of the price fixing scheme (increased prices abroad).”)).<sup>2</sup>

### **3. The MDL Court’s Analysis of the “Gives Rise To” Prong**

Against this backdrop, the court now turns to the MDL court’s analysis of whether any domestic effect gave rise to Motorola’s Sherman Act claim based on its foreign affiliates’ purchases. The MDL court found that the “gives rise to” prong was satisfied because:

Motorola has presented admissible evidence from which a jury could infer that final decisions regarding pricing of LCD panels took place in the United States. . . . Motorola also points to the deposition testimony of its employees to support its claim that foreign affiliates issued purchase orders at the price and quantity determined by Motorola in the United States.

*Motorola III*, 2012 WL 3276932, at \*3. Defendants argue that this conclusion was a clear error of law because it conflates the concepts of domestic conduct and domestic effect. The court is

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<sup>2</sup> The Ninth Circuit did not articulate what constitutes “proximate cause” in the FTAIA context. Judge Noonan wrote a concurring opinion in which he noted that, in the law of negligence, what turns a but-for cause into a proximate cause is “a value judgment that the cause in fact creates an unacceptable risk of injury to a protected interest.” *DRAM*, 546 F.3d at 991 (Noonan, J., concurring). He noted that, under that standard, “it would seem that reasonably prudent persons in the position of the defendants would see that their actions setting prices in the United States would negatively affect customers in the United States and elsewhere.” *Id.* Nevertheless, Judge Noonan concurred in the judgment, reasoning:

[I]t has been the judgment of Congress and the Supreme Court that the economic interests of consumers outside the United States are normally not something that American law is intended to protect. Hence it is difficult to persuade a court that injury to foreign consumers has been “caused” by price-fixing in the United States. . . . We reach this vanishing point not from guidance in words like “proximate” or “direct” but from a strong sense that the protection of consumers in another country is normally the business of that country. Location, not logic, keeps [the plaintiff’s] claim out of court.

*Id.*

not persuaded by this argument, however, because the setting of prices in the United States is both domestic “conduct” and a domestic “effect.”

The more fundamental problem with the MDL court’s analysis is that it did not address how the domestic conduct that Motorola argues it can prove constituted a domestic effect that gives rise to a Sherman Act claim. Although this was the only issue raised by Defendants in their motion for reconsideration, Motorola has offered no authority to support the MDL court’s conclusion that because the jury could infer that final decisions regarding pricing of LCD panels took place in the United States, Motorola could prove that this domestic effect gave rise to its Sherman Act claim.

To be sure, courts have not clearly articulated what “proximate cause” means in the FTAIA context. But courts have been clear on what it does *not* mean. The three circuits that have considered this question have all agreed that the fact that defendants “knew or could foresee the effect of their allegedly anti-competitive activities in the United States on the [plaintiffs’] injuries abroad or had as a purpose to manipulate United States trade does not establish that ‘U.S. effects’ proximately caused the [plaintiffs’] harm.” *Empagran II*, 417 F.3d at 1271; *In re Monosodium Glutamate*, 477 F.3d at 539-40 (“The domestic effects of the price fixing scheme (increased U.S. prices) were not the direct cause of the appellants’ injuries. Rather, it was the foreign effects of the price fixing scheme (increased prices abroad).”); *DRAM*, 546 F.3d at 988 (“[T]hat the conspiracy had effects in the United States and abroad does not show that the effect in the United States, rather than the overall price-fixing conspiracy itself, proximately caused the effect abroad.”).

Decisions from district courts are also uniform. See *In re Hydrogen Peroxide Antitrust Litig.*, 702 F. Supp. 2d 548, 553 (E.D. Pa. 2010) (holding that domestic injury exception did not

apply where plaintiffs’ “global procurement programs . . . involved the setting at one time of a single global price”); *Sun Microsystems Inc. v. Hynix Semiconductor Inc.*, 608 F. Supp. 2d 1166, 1186 (N.D. Cal. Mar. 31, 2009) (“Both this court and the Ninth Circuit have held that, to the extent that plaintiff’s proximate causation theory rests on proof of a global procurement strategy, this is not a viable legal theory.”); *In re Rubber Chems. Antitrust Litig.*, 504 F. Supp. 2d 777, 786 (N.D. Cal. 2007) (holding that domestic injury exception did not apply where plaintiffs alleged that defendants “conspired to bring about a ‘single worldwide price increase’”).

The MDL court believed that this case was distinguishable because of (i) Motorola’s domestic roots; (ii) the locale of the transactions at issue;<sup>3</sup> (iii) the fact that Defendants targeted Motorola in the United States; and (iv) Defendants’ anti-competitive conduct in the United States. But the MDL court did not explain *why* these facts mattered to the proximate cause analysis, insofar as the inflated prices were paid by Motorola’s foreign affiliates. The court agrees with Defendants that, under a straightforward reading of *Empagran II* and *DRAM*, none of these facts establish that a domestic effect gave rise to Motorola’s Sherman Act claim.

First, the fact that Motorola is a domestic company is irrelevant to whether any domestic effect gave rise to Motorola’s Sherman Act claim. That claim belongs to the Motorola foreign affiliates who purchased LCD panels at inflated prices from Defendants. That the foreign affiliates have assigned their claims to a parent company that happens to be a U.S. corporation makes it no more likely that it was a domestic effect, rather than the overall price-fixing conspiracy itself, that proximately (*i.e.*, directly) caused Motorola’s foreign affiliates to purchase LCD panels from Defendants at inflated prices. *See Sun*, 608 F. Supp. 2d at 1189 (“Without a valid theory to show that it stands in the shoes of its subsidiaries for purposes of those DRAM

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<sup>3</sup> The MDL court did not elaborate on *what* about the locale of these transactions was significant. The record facts are described *infra* p. 17.

purchases, the purchases themselves must be viewed as foreign transactions made by independent subsidiary entities, albeit pursuant to a global pricing strategy instituted by its parent corporation . . . .”).

This court also fails to see how the “locale of the transactions at issue” helps Motorola, as the undisputed facts show that the transactions were overwhelmingly foreign in nature.<sup>4</sup> The MDL court identified one aspect of these transactions that took place domestically: Motorola’s senior procurement officers in the United States approved the prices that Motorola’s foreign affiliates were to pay for LCD panels. *Motorola III*, 2012 WL 3276932, at \*3. But this domestic approval cannot fairly be said to give rise to Motorola’s Sherman Act claim. For Sherman Act purposes, the injury arose when Motorola’s foreign affiliates purchased LCD panels at inflated prices, not when Motorola decided at what price those purchases would be made. *See DRAM*, 546 F.3d at 988 (stating that the foreign injury is “having to pay higher prices abroad”); *In re Monosodium Glutamate*, 477 F.3d at 539 n.3 (stating that the injury is the “higher prices paid”). Motorola’s domestic approval was not the direct cause of Motorola’s foreign affiliates’ claim; rather, that claim resulted from the overall price-fixing conspiracy itself. *See DRAM*, 546 F.3d at 988.

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<sup>4</sup> *See* Defendants’ Joint Motion for Summary Judgment 8-9, *Motorola III* (“The Foreign Assignors, not Motorola, Inc., purchased LCDs by issuing Purchase Orders to Defendants. The Foreign Assignors, not Motorola, Inc., paid for the LCDs they purchased from Defendants. The Foreign Assignors, not Motorola, Inc., manufactured handsets for global markets. . . . Every Foreign Assignor Purchase Order that Plaintiff identified in discovery was issued outside the U.S. Every Foreign Assignor Purchase Order that Plaintiff identified in discovery that identifies a shipping address called for shipment to occur outside the U.S. Every Foreign Assignor Purchase Order that Plaintiff identified in discovery called for billing outside the U.S. Every Foreign Assignor Purchase Order that Plaintiff identified in discovery that includes Terms & Conditions contained a provision requiring compliance with foreign law.” (footnotes and citations omitted)).

Even were Motorola's domestic approval of the prices that its foreign affiliates paid an effect that gave rise to its Sherman Act claims, the court also finds that it is not a "substantial" effect on American domestic or import commerce. Thus, Motorola's claim fails the first prong of the domestic injury exception as well. An increase in domestic prices, or a reduction in domestic supply, can constitute a substantial domestic effect that gives rise to a Sherman Act claim. *Minn-Chem, Inc. v. Agrium, Inc.*, 683 F.3d 845, 859 (7th Cir. 2012) (finding that the increase in domestic prices in potash constituted a domestic effect that gave rise to a Sherman Act claim). But the fact "[t]hat certain activities might have taken place in the United States is irrelevant if the economic consequences are not felt in the United States economy." *Turicentro*, 303 F.3d at 305. This rule helps prevent the perverse result of a country with no interest in an anticompetitive conspiracy applying its own antitrust laws. It is also supported by the principles of prescriptive comity articulated in *Empagran I* and *DRAM*. Because the economic consequences of Motorola's domestic approval of LCD prices were not felt in the U.S. economy, the domestic approval cannot constitute a domestic effect that gives rise to a Sherman Act claim.

That Defendants targeted Motorola in the United States is also irrelevant to the proximate cause analysis, *Empagran II*, 417 F.3d at 1271 ("That the appellees . . . had as a purpose to manipulate United States trade does not establish that 'U.S. effects' proximately caused the appellants' harm."), as is Defendants' anti-competitive conduct in the United States, *In re Rubber Chemicals*, 504 F. Supp. 2d at 784-85 ("[I]t must be the *domestic effects* of the Defendants' anticompetitive conduct, rather than the anticompetitive conduct itself, which gives rise to [a Sherman Act claim].").



There was therefore no sound basis to find this case distinguishable from *Empagran II* and *DRAM*. As in those cases, it was the overall price-fixing conspiracy itself that proximately caused Motorola's foreign affiliates to purchase LCD panels from Defendants at inflated prices.

#### **B. Whether the FTAIA's Import Exclusion Applies**

Motorola argues that, if this court finds (as it has) that the domestic injury exception does not apply to Motorola's foreign injury claims, then the court should also revisit the MDL court's holding that the FTAIA's general rule applies to Motorola's claims. Sherman Act claims based on "imports" are not barred by the FTAIA. *See* 15 U.S.C. §6a. Motorola argues that injuries arising from Defendants' sales of price-fixed LCD panels to Motorola manufacturing facilities abroad that Defendants knew would be incorporated into Motorola devices sold in the United States fall under the import exclusion of the FTAIA.

The MDL court found that because Motorola had alleged that the foreign-purchased products were imported into the United States by Motorola affiliates, as opposed to Defendants, the foreign-purchased products were not "imports" within the meaning of the FTAIA. This holding is supported by precedent that the dispositive inquiry used to determine whether a product is an "import" is "whether the conduct of the defendants, not plaintiffs, involves 'import trade or commerce.'" *Turicentro*, 303 F.3d at 303. The *Turicentro* court explained that because the defendants did not directly bring their product into the United States, they cannot be labeled "importers" and did not engage in "import trade or commerce." *Id.* Following *Turicentro*, the MDL court noted that Motorola had not alleged that the foreign-purchased products were brought to the United States by Defendants, but rather by Motorola affiliates, and so the products at issue were not "imports." *Id.* The MDL court rejected Motorola's argument that the products were "imports" because Defendants intended for the foreign-purchased LCD panels and products

to be brought to the United States, reasoning that a definition that depends on intent would be difficult to apply. Because this holding was clearly supported by precedent, the court sees no reason to reconsider it.

#### IV. CONCLUSION

The FTAIA applies to Motorola's foreign injury claims because they are based on nonimport conduct involving trade with foreign nations. These claims do not fall under the FTAIA's domestic injury exception because they do not arise from any domestic effect. Accordingly, Defendants' motion for reconsideration is granted, and Motorola's claims based on overseas purchases by its foreign affiliates (the Category II and III claims) are dismissed. Parties are to appear for a status hearing on January 31, 2014, at 9:30 a.m. All pre-trial deadlines are stricken for the time being.

ENTER:

/s/  
JOAN B. GOTTSCHALL  
United States District Judge

DATED: January 23, 2014

# Tab B

09w 6610

ORDER

Based upon the stipulation of counsel and for good cause shown, the Court hereby orders as follows:

1. For the reasons set forth below, and with the consent of all parties, the Court certifies its January 23, 2014 Memorandum Opinion and Order (the “1/23/14 Order”) for interlocutory appeal pursuant to 28 U.S.C. § 1292(b):

a. The 1/23/14 Order grants Defendants’ motion for reconsideration of an order from Judge Susan Illston of the U.S. District Court for the Northern District of California (the “MDL court”), *In re TFT-LCD (Flat Panel) Antitrust Litig.*, Case No. 07-md-1827, 2012 WL 3276932 (N.D. Cal. Aug. 9, 2012), which denied Defendants’ motion for summary judgment seeking dismissal pursuant to the Foreign Trade Antitrust Improvements Act (the “FTAIA”) of the portion of Motorola’s Sherman Act Claim that is “based on overseas purchases by its foreign affiliates.”

b. Motorola Mobility LLC (“Motorola”) filed this lawsuit in this district alleging that Defendants conspired to raise prices of liquid crystal display (“LCD”) panels in violation of the Sherman Act. The case was subsequently transferred to the MDL court for pretrial proceedings. Defendants twice moved under the FTAIA to dismiss the portion of Motorola’s Sherman Act Claim that is “based on overseas purchases by its foreign affiliates.” The MDL court granted Defendants’ initial motion to dismiss, but denied their second motion to dismiss after Motorola amended its complaint.

c. Following the close of merits and expert discovery, Defendants moved for summary judgment based upon application of the FTAIA. The MDL court denied Defendants’ motion. The case was then transferred back to this district, and Defendants requested that the Court reconsider the MDL court’s summary judgment order.

d. In the 1/23/14 Order, the Court granted Defendants' motion for reconsideration and reversed the MDL court's summary judgment ruling.

e. Certification for interlocutory appeal under 28 U.S.C. §1292(b) is appropriate where: "(1) the appeal presents a question of law; (2) it is controlling; (3) it is contestable; [and] (4) its resolution will expedite the resolution of the litigation." *Boim v. Quranic Literacy Inst. & Holy Land Found. for Relief & Dev.*, 291 F.3d 1000, 1007 (7th Cir. 2002) (citing *Ahrenholz v. Bd. of Trs. of the Univ. of Ill.*, 219 F.3d 674, 677 (7th Cir. 2000)).

f. The Court finds that the 1/23/14 Order involves a controlling question of law that is contestable, as evidenced by the fact that this Court and the MDL court reached different conclusions on how the FTAIA should be applied.

g. The Court further finds that immediate appellate review of the 1/23/14 Order will expedite the resolution of this litigation. The 1/23/14 Order dismissed approximately 99% of Motorola's Sherman Act Claim. Absent interlocutory review, the parties and the Court will face a lengthy and costly trial in which very little will be at stake before Motorola is able to seek appellate review of the appropriate application of the FTAIA. If the 1/23/14 Order is reversed on appeal, the parties and the Court face the prospect of a second lengthy and costly trial involving many of the same issues. This would be a waste of judicial resources and an impracticable way to continue this litigation. Moreover, the parties have stipulated to the dismissal of Motorola's pendant state law claims upon issuance of this Order pursuant to 28 U.S.C. § 1292(b) by this Court, so the Sherman Act Claim will be the only one that remains for resolution in this case.



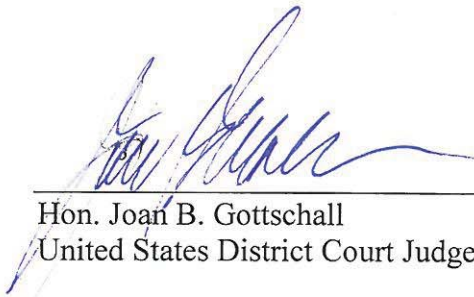
h. In addition, the Order implicates matters of substantial practical importance with respect to how broadly the U.S. antitrust laws are applied. This factor alone warrants interlocutory appellate review.

i. Accordingly, the Court certifies the issues set forth in the 1/23/14 Order for interlocutory appeal.

2. All further proceedings with respect to the remaining portion of Motorola's Sherman Act Claim are stayed pending resolution of proceedings on appeal;

3. Motorola's Third, Fourth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Claims For Relief, claims for breach of contract and unjust enrichment under Illinois state law, are hereby DISMISSED WITH PREJUDICE pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure. Each party shall bear its own costs and fees with respect to those claims.

IT IS SO ORDERED.



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Hon. Joan B. Gottschall  
United States District Court Judge

2/15/14

# Tab C

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST  
LITIGATION

No. M 07-1827 SI  
MDL No. 1827

Case No. C 09-5840 SI

This Order Relates to:

*Motorola Mobility, Inc. v. AU Optronics  
Corporation, et al.*, C 09-5840 SI

**ORDER DENYING DEFENDANTS'  
JOINT MOTION FOR SUMMARY  
JUDGMENT ON MOTOROLA'S  
FOREIGN INJURY CLAIMS**

On August 3, 2012, the Court heard argument on defendants' joint motion for summary judgment on Motorola Mobility, Inc.'s Sherman Act claim for injuries in foreign markets. Defendants' motion asserts that Motorola's claims based on TFT-LCD purchases in foreign markets are barred by the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a ("FTAIA").

Defendants argue that Motorola has failed to prove that its foreign injury claims were caused by any domestic effect of defendants' anticompetitive conduct. Defendants contend that although Motorola alleged that "[d]efendants and their co-conspirators . . . entered into supply agreements with Motorola in Illinois to sell Motorola LCD panels at unlawfully inflated prices," Third Amended Complaint ("TAC") ¶ 4, in fact "[d]iscovery has shown that [Motorola's] allegations concerning supposed global price agreements negotiated and entered into in Illinois are untrue." Motion at 3. Pointing to a lack of evidence demonstrating the requisite "domestic effect" proximately causing Motorola's foreign injury



claims, defendants argue that two of the three categories of claims against it<sup>1</sup> should not be allowed to go to trial.

The FTAIA establishes a general rule that the Sherman Act “shall not apply to conduct involving trade or commerce (other than import trade or import commerce) with foreign nations.” 15 U.S.C. § 6a. The FTAIA then “provides an exception to this general rule, making the Sherman Act applicable if foreign conduct ‘(1) has a ‘direct, substantial, and reasonably foreseeable effect’ on domestic commerce, and (2) ‘such effect gives rise to a [Sherman Act] claim.’” *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, 546 F.3d 981, 985 (9th Cir. 2008) (quoting *Hoffmann-La Roche Ltd. v. Empagran S.A.*, 541 U.S. 155 (2004) (*Empagran I*) and 15 U.S.C. § 6a). This is known as the “domestic injury exception” of the FTAIA. *Id.* The Supreme Court has stated:

This technical language initially lays down a general rule placing *all* (nonimport) activity involving foreign commerce outside the Sherman Act’s reach. It then brings such conduct back within the Sherman Act’s reach *provided that* the conduct *both* (1) sufficiently affects American commerce, *i.e.*, it has a “direct, substantial, and reasonably foreseeable effect” on American domestic, import or (certain) export commerce, *and* (2) has an effect of a kind that antitrust law considers harmful, *i.e.*, the “effect” must “giv[e] rise to a [Sherman Act] claim.”

*Empagran I*, 542 U.S. at 162 (quoting 15 U.S.C. § 6a) (emphasis original). The FTAIA “sets forth an element of an antitrust claim, not a jurisdictional limit on the power of the federal courts.” *Minn-Chem, Inc. v. Agrium Inc.*, 683 F.3d 845, 852 (7th Cir. 2012); *Animal Sci. Prods., Inc. v. China Minmetals Corp.*, 654 F.3d 462, 469 (3d Cir. 2011); *see also* October 5, 2011 Order Denying Defendants’ Joint Dispositive Motion Regarding Indirect Purchaser Claims Based on Foreign Sales (“IPP Order”) at 7, Master Docket No. 3833 (adopting *Animal Science* view that “the FTAIA does not implicate the subject matter jurisdiction of the federal courts”).

The Court concludes that whether the price fixing activities alleged by Motorola in this case gave rise to direct, substantial, and reasonably foreseeable effects on domestic commerce, and whether such

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<sup>1</sup>Motorola’s TAC alleges antitrust claims based on three categories of purchases: “(1) LCD Panels delivered by the Defendants to Motorola in the United States; (2) LCD Panels delivered to Motorola manufacturing facilities abroad for inclusion in Motorola devices imported into the U.S. by Motorola and later sold by Motorola to customers in the United States; and (3) LCD Panels delivered to Motorola manufacturing facilities abroad for inclusion in Motorola devices sold to Motorola customers abroad.” TAC ¶ 184. Defendants seek summary adjudication on the second and third categories of claims (the “foreign injury claims”).

1 effects gave rise to a Sherman Act claim present issues of fact which must be resolved by the jury in this  
2 case.

3 Motorola contends, and this Court agrees, that its domestic roots and the locale of the  
4 transactions at issue distinguish this case from *Empagran I*. As this Court has previously observed,  
5 “Motorola is not a foreign company alleging injury based on wholly foreign transactions and conduct,  
6 unlike plaintiffs in *Empagran I*.” March 28, 2011 Order Denying Defendants’ Joint Motion to Dismiss  
7 the Second Amended Motorola Complaint (*Motorola II* Order) at 8, Master Docket No. 2602.

8 Motorola points to substantial evidence that defendants targeted Motorola in the United States  
9 for defendants’ sales and marketing of LCD panels. *See Animal Science*, 654 F.3d at 470 (the relevant  
10 inquiry is whether the defendants’ anticompetitive behavior “target[ed] import goods or services”)  
11 (citing *Turicentro, S.A. v. American Airlines Inc.*, 303 F.3d 293, 313 (3d Cir. 2002)). Defendants knew  
12 that Motorola sold mobile devices in the United States and that the United States was one of the largest  
13 markets for mobile devices in the world. *See, e.g.*, Declaration of Joshua Stokes (“Stokes Decl.”), Ex.  
14 379 (Samsung presentation noting that Motorola had the number one market share in the U.S.); Ex. 150  
15 (Sharp presentation noting same); Ex. 155 (indicating Toshiba’s sales plan was based on strong demand  
16 from U.S. and Europe); Exs. 156, 157-160 (defendants’ presentations and analyses regarding Motorola’s  
17 U.S. market share). Defendants established U.S. subsidiaries to facilitate sales of LCD panels to  
18 Motorola in the United States. *See, e.g.*, Opposition at 15, n. 15 (listing defendants’ relevant U.S.  
19 subsidiaries and affiliates); Stokes Decl., Ex. 80 (AUO email stating that its “regional strategy” for the  
20 U.S. was “direct access to Moto/Chicago and its global network”); Ex. 352 (deposition testimony of  
21 Samsung SDI employee that “[Samsung] had an office in Chicago because Motorola was in Chicago”);  
22 Ex. 345 (deposition testimony that Sharp had an office in a Chicago suburb in order to be “close to our  
23 customer . . . [f]irst of all, Motorola”).

24 Defendants also met with Motorola on several occasions in the United States to discuss, and, at  
25 times, negotiate prices for LCD panels. *See, e.g.*, Exs. 251, 254, 255, 266, 314 (defendants’ PowerPoint  
26 presentations to Motorola in the United States); Ex. 375 (document indicating that Samsung had several  
27 conversations in Chicago with Motorola regarding LCD panel pricing); Ex. 96 (Toshiba America  
28 Electronic Corporation (“TAEC”) report indicating in-person price negotiations with Motorola in

1 Schaumburg, IL); Ex. 99 (email setting “Final Negotiations Meeting” in Chicago with Motorola and  
 2 representatives of AUO and AUOA); Ex. 140 (Sharp email describing Motorola meeting held in U.S.,  
 3 where price negotiations took place). Defendants also used their employees — both U.S.-based and  
 4 those stationed abroad — in furtherance of the price-fixing conspiracy. *See, e.g.*, Ex. 349 (deposition  
 5 testimony identifying Samsung employee who was “dispatched” to the U.S. from 1999 to 2004 and  
 6 given instructions “about how to gather competitive information about [Samsung’s] competitors”); Ex.  
 7 167 (email requesting that Epson’s U.S.-based employees “research competitor’s situation” regarding  
 8 a particular Motorola phone model); Ex. 168 (Toshiba informing its U.S.-based employees that  
 9 competitive information had been gathered from Sanyo about projected share awards for Razr mobile  
 10 phones and instructing them to “get information as much as possible”).

11 Motorola also points to the admissions in the guilty pleas of many companies and executives  
 12 involved in the LCD price-fixing conspiracy as further evidence that the conspiracy was targeted at the  
 13 United States. Opposition at 26, n. 42 (listing plea agreements of LG, Sharp, Chunghwa, Hitachi,  
 14 Epson, Chi Mei, and HannStar); *see also* Special Verdict Form, *United States v. AU Optronics Corp.*,  
 15 Case No. 09-cr-0110 SI (N.D. Cal. Mar. 2012) (AUO convicted of participating in a conspiracy to fix  
 16 prices of LCD panels sold in the United States from September 2001 to December 2006), Docket No.  
 17 85. Some defendants admitted to specifically targeting Motorola in the United States. *See* Plea  
 18 Agreement, *United States v. Sharp Corp.*, Case No. 08-cr-802 SI (N.D. Cal. Dec. 8, 2008) (Sharp pled  
 19 guilty to fixing the price of LCD panels sold to Motorola for use in Razr mobile phones); *United States*  
 20 *v. Epson Imaging Devices Corp.*, Case No. 09-cr-854 SI (N.D. Cal. Oct. 23, 2009) (Epson pled guilty  
 21 to fixing the price of LCD panels sold to Motorola for use in Razr mobile phones).

22 The parties dispute whether defendants’ conduct gave rise to its Sherman Act claims. *See*  
 23 *DRAM*, 546 F.3d at 989-90 (“[W]here a global price-fixing conspiracy is alleged to have affected prices  
 24 both in the United States and abroad, courts have held that ‘the give rise to language of [the FTAIA]  
 25 requires a plaintiff to establish a direct or proximate causal relationship’ between the alleged  
 26 anticompetitive effects in the United States and the plaintiff’s alleged foreign injury.”). Defendants  
 27 argue that, because Motorola’s foreign affiliates purchased LCD panels pursuant to globally-negotiated  
 28 foreign contracts (*i.e.*, purchase orders), the “domestic injury exception” is inapplicable to Motorola’s

foreign injury claims. *See* Motion at 23-24. Defendants claim that the prices used in purchase orders Motorola used with its LCD panel suppliers were based on negotiations abroad, not in the United States. *Id.* On this basis, defendants conclude that “the effect on U.S. domestic commerce that ‘gave rise to’ the foreign injury claims . . . is non-existent.” *Id.* at 25. The Court is not persuaded by defendants’ argument. Motorola has presented admissible evidence from which a jury could infer that final decisions regarding pricing of LCD panels took place in the United States. *See, e.g.,* Stokes Decl., Ex. 363 (deposition testimony of Motorola’s Vice President of Procurement, Janet Robinson, that it was Motorola’s “practice” that senior procurement officers in the United States gave “approval to enter into an agreement on price with a display module supplier during the relevant time period . . .”). Motorola also points to the deposition testimony of its employees to support its claim that foreign affiliates issued purchase orders at the price and quantity determined by Motorola in the United States. *See, e.g.,* Ex. 359 (deposition testimony of Motorola’s Chief Procurement Officer, Theresa Metty, that the “decision making” regarding contract negotiations, “which would include prices,” happened in Illinois); Ex. 372 (deposition testimony of Motorola’s Vice President of Global Operations, E.L. Tay, that the purchasing team “basically execute[d] what was done and planned [in the United States]”).

Whether, as defendants argue, Motorola’s “rubber stamp approval process falls far short of what the FTAIA requires,” Motion at 6, will be left up to a jury to decide, not the Court. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986) (“Credibility determinations, the weighing of evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge . . . ruling on motions for summary judgment.”). The Court finds that a reasonable jury could find a “concrete link between defendants’ price setting-conduct . . . its domestic effect, and the foreign injury suffered by Motorola and its affiliates.” *See Motorola II* Order at 8.

Accordingly, the Court DENIES dependants’ joint motion for summary judgment. Master Docket No. 5415; Docket No. 312 in 09-5840.

**IT IS SO ORDERED.**

Dated: August 9, 2012

  
SUSAN ILLSTON  
United States District Judge

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 6,1 (Chicago)**  
**CIVIL DOCKET FOR CASE #: 1:09-cv-06610**

Motorola, Inc. v. AU Optronics Corporation et al  
Assigned to: Honorable Joan B. Gottschall  
Cause: 15:1 Antitrust Litigation

Date Filed: 10/20/2009  
Date Terminated: 12/08/2009  
Jury Demand: Plaintiff  
Nature of Suit: 410 Anti-Trust  
Jurisdiction: Federal Question

**Special Master**

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**Defendant**

**Toshiba America Electronics**

represented by **Christopher M Curran**

*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Alan S. Madans**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Daniel A. Cummings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**John H. Chung**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Kristen J. Mcahren**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Martin Michael Toto**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Toshiba Mobile Display Co., Ltd.**

represented by **Christopher M Curran**  
(See above for address)  
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*ATTORNEY TO BE NOTICED*

**Alan S. Madans**  
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*ATTORNEY TO BE NOTICED*

**Daniel A. Cummings**  
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*PRO HAC VICE*

**Kristen J. Mcahren**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Martin Michael Toto**  
(See above for address)  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Toshiba America Information Systems,  
Inc.**

represented by **Alan S. Madans**  
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**Daniel A. Cummings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**John H. Chung**  
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**Kristen J. Mcahren**  
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**Martin Michael Toto**  
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**Defendant**

**Epson Imaging Devices Corporation**

**Defendant**

**Epson Electronics America, Inc.**

**Defendant**

**Sanyo Consumer Electronics Co., Ltd.**

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**Defendant**

**Samsung SDI Company, Ltd.**

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**Leo Caseria**

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**Defendant**

**Samsung SDI America, Inc.**

represented by **Dylan I. Ballard**

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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Gary L. Halling**  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Leo Caseria**  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Daniel G Rosenberg**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**James Landon McGinnis**  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Michael W. Scarborough**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Amicus Curiae Law Professors**

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*ATTORNEY TO BE NOTICED***Amicus****Ministry of Economy, Trade and  
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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/20/2009	<a href="#"><u>1</u></a>	COMPLAINT filed by Motorola, Inc.; Jury Demand. Filing fee \$ 350, receipt number 07520000000004206242.(Kerksiek, Sanya) (Entered: 10/20/2009)
10/20/2009	<a href="#"><u>2</u></a>	CIVIL Cover Sheet (Attachments: # <a href="#"><u>1</u></a> Attachment)(Kerksiek, Sanya) (Entered: 10/20/2009)
10/20/2009	<a href="#"><u>3</u></a>	ATTORNEY Appearance for Plaintiff Motorola, Inc. by Sanya Sarich Kerksiek (Kerksiek, Sanya) (Entered: 10/20/2009)
10/21/2009		CASE ASSIGNED to the Honorable Joan B. Gottschall. Designated as Magistrate Judge the Honorable Sidney I. Schenkier. (li, ) (Entered: 10/21/2009)
10/21/2009	<a href="#"><u>4</u></a>	CIVIL Cover Sheet (Attachments: # <a href="#"><u>1</u></a> Attachment)(Kerksiek, Sanya) (Entered: 10/21/2009)
10/21/2009	<a href="#"><u>5</u></a>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Motorola, Inc. (Kerksiek, Sanya) (Entered: 10/21/2009)
10/21/2009	<a href="#"><u>6</u></a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000004210792. (Murray, Jason) (Entered: 10/21/2009)
10/21/2009	<a href="#"><u>7</u></a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000004210851. (Murphy, Jerome) (Entered: 10/21/2009)
10/21/2009	<a href="#"><u>8</u></a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000004210862. (Howard, Jeffrey) (Entered: 10/21/2009)
10/21/2009	<a href="#"><u>9</u></a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000004210876. (Holcomb, Robert) (Entered: 10/21/2009)

10/23/2009		SUMMONS Issued as to Defendants Chungwa Picture Tube Ltd., Tatung Company of America, Inc., Hannstar Display Corporation, LG Display Co. Ltd., LG Display America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc., Samsung Electronics America, Inc., Sharp Corporation, Sharp Electronics Corporation, Toshiba Corporation, Toshiba America Electronics Components, Inc., Toshiba Mobile Display Co., Ltd., Toshiba America Information Systems, Inc., Epson Imaging Devices Corporation, Epson Electronics America, Inc., AU Optronics Corporation, AU Optronics Corporation America, Inc., Chi Mei Corporation, Chi Mei Optoelectronics Corporation, Chi Mei Optoelectronics USA, Inc., Nexgen Mediatech, Inc., and Nexgen Mediatech USA, Inc. (kjd, ) (Entered: 10/26/2009)
10/26/2009	<a href="#">11</a>	MINUTE entry before the Honorable Joan B. Gottschall: Motion by Jason C. Murray for leave to appear pro hac vice <a href="#">6</a> is granted. Motion by Jerome A. Murphy for leave to appear pro hac vice <a href="#">7</a> is granted. Motion by Jeffrey H. Howard for leave to appear pro hac vice <a href="#">8</a> is granted. Motion by Robert Bruce Holcomb for leave to appear pro hac vice <a href="#">9</a> is granted. Status hearing is set for 12/23/2009 at 10:00AM. Plaintiff is directed to advise the defendants of the status hearing forthwith. Parties are directed to discuss settlement of case, consent to proceed before the Magistrate Judge and a proposed discovery plan. Information about Judge Gottschalls pretrial case management procedures which are located on the courts website. Mailed notice. (kjd, ) (Entered: 10/26/2009)
10/26/2009	<a href="#">12</a>	SUMMONS Issued as to Defendant CMO Japan Co. Ltd. (kjd, ) (Entered: 10/27/2009)
10/27/2009	<a href="#">13</a>	ATTORNEY Appearance Form for Motorola, Inc. by Jason Murray. (Murray, Jason) (Entered: 10/27/2009)
10/27/2009	<a href="#">14</a>	Attorney Appearance Form for Motorola, Inc. by Jerome Murphy. (Murphy, Jerome) (Entered: 10/27/2009)
10/27/2009	<a href="#">15</a>	Attorney Appearance Form for Motorola, Inc. by Jeffrey Howard. (Howard, Jeffrey) (Entered: 10/27/2009)
10/27/2009	<a href="#">16</a>	Attorney Appearance Form for Motorola, Inc. by Robert Holcomb. (Holcomb, Robert) (Entered: 10/27/2009)
12/08/2009	<a href="#">17</a>	CONDITIONAL TRANSFER ORDER from MDL Panel transferring case to USDC Northern District of California.(tc, ) (Entered: 12/09/2009)
12/09/2009	<a href="#">18</a>	TRANSFERRED to the USDC Northern District of California the electronic record. Mailed letter to all counsel of record. (tc, ) (Entered: 12/09/2009)
12/16/2009		ELECTRONIC Acknowledgment by the USDC, Northern District of California, of Transferred case record opened as case number 3:09-cv-05840, filed on 12/14/09. (lcw, ) (Entered: 12/16/2009)
07/08/2013	<a href="#">19</a>	RECEIVED from USDC Northern District of California; Case Number 3:09cv5840 consisting of: MDL Remand Order and Docket Sheet. (Attachments: # <a href="#">1</a> Docket Sheet)

07/16/2013	<a href="#">20</a>	MAILED Rule 83 Transfer in letter to all counsel of record. (lew, ) (Entered: 07/16/2013)
07/16/2013	<a href="#">21</a>	ORDER: This matter was conditionally remanded to this court by the United States Judicial Panel on Multidistrict Litigation, the time to object to the conditional remand order has passed, and no party has objected. See In Re: TFT-LCD (Flat Panel) Antitrust Litigation, MDL No. 1827 (July 8, 2013). The parties are, therefore, directed to file a joint status report by 8/5/2013 addressing what further proceedings they believe are appropriate. The status report shall include, but is not limited to, the general nature of the case, the contested remaining legal and factual issues, any pending or anticipated motions, the length of the expected trial, and the status of settlement discussions. This case is set for status on 8/13/2013 at 9:30 a.m. Signed by the Honorable Joan B. Gottschall on 7/16/2013. Mailed notice(vcf, ) (Entered: 07/17/2013)
07/17/2013	<a href="#">22</a>	ATTORNEY Appearance for Defendants LG Display America, Inc., LG Display Co. Ltd. by Nathan P. Eimer (Eimer, Nathan) (Entered: 07/17/2013)
07/17/2013	<a href="#">23</a>	ATTORNEY Appearance for Defendants LG Display America, Inc., LG Display Co. Ltd. by Scott Charles Solberg (Solberg, Scott) (Entered: 07/17/2013)
07/17/2013	<a href="#">24</a>	ATTORNEY Appearance for Defendants LG Display America, Inc., LG Display Co. Ltd. by David M. Simon (Simon, David) (Entered: 07/17/2013)
07/17/2013	<a href="#">25</a>	ATTORNEY Appearance for Defendants LG Display America, Inc., LG Display Co. Ltd. by Stephen Heschel Weil (Weil, Stephen) (Entered: 07/17/2013)
07/17/2013	<a href="#">26</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8549389. (McBurney, Matthew) (Entered: 07/17/2013)
07/17/2013	<a href="#">27</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8549494. (Attachments: # <a href="#">1</a> Supplement)(Levine, Janet) (Entered: 07/17/2013)
07/17/2013	<a href="#">28</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8549543. (Attachments: # <a href="#">1</a> Supplement)(McNary, Robert) (Entered: 07/17/2013)
07/17/2013	<a href="#">29</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8549575. (Attachments: # <a href="#">1</a> Supplement)(Stokes, Joshua) (Entered: 07/17/2013)
07/18/2013	<a href="#">30</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8551632. (Verwolf, Nick) (Entered: 07/18/2013)
07/19/2013	<a href="#">31</a>	ATTORNEY Appearance for Defendants LG Display America, Inc., LG Display Co. Ltd. by Sarah Elizabeth Malkerson (Malkerson, Sarah) (Entered: 07/19/2013)
07/19/2013	<a href="#">32</a>	ATTORNEY Appearance for Defendants LG Display America, Inc., LG Display Co. Ltd. by James B. Speta (Speta, James) (Entered: 07/19/2013)
07/19/2013	<a href="#">33</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8556263. (Blumenstein, Carl) (Entered: 07/19/2013)

07/19/2013	<a href="#">35</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8556723. (Caseria, Leo) (Entered: 07/19/2013)
07/19/2013	<a href="#">36</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8556882. (Scarborough, Michael) (Entered: 07/19/2013)
07/19/2013	<a href="#">37</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8557231. (Ballard, Dylan) (Entered: 07/19/2013)
07/19/2013	<a href="#">38</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8557422. (McGinnis, James) (Entered: 07/19/2013)
07/19/2013	<a href="#">39</a>	ATTORNEY Appearance for Defendants AU Optronics Corporation, AU Optronics Corporation America, Inc. by Kirk Christopher Jenkins (Jenkins, Kirk) (Entered: 07/19/2013)
07/23/2013	<a href="#">40</a>	ATTORNEY Appearance for Defendant Sanyo Consumer Electronics Co., Ltd. by William Yu (Yu, William) (Entered: 07/23/2013)
07/23/2013	<a href="#">41</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8564415. (Attachments: # <a href="#">1</a> Supplement)(Lazerwitz, Michael) (Entered: 07/23/2013)
07/23/2013	<a href="#">42</a>	ATTORNEY Appearance for Defendants CMO Japan Co. Ltd., Chi Mei Corporation, Chi Mei Optoelectronics Corporation, Chi Mei Optoelectronics USA, Inc., Nexgen Mediatech USA, Inc., Nexgen Mediatech, Inc. by Michael Peter Conway (Conway, Michael) (Entered: 07/23/2013)
07/23/2013	<a href="#">43</a>	ATTORNEY Appearance for Defendants CMO Japan Co. Ltd., Chi Mei Corporation, Chi Mei Optoelectronics Corporation, Chi Mei Optoelectronics USA, Inc., Nexgen Mediatech USA, Inc., Nexgen Mediatech, Inc. by Patrick J. Castle (Castle, Patrick) (Entered: 07/23/2013)
07/23/2013	43	MINUTE entry before Honorable Joan B. Gottschall: By agreement of the parties, joint status report is extended and due by 9/3/2013. Status hearing set for 8/13/2013 is stricken and reset to 9/10/2013 at 09:30 AM. Mailed notice (rj, ) (Entered: 07/23/2013)
07/23/2013	<a href="#">44</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8567074. (Davis, Allison) (Entered: 07/23/2013)
07/23/2013	<a href="#">45</a>	ATTORNEY Appearance for Defendants Toshiba America Electronics Components, Inc., Toshiba America Information Systems, Inc., Toshiba Corporation, Toshiba Mobile Display Co., Ltd. by Kristen J. Mcahren (Mcahren, Kristen) (Entered: 07/23/2013)
07/24/2013	<a href="#">46</a>	ATTORNEY Appearance for Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. by Richard A. DelGiudice (DelGiudice, Richard) (Entered: 07/24/2013)
07/24/2013	<a href="#">47</a>	ATTORNEY Appearance for Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. by Jeffery Michael Heftman



07/24/2013	<a href="#">48</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8568126. (Ludwin, Derek) (Entered: 07/24/2013)
07/24/2013	<a href="#">49</a>	ATTORNEY Appearance for Defendants Toshiba America Electronics Components, Inc., Toshiba America Information Systems, Inc., Toshiba Corporation, Toshiba Mobile Display Co., Ltd. by Daniel A. Cummings (Cummings, Daniel) (Entered: 07/24/2013)
07/24/2013	<a href="#">50</a>	ATTORNEY Appearance for Defendants Toshiba America Electronics Components, Inc., Toshiba America Information Systems, Inc., Toshiba Corporation, Toshiba Mobile Display Co., Ltd. by Alan S. Madans (Madans, Alan) (Entered: 07/24/2013)
07/24/2013	<a href="#">51</a>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by CMO Japan Co. Ltd., Chi Mei Corporation, Chi Mei Optoelectronics Corporation, Chi Mei Optoelectronics USA, Inc., Nexgen Mediatech USA, Inc., Nexgen Mediatech, Inc. <i>Defendants' Corporate Disclosure Statement</i> (Castle, Patrick) (Entered: 07/24/2013)
07/25/2013	<a href="#">52</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8573435. (Nangia, Sanjay) (Entered: 07/25/2013)
07/25/2013	<a href="#">53</a>	ATTORNEY Appearance for Defendants CMO Japan Co. Ltd., Chi Mei Corporation, Chi Mei Optoelectronics Corporation, Chi Mei Optoelectronics USA, Inc., Nexgen Mediatech USA, Inc., Nexgen Mediatech, Inc. by Amy Yongmee Cho (Cho, Amy) (Entered: 07/25/2013)
07/25/2013	<a href="#">54</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8574101. (Farzan, Farschad) (Entered: 07/25/2013)
07/26/2013	<a href="#">55</a>	WITHDRAWING <i>Patrick J. Castle</i> as counsel for Defendants CMO Japan Co. Ltd., Chi Mei Corporation, Chi Mei Optoelectronics Corporation, Chi Mei Optoelectronics USA, Inc., Nexgen Mediatech USA, Inc., Nexgen Mediatech, Inc. and substituting Amy Yongmee Cho as counsel of record (Cho, Amy) (Entered: 07/26/2013)
07/26/2013	<a href="#">58</a>	ORDER: MOTION by Matthew J. McBurney for leave to appear on behalf of Motorola, Inc. <a href="#">26</a> is granted. MOTION by Janet I. Levine for leave to appear on behalf of Motorola, Inc. <a href="#">27</a> is granted. MOTION by Robert B. McNary for leave to appear on behalf of Motorola, Inc. <a href="#">28</a> is granted. MOTION by Joshua C. Stokes for leave to appear on behalf of Motorola, Inc. <a href="#">29</a> is granted. MOTION by Nick Steven Verwolf for leave to appear on behalf of SANYO <a href="#">30</a> is granted. MOTION by Carl L. Blumenstein for leave to appear on behalf of AU Optronics Corporation and AU Optronics Corporation America <a href="#">33</a> is granted. MOTION by Leo Caseria for leave to appear on behalf of Samsung SDI Co., Samsung SDI America, Inc <a href="#">34</a> is granted. MOTION by Michael W. Scarborough for leave to appear on behalf of Samsung SDI Co., Samsung SDI America, Inc <a href="#">35</a> is granted. MOTION by Dylan I. Ballard for leave to appear on behalf of Samsung SDI Co., Samsung SDI America, Inc <a href="#">36</a> is granted. MOTION by James L. McGinnis for leave to appear on behalf of Samsung SDI Co., Samsung SDI America, Inc <a href="#">37</a> is granted. MOTION by Michael R. Lazerwitz for leave to appear on behalf of LG Display Co. Ltd., and LG Display America, Inc. <a href="#">40</a>

		is granted. MOTION by Allison A. Davis for leave to appear on behalf of Sanyo Consumer Electronics Co. <a href="#">44</a> is granted. MOTION by Derek Ludwin for leave to appear on behalf of Samsung Electronics <a href="#">48</a> is granted. MOTION by Sanjay M. Nangia for leave to appear on behalf of Sanyo Consumer Electronics Co., Ltd. <a href="#">52</a> is granted. MOTION by Farschad Farzan for leave to appear on behalf of AU Optronics Corporation <a href="#">54</a> is granted. Signed by the Honorable Joan B. Gottschall on 7/26/2013. Mailed notice(vcf, ) (Entered: 07/29/2013)
07/27/2013	<a href="#">56</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8580049. (Attachments: # <a href="#">1</a> Supplement Bar/Court Admissions)(Curran, Christopher) (Entered: 07/27/2013)
07/27/2013	<a href="#">57</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8580050. (Chung, John) (Entered: 07/27/2013)
07/30/2013	<a href="#">59</a>	ATTORNEY Appearance for Defendant Sanyo Consumer Electronics Co., Ltd. by Allison Ann Davis (Davis, Allison) (Entered: 07/30/2013)
07/31/2013	<a href="#">60</a>	ATTORNEY Appearance for Defendant Sanyo Consumer Electronics Co., Ltd. by Nick Steven Verwolf (Verwolf, Nick) (Entered: 07/31/2013)
07/31/2013	<a href="#">61</a>	ATTORNEY Appearance for Defendant Sanyo Consumer Electronics Co., Ltd. by Sanjay M. Nangia (Nangia, Sanjay) (Entered: 07/31/2013)
07/31/2013	<a href="#">62</a>	ATTORNEY Appearance for Defendants Samsung SDI America, Inc., Samsung SDI Company, Ltd. by Daniel G Rosenberg (Rosenberg, Daniel) (Entered: 07/31/2013)
07/31/2013	<a href="#">63</a>	ATTORNEY Appearance for Defendants Samsung SDI America, Inc., Samsung SDI Company, Ltd. by Leo Caseria (Caseria, Leo) (Entered: 07/31/2013)
07/31/2013	<a href="#">64</a>	ATTORNEY Appearance for Defendants Samsung SDI America, Inc., Samsung SDI Company, Ltd. by Michael W. Scarborough (Scarborough, Michael) (Entered: 07/31/2013)
07/31/2013	<a href="#">65</a>	ATTORNEY Appearance for Defendants Samsung SDI America, Inc., Samsung SDI Company, Ltd. by Dylan I. Ballard (Ballard, Dylan) (Entered: 07/31/2013)
07/31/2013	<a href="#">66</a>	ATTORNEY Appearance for Defendants Samsung SDI America, Inc., Samsung SDI Company, Ltd. by James Landon McGinnis (McGinnis, James) (Entered: 07/31/2013)
08/01/2013	<a href="#">67</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8593894. (Toto, Martin) (Entered: 08/01/2013)
08/01/2013	<a href="#">68</a>	ATTORNEY Appearance for Plaintiff Motorola, Inc. by Joshua Courtney Stokes (Stokes, Joshua) (Entered: 08/01/2013)
08/01/2013	<a href="#">69</a>	ATTORNEY Appearance for Plaintiff Motorola, Inc. by Janet Irene Levine, Ms (Levine, Janet) (Entered: 08/01/2013)
08/01/2013	<a href="#">70</a>	ATTORNEY Appearance for Plaintiff Motorola, Inc. by Robert Brian McNary (McNary, Robert) (Entered: 08/01/2013)



08/01/2013	<a href="#">69</a>	ATTORNEY Appearance for Plaintiff Motorola, Inc. by Matthew J. Mcburney (Mcburney, Matthew) (Entered: 08/01/2013)
08/01/2013	<a href="#">72</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8596944. (Benson, Craig) (Entered: 08/01/2013)
08/02/2013	<a href="#">73</a>	ATTORNEY Appearance for Defendants Sharp Corporation, Sharp Electronics Corporation by James A. Morsch (Morsch, James) (Entered: 08/02/2013)
08/02/2013	<a href="#">74</a>	ATTORNEY Appearance for Defendants Sharp Corporation, Sharp Electronics Corporation by Jason S Dubner (Dubner, Jason) (Entered: 08/02/2013)
08/02/2013	<a href="#">75</a>	ATTORNEY Appearance for Defendants Sharp Corporation, Sharp Electronics Corporation by Andrew David Shapiro (Shapiro, Andrew) (Entered: 08/02/2013)
08/02/2013	<a href="#">76</a>	ATTORNEY Appearance for Defendants Sharp Corporation, Sharp Electronics Corporation by Vincente Antonio Tennerelli (Tennerelli, Vincente) (Entered: 08/02/2013)
08/02/2013	<a href="#">77</a>	ATTORNEY Appearance for Defendant Chunghwa Picture Tubes Ltd. by James R. Streicker (Streicker, James) (Entered: 08/02/2013)
08/02/2013	<a href="#">78</a>	ATTORNEY Appearance for Defendant Chunghwa Picture Tubes Ltd. by Terence H. Campbell (Campbell, Terence) (Entered: 08/02/2013)
08/02/2013	<a href="#">79</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8603219. (Simons, Joseph) (Entered: 08/02/2013)
08/05/2013	<a href="#">80</a>	ATTORNEY Appearance for Defendants LG Display America, Inc., LG Display Co. Ltd. by Michael R. Lazerwitz (Lazerwitz, Michael) (Entered: 08/05/2013)
08/05/2013	<a href="#">81</a>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Sanyo Consumer Electronics Co., Ltd. <i>and Fed. Civ. P. Rule 7.1 Disclosure Statement</i> (Davis, Allison) (Entered: 08/05/2013)
08/05/2013	<a href="#">82</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8607002. (Gallo, Kenneth) (Entered: 08/05/2013)
08/06/2013	<a href="#">83</a>	ORDER: Motion by Christopher M. Curran for leave to appear pro hac vice <a href="#">56</a> is granted. Motion by John H. Chung for leave to appear pro hac vice <a href="#">57</a> is granted. Motion by Martin M. Toto for leave to appear pro hac vice <a href="#">67</a> is granted. Motion by Craig A. Benson for leave to appear pro hac vice <a href="#">72</a> is granted. Motion by Joseph J. Simons for leave to appear pro hac vice <a href="#">79</a> is granted. Motion by Kenneth A. Gallo for leave to appear pro hac vice <a href="#">82</a> is granted. Signed by the Honorable Joan B. Gottschall on 8/6/2013. Mailed notice(vcf, ) (Entered: 08/07/2013)
08/08/2013	<a href="#">84</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8617728. (Nedeau, Christopher) (Entered: 08/08/2013)
08/08/2013	<a href="#">85</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 100, receipt number 0752-8618254. (Hockett, Christopher) (Entered: 08/08/2013)

08/08/2013	<a href="#">86</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 100, receipt number 0752-8618317. (Potischman, Neal) (Entered: 08/08/2013)
08/08/2013	<a href="#">87</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 100, receipt number 0752-8618337. (West, Sandra) (Entered: 08/08/2013)
08/08/2013	<a href="#">88</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 100, receipt number 0752-8618386. (Knox, Samantha) (Entered: 08/08/2013)
08/08/2013	<a href="#">89</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 100, receipt number 0752-8618392. (Ong, Emmet) (Entered: 08/08/2013)
08/09/2013	90	ORDER: Motion by Emmet P. Ong for leave to appear pro hac vice <a href="#">89</a> is granted. Motion by Neal A. Potischman for leave to appear pro hac vice <a href="#">86</a> is granted. Motion by Christopher B. Hockett for leave to appear pro hac vice <a href="#">85</a> is granted. Motion by Samantha H. Knox for leave to appear pro hac vice <a href="#">88</a> is granted. Motion by Sandra W. Neukom for leave to appear pro hac vice <a href="#">87</a> is granted. Signed by the Honorable Joan B. Gottschall on 8/9/2013. Mailed notice (vcf, ) (Entered: 08/09/2013)
08/09/2013	<a href="#">91</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8623590. <i>Motion for Leave to Appear Pro Hac Vice</i> (Brownstein, David) (Entered: 08/09/2013)
08/09/2013	<a href="#">92</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8623717. <i>Motion for Leave to Appear Pro Hac Vice</i> (Farmer, William) (Entered: 08/09/2013)
08/09/2013	<a href="#">93</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8623754. <i>Motion for Leave to Appear Pro Hac Vice</i> (Alpren, Jacob) (Entered: 08/09/2013)
08/12/2013	<a href="#">94</a>	Rule 7.1 STATEMENT by Sharp Corporation (Morsch, James) (Entered: 08/12/2013)
08/12/2013	<a href="#">95</a>	Rule 7.1 STATEMENT by Sharp Electronics Corporation (Morsch, James) (Entered: 08/12/2013)
08/15/2013	<a href="#">96</a>	ATTORNEY Appearance for Plaintiff Motorola, Inc. by Michael D. Sher (Sher, Michael) (Entered: 08/15/2013)
08/21/2013	<a href="#">97</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8655725. (Halling, Gary) (Entered: 08/21/2013)
08/21/2013	<a href="#">98</a>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by LG Display America, Inc., LG Display Co. Ltd. <i>and Fed. Civ. P. Rule 7.1 Disclosure Statemen</i> (Eimer, Nathan) (Entered: 08/21/2013)
08/27/2013	<a href="#">99</a>	Corporate Disclosure Statement STATEMENT by Toshiba America Electronics Components, Inc., Toshiba America Information Systems, Inc., Toshiba Corporation, Toshiba Mobile Display Co., Ltd. (Cummings, Daniel) (Entered: 08/27/2013)
08/29/2013	<a href="#">100</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8682136. (Attachments: # <a href="#">1</a> Supplement Wick Bar Admissions)(Wick, Robert)

09/03/2013	<a href="#">101</a>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. <i>Samsung's Corporate Disclosure Statement</i> (Heftman, Jeffery) (Entered: 09/03/2013)
09/03/2013	<a href="#">102</a>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by AU Optronics Corporation, AU Optronics Corporation America, Inc. <i>AUO Defendants' Corporate Disclosure Statement</i> (Jenkins, Kirk) (Entered: 09/03/2013)
09/03/2013	<a href="#">103</a>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Motorola, Inc. <i>Supplemental Corporate Disclosure Statement and Notification of Affiliates</i> (Stokes, Joshua) (Entered: 09/03/2013)
09/03/2013	<a href="#">104</a>	STATUS Report <i>Joint Status Report</i> by Motorola, Inc. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F)(Stokes, Joshua) (Entered: 09/03/2013)
09/09/2013	<a href="#">105</a>	MINUTE entry before Honorable Joan B. Gottschall: Time for status hearing set on 9/10/2013 is reset from 9:30a.m. to 10:00 a.m.Mailed notice (tlp, ) (Entered: 09/09/2013)
09/09/2013	<a href="#">106</a>	ATTORNEY Appearance for Defendant Hannstar Display Corporation by Eugene Edward Murphy, Jr (Murphy, Eugene) (Entered: 09/09/2013)
09/10/2013	<a href="#">107</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8715745. (Attachments: # <a href="#">1</a> Supplement Hall Bar Admissions)(Hall, John) (Entered: 09/10/2013)
09/10/2013	<a href="#">108</a>	MINUTE entry before Honorable Joan B. Gottschall: Status hearing held. The defendants are given leave to file a motion to reconsider, not to exceed 25 pages, by 9/20/2013. The court will decide whether to request a response from Motorola after reviewing the motion to reconsider and will rule expeditiously. Briefing on Daubert motions shall proceed as follows: motions shall be filed by 10/15/2013; responses shall be filed by 11/12/2013; and replies shall be filed by 12/3/2013. The court will advise the parties if it wishes to schedule oral argument on the motions, but notes that its normal practice is to rule on the papers. Trial is set for 3/10/2014 at 9:30 AM. The parties have represented that the trial will last approximately 6; 4-day weeks. Mailed notice (meg, ) (Entered: 09/10/2013)
09/10/2013	<a href="#">109</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8718082. (Murphy, Eugene) (Entered: 09/10/2013)
09/10/2013	<a href="#">110</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8718334. (Murphy, Eugene) (Entered: 09/10/2013)
09/10/2013	<a href="#">111</a>	MINUTE entry before Honorable Joan B. Gottschall: Applications for attorneys David Brownstein, William Farmer, Jacob Alpren to appear pro hac vice for Chunghwa

Case: 14-8003 Document: 92, 93 are granted Mailed notice (meg, ) (Entered: 09/10/2013) Filed: 01/24/2014 Page: 103

09/10/2013	<a href="#">112</a>	MINUTE entry before Honorable Joan B. Gottschall: Application to appear for Attorney Gary L. Halling pro hac vice for Samsung SDI America, Inc.; Samsung SDI Co., Ltd. <a href="#">97</a> is granted. Mailed notice (meg, ) (Entered: 09/10/2013)
09/10/2013	<a href="#">113</a>	MINUTE entry before Honorable Joan B. Gottschall: Application for Robert D. Wick to appear pro hac vice for Samsung Co., Ltd., Samsung Semiconductor, Inc. and Samsung Electronics America, Inc. <a href="#">100</a> is granted. Mailed notice (meg, ) (Entered: 09/10/2013)
09/11/2013	<a href="#">114</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8721128. (Murphy, Eugene) (Entered: 09/11/2013)
09/19/2013	<a href="#">115</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8748191. (Attachments: # <a href="#">1</a> Exhibit Complete List of Court Admissions)(Davidson, Jeffrey) (Entered: 09/19/2013)
09/20/2013	<a href="#">116</a>	MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. for reconsideration (Attachments: # <a href="#">1</a> Memorandum of Law, # <a href="#">2</a> Declaration of Jeffrey M. Davidson and Supporting Exhibits) (Davidson, Jeffrey) (Entered: 09/20/2013)
09/20/2013	<a href="#">117</a>	ATTORNEY Appearance for Amicus Amicus Curiae Law Professors by Alexander Rimas Domanskis (Domanskis, Alexander) (Entered: 09/20/2013)
09/20/2013	<a href="#">118</a>	ATTORNEY Appearance for Amicus Amicus Curiae Law Professors by Max A Stein (Stein, Max) (Entered: 09/20/2013)
09/20/2013	<a href="#">119</a>	MOTION by Amicus Amicus Curiae Law Professors for leave to file <i>Amicus Curiae Brief in Support of Defendants Motion for Reconsideration</i> (Attachments: # <a href="#">1</a> Exhibit Exhibit to Law Professors' Motion)(Stein, Max) (Entered: 09/20/2013)
09/20/2013	<a href="#">120</a>	NOTICE of Motion by Max A Stein for presentment of motion for leave to file <a href="#">119</a> before Honorable Joan B. Gottschall on 10/2/2013 at 09:30 AM. (Stein, Max) (Entered: 09/20/2013)
09/30/2013	<a href="#">121</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8780821. (Heaven, Astor) (Entered: 09/30/2013)
09/30/2013	<a href="#">122</a>	ORDER: Motion by John Edward Hall for leave to appear pro hac vice <a href="#">107</a> is granted. Motion by Robert E. Freitas for leave to appear pro hac vice <a href="#">109</a> is granted. Motion by Jason S. Angell for leave to appear pro hac vice <a href="#">110</a> is granted. Motion by Jessica N. Leal for leave to appear pro hac vice <a href="#">114</a> is granted. Motion by Jeffrey Davidson for leave to appear pro hac vice <a href="#">115</a> is granted. Signed by the Honorable Joan B. Gottschall on 9/30/2013. Mailed notice(vcf, ) (vcf, ). (Entered: 09/30/2013)
10/03/2013	<a href="#">123</a>	ORDER: MOTION by Amicus Amicus Curiae Law Professors for leave to file Amicus Curiae Brief in Support of Defendants Motion for Reconsideration <a href="#">119</a> is granted. Motion by Astor H.L. Heaven for leave to appear pro hac vice <a href="#">121</a> is granted. Signed

10/03/2013	<a href="#">124</a>	MEMORANDUM by Amicus Curiae Law Professors in support of motion for reconsideration, <a href="#">116</a> (Stein, Max) (Entered: 10/03/2013)
10/09/2013	<a href="#">125</a>	ORDER: On September 20, 2013, Defendants moved for reconsideration of the MDL court's summary judgment ruling permitting Motorola to pursue U.S. antitrust claims based on purchases of LCD panels by its foreign subsidiaries. The court directs Plaintiff to file a response to the motion for reconsideration no later than Wednesday, October, 23, 2013. Signed by the Honorable Joan B. Gottschall on 10/9/2013. Mailed notice(vcf, ) (Entered: 10/09/2013)
10/15/2013	<a href="#">126</a>	MOTION by Plaintiff Motorola, Inc.To Exclude Certain Expert Testimony Of Daniel L. Rubinfeld (Attachments: # <a href="#">1</a> Motion To Exclude Certain Expert Testimony Of Daniel L. Rubinfeld, # <a href="#">2</a> Memorandum Of Law, # <a href="#">3</a> Declaration Of Robert McNary, # <a href="#">4</a> Exhibit A, # <a href="#">5</a> Exhibit B, # <a href="#">6</a> Exhibit C)(McNary, Robert) (Entered: 10/15/2013)
10/15/2013	<a href="#">127</a>	NOTICE of Motion by Robert Brian McNary for presentment of motion for miscellaneous relief, <a href="#">126</a> before Honorable Joan B. Gottschall on 10/23/2013 at 09:30 AM. (McNary, Robert) (Entered: 10/15/2013)
10/15/2013	<a href="#">128</a>	MOTION by Plaintiff Motorola, Inc.Motion To Exclude The Expert Testimony Of Robert Willig (Heaven, Astor) (Entered: 10/15/2013)
10/15/2013	<a href="#">129</a>	Memorandum Of Law In Support Of Motion To Exclude Expert Testimony Of Robert Willig by Motorola, Inc. (Attachments: # <a href="#">1</a> Declaration Of Astor Heaven In Support Of Motion to Exclude Expert Testimony Of Robert Willig, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Exhibit F, # <a href="#">8</a> Exhibit G, # <a href="#">9</a> Exhibit H) (Heaven, Astor) (Entered: 10/15/2013)
10/15/2013	<a href="#">130</a>	NOTICE of Motion by Astor Henry Lloyd Heaven, Iii for presentment of motion for miscellaneous relief <a href="#">128</a> before Honorable Joan B. Gottschall on 10/23/2013 at 09:30 AM. (Heaven, Astor) (Entered: 10/15/2013)
10/15/2013	<a href="#">131</a>	MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. to bar Testimony of Professor B. Douglas Bernheim <i>Pursuant to Fed. R. Evid 702 and Daubert</i> (Attachments: # <a href="#">1</a> Memorandum of Law in Support of Motion to Exclude Testimony of Prof. B. Douglas Bernheim, # <a href="#">2</a> Declaration of Elizabeth Arens, # <a href="#">3</a> Exhibit A, # <a href="#">4</a> Exhibit B, # <a href="#">5</a> Exhibit C, # <a href="#">6</a> Exhibit D, # <a href="#">7</a> Exhibit E, # <a href="#">8</a> Exhibit F, # <a href="#">9</a> Exhibit G, # <a href="#">10</a> Exhibit H, # <a href="#">11</a> Exhibit I, # <a href="#">12</a> Exhibit J, # <a href="#">13</a> Exhibit K)(Davidson, Jeffrey) (Entered: 10/15/2013)
10/15/2013	<a href="#">132</a>	MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung SDI America, Inc., Samsung SDI Company, Ltd., Samsung Semiconductor, Inc., Sanyo Consumer Electronics Co., Ltd. Motion to Exclude Testimony of David P. Stowell <i>Pursuant to Fed. R. Evid. 702</i> (Davis, Allison) (Entered: 10/15/2013)



10/15/2013	<a href="#">Case: 14-008 Document 1 Filed 02/24/2014 Page 103</a>	MEMORANDUM by Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung SDI America, Inc., Samsung SDI Company, Ltd., Samsung Semiconductor, Inc., Sanyo Consumer Electronics Co., Ltd. <i>In Support of Motion to Exclude Testimony of David P. Stowell</i> (Attachments: # <a href="#">1</a> Declaration of Sanjay M. Nangia in Support of Defendants' Motion to Exclude Testimony of David P. Stowell, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Exhibit F, # <a href="#">8</a> Exhibit G, # <a href="#">9</a> Exhibit H, # <a href="#">10</a> Exhibit I, # <a href="#">11</a> Exhibit J)(Davis, Allison) (Entered: 10/15/2013)
10/15/2013	<a href="#">134</a>	NOTICE by Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung SDI America, Inc., Samsung SDI Company, Ltd., Samsung Semiconductor, Inc., Sanyo Consumer Electronics Co., Ltd. re MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung SDI America, Inc., Samsung SDI Company, Ltd., Samsung Semiconductor, Inc., Sanyo Consumer Electronics Co., Ltd. Motion to Exclude Testimony of David P. Stowel <a href="#">132</a> <i>NOTICE OF MOTION</i> (Davis, Allison) (Entered: 10/15/2013)
10/17/2013	<a href="#">135</a>	NOTICE of Motion by Allison Ann Davis for presentment of motion for miscellaneous relief, <a href="#">132</a> before Honorable Joan B. Gottschall on 12/11/2013 at 09:30 AM. (Davis, Allison) (Entered: 10/17/2013)
10/17/2013	<a href="#">136</a>	MINUTE entry before Honorable Joan B. Gottschall: Notice of motions <a href="#">134</a> and <a href="#">135</a> are stricken by request of movant. No appearance required, 10/23/2013 or 12/11/2013. Mailed notice (rj, ) (Entered: 10/17/2013)
10/23/2013	<a href="#">137</a>	ATTORNEY Appearance for Amicus Ministry of Economy, Trade and Industry of Japan by William Charles Meyers (Meyers, William) (Entered: 10/23/2013)
10/23/2013	<a href="#">138</a>	MEMORANDUM by Motorola, Inc. in Opposition to motion for reconsideration, <a href="#">116</a> <i>Plaintiff Motorola Mobility LLC'S Memorandum In Opposition To Defendants' Motion For Reconsideration</i> (Stokes, Joshua) (Entered: 10/23/2013)
10/23/2013	<a href="#">139</a>	MOTION by Amicus Ministry of Economy, Trade and Industry of Japan for leave to file <i>AMICUS CURIAE BRIEF IN SUPPORT OF DEFENDANTS' MOTION FOR RECONSIDERATION</i> (Attachments: # <a href="#">1</a> Exhibit)(Meyers, William) (Entered: 10/23/2013)
10/23/2013	<a href="#">140</a>	DECLARATION of Matthew J. McBurney regarding memorandum in opposition to motion <a href="#">138</a> <i>In Support Of Plaintiff Motorola Mobility LLC'S Opposition to Defendants' Motion For Reconsideration</i> (Stokes, Joshua) (Entered: 10/23/2013)
10/23/2013	<a href="#">141</a>	NOTICE of Motion by William Charles Meyers for presentment of motion for leave to file <a href="#">139</a> before Honorable Joan B. Gottschall on 10/30/2013 at 09:30 AM. (Meyers, William) (Entered: 10/23/2013)
10/24/2013	<a href="#">142</a>	NOTICE by Ministry of Economy, Trade and Industry of Japan re MOTION by Amicus Ministry of Economy, Trade and Industry of Japan for leave to file <i>AMICUS CURIAE BRIEF IN SUPPORT OF DEFENDANTS' MOTION FOR RECONSIDERATION</i> <a href="#">139</a> (Attachments: # <a href="#">1</a> Exhibit B (CORRECTED))(Meyers,

10/25/2013	<a href="#">143</a>	MEMORANDUM by Motorola, Inc. in Opposition to motion for leave to file <a href="#">139</a> <i>Amicus Curiae Brief in Support of Defendants' Motion for Reconsideration, and Motion to Strike</i> <a href="#">124</a> <i>Amicus Curiae Brief of Twelve Law Professors in Support of Defendants' Motion for Reconsideration</i> (Murphy, Jerome) (Entered: 10/25/2013)
10/29/2013	<a href="#">144</a>	MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. for leave to file <i>Reply Memorandum in Support of Motion for Reconsideration</i> (Attachments: # <a href="#">1</a> Exhibit A (Proposed Reply Memorandum))(Davidson, Jeffrey) (Entered: 10/29/2013)
10/29/2013	<a href="#">145</a>	NOTICE of Motion by Jeffrey Michael Davidson for presentment of motion for leave to file, <a href="#">144</a> before Honorable Joan B. Gottschall on 11/6/2013 at 09:30 AM. (Davidson, Jeffrey) (Entered: 10/29/2013)
10/29/2013	<a href="#">146</a>	MINUTE entry before Honorable Joan B. Gottschall: Motion by The Ministry of Economy, Trade and Industry of Japan for leave to file Amicus Curiae brief in support of Defendants' motion for reconsideration <a href="#">139</a> is granted. Mailed notice (rj, ) (Entered: 10/29/2013)
10/30/2013	<a href="#">147</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8881847. (Kreissman, James) (Entered: 10/30/2013)
10/30/2013	<a href="#">148</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8881934. (Frahn, Harrison) (Entered: 10/30/2013)
10/30/2013	<a href="#">149</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8882048. (Bussey, Jason) (Entered: 10/30/2013)
10/30/2013	<a href="#">150</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8882082. (Gillen, Elizabeth) (Entered: 10/30/2013)
10/30/2013	<a href="#">151</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8882114. (Schmidt, Melissa) (Entered: 10/30/2013)
10/31/2013	<a href="#">152</a>	MEMORANDUM by Ministry of Economy, Trade and Industry of Japan in support of motion for reconsideration, <a href="#">116</a> (Meyers, William) (Entered: 10/31/2013)
11/04/2013	<a href="#">153</a>	MINUTE entry before Honorable Joan B. Gottschall: Application for Attorney James G. Kreissman to appear pro hac vice for Hannstar Display Corporation <a href="#">147</a> is granted. Application for Attorney Harrison J Frahn, IV to appear pro hac vice for Hannstar Display Corporation <a href="#">148</a> is granted. Application for Attorney Jason M. Bussey to appear pro hac vice for Hannstar Display Corporation <a href="#">149</a> is granted. Application for Attorney Elizabeth A Gillen to appear pro hac vice for Hannstar Display Corporation <a href="#">150</a> is granted. Application for Attorney Melissa D. Schmidt to appear pro hac vice for Hannstar Display Corporation <a href="#">151</a> is granted. Mailed notice (meg, ) (Entered: 11/04/2013)
11/05/2013	<a href="#">154</a>	MINUTE entry before Honorable Joan B. Gottschall: Defendants' motion for leave to

		file reply memorandum <a href="#">141</a> is granted. No appearance required. Mailed notice (meg, ) (Entered: 11/05/2013)
11/05/2013	<a href="#">155</a>	REPLY by Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. to memorandum in opposition to motion <a href="#">138</a> for reconsideration <a href="#">116</a> (Davidson, Jeffrey) (Entered: 11/05/2013)
11/06/2013	<a href="#">156</a>	SUPPLEMENT to <i>Authority Related to the FTAIA by Defendants</i> (Attachments: # <a href="#">1</a> Exhibit A)(Morsch, James) (Entered: 11/06/2013)
11/12/2013	<a href="#">157</a>	MINUTE entry before Honorable Joan B. Gottschall: Application for attorney Christopher A. Nedeau to appear pro hac vice for defendant AU Optronics Corporation <a href="#">84</a> is granted. Mailed notice (meg, ) (Entered: 11/12/2013)
11/12/2013	<a href="#">158</a>	RESPONSE by Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. in Opposition to MOTION by Plaintiff Motorola, Inc. To Exclude Certain Expert Testimony Of Daniel L. Rubinfeld <a href="#">126</a> (Attachments: # <a href="#">1</a> Declaration of Elizabeth Arens, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Exhibit F, # <a href="#">8</a> Errata G, # <a href="#">9</a> Exhibit H, # <a href="#">10</a> Exhibit I, # <a href="#">11</a> Exhibit J)(Wick, Robert) (Entered: 11/12/2013)
11/12/2013	<a href="#">159</a>	RESPONSE by Motorola, Inc. in Opposition to MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. to bar Testimony of Professor B. Douglas Bernheim <i>Pursuant to Fed. R. Evid 702 and Daubert</i> <a href="#">131</a> Plaintiff Motorola Mobility LLC's Memorandum In Opposition to Defendants' Motion to Exclude Certain Testimony of Dr. Douglas Bernheim (Attachments: # <a href="#">1</a> Declaration of Jason C. Murray, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Exhibit F, # <a href="#">8</a> Exhibit G, # <a href="#">9</a> Exhibit H)(Murray, Jason) (Entered: 11/12/2013)
11/12/2013	<a href="#">160</a>	MEMORANDUM by Sharp Corporation, Sharp Electronics Corporation in Opposition to motion for miscellaneous relief <a href="#">128</a> ( <i>Sharp Defendants' Memorandum of Law In Opposition To Motorola Mobility LLC's Motion To Exclude The Expert Testimony Of Dr. Robert D. Willig</i> ) (Attachments: # <a href="#">1</a> Exhibit A - Part 1, # <a href="#">2</a> Exhibit A - Part 2, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Exhibit F) (Morsch, James) (Entered: 11/12/2013)
11/12/2013	<a href="#">161</a>	RESPONSE by Motorola, Inc. in Opposition to MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung SDI America, Inc., Samsung SDI Company, Ltd., Samsung Semiconductor, Inc., Sanyo Consumer Electronics Co., Ltd. Motion to Exclude Testimony of David P. Stowel <a href="#">132</a> Plaintiff Motorola Mobility LLC's Memorandum In Opposition to Defendants' Motion to Exclude Certain Testimony of David P. Stowell (Attachments: # <a href="#">1</a> Declaration of Jason C. Murray, # <a href="#">2</a> Exhibit 1, # <a href="#">3</a> Exhibit 2, # <a href="#">4</a> Exhibit 3)(Murray, Jason) (Entered: 11/12/2013)
11/20/2013	<a href="#">162</a>	MOTION by Defendant Hannstar Display Corporation to withdraw <i>and Substitute Counsel</i> (Murphy, Eugene) (Entered: 11/20/2013)



11/20/2013	<a href="#">165</a>	NOTICE of Motion by Eugene Edward Murphy, Jr for presentation of motion to withdraw <a href="#">162</a> before Honorable Joan B. Gottschall on 12/4/2013 at 09:30 AM. (Murphy, Eugene) (Entered: 11/20/2013)
11/21/2013	<a href="#">164</a>	SUPPLEMENT to memorandum in opposition to motion <a href="#">138</a> <i>Plaintiff Motorola Mobility LLC'S Notice of Supplemental Authority Related To The FTAIA</i> (Attachments: # <a href="#">1</a> Exhibit A)(Murphy, Jerome) (Entered: 11/21/2013)
11/25/2013	<a href="#">165</a>	MINUTE entry before the Honorable Joan B. Gottschall: Defendant HannStar Display Corporation's motion to withdraw and substitute counsel <a href="#">162</a> is granted. Attorney Jessica N. Leal; Jason Sheffield Angell and Robert E. Freitas terminated. No appearance required on 12/4/2013. Mailed notice (meg, ) (Entered: 11/25/2013)
12/02/2013	<a href="#">166</a>	STIPULATION of Dismissal <i>with Prejudice as to the CMO Defendants</i> (Attachments: # <a href="#">1</a> Text of Proposed Order)(Murphy, Jerome) (Entered: 12/02/2013)
12/02/2013	<a href="#">167</a>	ORDER: The parties have submitted a proposed pre-trial schedule. It is hereby ordered that the dates for the parties to exchange their pre-trial disclosures are as reflected in the schedule, except that the final pre-trial conference will not be held on February 24, 2014, as the court is unavailable that day. The pre-trial conference will be set at a later date. There will be no status conference on December 6, 2013.Mailed notice(slb, ) (Entered: 12/02/2013)
12/03/2013	<a href="#">168</a>	REPLY by Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung SDI America, Inc., Samsung SDI Company, Ltd., Samsung Semiconductor, Inc., Sanyo Consumer Electronics Co., Ltd. to MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc. to bar Testimony of Professor B. Douglas Bernheim <i>Pursuant to Fed. R. Evid 702 and Daubert</i> <a href="#">131</a> (Davidson, Jeffrey) (Entered: 12/03/2013)
12/03/2013	<a href="#">169</a>	REPLY by Plaintiff Motorola, Inc. to motion for miscellaneous relief, <a href="#">126</a> <i>PLAINTIFF MOTOROLA MOBILITY LLC'S REPLY BRIEF IN SUPPORT OF MOTION TO EXCLUDE CERTAIN EXPERT TESTIMONY OF DANIEL L. RUBINFELD</i> (Murray, Jason) (Entered: 12/03/2013)
12/03/2013	<a href="#">170</a>	RESPONSE by Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung SDI America, Inc., Samsung SDI Company, Ltd., Samsung Semiconductor, Inc., Sanyo Consumer Electronics Co., Ltd.in Support of MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung SDI America, Inc., Samsung SDI Company, Ltd., Samsung Semiconductor, Inc., Sanyo Consumer Electronics Co., Ltd. Motion to Exclude Testimony of David P. Stowel <a href="#">132</a> (Attachments: # <a href="#">1</a> Declaration of S. Nangia in Support of Reply in Support of Motion to Exclude Testimony of D. Stowell, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B)(Davis, Allison) (Entered: 12/03/2013)
12/03/2013	<a href="#">171</a>	REPLY by Plaintiff Motorola, Inc. to motion for miscellaneous relief <a href="#">128</a> <i>PLAINTIFF MOTOROLA MOBILITY LLC'S MEMORANDUM OF LAW IN REPLY TO SHARP DEFENDANTS' OPPOSITION TO MOTOROLA'S MOTION TO EXCLUDE THE</i>

	Case: <a href="#">EXPERT TESTIMONY OF ROBERT WILK</a> Filed: 02/24/2014 Pages: <a href="#">103</a>	Declaration of Astor Heaven, # <a href="#">2</a> Exhibit 1)(Heaven, Astor) (Entered: 12/03/2013)
12/03/2013	<a href="#">172</a>	ORDER: The Court, having considered the stipulation of the parties, and good cause appearing therefore, orders as follows: 1. Claims asserted by Plaintiff Motorola Mobility LLC against Defendants Chi Mei Corporation, Chi Mei Optoelectronics Corporation, Chei Mei Optoelectronics USA, Inc., CMO Japan Co. Ltd., Nexgen Mediatech, Inc., and Nexgen Mediatech USA, Inc. are dismissed with prejudice pursuant to Rule 41(a) (2) of the Federal Rules of Civil Procedure. 2. Each party shall bear its own costs and attorneys' fees. It Is Ordered. This 3 day of Dec, 2013. Signed by the Honorable Joan B. Gottschall on 12/3/2013.Mailed notice(ph, ) (Entered: 12/04/2013)
12/19/2013	<a href="#">173</a>	ORDER RE EXPERTS AT TRIAL Signed by the Honorable Joan B. Gottschall on 12/19/2013. Mailed notice (ef, ) (Entered: 12/20/2013)
01/10/2014	<a href="#">174</a>	MOTION by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc.entry of an order concerning post-trial procedures under ACPERA (Attachments: # <a href="#">1</a> memorandum in support, # <a href="#">2</a> Affidavit) (Davidson, Jeffrey) (Entered: 01/10/2014)
01/10/2014	<a href="#">175</a>	NOTICE of Motion by Jeffrey Michael Davidson for presentment of motion for miscellaneous relief, <a href="#">174</a> before Honorable Joan B. Gottschall on 1/15/2014 at 09:30 AM. (Davidson, Jeffrey) (Entered: 01/10/2014)
01/10/2014	<a href="#">176</a>	MINUTE entry before the Honorable Joan B. Gottschall: On the court's own motion, the motion hearing set for 1/15/2014 at 9:30 a.m is reset for 1/15/2014 at 11:00 a.m. TIME CHANGE ONLY. Mailed notice (ef, ) (Entered: 01/10/2014)
01/14/2014	<a href="#">177</a>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-9099722. (Russoniello, Joseph) (Entered: 01/14/2014)
01/14/2014	<a href="#">178</a>	MINUTE entry before the Honorable Joan B. Gottschall: Attorney Joseph Russoniello's application to appear pro hac vice <a href="#">177</a> on behalf of the defendant AU Optronics Corporation is granted. Mailed notice (ef, ) (Entered: 01/14/2014)
01/14/2014	<a href="#">179</a>	MINUTE entry before the Honorable Joan B. Gottschall: Defendants' motion for entry of an order concerning post-trial procedures under ACPERA <a href="#">174</a> is granted. Order to follow. Motion hearing set for 01/15/14 is stricken. No appearance required. Mailed notice (ef, ) (Entered: 01/14/2014)
01/14/2014	<a href="#">180</a>	ORDER Signed by the Honorable Joan B. Gottschall on 1-14-14. Mailed notice (ph, ) (Entered: 01/15/2014)
01/23/2014	<a href="#">181</a>	ORDER: Enter Memorandum Opinion and Order. Defendants' motion for reconsideration <a href="#">116</a> is granted. Motorola's claims based on overseas purchases by its foreign affiliates are dismissed. Parties are to appear for a status hearing on January 31, 2014, at 9:30 a.m. All pre-trial deadlines are stricken for the time being. Signed by the Honorable Joan B. Gottschall. (For further details see memorandum opinion and order.) Mailed notice (ef, ) (Docket Text Modified by Clerk's Office on 1/23/2014) (ef, ). (Entered: 01/23/2014)

01/23/2014	<a href="#">182</a>	MEMORANDUM Opinion and Order Signed by the Honorable Joan B. Gottschall on 1/23/2014. Mailed notice (ef, ) (Entered: 01/23/2014)
01/31/2014	<a href="#">183</a>	MINUTE entry before the Honorable Joan B. Gottschall: Status hearing held. The parties to submit an agreed order to Judge Gottschall's proposed order inbox. Jury Trial set for 3/10/2014 is stricken. Mailed notice (ef, ) (Entered: 01/31/2014)
02/06/2014	<a href="#">184</a>	ATTORNEY Appearance for Defendant Sanyo Consumer Electronics Co., Ltd. by William Yu (Attachments: # <a href="#">1</a> Notice of Filing Notice of Filing of Appearance)(Yu, William) (Entered: 02/06/2014)
02/06/2014	<a href="#">185</a>	TRANSCRIPT OF PROCEEDINGS held on January 31, 2014 before the Honorable Joan B. Gottschall. Court Reporter Contact Information: Ms. Joene Hanhardt, Official Court Reporter, 219 S. Dearborn St., Suite 1744-A, Chicago, Illinois 60604, 312-435-6874. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 2/27/2014. Redacted Transcript Deadline set for 3/10/2014. Release of Transcript Restriction set for 5/7/2014. (Hanhardt, Joene) (Entered: 02/06/2014)
02/13/2014	<a href="#">186</a>	ORDER: Enter Order regarding interlocutory appeal and stay of proceedings. This case is stayed pending appeal. Motions <a href="#">126</a> , <a href="#">128</a> , <a href="#">131</a> , and <a href="#">132</a> are denied without prejudice. See Order for further details. Signed by the Honorable Joan B. Gottschall on 2/13/2014. Mailed notice(ef, ) (Entered: 02/13/2014)
02/13/2014	<a href="#">187</a>	ORDER Signed by the Honorable Joan B. Gottschall on 2/15/2014. Mailed notice(ef, ) (Entered: 02/13/2014)