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## CANADIAN OPTICAL DISC DRIVES LITIGATION

### NOTICE OF CLAIMS PROCESS

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**If you purchased ODDs or ODD Products (defined below) between January 1, 2004 and January 1, 2010, you may be eligible for compensation. Please read this notice carefully. The deadline to act is November 14, 2022.**

#### 1. WHO DOES THIS NOTICE APPLY TO?

This notice applies to all persons who purchased ODDs or ODD Products in Canada between January 1, 2004 and January 1, 2010 ("Settlement Class Members").

- "ODDs" means devices that read and/or write to CD-ROM, CD-R/RW, DVD-ROM, DVD-R/RW, Blu-Ray, Blu-Ray R/RW, and HD DVD.
- "ODD Products" means computers, video game consoles, and ODDs that are designed to be attached externally to devices such as computers.

#### 2. WHAT IS THIS LITIGATION ABOUT?

Class actions were commenced in British Columbia, Ontario and Quebec on behalf of residents of Canada, alleging that the defendants conspired to fix the prices for ODDs, and that this resulted in consumers, businesses, and other purchasers paying too much for ODDs and ODD Products purchased in Canada (collectively, the "ODD Proceedings").

#### 3. WHAT SETTLEMENTS HAVE BEEN REACHED IN THE ODD PROCEEDINGS?

Settlements have been achieved with the following defendants:

- TEAC Corporation, TEAC America, Inc. and TEAC Canada, Ltd. ("TEAC") for \$500,000 USD;
- NEC Corporation and NEC Canada, Inc. ("NEC") for \$730,000 CDN;
- Hitachi-LG Data Storage, Inc. and Hitachi-LG Data Storage Korea, Inc. ("HLDS") for \$8,123,940 CDN;
- Sony Corporation, Sony Optiarc, Inc., Sony Optiarc America Inc., Sony of Canada Ltd., Sony Electronics, Inc., Sony Corporation of America and Sony NEC Optiarc, Inc. ("Sony") for \$4,400,000 CDN;
- Philips & Lite-On Digital Solutions Corporation and Philips & Lite-On Digital Solutions USA, Inc. ("PLDS") for \$5,695,000 CDN. The settlement also released Koninklijke Philips N.V. (formerly known as Koninklijke Philips Electronics N.V.), Lite-On IT Corporation of Taiwan, Lite-On IT Corporation, Philips Canada Ltd., Philips Electronics North America Corporation and Philips Electronics Ltd.;
- Toshiba Corporation, Toshiba Samsung Storage Technology Corporation, Toshiba Samsung Storage Technology Korea Corporation, Toshiba of Canada Limited, Toshiba America Consumer Products, LLC, Toshiba America Information Systems, Inc., Samsung Electronics Co., Ltd., Samsung Electronics Canada Inc., and Samsung Electronics America, Inc. ("TSST") for \$5,695,000 CDN;
- Panasonic Corporation, Panasonic Corporation of North America and Panasonic Canada, Inc. ("Panasonic") for \$1,650,000 USD;
- Quanta Storage, Inc. and Quanta Storage America, Inc. (collectively "Quanta") for \$500,000 USD;
- Pioneer Corporation, Pioneer North America, Inc., Pioneer Electronics (USA) Inc., Pioneer High Fidelity Taiwan Co., Ltd., and Pioneer Electronics of Canada Inc. (collectively "Pioneer") for \$1,185,000 CDN; and
- BenQ Corporation, BenQ America Corporation and BenQ Canada Corp. (collectively "BenQ") for \$424,000 CDN.

These settlements have received the requisite court approvals and the settlement funds (less approved fees and expenses) are being held in trust for the benefit of Settlement Class Members.

#### 4. HOW WILL THE SETTLEMENT FUNDS BE DISTRIBUTED?

The BC and Quebec Courts have approved a method for distributing the settlement funds achieved in this litigation (the "Distribution Protocol"). The following is a summary of the Distribution Protocol. To view a full copy of the Distribution Protocol, visit: [www.oddclassaction.com](http://www.oddclassaction.com).

##### (a) Amount Available for Distribution

The settlements achieved in this litigation to date total approximately CDN \$29.7 million. The aggregate settlement funds, plus any costs awards and interest, and less court-approved legal fees, disbursements, administration expenses, and applicable taxes (“Net Settlement Funds”), are available for compensation to eligible Settlement Class Members.

**(b) Persons Eligible to Claim**

Settlement Class Members can claim for purchases of ODDs and ODD Products made between January 1, 2004 and January 1, 2010. Settlement Class Members can claim for any ODDs or ODD Product purchased during the relevant period, regardless of the manufacturer or brand.

**(c) Distribution of the Net Settlement Funds**

The Distribution Protocol contemplates two types of claims: Undocumented Claims (which can be filed without proof of purchase) and Documented Claims (which require proof of purchase).

Subject to further court order, each eligible Undocumented Claim will receive the Minimum Administrative Payment (defined below). The remaining Net Settlement Funds will be available for distribution to eligible Settlement Class Members who filed Documented Claims. For Documented Claims, Settlement Class Members will be compensated on a *pro rata* (proportionate) basis based on the value of the qualifying Settlement Class Member’s Assessed Purchases as against the value of all qualifying Settlement Class Members’ Assessed Purchases.

**(d) Minimum Administrative Payment**

Subject to further directions of the British Columbia and Quebec Courts, all eligible Settlement Class Members will receive the Minimum Administrative Payment, which will be \$20 or less. The Minimum Administrative Payment is subject to approval by the Courts, and will be reduced below \$20 in the event that the amount allocated to Documented Claims is, in the Courts’ view, disproportionately low.

The Minimum Administrative Payment is not an estimate of any damages suffered. It is a minimum administrative threshold designed to maintain a feasible economic and administrative platform for the settlement distribution.

**(e) Calculation of Assessed Purchases**

A Settlement Class Member’s Assessed Purchases will be calculated as follows.

First, the sum of a Settlement Class Member’s ODDs and ODD Products purchased during the Class Period will be determined. The following values will apply:

- ODDs will be valued at 100% of their Purchase Price;
- ODD Products will be valued at the following fixed amounts:

Product	Value
Laptop and desktop computers	\$25
Gaming systems (other than the Sony PlayStation 3)	
External DVD and CD drives	
Sony PlayStation 3	\$70
External Blu-Ray drives	

Second, to account for the position of the Settlement Class Member in the distribution chain, the following percentages will be applied to the Settlement Class Member’s purchases of ODDs and ODD Products:

Category	Definition	Percent
Direct Purchaser End Users	Settlement Class Members who purchased ODDs and/or ODD Products for their own use and not for commercial resale directly from a Defendant or an entity related to a Defendant	100%
Direct Purchaser Resellers	Settlement Class Member who purchased ODDs and/or ODD Products for commercial resale directly from a Defendant or an entity related to a Defendant	25%
Other End Users	Settlement Class Members who purchased ODDs and/or ODD Products for their own use and not for commercial resale, from an entity that is not a Defendant or related to a Defendant	80%
Other Resellers	Settlement Class Members who purchased ODDs and/or ODD Products for commercial resale, from an entity that is not a Defendant or related to a Defendant	15%

**(f) Sample Calculation**

If a Settlement Class Member purchased \$100,000 worth of ODDs directly from Defendants for resale and 10 computers directly from Defendants for its own use, its Assessed Purchases would be calculated as follows:

- \$100,000 (representing the ODDs) x .25 (representing the categorization of the Settlement Class Member as a Direct Purchaser Reseller) +
- \$250 (representing 10 computers x \$25) x 100% (representing the categorization of the Settlement Class Member as a Direct Purchaser End User)
- For a total Assessed Purchases of \$25,250.

Assuming the value of all qualifying Settlement Class Members' Assessed Purchases totalled \$10 million, this Settlement Class Member would be entitled to 0.2525% ( $\$25,250/\$10,000,000$ ) of the Net Settlement Funds remaining after Undocumented Claims are paid out.

**5. APPLYING TO RECEIVE A PAYMENT**

**(a) Filing a claim**

Settlement Class Members who wish to apply for a payment under the settlements must apply no later than November 14, 2022. Claims that are made after the deadline may not be eligible for compensation. You can apply online to receive a payment at [www.oddclassaction.com](http://www.oddclassaction.com). If you do not have internet access, but wish to apply to receive a payment, please contact the Claims Administrator at 1-800-296-7759.

**(b) Proof of Purchase Requirements**

**Undocumented Claims:** Recognizing that some Settlement Class Members will not have retained proof of purchase, Settlement Class Members can file claims in respect of ODDs or ODD Products purchased that are not supported by documentary proof of purchase. Subject to further Court order, Settlement Class Members who file Undocumented Claims are eligible to receive the Minimum Administrative Payment.

**Documented Claims:** If a Settlement Class Member wishes to be eligible to receive more than the Minimum Administrative Payment, the Settlement Class Member must file a Documented Claim substantiated by proof of purchase. However, even if you file a Documented Claim, if you purchased a small volume of ODDs and/or ODD Products you may not receive more than \$20. This will depend on the number and size of all claims filed. Visit [www.oddclassaction.com](http://www.oddclassaction.com) for more information. Where possible, Settlement Class Members will be able to rely on sales records provided by the Defendants to establish their purchases of ODDs or ODD Products. Settlement Class Members may also rely on their own purchase records.

- **Relying on Defendants' data:** Where available, the Claims Administrator will pre-populate a Settlement Class Member's online claims portal with the Defendants' relevant sales data. Settlement Class Members who exclusively rely on Defendants' sales data will not be required to provide further proof of purchase.
- **Relying on purchase records:** Where a Settlement Class Member claims for purchases that are not substantiated by the Defendants' data, the Settlement Class Member must provide proof of purchase. This may take the form of:
  - invoices, receipts, delivery or packing slips, purchase records, or historical accounting records; or
  - a declaration attesting to the units purchased, together with substantiating documentation that is acceptable to the Claims Administrator. See the Distribution Protocol for more detailed requirements.

**6. CLAIMS ADMINISTRATOR**

The Courts have appointed RicePoint Administration Inc. (an independent third party) to receive and review claims, determine eligibility for payments, and issue payments to eligible Settlement Class Members.

Questions regarding the claims process should be directed to RicePoint Administration Inc. at 1-800-296-7759 or [oddclassaction@ricepoint.com](mailto:oddclassaction@ricepoint.com).

**7. CLASS COUNSEL AND LEGAL FEES**

The law firms of Camp Fiorante Matthews Mogerman LLP and Siskinds LLP represent Settlement Class Members in all provinces other than Quebec:

CAMP FIORANTE MATTHEWS MOGERMAN LLP  
Telephone: 1-800-689-2322  
Email: [oddclassaction@cfmlawyers.ca](mailto:oddclassaction@cfmlawyers.ca)  
Mail: 4th Floor, 856 Homer Street, Vancouver, BC V6B 2W5, Attention: Sharon Wong

SISKINDS LLP  
Telephone (toll free): 1-800-461-6166 ext. 2455  
Email: [oddclassaction@siskinds.com](mailto:oddclassaction@siskinds.com)  
Mail: 275 Dundas Street, Unit 1, London, ON N6B 3L1 Attention: Charles Wright

The law firm of Consumer Law Group Inc. represents Settlement Class Members in Quebec.

CONSUMER LAW GROUP INC.  
Telephone: 514-266-7863  
Email: [jorenstein@clg.org](mailto:jorenstein@clg.org)  
Mail: 1030 rue Berri, Suite 102, Montreal, QC, H2L 4C3, Attention: Jeff Orenstein

As an individual, you do not have to pay the lawyers working on the ODD Proceedings any money out-of-pocket. The lawyers were paid from the money collected in the ODD Proceedings.

**8. WHERE CAN I ASK MORE QUESTIONS?**

More information about the settlements, the distribution of the settlement funds and the claims process is available online at [www.oddclassaction.com](http://www.oddclassaction.com), by email at [oddclassaction@ricepoint.com](mailto:oddclassaction@ricepoint.com) or by calling toll-free 1-800-296-7759.

**9. INTERPRETATION**

This notice contains a summary of some of the terms of the settlement agreements and the Distribution Protocol. If there is a conflict between the provisions of this notice and the settlement agreements and/or the Distribution Protocol, the terms of the settlement agreements and/or Distribution Protocol shall prevail.