

2. Second plea in law, alleging, in the alternative, that the contested decision errs in fact and law and is based on inadequate reasoning.
  - The decision errs in double-counting revenues that were passed on by the applicants to another addressee of the decision.
  - The decision errs by failing to acknowledge the applicants' substantially more limited conduct as compared to certain other addressees of the decision and thus by failing to apply to the applicants a lower gravity multiplier and lower additional amount and/or a mitigating circumstances discount.
  - The decision errs in imposing a deterrence multiplier.

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**Action brought on 31 December 2015 — Sony Optiarc and Sony Optiarc America v Commission**

**(Case T-763/15)**

(2016/C 098/63)

*Language of the case: English*

**Parties**

*Applicants:* Sony Optiarc, Inc (Atsugi, Japan), and Sony Optiarc America, Inc (San Jose, United States) (represented by: N. Levy and E. Kelly, Solicitors, and R. Snelders, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul the decision of the Commission of 21 October 2015 in Case AT.39639 — Optical Disk Drives, relating to a proceeding under Article 101 TFEU and Article 53 EEA Agreement, in so far as it relates to the applicants;
- alternatively, in the exercise of its unlimited jurisdiction, reduce the fines imposed on the applicants pursuant to that decision; and
- order the Commission to pay the applicants' legal and other costs and expenses in relation to this matter.

**Pleas in law and main arguments**

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging that the contested decision errs in fact and in law in finding that the applicants engaged in an infringement of Article 101 TFEU by object.
  - The evidence cited against the applicants is insufficient to support the finding that the applicants participated in a single and continuous infringement of Article 101 TFEU by object.
  - The decision's alternative finding according to which the applicants engaged in separate infringements of Article 101 TFEU by object is unproven and infringed the applicants' rights of defence because it is made for the first time in the decision.

2. Second plea in law, alleging, in the alternative, that the contested decision errs in fact and law and is based on inadequate reasoning.
  - The decision errs in double-counting revenues that were passed on by the applicants to another addressee of the decision.
  - The decision errs by failing to acknowledge the applicants' substantially more limited conduct as compared to certain other addressees of the decision and thus by failing to apply to the applicants a lower gravity multiplier and lower additional amount and/or a mitigating circumstances discount.

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**Action brought on 29 December 2015 — Quanta Storage v Commission**

(Case T-772/15)

(2016/C 098/64)

*Language of the case: English*

**Parties**

*Applicant:* Quanta Storage, Inc. (Taoyuan City, Taiwan) (represented by: B. Hartnett, Barrister, O. Geiss, lawyer, and W. Sparks, Solicitor)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the Commission decision of 21 October 2015 in Case AT.39639 — Optical Disk Drives, relating to a proceeding under Article 101 TFEU and Article 53 EEA Agreement, in so far as it relates to the applicant;
- in the alternative, reduce the fine imposed on the applicant; and
- order the defendant to pay the applicant's costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging that the Commission violated the applicant's rights of defence, the duty to state reasons and the right to good administration.
  - The contested decision is based on a finding of infringements that had not been put to the applicant in the administrative procedure.
  - The contested decision is based on assumptions regarding transparency in the market which the Commission has failed to investigate fully.
2. Second plea in law, alleging that the discrepancy between the operative part of the contested decision and the Commission's reasoning as regards the duration of the infringement in relation to Hewlett Packard results in a manifest error in law and breaches the duty to state reasons.
3. Third plea in law, alleging that the Commission failed to prove and provide adequate reasoning that the applicant participated in a single and continuous infringement.
  - The applicant did not participate in the infringement alleged between 14 February 2008 and 9 April 2008.