

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERLIGHT ELECTRONICS CO.,)
LTD.,)
Plaintiff,)

vs.)

NICHIA CORPORATION, and NICHIA)
AMERICA CORPORATION,)
Defendants.)

NICHIA CORPORATION and NICHIA)
AMERICA CORPORATION,)
Counter-Plaintiffs,)

vs.)

EVERLIGHT ELECTRONICS CO.,)
LTD.,)
Counter-Defendant.)

and)

EVERLIGHT AMERICAS, INC.,)
Defendant.)

F I L E D
APR 22 2015

CLERK'S OFFICE
U. S. DISTRICT COURT
EASTERN MICHIGAN.

Case No. 4:12-cv-11758-GAD-MKM
Hon. Gershwin A. Drain

VERDICT FORM

VERDICT FORM

We, the Jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case:

EVERLIGHT'S PATENT INVALIDITY CLAIMS AGAINST NICHIA

1. **Has Everlight proven by clear and convincing evidence that claims 2 and 3 of the '925 patent are invalid due to anticipation?**

'925 Patent (Claim 2) Yes ___ (for Everlight) No X (for Nichia)
'925 Patent (Claim 3) Yes ___ (for Everlight) No X (for Nichia)

2. **Has Everlight proven by clear and convincing evidence that claims 2, 3 and 5 of the '925 patent are invalid due to obviousness?**

'925 Patent (Claim 2) Yes X (for Everlight) No ___ (for Nichia)
'925 Patent (Claim 3) Yes X (for Everlight) No ___ (for Nichia)
'925 Patent (Claim 5) Yes X (for Everlight) No ___ (for Nichia)

3. **Has Everlight proven by clear and convincing evidence that claims 2, 3 and 5 of the '925 patent are invalid due to lack of enablement?**

'925 Patent (Claim 2) Yes ___ (for Everlight) No X (for Nichia)
'925 Patent (Claim 3) Yes ___ (for Everlight) No X (for Nichia)
'925 Patent (Claim 5) Yes ___ (for Everlight) No X (for Nichia)

4. **Has Everlight proven by clear and convincing evidence that claims 2, 14 and 19 of the '960 patent are invalid due to obviousness?**

'960 Patent (Claim 2) Yes X (for Everlight) No ___ (for Nichia)
'960 Patent (Claim 14) Yes X (for Everlight) No ___ (for Nichia)
'960 Patent (Claim 19) Yes X (for Everlight) No ___ (for Nichia)

5. Has Everlight proven by clear and convincing evidence that claims 14 and 19 of the '960 patent are invalid due to lack of enablement?

| | | |
|-------------------------------|---|--|
| <u>'960 Patent (Claim 14)</u> | Yes <input checked="" type="checkbox"/> (for Everlight) | No <input type="checkbox"/> (for Nichia) |
| <u>'960 Patent (Claim 19)</u> | Yes <input checked="" type="checkbox"/> (for Everlight) | No <input type="checkbox"/> (for Nichia) |

If you answered "yes" to any of the questions above at least once for each claim, you may stop here.

If you answered "yes" to any of the questions above at least once for some of the claims but not all of the claim, you may stop here for any claim for which you answered "yes" at least once.

If you answered "no" to all of the questions above for any particular claim, please continue and respond to the question below for that claim.

NICHIA’S PATENT INFRINGEMENT CLAIMS AGAINST EVERLIGHT

6. For each of the following products, listed in the first column, has Nichia proven by a preponderance of the evidence that Everlight has infringed the identified claims of the ‘925 Patent or the ‘960 Patent?

Please answer in each cell with a “Y” for “yes” (for Nichia), or with an “N” for “no” (for Everlight). Do not provide an answer for any cell that is blacked out and do not provide an answer for any claim that you found was invalid.

| Part Number | 925 Asserted Claims | | | 960 Asserted Claims | | |
|---------------------------|---------------------|---------|---------|---------------------|----------|----------|
| | Claim 2 | Claim 3 | Claim 5 | Claim 2 | Claim 14 | Claim 19 |
| 12-21/T3D-APQHY/2C/S370 | | | | | | |
| 12-21/T3D-AQ2S2M/2C | | | | | | |
| 12-215/W1D-ANPHY/3C | | | | | | |
| 12-215/W1D-ANPHY/3C(GDE) | | | | | | |
| 12-215/W1D-ANPHY/3C/S370 | | | | | | |
| 12-215/W1D-CQ2R2G/3C(BRA) | | | | | | |
| 12-21C/W1D-AR1S2/2C | | | | | | |
| 12-21C/W1D-AR1S2/2C(GDE) | | | | | | |
| 12-21C/W1D-BQ2R2/2C | | | | | | |
| 1294-15UTC/S400-X9/S370 | | | | | | |
| 15-21/W1D-APQHY/2T | | | | | | |
| 15-215/W1D-APQHY/2T(NIC) | | | | | | |
| 16-213/T3D-AP1Q2QY/3T | | | | | | |
| 16-213/T7D-AQ1R1QY/3T | | | | | | |
| 16-213UTD/S509/TR8/S370 | | | | | | |
| 16-216/T3D-AQ1R2TY/3T | | | | | | |
| 16-219A/T2D-AR2T1QY/3T | | | | | | |
| 17-21/W1D-ANPHY/3T | | | | | | |
| 17-21/W1D-ANQHY/3T | | | | | | |
| 17-21/W1D-CQSE/3T | | | | | | |
| 17-21/W1D-P2R1/TR8 | | | | | | |
| 17-21/W1D-P2R1/TR8(L) | | | | | | |
| 17-21/W1D-P2R1/TR8(SCI) | | | | | | |
| 17-215/W1D-ANPHY/3T | | | | | | |

| Part Number | 925 Asserted Claims | | | 960 Asserted Claims | | |
|-------------------------------|---------------------|---------|---------|---------------------|----------|----------|
| | Claim 2 | Claim 3 | Claim 5 | Claim 2 | Claim 14 | Claim 19 |
| 19-117/T1D-AP2Q2QY/3T | | | | | | |
| 19-118/T1D-AP1Q2TY/3T(SOMC) | | | | | | |
| 19-118/T1D-AQ2R2TY/3T(MT) | | | | | | |
| 19-118/T1D-CQ1R2B10Y/3T | | | | | | |
| 19-118/T1D-CQ1R2B10Y/3T(SOMC) | | | | | | |
| 19-118UTD/S538-1/TR8(RIM) | | | | | | |
| 19-118UTD/S548/TR8 | | | | | | |
| 19-119/T3D-AR1S1TY/3T(RIM) | | | | | | |
| 19-119/T3D-CR1S1B11Y/3T(RIM) | | | | | | |
| 19-21/T1D-ANPHY/3T | | | | | | |
| 19-21/T1D-ANPHY/DT | | | | | | |
| 19-21/T1D-AR1S2N/3T | | | | | | |
| 19-21/T1D-AR1S2N/3T/S370 | | | | | | |
| 19-21/T1D-AR1S2N/4T(L) | | | | | | |
| 19-213/T1D-ANPHY/3T | | | | | | |
| 19-213/T1D-CRSM/3T(TCI) | | | | | | |
| 19-213/T1D-KS1T1B2/3T | | | | | | |
| 19-213/W1D-ANPHY/3T | | | | | | |
| 19-213/W1D-ARSM/3T | | | | | | |
| 19-213AUTD/S652/TR8(CH) | | | | | | |
| 19-213AUWD/S365/TR8(BRA) | | | | | | |
| 19-213AUWD/S365/TR8(MF) | | | | | | |
| 19-213SUBP/S576/TR8 | | | | | | |
| 19-217/T1D-ANPHY/3T | | | | | | |
| 19-217/T1D-APQHY/3T | | | | | | |
| 19-217/T7D-CS2T2B2/3T | | | | | | |
| 19-217/T7D-CT2V1N/3T | | | | | | |
| 19-217/W1D-ANPHY/3T | | | | | | |
| 19-217/W1D-APQHY/3T | | | | | | |
| 19-217/W1D-APQHY/3T(MF) | | | | | | |
| 19-217/W1D-APQHY/3T(MT) | | | | | | |
| 19-217UTD/S652/TR8(CH) | | | | | | |
| 19-218/T1D-AQ2R2TY/3T | | | | | | |
| 19-218UTD/S523/TR8(NMP) | | | | | | |
| 19-218UWD/S327/TR8(NMP) | | | | | | |

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