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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERLIGHT ELECTRONICS CO.,
LTD, and EMCORE CORPORATION,

Plaintiffs,

No. 12-cv-11758

v

NICHIA CORPORATION, and
NICHIA AMERICA CORPORATION,

Defendants.

_____ /

JURY TRIAL - VOLUME I of XII

EXCERPTS OF PROCEEDINGS BEFORE THE HONORABLE GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
Tuesday, April 7, 2015

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Reported by:

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Official Federal Court Reporter
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1 Detroit, Michigan

2 Tuesday, April 7, 2015 - 8:25 a.m.

3 THE CLERK: All rise. The United States District
4 Court for the Eastern District of Michigan is now in session.
5 Honorable Gershwin A. Drain presiding.

6 Calling Civil Action Everlight Electronics Company
7 versus Nichia Corporation, Number 12-11758.

8 Counsel, please put your appearance on the record.

9 MR. NIMROD: Ray Nimrod from Quinn Emanuel on
10 behalf of Everlight, and with me is Matt Traupman from Quinn
11 Emanuel, Anastasia Fernands from Quinn Emanuel, and we have a
12 corporate representative from Everlight, Bernd Kammerer.

13 MR. PALIZZI: Mike Palizzi from Miller Canfield.
14 With me in the back is Mike Simoni as well.

15 MR. RIZZI: Good morning, your Honor. Steven Rizzi
16 of Foley and Lardner on behalf of Defendant Nichia Corporation.
17 With me is Lisa Mankofsky, John Trentacosta, Ramy Hanna, and
18 Ryan Schmid, also Foley and Lardner, and we have Dr. Daniel
19 Doxsee as a corporate representative for Nichia.

20 THE COURT: All right. You can be seated.

21 And I really just came out here to tell you that
22 when we ordered the jury panel about a month ago, we said 9
23 o'clock. And it was only recently that I changed it and tried
24 to move it up to 8:30.

25 So, long story short, the jury won't be ready

1 until nine. So, I just wanted you to know that. Okay.

2 Just a couple other things. The stipulation that
3 was submitted to me yesterday, I take it there's some authority
4 for this closing the courtroom at certain times with regard to
5 documents and/or testimony.

6 MR. RIZZI: Yes, your Honor. It's not unusual in a
7 patent cases involving competitors with sensitive business and
8 financial technical information to do that, recognizing we want
9 to limit the occasions when that needs to happen.

10 THE COURT: Okay. All right. Just for my own
11 edification, could you give me a case that deals with that
12 particular issue?

13 And it's not that important. I just want -- it
14 will increase my comfort level with closing the courtroom,
15 because we don't normally do that in criminal or civil cases.
16 Just an authority.

17 MR. RIZZI: Yes, your Honor.

18 THE COURT: And then one last matter relates to my
19 court reporter. Typically when videos are shown or there are
20 video deps, I don't require that she take what's shown in the
21 video or repeat and make transcript out of things that are in
22 video.

23 So, do either of you have any objection to my
24 allowing her to not transcribe what's going to be shown on the
25 patent video or when we have video depositions?

1 MR. NIMROD: We have no objection to that, your
2 Honor. We would just record what is actually being played by
3 line, page and line number.

4 THE COURT: Okay.

5 MR. NIMROD: That would be fine.

6 And submit the transcript, then --

7 THE COURT: Okay.

8 MR. NIMROD: -- to reflect what's actually being
9 played.

10 THE COURT: All right.

11 MR. RIZZI: Yes, your Honor. As long as the
12 testimony finds its way into the record, we have no objection.

13 THE COURT: And we'll do that.

14 I can't think of anything else we need to take up
15 at this point before jury selection.

16 We're going to have to have people who are in the
17 courtroom move back for the jurors that come in. And once the
18 jurors get seated, you can, you know, move back to the
19 positions you're in.

20 THE COURT: Yes?

21 MS. MANKOFSKY: Thank you, your Honor. There's one
22 other housekeeping matter if we can do that now.

23 Yesterday we mentioned to you that there was one
24 paragraph from the stipulated facts that Nichia felt was
25 inaccurate, and we were working with Everlight to see if we

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