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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 II 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
Wednesday, April 8, 2015

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Detroit, Michigan
Wednesday, April 8, 2015
(Excerpt of Proceedings - Judge's Opening Instructions
not transcribed)

* * *

PLAINTIFFS' OPENING STATEMENT

MR. NIMROD: Good morning, ladies and gentlemen.

This is a case about a company, the Defendant Nichia here, not playing by the rules for patents. The Court played you a video yesterday that explained some of the rules for patents.

And Everlight contends that Nichia did not play by the rules when it obtained the patents and is not playing by the rules in trying to assert those patents against Everlight. And that is why we're here today seeking a decision from you, the jury, that Nichia's patents are invalid for failure to follow the rules of patents and for lacking any invention.

Let me reintroduce myself again. My name is Ray Nimrod. With me here today are my colleagues, Matt Traupman, Anastasia Fernands, co-counsel from Miller Canfield, Mike Palizzi and Mike Simoni. We also have at counsel table our corporate representative, Bernd Kammerer.

Mr. Kammerer is the president and chief operating officer of Everlight Americas. You will be hearing testimony from Mr. Kammerer. In fact, he will be our first witness.

1 Who are the parties on our side? Everlight
2 Electronics Company is one of the plaintiffs here. It is an
3 LED manufacturer located in Taiwan, and it has been making LEDs
4 for over 30 years. Everlight Americas is a subsidiary that
5 sells those LEDs in the United States.

6 Now, as you have heard repeatedly now, this case
7 is about LEDs, which are light-emitting diodes, LEDs. And an
8 LED is a type of semiconductor. A semiconductor is something
9 that conducts electricity. An LED is a semiconductor that when
10 you apply electricity to it, it emits light. That's why it's a
11 light-emitting diode.

12 LEDs have been part of our lives for quite a while
13 now, but more recently it's very much exploded as to how much
14 LEDs are used. Early uses were, for example, in calculators
15 and some of the old mobile phones, with little green and red
16 LEDs.

17 But more recently as we see on the demonstrative
18 I'm showing here, LEDs have expanded in their use; their use
19 in, for example, a display sign at Comerica Park; touch
20 screens, the backlight of that, that's all from LEDs; mobile
21 phones, of course; the displays on the game devices, et cetera,
22 those are all coming from LEDs.

23 Now, LEDs have also moved into the light bulb
24 market, as well. For many years incandescent bulbs were the
25 only bulbs that were being sold. But the problem with the

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