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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 * * *

21 THE COURT: All right.

22 I'm ready to start giving the preliminary
23 instructions. Does anybody need to take another break, or,
24 okay I think I'll just head right into it.

25 All right. Ladies and gentlemen, I'm required to

1 give you some preliminary instructions on the case. When we
2 finish those instructions, I'm going to have you watch a video
3 and it really describes in a fair amount of detail the whole
4 patent process. So you can have that as background to kind of
5 help your understanding and what's going on and what is at
6 issue here.

7 So, members of the jury, now that you have been
8 sworn, I have the following preliminary instructions for your
9 guidance on the nature of the case and your role as jurors.

10 This is a patent case. The patents involved in
11 this case relate to light emitting diode, or LED devices and
12 more specifically, phosphor-based LED devices that emit, that
13 is, give off white light by combining light emitted from a
14 semiconductor chip with light emitted from certain powders
15 known as phosphors.

16 During the trial, the parties will offer testimony
17 to familiarize you with the technology. For your convenience,
18 parties have also prepared a glossary of some of the technical
19 terms to which they may refer during the trial, which will be
20 distributed to you.

21 Nichia is the owner of two patents, which are
22 identified by the United States Patent and Trademark Office by
23 number. The first has the number 5998925, which likely will
24 be referred to in its, in this trial as the '925 patent.

25 The second patent has the number 7531960, which

1 will likely be referred to in this trial as the '960 patent.

2 These patents may also be referred to as Nichia's
3 patents.

4 Everlight started this lawsuit by filing what is
5 called a declaratory judgment action concerning the '925 and
6 '960 patents. When a declaratory judgment action is filed,
7 the company filing it can seek a judgment from the court
8 declaring another company's patents invalid, unenforceable or
9 not infringed.

10 Such a suit can be filed if the controversy
11 between the parties is of sufficient immediacy and reality to
12 warrant the attention of the court.

13 When a company such as Everlight files a
14 declaratory judgment action, a patent holder such as Nichia may
15 file counter claims for patent infringement against the company
16 filing the declaratory judgment action.

17 Nichia did that and filed counterclaims asserting
18 that Everlight infringes the '925 and '960 patents. Patents
19 are granted by the United States Patent and Trademark Office,
20 sometimes called the PTO or the patent office.

21 A patent gives the owner the right to exclude
22 others from making, using, offering to sell, or selling the
23 patented invention within the United States or importing it
24 into the United States.

25 During the trial the parties may offer testimony

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