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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

EXCERPTS OF PROCEEDINGS BEFORE THE HONORABLE GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
Friday, April 17, 2015

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1 Detroit, Michigan

2 Friday, April 10, 2015

3 8:15 a.m.

4 * * *

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

8 Calling civil action Everlight Electronics Company
9 versus Nichia Corporation, Number 12-cv-11758.

10 You may be seated.

11 Please place your appearance on the record.

12 MR. NIMROD: Good morning, your Honor. Ray
13 Nimrod.

14 THE COURT: Good morning.

15 MR. NIMROD: From Quinn Emanuel for Everlight.
16 With me is Matt Traupman, Anastasia Fernands from Quinn
17 Emanuel; Mike Palizzi and Mike Simoni from Miller Canfield;
18 and our corporate representative, Bernd Kammerer.

19 MR. RIZZI: Good morning, your Honor.

20 THE COURT: Good morning.

21 MR. RIZZI: Steven Rizzi, Foley & Lardner, for
22 Nichia. With me is Ramy Hanna, Lisa Mankofksy, John
23 Trentacosta, Mike Kaminski, and our corporate representative,
24 Dr. Dan Doxsee.

25 THE COURT: Okay. All right. I understand we

1 have an issue.

2 You can be seated.

3 I understand we have some issue about
4 Dr. Schubert's testimony, is that --

5 MR. RIZZI: The issue is with the exhibits, your
6 Honor, that we had moved in two days ago with regard to
7 Dr. Schubert's testimony.

8 As you may recall, they made a motion to exclude
9 those TAEUS reports which your Honor overruled. All of those
10 reports are on our exhibit list. They were the subject of
11 Professor Schubert's testimony.

12 He did not -- while he was on the stand he did not
13 list out each and every one, and we think it would be a waste
14 of time for him to have to read these into the record while he
15 is on the stand, but they are apparently objecting to the fact
16 that he didn't explicitly reference them during his testimony,
17 as well as some other documents that he used to formulate his
18 opinions as summarized in the analysis chart, which is now --
19 which they don't object to and which is part of the record.

20 We submit, your Honor, there should not be any
21 basis for them to maintain any objection to any of the
22 documents on this list.

23 MR. NIMROD: Your Honor, we understand the
24 demonstrative -- the analysis chart you said could come in as a
25 demonstrative and you would consider whether it could come in

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