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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 V of XII

PROCEEDINGS BEFORE THE HONORABLE GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
Monday, April 13, 2015

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|----|--------------------------------------|-----------------|
| 1 | TABLE OF CONTENTS | |
| 2 | <u>WITNESSES: PLAINTIFF</u> | PAGE |
| | YASUNOBU NOGUCHI | |
| 3 | Cross-examination by Mr. Nimrod | 29 |
| | Redirect examination by Mr. Kaminski | 62 |
| 4 | Recross-examination by Mr. Nimrod | 70 |
| 5 | <u>WITNESSES: DEFENDANT</u> | |
| | DANIEL DOXSEE | |
| 6 | Direct examination by Ms. Mankofsky | 87 |
| 7 | | |
| 8 | <u>EXHIBITS:</u> | <u>Received</u> |
| 9 | Plaintiff's Exhibit P99 | 78 |
| | Plaintiff's Exhibit P263 | 78 |
| 10 | Plaintiff's Exhibit PDX1001 | 78 |
| | Plaintiff's Exhibit PDX1002 | 78 |
| 11 | Plaintiff's Exhibit PDX1003 | 78 |
| | Plaintiff's Exhibit PDX1004 | 78 |
| 12 | Plaintiff's Exhibit PDX1005 | 78 |
| | Plaintiff's Exhibit PDX1006 | 78 |
| 13 | Plaintiff's Exhibit PDX1009 | 78 |
| 14 | Defendant's Exhibit D0099 | 78 |
| | Defendant's Exhibit D0109 | 78 |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
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1 Detroit, Michigan

2 Monday, April 13, 2015 - 8:02 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 You may be seated.

9 Counsel, please put your appearance on the record.

10 MR. NIMROD: Good morning, your Honor.

11 THE COURT: Good morning.

12 MR. NIMROD: Ray Nimrod and Matt Traupman from
13 Quinn Emanuel for Everlight. And also Mike Palizzi and Mike
14 Simoni from Miller Canfield.

15 MR. PALIZZI: Good morning, Judge.

16 THE COURT: Good morning.

17 MR. RIZZI: Good morning, your Honor. Steven
18 Rizzi from Foley & Lardner for Nichia. Also, Lisa Mankofsky,
19 John Trentacosta, Ms. Deborah Lange, and our corporate
20 designee, Dr. Dan Doxsee. And I believe Mr. Kaminski will be
21 joining us shortly, as well.

22 THE COURT: All right. Okay. Let me just wrap
23 up the issue of Dr. Wilding. Apparently, he's not going to
24 testify; is that correct?

25 MR. NIMROD: That's correct, your Honor.

1 THE COURT: Okay. All right. And let me also
2 just mention a little bit about the procedure from this point
3 forward with regard to direct, cross, and redirect.

4 We've decided that we're going to end it with
5 redirect. However, let me just say that that is contingent
6 upon whoever does the redirect not going beyond the scope of
7 the cross, because there's a great potential for sandbagging
8 in this situation.

9 And only getting into, just as an example, for
10 example, if Mr. Traupman, instead of doing all of his direct
11 when he first examined the witness, only doing about half of
12 it, then allowing Mr. Rizzi to cross-examine the witness, and
13 then doing the other half, which is all new stuff, that would
14 have been inappropriate. And if that were the case, I would
15 have allowed Mr. Rizzi, if he chose to, to cross-examine on the
16 new stuff.

17 So provided there's no sandbagging as I've
18 described, I'm going to stop things at redirect. And so I
19 didn't think that with the first witness or with
20 Dr. Bretschneider that Mr. Traupman went beyond the scope of
21 the cross.

22 But, again, just in case that happens in the
23 future, or I should say, if some sandbagging happens, I'm going
24 to allow recross. And that applies to, like I said, both
25 sides.

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