

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 VII OF XII

PROCEEDINGS BEFORE THE HONORABLE GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
Wednesday, April 15, 2015

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1 Detroit, Michigan

2 Wednesday, April 15, 2015 - 8:10 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 Please put your appearance on the record.

10 MR. NIMROD: Good morning, your Honor.

11 THE COURT: Good morning.

12 MR. NIMROD: Ray Nimrod from Quinn Emanuel on
13 behalf of Everlight. With me is Matt Traupman from Quinn
14 Emanuel, Mike Palizzi from Miller Canfield and Mike Simoni.
15 And we have our corporate representative, Bernd Kammerer.

16 THE COURT: All right.

17 MR. RIZZI: Good morning, your Honor. Steven
18 Rizzi, Foley & Lardner, on behalf of Nichia. With me is Ramy
19 Hanna, Lisa Mankofsky of Foley & Lardner, Mr. Ryan Schmid, and
20 also our corporate representative, Dr. Dan Doxsee.

21 THE COURT: Okay. All right. We've got a few
22 things to take up.

23 MR. NIMROD: Your Honor, if I may, there is one
24 other issue that I think -- I just wanted to advise you early
25 on.

1 THE COURT: Is that something that's going to come
2 up today?

3 MR. NIMROD: Yes, I think it is. And it's a short
4 thing and I don't think it needs to be resolved.

5 But we found out yesterday at 4:30 that Nichia was
6 dropping 15 of its claims and was going to assert six claims.
7 And I think that -- and they wanted to drop our invalidity
8 counterclaims on those sixteen claims after we have gone
9 through hours and hours of testimony from Dr. Bretschneider.

10 We think this is unfair what they have done here,
11 a litigation tactic to have done this in mid-trial.

12 Nichia asserted 21 claims before trial. You told
13 the jury that there were 21 claims at issue. We put our proofs
14 on. We burned clock time. We took up the jury's time. I
15 think Mr. Traupman, I think, apologized three or four times, I
16 might have the number of times wrong, but for taking up the
17 jury's time as we slogged through the claims.

18 Now Nichia wants to come in and say, like, we're
19 the good guys, we are going to trim things down for you. Just
20 think about this, your Honor. There has been no evidence put
21 in on non-infringement whatsoever.

22 So one of two things is happening here. One, they
23 heard our validity proofs and they know those 15 claims are
24 invalid, and if they want to stipulate to that, then that
25 should happen and the jury should be told that; or, this is

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