

# EXHIBIT 5

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 IV

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 10, 2015

APPEARANCES:

For the Plaintiffs: MR. A. MICHAEL PALIZZI  
MR. MICHAEL C. SIMONI  
Miller, Canfield, Paddock and Stone,  
PLC  
150 W. Jefferson Avenue, Suite 2500  
Detroit, Michigan 48226  
(313) 486-7645  
  
MR. RAYMOND N. NIMROD  
MR. MATTHEW A. TRAUPMAN  
MS. ANASTASIA M. FERNANDS  
Quinn Emanuel Urquhart & Sullivan, LLP  
51 Madison Avenue, 29th Floor  
New York, New York 10010  
(212) 849-7412

1 white LED described by Dr. Nakamura, if we can go and show  
2 Figure 7, do you see any aspects here that are attributable to  
3 Dr. Nakamura?

4 A. The blue LED chip.

5 Q. So does the statement that -- where Dr. Nakamura says  
6 here, we describe, we describe a white LED, does that surprise  
7 you in any way?

8 A. No, it doesn't.

9 Q. Okay. Last -- well, actually, next, let me go to the  
10 Schlotter reference. Mr. Rizzi asked you about that, and  
11 again, we talked about that a long time on direct, but that's  
12 Plaintiff's Exhibit 137.

13 And again, can you remind us the date of the  
14 Schlotter publication?

15 A. I'm looking carefully. It was received in February -- on  
16 February 6, 1997, and accepted for publication February 27,  
17 1997.

18 Q. And it was, in fact, published, then, there shortly  
19 thereafter?

20 A. Yes. I don't see the exact date on this page, but shortly  
21 thereafter.

22 Q. I will represent to you the parties have stipulated that  
23 it's in May, May 14, I believe, 1997.

24 A. I can go with that.

25 MR. TRAUPMAN: Did I get that right?

1 MR. HANNA: Yes.

2 Q. So even taking May 14, 1997, as the date the parties have  
3 stipulated to, how does that date compare to the filing date of  
4 the '925 patent?

5 A. That's before.

6 Q. Now, Mr. Rizzi also asked you a bunch of questions about  
7 the relative dates of the Schlotter publication versus when  
8 Nichia publicly announced its release of the white LED. Do you  
9 remember that?

10 A. Yes, I do.

11 Q. So if we can go to the end of the second -- it's only two  
12 pages -- the second page of this document, and pull up the  
13 references, please.

14 Can you tell us what the references are for  
15 Number 3 and Number 4?

16 A. These are references to patent applications that were  
17 filed describing the work. I believe that's actually called  
18 out at the last part of the article.

19 Q. Okay. And so if we can take a look at Plaintiff's  
20 Exhibit 119, go to the second page, can you tell us what this  
21 document is?

22 A. This is one of the patent applications that was  
23 referenced.

24 Q. Okay. And the first named inventor, what's the name of  
25 the first named inventor there?