

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

3 EVERLIGHT ELECTRONICS CO.,
4 LTD, and EMCORE CORPORATION,

5 Plaintiffs,

No. 12-cv-11758

6 v

7 NICHIA CORPORATION, and
8 NICHIA AMERICA CORPORATION,

9 Defendants.
_____ /

10 JURY TRIAL - VOLUME XII OF XII

11 PROCEEDINGS BEFORE THE HONORABLE GERSHWIN A. DRAIN
12 UNITED STATES DISTRICT JUDGE
13 Theodore Levin United States Courthouse
14 231 West Lafayette Boulevard
15 Detroit, Michigan
16 Wednesday, April 22, 2015

17 APPEARANCES:

18 For the Plaintiffs: MR. A. MICHAEL PALIZZI
19 MR. MICHAEL C. SIMONI
20 Miller, Canfield, Paddock and
21 Stone, PLC
22 150 W. Jefferson Avenue, Suite 2500
23 Detroit, Michigan 48226
24 (313) 486-7645

MR. RAYMOND N. NIMROD
MR. MATTHEW A. TRAUPMAN
Quinn Emanuel Urquhart & Sullivan,
LLP
51 Madison Avenue, 29th Floor
New York, New York 10010
(212) 849-7412

1 APPEARANCES:

2 For the Defendants: MR. STEVEN J. RIZZI
MR. RAMY E. HANNA
3 MR. RYAN SCHMID
Foley and Lardner, LLP
4 90 Park Avenue, 37th Floor
New York, New York 10016
5 (212) 682-7474
6 MS. LISA S. MANKOFSKY
MR. MICHAEL KAMINSKI
7 MS. DEBRA LANGE
Foley & Lardner, LLP
8 3000 K Street N. W, Suite 600
Washington, DC 20007
9 (202) 672-5300

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Reported by: Merilyn J. Jones, RPR, CSR
Official Federal Court Reporter
merilyn_jones@mied.uscourts.gov

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1 Detroit, Michigan

2 Wednesday, April 22, 2015 - 4:00 p.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
7 Company versus Nichia Corporation. Number 12-11758.

8 You may be seated. Please put your appearance on
9 the record.

10 MR. NIMROD: Good afternoon, your Honor.

11 THE COURT: Good afternoon.

12 MR. NIMROD: Ray Nimrod from Quinn Emanuel for
13 Everlight. With me is Matt Traupman, Mike Simoni and Mike
14 Palizzi.

15 MR. RIZZI: Good afternoon, your Honor. Steven
16 Rizzi, Foley and Lardner, for Nichia. With me is Lisa
17 Mankofsky, Debra Lange, Tamy Hanna, Ryan Schmid and Mike
18 Kaminski, and the corporate representative, Mr. Hironori
19 Takagi, is here.

20 THE COURT: Like I mentioned, the jury wrote a
21 note saying a verdict has been reached, so I'm going to have
22 them come in and deliver it.

23 And I'll poll them also.

24 THE CLERK: All rise.

25 (At 4:01 p.m. jury present)

1 THE CLERK: You may be seated.

2 THE COURT: All right, Mr. -- is it "Mong"?

3 JUROR MONG: "Mong", yes.

4 THE COURT: -- Mong. Okay, we've had a little
5 back and forth, you've asked some questions and asked for
6 items; we've tried to answer those as best we could. And the
7 last note that I got says that you have reached a verdict; is
8 that correct?

9 JUROR MONG: That's correct, yes.

10 THE COURT: Can you take the verdict form out and
11 read your answers to us?

12 JUROR MONG: Sure.

13 Just the answers?

14 THE COURT: Well, no, let's read the questions,
15 too.

16 JUROR MONG: Number One: Has Everlight proven by
17 clear and convincing evidence that Claims 2 and 3 of the '925
18 patent are invalid due to anticipation?

19 We find on claim, with regard to Claim 2 the
20 answer would be, "No".

21 And with Claim 3 the answer is, "No".

22 THE COURT: All right.

23 JUROR MONG: Number Two: Has Everlight proven by
24 clear and convincing evidence that Claims 2, 3 and 5 of the
25 '925 patent are invalid due to obviousness?

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