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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 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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EXHIBITS:IdentifiedReceived

Defendant's Exhibit D0401

25

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1 infringement and validity analysis that they performed?

2 A. No. I performed my own independent analysis.

3 Q. What do you mean by independent?

4 A. Independent means it's based on my knowledge of the field,
5 on the facts, on the patents, on the products, and not
6 influenced by Nichia or the lawyers.

7 Q. And is your compensation affected by the opinions you
8 render?

9 A. No, it's not affected by my opinions.

10 Q. Now, let me ask you just to summarize. Have you, in fact,
11 formed an opinion on whether the claims of the two Nichia
12 patents in this case are infringed?

13 A. Yes, I have formed an opinion.

14 Q. What is your opinion?

15 A. My opinion is that a number of claims are being infringed
16 by Everlight LED products.

17 Q. Have you formed an opinion as to whether the two patents
18 at issue are valid?

19 A. Yes.

20 Q. And your opinion?

21 A. I believe that both patents are valid.

22 Q. All right. You're aware that in connection with forming
23 your opinions in this case you need to consider what we call
24 the hypothetical level of ordinary skill in the art?

25 A. Yes.

1 Q. Have you, in fact, provided an opinion in this case on the
2 level of skill in the art?

3 A. Yes. What is shown here is my opinion of a person with
4 ordinary skill in the art.

5 Q. Would you like a pointer?

6 Can you please walk through your opinion for the
7 jury, please?

8 A. Yes. It is shown here.

9 And so we either have a Ph.D. degree, a Master
10 degree, or a Bachelor degree. The higher degree requires less
11 experience in industry.

12 So if we have, for example, a person with a
13 Bachelor degree, in addition to the degree, about ten years of
14 practical experience in industry is required.

15 If we have a Master degree, about five years of
16 additional experience would be required.

17 And if we have a person with a Ph.D. degree, about
18 three additional years in industry would be required to make
19 that person a person of ordinary skill.

20 Q. And how did you come up with your opinion, these three
21 different ways to satisfy that level of skill in the art?

22 A. Well, I have been working in industry for 10 years and I
23 have been working with LEDs, and it is my estimate that a
24 person who is just entering industry is not yet a person of
25 ordinary skill. There is a certain time required until the