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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 III of XII

PROCEEDINGS BEFORE THE HONORABLE GERSHWIN A. DRAIN  
UNITED STATES DISTRICT JUDGE  
Theodore Levin United States Courthouse  
231 West Lafayette Boulevard  
Detroit, Michigan  
Thursday, April 9, 2015

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<b><u>WITNESSES: DEFENDANT</u></b>
None

<b><u>EXHIBITS:</u></b>	<u>Identified</u>	<u>Received</u>
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1 different amounts of yttrium, and by definition, unless it's  
2 50/50, that gives you different amounts of gadolinium. So they  
3 are two variations of YAG.

4 Q. Just to summarize, Claims 2 and 3 require how many  
5 phosphors?

6 A. One.

7 Q. And Claims 5,6 and 8 require at least how many phosphors?

8 A. Two.

9 Q. So did you review some prior art references to determine  
10 if the claims of the '925 patent are invalid?

11 A. Yes, well over 100.

12 Q. So other than those 100 prior art references, what other  
13 materials did you review in forming those opinions?

14 A. Again, the patents; the prosecution history of the  
15 patents; inventors' notebooks; depositions of the inventors; I  
16 considered the education level and experience level of the  
17 inventors; my experience in the LED industry; and again, quite  
18 a few prior art references.

19 Q. All right. And up here on slide 56 we talk about the  
20 title is, a level of ordinary skill in the art. What's your  
21 understanding of what a person of ordinary skill in the art is?

22 A. This is basically saying the average person in the  
23 industry. This is the level of knowledge, expertise and  
24 understanding you would expect the typical person to have at  
25 the time of the patent.

1 Q. All right. And did you provide a definition of a person  
2 of ordinary skill in the art for this case for these two Nichia  
3 patents?

4 A. Yes, I did.

5 Q. What's your definition of a person of ordinary skill in  
6 the art?

7 A. This is the long version, but it would be a person with a  
8 Bachelors degree in engineering, chemistry or physics, with  
9 four to five years experience working in the LED field, or an  
10 advanced degree, such as a Masters or Ph.D. in engineering,  
11 physics or chemistry, with little to no experience working with  
12 LEDs.

13 Q. Do you meet that definition of a person of ordinary skill  
14 in the art?

15 A. Yes.

16 Q. And did you apply that definition of a person of ordinary  
17 skill in the art throughout your analysis?

18 A. Yes, I did.

19 Q. Do you understand that Nichia and its expert have proposed  
20 a different definition of a person of ordinary skill in the  
21 art?

22 A. Yes, they have.

23 Q. If you applied Nichia's definition of a person of ordinary  
24 skill in the art instead of your definition of a person of  
25 ordinary skill in the art, how would that affect your opinions?

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