

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

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 17, 2015

APPEARANCES:

For the Plaintiffs: MR. A. MICHAEL PALIZZI  
MR. MICHAEL C. SIMONI  
Miller, Canfield, Paddock and Stone  
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  
51 Madison Avenue, 29th Floor  
New York, New York 10010  
(212) 849-7412

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

APPEARANCES:

For the Defendants: MR. STEVEN J. RIZZI  
MR. RAMY E. HANNA  
MR. RYAN SCHMID  
Foley and Lardner, LLP  
90 Park Avenue, 37th Floor  
New York, New York 10016  
(212) 682-7474

MS. LISA S. MANKOFSKY  
MR. MICHAEL KAMINSKI  
Foley & Lardner, LLP  
3000 K Street N. W, Suite 600  
Washington, DC 20007  
(202) 672-5300

MR. JOHN R. TRENTACOSTA  
Foley & Lardner  
500 Woodward Avenue  
Detroit, Michigan 48226  
(313) 234-2800

Reported by: Rene L. Twedt, CRR, RMR, RDR  
Official Federal Court Reporter  
rene\_twedt@mied.uscourts.gov

## TABLE OF CONTENTS

<b><u>WITNESSES: PLAINTIFF</u></b>	<b>PAGE</b>
E. FRED SCHUBERT	
Cross-Examination (Continued) by Mr. Nimrod	11
Redirect Examination by Mr. Rizzi	154
JOHN C. JAROSZ	
Direct Examination by Ms. Mankofsky	175
<b><u>EXHIBITS RECEIVED:</u></b>	
Plaintiff's Exhibit Numbers P13, P43	184
Defendant's Exhibit Numbers D60, D130, D137, D203, D204, D205, D206, D372, D1964, D2028, D2328	184
Defendant's Exhibit Numbers D6127 through D6130	185

1 Detroit, Michigan

2 Friday, April 10, 2015

3 8:15 a.m.

4 \* \* \*

5 THE CLERK: All rise. United States District  
6 Court for the Eastern District of Michigan is now in session,  
7 Honorable Gershwin A. Drain presiding.

8 Calling civil action Everlight Electronics Company  
9 versus Nichia Corporation, Number 12-cv-11758.

10 You may be seated.

11 Please place your appearance on the record.

12 MR. NIMROD: Good morning, your Honor. Ray  
13 Nimrod.

14 THE COURT: Good morning.

15 MR. NIMROD: From Quinn Emanuel for Everlight.  
16 With me is Matt Traupman, Anastasia Fernands from Quinn  
17 Emanuel; Mike Palizzi and Mike Simoni from Miller Canfield;  
18 and our corporate representative, Bernd Kammerer.

19 MR. RIZZI: Good morning, your Honor.

20 THE COURT: Good morning.

21 MR. RIZZI: Steven Rizzi, Foley & Lardner, for  
22 Nichia. With me is Ramy Hanna, Lisa Mankofksy, John  
23 Trentacosta, Mike Kaminski, and our corporate representative,  
24 Dr. Dan Doxsee.

25 THE COURT: Okay. All right. I understand we

1 have an issue.

2 You can be seated.

3 I understand we have some issue about  
4 Dr. Schubert's testimony, is that --

5 MR. RIZZI: The issue is with the exhibits, your  
6 Honor, that we had moved in two days ago with regard to  
7 Dr. Schubert's testimony.

8 As you may recall, they made a motion to exclude  
9 those TAEUS reports which your Honor overruled. All of those  
10 reports are on our exhibit list. They were the subject of  
11 Professor Schubert's testimony.

12 He did not -- while he was on the stand he did not  
13 list out each and every one, and we think it would be a waste  
14 of time for him to have to read these into the record while he  
15 is on the stand, but they are apparently objecting to the fact  
16 that he didn't explicitly reference them during his testimony,  
17 as well as some other documents that he used to formulate his  
18 opinions as summarized in the analysis chart, which is now --  
19 which they don't object to and which is part of the record.

20 We submit, your Honor, there should not be any  
21 basis for them to maintain any objection to any of the  
22 documents on this list.

23 MR. NIMROD: Your Honor, we understand the  
24 demonstrative -- the analysis chart you said could come in as a  
25 demonstrative and you would consider whether it could come in

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.