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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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<u>WITNESSES: DEFENDANT</u>
None

<u>EXHIBITS:</u>	<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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