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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

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

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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

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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

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