

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NICHIA CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 2:13-cv-702
)	
EVERLIGHT ELECTRONICS CO., LTD.,)	Jury Trial Demanded
and EVERLIGHT AMERICAS, INC.)	
)	
Defendants.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Nichia Corporation (“Nichia”), by its undersigned counsel, as and for its Complaint against Everlight Electronics Co., Ltd. and Everlight Americas, Inc. (collectively, “Defendants”), alleges as follows:

THE PARTIES

1. Plaintiff Nichia Corporation is a corporation organized and existing under the laws of Japan, with its principal place of business at 491 Oka, Kaminaka-Cho, Anan-Shi, Tokushima, Japan 774-8601.

2. Upon information and belief, Defendant Everlight Electronics Co., Ltd. (“Everlight”) is a corporation organized and existing under the laws of Taiwan, with its headquarters and principal place of business at No. 6-8, Zhonghua Rd., Shulin Dist., New Taipei City, Taiwan 23860. Upon information and belief, Everlight manufactures light-emitting diode (“LED”) products in Taiwan and, through its subsidiary, Defendant Everlight Americas, Inc., has sales offices in the State of Texas and elsewhere in the United States.

3. Upon information and belief, Defendant Everlight Americas, Inc. (“Everlight Americas”) is a subsidiary of Everlight, is incorporated in Texas, and has its principal place of business at 3220 Commander Dr., Suite 100, Carrollton, Texas, 75006. Upon information and belief, Everlight Americas sells and/or offers for sale nationwide LED products manufactured by Everlight, including in the State of Texas and in this judicial district.

JURISDICTION AND VENUE

4. This is a civil action for patent infringement arising under the patent laws, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendants by virtue of their making, using, importing, selling, and/or offering for sale infringing LED products in the United States and in the State of Texas.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

COUNT I **(INFRINGEMENT OF U.S. PATENT NO. 7,432,589)**

7. Nichia hereby incorporates by reference the allegations in Paragraphs 1 through 6 as if fully set forth herein.

8. U.S. Patent No. 7,432,589 (the “‘589 Patent”), entitled “Semiconductor Device,” was duly and lawfully issued by the U.S. Patent and Trademark Office on October 7, 2008. A true and correct copy of the ‘589 Patent is attached as Exhibit A.

9. Nichia is the owner of the ‘589 Patent by valid assignment. Nichia owns all rights, title, and interest in the ‘589 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the ‘589 Patent.

10. Defendants, by their manufacture, use, importation, sale, and/or offer for sale in the United States of LED products, such as Everlight's LED model 61-238/RSGBB7C-B02/ET, have been and are now infringing at least claim 1 of the '589 Patent, in the State of Texas, in this judicial district, and elsewhere, in violation of 35 U.S.C. § 271.

11. Nichia has been and will continue to be damaged by Defendants' infringement, and has been and will continue to be irreparably harmed unless that infringement is enjoined.

12. Nichia is entitled to recover damages from Defendants to compensate it for their infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Nichia Corporation prays that the Court enter judgment against Everlight and Everlight Americas and in favor of Nichia, as follows:

A. Finding that U.S. Patent No. 7,432,589 was duly and legally issued, and is valid and enforceable.

B. Finding that Defendants have infringed one or more of the claims of U.S. Patent No. 7,432,589;

B. Awarding damages to Plaintiff in accordance with 35 U.S.C. § 284, including pre-judgment and post-judgment interest, to compensate Plaintiff for Defendants' infringement of U.S. Patent No. 7,432,589;

C. Ordering preliminary and permanent injunctive relief restraining and enjoining Defendants and their officers, agents, attorneys, employees, and those acting in privity or active concert with them, from infringement of U.S. Patent No. 7,432,589 for the full term thereof;

D. Finding that Defendants' infringement of U.S. Patent No. 7,432,589 has been willful and deliberate;

- E. Awarding Plaintiff treble damages pursuant to 35 U.S.C. § 284;
- F. Finding that this case is exceptional pursuant to 35 U.S.C. § 285;
- G. Awarding Plaintiff its costs and attorneys' fees; and
- H. Awarding Plaintiff such other and further relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff requests a trial by jury on all issues so triable.

Dated: September 11, 2013

Respectfully submitted,

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