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TRUSTEES OF BOSTON UNIVERSITY and
8 CREE LIGHTING COMPANY

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 TRUSTEES OF BOSTON UNIVERSITY and
15 CREE LIGHTING COMPANY

16 Plaintiffs,

17 v.

18 NICHIA CORPORATION and
NICHIA AMERICA CORPORATION,

19 Defendants.

Case No. _____

COMPLAINT FOR
INFRINGEMENT OF
U.S. PATENT NO. 5,686,738

JURY TRIAL DEMANDED

20 Plaintiffs, Trustees of Boston University (“BU”) and Cree Lighting Company
21 (“Cree Lighting”), by and for their complaint against defendants, Nichia Corporation and Nichia
22 America Corporation, allege as follows:

23 **NATURE OF THE ACTION**

24 1. This is an action arising under the patent laws of the United States, Title 35 of the
25 United States Code from Defendants’ infringement of a patent relating to gallium nitride film
26 technology. Plaintiffs seek damages for Defendants’ infringement and a permanent injunction
27 restraining Defendants from further infringement.
28

1 9. Upon information and belief, defendant Nichia America Corporation is a
2 Pennsylvania corporation with its principal place of business at 3775 Hempland Road,
3 Mountville, Pennsylvania 17554 and a sales office in this district at 181 Metro Drive, Suite 350,
4 San Jose, California 95110.

5 **CAUSE OF ACTION FOR PATENT INFRINGEMENT**

6 10. On information and belief, Defendants have been, for a time past, and are currently
7 infringing, contributing to the infringement of, and/or inducing the infringement of, directly
8 and/or indirectly, the '738 Patent by, among other things, making, using, selling, importing,
9 and/or offering for sale, certain semiconductor devices comprised, *inter alia*, of gallium nitride
10 films, within the territorial boundaries of the United States that are covered by one or more claims
11 of the '738 Patent.

12 11. On information and belief, Defendants' infringement of the '738 Patent has been
13 and is willful, and will continue unless enjoined by this Court. BU and Cree Lighting have
14 suffered, and will continue to suffer, irreparable injury as a result of this willful infringement.
15 Pursuant to 35 U.S.C. § 284, BU and Cree Lighting are entitled to damages for infringement and
16 treble damages. Pursuant to 35 U.S.C. § 283, BU and Cree Lighting are entitled to a permanent
17 injunction against further infringement.

18 12. This case is exceptional and, therefore, BU and Cree Lighting are entitled to
19 attorneys' fees pursuant to 35 U.S.C. § 285.

20
21 WHEREFORE, BU and Cree Lighting pray for relief as follows:

22 **PRAYER FOR RELIEF**

23 A. That Defendants be adjudged to have infringed the '738 Patent;

24 B. That Defendants, their officers, agents, servants, employees, attorneys, and those
25 persons in active concert or participation with any of them, be preliminarily and permanently
26 restrained and enjoined from directly or indirectly infringing the '738 Patent;

27 C. An accounting for damages by virtue of Defendants' infringement of the '738
28 Patent;

1 D. An award of damages to compensate BU and Cree Lighting for Defendants'
2 infringement, pursuant to 35 U.S.C. § 284, said damages to be trebled because of Defendants'
3 willful infringement;

4 E. An assessment of pre-judgment and post-judgment interest and costs against
5 Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C.
6 § 284;

7 F. That Defendants be directed to pay BU's and Cree Lighting's attorneys' fees
8 incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285; and

9 G. That BU and Cree Lighting have such other and further relief as this Court may
10 deem just and proper.

11 **JURY DEMAND**

12 Plaintiffs BU and Cree Lighting demand a trial by jury on all disputed issues.

13
14 This 3rd day of May, 2001.

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