

# LED Packaging Company Wants Texas Judge's Ruling Tossed

Rebecca Campbell Jun. 22, 2016, 1:16pm

HOUSTON – An LED packaging company accused of infringing on patents believes U.S. District Judge Rodney Gilstrap misinterpreted language in the patents and aspects of the product design.

In the case of *Nichia Corp. v. Everlight Americas Inc. et al.*, the U.S. District Court for the Eastern District of Texas issued a decision in January stating that Everlight Electronics Co. Ltd. and Everlight Americas Inc. had infringed on three of Nichia Corp.'s patents.

Everlight is now arguing in a cross-appeal that the U.S. Court of Appeals should overturn Gilstrap's ruling that found Nichia's three semiconductor packaging patents were valid and infringed by Everlight's products, but that it should maintain the lower court's denial of a permanent injunction.

Nichia is also seeking to toss out parts of Gilstrap's ruling, arguing that Gilstrap abused his decision by finding any lasting damage on the alleged lack of competition between the two companies. Nichia argued that Everlight is a direct competitor as it has targeted customers in the U.S.

Nichia is seeking to remove Gilstrap's decision rejecting the permanent injunction and to add instructions to enter an injunction to the case or to correct legal errors and reconsider the injunction.

During Everlight's cross-appeal, the company argued that in the case of one patent, the court incorrectly misconstrued the words "lead" and "planar" as they relate to the patents and Everlight's products.

Everlight argued that the court was correct in denying an injunction down to the fact that the two companies are not significant competitors in the U.S. market. The appeal brief stated that Nichia has granted licenses for the patents-in-suit to companies amounting to approximately 27 percent of the worldwide LED market. Everlight further stated that Nichia had failed to prove any past or future damages or nexus for a permanent injunction.

The appeal brief argued that during the seven-year period when Nichia claims infringement, Everlight failed to make a sale to any of Nichia's top U.S. customers.