日亞對億光的專利侵權訴訟,於美國東德州地方法院贏得重要勝利

日亞化學工業株式會社(下稱「日亞化學」)於 2013 年向美國東德州地方法院起訴控告 億光電子工業股份有限公司及其美國子公司 Everlight Americas, Inc. (下合稱「億光公司」)侵害專利;該法院日前判決支持日亞化學主張,確認億光公司侵害日亞化學的三件 專利權。

美國法院的判決中,除了認定億光公司侵害日亞化學擁有之 US 8,530,250 號美國專利(下稱「250 號專利」)外,亦駁回億光公司對該專利所提專利無效抗辯。250 號專利的權利範圍涵蓋日亞化學於 2008 年所研發的一種創新 LED 製程,以及由該製程所製造之 LED產品;目前在市面上最受歡迎的日亞化學 757 及 157 系列 LED產品,均受 250 號專利保護。而億光公司之 XI3030、XI3535、62-217D、62-257D 及 45-21S 系列 LED產品,則被東德州地方法院認定侵害 250 號專利。

此外,東德州地方法院亦判認億光公司侵害日亞化學之 US 7,432,589 及 US 7,462,870 號兩件美國專利,同時否決億光公司對此二專利所提之無效抗辯。

有關上述東德州地方法院之判決影本,以及該判決認定構成侵權的億光公司產品與對應專利請求項之對照表,請參附件。

本判決係由美國東德州地方法院的 Rodney Gilstrap 法官針對編號第 02:13-cv-702 號訴訟所作成者。日亞化學於 2013 年起訴控告億光公司,法院則於 2015 年 5 月於美國德州馬歇爾市進行審訊,並於 2016 年 1 月 25 日宣判。

日亞持續尋求專利及其他智慧財產權之保護,並在適當且必要時,於任何國家對侵權人採 取行動。

聯絡資訊:

日亞化學工業株式會社公共關係室(Public Relations, Nichia Corporation)

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The following chart identifies, for each of the asserted claims of the Nichia Patents, the Everlight LED product series found to infringe.

	(-	2		9		~
	XI3030 XI3535	62-217D 62-257D	45-21S	61-238	67-11 67-21	62-217B 62-227B	EHP-A09K
250	,						
1	√ /						
7	V,	,	,				
17	√	√ /	V				
19		V ,	√				
21	√	✓	√				
589				/			
1				✓			
2					√		
870				/	,	,	
2				V/	V	V	
3				V	V	✓	1
9				,	67-Vonly	,	✓
10				"meaV" only	"meal only	✓	

Source: U.S. District Court for the Eastern District of Texas, *Nichia Corp. v. Everlight Elec. Co., Ltd., et al.*, Memorandum and Order, Jan. 25, 2016, at p. 5 ([FF14]).

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

NICHIA CORPORATION,

Plaintiff,

V.

Case No. 02:13-cv-702-JRG

EVERLIGHT ELECTRONICS CO., LTD.,

EVERLIGHT AMERICAS, INC., ZENARO

LIGHTING, INC. and ZITROZ LLC,

Defendants.

B

Case No. 02:13-cv-702-JRG

JUDGMENT

A three-day bench trial commenced in this case on May 11, 2015. Pursuant to Rule 58 of the Federal Rules of Civil Procedure and in accordance with the Court's January 25, 2016 Memorandum Opinion and Order setting forth its Findings of Fact and Conclusions of Law, the Court hereby **ORDERS** and **ENTERS JUDGMENT** as follows:

- 1. Defendants Everlight Electronics Co., Ltd. and Everlight Americas, Inc. (collectively, "Defendants") infringe claims 1 and 2 of United States Patent No. 7,432,589 ("'589 patent"), claims 2, 3, 9, 10, and 11 of United States Patent No. 7,462,870 ("'870 patent"), and claims 1, 7, 17, 19, and 21 of United States Patent No. 8,530,250 ("'250 patent").
 - 2. The asserted claims are not invalid.
- 3. Plaintiff Nichia Corporation ("Plaintiff") has not established that it has been irreparably harmed and that money damages could not fairly compensate it. Therefore, no injunctive relief is proper in this case. Plaintiff's request for a permanent injunction is **DENIED**..

Further, the Parties are **ORDERED** to meet and confer and thereafter file a Joint Status Report on the issue of any potentially recoverable monetary damages in this case and in light of the above rulings. Such Joint Status Report shall be filed on or before fourteen (14) days of this Judgment.