

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

NICHIA CORPORATION,)	
)	
Plaintiff,)	Civil Action No: 2:13-cv-480
)	
v.)	
)	
EMCORE CORPORATION,)	Jury Trial Demanded
)	
Defendant.)	
)	

COMPLAINT

Plaintiff Nichia Corporation brings this Complaint against Emcore Corporation, and in support alleges as follows:

THE PARTIES

1. Plaintiff Nichia Corporation (“Nichia”) is a corporation organized and existing under the laws of Japan.
2. Defendant Emcore Corporation is a company existing under the laws of the State of New Jersey, with a principal place of business located at 10420 Research Road, SE, Albuquerque, New Mexico 87123. Emcore’s laser diode products and products incorporating Emcore laser diode products are offered nationwide, including in this district.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has Federal question jurisdiction pursuant to 28 U.S.C. § 1331 and exclusive original jurisdiction pursuant to 28 U.S.C. § 1338(a).

4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

5. This Court has personal jurisdiction over Defendant because, on information and belief, it manufactures, imports, distributes, markets, sells and/or offers for sale infringing products in this judicial district.

COUNT
INFRINGEMENT OF U.S. PATENT NO. 7,295,587

6. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all of the allegations contained in paragraphs 1-5 of this Complaint.

7. U.S. Patent No. 7,295,587 (“the ’587 patent”), entitled “Semiconductor Laser Having Optical Guide Layer Doped for Decreasing Resistance,” was duly and legally issued on November 13, 2007, by the U.S. Patent and Trademark Office. A copy of the ’587 patent is attached as Exhibit A.

8. Nichia is the owner of the ’587 patent by virtue of an assignment and owns all right and title to the ’587 patent.

9. Upon information and belief, Defendant has infringed and continues to infringe one or more of the claims of the ’587 patent, directly, contributorily, and/or by inducement, by making, using, selling, offering for sale and/or importing in this country (and in this judicial district), and inducing others to use, without license, certain devices containing infringing laser diode structures in violation of 35 U.S.C. § 271. One such product is Emcore’s product designated G1933-002-250.

10. Upon information and belief, Defendant’s acts of infringement of the ’587 patent were, in whole or in part, done willfully and with knowledge of the ’587 patent.

11. Plaintiff has been and will continue to be damaged by Defendant’s infringement and will be irreparably harmed unless that infringement is enjoined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following:

A. A judgment that Defendant has infringed one or more of the claims of U.S. Patent No. 7,295,587;

B. A permanent injunction pursuant to 35 U.S.C. § 283, restraining and enjoining Defendant and its officers, agents, attorneys, employees, and those acting in privity or active concert with them, from infringement of one or more of the claims of U.S. Patent No. 7,295,587, for the full term thereof;

C. An award of damages to Plaintiff including pre-judgment and post-judgment interest, in an amount adequate to compensate for Defendant's infringement of one or more of the claims of U.S. Patent No. 7,295,587;

D. A judgment that Defendant has willfully infringed one or more of the claims of U.S. Patent No. 7,295,587;

E. An award of treble damages pursuant to 35 U.S.C. § 284 for willful infringement;

F. An award of Plaintiff's costs and reasonable attorney's fees;

G. A declaration that this case is exceptional pursuant to 35 U.S.C. § 285; and,

H. Such other and further relief as this Court deems just and proper.

JURY DEMAND

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

DATE: June 11, 2013

Respectfully submitted,

BY: /s/ Otis Carroll

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