

Mitsubishi Chemical and NIMS Win Two Red Phosphor Patent Administrative Suits in China

Mitsubishi Chemical Corporation
National Institute for Materials Science

Mitsubishi Chemical Corporation (MCC; Head office: Chiyoda-ku, Tokyo; President: Masayuki Waga) and the National Institute for Materials Science (NIMS; Location: Tsukuba-shi, Ibaraki; President: Kazuhito Hashimoto) today announced that they have won judgements in two patent administrative suits that recognized the validity of a patent (No. ZL201110066517.7, "the patent"*) for red phosphor that is owned by MCC and NIMS.

	Date of filing	Plaintiff/Appellant	Date of judgement	Judgement
1	December 27, 2018 [Second instance]	Yantai Shield Advanced Materials Co., Ltd. ("Shield")	April 29, 2020	Win (Final and binding) Patent's validity recognized
2	August 9, 2017 [First instance]	Intematix Suzhou Lighting Co., Ltd. ("Intematix")	April 28, 2020	Win Patent's validity recognized

In the litigation with Shield, the first instance was supported the validity, and the second instance upheld that judgement, and confirmed that MCC and NIMS have won.

The red phosphor is nitride-type phosphor, known as CASN, SCASN, or 1113 phosphor, and is most widely used in LED applications owing to its high luminance and reliability. LED manufacturers have high regard for MCC's red phosphor. An issue in the patent-related suits is a basic patent that broadly covers this phosphor and LED devices using that material. The judgements in the two suits upheld Chinese judicial recognition of the validity of the significant intellectual property rights owned by MCC and NIMS.

China is the world's largest producer of LED devices, and also boasts the largest production of white LED device, the main application for red phosphor. The two judgements rejecting the claims of Shield and Intematix, and recognizing the patent's validity are vital to MCC, which has invested significantly in developing this business for many years. The judgements are also important for the phosphor and white LED industries, and should foster sound growth and stability for them.

MCC filed the patent infringement litigation with the Shenzhen Intermediate People's Court against Shield on January 23, 2015. Another litigation filing with that court was against Intematix, its American parent Intematix Corporation, and Chinese sales agency GrandLux Optoelectronics Co., Ltd. (collectively, Intematix and two companies), on January 23, 2015. The court accepted MCC's claim and issued the patent infringement injunction against all four defendant companies. It also made compensation orders of 6 million yuan (around 90 million yen) to Shield and 2 million yuan (about 30 million yen) to Intematix and two companies.

Shield and Intematix and two companies have appealed the judgments above. The second instance in the patent infringement suits with Shield and Intematix and two companies is pending, and should soon proceed in view of the court upholding the patent's validity.

MCC will continue to respect internal and other companies' intellectual property rights, and shall act appropriately against any party infringing on any of its intellectual property rights.

*The patent is registered in Japan, the U.S., Korea, Taiwan, and Germany, as well as in China. MCC and NIMS own numerous relevant patents other than the one above for CASN, SCASN, or 1113 phosphor.

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