

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NICHIA CORPORATION,

Petitioner

v.

DOCUMENT SECURITY SYSTEMS, INC.,

Patent Owner

Case No. IPR2018-00966

Patent 7,652,297

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. Claim Construction.....	2
A. “a reflector extending from said substrate”.....	2
B. “proximate”	3
C. “upper portion”/“lower portion”	4
D. “intersects”/“intersecting”/“at the intersection”	9
III. The Challenged Claims are Unpatentable	11
A. Ground 1: Loh ’842 Anticipates Claims 1-6.....	11
1. Claim 1	11
2. Claim 2	13
3. Claims 3-4	14
4. Claim 5	16
5. Claim 6	16
B. Loh ’842-Based Obviousness Grounds.....	19
1. Ground 2: Loh ’842 Renders Obvious Claims 1-6, 9.....	19
2. Ground 3: Loh ’842 and Fujiwara Render Obvious Claims 7-8, 10-17	22
3. Ground 4: Loh ’842 and Uraya Render Obvious Claims 7-8, 10-17	23
C. Ground 5: Loh ’819 Anticipates Claims 1-6.....	24
1. Claim 1	24
2. Claim 2	26

3.	Claim 3-4.....	26
4.	Claim 5.....	26
5.	Claim 6.....	26
D.	Loh '819-Based Obviousness Grounds.....	26
1.	Ground 6: Loh '819 Alone, or in View of Andrews, Renders Obvious Claim 1-6, 9.....	26
2.	Ground 7: Loh '819 and Fujiwara, or in Further View of Andrews, Render Obvious Claims 7-8, 10-17.....	29
3.	Ground 8: Loh '819 and Uraya, or in Further View of Andrews, Render Obvious Claims 7-8, 10-17.....	30
IV.	Conclusion.....	30

TABLE OF AUTHORITIES

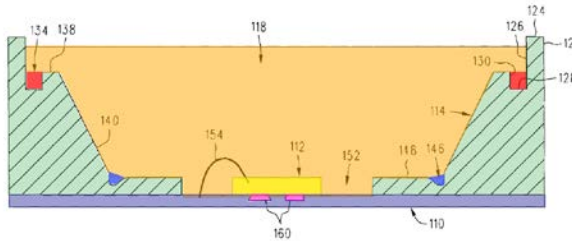
	Page
Cases	
<i>Anchor Wall Sys. v. Rockwood Retaining Walls, Inc.</i> , 340 F.3d 1298 (Fed. Cir. 2003)	6
<i>Biosig Instruments, Inc. v. Nautilus, Inc.</i> , 783 F.3d 1374 (Fed. Cir. 2015)	5
<i>Blue Calypso, LLC v. Groupon, Inc.</i> , 815 F.3d 1331 (Fed. Cir. 2016)	16, 19
<i>In re Beattie</i> , 974 F.2d 1309 (Fed. Cir. 1992)	26
<i>In re Geisler</i> , 116 F.3d 1465 (Fed. Cir. 1997)	13, 19
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	26
<i>Itron Network Solutions, Inc. v. Acoustic Tech., Inc.</i> , IPR2017-01024, Paper 49 (P.T.A.B. Aug. 21, 2018).....	13
<i>Kennametal, Inc. v. Ingersoll Cutting Tool Co.</i> , 780 F.3d 1376 (Fed. Cir. 2015)	16, 19
<i>NTP, Inc. v. Research in Motion, Ltd.</i> , 418 F.3d 1282 (Fed. Cir. 2005)	25
<i>Retractable Techs., Inc. v. Becton, Dickson and Co.</i> , 653 F.3d 1296 (Fed. Cir. 2011)	25
<i>Thorner v. Sony Computer Entm't Am. LLC</i> , 669 F.3d 1362 (Fed. Cir. 2012)	3, 6, 9
<i>Wasica Fin. GmbH v. Continental Auto. Sys., Inc.</i> , 853 F.3d 1272 (Fed. Cir. 2017)	2, 6, 9

I. Introduction

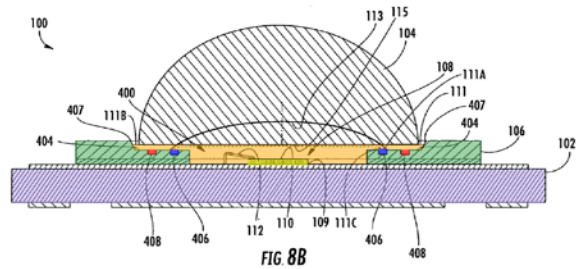
The Board correctly instituted review of claims 1-17, (*see* Paper 14), and should find all claims unpatentable. The claims simply add one or more “notches” (all claims) and an adhesive-filled recess (some claims) to an admittedly “conventional light emitting device.”

Although the '297 patent alleges that “[c]onventional light emitting devices do not have” any notches, (Ex. 1001, 2:41-42), prior art conventional devices had notches (red and blue):

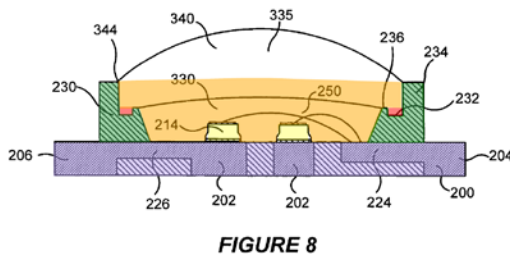
'297 Patent



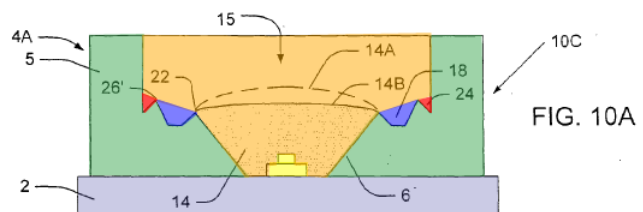
Loh '842



Loh '819



Andrews



Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.