

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NICHIA CORPORATION,

Petitioner,

v.

DOCUMENT SECURITY SYSTEMS, INC.,

Patent Owner.

Case IPR2018-00966

Patent 7,652,297

PATENT OWNER'S SUR-REPLY

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TABLE OF EXHIBITS

Exhibit Number	Exhibit Description
2001-2007	Reserved
2008	Deposition Transcript of Dr. Shealy
2009	Declaration of Thomas L. Credelle
2010	Curriculum Vitae of Thomas L. Credelle
2011	Merriam-Webster's Collegiate Dictionary, 10 th ed. (1997), pp. 908, 941
2012	Merriam-Webster's Web Dictionary, "portion"
2013	Merriam-Webster's Web Dictionary, "proximate"
2014	The American Heritage Dictionary on the Web, "portion"
2015	The American Heritage Dictionary on the Web, "proximate"
2016-2199	Reserved
2200	PTAB E2E Notice on August 16, 2018 (EXPUNGED)
2201-2202	Reserved
2203	Email to Petitioner Serving POPR in IPR2018-00966 (EXPUNGED)
2204	Email to Board Noticing Service of POPR in IPR2018-00966 (EXPUNGED)

Patent Owner Document Security Systems, Inc. (“DSS” or “Patent Owner”) files this Sur-Reply in response to the Reply in support of the Petition for *inter partes* review filed by filed by Nichia Corporation (“Petitioner”). Rather than rehash prior arguments, Patent Owner will focus on certain salient issues in Petitioner’s Reply, and stand on its Response for the remaining issues.

I. PETITIONER DID NOT DEMONSTRATE A REFLECTOR “EXTENDING FROM” A SUBSTRATE IN LOH ’842 OR A REFLECTOR FORMING A CAVITY “IN CONJUNCTION WITH” THE SUBSTRATE AS RECITED IN INDEPENDENT CLAIMS 1, 10, AND 15

The Petition relied on the lens coupler in the FIG. 4 and FIG. 8 embodiments of Loh ’842 in an attempt to satisfy the claimed “reflector extending from” a substrate. Pet., 28-29. Patent Owner demonstrated how the lens coupler in Loh ’842 did not extend from the substrate of Loh ’842 because it was separated by unaddressed elements in Loh ’842, including a mounting pad for Loh’s lens coupler. Response, 11-13. Similarly, because the cavity in Loh ’842 is formed by the substrate in conjunction with other elements of Loh ’842 (including the lens coupler mounting pad), it is incorrect to conclude that the lens coupler and reflector “in conjunction” form the cavity. Response, 13-14.

In Reply, Petitioner seeks to regard the interpretation of “extending from” as a matter of claim construction. Reply at 2-3. It is not. The claim defines the starting point for the extension of the reflector, i.e., the reflector extends from the

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