

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NICHIA CORPORATION,  
Petitioner,

v.

DOCUMENT SECURITY SYSTEMS, INC.,  
Patent Owner.

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Case IPR2018-00966  
Patent 7,652,297 B2

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Record of Oral Hearing  
Held: July 30, 2019

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Before SALLY C. MEDLEY, SCOTT C. MOORE, BRENT M.  
DOUGAL, *Administrative Patent Judges*.

Case IPR2018-00966  
Patent 7,652,297 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

PATRICK R. COLSHER, ESQ.  
THOMAS R. MAKIN, ESQ.  
Shearman & Sterling LLP  
599 Lexington Avenue  
New York, New York 10022-6069  
(212) 848-4000  
patrick.colsher@shearman.com  
thomas.makin@shearman.com

ON BEHALF OF THE PATENT OWNER:

WAYNE HELGE, ESQ.  
JAMES WILSON, ESQ.  
Davidson Berquist Jackson & Gowdey, LLP  
8300 Greensboro Drive, Suite 500  
McLean, Virginia 22102  
571-765-7708  
whelge@dbjg.com  
jwilson@dbjg.com

The above-entitled matter came on for hearing on Tuesday, July 30, 2019, commencing at 1:00 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 P-R-O-C-E-E-D-I-N-G-S

2 12:59 p.m.

3 USHER: All rise.

4 JUDGE MEDLEY: Please be seated. Good afternoon.

5 This is the hearing for IPR2018-00966, Nichia Corporation versus  
6 Document Security Systems involving U.S. patent number 7,652,297.  
7 At this time we'd like the parties to please introduce counsel for the  
8 record beginning with the Petitioner.

9 MR. COLSHER: For Petitioner, Patrick Colsher from  
10 Sherman & Sterling LLP. And with me is my co-counsel, Thomas  
11 Makin.

12 JUDGE MEDLEY: Thank you. And for Patent Owner.

13 MR. HELGE: Good afternoon, Your Honor. Wayne Helge  
14 here for Patent Owner, Document Security Systems. With me is my  
15 co-counsel James Wilson.

16 JUDGE MEDLEY: Thank you. Each party has 40 minutes  
17 total time to present arguments. Petitioner will proceed first, and  
18 may reserve some of your argument time. Patent Owner, you'll  
19 respond to Petitioner's presentation, and you can reserve argument  
20 time also. Are there any questions as to the order of presentations?

21 MR. COLSHER: No, Your Honor.

1 JUDGE MEDLEY: As a reminder, please refer to the slide  
2 numbers so that Judges Moore and Dougal may follow along, and also  
3 please speak into the microphone at the podium so that they may hear.  
4 We'd like to remind the parties the hearing is open to the public. A  
5 transcript will be entered into the public record as the proceeding.  
6 At this time, Petitioner, you may proceed. And would you like to  
7 reserve time?

8 MR. COLSHER: I'd like to reserve 10 minutes, Your Honor.

9 JUDGE MEDLEY: Okay. And I will not stop you at the  
10 30 minute mark. You're on your own. All right, you may -- yes?

11 MR. HELGE: Your Honor, just a quick note that don't have  
12 any of the judges appear on the screen here, the other two judges.

13 JUDGE MEDLEY: Do we -- we typically have their faces  
14 up here.

15 (Off the record comments.)

16 JUDGE MEDLEY: Okay.

17 (Off the record comments.)

18 JUDGE MEDLEY: Okay, we can see them now. Thank  
19 you. Appreciate that. Okay, go ahead.

20 MR. COLSHER: Good afternoon, Your Honors. And I'm  
21 on slide number 2. We're here today to talk about Petitioner  
22 challenges to the '297 patent, and as you can see in the lower left-

1 hand corner of the screen on slide 2 we have an excerpt of the '297  
2 patent. In particular, we're looking at figure number 1. Now the  
3 '297 patent is directed to what it calls a typical or a conventional LED  
4 package with a reflector and a substrate, and its alleged point of  
5 novelty is to add what it refers to as a notch to the reflector such as the  
6 notch 134 that can be seen in the screen.

7 If we turn to Slide 3, we have outlined for Your Honors the  
8 challenges to claims 1 through 17 of the '297 patent. And one sort  
9 of scene setting note, there's no real dispute between the parties that  
10 claims 10 through 17 rise and fall with claims 1 through 9, so I'll  
11 focus today primarily on certain issues that remain with respect to  
12 claims 1 through 9.

13 On claim -- or excuse me, on slide number 5, we've outlined a  
14 table that we believe shows the key remaining disputes. I'm going to  
15 focus today in my opening remarks primarily on certain issues with  
16 respect to claims 1, 3, 4, 6 and 9. We don't think there's really much  
17 of a dispute with respect to claims 5, and 7 and 8. But I'm, of course,  
18 happy to answer any questions the Board may have.

19 So if we turn to slide number 6 we get to the first dispute, and  
20 we're not talking about the allegedly novel notch at all, in fact, with  
21 respect to claim 1. There's no dispute that both of the main prior art  
22 references, the Loh '842, and the Loh '819 have this claimed notch in

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