

[See signature blocks for counsel information]

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DOCUMENT SECURITY SYSTEMS,  
INC.,

*Plaintiff,*

v.

SEOUL SEMICONDUCTOR CO.,  
LTD., and SEOUL  
SEMICONDUCTOR, INC.,

*Defendants.*

DOCUMENT SECURITY SYSTEMS,  
INC.,

*Plaintiff,*

v.

CREE, INC.,

*Defendant.*

DOCUMENT SECURITY SYSTEMS,  
INC.,

*Plaintiff,*

v.

EVERLIGHT ELECTRONICS CO.,  
LTD., and EVERLIGHT AMERICAS,  
INC.,

*Defendants.*

DOCUMENT SECURITY SYSTEMS,  
INC.,

Case No. 8:17-cv-00981-JVS-JCG

**FIRST AMENDED JOINT CLAIM  
CONSTRUCTION STATEMENT**

Case No. 2:17-cv-04263-JVS-JCG

Case No. 2:17-cv-04273-JVS-JCG

Case No. 2:17-cv-06050-JVS-JCG

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*Plaintiff,*

v.

LITE-ON, INC., and LITE-ON  
TECHNOLOGY CORPORATION,

*Defendants.*

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1 Pursuant to the Order Setting Rule 26(f) Scheduling Conference<sup>1</sup>, the Court’s  
 2 Order Continuing Claim Construction Deadlines<sup>2</sup>, and Northern District of  
 3 California's Patent L.R. 4-3, Plaintiff Document Security Systems, Inc. (“DSS”) and  
 4 Defendants Seoul Semiconductor Co., Ltd., Seoul Semiconductor, Inc., Cree, Inc.,  
 5 Everlight Electronics Co., Everlight Americas, Inc., Lite-On, Inc., Lite-On  
 6 Technology Corporation (collectively, “Defendants”) (DSS and Defendants are  
 7 referred to collectively as the “Parties”) hereby provide their First Amended Joint  
 8 Claim Construction Chart and Prehearing Statement.

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10 **I. AGREED CONSTRUCTIONS.**

11 The Parties anticipate continuing to meet and confer to narrow the issues for claim  
12 construction. At this time, the Parties have agreed to the following construction:

13 U.S. Patent 7,524,087

14 Claims 1, 6, 7, 8-10, 13, 15, 17, and 18.

15 **“pocket” / “cavity”**

16 “a hollow space surrounded by the peripheral sidewall that is more than a minor  
17 depression left over from the manufacturing process”

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26 <sup>1</sup> Dkt. No. 11 (Case No. 8:17-cv-00981-JVS-JEMx); Dkt. No. 14 (Case No. 2:17-cv-4263-JVS-  
27 JEMx); Dkt. No. 14 (Case No. 2:17-cv-06050-JVS-JEMx); Dkt. No. 29 (Case No. 2:17-cv-  
04273-JVS-JEMx).

28 <sup>2</sup> Dkt. No. 74 (Case No. 8:17-cv-00981-JVS-JCG); Dkt. No. 60 (Case No. 2:17-cv-4263-JVS-  
JEMx); Dkt. No. 58 (Case No. 2:17-cv-06050-JVS-JEMx); Dkt. No. 69 (Case No. 2:17-cv-  
04273-JVS-JEMx).

1 **II. DISPUTED CONSTRUCTIONS.**

2 **A. U.S. Patent 6,949,771.**

Term	DSS’s Proposal	Defendants’ Proposal
<p>3 1. “platform”</p> <p>4</p> <p>5 Claims 1-</p> <p>6 4, 6, and 7.</p>	<p>7 “the horizontal flat</p> <p>8 portion of a single</p> <p>9 structure providing</p> <p>10 support to the LED die”</p> <p>11</p> <p>12 <b><u>Intrinsic Evidence</u></b></p> <p>13 ’771 patent specification</p> <p>14 including at Figs. 2, 8, 15,</p> <p>15 and 19 (and associated</p> <p>16 discussion in the written</p> <p>17 description); 2:1-23;</p> <p>18 2:31-44; 2:49-62; 3:56-</p> <p>19 4:12; 4:20-33; 6:1-11;</p> <p>20 6:45-57; and claim</p> <p>21 language.</p> <p>22</p> <p>23 ’771 patent file history</p> <p>24 including 08/23/2004</p> <p>25 Amendment.</p> <p>26</p> <p>27 <b><u>Extrinsic Evidence</u></b></p> <p>28 Declaration and/or</p> <p>testimony of R. Jacob</p> <p>Baker</p> <p>Intrinsic and extrinsic</p> <p>evidence cited by</p> <p>Defendants.</p> <p>DSS objects to</p> <p>Defendants adding a</p> <p>purported disclaimer</p> <p>argument to their</p> <p>proposed construction in</p> <p>this First Amended chart.</p> <p>Defendants did not meet</p> <p>and confer concerning</p>	<p>Plain and ordinary</p> <p>meaning</p> <p>(i.e., horizontal flat</p> <p>surface)</p> <p>Disclaimer: The term</p> <p>“platform” cannot be a</p> <p>lead frame because DSS</p> <p>clearly and unmistakably</p> <p>disclaimed a lead frame</p> <p>as being “a different form</p> <p>of the contacts [from a</p> <p>platform] taught in the</p> <p>present invention” in its</p> <p>Nov. 17, 2003, response</p> <p>to an office action.</p> <p><b><u>Intrinsic Evidence</u></b></p> <p>’771 patent, Figs. 2, 8, 17,</p> <p>23.</p> <p>’771 patent specification:</p> <p>Abstract, 1:39-67, 2:2-9,</p> <p>2:10-21, 2:24-30, 2:35-</p> <p>44, 2:49-59, 3:29-38,</p> <p>3:56-4:11, 4:7-9, 4:25-29,</p> <p>4:66-5:8,</p> <p>5:13-41.</p> <p>Prosecution History:</p> <p>Office Action Response,</p> <p>p. 5-6 (Nov. 17, 2003);</p> <p>Office Action Response,</p> <p>p. 8 (Aug. 23, 2004).</p> <p>IPR2018-00265, Patent</p> <p>Owner Preliminary</p> <p>Response at 1, 3, 6, 13,</p>

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Term	DSS's Proposal	Defendants' Proposal
	<p>changing its proposed construction of this term. Moreover, Defendants' purported disclaimer is an incomplete and misquoted snippet of a passage removed from context that, if at all relevant, is relevant to at most one asserted claim.</p>	<p>14, 16, 17, 19, 20, 24-28 (PTAB Mar. 13, 2018) (Paper 6).</p> <p>IPR2018-00265, Institution Decision at 5-6 (PTAB June 7, 2018) (Paper 8).</p> <p><b><u>Extrinsic Evidence</u></b> Webster's II New College Dictionary (2001), ISBN 0-395-96214-5, p. 844.</p> <p>Declaration and/or testimony of Dr. M. Lebby.</p> <p>Intrinsic and extrinsic evidence presented by Plaintiff.</p>
<p>2. "within the aperture"</p> <p>Claims 1- 4, 6, and 7.</p>	<p>"wholly contained in the horizontal and vertical bounds of the aperture"</p> <p><b><u>Intrinsic Evidence</u></b> '771 patent specification including at abstract; Figs. 2 and 17 (and associated discussion in the written description); 2:1-30; 2:35-62; 3:55-65; 4:20-33; 5:19-43; 6:1-11; and claim language.</p> <p>'771 patent file history including appeals brief, p. 5.</p>	<p>Plain and ordinary meaning</p> <p><b><u>Intrinsic Evidence</u></b> '771 patent, Figs. 2, 8, 17, 23.</p> <p>'771 patent specification: Abstract, 1:39-67, 2:2-9, 2:10-21, 2:24- 30, 2:35-44, 2:49-59, 3:29-38, 3:56-4:11, 4:7-9, 4:25-29, 4:66-5:8, 5:13-41.</p> <p>Prosecution History: Office Action Response, p.5 (Nov. 17, 2003);</p>

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