

[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

**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

RUSS, AUGUST & KABAT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff,

v.

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

Defendants.

RUSS, AUGUST & KABAT

1 Pursuant to the Order Setting Rule 26(f) Scheduling Conference¹, the Court’s
2 Order Continuing Claim Construction Deadlines², 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 Joint Claim
8 Construction Chart and Prehearing Statement.

9
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 not agreed on the construction of any
13 terms.

14
15
16
17
18
19
20
21
22
23
24
25
26 _____
27 ¹ Dkt. No. 11 (Case No. 8:17-cv-00981-JVS-JEMx); Dkt. No. 14 (Case No. 2:17-cv-4263-JVS-
28 JEMx); Dkt. No. 14 (Case No. 2:17-cv-06050-JVS-JEMx); Dkt. No. 29 (Case No. 2:17-cv-
04273-JVS-JEMx).

² 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).

RUSS, AUGUST & KABAT

II. DISPUTED CONSTRUCTIONS.

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

Term	DSS’s Proposal	Defendants’ Proposal
<p>1. “platform”</p> <p>Claims 1-4, 6, and 7.</p>	<p>“the horizontal flat portion of a single structure providing support to the LED die”</p> <p><u>Intrinsic Evidence</u> ’771 patent specification including at Figs. 2, 8, 15, and 19 (and associated discussion in the written description); 2:1-23; 2:31-44; 2:49-62; 3:56-4:12; 4:20-33; 6:1-11; 6:45-57; and claim language.</p> <p>’771 patent file history including 08/23/2004 Amendment.</p> <p><u>Extrinsic Evidence</u> Declaration and/or testimony of R. Jacob Baker</p> <p>Intrinsic and extrinsic evidence cited by Defendants.</p>	<p>Plain and ordinary meaning (i.e., horizontal flat surface)</p> <p><u>Intrinsic Evidence</u> ’771 patent, Figs. 2, 8, 17, 23. ’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); Office Action Response, p.8 (Aug. 23, 2004).</p> <p>IPR2018-00265, Patent Owner Preliminary Response at 1, 3, 6, 13, 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><u>Extrinsic Evidence</u> Webster’s II New College Dictionary (2001), ISBN</p>

RUSS, AUGUST & KABAT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RUSS, AUGUST & KABAT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Term	DSS's Proposal	Defendants' Proposal
		<p>0-395-96214-5, p. 844.</p> <p>Declaration and/or testimony of Dr. M. Leiby.</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><u>Intrinsic Evidence</u> '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><u>Extrinsic Evidence</u> Exhibit A (Merriam-Webster's Dictionary of Basic English, "within.") Declaration and/or</p>	<p>Plain and ordinary meaning</p> <p><u>Intrinsic Evidence</u> '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); Office Action Response, p.8 (Aug. 23, 2004).</p> <p>IPR2018-00265, Patent Owner Preliminary Response at 1, 3, 6, 13,</p>

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.