

[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 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 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 ¹ 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 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).

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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 <u>Intrinsic Evidence</u></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 <u>Extrinsic Evidence</u></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><u>Intrinsic Evidence</u></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><u>Extrinsic Evidence</u> 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><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>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);</p>

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