

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEOUL SEMICONDUCTOR CO., LTD.,
SEOUL SEMICONDUCTOR, INC., CREE, INC., and
EVERLIGHT ELECTRONICS, LTD.,
Petitioner,

v.

DOCUMENT SECURITY SYSTEMS, INC.,
Patent Owner.

Case IPR2018-00333¹
Patent 7,256,486 B2

Held: January 31, 2019

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

¹ Cree, Inc., who filed a Petition in IPR2018-01205, and Everlight Electronics Co., Ltd., who filed a Petition in IPR2018-01225, have been joined as petitioners in this proceeding.

Case IPR2018-00333
Patent 7,256,486 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

MICHAEL B. EISENBERG, ESQ.
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ON BEHALF OF PATENT OWNER:

WAYNE HELGE, ESQ.
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The above-entitled matter came on for hearing on Thursday,
January 31, 2019, commencing at 2:40 p.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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JUDGE MEDLEY: Good afternoon. This is the hearing for IPR2018-00333, Seoul Semiconductor, et al., vs. Document Security Systems.

At this time, we would like the parties to please introduce counsel for the record, beginning with Petitioner.

MR. EISENBERG: Michael Eisenberg of Holland & Knight on behalf of the Petitioners.

JUDGE MEDLEY: Thank you.

And Patent Owner?

MR. HELGE: Good afternoon, Your Honor. Wayne Helge for Document Security Systems.

JUDGE MEDLEY: Thank you.

Each party has 45 minutes to present arguments. Petitioner, you will proceed first to present your case with respect to the challenged claims and grounds for which the Board instituted trial. You may reserve some of your argument time to respond to arguments presented by Patent Owner.

Thereafter, Patent Owner, you will respond to Petitioner's presentation, and you may reserve argument time for sur-rebuttal.

Are there any questions as to the order?

MR. EISENBERG: No, Your Honor.

1 JUDGE MEDLEY: Petitioner, would you like to reserve time for
2 rebuttal?

3 MR. EISENBERG: Yes, Your Honor. I would like to reserve 20
4 minutes.

5 JUDGE MEDLEY: Okay, thank you.

6 And, Patent Owner, would you like to reserve time for sur-
7 rebuttal?

8 MR. HELGE: Just two minutes, Your Honor.

9 JUDGE MEDLEY: Okay, great.

10 All right. We would like to remind the parties again that this
11 hearing is open to the public and the transcript will be entered into the public
12 record of the proceeding.

13 Petitioner, you may proceed.

14 MR. EISENBERG: Thank you, Your Honor.

15 Thank you, Your Honor. I am back here this time to talk about the
16 '486 patent. There are only three claims at issue here, claims 1 through 3,
17 and I have a small outline provided on slide 4. There are two major issues
18 that I'd like to discuss today. The first one is metallized surface, and the
19 second one has to do with major surface, and I'll then try to answer any of
20 Your Honors' questions.

21 So the single most important issue in here, as it is in most petitions
22 and most appeals, is "what do the claims mean?" We have to go through the
23 same claim construction analysis here as we do in any case, and, again, we

1 start with the claims themselves, and that's according to *Phillips* and, as I
2 said earlier today, talking about the order of evidence, not the -- how it is to
3 be weighed under the broadest reasonable interpretation standard, but the
4 order in which we look at it.

5 So looking at the claims themselves, I have reproduced parts of
6 claims 1, 2, and 3 here, because all three claims give us some information
7 about how broad at least these limitations must be. So starting with claim 1,
8 that claim introduces a metallized bottom major surface --

9 JUDGE MEDLEY: Excuse me. Could you please refer to the
10 slides so that the -- the slide number --

11 MR. EISENBERG: Oh, sorry. This is slide 7. My apologies,
12 Your Honor.

13 I'm on slide 7, and, again, this is claims 1 through 3 with certain of
14 the claim limitations brought out and emphasized with underlining. I'd like
15 to start with the metallized bottom major surface. As it says here, "The
16 metallized bottom major surface comprising one of an anode or a cathode,"
17 and those are types of electrodes, a positive source or negative source.

18 So what we have here from claim 1 is that the metallized bottom
19 major surface is an anode or a cathode, and moving on to claim 3, we can
20 see that the metallized bottom major surface comprises an electrode, here a
21 second electrode, but the important point here is that the term "metallized
22 bottom major surface" is used interchangeably with "electrode," that the
23 former is or can be something -- the latter, the electrode.

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