

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

DOCUMENT SECURITY SYSTEMS, INC.
Patent Owner

Case No. IPR2017-00333
U.S. Patent No. 7,256,486

PETITIONER'S REPLY

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CERTIFICATE OF COMPLIANCE WITH 37 C.F.R. § 42.24

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<i>In re Thorpe</i> , 777 F.2d 695 (Fed. Cir. 1985)	22
<i>Octane Fitness, LLC v. Icon Health & Fitness, Inc.</i> , 572 U.S. 545 (2014).....	3, 16
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<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (<i>en banc</i>)	5, 7
<i>Powell v. Home Depot U.S.A., Inc.</i> , 663 F.3d 1221 (Fed. Cir. 2011)	11
<i>Retractable Technologies., Inc. v. Becton, Dickinson & Co.</i> , 653 F.3d 1296 (Fed. Cir. 2011)	11
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