

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NICHIA CORPORATION,
Petitioner,

v.

DOCUMENT SECURITY SYSTEMS, INC.,
Patent Owner.

Case IPR2018-00966
Patent 7,652,297 B2

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

MEDLEY, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

I. INTRODUCTION

Nichia Corporation (“Petitioner”)¹ filed a Petition for *inter partes* review of claims 1–17 of U.S. Patent No. 7,652,297 B2 (Ex. 1001, “the ’297 patent”). Paper 2 (“Pet.”). Document Security Systems, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 10 (“Prelim. Resp.”). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Upon consideration of the Petition and Preliminary Response, we conclude the information presented shows that there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 1–17 of the ’297 patent.

A. *Related Matters*

The parties indicate that the ’297 patent is the subject of several court proceedings. Pet. 1; Paper 3, 2.

B. *The ’297 Patent*

The specification of the ’297 patent describes a light-emitting device. Ex. 1001, Abstract. Figure 1 is reproduced below.

¹ Petitioner, Nichia Corporation, identifies Nichia America Corporation as a real party-in-interest. Pet. 1.

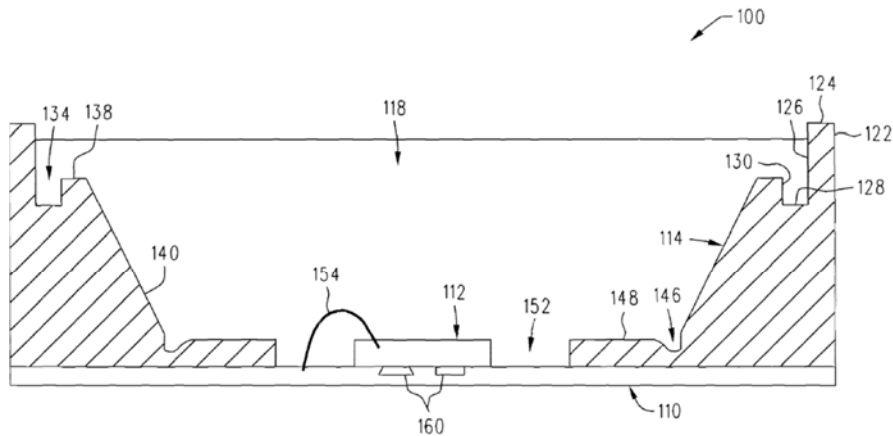


FIG. 1

Figure 1 depicts a side cut away of an embodiment of a light-emitting device.

As seen from the above, light-emitting device 100 includes substrate 110, light emitting diode (LED) 112, and reflector 114. *Id.* at 1:39–41. Cavity 118 is filled with encapsulant. *Id.* at 1:48–50. Reflector 114 has an outer wall 122 with an upper edge 124. *Id.* at 1:59–63. First inner wall 126, first platform 128, and second inner wall 130 forms a first notch 134, which extends axially around reflector 114. *Id.* at 2:6–9. First notch 134 serves to hold encapsulant within cavity 118. *Id.* at 2:9–10. A second platform 138 extends from second inner wall 130 and a slanted wall 140 extends from second platform 138. *Id.* at 2:13–15. A second notch 146 is located between slanted wall 140 and a third platform 148 and extends along and around reflector 114. *Id.* at 2:19–21. Second notch 146 may be filled with encapsulant. *Id.* at 2:21–23. Gap 152 exists between reflector 114 and LED 112 and may contain contacts used to supply power to LED 112. *Id.* at 2:33–35. A single wire bond 154 extends between gap 152 and LED 112 and may supply power or signals to LED 112. *Id.* at 2:36–38.

C. Illustrative Claims

Petitioner challenges claims 1–17 of the '297 patent. Claims 1, 10, and 15 are independent claims. Claim 1 is reproduced below.

1. A light emitting device comprising:
 - a substrate;
 - a reflector extending from said substrate, said reflector forming a cavity in conjunction with said substrate;
 - a light emitter located in said cavity; and
 - at least one first notch located in said reflector, said at least one first notch extending substantially axially around said reflector, said at least one first notch being formed by a first wall and a second wall wherein said first wall and said second wall extend substantially perpendicular to said substrate.

Id. at 3:36–47.

D. Asserted Grounds of Unpatentability

Petitioner asserts that claims 1–17 are unpatentable based on the following grounds (Pet. 3–4):

Reference(s)	Basis	Challenged Claims
Loh '842 ²	§ 102(e)	1–6
Loh '842	§ 103(a)	1–6 and 9
Loh '842 and Fujiwara ³	§ 103(a)	7, 8, and 10–17
Loh '842 and Uraya ⁴	§ 103(a)	7, 8, and 10–17
Loh '819 ⁵	§ 102(e)	1–6

² U.S. Patent No. 7,939,842 B2, filed Aug. 27, 2007, issued May 10, 2011 (Ex. 1004, “Loh '842”).

³ U.S. Patent No. 6,680,568 B2, issued Jan. 20, 2004 (Ex. 1005, “Fujiwara”).

⁴ Japanese Patent Application No. 2005-174998, published June 30, 2005 (Ex. 1011, “Uraya”).

⁵ U.S. Patent No. 7,960,819 B2, filed July 13, 2006, issued June 14, 2011 (Ex. 1006, “Loh '819”).

Reference(s)	Basis	Challenged Claims
Loh '819	§ 103(a)	1–6 and 9
Loh '819 and Andrews ⁶	§ 103(a)	1–6 and 9
Loh '819 and Fujiwara	§ 103(a)	7, 8, and 10–17
Loh '819, Fujiwara, and Andrews	§ 103(a)	7, 8, and 10–17
Loh '819 and Uraya	§ 103(a)	7, 8, and 10–17
Loh '819, Uraya, and Andrews	§ 103(a)	7, 8, and 10–17

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes constructions for the following claim terms found in the challenged claims: “reflector” (all claims); “intersects/intersecting” (claims 6, 9, and 15); “at the intersection” (claims 6, 9, and 15); and “lower portion” and “upper portion” (claims 3, 4, 13, and 14). Pet. 11–16. Patent Owner disagrees with Petitioner’s proposed constructions for “lower portion,” “upper portion,” and “at the intersection.” Prelim. Resp. 18–20,

⁶ U.S. Patent Application Publication No. 2005/0218421 A1, filed Jan. 27, 2005, published Oct. 6, 2005 (Ex. 1007, “Andrews”).

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