UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NICHIA CORPORATION, Petitioner,

v.

DOCUMENT SECURITY SYSTEMS, INC., Patent Owner.

Case IPR2018-01165 Patent 7,524,087 B1

PATENT OWNER'S SUR-REPLY



TABLE OF CONTENTS

I.	INTE	TRODUCTION1	
II.	THE	CHALLENGED CLAIMS ARE NOT UNPATENTABLE2	
	A.	Okazaki Does Not Disclose or Suggest the Claimed Pockets/Cavities	
	B.	Petitioner's Reliance on Secondary Reference Critelli is Faulty5	
	C.	The Kamada Reference Does Not Disclose or Suggest the Claimed Lead Receiving Compartments Formed in the Peripheral Sidewall of the Reflector Housing	
	1.	Petitioner's New Interpretations of Kamada are Untimely and Improper	
	2.	Kamada Does Not Support Petitioner's New Theory11	
	3.	Petitioner Cannot Excuse Its Failure to Evaluate the Claims as Written	
	D.	Petitioner's Challenges Against Claim 2 Fail Because Takenaka Does Not Disclose the Features of Claim 2	
	E.	Petitioner Cannot Remedy Its Deficient Challenges In Its Reply15	
	1.	Petitioner's Grounds 1-3 Challenges Against Claims 12-13, 16, and 18 Are Insufficient	
	2.	Petitioner's Grounds 1-3 Challenges Against Claims 14 and 19 Are Also Insufficient	
Ш	CON	CLUSION 18	

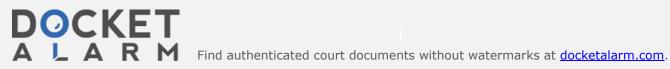


TABLE OF AUTHORITIES

Cases

SAS Institute Inc. v. Iancu, 138 S. Ct. 1348 (2018)	15
Wasica Fin. GmbH v. Continental Auto. Sys., Inc., 853 F.3d 1272 (Fed. Cir. 2017)	3
Statutes	
35 U.S.C. § 311(b)	15, 18
Rules	
37 C.F.R. § 42.23(b)	15
37 C.F.R. § 42.104(b)	16
37 C.F.R. § 42.104(b)(3)	14



PATENT OWNER'S LIST OF EXHIBITS

Exhibit Number	Exhibit Description
2001-2002	Reserved
2003	Stanley 1102W Series Data Sheet
2004-2009	Reserved
2010	Curriculum Vitae of Thomas L. Credelle
2011-2015	Reserved
2016	Deposition Transcript of James R. Shealy, Ph.D.
2017	Exhibit to Ex. 2016 (Dr. Shealy's Annotated Takenaka, Fig. 1)
2018	Declaration of Thomas L. Credelle
2019-2112	Reserved



Patent Owner Document Security Systems, Inc. ("DSS" or "Patent Owner") files this Sur-Reply in response to the Reply in support of the Petition for *inter* partes review filed by filed by Nichia Corporation ("Petitioner"). Rather than rehash prior arguments, Patent Owner will focus on certain salient issues in Petitioner's Reply, and stand on its Response for the remaining issues.

I. INTRODUCTION

The Reply fails to remedy Petitioner's failed challenges. Nothing presented in the Reply changes the fact that Okazaki does not disclose the claimed first or second pockets or cavities. Instead, Okazaki has a single through-hole that extends from the top to the bottom of its LED structure.

Additionally, Petitioner improperly attempts to establish that Kamada's leads are located in a peripheral sidewall, extending between end faces, of a reflector housing based on untimely new arguments and Dr. Shealy's new interpretations of the Kamada reference as set forth in his Reply Declaration.

Like Kamada, the secondary references do not teach or suggest the claim features relating to the claimed "lead receiving compartments" recited in the independent claims. The purported motivation to include such features is based on hindsight and inconsistent with the aims of the primary references.

Finally, the Petitioner is deficient in its challenges of claims 2-5, 12-14, 16, and 18-19, and fails to come forward with art allegedly disclosing or suggesting



DOCKET

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.

