

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 NOTICE OF CROSS-APPEAL

Pursuant to 37 C.F.R. § 90.3(a)(1), Fed. R. App. P. 4(a)(3), and 35 U.S.C. §§ 141(c) and 319, Document Security Systems, Inc. (“Patent Owner”) respectfully gives notice that it cross-appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision entered on December 10, 2019 (Paper 28), and from all other underlying orders, decisions, rulings, and opinions. Nichia Corporation (“Petitioner”) filed a Notice of Appeal on September 11, 2020. This cross-appeal is timely filed under 37 C.F.R. § 90.3(a)(1) and Fed. R. App. P. 4(a)(3).

For the limited purpose of providing the Director of the United States Patent and Trademark Office with the information specified in 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include the Board’s determination that claims 1 and 6-8 of U.S. Patent No 7,524,087 B1 were shown to be unpatentable under 35 U.S.C. § 103 in view of the grounds of unpatentability on which trial was instituted (Paper 11). The issues on appeal also include any finding or determination supporting or related to these issues, as well as all other issues decided adversely to Patent Owner in any order, decision, ruling, or opinion.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office. Simultaneous with this submission, a copy of this Notice is being filed with the Patent Trial and Appeal Board.

In addition, consistent with Federal Circuit Rules 15(a) and 25(b)(1) a copy of this Patent Owner's Notice of Cross-Appeal is being filed with the Clerk's office of the United States Court of Appeals for the Federal Circuit.

Dated: September 17, 2020

/s/ Wayne M. Helge

Wayne M. Helge (Reg. No. 56,905)

James T. Wilson (Reg. No. 41,439)

Aldo Noto (Reg. No. 35,628)

DAVIDSON BERQUIST JACKSON &
GOWDEY, LLP

8300 Greensboro Dr., Suite 500

McLean, VA 22102

Telephone: (571) 765-7700

Fax: (571) 765-7200

Email: whelge@dbjg.com

Email: jwilson@dbjg.com

Email: anoto@dbjg.com

Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Patent Owner's Notice of Cross-Appeal was served on September 17, 2020, via electronic mail on counsel of record for Petitioner as follows:

Patrick R. Colsher (Reg. No. 74,955)
patrick.colsher@shearman.com
Eric S. Lucas (Reg. No. 76,434)
eric.lucas@shearman.com
Thomas R. Makin
thomas.makin@shearman.com
Shearman & Sterling LLP
599 Lexington Avenue
New York, New York 10022

Matthew G. Berkowitz (Reg. No. 57,215)
matthew.berkowitz@shearman.com
Shearman & Sterling LLP
1460 El Camino Real
Menlo Park, California 94025

Email: nichia-dss@shearman.com

In accordance with 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), the undersigned hereby certifies that, in addition to being filed electronically through the Board's E2E System, the foregoing Patent Owner's Notice of Cross-Appeal was filed and served by U.S. Mail on September 17, 2020, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office

c/o Office of the General Counsel
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. § 90.2(a)(2), the undersigned hereby certifies that on September 17, 2020, a true and correct copy of the foregoing Patent Owner's Notice of Cross-Appeal was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit via CM/ECF.

Dated: September 17, 2020

/s/ Wayne M. Helge
Wayne M. Helge (Reg. No. 56,905)
DAVIDSON BERQUIST JACKSON &
GOWDEY, LLP
8300 Greensboro Dr., Suite 500
McLean, VA 22102
Telephone: (571) 765-7700
Fax: (571) 765-7200
Email: whelge@dbjg.com

Counsel for Patent Owner