

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NICHIA CORPORATION,
Petitioner,

v.

DOCUMENT SECURITY SYSTEMS, INC.,
Patent Owner.

Case IPR 2018-01165
Patent 7,524,087 B1

RECORD OF ORAL HEARING
Held: August 28, 2019

Before BARBARA A. BENOIT, SCOTT C. MOORE, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

Case IPR 2018-01165

Patent 7,524,087 B1

APPEARANCES:

ON BEHALF OF THE PETITIONER:

PATRICK R. COLSHER, ESQUIRE
THOMAS R. MAKIN, ESQUIRE
OMAR AMIN, ESQUIRE
Shearman & Sterling LLP
599 Lexington Avenue
New York, NY 10022-6069

ON BEHALF OF THE PATENT OWNER:

WAYNE M. HELGE, ESQUIRE
JAMES T. WILSON, ESQUIRE
Davidson Berquist Jackson & Gowdey, LLP
8300 Greensboro Drive, Suite 500
McLean, VA 22102

The above-entitled matter came on for hearing on Wednesday, August 28, 2019, commencing at 9:00 a.m., at the U.S. Patent and Trademark Rocky Mountain Regional Office, Byron G. Rogers Federal Building, 1961 Stout Street, Denver, CO 80294.

PROCEEDINGS

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USHER: All Rise.

JUDGE DOUGAL: Please be seated. Good morning. This is Oral Hearing for IPR2018-01165 between Petitioner, Nichia Corporation, and Patent Owner, Document Security Systems Inc., concerning Patent Number 7,564,087.

I'm Judge Dougal. With me today is Judge Moore, and via video we have Judge Benoit in Alexandria.

JUDGE BENOIT: Excuse me, I can't hear in Hearing Room A.

JUDGE DOUGAL: Is this any better?

JUDGE BENOIT: Yes, thank you.

JUDGE DOUGAL: Okay. All right, so let's start by having counsel state their appearances, beginning with Petitioner.

MR. COLSHER: Patrick Colsher with Shearman and Sterling for Petitioner, Nichia Corp, and I also have with me my co-counsel, Tom Makin.

JUDGE DOUGAL: All right.

MR. HELGE: Good morning, Your Honor. My name is Wayne Helge appearing here for the Patent Owner, Document Security Systems Inc. Counsel today with me is James Wilson, also working on the case.

JUDGE DOUGAL: Okay, thank you. Welcome this morning. So, before we begin, I will go over a few administrative matters.

As you recognize, we have Judge Benoit appearing remotely, and so we will remind you, first of all, to please always talk into the microphone so

1 that she can hear, and also, so our court reporter can hear and record the
2 hearing.

3 She will not have access to the screen, so it's important that you
4 always start off saying what slide you are in your slide deck. She has it on
5 her computer and will follow along in that manner.

6 I believe we have 45 minutes for each side to present their arguments.
7 Petitioner, would you like to reserve any of your time?

8 MR. COLSHER: I'll reserve 10 minutes.

9 JUDGE DOUGAL: 10 Minutes, that's fine. So, we've got this grey
10 clock up here to keep you very aware of the time that you have. If either
11 party has any objections, we ask that you do not interrupt the other party, but
12 that when you have your time, that will be the time for you to issue any
13 objections you had for the other parties' presentation.

14 All right, do either side have any demonstratives, copies that they
15 want to give to the court reporter or to us. You've got one, okay.

16 JUDGE MOORE: Can you make copies as well.

17 JUDGE DOUGAL: Sure, if you have one, we'll take them now.

18 MR. COLSHER: Your Honor, apologies, I have only one extra.

19 JUDGE DOUGAL: We don't need -- that's fine.

20 MR. COLSHER: Okay.

21 JUDGE DOUGAL: Thank you. Okay, any questions from either side
22 before we start? Okay, Petitioner, you may begin.

23 JUDGE MOORE: By the way, I've got it set to bring the yellow light
24 up when you have one minute left in the 35 minutes.

25 MR. COLSHER: Thank you, Your Honor.

26 JUDGE DOUGAL: You may begin.

1 MR. COLSHER: Good morning, Your Honors, I'm on Slide Number
2 7. We're here today to talk about Petitioner's challenges to Claims 1
3 through 19 of the '087 Patent.

4 The Patent is directed to an LED package and it's made clear through
5 the prosecution, the alleged novelty is to add what the patent terms to be
6 receiving compartments to a side wall of a reflector housing.

7 Now these compartments, which the patent interchangeably refers to
8 as cavities, can be seen in Figure 2 on the right-hand side of the screen, in
9 Slide Number 7, and it's Element Number 52 that is colored in orange.

10 And so, one orienting note is that the patent refers to the Entire
11 Housing 20, which is the portion that is not colored on the screen, which
12 extends from the top to the bottom, or sometimes in the patent, referred to as
13 the first-end face and the second end face, as a Reflector Housing 20, even
14 though only the interior of the top part, the cavity that's colored in yellow in
15 Figure 1, in which the LEDs are mounted, actually does any of the
16 reflecting.

17 Now, turn to Slide Number 3. We have outlined Petitioner's
18 challenges to Claims 1 through 19, and the prior art can generally be split
19 into two categories.

20 The first category is those that disclose reflector housings with the
21 first and second pocket or cavity. And that's in particular the Kamada,
22 Okazaki, and Takenaka References.

23 And then there are those that disclose the lead receiving compartments
24 that would be added to the peripheral sidewall of the reflector housing, and
25 namely those are Kamada, Critelli, and Kyowa.

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