

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

NICHIA CORPORATION,

Petitioner

v.

DOCUMENT SECURITY SYSTEMS, INC.,

Patent Owner

---

Case No. IPR2018-01166

Patent 7,256,486

---

**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

## TABLE OF CONTENTS

	<b>Page</b>
I. Introduction.....	1
II. Patent Owner Presents Attorney Argument, Not Evidence from the Perspective of a POSITA.....	1
III. Claim Construction.....	2
A. “major surface”.....	2
B. “metallized ... major surface”.....	6
C. Patent Owner’s “separate elements” argument is wrong.....	7
IV. The Challenged Claims are Unpatentable.....	9
A. Grounds 1-3: Nakajima and Weeks, Kish, or Edmond render obvious claims 1-5.....	9
1. Claim 1.....	9
2. Claim 2.....	15
3. Claim 3.....	17
4. Claims 4-5.....	18
B. Grounds 4-6: Rohm and Weeks, Kish, or Edmond render obvious claims 1-3.....	18
1. Claim 1.....	18
2. Claim 2.....	20
3. Claim 3.....	21
C. Grounds 7-9: Rohm and Weeks, Kish, or Edmond, in further view of Nakajima, render obvious claims 4-5.....	21
D. Grounds 10-12: Matsushita and Weeks, Kish, or Edmond render obvious claims 1-3.....	22

1.	Claim 1 .....	22
2.	Claim 2 .....	24
3.	Claim 3 .....	25
E.	Grounds 13-15: Matsushita and Weeks, Kish, or Edmond, in further view of Nakajima, render obvious claims 4-5 .....	25
F.	Grounds 16-24: The obviousness of claim 6.....	25
V.	Patent Owner’s Constitutionality Argument is Both Conclusory and Wrong .....	28
VI.	Conclusion .....	29

## TABLE OF AUTHORITIES

	<b>Page</b>
<b>Cases</b>	
<i>CCS Fitness, Inc. v. Brunswick Corp.</i> , 288 F.3d 1359 (Fed. Cir. 2002) .....	3
<i>Fitbit, Inc. v. Blackbird Tech, LLC</i> , IPR2017-02012, Paper 28 (P.T.A.B. Mar. 11, 2019) .....	29
<i>In re Geisler</i> , 116 F.3d 1465 (Fed. Cir. 1997) .....	1
<i>In re Mouttet</i> , 686 F.3d 1322 (Fed. Cir. 2012) .....	15, 27
<i>Itron Network Solutions, Inc. v. Acoustic Tech., Inc.</i> , IPR2017-01024, Paper 49 (P.T.A.B. Aug. 21, 2018).....	1
<i>Joy Techs. v. Manbeck</i> , 959 F.2d 226 (Fed. Cir. 1992) .....	29
<i>KSR Int’l Co. v. Teleflex, Inc.</i> , 550 U.S. 398 (2007).....	27
<i>MCM Portfolio LLC v. Hewlett-Packard Co.</i> , 812 F.3d 1284 (Fed. Cir. 2015) .....	27
<i>NTP, Inc. v. Research in Motion, Ltd.</i> , 418 F.3d 1282 (Fed. Cir. 2005) .....	8
<i>Retractable Techs., Inc. v. Becton, Dickson and Co.</i> , 653 F.3d 1296 (Fed. Cir. 2011) .....	8
<i>Thorner v. Sony Computer Entm’t Am. LLC</i> , 669 F.3d 1362 (Fed. Cir. 2012) .....	3
<i>Wasica Fin. GmbH v. Continental Auto. Sys., Inc.</i> , 853 F.3d 1272 (Fed. Cir. 2017) .....	2

*Wyers v. Master Lock Co.*,  
616 F.3d 1231 (Fed. Cir. 2010) .....27

# 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.