

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NICHIA CORPORATION, and CREE, INC.,  
Petitioners,

v.

DOCUMENT SECURITY SYSTEMS, INC.,  
Patent Owner.

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Case IPR2018-01166  
Patent 7,256,486 B2

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Record of Oral Hearing  
Held: August 28, 2019

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Before SCOTT C. MOORE, AMBER L. HAGY, and BRENT M.  
DOUGAL, *Administrative Patent Judges*.

Case IPR2018-01166  
Patent 7,256,486 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Wednesday, August 28, 2019, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

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3 USHER: All Rise.

4 JUDGE DOUGAL: Please be seated, thank you. All right, we're on  
5 the record. Just tell me when you're ready. Okay, we're good. Good  
6 afternoon, this is the oral court hearing for IPR 2018-01166, between  
7 Petitioner Nichia Corporation and Cree Incorporated, and Patent Owner,  
8 Document Security Systems Incorporated, concerning US Patent 7,256,486.

9 Again, I'm Judge Dougal; this is Judge Moore. Via video in Dallas,  
10 we have Judge Hagy. Even though you've already presented yourself to  
11 Judge Moore and myself, we will go ahead and start over again, since this is  
12 a new transcript. So, if I can have both parties present themselves.

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

15 MR. HELGE: Good afternoon, Your Honor. Wayne Helge for Patent  
16 Owner, Document Security Systems, and the attorney arguing this case will  
17 be my colleague Mr. Jim Wilson, also of record. Thank you.

18 JUDGE DOUGAL: Thank you. A reminder again, that because we  
19 have Judge on screen, to please refer to the slide number that you're on, or  
20 where you are in the evidence. It will help her to follow along, and also  
21 helps make a better record for the transcript.

22 So, we have 30 minutes per side, and Petitioner, would you like to  
23 reserve some time for rebuttal?

24 MR. COLSHER: I'll reserve 10 minutes, Your Honor.

1 JUDGE DOUGAL: 10 minutes, okay. I don't think we need to  
2 review any other information. So, so any questions from either of the parties  
3 before we start?

4 MR. COLSHER: No, Your Honor.

5 MR. HELGE: No, Your Honor.

6 JUDGE DOUGAL: Great. All right, Petitioner go ahead when  
7 you're ready.

8 MR. COLSHER: Good afternoon Your Honors. I'm on Slide  
9 Number 5. We're here today to talk about Petitioner's challenges to Claims  
10 1 through 6 of the 486 Patent.

11 As can be seen from the figures on the screen, the 486 Patent is  
12 directed to an LED subject package with an LED mounted thereon. The  
13 LED can be seen in Figure 2A, on the bottom portion of this screen, and it's  
14 the element that's highlighted in blue.

15 The claims then add certain details to the package itself, such as the  
16 interconnect, which is shown on the screen in purple, that extends through  
17 the substrate, which is shown in red.

18 And then also certain details concerning the structural makeup of the  
19 LED, such as in Claim 1, what it refers to as a metallized bottom major  
20 surface. And then in Dependent Claim 2, what it refers to as a metallized  
21 top major surface.

22 Although, those structural details are not actually shown in any of the  
23 figures. The figures themselves show Element 250 as a black box.

24 So, if we turn to Slide Number 3, we've outlined Petitioner's  
25 challenges to Independent Claim 1, and then Dependent Claims 2 through 6.

1 Now, we don't think there are really any significant disputes that remain for  
2 the grounds with respect to Claims 1 through 5.

3 Those grounds effectively just involve adding a convention of LED  
4 die with metallized top and bottom major surfaces, such as those of the  
5 Weeks, Kish, and Edmond prior art references. And then adding those to a  
6 conventional LED substrate package with pads on the top and bottom of  
7 substrate that are connected via an interconnect running there through, such  
8 as those disclosed in the Nakajima, Rohm, and Matsushita References.

9 Now, Patent Owner's only real challenge in this proceeding, and the  
10 primary focus of its papers, pertains to Dependent Claim 6.

11 An issue there, as we understand it, is whether Petitioner has met its  
12 burden to show that it was obvious to use a known press-fitting technique to  
13 form the interconnect through the substrates in the prior art packages. And  
14 we would submit that the record evidence shows that Claim 6 was, in fact,  
15 obvious.

16 So, I'm on Slide Number 9, and we've outlined what we see as, sort  
17 of, the disputes in this proceeding. As I mentioned a little bit ago, we think  
18 there are largely no disputes that remain, with respect to Claims 1 through 5,  
19 or at least no disputes, that it's changed since the Institution Decision. We  
20 feel that the record is pretty consistent throughout and there's nothing that's  
21 really changed there.

22 And so, we would submit that the record evidence for these claims,  
23 including the un rebutted testimony of Petitioner's expert, Dr. Shealy, shows  
24 that these claims are obvious.

25 In my opening, my plan is to briefly touch on the first two disputes,  
26 which concern the LEDs themselves, in particular, the structural makeup of

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