

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEOUL SEMICONDUCTOR CO., LTD.,
SEOUL SEMICONDUCTOR, INC. and
EVERLIGHT ELECTRONIC CO., LTD.,
Petitioners,

v.

DOCUMENT SECURITY SYSTEMS, INC.,
Patent Owner.

Case IPR2018-00522¹
Patent 7,524, 087 B1

Record of Oral Hearing
Held: April 4, 2019

Before SALLY C. MEDLEY, SCOTT C. MOORE, and
BRENT M. DOUGAL *Administrative Patent Judges*.

¹ Everlight Electronics Co., Ltd., which filed a Petition in IPR2018-01226, has been joined as a petitioner in this proceeding.

Case IPR2018-00522
Patent 7,524, 087 B1

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 Thursday, April 4, 2019, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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2 JUDGE MEDLEY: Mr. Murphy?

3 REPORTER: Yes, Your Honor.

4 JUDGE MEDLEY: Are you ready to go?

5 REPORTER: Yes, Your Honor.

6 JUDGE MEDLEY: Okay. Let's get started then.

7 THE REPORTER: Thank you.

8 JUDGE MEDLEY: Good afternoon. This is the hearing for IPR
9 2018-00522 Seoul Semiconductor, et al, v. Document Security Systems. At
10 this time, we'd like the parties to please introduce counsel for the record,
11 beginning with the Petitioner.

12 MR. EISENBERG: Michael Eisenberg of Holland and Knight on
13 behalf of the Petitioner.

14 JUDGE MEDLEY: Okay. Thank you, Mr. Eisenberg. And for
15 Patent Owner?

16 MR. HELGE: Good afternoon, Your Honor. My name is Wayne
17 Helge for the Patent Owner and with me at counsel's table is Mr. James
18 Wilson also of record in this case.

19 JUDGE MEDLEY: Okay. Thank you, Mr. Helge.

20 Each party has 30 minutes total time to present your arguments.
21 Petitioner, you'll proceed first to present your case with respect to the
22 challenged claims and grounds for which the Board instituted trial, and you
23 may reserve some of your argument time to respond to arguments presented
24 by Patent Owner. And then Patent Owner you'll respond to Petitioner's
25 presentation and you may reserve argument time for sur-rebuttal. Are there

1 any questions as to what are presentations?

2 MR. EISENBERG: No, Your Honor.

3 MR. HELGE: No, Your Honor.

4 JUDGE MEDLEY: Okay. Petitioner, do you wish to reserve time for
5 rebuttal?

6 MR. EISENBERG: Your Honor, I'd like to reserve 10 minutes.

7 JUDGE MEDLEY: Okay. And I would just warn you that you
8 should probably keep track of it because I'm -- you're responsible. Okay.
9 Thank you. And then Patent Owner would you like to reserve time for sur-
10 rebuttal?

11 MR. HELGE: Yes, Your Honor. Please. Two minutes.

12 JUDGE MEDLEY: Two minutes. Okay. And again, you need to
13 kind of keep track of the time.

14 So I'd like to remind the parties that this hearing is open to the public
15 and the transcript will be entered into the public record of the proceeding,
16 which I don't think is an issue in this case. And as you can see, we have two
17 remote judges, Judge's Dougal and Moore. Actually, the name plates are
18 backwards so the person on the right is Judge Moore and the person on the
19 left is Judge Dougal. And they cannot see the slides so when you put up the
20 slides, as you know, you have to say which of your slides you're on so that
21 they know, so they can follow along. So with that having been said, let's get
22 started with the Petitioner.

23 MR. EISENBERG: Thank you, Your Honor. So given the amount of
24 time that the parties have provided and decided that is proper for this
25 proceeding, I think two things that I would like to do. One, is to address any
26 questions that any of the judges have about the papers, the arguments, the

1 issues. I want to make sure that those are all addressed.

2 Beyond that, I think the focus of my presentation today, and my
3 prepared remarks, and the slides, is really on the issue of peripheral sidewall.
4 And both, importantly, how that term has been applied in this proceeding
5 and the evidence in support of Petitioner's position that both of the central
6 prior art references here disclose that element.

7 To move into my presentation, I'm now on Slide 8. This is just a
8 transition into what I'd like to discuss today. On Slide 9, I have prepared a
9 slide that shows what we have from the Board's initial decision instituting
10 and what we have is what is now the undisputed construction of the term
11 "peripheral sidewall." The Board said and the parties have now agreed that
12 a peripheral sidewall is a feature having a wall-like appearance arranged at
13 the periphery of the reflector housing; that's the construction.

14 The Board also left a question open for the parties to address. That
15 question is addressed on Slide 10, and the issue that the Board asked for
16 further information on is what does it mean for the peripheral sidewall to
17 extend between the end faces of the housing.

18 Moving onto Slide 12, the Patent Owner was the first to respond on
19 this issue in their reply -- in their response. And what the Patent Owner said
20 was we agree with the same construction that the Board applied. That it is
21 simply a wall-like feature that appears at the periphery of the reflector
22 housing, exactly as the Board had said. They said also, that that feature has
23 to extend between the first and second end faces of the reflector housing.
24 That was precisely the language that the Board asked for further information
25 on so, in essence, what the Patent Owner said is that additional language
26 should be given its plain and ordinary meaning. That position is also

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