

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. IPR2018-00965

U.S. Patent No. 7,919,787

**NICHIA CORPORATION'S RESPONSE TO EVERLIGHT
ELECTRONICS CO., LTD.'S MOTION FOR JOINDER**

Pursuant to the Board’s Order dated September 18, 2018 (Paper No. 7 in IPR2018-01260; Paper No. 13 in IPR2018-00965), Nichia Corporation (“Nichia”) respectfully submits this response to Everlight Electronics Co., Ltd.’s (“Everlight”) Motion for Joinder of Everlight’s *Inter Partes* Review of U.S. Patent No. 7,919,787 (“the ’787 patent”), Case No. IPR2018-01260 (“the Everlight IPR”), with Nichia’s *Inter Partes* Review of the ’787 patent, Case No. IPR2018-00965 (“the Nichia IPR”).

Since the Board’s Order granting permission for Everlight to file its motion to join the Nichia IPR, the Board has granted Everlight’s substantively identical motions for joinder, including in Case Nos. IPR2018-01225, IPR2018-01226, and IPR2018-01244, each of which involved patents owned by the same Patent Owner of the ’787 patent, Document Security Systems, Inc. (“DSS”). (Paper No. 14 in IPR2018-01225; Paper No. 15 in IPR2018-01226; Paper No. 15 in IPR2018-01244.)

Accordingly, although Nichia maintains that joinder is inappropriate here because Nichia and Everlight are direct competitors and often have diverging interests, Nichia respects the Board’s recent decisions, and thus, does not oppose Everlight’s joinder request.

Dated: October 12, 2018

/Patrick R. Colsher/

Patrick R. Colsher (Reg. No. 74,955)

Shearman & Sterling LLP

599 Lexington Ave

New York, NY 10022

Tel: (212) 848-7708

Fax: (646) 848-7708

Email: patrick.colsher@shearman.com

Lead Counsel for Petitioner

Nichia Corporation

Certificate of Service

The undersigned hereby certifies that the foregoing document, NICHIA CORPORATION'S RESPONSE TO EVERLIGHT ELECTRONICS CO., LTD.'S MOTION FOR JOINDER, was served on October 12, 2018, via electronic mail upon the following:

Wayne M. Helge
Email: whelge@dbjg.com

James T. Wilson
Email: jwilson@dbjg.com

Aldo Noto
Email: anoto@dbjg.com

Counsel for Document Security Systems, Inc.

John Rabena
Email: jrabena@sughrue.com

William Mandir
Email: wmandir@sughrue.com

Counsel for Everlight Electronics Co., Ltd.

/Patrick R. Colsher/
Patrick R. Colsher (Reg. No. 74,955)
Shearman & Sterling LLP
599 Lexington Ave
New York, NY 10022
Tel: (212) 848-7708
Fax: (646) 848-7708
Email: patrick.colsher@shearman.com

*Lead Counsel for Petitioner
Nichia Corporation*