

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

DOCUMENT SECURITY SYSTEMS, INC.,
Appellant

v.

**SEOUL SEMICONDUCTOR CO., LTD., SEOUL
SEMICONDUCTOR, INC., CREE, INC.,**
Appellees

**ANDREI IANCU, Director, U. S. Patent and Trade-
mark Office,**
Intervenor

2019-2281

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Nos. IPR2018-
00333 and IPR2018-01205.

ON MOTION

Before O'MALLEY, CHEN, and STOLL, *Circuit Judges*.
O'MALLEY, *Circuit Judge*.

O R D E R

Document Security Systems, Inc. moves to vacate the decision of the Patent Trial and Appeal Board and remand for further proceedings in light of *Arthrex, Inc. v. Smith & Nephew, Inc.*, 941 F.3d 1320 (Fed. Cir. 2019). The appellees oppose. The Director of the United States Patent and Trademark Office intervenes and opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The Director is added as intervenor. The revised official caption is reflected above.

(2) The motion to vacate and remand is granted. The Patent Trial and Appeal Board's decision is vacated, and the case is remanded to the Board for proceedings consistent with this court's decision in *Arthrex*.

(3) Each side shall bear its own costs.

FOR THE COURT

January 23, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court