

NOTE: This disposition is nonprecedential.

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

DSS, INC.,
Plaintiff-Appellant

v.

**NICHIA CORPORATION, NICHIA AMERICA
CORPORATION,**
Defendants-Appellees

2024-2122

Appeal from the United States District Court for the
Central District of California in No. 2:19-cv-08172-JVS-
JEM, Judge James V. Selna.

Decided: March 9, 2026

MATTHEW J. SMITH, Remenick PLLC, Edwards, CO, argued for plaintiff-appellant. Also represented by JAMES REMENICK; CHRISTOPHER B. MEAD, Schertler Onorato Mead & Sears LLP, Washington, DC; KARIN G. PAGNANELLI, Mitchell Silberberg & Knupp LLP, Los Angeles, CA.

THOMAS R. MAKIN, Allen Overy Shearman Sterling US LLP, New York, NY, argued for defendants-appellees. Also

represented by DAVID JEFFREY COOPERBERG, ERIC
SEBASTIAN LUCAS, ADI WILLIAMS.

Before HUGHES and CUNNINGHAM, *Circuit Judges*, and
BURROUGHS, *District Judge*.¹

PER CURIAM.

The judgment is *affirmed* on the ground that the as-
serted claims (claims 1–8 and 11 of United States Patent
No. 6,879,040) are invalid as indefinite under 35 U.S.C.
§ 112.

AFFIRMED

¹ Honorable Allison D. Burroughs, District Judge,
United States District Court for the District of Massachu-
setts, sitting by designation.