

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND THE APPEAL BOARD

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JIAWEI TECHNOLOGY (HK) LTD., JIAWEI TECHNOLOGY (USA) LTD., SHENZHEN JIAWEI PHOTOVOLTAIC LIGHTING CO., LTD., ATICO INTERNATIONAL (ASIA) LTD., ATICO INTERNATIONAL USA, INC., CHIEN LUEN INDUSTRIES CO., LTD., INC. (CHIEN LUEN FLORIDA), CHIEN LUEN INDUSTRIES CO., LTD., INC. (CHIEN LUEN CHINA), COLEMAN CABLE, LLC, NATURE'S MARK, RITE AID CORP., SMART SOLAR, INC., AND TEST RITE PRODUCTS CORP., Petitioner,

v.

SIMON NICHOLAS RICHMOND,  
Patent Owner

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Case IPR2014-00936  
Patent 7,196,477

**PATENT OWNER'S PRELIMINARY RESPONSE TO  
REVISED PETITION FOR *INTER PARTES* REVIEW UNDER 35  
U.S.C. § 311 *ET SEQ.* AND 37 C.F.R. § 42.100 *ET SEQ.* (CLAIMS 1  
- 29 OF U.S. PATENT NO. 7,196,477)**

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## I. Introduction

The Petition for *inter partes* review (“IPR”) in this case (referred to as the “Petition” and cited “Pet., #”) is procedurally and substantively defective. Petitioner, comprised of Jiawei Technology (HK) Ltd., Jiawei Technology (USA) Ltd., Shenzhen Jiawei Photovoltaic Lighting Co., Ltd., Atico International (Asia) Ltd., Atico International USA, Inc., Chien Luen Industries Co., Ltd., Inc. (Chien Luen Florida), Chien Luen Industries Co., Ltd., Inc. (Chien Luen China), Coleman Cable, LLC, Nature’s Mark, Rite Aid Corp., Smart Solar, Inc., and Test Rite Products Corp. (collectively “Petitioner”), seeks to cancel as unpatentable Claims 1 - 29 of U.S. Pat. No. 7,196,477 (the “477 Patent,” *see* Exhibit (“Exh.”) 1001). Petitioner, however, is statutorily barred under 35 U.S.C. § 315(a) from pursuing an IPR, because Jiawei Technology (HK) Ltd., Jiawei Technology (USA) Ltd., and Shenzhen Jiawei Photovoltaic Lighting Co., Ltd. (“Jiawei Parties”) previously jointly “filed a civil action challenging the validity of a claim of the patent,” in the U.S. District Court for the District of Delaware (Civ. Action No. 12-00154, *see* Exh. 2002) “before the date on which [the Petition] for such a review [was] filed.” 35 U.S.C. § 315(a).

On the merits, Petitioner fails to demonstrate that there “is a reasonable likelihood that [the Petitioner] would prevail with respect to at least one of the claims challenged in [the Petition].” 35 U.S.C. § 314. The newly-cited art,

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