

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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.

U.S. Patent No. 8,362,700 to Richmond.
IPR Case No. Unassigned

**PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. § 311 *ET SEQ.* AND 37 C.F.R. § 42.100 *ET SEQ.*
(CLAIMS 1–11, 13–15, 24–34, and 45–47 of U.S. PATENT NO. 8,362,700)**

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I. INTRODUCTION

Jiawei Technology (HK) Ltd.¹, Jiawei Technology (USA) Ltd., and Shenzhen Jiawei Photovoltaic Lighting Co., Ltd., Atico International (Asia) Ltd., and Atico International USA, Inc., Chien Luen Industries Co., Ltd., Inc. (Chien Luen Florida), and Chien Luen Industries Co., Ltd., Inc. (Chien Luen China), Coleman Cable, LLC², Nature’s Mark, Rite Aid Corp., Smart Solar, Inc., and Test Rite Products Corp. (collectively “Petitioner”) petitions for *inter partes* review, seeking cancellation of claims 1–11, 13–15, 24–34, and 45–47 of U.S. Patent No. 8,362,700 to Richmond (“the ’700 patent,” Ex. 1001) purportedly owned by SIMON NICHOLAS RICHMOND (“Patentee”).

The challenged claims are directed to solar powered lighting systems that “employ lighting devices to produce a variable colour.” The ’700 patent purports to be predicated on the discovery of combining variable lighting effects with a lighting assembly. As evidenced by the prior art references cited in this Petition and the Declaration of Dr. Peter W. Shackle, the connection between solar

¹ Jiawei Technology (HK) Ltd. contests that service was proper in the district court case, but in any event, the earliest possible service for any Jiawei entity listed is in Footnote 4.

² Coleman Cable, LLC was formerly Coleman Cable, Inc.

powered lights and producing variable color in lighting devices was well-known in the art at the time of the invention and obvious to combine the prior art.

In this Petition, Petitioner presents several references that render obvious the challenged claims of the '700 patent. Section VIII of this Petition summarizes the prosecution history of the '700 patent. Section XI sets forth the detailed grounds for invalidity of the challenged claims. The Declaration of Dr. Peter W. Shackle accompanies this showing. (“Shackle Decl.,” Ex. 1002).

Petitioner is reasonably likely to prevail in showing at least one of the challenged claims is not patentable, therefore, *inter partes* review of the '700 patent should be instituted.

II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8

A. Real Parties-In-Interest (37 C.F.R. § 42.8(b)(1))

Petitioner certifies that the following are real parties-in-interest: Jiawei Technology (HK) Ltd., Jiawei Technology (USA) Ltd., and Shenzhen Jiawei Photovoltaic Lighting Co., Ltd. (“Jiawei”), Ace Hardware Corp. (“Ace”), Atico International (Asia) Ltd., and Atico International USA, Inc. (“Atico”), Chien Luen Industries Co., Ltd., Inc. (Chien Luen Florida), and Chien Luen Industries Co., Ltd., Inc. (Chien Luen China) (“Chien Luen”), Coleman Cable, LLC (“Coleman”), CVS Pharmacy, Inc. (“CVS”), Lowe’s Home Centers, LLC (“Lowe’s”), Menard, Inc. (“Menards”), Nature’s Mark, Orgill, Inc. (“Orgill”), Rite Aid Corp. (“Rite

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