

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. (SHIEN LUEN FLORIDA), CHIEN LUEN INDUSTRIES CO., LTD., INC. (SHIEN LUEN CHINA), COLEMAN CABLE, LLC, NATURE'S MARK, RITE AID CORP., SMART SOLAR, INC., AND TEST RITE PRODUCTS CORP.

Petitioners

v.

SIMON NICHOLAS RICHMOND
Patent Owner

Case IPR2014-00937
Patent 8,362,700

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

TABLE OF CONTENTS

| | | |
|-------|--|----|
| I. | INTRODUCTION | 1 |
| II. | MANDATORY NOTICES UNDER 37 C.F.R. § 42.8..... | 2 |
| | A. Real Parties-In-Interest (37 C.F.R. § 42.8(b)(1))..... | 2 |
| | B. Related Matters (37 C.F.R. § 42.8(b)(2))..... | 3 |
| | C. Lead and Back-Up Counsel and Service Information (37 C.F.R. § 42.8(b)(3-4)) | 5 |
| | D. Service Information Under 37 C.F.R. § 42.8(b)(4)..... | 5 |
| III. | GROUNDS FOR STANDING (§ 42.104(a)) | 6 |
| IV. | OVERVIEW OF CHALLENGE (§ 42.104(b)) | 6 |
| V. | OVERVIEW OF THE '700 PATENT | 7 |
| VI. | PERSON OF ORDINARY SKILL IN THE RELEVANT FIELD AND THE RELEVANT TIMEFRAME | 7 |
| VII. | TECHNICAL FUNDAMENTALS OF THE CLAIMED SUBJECT MATTER..... | 8 |
| VIII. | PROSECUTION HISTORY | 8 |
| IX. | STATE OF THE ART RELATIVE TO THE '700 PATENT | 9 |
| | A. Technical Background..... | 10 |
| | B. Background of the Technology | 12 |
| | C. Summary of the Prior Art..... | 14 |
| | 1. U.S. Patent No. 5,924,784 (“Chliwnyj”) (Ex. 1005) | 14 |
| | 2. U.S. Patent Application Publication No. US 2003/0201874 A1 (“Wu”) (Ex. 1006) | 15 |
| | 3. Chinese Patent Publication No. CN 2522722Y (“Pu”) (Exs. 1007 and 1008) | 15 |
| | 4. U.S. Patent No. 6,431,719 (“Lau”) (Ex. 1010)..... | 15 |
| | 5. AU Patent App. No. 2002100505 A4 (“Richmond App. 505”) (Ex. 1011) | 16 |
| | 6. U.S. Patent No. 6,120,165 (“Shalvi”) (Ex. 1012)..... | 16 |
| | 7. Chinese Patent Publication No. CN 2541713Y (“Xu”) (Exs. 1013 and 1014) | 16 |
| X. | CLAIM CONSTRUCTION PURSUANT TO 37 C.F.R. § 42.104(B)(3) | 17 |
| XI. | UNPATENTABILITY GROUNDS..... | 18 |

| | | |
|-------|---|----|
| A. | Ground 1: Claims 1–11, 26–34, and 45–47 are rendered obvious under 103(a) by Wu in view of Chliwnyj..... | 19 |
| B. | Ground 2: Claims 13 and 15 are rendered obvious under 103(a) by Wu in view of Chliwnyj further in view of Pu | 43 |
| C. | Ground 3: Claim 14 is rendered obvious under 103(a) by Wu in view of Chliwnyj further in view of Pu further in view of Xu | 46 |
| D. | Ground 4: Claims 24 and 25 are rendered obvious under 103(a) by Wu in view of Chliwnyj further in view of Lau | 48 |
| E. | Ground 5: Claims 45 and 47 are rendered obvious under 103(a) by Richmond App. 505 in view of Shalvi..... | 50 |
| XII. | REDUNDANCY | 59 |
| | Ground 5: Richmond and Shalvi are not redundant | 59 |
| XIII. | CONCLUSION..... | 59 |
| XIV. | APPENDIX OF EXHIBITS | 61 |

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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