

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 IPR2014-00937  
Patent 8,362,700

**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  
1-11, 13-15, 24-34, AND 45-47 OF U.S. PATENT NO. 8,362,700)**

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## I. Introduction

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<sup>2</sup>, Nature's Mark, Rite Aid Corp., Smart Solar, Inc., and Test Rite Products Corp. (collectively "Petitioner"), seeks to cancel as unpatentable Claims 1–11, 13–15, 24–34, and 45–47 of U.S. Patent No. 8,362,700 (the "700 Patent," *see* Exhibit ("Exh.") 1001). The Petition for *inter partes* review ("IPR") in this case (referred to as the "Petition" and cited as "Pet., #") is substantively defective.

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 "Chliwnyj" (Exh. 1005, U.S. Pat. No. 5,924,784), "Wu" (Exh. 1006, US Pat. Pub. No. US 2003/0201874), "Pu" (Exh. 1008, Chinese Pat. Pub. No. CN 2522722Y, Translation), "Xu" (Exh. 1014, Chinese Pat. Publ. No. CN 2541713, Translation), "Lau" (Exh. 1010, US Pat. No. 6,431,719), and "AU 505" (Exh. 1011, AU Pat. App. No. 2002100505 A4), Shalvi (Exh. 1012, US Pat. No. 6,120,165), is either less material than or cumulative of the prior art cited during the original prosecution and none of this newly-cited art

discloses, among other claimed elements, **“ramp up and ramp down intensity of light emitted over time by said at least two light sources to produce a color changing cycle of more than two colors”** of Claims 1 and 46 and **“to vary the perceived intensity of light emitted over time by said at least two electrical light sources to produce a [continuous] color changing cycle of more than two colors”** of Claims 45 and 47 (Claim 47 includes the term in brackets “continuous.”) referred to here as the “700 Varying Color Limitations.” In fact, Shalvi (Exh. 1012) relied upon by Petitioner is the self-same prior art cited during the original prosecution. In many instances, the newly-cited prior art, including Chliwnyj, Wu and others, is relied upon for the same features as the originally cited prior art and frequently so admitted by Petitioner.

As to limitations requiring “an activation sub-circuit to provide power to said light sources only at low light levels” of Claims 1 and 45 – 47 and their dependents (challenged in Grounds 1 – 5); an accessible “user operated switch” of Claim 3 (Ground 1) and Claim 45 (Ground 5); a “light sub-circuit [that] delivers electric power so that said at least two light sources produce a constant color” of Claim 13 and a “first switch being operable to select a constant color” of Claim 15, each challenged in Ground 2; and “said at least two light sources compris[ing] at least a diode that emits red light and a diode that emits blue light” of Claim 24 and a further “diode that emits green light” of Claim 25, the newly-cited prior art is

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