

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. 7,429,827 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 24–35 of U.S. PATENT NO. 7,429,827)**

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))..... 5

IV. OVERVIEW OF CHALLENGE (§ 42.104(b))..... 6

V. OVERVIEW OF THE '827 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 '827 PATENT..... 9

 A. Technical Background 9

 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) 14

 3. Chinese Patent Publication No. CN 2522722Y (“Pu”) (Exs. 1007 and 1008) 15

 4. U.S. Patent No. 7,064,498 (“Dowling”) (Ex. 1010) 15

 5. U.S. Patent No. 6,431,719 (“Lau”) (Ex. 1011)..... 15

 6. Australian Patent App. No. AU 2002100505 A4 (“Richmond App. 505”) (Ex. 1012) 15

 7. U.S. Patent No. 6,120,165 (“Shalvi”) (Ex. 1013) 16

X. CLAIM CONSTRUCTION PURSUANT TO 37 C.F.R. § 42.104(B)(3) 16

XI. UNPATENTABILITY GROUNDS..... 17

A.	Ground 1: Claims 24–26 are rendered obvious by Chliwnyj in view of Wu further in view of Pu and further in view of Dowling.....	18
B.	Ground 2: Claims 27–29 and 31–35 are rendered obvious by Chliwnyj in view of Wu.....	31
C.	Ground 3: Claim 30 is rendered obvious by Chliwnyj in view of Wu further in view of Lau.....	43
D.	Ground 4: Claims 27 and 35 are Obvious by Richmond App. 505 in view of Shalvi.....	45
XII.	REDUNDANCY	52
	Ground 4: Richmond App. 505 and Shalvi are not redundant	52
XIII.	CONCLUSION	53
XIV.	APPENDIX OF EXHIBITS.....	55

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 24–35 of U.S. Patent No. 7,429,827 to Richmond (“the ’827 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 ’827 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 '827 patent. Section VIII of this Petition summarizes the prosecution history of the '827 patent. Section XI sets forth the detailed grounds for invalidity of the challenged claims. This showing is accompanied by the Declaration of Dr. Peter W. Shackle. (“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 '827 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., Smart

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