

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

IPR Case No.: IPR2014-00938

**PATENT OWNER'S MOTION FOR OBSERVATION REGARDING
CROSS-EXAMINATION OF DR. PETER W. SHACKLE**

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Alexandria, VA 22313-1450

Patent Owner moves for observation regarding the cross-examination of Dr. Peter W. Shackle, the reply declarant of Petitioner. Dr. Shackle's second deposition in this proceeding was taken on August 14, 2015 and the transcript is filed as Exhibit 2064 and cited as "2064, [page]:[line]."

Observation #1:

In Exhibit 2064, at 25:10-14 and 27:19-21, Dr. Shackle testified that:

25: 10 Q. Dr. Shackle, I have a lighting element [Ex. 2085] that has
11 a multicolored feature.

12 A. Isn't that beautiful.

13 Q. That look like a flame to you?

14 A. No, it doesn't.

27:19 Q. What about if I change to multicolored lights [Ex. 1064]?

20 A. That's pushing it, but every other single color

21 reminds me of a flame.

This testimony is relevant to Petitioner's reply argument on page 23, lines 11 – page 24, line 6 referring to Ex. 1047, ¶ 71. This testimony is relevant because it rebuts Petitioner's argument that "while the perception of the flame may vary somewhat if different LED colors are used, the waveforms will still be reproduced by the microprocessor" (Reply, page 23, lines 15-16) and "a POSA would have known to use the [multicolor] LEDs of Lau (Ex. 1011) in Chliwnyj," since doing so makes it look unlike a flame.

Dated: August 19, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on August 19, 2015, a copy of the **PATENT OWNER'S MOTION FOR OBSERVATION REGARDING CROSS-EXAMINATION OF DR. PETER W. SHACKLE** was served on Lead and Backup Attorneys for Petitioner, via the consented to method of email to the following email addresses:

mark.nelson@dentons.com, lissi.mojica@dentons.com,
kevin.greenleaf@dentons.com, daniel.valenzuela@dentons.com, and
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Respectfully submitted,

Dated: August 19, 2015

_____/Theodore F. Shiells/_____
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