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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.

IPR2014-00935 (Patent 8,089,370 B2)
IPR2014-00936 (Patent 7,196,477 B2)
IPR2014-00938 (Patent 7,429,827 B2)

Held: September 21, 2015

BEFORE: WILLIAM V. SAINDON, JUSTIN T. ARBES, and
BARRY L. GROSSMAN, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Monday,
September 21, 2015, commencing at 9:16 a.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

IPR2014-00935 (Patent 8,089,370 B2)

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1 first on their turn and the other side will get a chance to respond.

2 And all of that comes out of your 90 minutes.

3 All right. Petitioner, you'll go first. And if you wish to
4 reserve some time, you may tell me explicitly and I'll reserve it
5 for you. Otherwise whatever you have left over, you can use.

6 MR. NELSON: Good morning, Your Honors. Before
7 we start, we have copies of our presentation that we would like to
8 hand out to the bench. Is that all right?

9 JUDGE SAINDON: Sure.

10 MR. NELSON: Good morning, Your Honors. My
11 name is Mark Nelson and together with my colleague, Kevin
12 Greenleaf, we will be representing petitioners today. I'm going to
13 speak on the 936 and 938 IPRs and my colleague, Kevin, is going
14 to speak on the 935 IPR. With me as well are Juanita DeLoach
15 and Lissi Mojica, who are colleagues and also representing
16 petitioners.

17 We would like to reserve 30 minutes for rebuttal. And
18 Juanita will be trying to keep time, but if Your Honors wouldn't
19 mind telling me when I was at 50 minutes, I would greatly
20 appreciate it.

21 And so turning to the issues at hand here, and Your
22 Honors wanted to focus, if I understood correctly, on the
23 light-sensitive switch issue and also on the level of ordinary skill
24 issue, and then we'll probably touch on some other things.

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1 I have got -- let me go to slide 12 here. So just to orient
2 the Court a little bit with respect to the claim language and I have
3 got them up on the boards here too, the board with the '477
4 patent. Claim 1 is also slide 97 and I have slide 12 here. And as I
5 think the Board maybe recognizes, the dispute here is really
6 severalfold but there's a dispute whether the art teaches the
7 light-sensitive switch that renders the circuit operative at low
8 light level. Petitioners say that it does; patent owner says that it
9 doesn't. And there's a dispute as to level of skill in the art and
10 then there's also some disputes relating to motivations to
11 combine.

12 It's really highlighted in the claim language here. The
13 language that's really disputed here is the switch issue, whether to
14 be motivated to combine -- we have been calling it the Chliwnyj
15 reference. I think patent owner calls it Chliwnyj. So we may
16 have a verb problem here.

17 JUDGE SAINDON: We have been calling it Clooney.

18 MR. NELSON: So the issues with claim 1 and really
19 the independent claim 20 as well for the '477 patent are would
20 you combine the Chliwnyj reference with the various switch
21 references. And then dependent claims 2 and 21 have the
22 light-sensitive switch issue.

23 I do note that there's been a certificate of correction
24 issued on the '477 patent. This slide doesn't reflect that language.

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