

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

Case IPR2015-TBD
Patent 7,429,827

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,429,827
(CLAIMS 31–34)**

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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 under 35 U.S.C. §§ 311–312 and 37 C.F.R. § 42.100–106, 108 of Claims 31–34 of U.S. Patent No. 7,429,827 ("the '827 Patent") (Exhibit 1101). The '827 Patent issued on September 30, 2008, to Richmond. The '827 Patent is purportedly owned by SIMON NICHOLAS RICHMOND ("Patentee").

This petition proposes one ground that matches a ground in IPR2014-00938, but adds claims 31–34 to that ground. This petition uses the same ground to provide substantially different arguments demonstrating that, despite the patent owner's unforeseeable construction of "*continuous color changing cycle*," the prior

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 FN 4.

² Coleman Cable, LLC was formerly Coleman Cable, Inc.

art teaches this limitation under any construction. '938 IPR, paper 20 at 17. Under the patent owner's construction, a cycle implies a perceptible pattern that happens and can happen again. *Id.* at 16. The Petitioner could not have foreseen the Board requiring construction of a term that was never in dispute between the parties, and the Board should have instead applied its plain and customary meaning. Therefore, in view of the unanticipated importance of the term "*color changing cycle*," the petitioner asks the Board to consider how the substantially different arguments presented in this petition demonstrate a reasonably likelihood of prevailing on claims 31–34.

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 Solar, Inc. ("Smart Solar"), Test Rite Products Corp., True Value Company ("True

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