

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ONE WORLD TECHNOLOGIES, INC.,  
d/b/a TECHTRONIC INDUSTRIES POWER EQUIPMENT,  
Petitioner,

v.

CHERVON (HK) LIMITED,  
Patent Owner.

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PGR2020-00061  
Patent 10,524,420 B2

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Before LINDA E. HORNER, JAMES J. MAYBERRY, and  
ALYSSA A. FINAMORE, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION  
Denying Institution of Post-Grant Review  
*35 U.S.C. § 324*

## I. INTRODUCTION

One World Technologies, Inc., d/b/a Techtronic Industries Power Equipment (“Petitioner”) filed a Petition requesting a post-grant review of claims 1–15 of U.S. Patent No. 10,524,420 B2 (“the ’420 patent”). Paper 1 (“Pet.” or “Petition”). Chervon (HK) Limited (“Patent Owner”) filed a Preliminary Response. Paper 11 (“Prelim. Resp.”). After receiving our authorization to do so (*see* Paper 7), Petitioner filed a Motion to Update Mandatory Notices to Add Real Parties-in-Interest (Paper 8, “RPI Motion”). Patent Owner filed an Opposition to that Motion (Paper 12, “RPI Opposition”), and Petitioner filed a Reply to the Opposition (Paper 14, “RPI Reply”).

We may not authorize a post-grant review to be instituted “unless . . . the information presented in the petition filed under section 321, if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” 35 U.S.C. § 324(a).

Upon consideration of the arguments and evidence, we determine Petitioner has not shown that the ’420 patent is eligible for post-grant review. Accordingly, we do not institute a post-grant review of the Challenged Claims of the ’420 patent.

### *A. Real Parties in Interest*

In the Petition, Petitioner states it is the real party-in-interest. Pet. 4.<sup>1</sup> Patent Owner identifies itself and Chervon North America Inc., an exclusive licensee of the ’420 patent, as real parties-in-interest. Paper 4, 1.

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<sup>1</sup> In its RPI Motion, Petitioner seeks authorization to update its mandatory notices to add three real parties-in-interest without changing the filing date

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*B. Related Matters*

Both Petitioner and Patent Owner identify the following related case: *Chervon (HK) Limited v. One World Technologies, Inc.*, No. 1:19-cv-01293-LPS (D. Del. filed July 11, 2019). Pet. 4; Paper 4, 1. Petitioner identifies U.S. Patent Nos. 9,060,463 B2, 9,596,806 B2, 9,826,686 B2, 9,986,686 B2, 10,070,588 B2, 10,477,772 B2, and 10,485,176 B2 as related patents also involved in the district court litigation, and U.S. Patent No. 9,648,805 B2 as an unrelated patent involved in the district court litigation. Pet. 4. Petitioner asserts it “is filing IPRs or PGRs against all nine (9) patents.” *Id.*<sup>2</sup>

Patent Owner identifies the following administrative matters that may affect or be affected by a decision in the proceeding: IPR2020-00883, PGR2020-00059, and PGR2020-00060. Paper 4, 1.

*C. The '420 Patent*

The '420 patent, titled “Lawncare Apparatus,” issued January 7, 2020, from an application filed August 16, 2016. Ex. 1001, codes (54), (45), (22). It is a continuation of U.S. Application No. 14/048,158, filed on October 8, 2013, now U.S. Patent No. 9,888,627 (“the parent application”). *Id.* at code (63). This parent application claims foreign priority to CN 2012 1 0387914, filed October 15, 2012 (“the CN914 application”), and CN 2012 2 0602040 U, filed May 3, 2013 (“the CN040 application”). *Id.* at code (30); *see also*

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of the Petition. RPI Motion, 1 (seeking “to identify Techtronic Industries Co. Ltd., Techtronic Industries North America, Inc., and Homelite Consumer Products, Inc., as real parties-in-interest without admitting that they are, in fact, real parties-in-interest”). Because we deny the Petition for other reasons, we do not decide this motion.

<sup>2</sup> The other eight petitions are IPR2020-00883, IPR2020-00884, IPR2020-00885, IPR2020-00886, IPR2020-00887, IPR2020-00888, PGR2020-00059, and PGR2020-00060.

*id.* at 1:5–11 (providing the related application information for the '420 patent).

The invention “relates to garden tools, and more particularly to a lawncare apparatus.” Ex. 1001, 1:15–16. The '420 patent describes that a commonly used lawncare apparatus, such as a walk-behind lawnmower, provides “two ways to transport the lawnmower from a storage room to a lawn.” *Id.* at 1:26–27. The first way to transport the mower is to place the four wheels on the ground and push or pull the mower, and the second way is to lift the mower from the ground. *Id.* at 1:27–30. The '420 patent describes that the first way requires a large storage room and the second way requires a lightweight mower. *Id.* at 1:30–32. The '420 patent aims to “improve operating comfort of the operator, reduce volume of the lawncare apparatus during transporting and/or storage, and further improve convenience of transporting.” *Id.* at 1:38–41.

Figure 1, reproduced below, illustrates an isometric view of a lawncare apparatus where the operating arm of the apparatus is folded. Ex. 1001, 2:11–14.

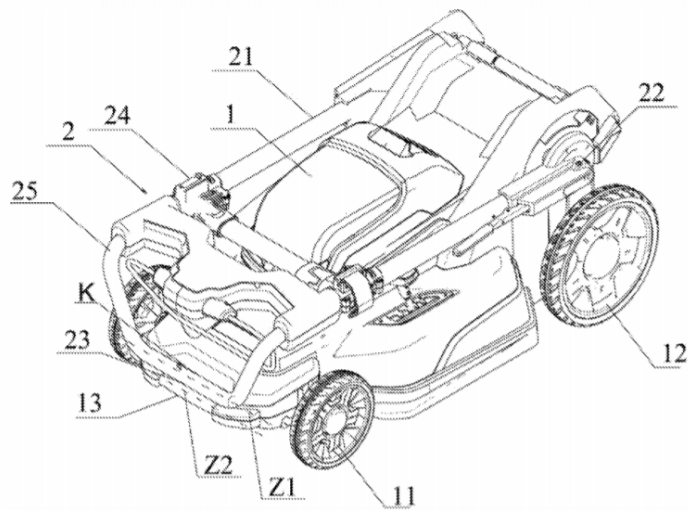


Fig.1

Figure 1 illustrates a hand push lawnmower having main body 1, first pair of wheels 11 and second pair of wheels 12 supporting main body 1, and operating arm 2. Ex. 1001, 2:31–42. Operating arm 2 includes inner pipe 25 and outer pipe 21. *Id.* at 3:24–25. Inner pipe 25 includes cylindrical gripping portion 23. *Id.* at 2:47–48. “[O]uter pipe 21 is rotatably connected to the rear end of . . . main body 1 by pivot shaft 22.” *Id.* at 3:25–27. The other end of outer pipe 21 includes pipe sleeve 24. *Id.* at 3:27–28. The front end of main body 1 includes elongated handle 13. *Id.* at 2:43–45. According to the ’420 patent, “when the operating arm 2 is at the folded position, the user can grip both the gripping portion 23 and the cylinder-shaped handle 13 conveniently.” *Id.* at 2:65–67.

The ’420 patent describes that “[w]hen the lawnmower is stored, the lawnmower stands uprightly for storing in a storage room and the operating arm 2 is folded and only the second wheels 2 [sic 12] are supported on the supporting surface F.” Ex. 1001, 3:65–4:1. The lawncare apparatus can be

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