

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**CHERVON (HK) LIMITED,
CHERVON NORTH AMERICA INC.,**

Plaintiffs,

v.

**ONE WORLD TECHNOLOGIES, INC.,
TECHTRONIC INDUSTRIES CO.
LTD.,**

Defendants.

C.A. No. 19-1293-LPS

JURY TRIAL DEMANDED

DEFENDANTS' INITIAL INVALIDITY CONTENTIONS

I. INTRODUCTION

Pursuant to Paragraph 4(d) of the Delaware Default Standard for Discovery, Defendants One World Technologies, Inc. and Techtronic Industries Co. Ltd. (“Defendants”) submit their initial invalidity contentions with respect to the asserted claims identified by Plaintiffs Chervon (HK) Ltd. and Chervon North America Inc. (“Plaintiffs”) in their February 21, 2020 Initial Infringement Contentions (“infringement contentions”) as to U.S. Patent Nos. 9,060,463 (“the ’463 patent”); 9,596,806 (“the ’806 patent”); 9,826,686 (“the ’26686 patent”); 9,986,686 (“the ’86686 patent”); 10,070,588 (“the ’588 patent”); 9,648,805 (“the ’805 patent”); 10,477,772 (“the ’772 patent”); 10,485,176 (“the ’176 patent”); and 10,524,420 (“the ’420 patent”) (the “asserted patents”).¹ With respect to the asserted claims and based on their investigation to date, Defendants: (1) identify each item of prior art that anticipates or renders obvious each asserted

¹ Plaintiffs’ infringement contentions assert ’463 patent, claims 1-3 and 12-13; ’806 patent, claims 1-4, 6-9, and 11-13; ’26686 patent, claims 1-20; ’86686 patent, claims 1-20; ’588 patent, claims 1-12, 15-17, and 19-21; ’805 patent, claim 1; ’772 patent, claims 1-11 and 16-18; ’176 patent, claims 1-16 and 19-30; and ’420 patent, claims 1-2 and 6-15 (the “asserted claims”)—a total of 129 asserted claims.

claim; (2) specify whether each item of identified prior art anticipates or renders obvious (either alone or in combination) each asserted claim; (3) submit charts identifying where in each item of prior art each limitation of each asserted claim is found; and (4) identify grounds of invalidity based on 35 U.S.C. §§ 101 and 112 for certain of the asserted claims.

II. RESERVATION OF RIGHTS

Defendants' invalidity contentions are subject to amendment and/or revision in light of Defendants' ongoing investigation and discovery into the prior art, the defenses asserted by Defendants, the Court's claim construction rulings, and/or expert discovery. Discovery is not complete, and Defendants' search for and analysis of prior art is ongoing. Defendants also reserve the right to amend these contentions if Plaintiffs amend their infringement contentions and/or produce any information they should have provided with their infringement contentions. Defendants also reserve the right to contest Plaintiffs' understanding or interpretation of any claim limitations during the claim construction phase of this case, or thereafter.

Defendants' claim charts cite particular teachings, disclosures and figures of the prior art as applied the asserted claims. The cited portions are examples, and Defendants reserve the right to rely on uncited portions of the prior art, and on other publications, expert testimony, and other evidence as aids in understanding and interpreting the cited portions. Defendant's cited prior art may disclose the limitations of the asserted claims explicitly or inherently, and may be cited to show the state of the art at the relevant time. Furthermore, for each claim limitation Defendants contend is indefinite, Defendants have used their best efforts to interpret the claims to chart a given prior reference against that indefinite claim limitation.

Defendants reserve the right to contend that the asserted claims are invalid under 35 U.S.C. § 102(f) if discovery demonstrates that the named inventors did not invent the subject

matter claimed in the asserted patents. Defendants also reserve the right to challenge the asserted claims under 35 U.S.C. § 112 on any grounds, including indefiniteness, lack of written description, lack of enablement, or failure to disclose the best mode.

III. IDENTIFICATION OF PRIOR ART

Pursuant to Paragraph 4(d) of the Delaware Electronic Discovery Default Standard, Defendants identify below each item of prior art that they contend anticipate and/or render obvious each asserted claim. For each United States or foreign patent reference listed, the identification of the reference includes corresponding patents and applications filed in other countries pursuant to the Patent Cooperation Treaty. For prior art systems, the identification of the system includes the physical system and all related documentation describing that system. Additionally, for each Asserted Patent, the prior art and foreign priority references cited in the prosecution histories of the Asserted Patent, its continuations, its ancestors, and any foreign counterparts are expressly incorporated by reference herein.

A. Prior Art for the '463 Patent.

Prior Art References for the '463 Patent
Akiba - US Patent No. 4,899,446
ANSI B71.1-2012
DE 3 827 926
Funabashi - JP 2013 165676
Guoxiong - CN 201 146 132 Y
Hesson - US Patent No. 6,006,434
Hurst - US Patent Application Publication No. 2006/096135
JP-H 0584102U
Keesee - US Patent No. 3,702,016
Legendre - FR 2,780,375
Letzel - US Patent No. 4,659,884
Lindermeir - EP 2 425 700
Matsunaga - US Patent No. 8,098,036
Reichart - GB 2,386,813

Prior Art References for the '463 Patent
Scott - US Patent No. 3,230,695
CN'551 - CN 202 019 551 U
Tseng - US Patent Application Publication No. 2009/293655
Wick - US Patent No. 4,573,307

Prior Art Products or Systems for the '463 Patent
Sun Joe SB600E electric trimmer
Homelite UT41110 electric trimmer
Greenworks 21212 electric string trimmer
Earthwise CST00012 electric string trimmer
Greenworks 21052 electric string trimmer
Ryobi RY14110 electric lawn mower
Ryobi RY40100 electric lawn mower
Neuton CE6 electric lawn mower
Cub Cadet CC 500 BAT electric lawn mower
Black and Decker CM2040 electric lawn mower
Toro e-Cycler 20360 electric lawn mower
Recharge Ultralite PMLI-14 electric lawn mower
Worx WG789 electric lawn mower

B. Prior Art for the '806 Patent Family (the '806, '26686, '86686, '588, '772, and '176 Patents).

Prior Art References for the '806 Patent Family
Abe - US Patent Application Publication No. 2012/317948
Adolfsson - WO 2012/115543
Akiba - US Patent No. 4,899,446
ANSI B71.1-2012
Braun - US Patent No. 5,020,308
CN'186 - CN 102 845 186 A
CN'363 - CN 202 873 363 U
Frey - US Patent No. 1,899,564
Fujioka - US Patent No. 4,882,897
Fuku - JP 2009 034000
Fuku II - JP 2011 072211
Fuku III - JP 2013 153753
Guoxiong - CN 201 146 132 Y

Prior Art References for the '806 Patent Family
Hayashi - JP 2013 063052
Hayashi II - JP 2013 066401A
Hilchey - US Patent No. 4,476,643
Huang - CN 2009 53749Y
Jonischus - US Patent No. 5,558,210
Joseph - US Patent No. 6,698,173
Kalleicher - EP 0 047 416
Kitamura - JP-H 05284834
Kober - EP 1 543 711
Langdon - US Patent No. 5,209,051
Li - CN 202 455 826 U
Matsunaga - US Patent No. 8,098,036
Meldahl - US Patent No. 3,253,391
Milcoy - US Patent No. 3,823,291
Nakano - WO 2013/122,266
Nofel - US Patent No. 4,161,639
Nottingham - US Patent Application Publication No. 2006/075732
Oka - JP-H 0530835
Outils Moteurs - FR 2,768,300
Owens - US Patent No. 4,221,108
Park - US Patent Application Publication No. 2011/302895
Reichart - GB 2,386,813
Reichart II - DE 102004020985A1
Roelle - US Patent No. 4,753,062
Schantz - US Patent No. 3,209,887
Smith - US Patent No. 2,702,448
Takeda - EP 2 622 953
CN'817 - CN 102 523 817 A

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Greenworks 21212 electric string trimmer
Earthwise CST00012 electric string trimmer
Greenworks 21052 electric string trimmer
Ryobi RY14110 electric lawn mower

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