



## A Typical Case for Invalidation Represented by Tee & Howe

The petitioner filed an Invalidation Request for an invention in last May, which relates to a shingled solar cell module. Representing the patentee, we provided two statements of opinion in response to the Invalidation Request, and participated in the oral examination conducted in last October. One month later, The Patent Office made an Examination Decision to the Invalidation Request for declaring that **all patent rights maintains valid**.

In the process of the invalidation examination, the petitioner cited a total of 26 reference documents to request to declare all of the 36 claims (including 14 independent claims) invalidated. The Invalidation Request based on grounds that the invention does not comply with the provisions of Article 22, and Article 26, Paragraph four of *the Patent Law*, and Rule 20, Paragraph two of *Implementing Regulations of the Patent Law*.

During the preparation process, with the purpose of accurately embodying the essence and significance of inventiveness, we thoroughly studied and analyzed the technical solution of this invention and had multiple in-depth communications with the inventor and IPRs which included more than ten times of telephone conferences and emails.

Based on above analysis, we established the following important facts of this invention: the 3 reference documents relating to the first generation of the shingled solar cell and its manufacturing technique cited by the

petitioner that are closest to the prior art are all owned by the patentee. Moreover, this invention is supposed to solve the problems that appeared in the first generation. Therefore, in order to solve the problems caused by adding the conductive adhesive to the solar cell strip, the inventor adjusted the sequence of steps by adding the conductive adhesive to chips first and then divided into solar cell strip instead of the steps in the prior art by dividing the chips and then adding conductive adhesive to the divided solar cell strip. In this way, the patentee solved the main technical problems of mass production in the first generation and highly increased yield of the solar cells, which is very useful for assembly line work.

In the process of statement and oral proceeding, based on the above important facts, we refuted the statement of lacking inventiveness in claims.

Especially in the process of oral proceedings, firstly, our attorneys tried to clearly and briefly introduce the above-mentioned important facts of the invention, so that the Examiner could not only understand the technical solution accurately but also understand the significance of the inventiveness. At the stage when our attorneys briefly introduced the technical solution of the invention, the petitioner raised several objections. Though the petitioner did not elaborate on the objection points and did not point out the reasons for invalidation, we realized that these three points seemed to be the petitioner's point of attack. Therefore, we conducted a strong refutation and detailed analysis, combining physical object of invention to display. Secondly, we

refuted invalid reasons put forward by the petitioner one by one. Although at this stage, the petitioner made specific statement that were not presented in the written opinions, but which all fell within our preparation, so that we conducted a strong refutation. In view of this,

since we had clearly explained the technical solution in combination of physical object of invention before, finally the Examiner accepted our point of views and made the examination decision to maintain all patent rights in valid.

From the above process, it indicates that our attorneys dug into the technical solution and grasped the essences of this invention, which is the key to handle patent examination, invalidation examination and other substantive issues. On this basis, with the extensive experience of our attorneys and the accurate understanding of the petitioner's real intention, we effectively demonstrated the technical improvement of the subject invention and immediately obtained the approval of the Examiner.



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Ms. Zhang has obtained an M.S. degree in Control Science and Engineering from Beijing Institute of Technology.

Ms. Zhang joined Tee & Howe in 2013. She specializes in patent drafting, prosecution, reexamination and invalidation with a profession in the field of circuit, semiconductor, apparatus, package, etc.

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