

WALMART’S INITIAL INVALIDITY CONTENTIONS¹

Exhibit D – Japanese Patent No. JPU11989061370 (“Yang”); Yang in view of U.S. Patent No. 4,779,635 (in view of 1,449,894 (“Dial”); Yang in view of 1,502,898 (“Berg”) Prior Art Under 35 U.S.C. § 102 a

The following chart identifies prior art that anticipates under 35 U.S.C. § 102, or those disclosures can be obvious under 35 U.S.C § 103, asserted claims 1-3 of U.S. Patent No. 5,944,040 (“the ’040 Patent”).

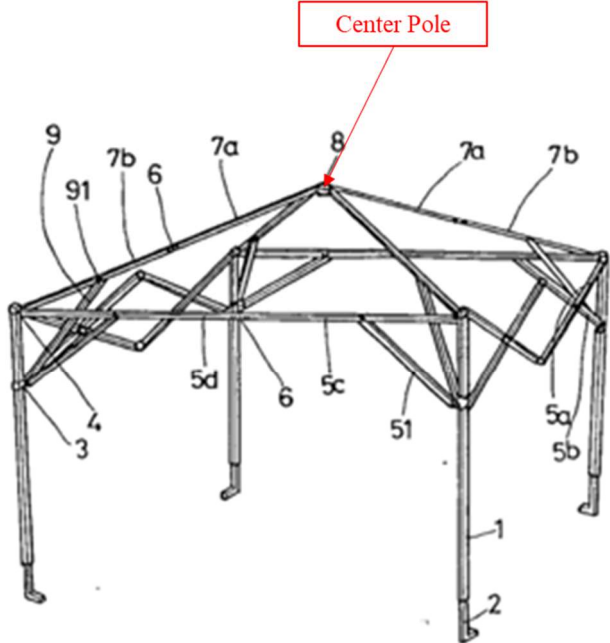
- The application that published as Yang was filed on October 15, 1987 and was published on April 19, 1990 and qualifies as prior art at least under pre-AIA 35 U.S.C. § 102(b).
- The application that matured into Lynch was filed on August 26, 1987 and published on October 25, 1988 and qualifies as prior art at least under pre-AIA 35 U.S.C. § 102(b).
- The application that matured into Dial was filed on July 10, 1920 and published on March 27, 1923. The application qualifies as prior art at least under pre-AIA 35 U.S.C. § 102(b).
- The application that matured into Berg was filed on January 12, 1924 and published on July 29, 1924. The application qualifies as prior art at least under pre-AIA 35 U.S.C. § 102(b).

Defendant serves additional charts at Exhibits A, B, C, E, and F, identifying prior art that, combined with one or more of the references below, also renders obvious the asserted claims.

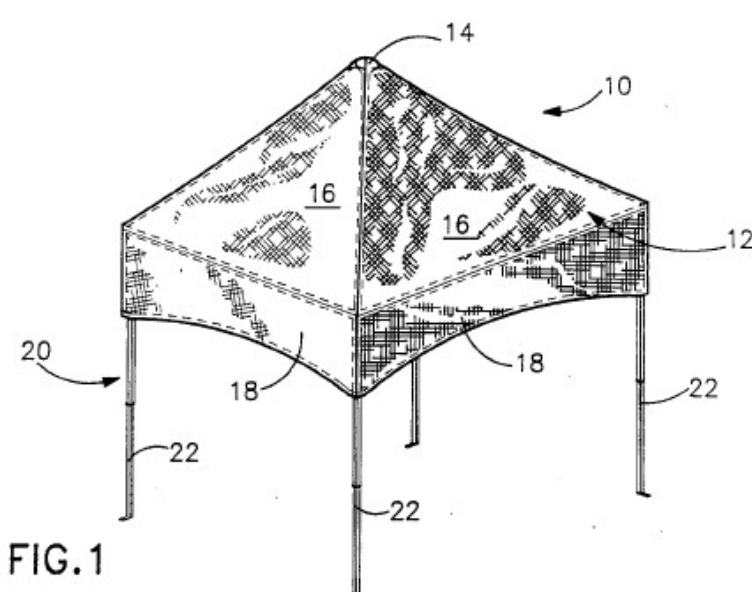
Claim No.	Claim Element	Exemplary Citations to Prior Art References
1a	A collapsible tent frame, comprising;	<p>To the extent the preamble is limiting, Yang discloses a collapsible tent frame (instant frame).</p> <p>Yang claims: “A telescopic instant frame assembled building structure extending and contracting, configured....” Yang, p. 1.</p> <p>Yang discloses “[t]he present invention relates to a telescopic building structure that is instantaneously assembling and folding a frame, and is particularly constructed of using side bars, rooftop support bars, and the like mutually linked to</p>

¹ Defendant Walmart Inc.’s Contentions herein are based on its present understanding of the Asserted Claims and its present understanding of the claim construction positions Caravan Canopy International, Inc. (“Caravan”) appears to be asserting in its Infringement Contentions, even though Defendant does not agree with such claim constructions.

Claim No.	Claim Element	Exemplary Citations to Prior Art References
		<p>body and moving joint method to be configured to be angle rotatable at further configured such that the building structure is capable of quickly contracting; and controlled with the length of the rooftop support bars a configured to be capable of forming a naturally sloped roof without req support bars in the center thereof when they form the building structure configured to separately use a clever side bar support conversion metho raising the height of the location of the entrance/exit, making entrance convenient, and making greater use of the space at the location of the e 3-4.</p>
1b	<p>a center pole constructed for stretching and sustaining a tent's roof when a tent is pitched with the tent frame;</p>	<p>Yang discloses a center pole (roof bearing beam shaft 8) constructed for sustaining a tent's roof when a tent is pitched with the tent frame.</p> <p>Yang discloses "the present invention is composed of a plurality of mar (1), side bars (5), lower moving support bar shaft bodies (3), upper fixe bodies (4), roof support bars (7), iron groove joints (6), roof frame push roof bearing beam shaft (8)...." Yang, p. 8.</p> <p>Yang also discloses "the roof portion is composed of roof support bars roof frame push-up bar (9), the roof support bars (7a) and (7b) are linke (6), the front and back ends are respectively fixed to a roof frame fixed central roof beam bearing (8), the other ends are fixed on the roof supp piece (41) of the upper fixed support bar shaft body (4), the center of th (8) is round or another shape, and a plurality of roof support shaft fixe FIG. 18) is provided around it." Yang, p. 9; Figs. 4-6, 18; Claim 1.</p> <p>If this term is determined to be a means-plus-function element, the corr for performing the claimed function is the roof bearing beam shaft 8. S Yang p. 9; Figs. 4-6, 18; Claim 1. Alternatively, the corresponding stru the claimed function is the roof bearing beam shaft 8 and the roof supp See, e.g., Yang, p. 8; Yang, p. 9; Figs. 4-6, 18; Claim 1.</p>

Claim No.	Claim Element	Exemplary Citations to Prior Art References
		 <p data-bbox="1003 1413 1170 1455">Fig. 6</p> <p data-bbox="716 1524 1624 1845">To the extent Yang does not disclose “a center pole constructed for strengthening a tent’s roof when a tent is pitched with the tent frame,” Lynch discloses a person of ordinary skill in the art would have been motivated to combine Yang with the teachings of Lynch. For example, Yang’s roof bearing beam is modified to include Lynch’s extended apex portion 50. This modification is more than a simple substitution of one known element for another to yield products that collapse the canopy frame. Lynch and Yang are both directed to collapse products in the same industry. It would have been obvious to modify the central shaft 8 to increase head room, reduce canopy sag, and be easier to unfold.</p>

Claim No.	Claim Element	Exemplary Citations to Prior Art References
		<p>p. 5; Lynch, 1:57-62; 2:15-18.</p> <p>Lynch discloses a center pole (apex portion 50) constructed for stretch tent's roof when a tent is pitched with the tent frame. <i>See, e.g.</i>, Lynch, 5:67-6:3; 6:31-35; Figs. 1-2.</p> <p>Lynch discloses “[a] canopy structure is provided and includes framework covering. The framework unit is formed by a plurality of upright corner members and, in an erected position, extend upwardly and inwardly to one another, and they are pivotally connected to one another.” Lynch, Abstract (emphasis added).</p> <p>“The apex portion of the framework unit preferably includes a central post assembly that may be spring loaded so that it is upwardly biased against the central post assembly and canopy covering. Further, an upper end of the central post assembly may include a dome element thereby increasing the surface area of contact between the central post assembly and the covering.” Lynch, 3:57-63 (emphasis added).</p> <p>“Roof support member 40 projects radially inwardly to apex portion 50. The first end of roof support member 40 is pivotally secured to the apex portion 50 below.” Lynch, 5:67-6:3 (emphasis added).</p> <p>“As noted above, apex portion 50 is located at an end of roof support member 40 opposite corner support member 22. Apex portion 50 includes a center post assembly that includes a cross bracket 54 that provides four pairs of ears, such as ears 54a-d (emphasis added).</p> <p>If this term is determined to be a means-plus-function element, the corresponding structure for performing the claimed function is the center post assembly 50. <i>See</i> Lynch, Abstract, 5:67-6:3; 6:31-46 (“As noted above, apex portion 50 is located at an end of roof support member 40 opposite corner support member 22. Apex portion 50 includes a center post assembly 50 that includes a cross bracket 54 that provides four pairs of ears, such as ears 54a-d (emphasis added).”).</p>

Claim No.	Claim Element	Exemplary Citations to Prior Art References
		<p>post assembly 52 which includes a cross bracket 54 that provides four p ears 55. The end of inner telescoping member 42 of roof support mem pivotally connected between a pair of ears 55 by means of a pin 56, wit in an upper dog leg portion 43. Center post assembly 52 includes a pos that has a dome-shaped head 59. Upper member 58 is telescopically re member 72 that forms a housing for upper member 58 which is upward biased by means of a spring 74; however, member 58 includes as post to prevent removal from member 72.”); Figs. 2, 3. Alternatively, the co for performing the claimed function is the center post assembly 50 and members 40. <i>See, e.g.,</i> Lynch, 5:30-48 (“A plurality of roof support me provided, with each roof support member 40 extending from an upper c corner post to terminate at an apex portion 50.”); Figs. 2, 3.</p>  <p>FIG. 1</p>

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