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Attorney for Plaintiff **Caravan Canopy Int'l, Inc.**

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—SOUTHERN DIVISION**

CARAVAN CANOPY INT'L, INC.,

Plaintiff,

v.

**COSTCO WHOLESALE
CORPORATION, LOWE'S HOME
CENTERS, LLC, Z-SHADE CO.
LTD., WALMART INC.,
SHELTERLOGIC CORP., et al.,**

Defendants.

**Case No. 8:19-cv-01072-AG-ADS
Case No. 5:19-cv-01224-AG-ADS
Case No. 2:19-cv-06224-AG-ADS
Case No. 2:19-cv-06952-AG-ADS
Case No. 2:19-cv-06978-AG-ADS**

**PLAINTIFF'S PATENT
DISCLOSURES**

Pursuant to this Court's Standing Patent Rules ("SPR"), Plaintiff provides the following disclosures to Defendants.

SPR 2.1 Disclosure of Asserted Claims and Infringement Contentions

Per SPR 2.1.1, Plaintiff states that each of the following claims of the patent-in-suit—U.S. Patent No. 5,944,040 (“the ‘040 patent”—is allegedly infringed by each Defendant (including for each claim the applicable statutory subsections of 35 U.S.C. § 271 asserted):

Defendant Costco: Claims 1-3, all under 35 U.S.C. § 271(a)

Defendant Lowe’s: Claims 1-3, all under 35 U.S.C. § 271(a)

Defendant Z-Shade: Claims 1-3, all under 35 U.S.C. § 271(a)

Defendant Walmart: Claims 1-3, all under 35 U.S.C. § 271(a)

Defendant ShelterLogic: Claims 1-3, all under 35 U.S.C. § 271(a)

Per SPR 2.1.2, Plaintiff identifies the following Accused Instrumentality for each asserted claim and Defendant:

Defendant Costco: ProShade Canopy, for each asserted claim

Defendant Lowe’s: Garden Treasure for each asserted claim

Defendant Z-Shade: Quest Shelter model, for each asserted claim

Defendant Walmart: Ozark Trail, for each asserted claim

Defendant ShelterLogic: Quick Shade, for each asserted claim

Per SPR 2.1.3, attached hereto as Exhibits A-B (for Walmart and ShelterLogic; other defendants have been served with their respective infringement contentions) are charts “identifying specifically where each limitation of each asserted claim is found within each Accused Instrumentality, including, for each limitation that such party contends is governed by 35 U.S.C. § 112(6)/(f), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function, and whether each limitation of each asserted claim is alleged to be literally present or present under the doctrine of equivalents.”

Per SPR 2.1.4, Plaintiff states that the priority date allegedly applicable to each asserted claim is May 23, 1997, from the foreign filing of the Republic of Korea.

Per SPR 2.1.5, Plaintiff wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention; therefore, Plaintiff identifies as follows, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim: Caravan makes and sells the V-Series Pro 10 ft. x 10 ft. canopy which is marked by the '040 patent and practices the asserted patent and all the claims therein.

Per SPR 2.1.6, Plaintiff states as follows the present basis (prior to any discovery) for its allegation of willful infringement: Plaintiff's products were in the marketplace and have been marked with the patents. Plaintiff has had sales discussions with one or more of the Defendants while demonstrating the products.

SPR 2.2 Document Production Accompanying Disclosure

Plaintiff has or will promptly produce or make available for inspection and photocopying the items described as follows in S.P.R. 2.2.1 through 2.2.3, as follows (identifying the documents corresponding to each category by production number):

SPR 2.2.1 A copy of the file history for each patent in suit (*see* Exhibit C).

SPR 2.2.2 All documents evidencing ownership of the patent rights by the party asserting patent infringement (*see* Exhibit D).

SPR 2.2.3 If a party identifies instrumentalities under SPR 2.1.5, documents sufficient to show the operation of any aspects or elements of such instrumentalities the patent claimant relies upon as embodying any asserted claims (*see* Exhibits E).

SPR 2.3 Early Meeting of the Parties

Counsel for Plaintiff and Defendants have or will promptly exchange Fed. R. Civ. P. 26(a)(1)(A) initial disclosures and meet in person or telephonically to prepare for the scheduling conference and prepare the joint Fed. R. Civ. P. 26(f) report.

SPR 3.1 Exchange of Proposed Terms for Construction

Plaintiff provides as follows its “list of claim terms the party contends should be construed by the Court, and identify any claim term the party contends should be governed by 35 U.S.C. § 112(6)/(f):” (1) “center pole,” and (2) “collapsible at the hinge joint in accordance with a sliding motion of said slider along the side pole.” The parties shall then work to limit the terms in dispute by narrowing or resolving differences, and to jointly identify the 10 terms likely to be most significant to the case.

SPR 3.2 Exchange of Claim Constructions and Extrinsic Evidence

Plaintiff provides as follows its “proposed constructions of each term identified by either party for claim construction:”¹ See Exhibit F (Plaintiff proposes the prior constructions adopted by the court in *Int'l E-Z-Up, Inc. v. Caravan Canopy Int'l, Inc.*, Case 2:01-cv-06530-SVW-AJWX (April 16, 2002)).

¹ Each such construction shall also, for each term that any party contends is governed by 35 U.S.C. § 112(6)/(f), identify the structure(s), act(s), or material(s) corresponding to that term’s function. At the same time the parties exchange their constructions, each party shall also identify all references from the specification or prosecution history that support its proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Extrinsic evidence shall be identified by production number and by producing a copy if not previously produced. For any supporting witness, percipient or expert, the identifying party shall also provide a declaration containing that witness’ testimony regarding claim construction. The parties shall then meet and confer to narrow the issues and finalize preparation of a Joint Claim Construction and Prehearing Statement.

DATED: December 10, 2019

Respectfully Submitted,

Mahesh Law Group, PC

By: /s/ Kumar Maheshwari

Kumar Maheshwari

Attorney for Plaintiff

Caravan Canopy Int'l, Inc.

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