

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WALMART INC.,  
Petitioner,

v.

CARAVAN CANOPY INTERNATIONAL, INC.,  
Patent Owner.

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Case No. IPR2020-01026  
Patent No. 5,944,040  
Issue Date: AUGUST 31, 1999  
Title: COLLAPSIBLE TENT FRAME

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**PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Caravan Canopy International, Inc. (“Patent Owner”) hereby serves the following objections to exhibits Petitioner Walmart Inc. (“Petitioner”) served with its Petition for *Inter Partes* Review on June 1, 2020 (Paper No. 1, the “Petition”). These objections are timely as they are filed and served on December 22, 2020, which is within ten business days of the Board’s December 15, 2020, Institution Decision (Paper No. 12).

The Federal Rules of Evidence (“Rules”) apply to these proceedings pursuant to 37 C.F.R. § 42.62, and the Rules form the basis of Patent Owner’s objections as set forth below.

<b>Exhibit Number and Description</b>	<b>Objection(s)</b>
<b>1003</b> – Expert Declaration of Dr. Richard Klopp – Paragraphs 41, 44, 66, 72, 77, 79, 83, 106, 111, 112, 121, 122, 127, 128, 133, 135, 155, 159, 161, 167, 190, 191, 206, 211, 214, 223, and 226	<b>FRE 403</b> – These paragraphs of Dr. Klopp’s declaration tend to mislead the fact finder and subject Patent Owner to unfair prejudice.
<b>1003</b> – Expert Declaration of Dr. Richard Klopp – Paragraphs 41, 44, 72, 77, 79, 83, 106, 111,	<b>FRE 702</b> – These paragraphs of Dr. Klopp’s declaration are not: 1) based on sufficient facts or data; and 2) the product of reliable

112, 128, 133, 135, 155, 159, 161, 167, 190, 191, 211, 214, and 223	principles and methods.
<b>1004</b> – JP H1-61370 to Yang (translation)	<b>37 C.F.R. § 42.63(b)</b> – The affidavit fails to allege that the signatory has any knowledge of the Japanese language such that she could attest to the accuracy of the translation or that she was the individual that actually translated the subject text.

Date: December 22, 2020 By: /Kyle W. Kellar/

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## CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2020, a copy of this **PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE** have been served in their entirety today, December 22, 2020, by electronic mail to:

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Dated: December 22, 2020

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