

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WALMART INC.
Petitioner

v.

CARAVAN CANOPY INTERNATIONAL, INC.
Patent Owner

Case IPR2020-01026
Patent No. 5,944,040

DECLARATION OF DR. RICHARD W. KLOPP

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. MR. RAKE’S CONSTRUCTION OF THE DISPUTED TERMS IS INCORRECT AND LACKS BASIS	4
III. MR. RAKE’S ANALYSIS CONCERNING “FREESTANDING” VS “STRESSED” TENT FRAMES IS INCORRECT AND LACKS BASIS.....	34
IV. GROUND 1: YANG AND LYNCH.....	54
V. GROUND 2: YANG AND AAPA.....	96
VI. GROUND 3: YANG AND BERG	112
VII. GROUND 4: TSAI AND LYNCH.....	121
VIII. GROUND 5: TSAI AND AAPA.....	129
IX. GROUND 6/7: TSAI AND BERG (AND CARTER).....	140
APPENDIX A: UPDATED CV.....	149
APPENDIX B: ADDITIONAL MATERIALS CONSIDERED	159

I, Richard W. Klopp, declare as follows:

I. INTRODUCTION

1. My name is Richard W. Klopp, and I reside in Redwood City, California. I am a Principal Engineer in the Mechanical Engineering Practice at Exponent, Inc. I am over eighteen years of age, and I would otherwise be competent to testify as to the matters set forth herein if I am called upon to do so.

2. I have been retained by WALMART INC. (“Petitioner”) in connection with the above-captioned petition for inter partes review (“IPR”) of U.S. Patent No. 5,944,040 (the “’040 Patent” or “the Challenged Patent,” Ex-1001). The ’040 patent will be cited herein as “Ex. 1001” with additional column, line, and similar references to specific portions. I understand the ’040 Patent is currently assigned to CARAVAN CANOPY INTERNATIONAL, INC. (“Patent Owner”).

3. I have been asked by Petitioner to offer opinions regarding the ’040 Patent, including whether claims 1-3 (which I will refer to collectively as the “Challenged Claims”) are unpatentable because they were obvious in view of certain prior art. In addition, I have been asked to review and comment on the

opinions of Professor Lance Rank that he expressed in two declarations^{1 2} and in testimony.³ This declaration sets forth the opinions I have reached to date regarding these matters.

4. In forming my opinions, I rely on my knowledge, training, and experience in the field and on documents and information referenced in this Declaration.

5. My employer, Exponent, is being compensated by Petitioner at my standard hourly consulting rate for my time spent on this matter. Neither my nor Exponent's compensation is contingent on the substance of my opinions, on the outcome of the IPR, or on the outcome of any related dispute between Petitioner and Patent Owner.

6. Neither Exponent nor I have a conflict of interest with respect to Petitioner or Patent Owner.

7. My opinions are held to at least a reasonable degree of engineering certainty, meaning they rise to the level of at least more likely than not and are

¹ First Declaration of Lance Rake (Ex-2014).

² Second Declaration of Lance Rake (Ex-2029)

³ Deposition of Lance G. Rake, June 11, 2021 (Ex-1024)

based on logical reasoning from the evidence. I reserve my ability to offer additional opinions in other dispute venues. In addition, my opinions are based on the information available to me. If additional information becomes available, I reserve the right to supplement this declaration.

A. Background and Expertise

8. This declaration supplements the June 1, 2020 declaration that I submitted in support of the IPR petition at the head of this matter (“Klopp 2020 Declaration”). This declaration incorporates my Klopp 2020 Declaration by reference. None of my opinions expressed in that declaration have changed.

9. The patent at issue is U.S. Patent No. 5,944,040 (“the ’040 Patent”) was issued to Jung-Woo Jang on August 31, 1999. The ’040 Patent application was filed in the U.S. Patent and Trademark Office (“USPTO”) on May 21, 1998, claiming priority to a foreign patent application in the Republic of Korea filed May 23, 1997. A description of the ’040 Patent can be found in the Klopp 2020 Declaration at paragraphs 27-36.

10. My understanding of the relevant law regarding patentability is presented in the Klopp 2020 Declaration at paragraphs 10-24. I discuss my

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.