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10  
11 Attorneys for Defendant and  
Counterclaimant ShelterLogic Corp.

12  
13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

15 CARAVAN CANOPY INT'L, INC., a  
California corporation,

16 Plaintiff,

17 v.

18 SHELTERLOGIC CORP., a Delaware  
corporation; and DOES 1 through 10,  
19 inclusive

20 Defendants.  
21

22 AND RELATED CROSS-CLAIMS  
23  
24  
25  
26  
27  
28

CASE NO. 5:19-cv-01224-AG-ADS  
**consolidated with 8:19-cv-01072-AG-ADS**

Hon. Andrew J. Guilford

**INVALIDITY CONTENTIONS OF  
SHELTERLOGIC CORP**

1                                    **INVALIDITY CONTENTIONS OF SHELTERLOGIC CORP.**

2            In accordance with the Court's Standing Patent Rules ("S.P.R."), the defendant and  
3 counterclaimant, ShelterLogic Corp. ("ShelterLogic"), respectfully submits its Invalidity Contentions  
4 containing the information described in S.P.R. 2.5.1 through 2.5.4.

5            In particular, ShelterLogic contends that the claims of U.S. Patent No. 5,944,040 are anticipated  
6 by (1) Tsai, U.S. Patent No. 5,638,853 filed March 7, 1996 and issued June 17, 1997 (and/or its German  
7 counterpart DE 296 05 106 U1 published on May 23, 1996), and/or (2) Lynch, U.S. Patent No.  
8 4,947,884 issued August 14, 1990.

9            In addition, ShelterLogic contends that the claims of U.S. Patent No. 5,944,040 would have been  
10 obvious to one of ordinary skill in the art based on:

- 11            (1)    Tsai, U.S. Patent No. 5,638,853 filed March 7, 1996 and issued June 17, 1997  
12                    (and/or its German counterpart DE 296 05 106 U1 published on May 23, 1996) in  
13                    view of Lynch, U.S. Patent No. 4,779,635;
- 14            (2)    Tsai, U.S. Patent No. 5,638,853 filed March 7, 1996 and issued June 17, 1997  
15                    (and/or its German counterpart DE 296 05 106 U1 published on May 23, 1996) in  
16                    view of Lynch, U.S. Patent No. 4,947,884;
- 17            (3)    Lynch, U.S. Patent No. 4,947,884 issued August 14, 1990 in view of Tsai, U.S.  
18                    Patent No. 5,638,853 filed March 7, 1996 and issued June 17, 1997 (and/or its  
19                    German counterpart DE 296 05 106 U1 published on May 23, 1996);
- 20            (4)    Lynch, U.S. Patent No. 4,779,635 in view of Tsai, U.S. Patent No. 5,638,853 filed  
21                    March 7, 1996 and issued June 17, 1997 (and/or its German counterpart DE 296  
22                    05 106 U1 published on May 23, 1996); and/or
- 23            (5)    Lynch, U.S. Patent No. 4,779,635 in view of Lynch, U.S. Patent No. 4,947,884  
24                    issued August 14, 1990.

25            Charts identifying where specifically in each alleged item of prior art each limitation of each  
26 claim of U.S. Patent No. 5,944,040 is found, are attached hereto as **Exhibit A**. In addition, where  
27 obviousness is alleged, the charts contain an explanation as to why the prior art renders the asserted  
28 claims obvious and include an identification of the prior art combinations showing obviousness. Finally,

1 a copy of each cited prior art reference is attached as **Exhibit B**.

2 ShelterLogic respectfully reserves the right to supplement and/or amend these Invalidity  
3 Contentions based upon the discovery of additional prior art and/or unanticipated construction of the  
4 claimed invention.

5 Dated: January 21, 2020

Respectfully submitted:

6 **CARMODY TORRANCE SANDAK &  
7 HENNESSEY LLP**

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9  
10 By: /s/ John R. Horvack, Jr.

Attorneys for Defendant and Counterclaimant  
11 ShelterLogic Corp.

12 Dated: January 21, 2020

Respectfully submitted:

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17 By: /s/ David J. Farkas

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18 ShelterLogic Corp.

# EXHIBIT A

Anticipation by Tsai, U.S. Patent No. 5,638,853 and its German Counterpart

U.S. Patent No. 5,944,040	Tsai, U.S. Patent No. 5,638,853 (Issued June 17, 1997) and German Counterpart published as DE 296 05 106 U1 on May 23, 1996 ("Tsai")
Claim 1	
A collapsible tent frame, comprising:	"Tent Structure"
a center pole	<p>Tsai teaches a "head connector" (7) as depicted in FIG. 5 and 9 (2:33-36), which meets the limitation of "center pole" if this limitation is not properly construed to be limited to a "long slender cylindrical object"</p> <p>In addition, this limitation is satisfied because the Patent-in-Suit admits that prior art tents included a "center strut C" (which includes a sliding cross-shaped connector E and a fixed cross shaped connector F). (See 1:11-26 and Figs. 16 and 17)</p>
constructed for stretching and sustaining a tent's roof when a tent is pitched with the tent frame;	<p>The "head connector" (7) of Tsai is constructed to stretch and sustain the roof when the tent is pitched. (See Figs. 9, 10 and 15; and 2:33-48)</p> <p>In addition, this limitation is satisfied because the Patent-in-Suit admits that prior art tents included a "center strut C" constructed to stretch and sustain the tent's roof when pitched. (See 1:11-26 and Figs. 16 and 17)</p>
a plurality of side poles	Tsai teaches four vertical side poles 1. (1:65 to 2:2; Fig. 1)
coupled to each other through a plurality of scissor-type ribs,	Tsai teaches the vertical side poles 1 are coupled to each other by scissor type linkages 2. (2:9-13; Fig. 1)
with upper ends of said ribs being hinged to connectors provided at top ends of said side poles and	Tsai teaches that each scissor type linkage 2 has an upper end hinged to fixed connectors 5 at the top end of each side pole 1. (2:5-15; Fig. 6)
lower ends of said ribs being hinged to sliders movably fitted over said side poles; and	And Tsai teaches that each scissor type linkage 2 has a lower end hinged to sliders 6 movably fitted over the side pole 1. (2:5-15; Fig. 6)
a plurality of center pole ribs coupling said center pole to said connectors of the side poles,	Tsai also teaches four rod sets 3 that couple the "head connector" 7 to the fixed top connectors 5 of the side poles 1. (2:16-26; Fig. 7 and 9)
said center pole ribs individually comprising two rib members coupled to each other	Each rod set 3 comprises two rod members coupled to each other through a hinge joint 31. (2:16-26;

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