

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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**EX. 2014**  
**DECLARATION OF LANCE RAKE**

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## I. INTRODUCTION

1. I have been retained on behalf of Caravan Canopy International, Inc. (“Caravan” or “Patent Owner”) as an independent expert consultant to provide this Declaration concerning technical subject matter relevant to the Petition for *Inter Partes* Review of U.S. Patent No. 5,944,040 (the “’040 patent”) filed by Walmart, Inc. (“Walmart” or “Petitioner”). (Paper No. 1, “Petition” or “Pet.”).

2. I submit this Declaration to offer my expert opinion regarding the validity of the challenged claims of the ’040 patent in light of the grounds of unpatentability set forth by Walmart in its Petition.

3. I have set forth my academic and professional qualifications and relevant experience in Section II of this Declaration and have attached a copy of my curriculum vitae as Appendix A.

4. In forming the opinions I express in this Declaration, I considered the materials referenced in Appendix B and the references discussed in this Declaration. Further, I relied on my own knowledge, training, and over 40 years of experience in designing, developing, teaching, and consulting in the industrial design industry.

5. I am being compensated at my standard hourly rate. My compensation is not related in any way to the outcome of this proceeding, and I have no other interest in this proceeding. I have not been retained by either Patent

Owner or Petitioner prior to this matter.

6. It is my opinion that claims 1-3 of the '040 patent are not unpatentable in view of the grounds of unpatentability Walmart set forth in its Petition. The substance and bases of my opinions appear below.

## II. BACKGROUND AND QUALIFICATIONS

7. I am an industrial designer and a design researcher and educator. I have a Bachelor's Degree in Industrial Design from the University of Kansas, received in 1974, and a Master's Degree in Product Design from North Carolina State University, received in 1982.

8. By way of background, I've found the following excerpt from a 2004 brochure from the Industrial Designer's Society of America (IDSA) to be a helpful oversight of the field of industrial design (*emphasis added*):

*Industrial design is the profession that determines the form of a manufactured product, shaping it to fit the people who use it and the industrial processes that produce it.... Preparation for practicing Industrial Design requires a baccalaureate degree in that field. Industrial design links knowledge about technology and the visual arts with knowledge about people. In addition to a thorough understanding of the physical sciences, engineering principles, ergonomics, aesthetics, and industrial materials and processes, Industrial Designers should be well-grounded in the social sciences, such as psychology, sociology and anthropology, and the communication arts, such as photography, video, print and electronic*

*media.*

9. I have worked as an industrial designer continuously for 46 years since receiving my undergraduate degree in 1974. In 1980, I began my career as a full-time faculty member at various universities. From 1980 to 1984, I was an Assistant Professor of Industrial Design at Auburn University. From 1985 to 1986, I taught Product Design at UNITEC Institute of Technology in Auckland, New Zealand.

10. I then returned to the United States and began teaching at the University of Kansas in 1987 as an associate professor. I am presently a full professor with the University of Kansas, and my formal title is Professor of Design, School of Architecture & Design. Also while at the University of Kansas, I was the Founding and Acting Director of the Center for Design Research from 1991-2005.

11. For 16 years, from 2000-2016, I served as a design consultant to Infusion Design. My creative activity there centered on collaborative design work in the transportation and consumer products industries. As a practicing professional, I have designed commercial and consumer products, transportation interiors, packaging, and exhibits for over 80 different clients. I have been retained to create designs for softgoods including boat awnings, bags, footwear, and competitive athletic clothing, multiple consumer products, and airplane and boat

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