

1 Kumar Maheshwari (SBN 245,010)
Email: kumar@maheshlaw.com
2 **Mahesh Law Group, P.C.**
7700 Irvine Center Drive, Suite 800
3 Irvine, CA 92618
Tel: 530.400.9246

4
5 J. Curtis Edmondson (SBN 236,105)
E-mail: jcedmondson@edmolaw.com
6 **Edmondson IP Law**
3699 NE John Olsen Avenue
7 Hillsboro, OR 97124
Tel: 503.336.3769

8 Stephen M. Lobbin (SBN 181,195)
E-mail: sml@smlavvocati.com
9 **SML Avvocati P.C.**
888 Prospect Street, Suite 200
10 La Jolla, CA 92037
Tel: 949.636.1391

11 Attorney for Plaintiff **Caravan Canopy Int’l, Inc.**

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **SOUTHERN DIVISION**

16
17 CARAVAN CANOPY INT’L, INC.,

18 Plaintiff,

19 v.

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

22 Defendants.
23

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

**JOINT CLAIM CONSTRUCTION
AND PREHEARING STATEMENT**

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25 Pursuant to SPR 3.4, the parties hereto provide as follows their “Joint
26 Claim Construction and Prehearing Statement.”
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Petitioners Exhibit 1010 Patent 5,944,040
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SPR 3.4.1—Parties’ Agreed Constructions

None.

SPR 3.4.2—Each Party’s Proposed Construction of Each Disputed Term

Attached herewith as Exhibit A is “[a] chart showing each party’s proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence supporting its proposed construction or undermining any other party’s proposed construction, including, but not limited to, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses.” SPR 3.4.2.

SPR 3.4.3—Most Significant Terms

As follows are the terms whose construction will be most significant to the case: “center pole” and “constructed for stretching and sustaining a tent’s roof.”

SPR 3.4.4—Time Needed for Presentation

The parties request one hour per side (two hours total for the entire presentation). The parties believe the additional 15 minutes is necessary to take into account the fact that several lawyers will likely argue on behalf of the various defendants, and to facilitate the orderly presentation of what will likely be a telephonic conference.

SPR 3.4.5—Witnesses

No party proposes to call any witness at the claim construction hearing.

Respectfully submitted,

SML Avvocati P.C.

By: /s/ Stephen M. Lobbin
Attorneys for Plaintiff

Dated: May 18, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2020, I electronically transmitted the foregoing document using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies have been served on those indicated as non-registered participants.

/s/ Stephen M. Lobbin

EXHIBIT A

Exhibit A – S.P.R. 3.4 Joint Claim Construction Statement – Chart of Disputed Term

DISPUTED CONSTRUCTIONS (S.P.R. 3.4.2)

	Claim Limitation	Plaintiff’s Proposed Constructions	Defendants’ Proposed C
1.	“center pole”	<p>“Centrally disposed element for stretching and sustaining a tent’s roof”</p> <p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> The specification of the ’040 patent, including, for example: 2:9-10; 1:54-64; 3:34-37; 4:13-18, and Figures 2-4. <p><u>Extrinsic Evidence:</u></p> <ul style="list-style-type: none"> CIVIL MINUTES from Case No. CV 01-6530-SVW(CTx) dated April 19, 2002 by Honorable Judge Wilson at 1. Caravan’s Opening Markman Brief dated March 19, 2002, including at 23-26. Caravan’s Reply Markman Brief dated March 28, 2002. 	<p>“centrally-disposed, long, slender obj</p> <p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> The claim language of the ‘040 Pa “constructed for stretching and sus when a tent is pitched with the tem plurality of side poles”/“said side p The specification of the ’040 pater example: 1:11-2:2; 2:5-28; 2:53-6 4:9-19, Figures 1-4, and the Abstra The prosecution history of the ’04 Office Action dated December 29, Response to Office Action at pp. 5 <p><u>Extrinsic Evidence:</u></p> <ul style="list-style-type: none"> Webster’s Encyclopedic Unabridg English Language (1996) (defining cylindrical, often slender piece of Merriam-Webster’s Collegiate Dic (2000) (defining “pole” as “a long Cylindrical object (as a length of v Random House Webster’s College

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