

**Invalidity of U.S. Patent No. 8,764,575 in view of U.S. Patent No. 5,624,122 (“Winkelhorn”)**

U.S. Patent No. 5,624,122, with a priority date of July 17, 1996, a filing date of July 17, 1996, and a issuance date of April 29, 1997 qualifies as prior art under at least 35 U.S.C. § 102(b) as to the asserted claims of US Patent No. 8,764,575 to Gurley (“the ’575 Patent”), as discussed in greater detail in the chart that follows.<sup>1</sup>

To the extent Plaintiffs allege that Winkelhorn does not disclose any particular limitation of claims 1, 7, and 9 of the ’575 Patent (the “Asserted Claims”), either expressly or inherently, it would have been obvious to a person of ordinary skill in the art as of the priority date of the ’575 Patent to modify Winkelhorn and/or to combine the teachings of Winkelhorn with other prior art references, including but not limited to the prior art publications, commercial uses, and other prior art discussed in section II of the contentions, and including the present prior art references found in Exhibit A and the relevant section of charts for other prior art for the ’575 Patent in a manner that would have rendered the Asserted Claims invalid as obvious. The inclusion of the particular frame structure and attachment mechanisms described in the ’575 Patent would have been obvious for at least the following reasons: It would have been obvious to modify the methods and/or structures disclosed in Winkelhorn to meet these limitations based on: (a) the teachings in Winkelhorn itself; (b) a person of ordinary skill in the art implementing a predictable variation of the methods and/or systems disclosed in Winkelhorn; (c) the logic, judgment, intelligence, creativity, innovation and common sense a person of ordinary skill in the art (“POSITA”) would employ; (d) the inferences and creative and routine steps that a person of ordinary skill in the art would employ; (e) market demand for methods and/or systems to include this limitation; and/or (f) design needs or market pressures to solve a problem with a finite number of solutions that could have produced the desired outcome.

Defendants reserve the right to amend or supplement this claim chart at a later date as more fully set forth in the cover document.

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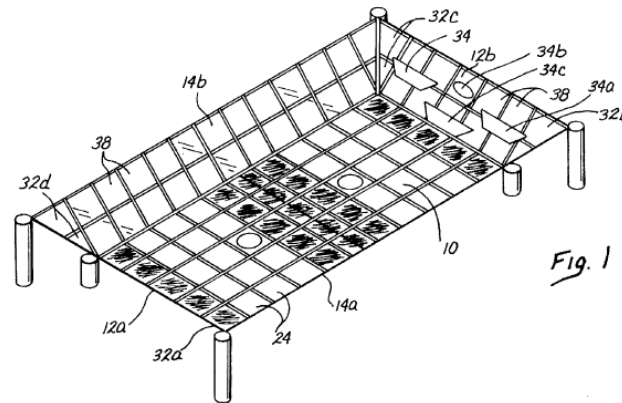
<sup>1</sup> Nothing in these claim charts should be construed as an admission regarding infringement, either literally or under the doctrine of equivalents, or as an admission regarding Defendants’ understanding of the proper scope of the Asserted Claims. Given the ambiguities in Plaintiffs’ infringement contentions, the exemplary citations herein necessarily account for a variety of possible infringement arguments and claim constructions. Defendants reserve the right to rely on additional citations or sources of evidence that also may be applicable, or that may become applicable in light of claim construction, changes in Plaintiffs’ infringement contentions, and/or information obtained during discovery as the case progresses. Various positions put forth in this document are predicated on Plaintiffs’ broad interpretation of its claims as evidenced by its infringement contentions served on Defendants. Those positions are not intended to and do not necessarily reflect Defendants’ interpretation of the true and proper scope of Plaintiffs’ claims, and Defendants reserve the right to adopt claim construction positions that differ from or even conflict with various positions put forth in this document.

**Defendants' Invalidity Contentions regarding U.S. Patent No. 5,624,122 ("Winkelhorn")**

**Claim 1**

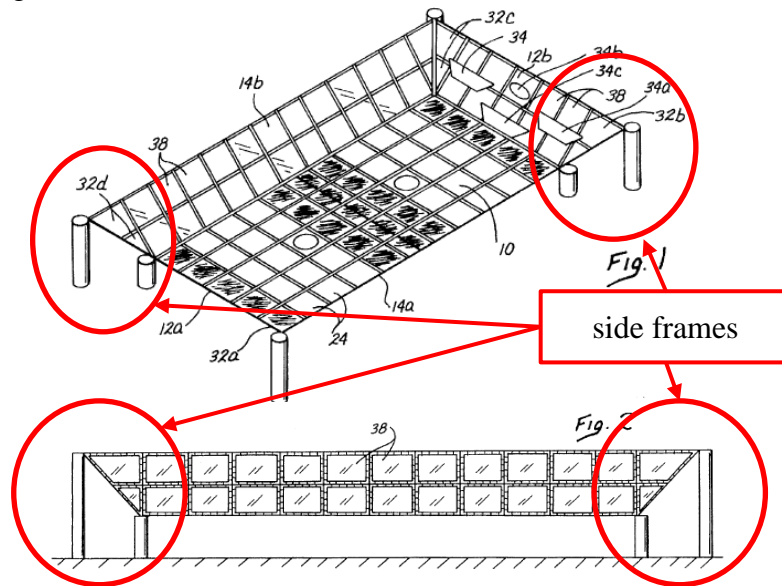
1.1 A trampoline arena comprising:

To the extent the preamble of Claim 1 is found to be limiting, Winkelhorn discloses "[a] trampoline arena [10]." *See, e.g., Winkelhorn Title, Abstract, fig. 1, and col. 1:37-48.*



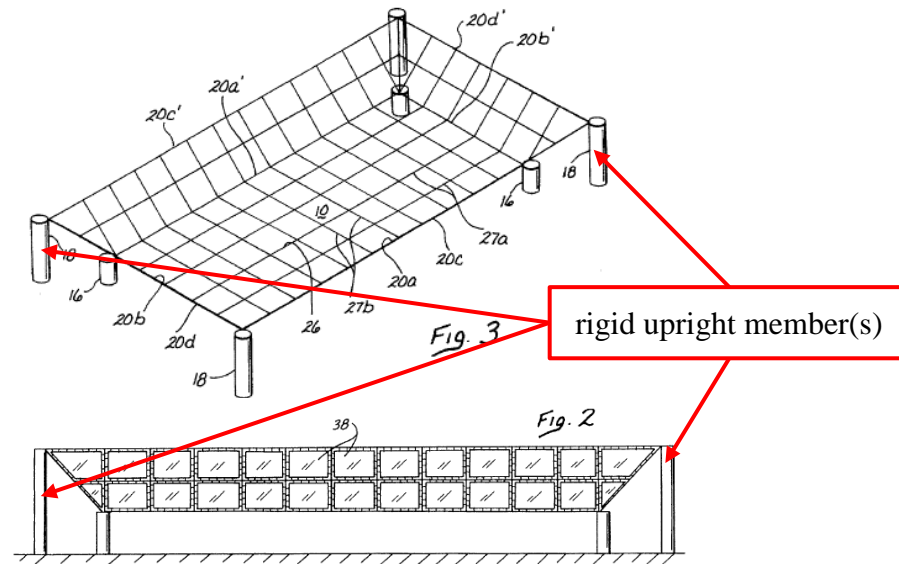
1.2 a plurality of side frames defining an outwardly sloping outer wall, each of the plurality of side frames including:

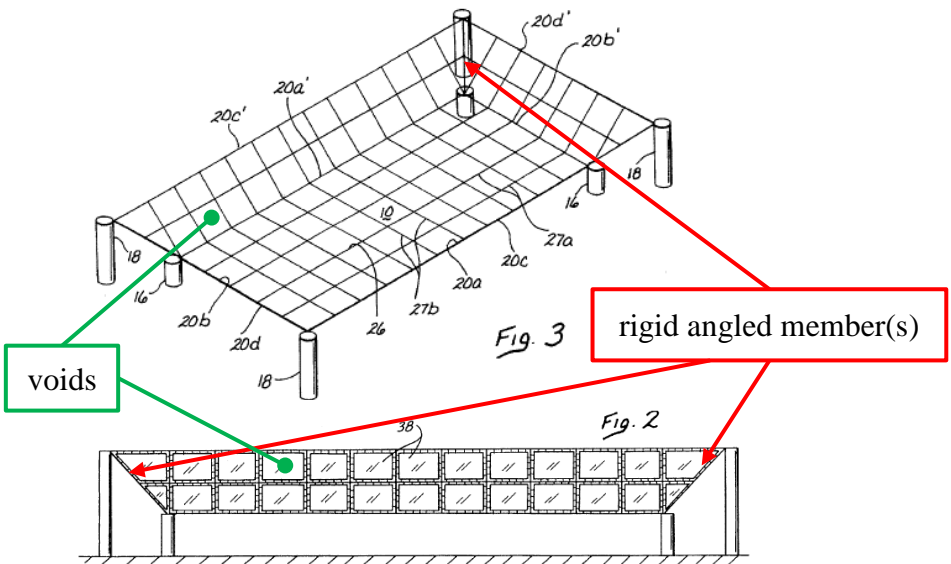
Winkelhorn discloses "a plurality of side frames defining an outwardly sloping outer wall." *See, e.g., Winkelhorn figs. 1, 2 and col. 1:59-2:1.*



1.3a rigid first upright member having a top first upright member portion and a bottom first upright member portion mountable to a floor; and

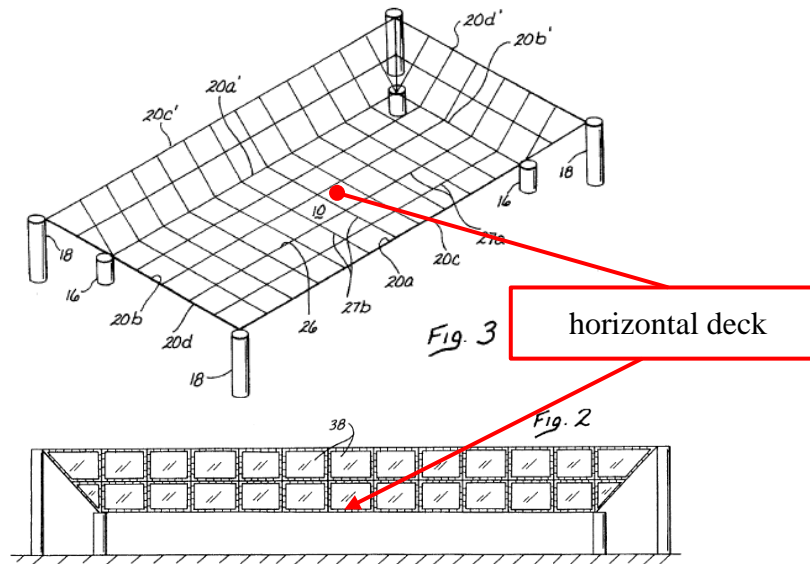
Winkelhorn discloses “a rigid first upright member [20c] having a top first upright member portion and a bottom first upright member portion mountable to a floor.” *See, e.g., Winkelhorn fig. 1-3 and col. 1:37-48, 3:54-63.*

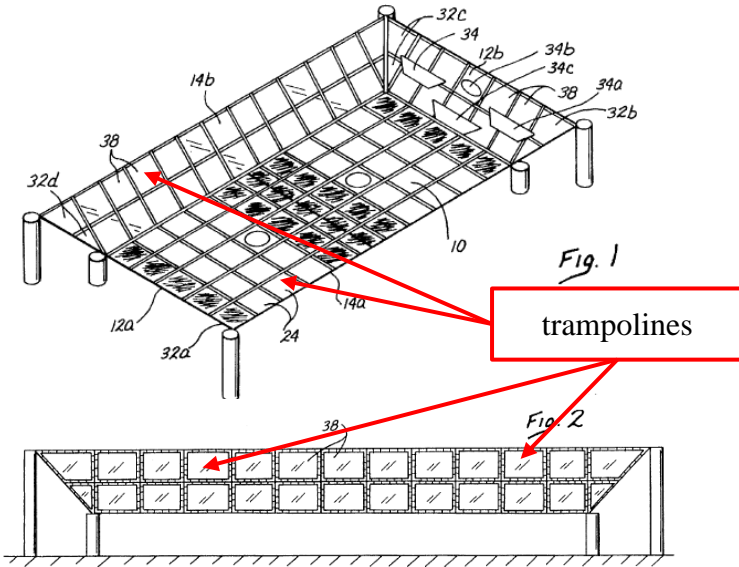
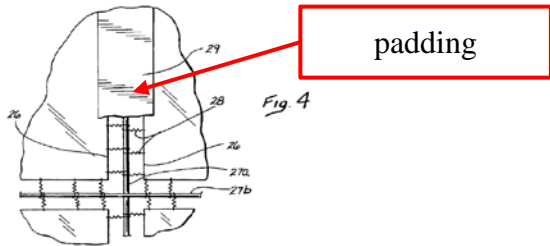


<p>1.4a rigid angled member connected at an upper angled member portion to the top first upright member portion and extending at a downward angle therefrom to a lower angled member portion, a plurality of voids being defined between the plurality of angled members;</p>	<p>Winkelhorn discloses “a rigid angled member [20c,d] connected at an upper angled member portion to the top first upright member portion and extending at a downward angle therefrom to a lower angled member portion, a plurality of voids being defined between the plurality of angled members.” <i>See, e.g.</i>, Winkelhorn figs. 2, 3 and col. 1:44-48, 3:54-63.</p> 
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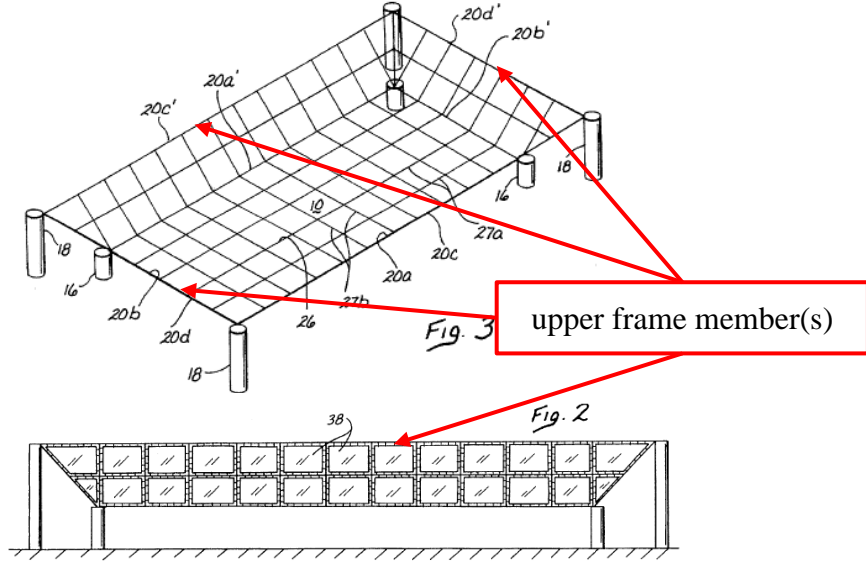
1.5a horizontally-extending deck connected to the [lower] angled member portions of the plurality of side frames;

Winkelhorn discloses “a horizontally-extending deck [10] connected to the [lower] angled member portions of the plurality of side frames.” *See, e.g.*, Winkelhorn figs. 2, 3 and col. 3:54-4:11.



<p>1.6a plurality of trampolines connected to the angled members along peripheries thereof and extending across the plurality of voids; and</p>	<p>Winkelhorn discloses “a plurality of trampolines [24, 38] connected to the angled members along peripheries thereof and extending across the plurality of voids.” <i>See, e.g.</i>, Winkelhorn figs. 1 and 2 and col. 3:54-4:23.</p>  <p>Fig. 1 is a perspective view of a trampoline assembly 10. It features a grid of trampolines 14a and 14b supported by angled members 12a and 12b. The trampolines are connected to the angled members along their peripheries. Other components labeled include 32a, 32b, 32c, 32d, 34, 34a, 34b, 34c, 38, and 39. Fig. 2 is a side cross-sectional view of the assembly, showing the trampolines 38 supported by angled members 39. A red box labeled 'trampolines' has arrows pointing to the trampolines in both figures.</p>
<p>1.7a padding assembly including a plurality of pads at least partially overlying the angled members and the peripheries of the trampolines.</p>	<p>Winkelhorn discloses “a padding assembly [29] including a plurality of pads at least partially overlying the angled members and the peripheries of the trampolines.” <i>See, e.g.</i>, Winkelhorn fig. 4 and col. 2:20-27, 4:24-32.</p>  <p>Fig. 4 is a cross-sectional view of a padding assembly 29. It shows a plurality of pads 26 at least partially overlying angled members 27a and 27b. Other components labeled include 24 and 28. A red box labeled 'padding' has an arrow pointing to the padding assembly in the figure.</p>

**Claim 7**

7.1 The arena of claim 1, further comprising:	See claim 1.
7.2 at least one upper frame member interconnecting the plurality of side frames	<p>Winkelhorn discloses “at least one upper frame member [20c, 20c’, 20d, 20d’] interconnecting the plurality of side frames.” <i>See, e.g., Winkelhorn fig. 3 and col. 1:37-48, 3:54-4:15.</i></p> 

**Claim 9**

9.1 The arena of claim 7, wherein the at least one upper frame member includes a plurality of upper frame members.	See claim 7 (element 7.1).
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