

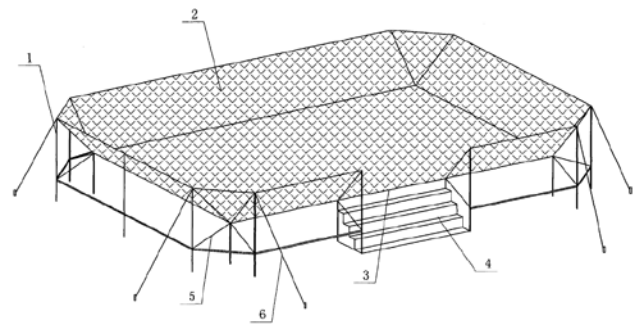
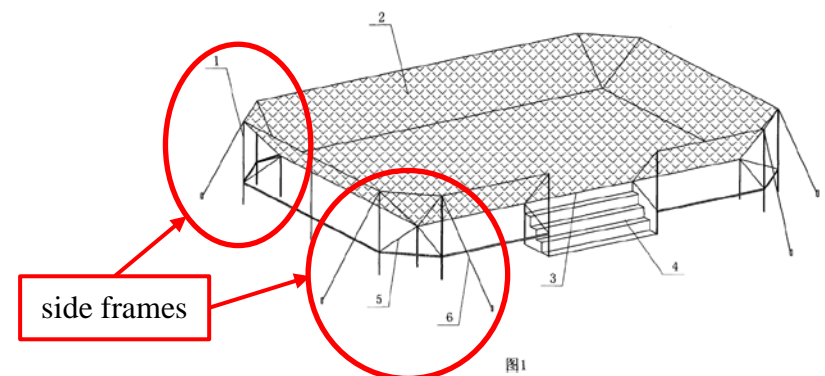
Invalidity of U.S. Patent No. 8,764,575 in view of Chinese Patent Application Publication 101259316 A (“Guo”)

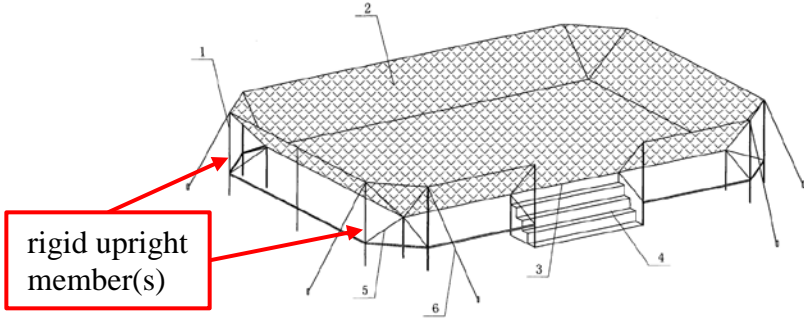
Chinese Patent Application Publication 101259316 A (“Guo”), with a priority date of April 11, 2008, a filing date of April 11, 2008, and a publication date of September 10, 2008 qualifies as prior art under at least 35 U.S.C. § 102(b) as to the asserted claims of US Patent No. 8,764,575 to Gurley (“the ’575 Patent”), as discussed in greater detail in the chart that follows.¹

To the extent Plaintiffs allege that Guo 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 Guo and/or to combine the teachings of Guo 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 bracket limitations 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 Guo to meet these limitations based on: (a) the teachings in Guo itself; (b) a person of ordinary skill in the art implementing a predictable variation of the methods and/or systems disclosed in Guo; (c) the logic, judgment, intelligence, creativity, innovation and common sense a person of ordinary skill in the art would employ; (d) the inferences and creative and routine steps that a person of ordinary skill in the art (“POSITA”) 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.

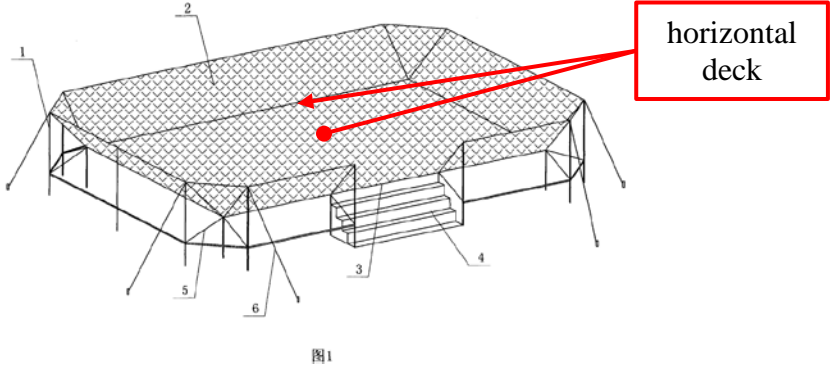
Defendants reserve the right to amend or supplement this claim chart at a later date as more fully set forth in the Invalidity Contentions.

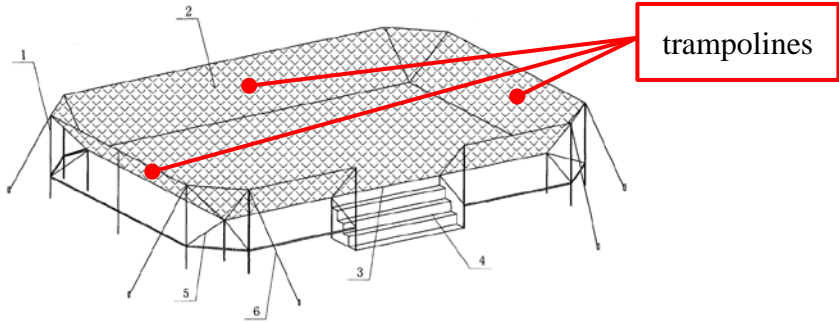
¹ Nothing in these claim charts should be construed as an admission regarding infringement, either literally or under the doctrine of equivalents, or as an admission regarding Defendants’ understanding of the proper scope of the Asserted Claims. Given the ambiguities in Plaintiffs’ infringement contentions, 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’ overly 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 Chinese Patent Application Publication 101259316 A ("Guo")		
Claim 1		
1.1	A trampoline arena comprising:	<p>To the extent the preamble of Claim 1 is found to be limiting, Guo discloses "[a] trampoline arena." <i>See, e.g.</i>, Guo Title, Abstract, Figs. 1-3, ¶¶ [0001], [0004], [0015].</p>  <p style="text-align: center;">图1</p>
1.2	a plurality of side frames defining an outwardly sloping outer wall, each of the plurality of side frames including:	<p>Guo discloses "a plurality of side frames defining an outwardly sloping outer wall." <i>See, e.g.</i>, Guo Title, Abstract, figs. 1-3, ¶¶ [0001], [0004], [0009]-[0013],[0021], [0022], [0026]-[0031],[0033], [0034].</p>  <p style="text-align: center;">图1</p>

1.3	a rigid first upright member having a top first upright member portion and a bottom first upright member portion mountable to a floor; and	<p>Guo discloses “a rigid first upright member [1] having a top first upright member portion and a bottom first upright member portion mountable to a floor.” <i>See, e.g.</i>, Guo Title, Abstract, figs. 1, 3, ¶¶ [0006], [0021], [0023].</p>  <p>图1</p>
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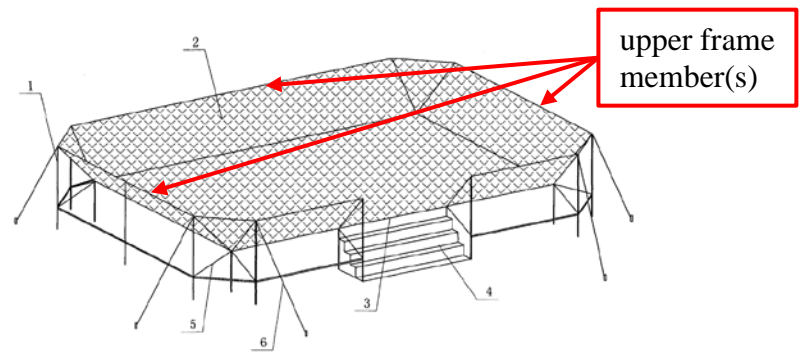
1.4	<p>a rigid angled member connected at an upper angled member portion to the top first upright member portion and extending at a downward angle therefrom to a lower angled member portion, a plurality of voids being defined between the plurality of angled members;</p>	<p>Guo discloses “a rigid angled 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.” <i>See, e.g.</i>, Guo Title, Abstract, figs. 1, 3, ¶¶ [0006], [0009]-[0013], [0021]-[0023], [0026]-[0036].</p> <p>Figure 1 is a perspective view of a trampoline frame. The frame consists of a plurality of angled members (1) connected at their upper portions to a top first upright member portion (2) and extending at a downward angle therefrom to a lower angled member portion (3). A rigid angled member (4) is connected at its upper end to the top first upright member portion (2) and extends at a downward angle therefrom to the lower angled member portion (3). A plurality of voids (5) are defined between the plurality of angled members (1). The frame is supported by a plurality of legs (6).</p> <p>To the extent this reference does not explicitly or inherently disclose, teach, or suggest this limitation, it would have been obvious to a POSITA to use a rigid cross member extending between the first rigid upright member to the lower angled member portion to add further bracing between the angled members and the upright members for added stability and durability in order to withstand the forces associated with jumping on a trampoline. Using a rigid cross member would have been an obvious way of bracing a frame for added stability, and this would have been a known use of familiar elements in their expected way to achieve their known result of adding additional stability to a frame that experiences multidirectional stresses. Using cross rigid members in a frame would have been an obvious design choice from among well-known ways of bracing and stabilizing a frame (<i>e.g.</i>, lashing, tying, adding legs, adding ring supports, etc.) with known trade-offs (<i>e.g.</i>, cost, ease of construction/deconstruction, stability, durability, etc.) as cross members are routinely used in framing applications, including for trampolines, in order to add stability and durability. <i>See, e.g.</i>, U.S. Patent Pub. No. 2007/0010374A1 (“Widich”) fig. 1 and ¶¶ [0008], [0039], [0041]; U.S. Patent No. 3,339,925 (Nissen ’925) figs. 1-3 and col. 4:23-30 (“tubular brace”), 4:69-75 (“horizontal strut”); U.S. Patent No. 4,341,379 (“Milligan”) col. 3:55-61 (“strengthening bar 16”); U.S. Patent No. 5,833,557 (“Cole”), col. 3:20-21 (“braces 14”); U.S. Patent No. 6,053,845 (“Publicover”), col. 10:9-22 (“cross-bracing straps 144”); G.B. Patent No. 2,290,561 (“Ure”), col. 7:24-29 (“bracing elements 106”); U.S. Patent No. 6,988,967 (“Allison”) col. 3:40-43 (“bracing members 45”).</p>
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1.5	a horizontally-extending deck connected to the [lower] angled member portions of the plurality of side frames;	<p>Guo discloses “a horizontally-extending deck connected to the [lower] angled member portions of the plurality of side frames.” <i>See, e.g.</i>, Guo Title, Abstract, Figs. 1-3, ¶¶ [0003]-[0005], [0008]-[0013], [0015]-[0019], [0021], [0022], [0024], [0026]-[0036].</p>  <p>图1</p>
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1.6	a plurality of trampolines connected to the angled members along peripheries thereof and extending across the plurality of voids; and	<p>Guo discloses “a plurality of trampolines connected to the angled members along peripheries thereof and extending across the plurality of voids.” <i>See, e.g.</i>, Guo Title, Abstract, figs. 1-3, ¶¶ [0003]-[0005], [0008]-[0013], [0015]-[0019], [0021], [0022], [0024]-[0036] (“The trampoline net is made from a plurality of trampoline nets pieced together”).</p>  <p style="text-align: center;">图1</p> <p>To the extent this reference does not explicitly or inherently disclose, teach, or suggest this limitation, it would have been obvious to a POSITA to use a plurality of trampolines to cover the voids in a frame in order to secure and maintain a taut trampoline surface. Using multiple trampolines to cover the voids would have been an obvious way of securing and maintaining a taut trampoline surface, and this would have been a known use of familiar elements in their expected way to achieve their known result of adding durability and reliability to the bouncing surfaces of a multi-surface trampoline, and in particular, to allow the trampoline material of each smaller, surface to be replaced individually as opposed to a single sheet that covers the entire surface. Using a plurality of trampolines to cover the voids in a frame would have been an obvious design choice from among well-known ways of securing and maintaining a taut bouncing surface (<i>e.g.</i>, adding additional tensioning elements, using tighter springs, increasing the rigidity of the frames, etc.) with known trade-offs (<i>e.g.</i>, cost, ease of construction/deconstruction, stability, durability, etc.) as multi-surface trampolines are routinely formed from a plurality of trampolines. <i>See, e.g.</i>, U.S. Patent No. 3,233,895 (“Grelle”) col. 2:51-54; U.S. Patent No. 5,624,122 (“Winkelhorn”) figs. 1, 2, col. 3:54-4:23; U.S. Patent Pub. No. 2007/0010374A1 (“Widich”) ¶ [0038]; U.S. Patent No. 8,672,813 (“West”) col. 3:41-54.</p>
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1.7	a padding assembly including a plurality of pads at least partially overlying the angled members and the peripheries of the trampolines.	<p>Guo discloses “a padding assembly including a plurality of pads at least partially overlying the angled members and the peripheries of the trampolines.” <i>See, e.g.</i>, Guo [0025] (“[P]rotective padding [is] installed on each joint between adjacent trampoline nets, and the protective padding is made of cotton material”).</p> <p>To the extent this reference does not explicitly or inherently disclose, teach, or suggest this limitation, it would have been obvious to a POSITA to use a plurality of pads to cover joints, frame members, and peripheries for additional safety while jumping on a trampoline in order to reduce injuries around the edges of the trampolines, near frame members, and where the trampolines are joined together or connected to the frame.</p> <p>Using padding would have been an obvious use of known elements in an expected way to achieve the expected results of additional safety for the user of the trampoline, to lower their risk of injury when jumping, and to ensure durability of the joints. Using padding to cover rigid elements, sharp edges, and trampoline peripheries would have been an obvious design choice from among well-known ways of protecting hazardous elements (<i>e.g.</i>, coatings, covers, cages, etc.) with known trade-offs (<i>e.g.</i>, costs, ease of construction/deconstruction, stability, durably, etc.) as paddings is routinely used to cover frames and joints, especially in active sports applications including trampolines.</p> <p><i>See, e.g.</i>, U.S. Patent No. 3,233,895 (“Grelle”) figs 1, 2, 3, 3a-3c, 4, 10 and col. 1:20-36, 3:1-41, 3:74-4:10, 5:23-32; U.S. Patent No. 3,339,925 (Nissen ’925) figs. 2, 3, 6 and col. 3:8-16; U.S. Patent No. 3,501,141 (Nissen ’141) figs. 1a-1c and col. 3:29-33; Chinese Patent App. Pub. No. CN 101259316A (“Guo”), ¶ [0025]; U.S. Patent 6,053,845 (Publicover ’845) figs. 1, 4, 5 and col. 4:52-65; U.S. Patent No. 5,941,798 (“Coan”) figs. 1, 5, col.5:17-23; U.S. Patent No. 5,624,122 (“Winkelhorn”) figs. 1, 2, 4, col. 2:20-27, 4:24-32; U.S. Patent No. 5,833,557 (“Cole”) col. 5:12-20; U.S. Pub. No. 2007/0010374 (“Widich”) ¶ [0037]; U.S. Patent 6,261,207 (Publicover ’207) figs. 1, 4, 5 and col. 4:52-65; U.S. Patent No. 4,341,379 (“Milligan”) figs 2-4, 6-7 and col. 5:25-34, 6:3-21, 6:63-7:28; U.S. Patent No. 7,494,445 (“Chen”) fig. 1-4 and col. 2:20-23 ; U.S. Patent No. 6,607,468 (“Nichols”) figs. 1-3, col. 4:45-53; U.S. Patent No. 7,708,667 (“Alexander”) figs. 10-12, col. 6:1-18; U.S. Patent No. 7,883,446 (“Lovley”) fig. 1 and col. 2:45-53, 1:39-50; U.S. Patent No. 8,672,813 (“West”) fig. 5 and col. 9:1-33.</p> <p>EXHIBIT A-7 TO DEFENDANTS’ INITIAL INVALIDITY CONTENTIONS</p>
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Claim 7		
7.1	The arena of claim 1, further comprising:	<i>See claim 1.</i>

7.2	at least one upper frame member interconnecting the plurality of side frames	<p>Guo discloses “at least one upper frame member interconnecting the plurality of side frames.” <i>See, e.g.,</i> Guo Abstract, Figs. 1-3, ¶¶ [0003], [0004], [0006], [0009]-[0013], [0015]-[0019], [0021]-[0023], [0026]-[0036].</p>  <p style="text-align: center;">图1</p> <p>To the extent this reference does not explicitly or inherently disclose, teach, or suggest this limitation, it would have been obvious to a POSITA to use an upper frame member extending interconnecting the side frames for added stability and durability in order to withstand the forces associated with jumping on a trampoline. Using upper frame members would have been an obvious way of bracing a frame for added stability, and this would have been a known use of familiar elements in their expected way to achieve their known result of adding additional stability to a frame that experiences multidirectional stresses. Using upper frame members in a frame would have been an obvious design choice from among well-known ways of bracing and stabilizing a frame (<i>e.g.</i>, lashing, tying, adding legs, adding ring supports, etc.) with known trade-offs (<i>e.g.</i>, cost, ease of construction/deconstruction, stability, durably, etc.) as upper frame members are routinely used in framing applications, including for trampolines, in order to add stability and durability. <i>See, e.g.</i>, U.S. Patent Pub. No. 2007/0010374A1 (“Widich”) fig. 1 and ¶¶ [0008], [0039], [0041]; U.S. Patent No. 3,339,925 (Nissen ’925) figs. 1-3 and col. 4:23-30 (“tubular brace”), 4:69-75 (“horizontal strut”); U.S. Patent No. 4,341,379 (“Milligan”) col. 3:55-61 (“strengthening bar 16”); U.S. Patent No. 5,833,557 (“Cole”), col. 3:20-21 (“braces 14”); U.S. Patent No. 6,053,845 (“Publicover”), col. 10:9-22 (“cross-bracing straps 144”); G.B. Patent No. 2,290,561 (“Ure”), col. 7:24-29 (“bracing elements 106”); U.S. Patent No. 6,988,967 (“Allison”) col. 3:40-43 (“bracing members 45”).</p>
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Claim 9		
9.1	The arena of claim 7, wherein the at least one upper frame member includes a plurality of upper frame members.	<p>Guo discloses that “the at least one upper frame member includes a plurality of upper frame members.” <i>See</i> claim 7.2.</p> <p>To the extent this reference does not explicitly or inherently disclose, teach, or suggest this limitation, it would have been obvious to a POSITA to form the frame structures from a plurality of individual components that are joined together at various locations or to use a continuous component for any of the elements. Using individual components or a continuous component would have been an obvious way of creating any framed, multi-dimensional structure, and this would have been a known use of familiar elements in their expected way to achieve their known result of stably framing a multi-dimensional structure. Using individual components or a continuous component would have been obvious design choices for framing a structure with known trade-offs (<i>e.g.</i>, costs, ease of construction/deconstruction, stability, durably, etc.). <i>See, e.g.</i>, U.S. Patent Pub. No. 2007/0010374A1 (“Widich”) fig. 1 and ¶¶ [0008], [0039], [0041], [0054]; U.S. Patent No. 4,341,379 (“Milligan”) col. 7:29-58; U.S. Patent No. 6,607,468 (“Nichols”) col. 6:19-38.</p>