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15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

16 RAVIN CROSSBOWS, LLC,

17 Plaintiff,

18 v.

19 HUNTER'S MANUFACTURING
20 COMPANY, INC. D/B/A TENPOINT
21 CROSSBOW TECHNOLOGIES,

22 Defendant.

Case No. 2:21-cv-02213-GMN-EJY

DEFENDANT'S LPR 1-8 CONTENTIONS

23 Pursuant to LPR 1-8, Defendant Hunter's Manufacturing Company, Inc. d/b/a TenPoint
24 Crossbow Technologies ("TenPoint") provides its Non-Infringement, Invalidity, and
25 Unenforceability Contentions in response to the Corrected Infringement Contentions served by
26 Plaintiff Ravin Crossbows, LLC ("Ravin") on May 26, 2022. TenPoint explained in the parties'
27

1 Rule 26(f) Report, ECF No. 34, that Ravin asserted six patents against over a dozen of
2 TenPoint's crossbows. The asserted patents have different priority dates, thus encompassing
3 different prior art. Ravin has submitted hundreds of prior art references to the U.S. Patent and
4 Trademark Office in the prosecution of the asserted patents (with over 500 references submitted
5 in U.S. Patent No. 11,085,728), which need to be reviewed. Ravin's Contentions assert 103
6 claims. In light of this large volume and complexity, TenPoint in the Rule 26(f) Report
7 requested an appropriate extension of the deadlines to prepare and serve its contentions, but
8 Ravin refused. Therefore TenPoint provides these Contentions and intends to supplement them
9 as its investigation progresses. The omission of a ground of noninfringement or invalidity from
10 these Contentions should not be taken as an admission that no such ground exists or that the
11 omitted claim is infringed or valid. TenPoint reserves the right to supplement and amend these
12 Contentions in accordance with applicable rules or orders and the parties' agreement that they
13 may be amended or supplemented without leave of court until the Final Contentions of LPR 1-
14 18a.

15 **I. LPR 1-8(a)**

16 LPR 1-8(a) requires:

17 A detailed description of the factual and legal grounds for contentions of non-
18 infringement, if any, including a clear identification of each limitation of each
19 asserted claim alleged not to be present in the Accused Instrumentality[.]

20 35 U.S.C. § 282(b) states that invalidity and unenforceability, *inter alia*, are defenses in
21 any action involving infringement of a patent. These Contentions list grounds on which the
22 asserted patents are invalid or unenforceable, and TenPoint will likely supplement them as this
23 case progresses and additional information is reviewed. Thus for at least those reasons,
24 TenPoint's crossbows do not infringe any valid and enforceable claim of the asserted patents.
25 Furthermore, the following non-infringement grounds are subject to the indefiniteness arguments
26 provided below in these Contentions, in that it is not possible to indicate whether an indefinite
27 claim limitation is or is not present in the accused products.

1 In its Infringement Contentions, Ravin grouped the following TenPoint crossbow models
2 as follows:

- 3 • Forward Draw Products: Shadow NXT, Stealth NXT, Turbo S1, Vengent S440 (also
4 comprising the Forward Draw 360 Degree Rotation Products category), Viper S400,
5 Viper S400 Oracle X, Wicked Ridge NXT 400;
- 6 • Reverse Draw Products: Havoc RS440, Havoc RS440 Xero, Nitro X, Siege RS410, XR-
7 410, and Reverse Draw 360 Degree Rotation Products (Nitro 505, Nitro 505 Oracle X,
8 Nitro 505 Xero, Nitro XRT, Vapor RS470, Vapor RS470 Xero).

9 Ravin then provided charts alleging infringement of the following patents by
10 “exemplary” products:

- 11 • Chart A-1 for U.S. Patent No. 9,494,379 (“’379 Patent”) and Exemplary Forward Draw
12 Crossbow Vengent RS440;
- 13 • Chart A-2 for U.S. Patent No. 9,879,936 (“’936 Patent”) and Exemplary Forward Draw
14 Crossbow Vengent RS440;
- 15 • Chart A-3 for U.S. Patent No. 11,085,728 (“’728 Patent”) and Exemplary Forward Draw
16 Crossbow Vengent RS440;
- 17 • Chart B-1 for U.S. Patent No. 9,354,015 (“’015 Patent”) and Exemplary Reverse Draw
18 Crossbow Siege RS410;
- 19 • Chart B-2 for ‘379 Patent and Exemplary Reverse Draw Crossbow Siege RS410;
- 20 • Chart B-3 for ‘936 Patent and Exemplary Reverse Draw Crossbow Siege RS410;
- 21 • Chart B-4 for U.S. Patent No. 10,254,073 (“’073 Patent”) and Exemplary Reverse Draw
22 Crossbow Siege RS410;
- 23 • Chart B-5 for U.S. Patent No. 10,712,118 (“’118 Patent”) and Exemplary Reverse Draw
24 Crossbow Siege RS410;
- 25 • Chart B-6 for ‘728 Patent and Exemplary Reverse Draw Crossbow Siege RS410.

26 Therefore, TenPoint’s response also uses grouping.
27

1 **A. Forward Draw Products**

2 1. '379 Patent

3 Claim 3 requires each power cable journal to comprise a width at least twice a width of
4 the power cable, as shown in Fig. 9C, contrasted with Figs. 9A-B. *See* 5:59-6:17. As clearly
5 shown in Ravin's Chart A-1, each power cable journal does not comprise a width of at least
6 twice a width of the power cable. Rather, Ravin appears to be combining two adjacent but
7 discrete portions of a power cable journal (similar to Figs. 9A-B), which has a width
8 approximately a width of the power cable.

9 Claim 4 requires the cams to rotate between about 270 to about 330 degrees when the
10 crossbow is drawn from the released configuration to the drawn configuration. The cams of the
11 following accused crossbow models do not rotate within this range: Stealth NXT, Turbo S1,
12 Vengent S440.

13 Claim 5 requires the cams to rotate between about 300 to about 360 degrees when the
14 crossbow is drawn from the released configuration to the drawn configuration. The cams of the
15 following accused crossbow models do not rotate within this range: Turbo S1.

16 Claim 6 requires the cams to rotate between more than about 360 degrees when the
17 crossbow is drawn from the released configuration to the drawn configuration. None of the
18 Forward Draw Products have cams that rotate this much. Even the YouTube video that Ravin
19 used shows that the rotation is only 360 degrees, not more.

20 Claim 7 requires the first ends of the upper and lower power cables to be attached to
21 attachments extending above upper and lower surfaces of the cams, respectively, wherein the
22 attachments pass under the respective power cables as the crossbow moves between the released
23 and drawn configurations. Ravin's Contentions state that the attachments are "on" upper or
24 lower surfaces of the cams, but the claim requires those attachments to extend above those
25 surfaces. Because the power cable channels and anchors are part of the cam, it is inaccurate to
26 refer to the surfaces surrounding only the bow string channel as the "upper and lower surfaces of
27 the cam," and thus the attachments do not extend "above" the "upper and lower surfaces" of the

1 cams. Also, the lower anchors pass above, and not under, the power cables as the crossbow
2 moves between the released and drawn configurations.

3 Claim 11 requires the limbs to be attached to yet extend away from a center rail. If this
4 requires the limbs (namely, the ends not connected to the riser) to not point toward the center
5 rail, then none of the Forward Draw Products meet this limitation, as shown in the Top Views of
6 Exhibit 1 of Ravin's Infringement Contentions. Claim 11 additionally requires the cams to rotate
7 more than 270 degrees as the draw string translates between the released configuration and the
8 drawn configuration. The cams of the Turbo S1 do not rotate more than 270 degrees.

9 Claim 15 requires the upper and lower take-up journals to extend "in a direction
10 perpendicular to the respective planes of rotation of the first and second cams." Contrasted with,
11 e.g., claim 1, which requires the upper and lower take-up journals to extend in *opposite*
12 directions, claim 15 requires the upper and lower take-up journals to extend in the same
13 direction. None of the Forward Draw Products meet this limitation, as their take-up journals
14 extend in the opposite directions.

15 Claim 16 requires the cams to rotate between about 270 to about 360 degrees when the
16 crossbow is drawn from the released configuration to the drawn configuration. The cams of the
17 Turbo S1 do not rotate within this range.

18 Claim 17 requires the cams to rotate between more than about 360 degrees when the
19 crossbow is drawn from the released configuration to the drawn configuration. None of the
20 Forward Draw Products have cams that rotate this much, as explained above for claim 6.

21 Claim 19 requires the limbs to be attached to yet extend away from a center rail, as in
22 claim 11, so the same response applies here also. Claim 19 also requires each power cable
23 journal to comprise a width at least twice a width of the power cable, as in claim 3, so the same
24 response applies here also.

25 2. '936 Patent

26 Claim 3 requires each power cable journal to comprise a width at least twice a width of
27 the power cable, as shown in Fig. 9C, contrasted with Figs. 9A-B. *See* 6:59-7:17. As clearly

1 shown in Ravin's Chart A-2, each power cable journal does not comprise a width of at least
2 twice a width of the power cable. Rather, Ravin appears to be combining two adjacent but
3 discrete portions of a power cable journal (similar to Figs. 9A-B), which has a width
4 approximately a width of the power cable.

5 Claim 4 requires the cams to rotate between about 270 to about 330 degrees when the
6 bow is drawn from the released configuration to the drawn configuration. The cams of the
7 following accused crossbow models do not rotate within this range: Stealth NXT, Turbo S1,
8 Vengent S440.

9 Claim 5 requires the cams to rotate between about 300 to about 360 degrees when the
10 bow is drawn from the released configuration to the drawn configuration. The cams of the
11 following accused crossbow models do not rotate within this range: Turbo S1.

12 Claim 6 requires the cams to rotate between more than about 360 degrees when the bow
13 is drawn from the released configuration to the drawn configuration. None of the Forward Draw
14 Products have cams that rotate this much. Even the YouTube video that Ravin used shows that
15 the rotation is only 360 degrees, not more.

16 Claim 7 requires the first ends of the upper and lower power cables to be attached to
17 attachments extending above upper and lower surfaces of the cams, respectively, wherein the
18 attachments pass under the respective power cables as the bow moves between the released and
19 drawn configurations. Ravin's Contentions state that the attachments are "on" upper or lower
20 surfaces of the cams, but the claim requires those attachments to extend above those surfaces.
21 Because the power cable channels and anchors are part of the cam, it is inaccurate to refer to the
22 surfaces surrounding only the bow string channel as the "upper and lower surfaces of the cam,"
23 and thus the attachments do not extend "above" the "upper and lower surfaces" of the cams.
24 Also, the lower anchors pass above, and not under, the power cables as the crossbow moves
25 between the released and drawn configurations.

26 Claim 15 requires the upper and lower take-up journals to extend "in a direction
27 perpendicular to the respective plane of rotation of the first and second cams." Contrasted with,

1 e.g., claim 1, which requires the upper and lower take-up journals to extend in *opposite*
2 directions, claim 15 requires the upper and lower take-up journals to extend in the same
3 direction. None of the Forward Draw Products meet this limitation, as their take-up journals
4 extend in the opposite directions.

5 Claim 16 requires the cams to rotate between about 270 to about 360 degrees when the
6 bow is drawn from the released configuration to the drawn configuration. The cams of the Turbo
7 S1 do not rotate within this range.

8 Claim 17 requires the cams to rotate between more than about 360 degrees when the bow
9 is drawn from the released configuration to the drawn configuration. None of the Forward Draw
10 Products have cams that rotate this much, as explained above for claim 6.

11 Claim 19 requires each power cable journal to comprise a width at least twice a width of
12 the power cable, as in claim 3, so the same response applies here also.

13 3. '728 Patent

14 Claim 10 requires the first ends of the power cables to be received in the helical power
15 cable journals. However as shown in Ravin's Chart A-3 for the power cables, their first ends are
16 not in the helical journals but are secured to anchors some distance away from the helical
17 journals.

18 Claim 11 requires the power cables to be attached to the upper and lower attachment
19 points disposed above the string guides' top surfaces and below their bottom surfaces,
20 respectively. Per claim 10, these upper and lower attachment points are what the power cable
21 second ends are attached to. *See* Figs. 21A-B. However, Ravin's Chart A-3 points to attachment
22 points on the cams, which is where the power cable *first* ends are attached, rather than the *second*
23 ends as required by the claim.

24 Claim 12 requires the separation between the axes in the drawn configuration to be about
25 6 inches to about 8 inches. The Vengent S440 does not have a cocked axis separation within this
26 range.

1 **B. Reverse Draw Products**

2 1. '015 Patent

3 Claim 2 requires the second ends of the power cables to be secured to the central portion
4 of the crossbow. The patent discusses this limitation at 6:46-50 and references the center portion
5 with callout 354. Fig. 12 shows callout 354 to be the barrel, not the riser 360, and shows the
6 second ends of the power cables 374A-B secured to the barrel at 378A-B. None of the Reverse
7 Draw Products have second ends of the power cables secured to the barrel/central portion as
8 disclosed in the patent, as shown in Exhibit 2 of Ravin's Contentions.

9 Claim 9 requires the string guides to rotate more than about 360 degrees when the
10 crossbow is drawn from the released configuration to the drawing [*sic*] configuration. The cams
11 of the following accused Reverse Draw 360 Degree Rotation Products do not rotate within this
12 range: Vapor RS470, Vapor RS470 Xero.

13 Claim 12 requires the second ends of the power cables to be secured to the central portion
14 of the crossbow, as in claim 2, so the same response applies here also.

15 Claim 16 requires the distance between the axes to be about 8 inches when the crossbow
16 is in the drawn configuration. Assuming this requires a nominal/specification value of 8 inches,
17 with "about" allowing for tolerance, none of the accused Reverse Draw Products are specified
18 for an 8 inch cocked axis-to-axis distance.

19 2. '379 Patent

20 Claim 3 requires each power cable journal to comprise a width at least twice a width of
21 the power cable, as shown in Fig. 9C, contrasted with Figs. 9A-B. *See* 5:59-6:17. As clearly
22 shown in Ravin's Chart B-2, each power cable journal does not comprise a width of at least
23 twice a width of the power cable. Rather, Ravin appears to be combining two adjacent but
24 discrete portions of a power cable journal (similar to Figs. 9A-B), which has a width
25 approximately a width of the power cable.

26 Claim 4 requires the cams to rotate between about 270 to about 330 degrees when the
27 crossbow is drawn from the released configuration to the drawn configuration. The cams of the

1 following accused crossbow models do not rotate within this range: Nitro 505, Nitro 505 Oracle
2 X, Nitro 505 Xero, Nitro X, Nitro XRT, Vapor RS470, Vapor RS470 Xero, XR-410.

3 Claim 5 requires the cams to rotate between about 300 to about 360 degrees when the
4 crossbow is drawn from the released configuration to the drawn configuration. The cams of the
5 following accused crossbow models do not rotate within this range: Nitro 505, Nitro 505 Oracle
6 X, Nitro 505 Xero, Nitro X, Nitro XRT, XR-410.

7 Claim 6 requires the cams to rotate between more than about 360 degrees when the
8 crossbow is drawn from the released configuration to the drawn configuration. The cams of the
9 following accused Reverse Draw 360 Degree Rotation Products do not rotate within this range:
10 Vapor RS470, Vapor RS470 Xero.

11 Claim 7 requires the first ends of the upper and lower power cables to be attached to
12 attachments extending above upper and lower surfaces of the cams, respectively, wherein the
13 attachments pass under the respective power cables as the crossbow moves between the released
14 and drawn configurations. Ravin's Contentions state that the attachments are "on" upper or
15 lower surfaces of the cams, but the claim requires those attachments to extend above those
16 surfaces. Because the power cable channels and anchors are part of the cam, it is inaccurate to
17 refer to the surfaces surrounding only the bow string channel as the "upper and lower surfaces of
18 the cam," and thus the attachments do not extend "above" the "upper and lower surfaces" of the
19 cams. Also, the lower anchors pass above, and not under, the power cables as the crossbow
20 moves between the released and drawn configurations.

21 Claim 11 requires the limbs to be attached to yet extend away from a center rail. If this
22 requires the limbs (namely, the ends not connected to the riser) to not point toward the center
23 rail, then none of the Reverse Draw Products meet this limitation, as shown in the Top Views of
24 Exhibit 2 of Ravin's Infringement Contentions.

25 Claim 15 requires the upper and lower take-up journals to extend "in a direction
26 perpendicular to the respective planes of rotation of the first and second cams." Contrasted with,
27 e.g., claim 1, which requires the upper and lower take-up journals to extend in *opposite*

1 directions, claim 15 requires the upper and lower take-up journals to extend in the same
2 direction. None of the Reverse Draw Products meet this limitation, as their take-up journals
3 extend in the opposite directions.

4 Claim 16 requires the cams to rotate between about 270 to about 360 degrees when the
5 crossbow is drawn from the released configuration to the drawn configuration. The cams of the
6 following accused crossbow models do not rotate within this range: Nitro 505, Nitro 505 Oracle
7 X, Nitro 505 Xero, Nitro X, Nitro XRT, XR-410.

8 Claim 17 requires the cams to rotate between more than about 360 degrees when the
9 crossbow is drawn from the released configuration to the drawn configuration. As explained
10 above for claim 6, the following accused crossbow models do not rotate this much: Vapor
11 RS470, Vapor RS470 Xero.

12 Claim 19 requires the limbs to be attached to yet extend away from a center rail, as in
13 claim 11, so the same response applies here also. Claim 19 also requires each power cable
14 journal to comprise a width at least twice a width of the power cable, as in claim 3, so the same
15 response applies here also.

16 3. '936 Patent

17 Claim 3 requires each power cable journal to comprise a width at least twice a width of
18 the power cable, as shown in Fig. 9C, contrasted with Figs. 9A-B. *See* 6:59-7:17. As clearly
19 shown in Ravin's Chart B-3, each power cable journal does not comprise a width of at least
20 twice a width of the power cable. Rather, Ravin appears to be combining two adjacent but
21 discrete portions of a power cable journal (similar to Figs. 9A-B), which has a width
22 approximately a width of the power cable.

23 Claim 4 requires the cams to rotate between about 270 to about 330 degrees when the
24 bow is drawn from the released configuration to the drawn configuration. The cams of the
25 following accused models do not rotate within this range: Nitro 505, Nitro 505 Oracle X, Nitro
26 505 Xero, Nitro X, Nitro XRT, Vapor RS470, Vapor RS470 Xero, XR-410.

1 Claim 5 requires the cams to rotate between about 300 to about 360 degrees when the
2 bow is drawn from the released configuration to the drawn configuration. The cams of the
3 following accused models do not rotate within this range: Nitro 505, Nitro 505 Oracle X, Nitro
4 505 Xero, Nitro X, Nitro XRT, XR-410.

5 Claim 6 requires the cams to rotate between more than about 360 degrees when the bow
6 is drawn from the released configuration to the drawn configuration. The cams of the following
7 accused Reverse Draw 360 Degree Rotation Products do not rotate within this range: Vapor
8 RS470, Vapor RS470 Xero.

9 Claim 7 requires the first ends of the upper and lower power cables to be attached to
10 attachments extending above upper and lower surfaces of the cams, respectively, wherein the
11 attachments pass under the respective power cables as the bow moves between the released and
12 drawn configurations. Ravin's Contentions state that the attachments are "on" upper or lower
13 surfaces of the cams, but the claim requires those attachments to extend above those surfaces.
14 Because the power cable channels and anchors are part of the cam, it is inaccurate to refer to the
15 surfaces surrounding only the bow string channel as the "upper and lower surfaces of the cam,"
16 and thus the attachments do not extend "above" the "upper and lower surfaces" of the cams.
17 Also, the lower anchors pass above, and not under, the power cables as the bow moves between
18 the released and drawn configurations.

19 Claim 15 requires the upper and lower take-up journals to extend "in a direction
20 perpendicular to the respective plane of rotation of the first and second cams." Contrasted with,
21 e.g., claim 1, which requires the upper and lower take-up journals to extend in *opposite*
22 directions, claim 15 requires the upper and lower take-up journals to extend in the same
23 direction. None of the Reverse Draw Products meet this limitation, as their take-up journals
24 extend in the opposite directions.

25 Claim 16 requires the cams to rotate between about 270 to about 360 degrees when the
26 bow is drawn from the released configuration to the drawn configuration. The cams of the
27

1 following accused models do not rotate within this range: Nitro 505, Nitro 505 Oracle X, Nitro
2 505 Xero, Nitro X, Nitro XRT, XR-410.

3 Claim 17 requires the cams to rotate between more than about 360 degrees when the bow
4 is drawn from the released configuration to the drawn configuration. As explained above for
5 claim 6, the following accused models do not rotate this much: Vapor RS470, Vapor RS470
6 Xero.

7 Claim 19 requires each power cable journal to comprise a width at least twice a width of
8 the power cable, as in claim 3, so the same response applies here also.

9 4. '073 Patent

10 Claim 1 requires the draw string in the drawn configuration to comprise an included
11 angle of less than about 25 degrees. The following accused Reverse Draw Products do not have
12 an included angle in this range: Havoc RS440, Havoc RS440 Xero, Siege RS410. Claim 1 also
13 requires the first ends of the power cables to be received in the helical power cable journals.
14 However as shown in Ravin's Chart B-4 for the power cables, their first ends are not in the
15 helical journals but are secured to anchors some distance away from the helical journals.

16 Claim 2 requires the power stroke to be about 10 inches to about 15 inches. The
17 following accused models do not have a power stroke within this range: Nitro 505, Nitro 505
18 Oracle X, Nitro 505 Xero, Nitro X, Nitro XRT, Vapor RS470, Vapor RS470 Xero, XR-410.

19 Claim 4 requires the power cable attachments to extend above surfaces of the string
20 guides and to pass under the respective power cables as the draw string is moved between the
21 released and the drawn configurations. However claim 1 requires power cable journals to be on
22 opposite sides of the draw string journals. Thus, the lower power cable attachments pass above,
23 and not under, the power cables as the draw string is moved between the released and the drawn
24 configurations.

25 Claim 5 requires the string guides to rotate between about 300 to about 360 degrees when
26 the draw string is moved from the released configuration to the drawn configuration. The cams
27

1 of the following accused models do not rotate within this range: Nitro 505, Nitro 505 Oracle X,
2 Nitro 505 Xero, Nitro X, Nitro XRT, XR-410.

3 Claim 9 requires the power stroke to be about 10 inches to about 15 inches. The
4 following accused models do not have a power stroke within this range: Nitro 505, Nitro 505
5 Oracle X, Nitro 505 Xero, Nitro X, Nitro XRT, Vapor RS470, Vapor RS470 Xero, XR-410.

6 Claim 10 requires the draw string in the drawn configuration to comprise an included
7 angle of less than about 20 degrees. None of the accused Reverse Draw Products have an
8 included angle in this range.

9 Claim 11 requires the draw string in the drawn configuration to comprise an included
10 angle of less than about 25 degrees. The following accused Reverse Draw Products do not have
11 an included angle in this range: Havoc RS440, Havoc RS440 Xero, Siege RS410. Claim 11 also
12 requires the first ends of the power cables to be received in the power cable journals. However
13 as shown in Ravin's Chart B-4 for the power cables, their first ends are not in the power cable
14 journals but are secured to anchors some distance away from the journals.

15 Claim 13 requires each power cable journal to comprise a width at least twice a width of
16 the power cable, as shown in Fig. 9C, contrasted with Figs. 9A-B. *See* 6:62-7:20. As clearly
17 shown in Ravin's Chart B-4, each power cable journal does not comprise a width of at least
18 twice a width of the power cable. Rather, Ravin appears to be combining two adjacent but
19 discrete portions of a power cable journal (similar to Figs. 9A-B), which has a width
20 approximately a width of the power cable.

21 Claim 14 requires the power cable attachments to extend above surfaces of the string
22 guides and to pass under the respective power cables as the draw string is moved between the
23 released and the drawn configurations. However claim 11 requires power cable journals to be on
24 opposite sides of the draw string journals. Thus, the lower power cable attachments pass above,
25 and not under, the power cables as the draw string is moved between the released and the drawn
26 configurations.

1 Claim 15 requires the draw string in the drawn configuration to comprise an included
2 angle of less than about 25 degrees. The following accused Reverse Draw Products do not have
3 an included angle in this range: Havoc RS440, Havoc RS440 Xero, Siege RS410. Claim 15 also
4 requires the first ends of the power cables to be received in the power cable journals. However
5 as shown in Ravin's Chart B-4 for the power cables, their first ends are not in the power cable
6 journals but are secured to anchors some distance away from the journals. Claim 15 also
7 requires each power cable journal to comprise a width at least twice a width of the power cable,
8 as shown in Fig. 9C, contrasted with Figs. 9A-B. *See* 6:62-7:20. As clearly shown in Ravin's
9 Chart B-4, each power cable journal does not comprise a width of at least twice a width of the
10 power cable. Rather, Ravin appears to be combining two adjacent but discrete portions of a
11 power cable journal (similar to Figs. 9A-B), which has a width approximately a width of the
12 power cable.

13 Claim 18 requires the power cable attachments to extend above surfaces of the string
14 guides and to pass under the respective power cables as the draw string is moved between the
15 released and the drawn configurations. However claim 15 requires power cable journals to be on
16 opposite sides of the draw string journals. Thus, the lower power cable attachments pass above,
17 and not under, the power cables as the draw string is moved between the released and the drawn
18 configurations.

19 Claim 19 requires the string guides to rotate between about 300 to about 360 degrees
20 when the draw string is moved from the released configuration to the drawn configuration. As
21 explained above for claim 5, the cams of the following accused models do not rotate within this
22 range: Nitro 505, Nitro 505 Oracle X, Nitro 505 Xero, Nitro X, Nitro XRT, XR-410.

23 Claim 20 requires the draw string in the drawn configuration to comprise an included
24 angle of less than about 20 degrees. As explained above for claim 10, none of the accused
25 Reverse Draw Products have an included angle in this range.

26 Claim 24 requires the string guides to rotate between about 300 to about 360 degrees
27 when the draw string is moved from the released configuration to the drawn configuration. As

1 explained above for claim 5, the cams of the following accused models do not rotate within this
2 range: Nitro 505, Nitro 505 Oracle X, Nitro 505 Xero, Nitro X, Nitro XRT, XR-410.

3 Claim 25 requires the draw string in the drawn configuration to comprise an included
4 angle of less than about 20 degrees. As explained above for claim 10, none of the accused
5 Reverse Draw Products have an included angle in this range.

6 5. '118 Patent

7 Claim 1 requires the first ends of the power cables to be received in the helical power
8 cable journals. However as shown in Ravin's Chart B-5 for the power cables, their first ends are
9 not in the helical journals but are secured to anchors some distance away from the helical
10 journals.

11 Claim 2 requires the power stroke to be about 8 inches to about 15 inches. The following
12 accused models do not have a power stroke within this range: Nitro 505, Nitro 505 Oracle X,
13 Nitro 505 Xero, Nitro X, Nitro XRT, Vapor RS470, Vapor RS470 Xero, XR-410.

14 Claim 4 requires the power cable attachments to extend above surfaces of the draw string
15 journals and to pass under the respective power cables as the draw string is moved between the
16 released and the drawn configurations. However claim 1 requires power cable journals to be on
17 opposite sides of the draw string journals. Thus, the lower power cable attachments extend
18 under, and not above, surfaces of the draw string journals and pass above, and not under, the
19 power cables as the draw string is moved between the released and the drawn configurations.

20 Claim 9 requires the draw string in the drawn configuration to comprise an included
21 angle of less than about 25 degrees. The following accused Reverse Draw Products do not have
22 an included angle in this range: Havoc RS440, Havoc RS440 Xero, Siege RS410.

23 Claim 13 requires the string guides to rotate between about 300 to about 360 degrees
24 when the draw string is moved from the released configuration to the drawn configuration. The
25 cams of the following accused models do not rotate within this range: Nitro 505, Nitro 505
26 Oracle X, Nitro 505 Xero, Nitro X, Nitro XRT, XR-410.

1 Claim 14 requires the draw string in the drawn configuration to comprise an included
2 angle of less than about 25 degrees. The following accused Reverse Draw Products do not have
3 an included angle in this range: Havoc RS440, Havoc RS440 Xero, Siege RS410, as explained
4 above for claim 9.

5 6. '728 Patent

6 Claim 10 requires the first ends of the power cables to be received in the helical power
7 cable journals. However as shown in Ravin's Chart B-6 for the power cables, their first ends are
8 not in the helical journals but are secured to anchors some distance away from the helical
9 journals.

10 Claim 11 requires the power cables to be attached to the upper and lower attachment
11 points disposed above the string guides' top surfaces and below their bottom surfaces,
12 respectively. Per claim 10, these upper and lower attachment points are what the power cable
13 second ends are attached to. *See* Figs. 21A-B. However, Ravin's Chart B-6 points to attachment
14 points on the cams, which is where the power cable *first* ends are attached, rather than the *second*
15 ends as required by the claim.

16 **II. LPR 1-8(b)**

17 LPR 1-8(b) requires:

18 A detailed description of the factual and legal grounds for contentions of
19 invalidity, if any, including an identification of the prior art relied upon and where
20 in the prior art each element of each asserted claim is found. Each prior-art patent
21 must be identified by its number, country of origin, and date of issue. Each prior-
22 art publication must be identified by its title, date of publication, and where
23 feasible, author and publisher. Prior art under 35 U.S.C. § 102(b) (pre-AIA) or 35
24 U.S.C. § 102(a) (post-AIA) must be identified by specifying the item offered for
25 sale or publicly used or known, the date the offer or use took place or the
26 information became known, and the identity of the person or entity who made the
27 use or made and received the offer, or the person or entity who made the
information known or to whom it was made known. Prior art under 35 U.S.C. §
102(f) (pre-AIA) or disclosures under 35 U.S.C. § 102(b) (post-AIA) must be
identified by providing the name of the person(s) from whom and the
circumstances under which the invention or any part of it was derived. Prior art
under 35 U.S.C. § 102(g) (pre-AIA) or 35 U.S.C. § 102(b) (post-AIA) must be
identified by providing the identities of the person(s) or entities involved in, and

the circumstances surrounding, the making of the invention before the patent applicant(s)[.]

TenPoint identifies at least the following prior art:

- U.S. Patent No. 7,836,871, issued November 23, 2010 (“Kempf I”)
- U.S. Patent No. 8,651,095, issued February 18, 2014 (“Islas I”)
- U.S. Patent Pub. No. 2012/0125302, published May 24, 2012 (“Stanziale I”)
- U.S. Patent Pub. No. 2015/0168093, published June 18, 2015 (“Yehle I”)

III. LPR 1-8(c)

LPR 1-8(c) requires a disclosure:

Whether each item of prior art anticipates each asserted claim or renders it obvious. If obviousness is alleged, an explanation of why the prior art renders the asserted claim obvious, including an identification of any combinations of prior art showing obviousness[.]

A. **Stanziale I**

Stanziale I anticipates at least the following claims:

- ‘015 Patent: claim 1
- ‘379 Patent: claim 1
- ‘936 Patent: claim 1
- ‘118 Patent: claim 1
- ‘728 Patent: claim 10

B. **Islas I, Yehle I, and Kempf I**

The combination of Islas I, Yehle I, and Kempf I renders obvious at least claim 1 of the ‘073 Patent. All three references disclose a crossbow. Islas I Fig. 1, 2:6-7; Yehle I Fig. 12, [0052]; Kempf I Fig. 1, 1:6-8. Islas I teaches (1:23-26, 55-59) the desirability of increasing the stored energy in a crossbow and its resultant speed. Yehle I also teaches the desirability of increasing a bow’s energy by increasing its power stroke distance. [0001]. Kempf I (cited in Yehle I [0004]) also teaches the desirability of increasing the stored energy and speed in a crossbow, including by increasing the power stroke distance. Abstract; 1:6-8, 2:47-48. Kempf I

discloses that one way to increase the power stroke is by configuring the crossbow in a reverse-draw configuration, where the bowstring is drawn from the released configuration on a down-range side of the string guides. Abstract; 1:40-34, 53-56, 2:1-3. Because Kempf I discloses that mounting the string guides inward of the limbs decreases the draw length and power, it would be obvious to one of ordinary skill in the art to combine Kempf I with Islas I and mount the string guide axles a fixed distance outward of the limbs (using brackets) to increase the draw length and energy of a crossbow. It would be obvious to a person of ordinary skill in the art (“POSA”) to combine Islas I, Yehle I, and Kempf I to increase the energy and speed of a crossbow. Kempf I further reinforces the motivation to combine Islas I with Yehle I to configure the crossbow in a reverse-draw configuration, to secure the string guide axles a fixed distance from the limbs using brackets, to reduce the separation between the axes as much as possible while increasing the power stroke distance.

IV. LPR 1-8(d)

LPR 1-8(d) requires:

A chart identifying specifically where in each alleged item of prior art each limitation of each asserted claim is found, including for each limitation that a party contends is governed by 35 U.S.C. § 112(6) (pre-AIA) or 35 U.S.C. § 112(f) (post-AIA), the identity of the structure(s), act(s), or material(s) in each item of prior art that performs the claimed function[.]

The following charts identify the required information. The omission of a limitation or claim is not a concession that such a limitation is not found in the prior art.

- Exhibit 1 – Stanziale I
- Exhibit 2 – Islas I
- Exhibit 3 – Yehle I
- Exhibit 4 – Kempf I

V. LPR 1-8(e)

LPR 1-8(e) requires:

1 A detailed statement of any grounds of invalidity based on 35 U.S.C. § 101,
2 indefiniteness under 35 U.S.C. § 112(2) (pre-AIA) or 35 U.S.C. § 112(b) (post-
3 AIA) or failure of enablement, best mode, or written description requirements
4 under 35 U.S.C. § 112(1) (pre-AIA) or 35 U.S.C. § 112(a) (post-AIA)[.]

5 **A. Indefiniteness (§112(b))**

6 A patent must include “one or more claims *particularly pointing out and distinctly*
7 *claiming* the subject matter which the applicant regards as his invention.” 35 U.S.C. § 112(2)
8 (emphasis added). This is known as the definiteness requirement and requires the claims, when
9 read in light of the patent specification and prosecution history, to inform a POSA with
10 reasonable certainty about the scope of the invention being claimed, measured at the time the
11 patent was applied for. *Nautilus, Inc. v. Biosig Instruments*, 572 U.S. 898, 901, 908 (2014). A
12 patent must be precise enough to afford clear notice of what is claimed and apprise the public of
13 what is still open to them; otherwise there would be a zone of uncertainty that discourages
14 further innovation and enterprise. *Id.* at 909-10. *Nautilus* rejected the older standard that found
15 this requirement met as long as the claim was amenable to construction (to ascribe some
16 meaning) and was not insolubly ambiguous. *See id.* at 901, 911.

17 The claims, when read in light of the specification and prosecution history, must provide
18 objective boundaries for those of skill in the art. *Interval Licensing LLC v. AOL, Inc.*, 766 F.3d
19 1364, 1371 (Fed. Cir. 2014). Thus, a claim is indefinite if a POSA cannot ascribe any meaning
20 to a claim term, or if a claim term might mean several different things but no informed and
21 confident choice is available among the contending alternatives. *Id.* at 1370-71. Also, a claim
22 term that depends solely on the subjective opinion of a particular individual purportedly
23 practicing the invention, without sufficient objective guidance in the specification to a POSA, is
24 indefinite. *DDR Holdings v. Hotels.com, L.P.*, 773 F.3d 1245, 1260 (Fed. Cir. 2014).

25 **1. ‘015 Patent**

26 Claims 8 and 9 recite a “drawing configuration,” while claim 1 recites a “drawn
27 configuration.” It is unclear whether these configurations are the same or different; if different,
it is unclear what exactly is the “drawing configuration.”

1 Claim 11 requires the power cable journals to extend around the axes in a direction
2 perpendicular to the draw string journal planes of rotation. The only such journal extensions
3 disclosed by patent are helical power cable journals, *see, e.g.*, 4:45-53. Claim 15 requires these
4 power cable journals to be helical, so the doctrine of claim differentiation indicates that the
5 independent claim 11 is not so limited. Since these limitations of claim 11 apparently encompass
6 other perpendicularly extending power cable journals, their meaning and scope is unclear
7 because the patent does not disclose or explain how any other journal configurations can meet
8 these limitations. Conversely if the power cable journal limitations of claim 11 are the same as
9 in claim 15, then claim 15 is invalid under §112(d) for failing to further narrow the claimed
10 subject matter. *Multilayer Stretch Cling Film Holdings v. Berry Plastics Corp.*, 831 F.3d 1350,
11 1362 (Fed. Cir. 2016) (a dependent claim is invalid under §112(d) if it does not add a further
12 limitation to, does not overlap, or contradicts the claim from which it depends).

13 Claim 16 requires the distance between the axes to be “about” 8 inches when the
14 crossbow is in the drawn configuration, but the patent does not explain the amount of leeway
15 allowed by using “about.” To the extent “about” is intended to encompass more than
16 manufacturing tolerances from a rated value, the claim is indefinite.

17 2. ‘379 Patent

18 Claim 1 requires the power cable journals to extend in a direction perpendicular to the
19 draw string journal planes of rotation. The only such journal extensions disclosed by patent are
20 helical power cable journals, *see, e.g.*, 5:41-49. Claim 2 requires these power cable journals to
21 be helical, so the doctrine of claim differentiation indicates that the independent claim 1 is not so
22 limited. Since these limitations of claim 1 apparently encompass other perpendicularly
23 extending power cable journals, their meaning and scope is unclear because the patent does not
24 disclose or explain how any other journal configurations can meet these limitations. Conversely
25 if the power cable journal limitations of claim 1 are the same as in claim 2, then claim 2 is
26 invalid under §112(d) for failing to further narrow the claimed subject matter. Because claim 19
27

1 includes the same perpendicularly extending journal limitation, it thus raises the same
2 indefiniteness issue.

3 Claim 4 requires the cams to rotate between about 270 to about 330 degrees when the
4 crossbow is drawn from the released configuration to the drawn configuration, but the patent
5 does not explain the amount of leeway allowed by using “about.” To the extent “about” is
6 intended to encompass more than manufacturing tolerances from a rated value, the claim is
7 indefinite.

8 Claim 5 requires the cams to rotate between about 300 to about 360 degrees when the
9 crossbow is drawn from the released configuration to the drawn configuration, but the patent
10 does not explain the amount of leeway allowed by using “about.” To the extent “about” is
11 intended to encompass more than manufacturing tolerances from a rated value, the claim is
12 indefinite.

13 Claims 6 and 17 require the cams to rotate more than about 360 degrees when the
14 crossbow is drawn from the released configuration to the drawn configuration, but the patent
15 does not explain the amount of leeway allowed by using “about.” To the extent “about” is
16 intended to encompass more than manufacturing tolerances from a rated value, the claims are
17 indefinite.

18 Claims 9 and 18 require the axes to be offset from the limb tips by about 1.0 to about 3.0
19 inches, but the patent does not explain the amount of leeway allowed by using “about.” To the
20 extent “about” is intended to encompass more than manufacturing tolerances from a rated value,
21 the claims are indefinite.

22 Claim 11 requires the first and second cams to each have a helical power cable take-up
23 journal (first and second, respectively) extending in a direction perpendicular to the draw string
24 journal planes of rotation and to receive power cables. Claim 15 then requires each of these
25 take-up journals to comprise upper and lower helical power cable take-up journals. Notably,
26 claim 15 does not recite that each *cam* further comprises another take-up journal (*see, e.g.*, claim
27 1), but rather than each *take-up journal* previously recited in claim 11 comprises upper and lower

1 take-up journals. It is unclear from the disclosure how one cam's helical power cable take-up
2 journal, which receives a power cable, is separated into an upper helical power cable take-up
3 journal and a lower helical power cable take-up journal, and how the power cable is to be
4 allocated between or separated among these journals.

5 Independent claim 1 recites that the limbs are "attached to a center rail," while
6 independent claims 11 and 19 recite that the limbs are "attached to, and extending away from, a
7 center rail." The meaning or scope of the "and extending away from" portion is unclear.
8 Presumably, through the doctrine of claim differentiation, this portion adds something that is not
9 required in claim 1. However, the crossbow of Fig. 13A shows limbs (namely, the ends not
10 connected to the riser) that point toward the center rail, which suggests that such a crossbow is
11 not within the scope of claims 11 and 19. It is not clear whether this claim portion refers to a
12 crossbow such as shown in Fig. 12, where the limbs (namely, the ends not connected to the riser)
13 point away from the center rail.

14 Claim 16 requires the cams to rotate between about 270 to about 360 degrees when the
15 crossbow is drawn from the released configuration to the drawn configuration, but the patent
16 does not explain the amount of leeway allowed by using "about." To the extent "about" is
17 intended to encompass more than manufacturing tolerances from a rated value, the claim is
18 indefinite.

19 3. '936 Patent

20 Claim 1 requires the power cable journals to extend in a direction perpendicular to the
21 draw string journal planes of rotation. The only such journal extensions disclosed by patent are
22 helical power cable journals, *see, e.g.*, 6:41-49. Claim 2 requires these power cable journals to
23 be helical, so the doctrine of claim differentiation indicates that the independent claim 1 is not so
24 limited. Since these limitations of claim 1 apparently encompass other perpendicularly
25 extending power cable journals, their meaning and scope is unclear because the patent does not
26 disclose or explain how any other journal configurations can meet these limitations. Conversely
27 if the power cable journal limitations of claim 1 are the same as in claim 2, then claim 2 is

1 invalid under §112(d) for failing to further narrow the claimed subject matter. Because claim 19
2 includes the same perpendicularly extending journal limitation, it thus raises the same
3 indefiniteness issue.

4 Claim 4 requires the cams to rotate between about 270 to about 330 degrees when the
5 crossbow is drawn from the released configuration to the drawn configuration, but the patent
6 does not explain the amount of leeway allowed by using “about.” To the extent “about” is
7 intended to encompass more than manufacturing tolerances from a rated value, the claim is
8 indefinite.

9 Claim 5 requires the cams to rotate between about 300 to about 360 degrees when the
10 crossbow is drawn from the released configuration to the drawn configuration, but the patent
11 does not explain the amount of leeway allowed by using “about.” To the extent “about” is
12 intended to encompass more than manufacturing tolerances from a rated value, the claim is
13 indefinite.

14 Claims 6 and 17 require the cams to rotate more than about 360 degrees when the
15 crossbow is drawn from the released configuration to the drawn configuration, but the patent
16 does not explain the amount of leeway allowed by using “about.” To the extent “about” is
17 intended to encompass more than manufacturing tolerances from a rated value, the claims are
18 indefinite.

19 Claims 9 and 18 require the axes to be offset from the limb tips by about 1.0 to about 3.0
20 inches, but the patent does not explain the amount of leeway allowed by using “about.” To the
21 extent “about” is intended to encompass more than manufacturing tolerances from a rated value,
22 the claims are indefinite.

23 Claims 10 and 14 require the power cables to not cross over the riser. The meaning of
24 this limitation is unclear. The claims of this patent appear to generally duplicate the claims of
25 the ‘379 Patent, except that this patent’s claims are to a bow whereas the ‘379 Patent claims are
26 to a crossbow. Claims 10 and 14 of the ‘379 Patent require the power cables to not cross over
27 the center rail, and its specification discusses this aspect at 7:50-51 and 12:31-32. In contrast,

1 this patent nowhere discloses power cables that do or do not cross over the riser, so it is unclear
2 what this limitation means. And if this limitation is simply stating a truism of all bows, then it is
3 invalid under §112(d) for failure to further narrow the claimed subject matter.

4 Claim 11 requires the first and second cams to each have a helical power cable take-up
5 journal (first and second, respectively) extending in a direction perpendicular to the draw string
6 journal planes of rotation and to receive power cables. Claim 15 then requires each of these
7 take-up journals to comprise upper and lower helical power cable take-up journals. Notably,
8 claim 15 does not recite that each *cam* further comprises another take-up journal (*see, e.g.*, claim
9 1), but rather than each *take-up journal* previously recited in claim 11 comprises upper and lower
10 take-up journals. It is unclear from the disclosure how one cam's helical power cable take-up
11 journal, which receives a power cable, is separated into an upper helical power cable take-up
12 journal and a lower helical power cable take-up journal, and how the power cable is to be
13 allocated between or separated among these journals.

14 Claim 16 requires the cams to rotate between about 270 to about 360 degrees when the
15 crossbow is drawn from the released configuration to the drawn configuration, but the patent
16 does not explain the amount of leeway allowed by using "about." To the extent "about" is
17 intended to encompass more than manufacturing tolerances from a rated value, the claim is
18 indefinite.

19 4. '073 Patent

20 Claims 1, 11, and 15 require the draw string in the drawn configuration to comprise an
21 included angle of less than about 25 degrees and require the separation between the axes in the
22 drawn configuration to be about 4 inches to about 8 inches, but the patent does not explain the
23 amount of leeway allowed by using "about." To the extent "about" is intended to encompass
24 more than manufacturing tolerances from a rated value, the claims are indefinite.

25 Claims 2 and 9 require the power stroke to be about 10 inches to about 15 inches, but the
26 patent does not explain the amount of leeway allowed by using "about." To the extent "about" is
27

1 intended to encompass more than manufacturing tolerances from a rated value, the claims are
2 indefinite.

3 Claims 5, 19, and 24 require the string guides to rotate between about 300 to about 360
4 degrees when the draw string is moved from the released configuration to the drawn
5 configuration, but the patent does not explain the amount of leeway allowed by using “about.”
6 To the extent “about” is intended to encompass more than manufacturing tolerances from a rated
7 value, the claims are indefinite.

8 Claims 10, 20, and 25 require the draw string in the drawn configuration to comprise an
9 included angle of less than about 20 degrees, but the patent does not explain the amount of
10 leeway allowed by using “about.” To the extent “about” is intended to encompass more than
11 manufacturing tolerances from a rated value, the claims are indefinite.

12 Claim 11 requires the power cable journals to comprise paths that are not co-planar with
13 the draw string journal planes of rotation. The patent discloses power cable journals that are not
14 coplanar with the string guide journals by discussing helical power cable journals, *see, e.g.*, 6:44-
15 52. Claim 12 requires at least one of these power cable journals to be helical, so the doctrine of
16 claim differentiation indicates that at least one of these journals in the independent claim 11 is
17 not so limited. Since these limitations of claim 11 apparently encompass other perpendicularly
18 extending power cable journals, their meaning and scope is unclear because the patent does not
19 disclose or explain how any other journal configurations can meet these limitations. Conversely
20 if the power cable journal limitations of claim 11 are the same as in claim 12, then claim 12 is
21 invalid under §112(d) for failing to further narrow the claimed subject matter.

22 Claim 15 requires the power cable journals to comprise a width at least twice a width of
23 the power cables, and requires those power cables to wrap onto the power cable journals along a
24 path that is not co-planar with the draw string journal planes of rotation. The patent discloses
25 power cable journals that are not coplanar with the string guide journals by discussing helical
26 power cable journals, *see, e.g.*, 6:44-52. Claim 16 requires at least one of these power cable
27 journals to be helical, so the doctrine of claim differentiation indicates that at least one of these

1 journals in the independent claim 15 is not so limited. Since these limitations of claim 15
2 apparently encompass other power cable journals, their meaning and scope is unclear because the
3 patent does not disclose or explain how any other journal configurations can meet these
4 limitations. Conversely if the power cable journal limitations of claim 15 are the same as in
5 claim 16, then claim 16 is invalid under §112(d) for failing to further narrow the claimed subject
6 matter.

7 Claims 21, 26, and 28 require the power stroke to be about 8 inches to about 20 inches,
8 but the patent does not explain the amount of leeway allowed by using “about.” To the extent
9 “about” is intended to encompass more than manufacturing tolerances from a rated value, the
10 claims are indefinite.

11 5. ‘118 Patent

12 Claim 2 requires the power stroke to be about 8 inches to about 15 inches, but the patent
13 does not explain the amount of leeway allowed by using “about.” To the extent “about” is
14 intended to encompass more than manufacturing tolerances from a rated value, the claim is
15 indefinite.

16 Claim 5 requires the string guides to rotate at least 270 degrees when the draw string is
17 moved from the released configuration to the drawn configuration. But claim 1 already requires
18 the power cables to wrap and unwrap at least 270 degrees as the draw string is moved between
19 the released and the drawn configurations, so it is unclear how the power cables could so wrap
20 and unwrap without the string guides so rotating. And if claim 5 simply states a truism required
21 by the wrapping/unwrapping of claim 1, then claim 5 is invalid under §112(d) for failure to
22 further narrow the claimed subject matter.

23 Claims 9 and 14 require the draw string in the drawn configuration to comprise an
24 included angle of less than about 25 degrees, but the patent does not explain the amount of
25 leeway allowed by using “about.” To the extent “about” is intended to encompass more than
26 manufacturing tolerances from a rated value, the claims are indefinite.

1 Claim 11 requires the power cable journals to comprise paths that are not in planes
2 parallel with the draw string journal planes of rotation, and where at least one power cable
3 journal per string guide is helical. Comparing these power cable journal limitations with those in
4 independent claims 1 and 19, which require helical power cable journals, the difference in claim
5 11 appears to be at least one power cable journal per string guide that is not helical and yet not
6 coplanar with the string guide journal. The patent discloses power cable journals that are not
7 coplanar with the string guide journals by discussing helical power cable journals, *see, e.g.*, 6:66-
8 7:9. Therefore if these limitations are intended to encompass any other power cable journals,
9 their meaning and scope is unclear because the patent does not disclose or explain how any other
10 journal configurations can meet these limitations. Additionally, claim 11 requires a first power
11 cable to be received in the first upper and lower power cable journals, and a second power cable
12 to be received in the second upper and lower power cable journals. It is unclear how a single
13 power cable can be received in both upper and lower journals, and the patent discloses multiple
14 power cables per cam, not just one. *See, e.g.*, Figs. 15, 21B, 24C. Notably in discussing these
15 limitations, Ravin's Chart B-5 points to two separate power cables as the "first power cable" and
16 to two separate power cables as the "second power cable." In contrast, claim 1, which also
17 recites upper and lower power cable journals, recites a pair of first power cables and a pair of
18 lower power cables, rather than just one first power cable and one second power cable, which
19 through claim differentiation shows that a different meaning is intended.

20 Claim 13 requires the string guides to rotate between about 300 to about 360 degrees
21 when the draw string is moved from the released configuration to the drawn configuration, but
22 the patent does not explain the amount of leeway allowed by using "about." To the extent
23 "about" is intended to encompass more than manufacturing tolerances from a rated value, the
24 claim is indefinite.

25 Claim 19 requires a first power cable to be received in the first upper and lower power
26 cable journals, and a second power cable to be received in the second upper and lower power
27

1 cable journals, like in claim 11. For the same reasons, it is unclear how a single power cable can
2 be received in both upper and lower journals.

3 6. '728 Patent

4 Claim 11 requires the power cables to be “attached to the [respective] upper and lower
5 attachment points at respective positions disposed above a top surface of the [respective] string
6 guide and below a bottom surface of the [respective] string guide.” Per claim 10, these upper
7 and lower attachment points are what the power cable *second* ends are attached to. *See* Figs.
8 21A-B. While the patent discloses these attachment points 612A-B as being higher or lower,
9 respectively, than the anchor points on the cams that secure the *first* ends of the power cables,
10 *see* Fig. 21B, 15:10-15, those attachment points are not disposed above and below the top and
11 bottom surfaces of the cams such that one vertical line can pass through the attachment points
12 and the top and bottom surfaces. As explained above regarding noninfringement of this claim,
13 Ravin’s Contentions interpret this claim as requiring the attachment points to be disposed
14 vertically above and below the top and bottom surfaces, but the patent does not disclose such a
15 configuration, thus rendering the meaning and scope of this claim unclear.

16 Claim 12 requires the separation between the axes in the drawn configuration to be about
17 6 inches to about 8 inches, but the patent does not explain the amount of leeway allowed by
18 using “about.” To the extent “about” is intended to encompass more than manufacturing
19 tolerances from a rated value, the claim is indefinite.

20 **B. Lack of Written Description (§112(a))**

21 To comply with the written-description requirement, the patent’s disclosure must
22 reasonably convey to a POSA that the inventor had possession, as shown in the disclosure, of the
23 claimed subject matter as of the filing date. *Ariad Pharm. v. Eli Lilly & Co.*, 598 F.3d 1336,
24 1351 (Fed. Cir. 2010) (en banc). This is an objective inquiry into the four corners of the
25 specification, which must describe an invention understandable to a POSA and show that the
26 inventor actually invented the invention claimed. *Id.* A description that merely renders the
27 claim obvious does not satisfy the requirement. *Id.* at 1352. Claims are supported by the written

description if they claim what is described, not what would be obvious from what is described.
Lockwood v. Am. Airlines, Inc., 107 F.3d 1565, 1572 (Fed. Cir. 1997).

The purpose of this requirement is to prevent an applicant from later asserting that he invented that which he did not, especially regarding claims later added during prosecution in response to others' developments (*e.g.*, a mismatch between the specification and claims). *Quake v. Lo*, 928 F.3d 1365, 1373 (Fed. Cir. 2019). This requirement protects against the inventor from overreaching, in the claims, the scope of his contribution to the field of art as described in the specification. *AbbVie Deutschland GmbH & Co., v. Janssen Biotech, Inc.*, 759 F.3d 1285, 1299 (Fed. Cir. 2014). Thus, each claim limitation must be supported by the originally filed specification, and new matter is prohibited from being added during prosecution. *In re Downing*, 754 F. App'x 988, 994-95 (Fed. Cir. 2018) (citing 35 U.S.C. § 132(a)). A broad claim is invalid when the specification clearly indicates that the invention is of a much narrower scope. *Cisco Sys. v. Cirrex Sys.*, 856 F.3d 997, 1008 (Fed. Cir. 2017). Also, claims directed to subject matter that is missing from the specification are invalid. *Id.* at 1009.

1. '015 Patent

As explained above on indefiniteness, claim 11 requires the power cable journals to extend around the axes in a direction perpendicular to the draw string journal planes of rotation, and claim 15 further narrows such journals to helical ones, indicating that the journals of claim 11 encompass additional power cable journals other than helical ones. But no such other journals are disclosed, which shows that the inventor did not have possession of such an invention.

2. '379 Patent

As explained above on indefiniteness, claim 1 requires the power cable journals to extend in a direction perpendicular to the draw string journal planes of rotation, and claim 2 further narrows such journals to helical ones, indicating that the journals of claim 1 encompass additional power cable journals other than helical ones. But no such other journals are disclosed, which shows that the inventor did not have possession of such an invention. Because claim 19

1 includes the same perpendicularly extending journal limitation, it likewise fails the written
2 description requirement.

3 Claim 7 requires the power cable attachments to extend “above upper and lower
4 surfaces” of the first and second cams, respectively, and to pass “under the respective upper and
5 lower power cables” as the crossbow moves between the released and drawn configurations.
6 However, claim 1, from which claim 7 depends, requires the upper and lower power cable take-
7 up journals to extend in opposite directions. The patent discloses upper power cable attachments
8 that extend vertically upwards and lower power cable attachments that extend vertically
9 downwards, such that the upper attachment passes under/below the upper power cable but the
10 lower attachment passes over/above the lower power cable. The patent does not disclose the
11 lower attachment extending “above” a lower surface of the cams and passing “under” the lower
12 power cable, which shows that the inventor did not have possession of such an invention, thus
13 failing the written description requirement.

14 3. ‘936 Patent

15 As explained above on indefiniteness, claim 1 requires the power cable journals to extend
16 in a direction perpendicular to the draw string journal planes of rotation, and claim 2 further
17 narrows such journals to helical ones, indicating that the journals of claim 1 encompass
18 additional power cable journals other than helical ones. But no such other journals are disclosed,
19 which shows that the inventor did not have possession of such an invention. Because claim 19
20 includes the same perpendicularly extending journal limitation, it likewise fails the written
21 description requirement.

22 Claim 7 requires the power cable attachments to extend “above upper and lower
23 surfaces” of the first and second cams, respectively, and to pass “under the respective upper and
24 lower power cables” as the bow moves between the released and drawn configurations.
25 However, claim 1, from which claim 7 depends, requires the upper and lower power cable take-
26 up journals to extend in opposite directions. The patent discloses upper power cable attachments
27 that extend vertically upwards and lower power cable attachments that extend vertically

1 downwards, such that the upper attachment passes under/below the upper power cable but the
2 lower attachment passes over/above the lower power cable. The patent does not disclose the
3 lower attachment extending “above” a lower surface of the cams and passing “under” the lower
4 power cable, which shows that the inventor did not have possession of such an invention, thus
5 failing the written description requirement.

6 4. ‘073 Patent

7 As explained above on indefiniteness, claim 11 requires the power cable journals to
8 comprise a path that is not co-planar with the draw string journal planes of rotation, and claim 12
9 further narrows such journals to helical ones, indicating that the journals of claim 11 encompass
10 additional power cable journals other than helical ones. But no such other journals are disclosed,
11 which shows that the inventor did not have possession of such an invention.

12 As explained above on indefiniteness, claim 15 requires the power cable journals to
13 comprise a width at least twice a width of the power cables, and requires those power cables to
14 wrap onto the power cable journals along a path that is not co-planar with the draw string journal
15 planes of rotation, and claim 16 further narrows at least two such journals to helical ones,
16 indicating that the journals of claim 15 encompass additional power cable journals other than
17 helical ones. But no such other journals are disclosed, which shows that the inventor did not
18 have possession of such an invention.

19 5. ‘118 Patent

20 As explained above on indefiniteness, claim 11 appears to encompass at least one power
21 cable journal per string guide that is not helical and yet not coplanar with the string guide
22 journal. But no such journals are disclosed, which shows that the inventor did not have
23 possession of such an invention.

24 6. ‘728 Patent

25 As explained above on indefiniteness, Ravin’s Contentions interpret claim 11 as requiring
26 the attachment points to be disposed vertically above and below the top and bottom surfaces, but
27

1 the patent does not disclose such a configuration and that the inventor had possession of such an
2 invention.

3 **C. Lack of Enablement (§112(a))**

4 Section 112 requires the specification to describe the invention and manner and process
5 of making and using it in full and clear terms as to enable any POSA to make and use the
6 invention. *See Tr. Bos. Univ. v. Everlight Elec. Co.*, 896 F.3d 1357, 1361 (Fed. Cir. 2018). The
7 specification must teach a POSA how to make and use the full scope of the claimed invention
8 without undue experimentation. *Id.* In other words, the scope of the claims must be less than or
9 equal to the scope of enablement. *Id.* at 1364; *see also Nat'l Recovery Tech. v. Magnetic*
10 *Separation Sys.*, 166 F.3d 1190, 1196 (Fed. Cir. 1999) (a claim broader than the enablement
11 taught in the specification is invalid). The enablement requirement prevents overbroad claiming
12 that attempts to cover more than what was actually invented or than was actually disclosed to
13 enrich the public knowledge. *MagSil Corp. v. Hitachi Global Storage Tech.*, 687 F.3d 1377,
14 1381 (Fed. Cir. 2012). “[A] patentee chooses broad claim language at the peril of losing any
15 claim that cannot be enabled across its full scope of coverage.” *Id.*

16 The following nonexclusive factors have been considered in determining whether a
17 disclosure requires undue experimentation: (1) the quantity of experimentation necessary, (2) the
18 amount of direction or guidance presented, (3) the presence or absence of working examples, (4)
19 the nature of the invention, (5) the state of the prior art, (6) the relative skill of those in the art,
20 (7) the predictability or unpredictability of the art, and (8) the breadth of the claims. *Storer v.*
21 *Clark*, 860 F.3d 1340, 1345 (Fed. Cir. 2017). If, by following the steps set forth in the
22 specification, a POSA is not able to replicate the claimed invention without undue
23 experimentation, the claim has not been enabled. *Nat'l Recovery Tech.*, 166 F.3d at 1196.

24 1. ‘015 Patent

25 As explained above on indefiniteness and the written description requirement, claim 11
26 appears to encompass perpendicularly extending power cable journals other than helical ones.
27

1 But the patent discloses no such other journals and thus does not enable a POSA to make and use
2 such an invention.

3 2. '379 Patent

4 As explained above on indefiniteness and the written description requirement, claim 1
5 appears to encompass perpendicularly extending power cable journals other than helical ones.

6 But the patent discloses no such other journals and thus does not enable a POSA to make and use
7 such an invention. Because claim 19 includes the same perpendicularly extending journal
8 limitation, it likewise fails the enablement requirement.

9 As discussed above with respect to claim 7 and the written description requirement, the
10 patent does not disclose the lower attachment extending "above" a lower surface of the cams and
11 passing "under" the lower power cable. Thus, the specification does not enable a POSA to make
12 and use such an invention.

13 3. '936 Patent

14 As explained above on indefiniteness and the written description requirement, claim 1
15 appears to encompass perpendicularly extending power cable journals other than helical ones.

16 But the patent discloses no such other journals and thus does not enable a POSA to make and use
17 such an invention. Because claim 19 includes the same perpendicularly extending journal
18 limitation, it likewise fails the enablement requirement.

19 As discussed above with respect to claim 7 and the written description requirement, the
20 patent does not disclose the lower attachment extending "above" a lower surface of the cams and
21 passing "under" the lower power cable. Thus, the specification does not enable a POSA to make
22 and use such an invention.

23 4. '073 Patent

24 As explained above on indefiniteness and the written description requirement, claim 11
25 appears to encompass power cable journals that are not helical and yet not coplanar with the
26 string guide journals. But the patent discloses no such power cable journals and thus does not
27 enable a POSA to make and use such an invention.

1 As explained above on indefiniteness and the written description requirement, claim 15
2 appears to encompass power cable journals that are not helical and yet wrap the power cables
3 onto the journals along a path that is not co-planar with the draw string journal planes of rotation.
4 But the patent discloses no such power cable journals and thus does not enable a POSA to make
5 and use such an invention.

6 5. '118 Patent

7 As explained above on indefiniteness, claim 11 appears to encompass at least one power
8 cable journal per string guide that is not helical and yet not coplanar with the string guide
9 journal. But the patent discloses no such journals and thus does not enable a POSA to make and
10 use such an invention.

11 6. '728 Patent

12 As explained above on indefiniteness, Ravin's Contentions interpret claim 11 as requiring
13 the attachment points to be disposed vertically above and below the top and bottom surfaces, but
14 the patent does not disclose how to make and use a crossbow with such a configuration.

15 **VI. LPR 1-8(f)**

16 LPR 1-8(f) requires:

17 A detailed description of the factual and legal grounds for contentions of
18 unenforceability (including misuse), if any, including the identification of all
19 dates, conduct, persons involved, and circumstances relied on for the contention,
20 and when unenforceability is based on any alleged affirmative misrepresentation
21 or omission of material fact committed before the United States Patent and
22 Trademark Office, the identification of all prior art, dates of the prior art, dates of
23 relevant conduct, and persons responsible for the alleged affirmative
24 misrepresentation or omission of material fact[.]

25 TenPoint is still conducting its analysis. Preliminary indications are that Ravin
26 committed inequitable conduct by burying material references in a large pile of other marginally
27 relevant references, intending to have the USPTO examiner overlook the material references.
Additional review is necessary before TenPoint can provide the information required by this
paragraph.

1 **VII. LPR 1-8(g)**

2 LPR 1-8(g) requires:

3 A statement whether the party intends to petition for review or reexamination
4 before the United States Patent and Trademark Office and, if so, the scope of such
5 petition. If a party indicates its intention to file a petition for review or
6 reexamination, it must file a notice of such intention with the court and include
7 the contemplated scope of such petition.

8 TenPoint is still reviewing the available information and analyzing whether to petition the
9 USPTO for review or reexamination and will supplement these Contentions once a decision is
10 reached.

11 **VIII. LPR 1-9**

12 Accompanying these Contentions is TenPoint's production of the documents required by
13 LPR 1-9(a), stamped TenPoint 000006 – TenPoint 000167. Because the prior art identified
14 above under LPR 1-8(b) in these Contentions appears in the file history of the patents at issue, no
15 production under LPR 1-9(b) is required at this time. If TenPoint supplements these Contentions
16 with prior art that does not appear in the file history, TenPoint will produce such prior art as
17 required by LPR 1-9(b).

18 Dated: July 7, 2022

Respectfully submitted,

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PROOF OF SERVICE

I hereby certify that on the 7th day of July, 2022, I served a true and correct copy of the foregoing **DEFENDANT’S LPR 1-8 CONTENTIONS** via email to:

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