

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

RUGGED CROSS HUNTING BLINDS, LLC,

CASE NO.: 3:22-cv-690

Plaintiff,

v.

FERADYNE OUTDOORS, LLC,

Defendant.

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PLAINTIFF'S DISCLOSURE OF SUPPLEMENTAL INFRINGEMENT CONTENTIONS

Plaintiff, Rugged Cross Hunting Blinds, LLC (hereinafter "Plaintiff" or "RCHB"), by and through its undersigned counsel, and pursuant to the Amended Scheduling Order [DKT. 48], hereby files its Supplemental Infringement Contentions against Defendant, FeraDyne Outdoors LLC (hereinafter "Defendant" or "FeraDyne"), in this action.

RCHB's supplemental infringement contentions are based upon investigation and knowledge to date. RCHB's investigation is ongoing, discovery in this matter is in its initial stages, and claim construction has not taken place. RCHB reserves the right to amend and/or supplement this disclosure to add asserted claims, additional infringement theories, and additional infringement contentions or supporting evidence if discovery demonstrates that additional contentions are warranted.

INFRINGEMENT CONTENTIONS

(1) Infringed Claims

RCHB presently contends that FeraDyne literally infringes at least claims 1-4, 6, 7, 10, 12, 13, and 15-19 of U.S. Patent No. 11,399,535 based on RCHB's understanding of the information

currently available to RCHB regarding FeraDyne's accused product, the Rhino 180 hunting blind, identified herein.

While RCHB's initial analysis is that FeraDyne's manufacture, sale and offer to sell and import of import of the Accused Product constitutes literal infringement, RCHB reserves the right to supplement these contentions to the extent that application of the doctrine of equivalents may be necessary. To the extent that FeraDyne may take the position that the Rhino 180 blinds do not include the claimed "interwoven" mesh material but include a non-infringing "overlain" mesh material, the Rhino 180 blinds may still infringe literally by virtue of having a diagonal fiber that is interwoven on the overlain material. In addition, the specification and file history of the '535 Patent do not preclude the application of the doctrine of equivalents as it may be applied the claim term "interwoven."

(2) Accused Product

RCHB presently identifies the Rhino 180 blind as the Accused Product and depicted on the webpage of [www.feradyne](http://www.feradyne.com) [RHINO 180 - SEE THROUGH BLIND 5-Hub Design | FeraDyne Outdoors](#), and in the below referenced claim chart, including the different models manufactured, sold by FeraDyne within the United States, and/or imported into the United States by FeraDyne in violation of 35 U.S.C. §271. This identification of the Accused Product is based on a preliminary understanding and information currently available to RCHB and RCHB reserves the right to supplement this identification of Accused Product(s).

(3) Claim Chart Identifying Claim Elements in the Accused Product

The claim Chart submitted herewith identifies specifically where each limitation of each asserted claim is found in representative proof of the Accused Product. With respect to claim 1,

Images 1-10 include images from the above-representative website and images of an Accused Product purchased by RCHB from FeraDyne via the website.

The chart initially includes above the images of the Accused Product and an explanation of the claim elements found in the Accused Product are below the images, at least for most of independent claim 1. The remainder of the claim chart provides the claims in a left side column and the identification of the claim elements of each claim relative to the Accused Product is in the right side column through claim 19.

CLAIM CHART OF U.S. PATENT NO. 11,399,535
FERADYNE OUTDOORS RHINO 180 INFRINGEMENT

CLAIM 1

1. A camouflage structure comprising:



FERADYNE OUTDOORS RHINO 180 BLIND

A Feradyne Outdoors Rhino 180 blind **10** is depicted above and taken from a webpage from www.feradyne.com [RHINO 180 - SEE THROUGH BLIND 5-Hub Design | FeraDyne Outdoors](#). As shown the blind **10** has a frame (described in more detail below) and attached camouflage patterned material to form a structure, from which someone can hunt wild game. The web page refers to the blind **10** as used for "ground blind hunting."

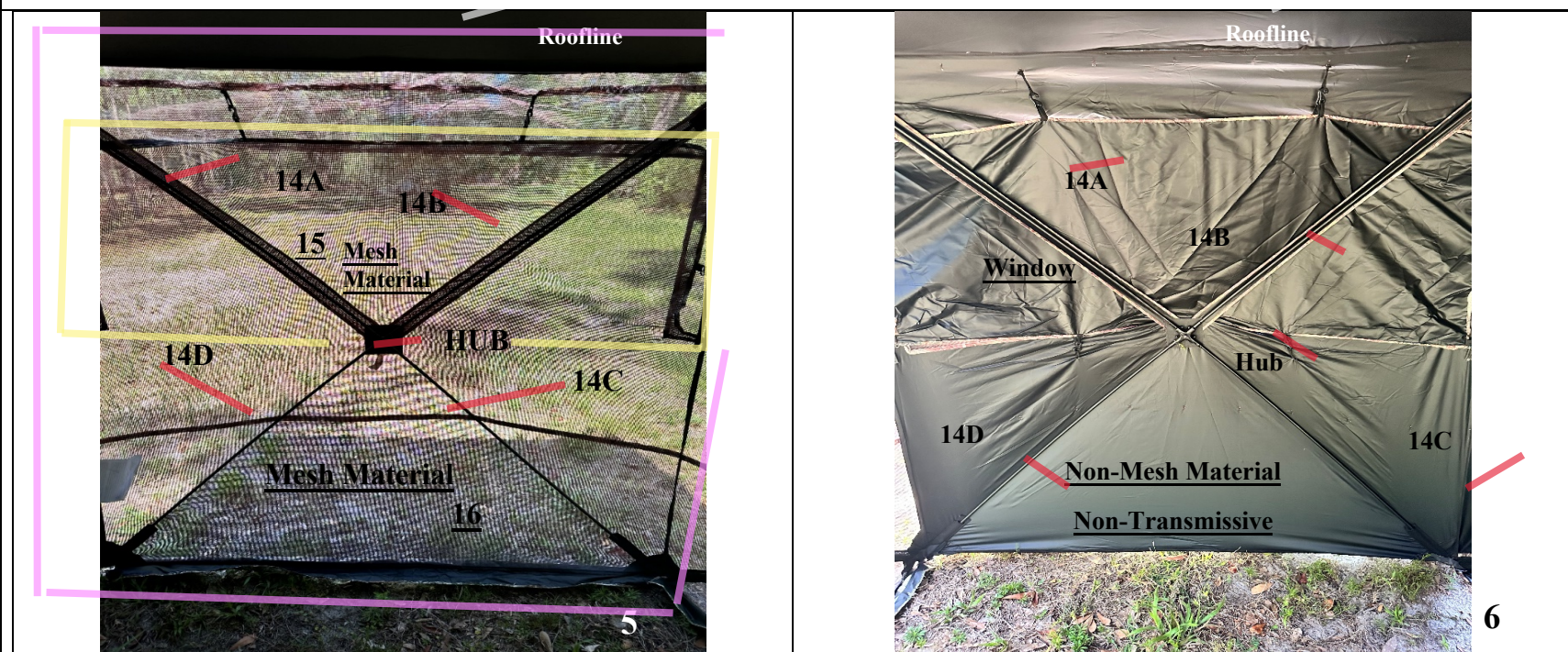
CLAIM 1

a pop-up frame including a plurality of flexible frame members, said plurality of flexible frame members comprising at least two spaced apart frame members along a side of the camouflage structure and at least two spaced apart frame members along a roof of the camouflage structure; and

**FERADYNE OUTDOORS RHINO 180 BLIND**

The Rhino 180 blind shown in the above images 2-4 is a “pop-up” hub-style blind that is in a folded position and in an expanded or deployed state. As explained in more detail below, the frame includes a plurality of flexible frame members (**12A-12D**, **14A-14D**) that interconnect at central hubs on the sides and roof of the blind. The flexible nature of the frame members (**12A-12D**, **14A-14D**) and the interconnection at central hubs enable movement of the frame members relative to one another to fold and deploy the blind. The roof and side frame members (**12A-12D**, **14A-14D**) are also flexible in the sense that when the structure is in the expanded or unfolded state, the frame members bow outward supporting camouflage patterned material on the pop-up frame.

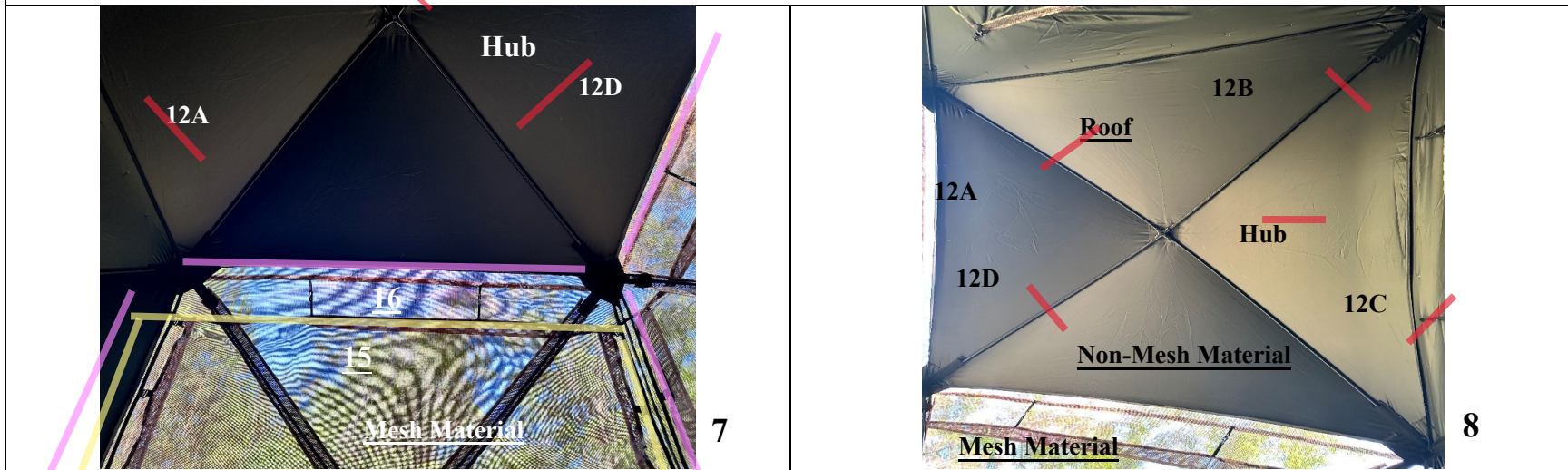
a pop-up frame including a plurality of flexible frame members, said plurality of flexible frame members comprising at least two spaced apart frame members along a side of the camouflage structure and at least two spaced apart frame members along a roof of the camouflage structure; and



FERADYNE OUTDOORS RHINO 180 BLIND

There are four sides **14** of the Rhino 180 blind (camouflage structure) and a roof **12**. The above Images 5 and 6 are taken from within the blind **10** and show two sides. Two of the sides have a one-way see through mesh as shown in Image 5; and, the other two sides are covered with a non-mesh, non-light-transmissive material, as shown in Image 6. There are four side frame members (**14A-14D**) along each side. A first end of each side frame member is attached to a central hub. For each side, two of the side frame members (**14A, 14B**) extend diagonally upward toward the roof **12**, and, the other two side frame members (**14C, 14D**) extend outward and diagonally downward toward the ground. The second ends of the side frame members (**14A-14D**) are seated in pockets at the roof **12** or at the bottom end of the blind **10**. The frame members are spaced apart relative to one another from the central hub to the ground or roof. For example, frame member **14A** is spaced apart from frame members **14B** and **14D** along the length of the respective frame members from the hub to the roof **12** and to the ground.

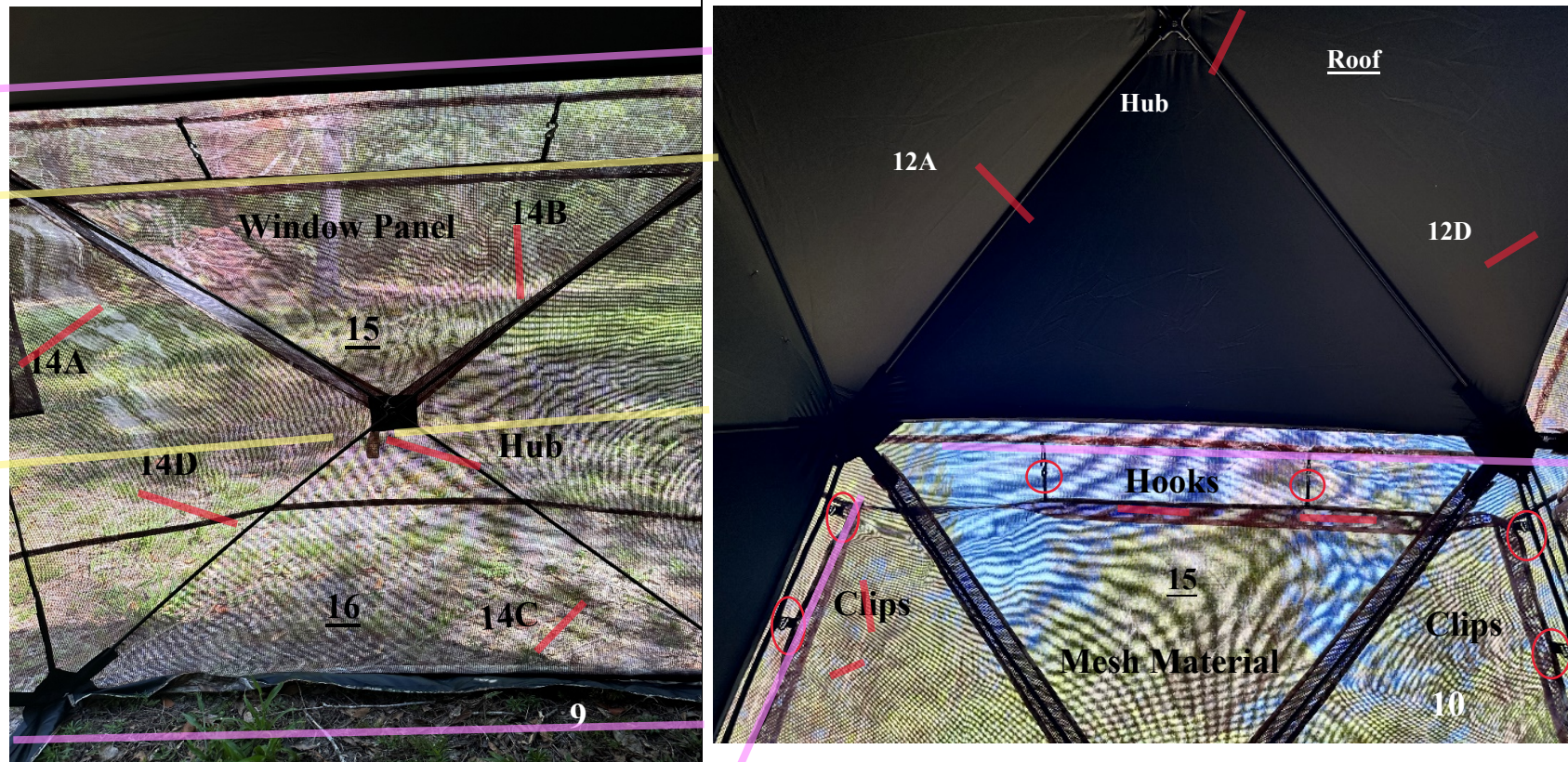
a pop-up frame including a plurality of flexible frame members, said plurality of flexible frame members comprising at least two spaced apart frame members along a side of the camouflage structure and at least two spaced apart frame members along a roof of the camouflage structure; and



The roof 12 includes four frame members (12A-12D) each having a first end connected at a central hub. Each roof frame member 12A-12D extends outward from the hub toward a respective upper corner of the blind. The roof frame members (12A-12D) are spaced apart along their length and relative to one another from a respective first end at the central hub to a respective second end at an upper corner of the blind. For example, roof frame member 12A is spaced apart from roof frame members 12B and 12D (Images 7 and 8.)

CLAIM 1

one or more panels of mesh material of interwoven fabric configured to be attached between the at least two spaced apart frame members that are along the side of the camouflage structure, said one or more panels comprising:



Panels 15, 16 of mesh material are outlined above are along two sides 14 of the blind. The panels 15 are window panels and are outlined in yellow; and, panels 16 are side/outer panels outlined in pink. Each of the panels 15, 16 is composed of polyester yarns that are interwoven to form a grid-like pattern with generally square-shaped apertures making the panels partially light transmissive. The panels 16 are attached between spaced part frame members 12A-12D and/or 14A-14D. For example, the panel 16 shown above is attached to a roofline between side frame members 14A, 14B, and between side frame members 14C, 14D along a skirt of the blind. In addition, the panels 16 are attached to adjacent side panels at a vertical seam between side frame members 14A, 14D of adjacent sides 14 of the structure.

As shown above (Images 9 and 10) the window panels **15** are attached by clips to vertical rods between side frame members **14A** and **14D** and frame between side frame members **14B** and **14C**. The window panels **15** are also attached to a horizontally disposed piece of material via hooks between side frame members **14A** and **14B**, to hold the window closed.

The mesh material of the panels **15, 16** are composed of a synthetic fiber, likely a polyester fiber, woven in an interlaced pattern of yarns running in both warp (lengthwise) and filling (widthwise) directions forming evenly spaced apertures. In addition, there is a diagonal yarn present in the mesh apertures, and these diagonal yarns are interwoven within the fabric structure.

CLAIM 1

<p>a first side with a camouflage pattern; and</p> <p>a second side with a dark color coating, said second side opposite to the first side; and</p>	<p>As shown with respect to Image 4, an outside surface or first side of the mesh panels 15, 16 have a camouflage pattern.</p> <p>An inside surface or second side of the mesh panels 15, 16 is coated with a dark colored (black) ink substance.</p> <p>The mesh fabric is coated with ink after the weaving of the fabric.</p>
<p>one or more panels of non-mesh material provided along the roof of the camouflage structure and configured to be attached to the at least two spaced apart frame members that are along the roof of the camouflage structure to cover an area between the at least two spaced apart frame members;</p>	<p>As shown in Images 7 and 8, the roof 12 includes frame members 12A-12D. and the non-mesh material is attached to the frame members 12A-12D via the pockets at the corners of the roof 12 or via the central hub and the non-mesh material covers the areas between the respective frame members 12A-12D.</p>
<p>wherein the one or more panels of the mesh material define an outer surface of the camouflage structure; and</p>	<p>Again with respect to Image 4 the window panels 15 and side panels 16 define an outer surface of the hunting blind (camouflage structure).</p>
<p>wherein the one or more panels of non-mesh material are non-transmissive such that incident radiation from an exterior of the camouflage structure is not transmitted through the non-mesh material.</p>	<p>In as much as the panels of non-mesh material are non-transmissive, incident light is not transmitted through the non-mesh material.</p>

CLAIM 2	
2. The camouflage structure of claim 1 , wherein the camouflage pattern comprises one or more ink substances printed on the first side and the dark color coating comprises a second ink substance printed on the second side.	With respect to the Rhino 180 blind 10 shown in the above images, the camouflage pattern on the first side (outside surface facing the exterior of the blind) is printed using an ink, or inks, and according to a camouflage pattern; and, the second side (inside surface facing the interior of the blind) is coated with a second ink in a solid dark color (black) coating.
CLAIM 3	
3. The camouflage structure of claim 1 , wherein the camouflage pattern is based on an exterior environment where the camouflage structure will be positioned to make the camouflage structure blend in with the exterior environment.	It is the understanding of RCHB that FeraDyne, as are other outdoor product manufacturers/suppliers, is licensed to use different camouflage patterns from different companies. In as much as the Rhino 180 blind is used for hunting, the camouflage patterns are provided so the blind and hunter blend into a hunting environment.
CLAIM 4	
4. The camouflage structure of claim 1 , wherein the dark color coating comprises a single color coating.	The ink coating on the second side (inside surface) of the mesh material is a single color, black.
CLAIM 6	
The camouflage structure of claim 1 , wherein a first side of the camouflage structure includes a window that can be opened to provide a shooting position upon the approach of prey from the first side.	The Rhino 180 blind shown in Images 4-10 includes four (4) sides when the blind is expanded or unfolded into a standing (deployed) position. Two sides of the blind have the mesh material and each of these sides includes a window opening covered by a mesh window panel 15 . The mesh window panels 15 outlined in yellow, can be folded down to open the window. As described from a page of the above-referenced website the Rhino 180 blind includes 270 degrees of window openings (there is a window on a non-mesh side, Image 6). This website page also describes the Rhino 180 as follows: "Easily adjust your shooting window with Rhino's 'silent-slide' window technology." One of these sides is a first side with a window.

CLAIM 7	
7. The camouflage structure of claim 6 , wherein a second side of the camouflage structure includes a window what can be opened to provide a shooting position upon the approach of prey from the second side.	The Rhino 180 blind shown in Images 4-10 includes four (4) sides when the blind is expanded or unfolded into a standing (deployed) position. Two sides of the blind have the mesh material and each of these sides includes a window opening covered by a mesh window panel 15 . The mesh window panels 15 outlined in yellow, can be folded down to open the window. As described from a page of the above-referenced website the Rhino 180 blind includes 270 degrees of window openings (there is a window on a non-mesh side, Image 6). This website page also describes the Rhino 180 as follows: “Easily adjust your shooting window with Rhino’s ‘silent-slide’ window technology.” One of these sides is a second side with a window.
CLAIM 10	
10. The mesh material of claim 1 , wherein the mesh material is formed by weaving yarn material.	The mesh material of the panels 15 , 16 are composed of a synthetic fiber, likely a polyester fiber, woven in an interlaced pattern of yarns running in both warp (lengthwise) and filling (widthwise) directions forming evenly spaced apertures. In addition, there is a diagonal yarn present in the mesh apertures, and these diagonal yarns are interwoven within the fabric structure.
CLAIM 12	
12. The camouflage structure of claim 1 , wherein the mesh material is produced by; printing the camouflage pattern on the first side of the mesh material using a first ink, and printing the dark color coating on the second side of the mesh material using a second ink.	The camouflage pattern of the Rhino 180 blind is printed on an outside surface (first side) with an ink according to a camouflage pattern. A dark color ink is coated on an inside surface (second side) of the mesh material with an ink substance.
CLAIM 13	
13. The camouflage structure of claim 1 , wherein the second side of the one or more panels of the mesh material defines an interior of the camouflage structure and the first side of the one or more	As shown in Images 4-10 above, panels 15 , 16 of mesh material are extend from the ground upward to and edge of the roof of the blind and extend laterally side-to-side. For example, the two panels 16 are connected together

panels of the mesh material defines an exterior of the camouflage structure; and wherein the plurality of frame members are configured to form an enclosure that surrounds the interior.	at a seam at one edge and connected at opposite edges to non-mesh panels. The non-mesh panels extend from the ground upward to the roof, and laterally side-to-side where the two panels of non-mesh material are connected at a seam between the mesh material and non-mesh material, and respective opposite edges to a non-mesh panel of material. When the blind is expanded or unfolded the panels of mesh material and panels of non-mesh material along the sides and the roof define an interior of the blind. Accordingly, the panels 15, 16 of mesh material of the Rhino 180 blind define an interior of the blind and consequently define an exterior of the blind. To that end, the panels of mesh material and non-mesh material are supported on or against the side frame members (14A-14D) and the non-mesh material along the roof is supported on or against the roof frame members (12A-12D). Therefore, when the frame members (12A-12D and 14A-14D) are expanded relative to one other the frame members support the non-mesh and mesh panels form the enclosure of the blind.
CLAIM 15	
15. The camouflage structure of claim 1 , wherein flexible frame members along the side of the camouflage structure are interconnected with the one or more panels of non-mesh material along the roof of the camouflage structure.	As shown in Images 4-10, in the expanded or unfolded state the frame members, 12A-12D and 14A-14D along the side and along the roof are interconnected. For each side of the blind there are four side frame members 14A-14D . A first end of each side frame member is attached to a central hub. For each side two of the side frame members 14A, 14B extend diagonally upward toward the roof. In addition, the other side frame 14C, 14D members extend outward and diagonally downward toward the ground. There is a pocket assembly at each of the four corners of the blind between the roof and sides. A second end of each of the two side frame extending toward the roof is disposed within a respective pocket of the corresponding assembly between the roof and the sides of the blind.
CLAIM 16	
16. The camouflage structure of claim 15 , wherein the pop-up frame is movable from a folded position to a deployed position.	With respect to Images 2 and 3, the Rhino 180 blind is shown in a folded state, and in Image 4 the same blind is shown unfolded in a deployed position.

CLAIM 17	
17. The camouflage structure of claim 16 , wherein the one or more panels of mesh material are secured between the at least two spaced apart frame members along the side of the camouflage structure in the folded position such that when the frame is moved from the folded position to the deployed position an exterior of the camouflage structure is visible through the one or more panels of mesh material from an interior of the camouflage structure yet the interior of the camouflage structure is not visible through the one or more panels of mesh material from the exterior of the camouflage structure.	<p>As described with respect to claim 1 the panels (including the window panels 15 and the larger outer panels 16) of mesh material are attached between the side frame members 14A-14D, and with respect to Images 4-10, the blind is shown folded and in the unfolded or deployed state respectively.</p> <p>The page from the www.feradyne RHINO 180 - SEE THROUGH BLIND 5-Hub Design FeraDyne Outdoors, website describes the blind as including: “This 2-way mesh system prevents wild game from seeing in while allowing you, the hunter, to see out crystal clear without obstruction.”</p>
CLAIM 18	
18. The camouflage structure of claim 1 , wherein the frame members have a variation in the spacing between the at least two spaced apart frame members along the side of the camouflage structure.	With respect to claim 1 above the side frame members are described as extending outwardly and diagonally upward or downward; therefore, the spacing between consecutive side frame members necessarily varies. For example, the spacing between frame members 14A and 14B , and 14C and 14D , varies from the hub connection to the roof connection (or the pocket assembly). More specifically, the spacing widens from the central hub toward the roof or ground.
CLAIM 19	
19. A camouflage structure comprising:	A Feradyne Outdoors Rhino 180 blind 10 is depicted in Image 1 and taken from a webpage from www.feradyne RHINO 180 - SEE THROUGH BLIND 5-Hub Design FeraDyne Outdoors . As shown the blind 10 has a frame (described in more detail below) and attached camouflage patterned material to form a structure, from which someone can hunt wild game. The web page refers to the blind 10 as used for “ground blind hunting.”
a pop-up frame including a plurality of flexible frame members, said plurality of flexible frame members comprising at least two spaced apart frame members along a side of the camouflage structure and at least two spaced apart frame members along a roof of the camouflage structure; and	The Rhino 180 blind shown in Images 2-4 is a “pop-up” hub-style blind that is in a folded position and in an expanded or deployed state. As explained in more detail below, the frame includes a plurality of flexible frame members (12A-12D , 14A-14D) that interconnect at central hubs on the sides and roof of the blind. The flexible nature of the frame members (12A-12D , 14A-14D) and the interconnection at central hubs enable movement of the

	<p>frame members relative to one another to fold and deploy the blind. The roof and side frame members (12A-12D, 14A-14D) are also flexible in the sense that when the structure is in the expanded or unfolded state, the frame members bow outward supporting camouflage patterned material on the pop-up frame.</p> <p>There are four sides 14 of the Rhino 180 blind (camouflage structure) and a roof 12. The above images are taken from within the blind and show two sides. Two of the sides have a one-way see through mesh as shown in Image 5; and, the other two sides are covered with a non-mesh, non-light-transmissive material, as shown in Image 6. There are four side frame members (14A-14D) along each side. A first end of each side frame member is attached to a central hub. For each side, two of the side frame members (14A, 14B) extend diagonally upward toward the roof 12, and, the other two side frame members (14C, 14D) extend outward and diagonally downward toward the ground. The second ends of the side frame members (14A-14D) are seated in pockets at the roof 12 or at the bottom end of the blind 10. The frame members are spaced apart relative to one another from the central hub to the ground or roof. For example, frame member 14A is spaced apart from frame members 14B and 14D along the length of the respective frame members from the hub to the roof 12 and to the ground.</p> <p>The roof includes four frame members (12A-12D) each having a first end connected at a central hub. Each roof frame member extends outward from the hub toward a respective upper corner of the blind. The roof frame members (12A-12D) are spaced apart along their length and relative to one another from a respective first end at the central hub to a respective second end at an upper corner of the blind. For example, roof frame member 12A is spaced apart from roof frame members 12B and 12D, (Images 7 and 8).</p>
one or more panels of mesh material of interwoven fabric configured to be attached between the at least two spaced apart frame members that are along the side of the camouflage structure, said one or more panels comprising:	<p>Panels 15, 16 of mesh material are outlined above are along two sides of the blind. The panels 15 are window panels and are outlined in yellow; and, panels 16 are side/outer panels outlined in pink. Each of the panels is composed of polyester yarns that are interwoven to form a grid-like pattern with generally square-shaped apertures making the panels partially light transmissive. The panels 16 are attached between spaced part frame members 12A-12D and/or 14A-14D. For example, the panel 16 shown above is attached to a roofline between roof frame members 12A, 12B, and between side frame members 14C, 14D along a skirt of the blind. In addition, the</p>

	<p>panels 16 are attached to adjacent side panels at a vertical seam between side frame members 14A, 14D of adjacent sides 14 of the structure.</p> <p>As shown above, (Images 9 and 10) the window panels 15 are attached by clips to between side frame members 14A and 14D and between side frame members 14B and 14C. The window panels 15 are also attached to a horizontally disposed piece of material via hooks between side frame members 14A and 14B, to hold the window closed.</p> <p>The mesh material of the panels 15, 16 are composed of a synthetic fiber, likely a polyester fiber, woven in an interlaced pattern of yarns running in both warp (lengthwise) and filling (widthwise) directions forming evenly spaced apertures. In addition, there is a diagonal yarn present in the mesh apertures, and these diagonal yarns are interwoven within the fabric structure.</p>
a first side with a camouflage pattern; and	<p>As shown with respect to Image 4, an outside surface or first side of the mesh panels 15 and 16 have a camouflage pattern.</p> <p>The mesh fabric is coated with ink after weaving of the fabric.</p>
a second side with a dark color coating, said second side opposite to the first side; and	<p>An inside surface or second side of the mesh panels is coated with a dark colored (black) ink substance.</p> <p>The mesh fabric is coated with ink after weaving of the fabric.</p>
one or more panels of non-mesh material configured to be provided along the roof of the camouflage structure and configured to be attached to the at least two spaced apart frame members that are along the roof of the camouflage structure to cover an area between the at least two spaced apart frame members;	<p>As shown in Images 7 and 8, the roof 12 includes frame members 12A-12D. and the non-mesh material is attached to the frame members 12A-12D via the pockets at the corners of the roof 12 or via the central hub and the non-mesh material covers the areas between the respective frame members 12A-12D.</p>
wherein the one or more panels of the mesh material define an outer surface of the camouflage structure;	<p>Again with respect to Image 4 the window panels 15 and side panels 16 define an outer surface of the hunting blind (camouflage structure).</p>
wherein the camouflage pattern is based on an exterior environment where the camouflage structure will be positioned to make the camouflage structure blend in with	<p>It is the understanding of RCHB that FeraDyne, as are other outdoor product manufacturers/suppliers, is licensed to use different camouflage patterns from different companies. In as much as the Rhino 180 blind is used for hunting,</p>

the exterior environment;	the camouflage patterns are provided so the blind and hunter blend into a hunting environment.
wherein the one or more panels of non-mesh material are non-transmissive such that incident radiation from an exterior of the camouflage structure is not transmitted through the non-mesh material;	In as much as the panels of non-mesh material are non-transmissive, incident light is not transmitted through the non-mesh material.
wherein the camouflage structure includes a window along the side of the camouflage structure that can be opened to provide a shooting position upon the approach of prey from the side;	The Rhino 180 blind shown in Images 4-10 includes four (4) sides when the blind is expanded or unfolded into a standing (deployed) position. Two sides of the blind have the mesh material and each of these sides includes a window opening covered by a mesh window panel 15 . The mesh window panels 15 outlined in yellow, can be folded down to open the window. As described from a page of the above-referenced website the Rhino 180 blind includes 270 degrees of window openings (there is a window on a non-mesh side, Image 6). This website page also describes the Rhino 180 as follows: “Easily adjust your shooting window with Rhino’s ‘silent-slide’ window technology.”
wherein the pop-up frame is movable from a folded position to a deployed position; and	The Rhino 180 blind in Images 2 and 3 is shown in its folded state and the blind is shown unfolded in a deployed state in Image 4.
wherein the one or more panels of mesh material are secured between the at least two spaced apart flexible frame members along the side of the camouflage structure in the folded position such that when the frame is moved from the folded position to the deployed position an exterior of the camouflage structure is visible through the one or more panels of mesh material from an interior of the camouflage structure yet the interior of the camouflage structure is not visible through the one or more panels of mesh material from the exterior of the camouflage structure	<p>As described with respect to claim 1 the panels (including the window panels 15 and the larger outer panels 16) of mesh material are attached between the side frame members 14A-14D, and with respect to Images 7, 9 and 10 , the blind is shown folded and in the unfolded or deployed state respectively.</p> <p>The page from the www.feradyne RHINO 180 - SEE THROUGH BLIND 5-Hub Design FeraDyne Outdoors, website describes the blind as including: “This 2-way mesh system prevents wild game from seeing in while allowing you, the hunter, to see out crystal clear without obstruction.</p>

DATED this 20th day of February, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above has been electronically filed with the Clerk of Court utilizing the CM/ECF system this 20th day of February, 2024, which will send notice by electronic mail to: Craig S. Krummen, Esq. (krummenc@gtlaw.com); Greenberg Traurig, LLP, 90 South 7th Street, Suite 3500, Minneapolis, MN 55402.

/s/ Robert L. Wolter
Attorney