

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DBR FINANCE, INC.,

Petitioner,

v.

RUGGED CROSS HUNTING BLINDS, LLC,

Patent Owner.

Patent 11,399,535

Filing Date: June 11, 2021

Issue Date: August 2, 2022

Title: CAMOUFLAGE MATERIAL, FOR A HUNTING BLIND

Inter Partes Review No.: IPR2024-00291

Declaration of Dr. Kimberly Cameron

TABLE OF CONTENTS

I. INTRODUCTION	5
II. QUALIFICATIONS	6
III. COMPENSATION	7
IV. BACKGROUND AND MATERIALS CONSIDERED	8
V. SUMMARY OF OPINIONS	8
VI. LEGAL STANDARDS	9
A. Level of Skill.....	9
B. Claim Interpretation	10
C. Prior Art and Priority Date for the '535 Patent.....	11
D. Obviousness	12
E. Claim Construction	18
F. Burden of Proof.....	21
VII. THE '535 PATENT	22
A. The Specification of the '535 Patent.....	24
B. The File History of the '535 Patent.....	25
VIII. U.S. Patent No. 8,375,968 – Whybrew.....	26
IX. U.S. Patent No. 6,709,993 – Strength	28
X. U.S. Patent 7,137,399 – Ransom	30
XI. U.S. Patent 5,385,165 – Hazinski	30
XII. '535 Patent Analysis	31
A. Obviousness Ground One: Whybrew in view of Strength.....	31
1. Claim 1:.....	31
2. Claim 14.....	39
3. Claim 19:.....	39
B. Ground Two: Whybrew in view of Strength and Ransom	49
C. Ground Three: Whybrew in view of Strength and Hazinski.	49
XIII. Objective Indica of Nonobviousness	51
A. Commercial Success	52
B. Long-felt but unmet need or failure of others	66
C. Copying.....	67
D. Licensing.....	68

E. Industry Praise	68
F. Unexpected Superior Results	69
G. Nexus	70
XIV. CONCLUSION.....	71

List of Attachments

Attachment	Description
A	CV of Dr. Kimberly K. Cameron
B	Prior four years testimony list

I. INTRODUCTION

1. My name is Dr. Kimberly Cameron. I have been retained by Wolter Van Dyke Davis, PLLC on behalf of Rugged Cross Hunting Blinds, LLC (RCHB). (“Patent Owner”).

2. I have been asked to prepare and submit this expert report in connection with the IPR involving U.S. Patent Number 11,399,535 (“the ’535 Patent”). Specifically, I have been asked to examine the Declaration of Dr. Michael Ellison (the “Ellison Report”), the Petition for Inter Partes Review, the Patent Owner’s Responses, the Decisions Instituting Inter Partes Review, and to provide opinions regarding the patentability of claims 1 through 19 of the ’535 Patent.

3. I submit this declaration as a statement of opinions I intend to express in this matter and the bases therefore. I have personal knowledge of the following facts and would and could testify competently regarding the following statements if called as a witness.

4. The opinions stated in this declaration are based on information currently available to me. I reserve the right to continue my investigation and study, which may include a review of documents and information not yet produced, as well as deposition testimony from depositions for which transcripts are not yet available and that may not yet have been taken in this case. Therefore, I reserve the right to expand or modify this Report as my investigations and study continue, and to

supplement my opinions in response to any additional information that becomes available to me, to any matters raised by the Petitioner, or to other opinions provided by the Petitioner's expert(s). I also reserve the right to rely on all other declarations and expert reports submitted in the IPR.

5. During my testimony at trial, hearing, or deposition, I expect to rely upon exhibits, visual aids, and/or demonstratives prepared to depict and explain the information contained in this declaration, or as rebuttal to testimony by the Petitioners' witnesses. Examples of such exhibits, visual aids, and/or demonstratives may include, for example, claim charts, patent drawings, excerpts from patent specifications, file histories, interrogatory responses, deposition testimony and exhibits, as well as charts, diagrams, videos and animated or computer-generated video. Any such exhibits, visual aids, and/or demonstratives will be prepared and identified at the appropriate time.

II. QUALIFICATIONS

6. I am a Principal Consultant at Engineering Systems Incorporated (ESi), a leading scientific and engineering firm. I specialize in mechanical engineering and materials science and have extensive experience with the design of mechanical systems as well as with materials selection and analysis. Relevant to my Report here, I have worked on numerous projects related to consumer products with frames as well as different types of fabric materials and their manufacture. These projects

include, but are not limited to, design evaluation, materials selection, stress analysis, failure analysis, as well as patent validity and infringement analyses. A copy of my curriculum vitae is attached as Exhibit A to this Report. The curriculum vitae includes a current list of publications authored in the previous ten (10) years. A list of all other cases in which, during the last 4 years, I testified as an expert at trial or by deposition is attached as Exhibit B.

7. I graduated with high honors from Princeton University with a bachelor's degree in Mechanical Engineering and minors in Materials Science, Applied Mathematics and Engineering Physics. I also received a master's degree and doctorate in Mechanical Engineering with a minor in Materials Science and Engineering from Stanford University.

8. I have received numerous awards including fellowships from the Department of Defense, the National Science Foundation, and Lucent Technologies. I am a Registered Professional Engineer in both Mechanical Engineering and Materials Science and Metallurgy and am a registered patent agent.

III. COMPENSATION

9. The rate ESI charges for my time spent on this case is \$570 per hour. I have engaged other ESI employees and consultants to assist me, at my direction, in generating my Report. I am a salaried employee of ESI and my compensation is not

tied to my work in this case. My compensation is in no way conditioned on the outcome of this matter or on the content of my opinions.

IV. BACKGROUND AND MATERIALS CONSIDERED

10. In preparing this Report, I have relied on: (i) the '535 Patent and its file history; (ii) the Declaration of Dr. Ellison and cited references; (iii) the Petition for *Inter Partes Review* of U.S. Patent No. 11,399,535, No. IPR2024-00291; (iv) the Patent Owner's Response to the Petition for *Inter Partes Review* of U.S. Patent No. 11,399,535, No. IPR2024-00291; (v) the Decision Instituting *Inter Partes Review* of U.S. Patent No. 11,399,535, No. IPR2024-00291; (vi) Declarations of Christopher Seaton, Jason Harris, Robert Ransom and Jay Scholes, and (vii) an exemplar Primos Double Bull SurroundView Doublewide ground blind as well as my education and experience.

V. SUMMARY OF OPINIONS

11. Based on my review and analysis of the above materials, and my education and experience in the field, my opinions are:

- (a) None of the claims of the '535 Patent would have been obvious over Whybrew in view of Strength;
- (b) None of the claims of the '535 Patent would have been obvious over Whybrew in view of Strength and Ransom;

- (c) None of the claims of the '535 Patent would have been obvious over Whybrew in view of Strength and Hazinski.

12. The basis and reasons for my opinions, as well as the facts considered in forming them, are set forth in this Report. I reserve the right to supplement or amend my Report to address any information obtained, or positions taken, based on any new information that comes to light.

VI. LEGAL STANDARDS

13. This section provides my understanding of the appropriate legal standards. I have been informed of certain legal standards by Rugged Cross' attorneys and describe my understanding of those standards in this section. I am relying only on instructions from Rugged Cross' attorneys for these legal standards.

A. Level of Skill

14. I understand that patents and prior art are evaluated from the perspective of a hypothetical person of ordinary skill in the art with respect to the subject matter of the '535 patent and prior art. Petitioner has proposed that a person having ordinary skill in the art "would have a bachelor's degree in physics, mechanical engineering, textile engineering, or a similar discipline, or at least two years of design experience in the field of hunting blinds." [Paper 1:28]. I agree with Petitioner that a PHOSITA would not necessarily need to have a bachelor's degree in physics, mechanical engineering, textile engineering or a similar discipline if they

have two years of practical experience designing hunting blinds. This is consistent with the fact that neither inventor has a bachelor's degree in physics, mechanical engineering, textile engineering or a similar discipline. [Seaton Declaration]. Rather, Christopher Seaton has a bachelor's degree in exercise science and a masters in criminal science, while Timothy Seaton has a bachelor's degree in psychology. [Seaton Declaration]. I consider myself a person of ordinary skill in the art under this definition.

15. My opinion on the background of a person of ordinary skill in the art is based on consideration of the following factors: (1) educational level of the inventor; (2) type of problems encountered in the art; (3) prior art solutions to those problems; (4) rapidity with which inventions are made; (5) sophistication of the technology; and (6) educational level of active workers in the field.

16. I have considered the issues and arrived at the conclusions discussed in my Report from the perspective of this person of ordinary skill. I am, therefore, discussing what I believe a person of ordinary skill would have understood to be disclosed or suggested by a prior art reference during the relevant time period when analyzing that reference's disclosure.

B. Claim Interpretation

17. I have applied my understanding of the legal standards concerning claim construction, as discussed below, when analyzing the Claims of the '535 Patent.

18. I understand that claims of a patent, and terms included in those claims, are interpreted from the perspective of one of ordinary skill in the art at the time of the invention in light of the intrinsic evidence, including the language of the claim-at-issue, the specification of the patent, other claims in the patent and the relevant prosecution history. Other evidence (e.g., a dictionary) not in the written record of the patent, and other extrinsic evidence also may be considered if it is consistent with, and not contradictory to, the intrinsic evidence. My understanding is that if the meaning of the claim is clear from the intrinsic evidence, it is not necessary to rely on extrinsic evidence. I also understand that generally a claim should not be limited to a preferred embodiment described in the specification, but that, in certain cases, the scope of the right to exclude may be limited by a narrow disclosure. I also understand that the full scope of the claims must be supported by the specification.

C. Prior Art and Priority Date for the '535 Patent

19. I understand that a patent, publication, or product must qualify as prior art before it can be used to invalidate claims in a patent.

20. I understand that the America Invents Act ("AIA"), which changed the United States from a "first-to-invent" to "first-to-file" system, changed the law on

what qualifies as prior art. I understand that post-AIA law to determine what qualifies as prior art should be applied here.

21. I understand that a prior art patent or published patent application qualifies as prior art if the effective filing date of that reference is prior to the effective filing date of the asserted patent. The '535 Patent claims priority to Provisional application No. 62/301,007, filed on Feb. 29, 2016.

D. Obviousness

22. I understand that under 35 U.S.C. § 103, if a prior art reference discloses fewer than all limitations of an asserted claim, the claim is still invalid if the differences between the subject matter of the claim and the prior art reference would have been obvious at the time of the invention to a person of ordinary skill in the art. I understand that obviousness can be based on a single prior art reference or a combination of references that disclose all the limitations of an asserted claim, whether expressly or inherently.

23. I understand that the prior art reference and subject matter of the claim should be viewed from the perspective of one of ordinary skill in the art. I also understand that hindsight bias and insight cannot be used when determining whether a claim is obvious.

24. I understand that the following standards, which were provided by the Supreme Court of the United States in *KSR v. Teleflex*, may be applied during an

obviousness analysis: (1) combining the prior art elements according to known methods to yield predictable results; (2) simple substitution of one known element for another to obtain a predictable result; (3) using a known technique to improve similar devices or methods in a similar way; (4) applying a known technique to a known device or method that is ready for improvement where the application produces predictable results; (5) “obvious to try” i.e., choosing from a limited, finite, number of predictable solutions with a reasonable expectation of success; (6) variations of known work in one field of endeavor applied in the same field or a different field based on market forces such as design incentives, if the variations would have been predictable to a person of ordinary skill; and (7) a teaching, suggestion, or motivation to combine the prior art reference disclosure to arrive at the claimed invention, where the teaching, suggestion, or motivation could be supplied by the knowledge of a person of ordinary skill in the art.

25. I understand that relevant factual considerations for an obviousness analysis include: (1) the scope and content of the prior art; (2) differences between the prior art and subject matter of the invention; and (3) the level of a person of ordinary skill in the art.

26. I understand that, in certain circumstances, secondary considerations of non-obvious can rebut a prima facie showing of obviousness including: (1) a long-felt need unmet in the prior art but met by the invention claimed in the asserted

patent; (2) the commercial success or lack thereof of products or processes covered by the asserted patent; (3) unexpected results achieved by the invention claimed in the asserted patent; (4) licenses of the asserted patent by third parties; and (5) deliberate copying of the invention claimed in the asserted patent. I also understand that secondary indicia are only considered if there is a relationship between the indicia and the invention. I also understand that independent invention of the subject matter by others at the time of the invention supports a finding of obviousness.

27. I understand that it can be important to describe a reason that would motivate a person of ordinary skill in the art to combine elements of the prior art in the way as claimed in the asserted patent, although this is not required by 35 U.S.C. § 103. I also understand that if a reference teaches away that can weigh against a finding of obviousness. A reference will teach away when it suggests that the developments flowing from its disclosures are unlikely, reasonably, to produce the objective of the applicant's invention.

28. I understand that, ultimately, obviousness is a legal conclusion supported by factual considerations, which is based on a showing that all of the limitations of an asserted claim are present in the prior art and that the combination of the elements disclosed in the prior art is a predictable variation prompted by a known problem, design incentives, other market factors, or the knowledge of a

person of ordinary skill, who would have implemented the combination with a reasonable expectation of success.

29. I understand that an obviousness analysis can be based on a combination of multiple prior art references. I also understand that the teaching, suggestion, motivation, or other reason to combine the references may be supplied by the references themselves or the common sense of a person of ordinary skill in the art. I also understand that market forces often drive innovation compared to scientific literature, and that a motivation to combine may be supplied by these market forces.

30. I understand that a person of ordinary skill in the art would recognize that a technique used to improve one device could be used to improve similar devices in the same way unless actual application of that technique is beyond the person's skill.

31. I understand that an obviousness analysis should be guided by practicality and common sense because sometimes familiar items have obvious uses beyond their primary purpose. I also understand that a person of ordinary skill is often able to combine the teachings of publications similar to pieces of a puzzle, where a person of ordinary skill in the art can also employ inferences and creative steps.

32. I understand that obviousness can be shown where it would have been obvious for a person of ordinary skill to try the combination, such as when market forces pressure a resolution to a problem for which there are a finite number of known, predictable solutions, or when a person of ordinary skill has reason to pursue known options because the result is the product of application of ordinary skill and common sense.

33. I understand that the combination of familiar elements according to known methods leading to predictable results that discloses all limitations of a claim can render the claim obvious. I understand that market forces can also drive variations of a limitation, whether in the same field of endeavor or a different one. If a person of ordinary skill in the art can implement the predictable variation, the limitation is rendered obvious.

34. I understand that the relevant question when combining prior art references is whether the techniques taught by the prior art are interoperable with each other such that a person of ordinary skill in the art would view them as a design choice or whether they could apply the techniques into a new combined system.

35. I understand that an obviousness analysis focuses on what was known or obvious to a person of ordinary skill in the art and is not limited to a patentee. Therefore, any need or problem known in the field of endeavor at the time of the

invention that is addressed by the asserted patent can provide a reason for combining the elements found in the prior art.

36. I understand that a single prior art reference can render a claim obvious if the missing elements of the reference are supplied by the knowledge of a person of ordinary skill in the art.

37. I understand that the inherent teachings of the prior art are also applicable to the determination of obviousness.

38. I understand that prior art teachings can be combined when a person of ordinary skill in the art, using their understanding and knowledge would have combined the elements recited in the claims motivated by the general problem facing the inventor of the asserted patent. Under this analysis, the prior art references themselves, or any need or problem known in the field of endeavor at the time of the invention, can provide a reason for combining the elements of multiple prior art references in the claimed manner.

39. I understand that a comparison of the disclosure of the prior art versus properly construed limitations of an asserted claim is necessary to performing an obviousness analysis.

40. I understand that a means-plus-function limitation can be rendered obvious when a prior art reference, in combination of the knowledge of one of skill in the art, or a combination of references address both the function and

corresponding structure of the limitation-at-issue, or an equivalent of the structure. The function and corresponding structure of the means-plus-function limitation must have been obvious at the time the invention was made to a person having ordinary skill in the relevant art in light of the teachings of the prior art.

E. Claim Construction

41. I have been instructed by counsel that claim construction is a matter of law for the arbiter of law to decide. I understand that in an inter partes review, claims are construed using the same claim construction standard that would be used to construe the claims in a civil action.

42. I understand that claim terms should be assigned their ordinary and customary meaning within the context of the asserted patent. In other words, a claim term is supposed to be given the meaning that the claim term would have to a person of ordinary skill in the art at the time of the invention in light of the teachings of the patent. I also understand that in some circumstances, a claim term may not have an ordinary and customary meaning to a person of ordinary skill in the art.

43. I understand that you look to sources such as the words of the claim, the asserted patent's specification, the prosecution history of the asserted patent (all of which are considered intrinsic evidence), as well as extrinsic evidence concerning the meaning of technical terms, the state of the art at the time of the invention, and relevant scientific principles, to determine how a person of ordinary skill in the art

would understand a claim term. I understand that the intrinsic evidence is the primary evidence considered, but that it is also useful to look at extrinsic evidence when the intrinsic evidence is not sufficient.

44. I understand that the patentee can act as her own lexicographer to provide special meaning to claim terms or to intentionally disclaim any claim scope.

45. I understand that claims define the scope of the patent and the subject matter of the invention. Because of this, I understand that claim construction begins and remains focused on the claim language. I also understand that the context in which claim terms are used is very instructive in construing the claim. For example, the same term is given a consistent meaning throughout the patent, and the use of one term in a claim can provide meaning of the same term in other claims. Differences between the terms used in a claim are also useful. I further understand that when a claim lists elements separately, those elements are typically construed as distinct components of the invention.

46. I understand that a person of ordinary skill in the art also reads claim terms in the context of the entire patent, including the specification, so claims must be construed in light of the entire specification. At the end, the interpretation of a claim term must be confirmed in view of a full understanding of what the inventors actually invented.

47. I understand that the purpose of the specification is to describe and enable the invention so a claim term cannot have broader scope than the invention that is described in the patent.

48. I understand that the prosecution history is also part of the intrinsic evidence. The prosecution history can provide evidence of how the Patent Office and inventors understood the terms of the patent in light of the prior art. I also understand that a patentee could make arguments or amendments during prosecution that narrow the scope of a claim term or scope of the invention.

49. I understand that extrinsic evidence including testimony from experts and inventors, dictionaries, and treatises can be considered to determine the meaning of a claim term. I understand that extrinsic evidence should not be considered when it is not in the context of the intrinsic evidence. I also understand that extrinsic evidence should not be considered unless a claim term is ambiguous after consideration of intrinsic evidence. I further understand that extrinsic evidence is given less weight than intrinsic evidence.

50. I understand that a preamble term or phrase is not limiting when a complete invention is described in the claim body and the preamble is only used to state the purpose or use of the invention. I understand that the preamble can be limiting if it recites structure or steps that are essential or gives meaning to the claim.

To determine whether the preamble is limiting, you should review the entire patent to determine what the inventors intended to have the claims encompass.

51. I understand that the preamble can be limiting if the claim is dependent on a preamble phrase and indicates it through use of an antecedent basis to define the invention, if the reference is necessary to understand the terms of the claim, and if the preamble provides additional structure or steps that is important to the claim.

52. I understand that claims can be written in means-plus-function form where the claim receives a feature of the invention by what it does rather than what it is. I understand that a claim element is a means-plus-function element when it is defined as a means or step for performing a function without description of the corresponding structure. I also understand that “mechanism,” “structure” or other generic words can also signal that a limitation is written in means-plus-function form. I understand that means-plus-function claims only cover the corresponding structure, material, or acts that are described in the specification, as well as any equivalents.

F. Burden of Proof

53. I understand that it is Petitioners’ burden in an *Inter Partes* Review proceeding to establish unpatentability by a preponderance of the evidence.

VII. THE '535 PATENT

54. The '535 Patent was issued on August 2, 2022. Independent claims 1 and 19 of the '535 Patent are reproduced below. For ease of reference, I have assigned claim identifiers. Claims 2-18 of the '535 Patent depend from Independent Claim 1 and include all of the limitations of Claim 1.

Claim Identifier	Claim Language
1 [preamble]	A camouflage structure, comprising:
1a	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
1b	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:
1c	a first side with a camouflage pattern; and
1d	a second side with a dark color coating, said second side opposite to the first side; and
1e	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;
1f	wherein the one or more panels of the mesh material define an outer surface of the camouflage structure; and

Claim Identifier	Claim Language
1g	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.

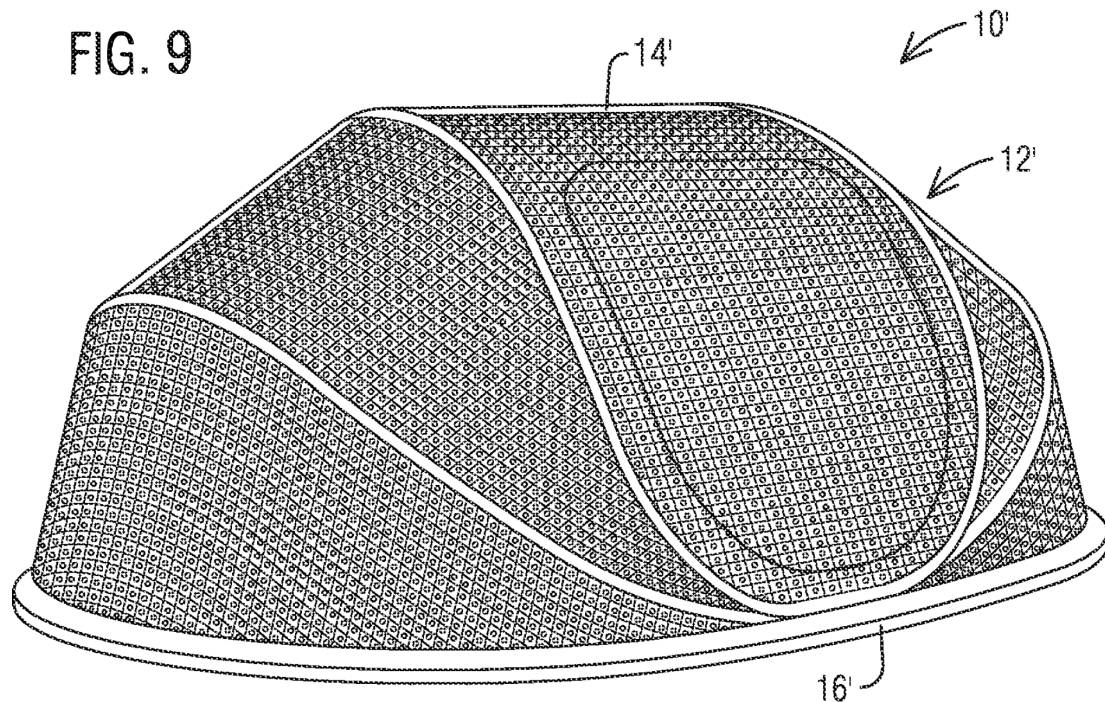
Claim Identifier	Claim Language
19 [preamble]	A camouflage structure comprising;
19a	a pop-up frame including a plurality of flexible frame members, said plurality of flexible frame members comprising at least two spaced apart frame members along a side of the camouflage structure and at least two spaced apart frame members along a roof of the camouflage structure; and
19b	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;
19c	a first side with a camouflage pattern; and
19d	A second side with a dark color coating, said second side opposite to the first side; and
19e	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;
19f	wherein the one or more panels of the mesh material define an outer surface of the camouflage structure;
19g	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;

Claim Identifier	Claim Language
19h	wherein the one or more panels of the 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;
19i	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;
19j	wherein the pop-up frame is movable from a folded position to a deployed position; and
19k	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.

A. The Specification of the ‘535 Patent

55. The ’535 Patent is related to hunting blinds and camouflage material for a hunting blind. The “inventors [] recognized that conventional hunting blinds are formed with closed panels that provide limited ventilation and thus have limited use in high humidity hunting climates. To overcome this noted drawback, the inventors of the present invention designed a hunting blind with panels of mesh material that simultaneously provide ventilation to an interior of the hunting blind and camouflage the interior of the hunting blind.” ’535 Patent 2:44-52. The exterior

side of the mesh has a camouflage pattern while the interior side has a dark color coating. ['535 Abstract]. I have reproduced Figure 1 of the '535 Patent below to show the structure of the hunting blind.



B. The File History of the '535 Patent

56. I have reviewed the file history of the '535 Patent. The application for the '535 Patent was filed on August 20, 2020 as a continuation of App. No. 16/998,843, filed on August 20, 2020, which was a continuation of App. No. 15/444,909, which issued as U.S. Patent No. 10,765,108, and filed on February 28, 2017, claiming priority to U.S. App. No. 62/301,007 file on February 29, 2016. Ex.

1002, p.1-2. There were two non-final office actions entered and dated November 21, 2021, and February 24, 2022. Patent Owner timely responded with amendments and arguments. A Notice of Allowance was entered March 23, 2022 and after payment of an issue fee, the '535 issued on August 2, 2022.

VIII. U.S. Patent No. 8,375,968 – Whybrew

57. U.S. Patent Number 8,375,968 (“Whybrew”) to Whybrew issued on February 19, 2013 and is reproduced in Ex. 1002. Whybrew address “the needs of sportsmen who hunt and observe wildlife in rice paddies, marshes and other bodies of shallow water.” [EX. 1002 2:4-6]. Whybrew discloses “a manually retractable sportsman’s blind releasably attached to a support [that] provides a flexible camouflaged body having a mesh fabric window and supported on a frame comprised of plural elongate flexibly resilient stays pivotally attached to one another at proximate end portions to support the flexible camouflaged body and mesh fabric window in a hemispherical shape.” [Abstract Whybrew]. The blind is in a hemispherical shape because “one naturally occurring structure that is common in rice paddies, swamps, marshes, bodies of shallow water, and other flooded areas where hunting and wildlife observing activities occur is the muskrat hut. Muskrat huts typically have a hemispherical shape and are commonly covered in sticks,

below, shows the blind.

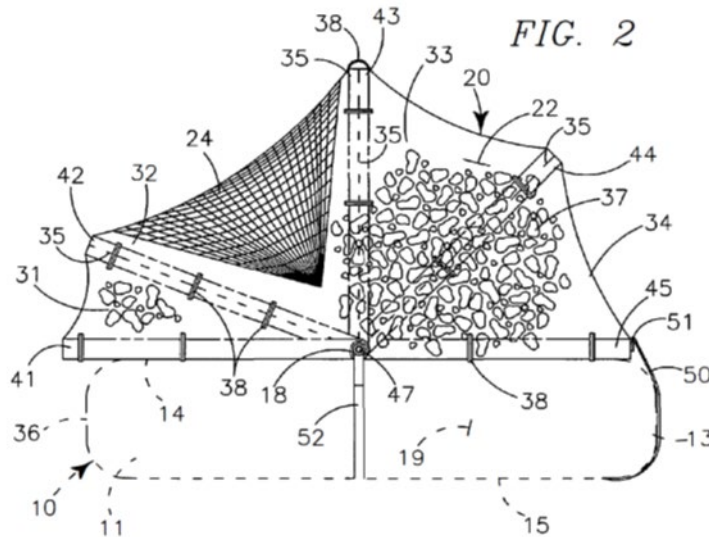


Figure 2 of Whybrew

58. With reference to the hunting blind shown in Figure 2, “body 20 is of a color that blends into the environmental surroundings in which the blind is used. A generalized ‘blotch pattern’ camouflage is shown [number 37] as an example.” [EX. 1002 4:58-62]. “Flexible body 20 is preferably formed of fabric material that is waterproof, weather resistant and imprinted with a camouflage pattern 37.” [EX. 1002 4:46-38]. “Sections 31, 32, 33, 34 form the flexible body 20.” [EX. 1002 4:63]. “Mesh fabric window 24 is carried by the flexible body 20, over an opening (not shown) preferably defined in the second section 32, and is fastened to the second section 32 with 5 stitching (not shown)” [EX. 1002 5:3-6]. Mesh fabric window 24 is not shown as having the camouflage that is on body 20. [EX. 1002 Figure 2].

59. Whybrew teaches that despite the presence of the mesh fabric window 24, animals “will only visualize the camouflaged 37 first outer surface 22 of the body 20, and are not able to visualize the occupant within the blind because there is no open top, and because the interior of the blind is darker than the exterior, the animal is also not able to visualize the occupant through the mesh fabric window.” [EX. 1002 9:5-11]. The presence of the sections that have a denser weave than the mesh fabric window are what cause the interior of the blind to be darker than the exterior of the blind and prevent an observer outside the blind from observing hunters within the blind despite the presence of the mesh fabric window. Whybrew explains that:

Sections 31, 32, 33, 34 of the body 20 are formed of a material that is not as translucent, or light permeable as the mesh fabric window 24 and therefore the interior of the blind is darker and less illuminated than the exterior of the blind. This light differential facilitates vision of an occupant through the mesh fabric window 24 from the inside to the outside, but inhibits vision from the outside to the inside of the blind through the mesh fabric window 24.

Whybrew 5:22-26.

60. Whybrew describes this phenomenon that is created by the sections of denser weave that are less translucent as “the ‘one-way’ vision characteristic of the mesh fabric window [that] results from, among other things, light differential between the exterior of the blind and the interior of the blind.” [EX. 1002 5:16-18].

IX. U.S. Patent No. 6,709,993 – Strength

61. U.S. Patent Number 6,709,993 (“Strength”) to Strength issued March 23, 2004 and is reproduced in Ex. 1003. In the context of applications such as hunting blinds where camouflage is used, Strength discusses the problem of translucent fabrics that can allow sun behind the blind to create a silhouette of a hunter on the camouflage material that is visible from camouflage side of the blind. [EX. 1003 1:21-28]. Strength explains that, “[t]o overcome this problem, the prior art has used heavier weight material that will be less translucent. However, the increased bulk and weight of the heavier material makes the camouflage less desirable for packing in and out of hunting areas. Therefore, there is a need for camouflage material that is light blocking and light weight. Additionally, for applications such as hunting, the camouflage will need to be quiet, and have a high degree of flexibility at varying temperatures. [EX. 1003 1:19-27].

62. Strength describes achieving a lighter weight blind by using a base textile with a lower weight coated on one side with a thermoplastic material that blocks light. [EX. 1003 1:38-67]. The combination of the base textile and the coating “provides a barrier to light such as shadows created by sunlight, are not visible on the opposite side of the camouflage material.” [EX. 1003 1:67-2:3]. Strength explains that “when a 1000 ft-candle light source (or 380 μ A) (visual spectrum) is located adjacent to the camouflage pattern side of the camouflage material 10, and a sensor is located adjacent to the coating 200 side of the

camouflage 10, it was determined that a transmission of about 100 μ A or less provides adequate blocking of light to prevent shadows or silhouettes on the opposite side of the camouflage material, and more preferably of about 60 μ A or less. In one preferred embodiment, the coating 200 is an opaque coating.” [EX. 1003 2:4-13]. A camouflage pattern is placed on the side opposite the thermoplastic material.

X. U.S. Patent 7,137,399 – Ransom

63. U.S. Patent Number 7,137,399 (“Ransom”) to Ransom issued November 21, 2006 and is reproduced in Ex. 1004.

64. Ransom discusses a collapsable structure comprised of a plurality of panel elements, each having a coilable frame element and flexible material attached to the frame element, as well as flexible roof-support elements. Specifically, Ransom set out to solve the problem of supporting the roof panel of collapsable tents and hunting blinds.

65. Ransom discusses attaching sleeves to the roof panel of the enclosure, and at least one roof support rod may be disposed within those sleeves.

XI. U.S. Patent 5,385,165 – Hazinski

66. U.S. Patent Number 5,385,165 (“Hazinski”) to Hazinski issued January 31, 1995 and reproduced in Ex. 1005.

67. Hazinski discusses self erecting tent structures, which can be readily opened by a hunter. Upon disengaging a quick disconnect buckle, each half of the

loop forming the blind rapidly falls away from the other, like a clam shell, leaving the entire blind structure laying flat on the ground, with the hunter fully exposed.

XII. '535 Patent Analysis

A. Obviousness Ground One: Whybrew in view of Strength.

1. Claim 1:

Claim Identifier	Claim Language
1 [preamble]	A camouflage structure, comprising:
1a	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
1b	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:
1c	a first side with a camouflage pattern; and
1d	a second side with a dark color coating, said second side opposite to the first side; and
1e	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;
1f	wherein the one or more panels of the mesh material define an outer surface of the camouflage structure; and

Claim Identifier	Claim Language
1g	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.

Below I have addressed elements 1c and 1d that are not met for Claim 1 under Ground One.

i. 1c: a first side with a camouflage pattern;

68. Claim 1c is not disclosed by Whybrew. Mesh fabric window 24 (which Petitioner has identified as the “panel of mesh material of interwoven” recited in 1b) is not shown as having the camouflage that is on body 20. [Ex. 1002:Figure 2]. Below is a reproduction of Figure 2 of Whybrew. There is no disclosure in Whybrew that there is a camouflage patten on mesh window 24.

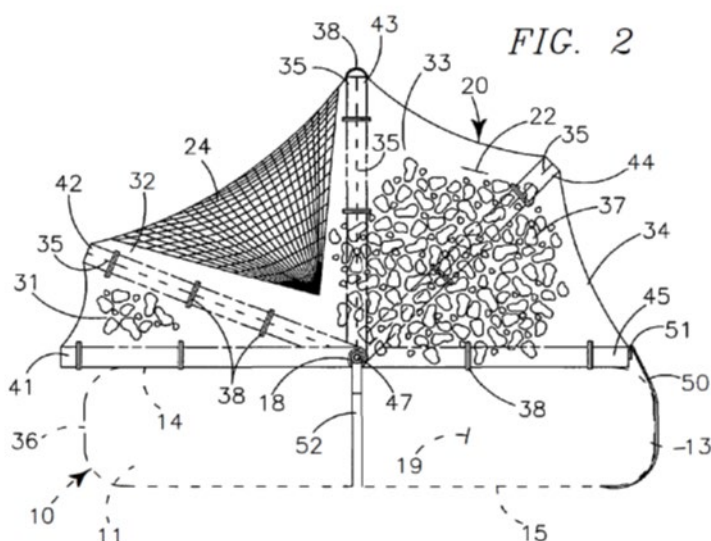
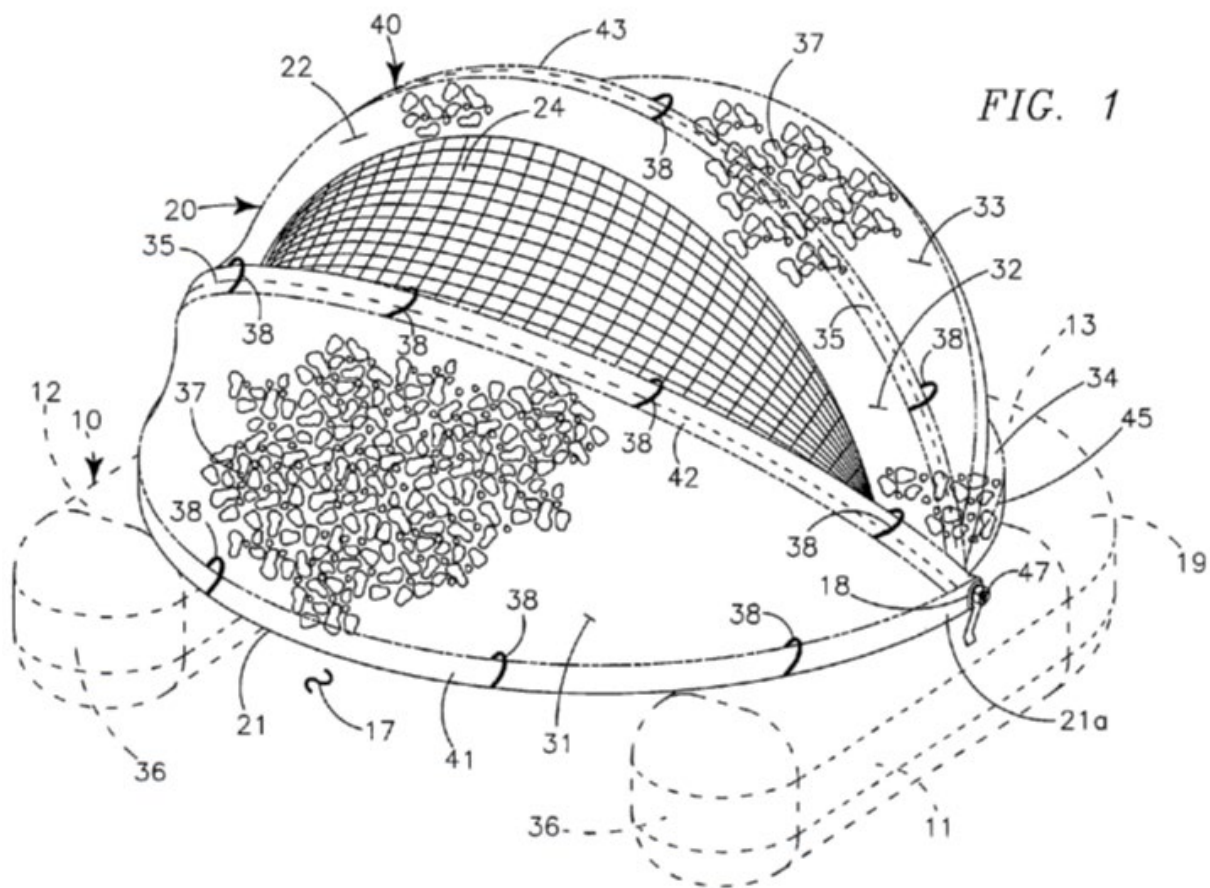


Figure 2 of Whybrew

69. Petitioner acknowledges that Whybrew does not directly disclose limitations concerning mesh material panels having a camouflage patterned panel but instead argues that a PHOSITA would appreciate the benefit of having the camouflage pattern from the body on the first side of the fabric mesh window, to further benefit in making the hunting blind blend into its surrounding environment.

70. I disagree that a PHOSITA would contemplate that the open mesh of Whybrew would benefit from a camouflage pattern. The mesh of Whybrew has large holes which makes putting a camouflage pattern on the mesh more difficult and costly without significant benefit. For example, the large openings in the mesh of Whybrew could lead to uneven coverage or a less defined pattern. As a reminder I have reproduced below Figure 1 of Whybrew where the mesh fabric window is number 24. Whybrew lists a porthole mesh as an example material for the window 24. [EX. 1002 5:26-27]. Porthole mesh has large openings for extra ventilation. A common application is practice football jerseys where the large openings allow increased ventilation.



71. I also understand that Ground One is Whybrew in view of Strength, not Whybrew in view of Strength in view of the knowledge of a POSHITA.

72. Dr. Ellison alternatively opines that a PHOSITA would be motivated to replace the mesh window of Whybrew with the fabric of Strength. I disagree. Whybrew teaches that having all the material of body 20 outside of the mesh window be formed from a material that is not as translucent, or light permeable as the mesh window achieves the benefit of an observer (animal) not being able to see into the blind despite the ability of an observer inside the blind being able to see through the mesh window. The purpose of the mesh window is the ability to see the exterior of

the blind. A PHOSITA would not look to the fabric of Strength for the window because the Strength teaches to increase the blocking of light - exactly contrary to the purpose of Whybrew's mesh fabric window that allows increased transmission of light in that location so that the exterior of the blind can be observed. Strength and Whybrew teach away from one another.

73. In particular, Strength addresses the need for a camouflage material that is "light blocking and light weight," [EX. 1003 1:24-25], and explains that "it was determined that a transmission of about 100 μ A or less provides adequate blocking of light to prevent shadows or silhouettes on the opposite side of the camouflage material **100**, and more preferably of about 60 μ A or less." [EX. 1003 2:8-11].

74. Furthermore, the fabric described in Strength is not a mesh. There are no visible holes in the fabric shown in Figure 1 of Strength and in fact, the fabric in Strength is described as created by using hot melt extrusion to place "a 3 mil [thick] extrusion coating," [EX. 1003 3:4-5], "on a plain weave textile formed of 70 denier per yarn textured polyester yarn, with about 85 yarns per inch in the warp direction and about 90 yarns per inch in the fill direction." [EX. 1003 3:62-66]. I have reproduced below Figure 1 of Strength showing the coating 200.

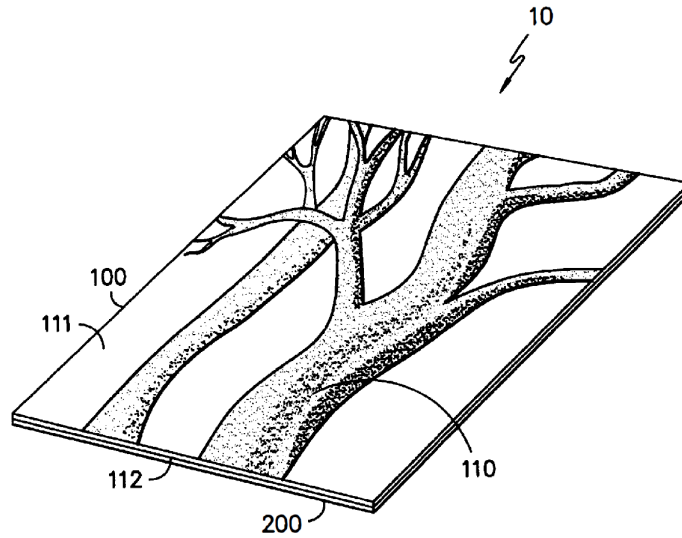


FIG. -1-

75. This fabric will not allow water or air to pass through as there are no holes in the fabric because the 3 mil thick extrusion coating eliminates them and creates a solid barrier. In the context of the '535 Patent, mesh material has holes that allow air and water to pass through. As explained in the '535 Patent, “[t]he inventors of the present invention recognized that conventional hunting blinds are formed with closed panels that provide limited ventilation and thus have limited use in high humidity hunting climates. To overcome this noted drawback, the inventors of the present invention designed a hunting blind with panels of mesh material that simultaneously provide ventilation to an interior of the hunting blind and camouflage the interior of the hunting blind.” [’535 Patent 2:44-52]. “In an example embodiment, the mesh material 26 allows airflow in a range of 30-40%, such as 37%, for example, where airflow is defined as a ratio of a velocity of outgoing air

from the mesh material 26 to a velocity of incident air onto the mesh material 26.”The fabric of Strength is not a mesh.

76. Putting aside that the fabric of Strength is actually not open at all, even if the 3 mil coating (which accounts for 50% of the weight of the fabric) were ignored, the fabric would not be considered a mesh in the context of the ’535 Patent. Dr. Ellison misleadingly proposes that the fabric in Strength is a mesh because it is 70% open based on his calculation of the openness of the fabric (in addition to ignoring the 3 mil extrusion coating). [DBR Finance, Inc., Exhibit 1007, pages 44-45].

77. Despite acknowledging the relationship between openness and the cover factor, [DBR Finance, Inc., Exhibit 1007, page 15], Dr. Ellison fails to explain that the cover factor is typically calculated based on the area and so if a weave covers 30% when only considering each direction rather than the area, then the openness will be significantly less than 70% (and instead would be 50%) when considering the percentage of the area that is not covered by the yarns as is appropriate when calculating the cover factor or the openness.

78. More importantly, the base material (minus the coating) described in Strength has a very high hole per inch ratio. This is in contrast to a mesh material in the context of the ’535 Patent which is used to ensure ventilation, like a porthole mesh, which typically has a hole per inch ratio between 5-10 holes per inch. The

base material (minus the coating) described in Strength has a hole per inch ratio of 85-90 holes per inch. This is important in the context of the '535 Patent, because a high hole per inch ration leads to reduced airflow even at the same cover factor or openness. This occurs because a smaller hole increases the resistance to the passage of air. Fewer but larger holes allow more airflow compared to many smaller holes, even at the same cover factor. Overall, the base material of Strength does not comport with the plain and ordinary meaning of mesh in the context of the '535 Patent. Dr. Ellison over broadens the term mesh¹ beyond what a PHOSITA would understand mesh to mean in the context of the '535 Patent by not acknowledging any context regarding the size or density of the open spaces that would be understood to be a mesh material.

**ii 1d: a second side with a dark color coating, said
second side opposite to the first side; and**

79. Claim 1d is not disclosed by Whybrew. Petitioner acknowledges that Whybrew does not disclose limitations concerning mesh material panels having a second side, opposite to the first side, with a dark color coating. Petitioner points to Strength to overcome this deficiency of Whybrew. However, a PHOSITA would

¹ Dr. Ellison defines mesh fabric as a fabric characterized by open spaces between the yarns.

not have any motivation to replace the mesh fabric window of Whybrew with the fabric of Strength as discussed above in 1c above.

80. As also discussed above in 1c above, Strength does not disclose a mesh material in the context of the '535 Patent.

81. Thus, the combination of Whybrew with Strength does not disclose each and every feature of Claim 1. Claims 2-18 depend from Claim 1, above. The combination of Whybrew with Strength does not disclose each and every feature of Claim 1. Therefore, Claims 2-18 are also not rendered obvious by Whybrew in view Strength.

2. Claim 14

82. Claim 14 recites: The camouflage structure of claim 13, wherein the one or more panels of mesh material provide a 360 degree view of the exterior of the camouflage structure from the interior of the camouflage structure. Neither Whybrew nor Whybrew with the fabric of Strength in place of the mesh fabric window of Whybrew results in a structure that provides a 360 degree view of the exterior of the camouflage structure from the interior of the camouflage structure. Therefore, Ground One does not render claim 14 obvious.

3. Claim 19:

83. Claim 19 is an independent claim with the following elements:

Claim Identifier	Claim Language
19 [preamble]	A camouflage structure comprising;
19a	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
19b	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;
19c	a first side with a camouflage pattern; and
19d	A second side with a dark color coating, said second side opposite to the first side; and
19e	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;
19f	wherein the one or more panels of the mesh material define an outer surface of the camouflage structure;
19g	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;

Claim Identifier	Claim Language
19h	wherein the one or more panels of the 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;
19i	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;
19j	wherein the pop-up frame is movable from a folded position to a deployed position; and
19k	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.

84. As discussed for Claim 1, there is no motivation to replace the mesh material window of Whybrew with the fabric of Strength. Below I have also addressed elements 19c and 19d that are not met for Claim 19 under Ground Two

either for Whybrew or for Whybrew in view of Strength. Therefore Whybrew in view of Strength does not render Claim 19 obvious.

i. 19c: a first side with a camouflage pattern;

Claim 19c is not disclosed by Whybrew. Mesh fabric window 24 (which Petitioner has identified as the “panel of mesh material of interwoven” recited in 1b) is not shown as having the camouflage that is on body 20. [EX. 1002 Figure 2]. Below is a reproduction of Figure 2 of Whybrew. There is no disclosure in Whybrew that there is a camouflage pattern on mesh window 24.

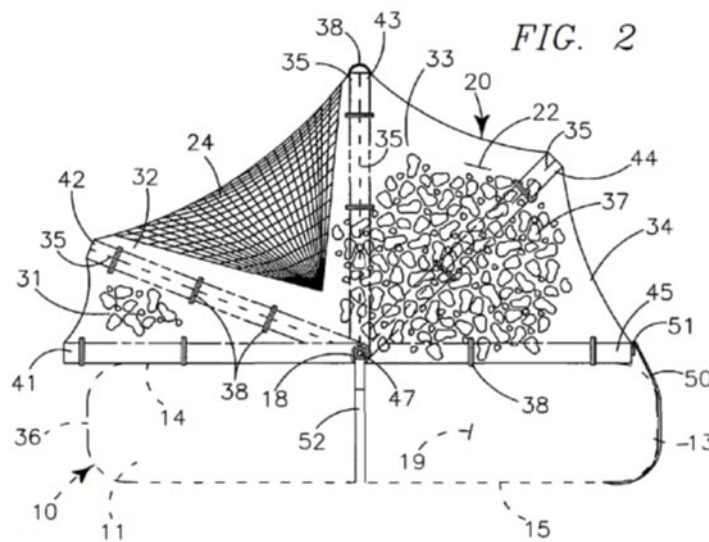
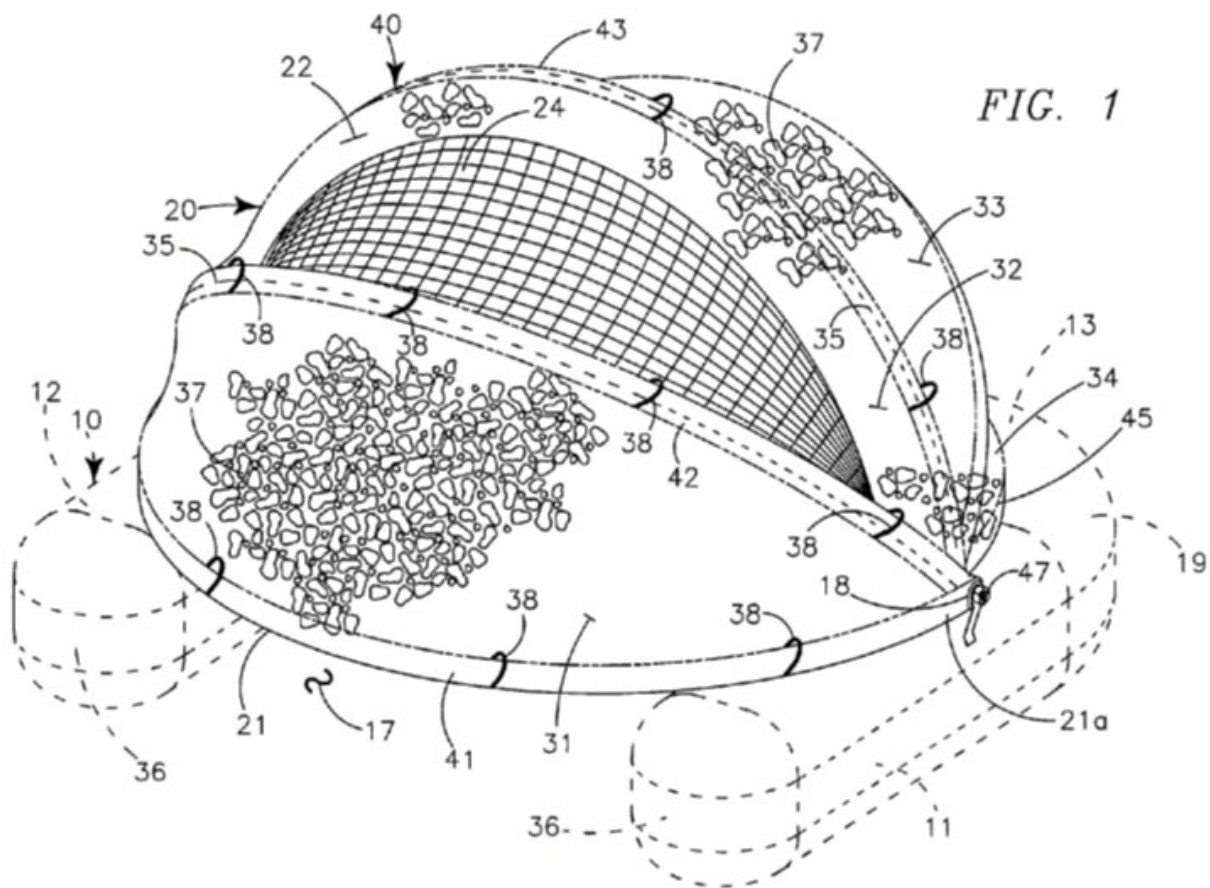


Figure 2 of Whybrew

85. Petitioner acknowledges that Whybrew does not directly disclose limitations concerning mesh material panels having a camouflage patterned panel but instead argues that a PHOSITA would appreciate the benefit of having the

camouflage pattern from the body on the first side of the fabric mesh window, to further benefit in making the hunting blind blend into its surrounding environment.

86. I disagree that a PHOSITA would contemplate that the open mesh of Whybrew would benefit from a camouflage pattern. The mesh of Whybrew has large holes which makes putting a camouflage pattern on the mesh more difficult and costly without significant benefit. For example, the large openings in the mesh of Whybrew could lead to uneven coverage or a less defined pattern. As a reminder I have reproduced below Figure 1 of Whybrew where the mesh fabric window is number 24. Whybrew lists a porthole mesh as an example material for the window 24. [EX. 1002 5:26-27]. Porthole mesh has large openings for extra ventilation. A common application is practice football jerseys where the large openings allow increased ventilation.



87. I also understand that Ground One is Whybrew in view of Strength, not Whybrew in view of Strength in view of the knowledge of a POSHITA.

88. Dr. Ellison alternatively opines that a PHOSITA would be motivated to replace the mesh window of Whybrew with the fabric of Strength. I disagree. Whybrew teaches that having all the material of body 20 outside of the mesh window be formed from a material that is not as translucent, or light permeable as the mesh window achieves the benefit of an observer (animal) not being able to see into the blind despite the ability of an observer inside the blind being able to see through the mesh window. The purpose of the mesh window is the ability to see the exterior of

the blind. A PHOSITA would not look to the fabric of Strength for the window because the Strength teaches to increase the blocking of light - exactly contrary to the purpose of Whybrew's mesh fabric window that allows increased transmission of light in that location so that the exterior of the blind can be observed. Strength and Whybrew teach away from one another.

89. In particular, Strength addresses the need for a camouflage material that is "light blocking and light weight," [EX. 1003 1:24-25], and explains that "it was determined that a transmission of about 100 μ A or less provides adequate blocking of light to prevent shadows or silhouettes on the opposite side of the camouflage material **100**, and more preferably of about 60 μ A or less." [EX. 1003 2:8-11].

90. Furthermore, the fabric described in Strength is not a mesh. There are no visible holes in the fabric shown in Figure 1 of Strength and in fact, the fabric in Strength is described as created by using hot melt extrusion to place "a 3 mil [thick] extrusion coating," [EX. 1003 3:4-5], "on a plain weave textile formed of 70 denier per yarn textured polyester yarn, with about 85 yarns per inch in the warp direction and about 90 yarns per inch in the fill direction." [EX. 1003 3:62-66]. I have reproduced below Figure 1 of Strength showing the coating 200.

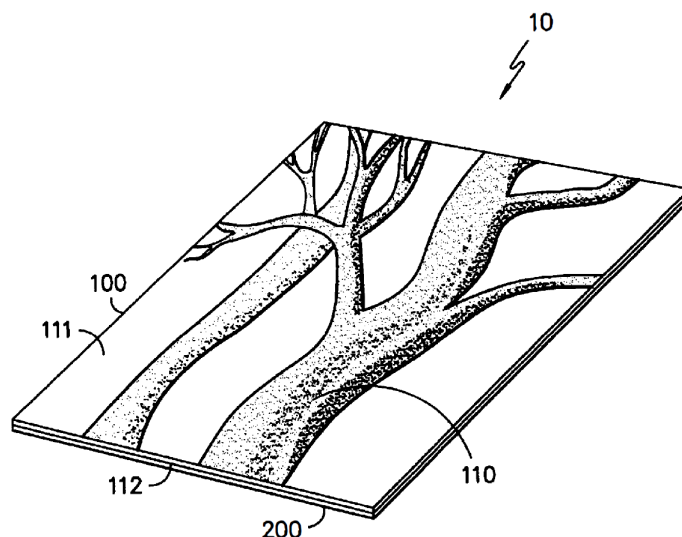


FIG. -1-

91. This fabric will not allow water or air to pass through as there are no holes in the fabric because the 3 mil thick extrusion coating eliminates them and creates a solid barrier.² In the context of the '535 Patent, mesh material has holes that allow air and water to pass through. As explained in the '535 Patent, “[t]he inventors of the present invention recognized that conventional hunting blinds are formed with closed panels that provide limited ventilation and thus have limited use in high humidity hunting climates. To overcome this noted drawback, the inventors of the present invention designed a hunting blind with panels of mesh material that simultaneously provide ventilation to an interior of the hunting blind and camouflage the interior of the hunting blind.” [’535 Patent 2:44-52]. “In an example embodiment,

² While the '535 Patent does discuss backing on the mesh, this is removed after printing. '535 Patent 7:5-12.

the mesh material 26 allows airflow in a range of 30-40%, such as 37%, for example, where airflow is defined as a ratio of a velocity of outgoing air from the mesh material 26 to a velocity of incident air onto the mesh material 26.” ’535 Patent 7:16-20. The fabric of Strength is not a mesh.

92. Putting aside that the fabric of Strength is actually not open at all, even if the 3 mil coating (which accounts for 50% of the weight of the fabric) were ignored, the fabric would not be considered a mesh in the context of the ’535 Patent. Dr. Ellison misleadingly proposes that the fabric in Strength is a mesh because it is 70% open based on his calculation of the openness of the fabric (in addition to ignoring the 3 mil extrusion coating). [DBR Finance, Inc., Exhibit 1007, pages 44-45].

93. Despite acknowledging the relationship between openness and the cover factor, [DBR Finance, Inc., Exhibit 1007, page 15], Dr. Ellison fails to explain that the cover factor is typically calculated based the area and so if a weave covers 30% when only considering each direction rather than the area, then the openness will be significantly less than 70% (and instead would be 50%) when considering the percentage of the area that is not covered by the yarns as is appropriate when calculating the cover factor or the openness.

94. More importantly, the base material (minus the coating) described in Strength has a very high hole per inch ratio. This is in contrast to a mesh material in the context of the ’535 Patent which is used to ensure ventilation, like a porthole

mesh, which typically has a hole per inch ratio between 5-10 holes per inch. The base material (minus the coating) described in Strength has a hole per inch ratio of 85-90 holes per inch. This is important in the context of the '535 Patent, because a high hole per inch ration leads to reduced airflow even at the same cover factor or openness. This occurs because a smaller hole increases the resistance to the passage of air. Fewer but larger holes allow more airflow compared to many smaller holes, even at the same cover factor. Overall, the base material of Strength does not comport with the plain and ordinary meaning of mesh in the context of the '535 Patent. Dr. Ellison overbroadens the term mesh³ beyond what a PHOSITA would understand mesh to mean in the context of the '535 Patent by not acknowledging any context regarding the size or density of the open spaces that would be understood to be a mesh material.

**i. 19d: a second side with a dark color coating,
said second side opposite to the first side; and**

95. Claim 19d is not disclosed by Whybrew. Petitioner acknowledges that Whybrew does not disclose limitations concerning mesh material panels having a second side, opposite to the first side, with a dark color coating. Petitioner points to Strength to overcome this deficiency of Whybrew. However, a PHOSITA would not have any motivation to replace the mesh fabric window of Whybrew with the fabric

³ Dr. Ellison defines mesh fabric as a fabric characterized by open spaces between the yarns.

of Strength as discussed above in 19c. To the contrary, a PHOSITA would be motivated to NOT combine Strength with Whybrew, as outlined below.

96. As also discussed above in 19c, Strength does not disclose a mesh material in the context of the '535 Patent.

97. Thus, the combination of Whybrew with Strength does not disclose each and every feature of Claim 19, and therefore Claim 19 is not rendered obvious by Whybrew in view Strength.

B. Ground Two: Whybrew in view of Strength and Ransom

98. The addition of Ransom to Ground One does not render any of the claims obvious. Petitioner relies upon Ransom only for element 1g (1F of Ellison) and the additional limitation of Claim 15 in ground 1. All of my arguments for Ground One apply equally to Ground Two.

99. Therefore, none of the claims of the '535 Patent were rendered obvious by Whybrew in view of Strength, and Ransom.

100. Claim elements 19c and 19d are analogous to claim elements 1c and 1d, and as such for at least the same reasons that claim elements 1c and 1d are not obvious, claim elements 19c and 19d are not obvious.

C. Ground Three: Whybrew in view of Strength and Hazinski.

101. The addition of Hazinski to Ground 1 does not render any of the claims obvious. Petitioner relies upon Hazinski in Ground Three for element 1f, the

additional limitation of Claim 15, and the additional limitation of Claim 14. All of my arguments for Ground One apply equally to Ground Three.

102. Furthermore, Claim 14 additionally requires that wherein the one or more panels of mesh material provide a 360 degree view of the exterior of the camouflage structure from the interior of the camouflage structure. While Dr. Ellison claims that the fabric material of Hazinski is a mesh, there is no disclosure of a mesh in Hazinski.

103. Additionally, beyond that the fabric 26 should be a screen or see through type, Hazinski provides no information to a PHOSITA on how to actually make the fabric 26 to allow a “hunter to have three hundred and sixty degrees of visibility from within the blind 10 and yet provides him with hunting invisibility.” [Hazinsky 4:14-17]. In fact, Strength teaches that “[i]n camouflage used for applications such as blinds, translucent fabrics can result in the creation of silhouettes on the camouflage from a light source, such as the sun. For example, in a blind having a translucent camouflage, the sun behind the blind can create a silhouette on the camouflage material of a hunter inside the blind that is visible on the exterior of the blind.” [EX. 1003 1:13-19].

104. Furthermore, I disagree that a PHOSITA would be motivated to add the material of Hazinski to the blind of Whybrew. In Whybrew, flexible body 20 is preferably formed of fabric material that is waterproof, weather resistant and

imprinted with a camouflage pattern 37 at lest on the first outer surface 22 and preferably on both the first outer surface 22 and the second inner surface 23. [EX. 1002 4:46-50]. “The waterproof quality of the material of the body sections 31, 32, 33, 34 allows an occupant inside the blind to remain relatively dry, when the blind is used in rainy conditions, by moving rearwardly inside the blind so that the third section 33 is vertically over the occupant’s head. (FIG. 4).” [EX. 1002 5:35-39]. In contrast, Hazinski discusses the use of the blind 10 with a tent fly. [Hazinshi 4:19-20]. A PHOSITA would consider the fabric of Whybrew to be more desirable because it is waterproof and weather resistant.

XIII. Objective Indica of Nonobviousness

105. I understand that a determination of whether a patent claim is invalid as obvious under Section 103 requires consideration of all four *Graham* factors, and it is error to reach a conclusion of obviousness until all those factors are considered. To that end, I also understand that evidence of secondary considerations may often be the most probative and cogent evidence in the record, and that objective considerations of non-obviousness must be considered in every case. Secondary considerations may include any of the following: invention’s commercial success, commercial acquiescence (i.e., licensing), a long felt but unresolved need, the failure of others, skepticism by experts, praise by others, teaching away by others,

recognition of a problem, laudatory statements by the infringer, and copying of the invention by competitors.

106. Based on my review and consideration of the evidence set forth in the declarations of Christopher Seaton, Jason Harris, Robert Ransom and Jay Scholes, and application of legal standards associated with evidence of secondary consideration, it is my opinion that all claims of the '535 Patent are non-obvious over the prior art cited by the Petition.

A. Commercial Success

107. It is my understanding, and I have been informed that objective indicia, such as commercial success due to the merits of the invention, must when present be considered as part of the obviousness equation. Commercial success of a product is of itself probative evidence of non-obviousness when, upon the product's release, it promptly came into extensive use and at least in part replaced other products or methods.

108. I have reviewed the declaration of Jason Harris concerning commercial success of the Primos Double Bull SurroundView blinds. In my opinion, the increased sales appear to have been attributable to the unique feature of the one-way see-through mesh material.

109. I understand and have been informed that a claim of commercial success can be supported by evidence that a product (1) practices the claims of the patent and

(2) has gained substantial market share (*e.g.*, substantially displaced competing products in the market). I also understand and have been informed that commercial success requires that the success of the claimed product must have resulted from the merits of the claimed invention as opposed to features of the invention that were known in the prior art or other extrinsic factors (*e.g.*, marketing). In other words, I have been informed that the patent owner must link the commercial success with features of the invention not shown in the prior art.

110. Example of products which are a commercial embodiment of the '535 Patent, including the Primos Double Bull SurroundView ground blind, have been available for purchase since at least 2018.

111. The SurroundView blinds received several industry awards and accolades following their market debut in 2018.

112. I reviewed an exemplar Primos Double Bull SurroundView Doublewide ground blind and have outlined below how it practices the claims of the '535 Patent.

Claim Identifier	Claim Language	
1 [preamble]	A camouflage structure, comprising:	The SurroundView blind is a camouflage structure as depicted in Figure 1. The blind includes a frame and attached camouflage covering.

Claim Identifier	Claim Language	
1a	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	As seen in Figure 2, the SurroundView blind includes a pop-up frame that includes a plurality of flexible frame members. The blind includes a roof and sides, which are defined in part by the frame members. At least one side, and the roof of the camouflage structure each contain at least two spaced apart frame members.
1b	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:	As seen in Figure 1 and 2 (left), the SurroundView blind includes mesh material along the sides of the blind, and the material is composed of interwoven fabric. The mesh material spans a space between two side frame members.
1c	a first side with a camouflage pattern; and	As seen in Figure 2, the SurroundView blind outside side surface (first side) of the mesh material spanning the two spaced apart frame members, is printed with a camouflage pattern.
1d	a second side with a dark color coating, said second side opposite to the first side; and	As can be seen in Figure 3, the inside side surface (second side) of the mesh material of the SurroundView blind has a dark color coating.

Claim Identifier	Claim Language	
1e	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;	As seen in Figure 2 (right), the SurroundView blind includes at least one non-mesh material panel along the roof of the camouflage structure, covering an area between, and attached to, the at least two spaced apart frame members that are along the roof of the camouflage structure.
1f	wherein the one or more panels of the mesh material define an outer surface of the camouflage structure; and	As seen in Figure 1, the SurroundView blind includes one or more panels of mesh material which define an outer surface (the outside of the walls) of the camouflage structure.
1g	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.	As seen in Figure 2 (right), the non-mesh material panel along the roof of the SurroundView blind is not light transmissive; that is light from an exterior source is not transmitted through the non-mesh material.

Claim Identifier	Claim Language	
15 [preamble]	The camouflage structure of claim 1,	The SurroundView blind is a camouflage structure as depicted in Figure 1. The blind includes a frame and attached camouflage covering.

Claim Identifier	Claim Language	
15a	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 seen in Figure 7, frame members of each of the four sides meet at each of the four corners where the non-mesh roof meets the walls, in a three-way pocket joint.

Claim Identifier	Claim Language	
16 [preamble]	The camouflage structure of claim 15,	The SurroundView blind is a camouflage structure as depicted in Figure 1. The blind includes a frame and attached camouflage covering.
16a	wherein the pop-up frame is movable from a folded position to a deployed position.	Flexible members of the pop-up frame are interconnected with each other and with the camouflage covering at three-way pocket joints. Additionally, the flexible members of each wall of the pop-up frame are interconnected with each other at the center of the wall in a central hub joint. Each of the wall panels and roof panel are expanded into place by forcing the central hub joint outward on each panel to create the three-dimensional structure.

Claim Identifier	Claim Language	
17 [preamble]	The camouflage structure of claim 16,	The SurroundView blind is a camouflage structure as depicted in Figure 1. The blind includes a frame and attached camouflage covering.
17a	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.	When in the folded position, the mesh panels remain secured and attached to the frame members. When the blind is moved to the deployed position, the mesh panels tighten into place without additional fastening required. Figure 5 on the left is the folded position and Figure 5 on the right is the deployed position. As can be seen from Figure 6, from the interior of the blind the exterior is visible but from the exterior of the blind the interior is not visible.

Claim Identifier	Claim Language	
19 [preamble]	A camouflage structure comprising;	The SurroundView blind is depicted in Figure 1. The blind includes a frame and attached camouflage covering.

Claim Identifier	Claim Language	
19a	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	Figure 2 shows that the SurroundView blind includes this element. On the left is the side spaced apart frame members and on the right is the roof spaced apart frame members.
19b	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;	As can be seen on the left in Figure 2, the SurroundView blind includes panels of mesh material of interwoven fabric attached between the at least two spaced apart frame members that are along the side of the camouflage structure.
19c	a first side with a camouflage pattern; and	As can be seen in Figure 1, the SurroundView blind outside side surface (first side) of the mesh material spanning the two spaced apart frame members, is printed with a camouflage pattern.
19d	A second side with a dark color coating, said second side opposite to the first side; and	As can be seen in Figure 3, the inside side surface (second side) of the SurroundView blind has a dark color coating. The SurroundView blind includes a black color coating along the inside side surfaces of the mesh material.

Claim Identifier	Claim Language	
19e	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;	As can be seen in Figure 2 on the right, the SurroundView blind includes at least one non-mesh material panel along the roof of the camouflage structure, covering an area between, and attached to, the at least two spaced apart frame members that are along the roof of the camouflage structure.
19f	wherein the one or more panels of the mesh material define an outer surface of the camouflage structure;	As can be seen in Figure 1, the SurroundView blind includes one or more panels of mesh material which define an outer surface of the camouflage structure.
19g	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;	The camouflage pattern of the SurroundView blind is based on an exterior environment where the camouflage structure will be positioned to make the camouflage structure blend in with the exterior environment. <i>Primos exclusive TRUTH Camo contains a mix of shadows and patterns with a depth of field specifically designed for maximum concealment in all ground-level hunting conditions.</i>⁴

⁴ <https://www.primos.com/ground-blinds/surroundview-blinds/double-bull-surroundview-double-wide-ground-blind/PO-65162.html>

Claim Identifier	Claim Language	
19h	wherein the one or more panels of the 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;	As can be seen from the right hand image of Figure 2 of the roof, one or more non-mesh material panels of the SurroundView blind is not light transmissive, that is light from an exterior source is not transmitted through the non-mesh material.
19i	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;	Figure 4 shows that the SurroundView blind includes a window along a side of the camouflage structure that can be opened to provide a shooting position upon the approach of prey from the side. There are also two rectangular windows in the mesh as well.
19j	wherein the pop-up frame is movable from a folded position to a deployed position; and	As can be seen in Figure 5, the pop-up frame of the SurroundView blind is movable from a folded position to a deployed position.

Claim Identifier	Claim Language	
19k	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.	As can be seen in Figure 5, one of more panels of mesh material of the SurroundView blind 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.

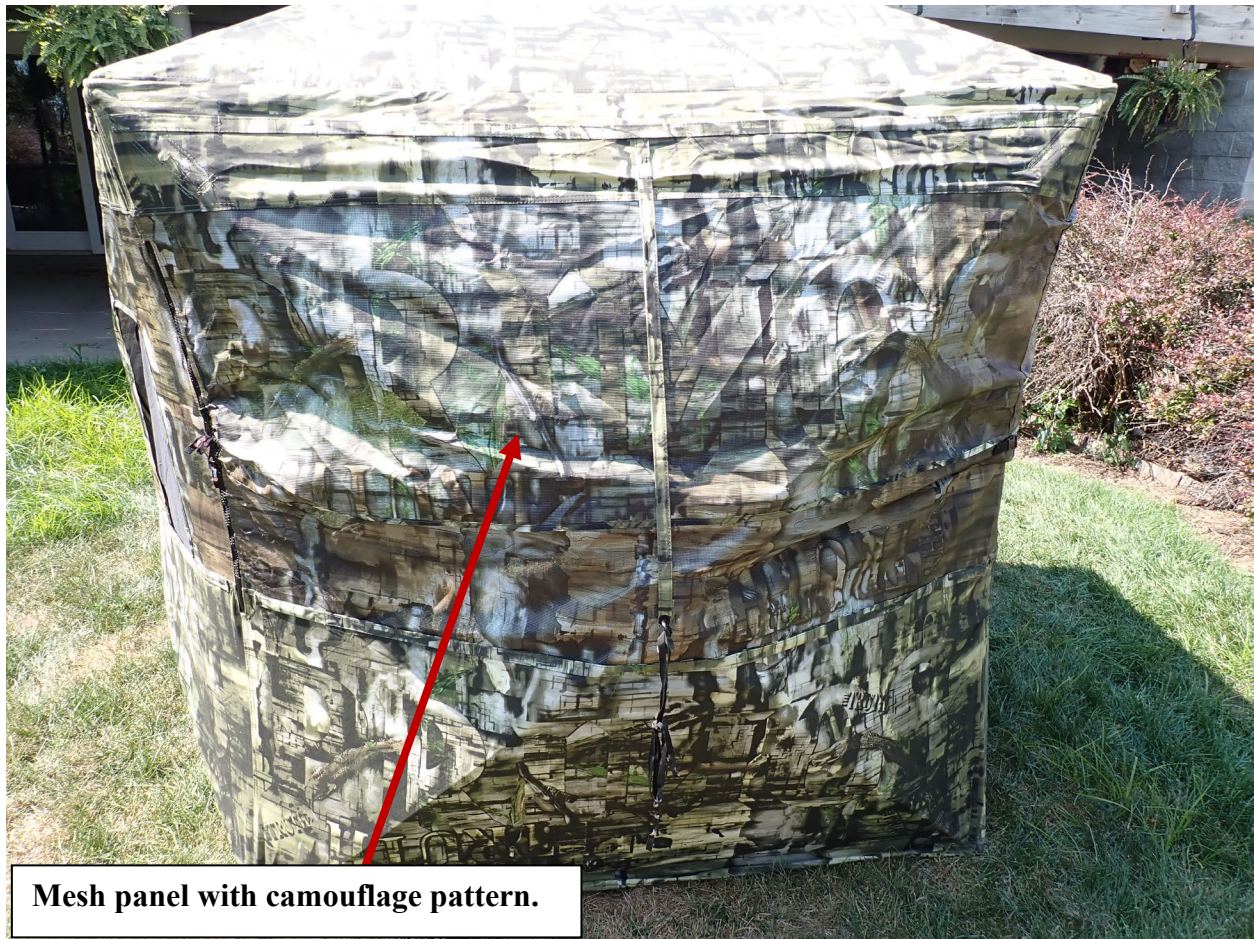


Figure 1. SurroundView blind, with camouflage covering.



Figure 2. Pop-up frame including plurality of flexible frame members, with at least two frame members in both the side (left) and roof (right). The roof is non-transmissive.



Figure 3. Black interior surface of mesh panel.



Figure 4. Window in camouflage panel.



Figure 5. Pop-up frame in folded and deployed positions.



Figure 6.



Figure 7. Roof and wall panel pocket joint.

B. Long-felt but unmet need or failure of others

113. I understand and have been informed that a showing of a long-felt and unmet need requires three factors. First, the need must have been a persistent one that was recognized by those of ordinary skill in the art. Second, the long-felt need must not have been satisfied by another before the invention. Third, the invention must in fact satisfy the long-felt need.

114. I have reviewed the declarations of Jason Harris, Robert Ransom and Jay Scholes with respect to long-felt and unresolved need, and it is my opinion there existed a long-felt need for a ground hunting blind that did not have blind spots that required an occupant to move to expand a field of view from the blind through open windows and otherwise expose the occupant to sight of animals. This long-felt need appears to have persisted since the 1990's and gone unresolved despite attempts by others to solve this need by changing window sizes, placement and configuration and using a shoot through mesh.

C. Copying

115. It is my understanding that and I have been informed that copying requires the replication of a specific product, which may be demonstrated either through internal documents, direct evidence such as disassembling a patented prototype, photographing its features, and using the photograph as a blueprint to build a virtually identical replica, or access to, and substantial similarity to, the patented product (as opposed to the patent).

116. I have reviewed the declaration of Christopher Seaton relative to the issue of copying. It is my opinion that competitors likely copied the Double Bull SurrounView blind by virtue of incorporating a one-see through mesh, given the similarity of the mesh material, including the diagonal interlaced yard, the competitors had access to the product and apparently Chris shipped a sample of the RCHB mesh material to representatives of the Petitioner.

D. Licensing

117. It is my understanding and I have been informed the better or stronger evidence associated with licensing is a license that is procured not with a threat of patent infringement litigation, which indicates the license was sought after or procured based on the merits of the invention.

118. I have reviewed the declarations of Chris Seaton, Jason Harris, Robert Ransom and Jay Scholes regarding licensing. It is my opinion the evidence strongly indicates that licensing arrangements between RCHB and its licensees were founded on the merits of the invention of the '535 Patent.

E. Industry Praise

119. It is my understanding and I have been informed that evidence that the industry praised a claimed invention or a product that embodies the patent claims weighs against an assertion that the same claimed invention would have been obvious. Industry participants, especially competitors, are not likely to praise an

obvious advance over the known art. Thus, if there is evidence of industry praise of the claimed invention in the record, it weighs in favor of the non-obviousness of the claimed invention.

120. I have reviewed the declarations of Christopher Seaton and Jason Harris relative to evidence of industry praise, and it is my opinion that the multiple articles referring to the Double Bull SurroundView blind as “revolutionary,” “innovative” or “game-changing” are strong evidence of industry praise. In addition, Primos having won NRA Bullseye Award is also strong evidence of industry recognition.

F. Unexpected Superior Results

121. It is my understanding and I have been informed that evidence of unexpected results should establish that there is a difference between the results obtained and those of the closest prior art, and that the difference would not have been expected by one of ordinary skill in the art at the time of the invention, and that a "marked superiority" in an expected property may be enough in some circumstances to render a compound patentable, a "mere difference in degree" is insufficient.

122. I have reviewed the declaration of Mr. Christopher Seaton including those paragraphs related to his and his brother’s building of a blind with a one-way see-through mesh material. I have also reviewed the declarations of Jason Harris and Robert Ransom. It is my opinion, that it was entirely reasonable for Chris, as a

person of ordinary skill in the art, to have not expected or have any expectation that application of the coatings to the scrim banner mesh material would achieve the result he found. In addition, the result was not a mere degree of change relative to mesh materials used on ground blinds up to that point, but appears to have entirely changed the role of wall panels for blinds as providing the potential of an entirely new hunting experience.

G. Nexus

123. It is my understanding and I have been informed that for secondary considerations to be relevant to a claim of non-obviousness there must be a nexus between the merits of the claimed invention and the objective evidence. Objective evidence of nonobviousness need only be reasonably commensurate with the scope of the claims, and the Patent Owner is not required to produce objective evidence of non-obviousness for every potential embodiment of the claim.

124. A showing of nexus can be made in two ways: (1) via a presumption of nexus, or (2) via a showing that the evidence is a direct result of the unique characteristics of the claimed invention. The Patent Owner is entitled to a presumption of nexus when it shows that the asserted objective evidence is tied to a specific product that embodies the claimed features and is coextensive with them. Even absent a presumption of nexus, the Patent owner is still afforded an opportunity

to prove nexus by showing that the evidence of secondary considerations is the direct result of the unique characteristics of the claimed invention.

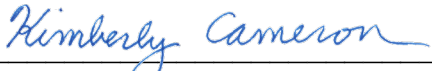
125. I have reviewed the declarations of declarations of Chris Seaton, Jason Harris, Robert Ransom, and Jay Scholes. Based on this information, it is clear to me that one-way see-through mesh material of the Primos Double Bull SurroundView blind was the subject of industry praise, the catalyst to Primos increase sales, the basis for licensing and the solution to the long-felt need. This is the nexus that is required. I have laid out in charts how the claimed features are coextensive with the Primos Double Bull SurroundView blind.

XIV. CONCLUSION

126. In conclusion, I believe that all of the claims of the '535 Patent are valid.

127. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code. I declare under penalty of perjury that the foregoing is true and correct.

Dated: 9/5/24



Dr. Kimberly Cameron



KIMBERLY K. CAMERON, Ph.D., P.E.
PRINCIPAL

kkcameron@engsys.com

Dr. Kimberly Cameron is a Principal for ESi in the Mechanics and Materials practice. She specializes in design, failure analysis, and risk assessments of engineering structures and components. She has conducted hundreds of investigations on a wide variety of engineering structures, from miniature biomedical devices to large scale process equipment. She has also taught classes for engineers preparing to take the fundamentals of engineering exam and the professional engineering licensing examination in both Civil Engineering and Mechanical Engineering.

Dr. Cameron has performed multidisciplinary investigations on biomedical devices, pipelines, consumer electronics, consumer products, aircraft structures, industrial machinery, heat exchangers and cooling fins, refrigeration products, power-plant components, solar panels, pressure vessels, and vehicle components. The common thread in each of Dr. Cameron's investigations is the application of the fundamentals of metallurgy, materials science, engineering physics, computational mathematics, and engineering mechanics to help understand and solve complex problems.

Dr. Cameron is a registered patent agent, with experience in both the patent application process, as well as intellectual property disputes. In particular, she has experience in biomedical, automotive, electrical, mechanical, and materials science fields and has provided numerous invalidity and infringement reports. She has testified in federal and state court as well as in front of the ITC and in arbitration.

Areas of Specialization

Metallurgy	Product Design	Biomedical Devices
Plastics & Composites	Structural Engineering	Oil & Gas
Corrosion	Product Recalls	Energy & Power
Materials Selection	Root Cause Investigations	Consumer Products & Electronics
Mechanical Engineering	Regulatory Compliance	Automotive & Aviation
Intellectual Property Matters	Failure Analysis	Electrical Equipment

Education

Ph.D. Mechanical Engineering, minor Materials Science & Engineering, Stanford University, CA, 2004
M.S. Mechanical Engineering, Stanford University, CA, 2000
B.S.E. Mechanical and Aerospace Engineering. Certificates: Engineering Physics, Applied & Computational Mathematics, Materials Science & Engineering, Woodrow Wilson School of Public Policy & International Affairs, Princeton University, NJ, 1999

Licensed Professional Engineer (P.E.)

Mechanical Engineer, State of California License No. 33732
Metallurgical Engineer, State of California.....License No. 1969

Professional Affiliations/Honors

American Society of Mechanical Engineers

Member

TMS

Member

Department of Defense

Fellowship

National Science Foundation

Fellowship

Lucent Technologies

Graduate Fellowship

Positions Held

Engineering Systems Inc., Sunnyvale, California

Principal, Mechanics, 2011 – Present

Exponent, Menlo Park, California

Senior Engineer, Mechanics & Metallurgy, 2004 – 2011

Publications/Presentations

“Crack Growth and Arrest in Steam Turbine Casings,” EPRI 3002003504, EPRI, Palo Alto, CA, December 2014.

M. H. Anderson, D. Cislo, J. Saavedra, and **K. Cameron**, Why International Inventors Might Want to Consider Filing Their First Patent Application at the United States Patent Office & the Convergence of Patent Harmonization and E-Commerce, 30 Santa Clara High Tech. L.J. 555 (2014).

“Increasing Reliability of Small Punch Fracture Toughness Testing with Acoustic Emission Monitoring,” Proceedings, 3rd International Conference on Small Sample Test Techniques, September 2014. (with D. Purdy and J. Foulds).

“Small Punch Fracture Toughness Evaluation of Combustion Turbine Materials,” EPRI 3002001468, EPRI, Palo Alto, CA, December 2013. (with D. Purdy, J. Foulds and J. Rodgers).

“Small Punch Testing for Fracture Toughness” by J. Foulds, J. Rodgers, **K. Cameron** and P. Sullivan, EPRI, Palo Alto, CA: 2013. 3002000250.

“The Effect of Low Sulfur Content on the Weldability of Linepipe Steel” by **K. Cameron** and A.M. Pettinger, Proceedings of the 9th International Pipeline Conference, September 2012.

- “Effectiveness of Hydrostatic Testing for High Strength Pipe Material” by **K.K. Cameron** & A.M. Pettinger, Proceedings, 8th International Pipeline Conference, October 2010.
- “Axial Loads from Soil Movement Challenge Pipeline Integrity” by **K.K. Cameron** & A.M. Pettinger, PipeLine Gas Technology, November 2009.
- “Assessing Pipeline Integrity Using Fracture Mechanics and Currently Available Inspections Tools” by **K.K. Cameron** & A.M. Pettinger, Journal of Pipeline Engineering, October 2009.
- “Assessing Pipeline Integrity Using Fracture Mechanics and Currently Available Inspections Tools” by **K.K. Cameron** & A.M. Pettinger, Proceedings, 2008 Evaluation and Rehabilitation of Pipelines Conference, Clarion Technical Conferences, Scientific Surveys Ltd., Prague, Czech Republic, October 2008.
- “Fatigue Damage in Bulk Metallic Glass I: Simulation” by **K.K. Cameron** & R. Dauskardt, Scripta Materialia 2006; 54(3):349–353.
- “Fundamentals of Engineering in a Flash” by **K.K. Cameron**, PPI, August 2006.
- “Transmission Electron Microscopy Structure and Platinum-like Temperature Coefficient of Resistance in a Ruthenate-Based Thick Film Resistor with Copper Oxide” by **K.K. Cameron**, G. Crosbie, J. Jiang, & X. Pan, J. Appl. Phys. 2000; 88:1124–1128.

Selected Project Experience

Failure analysis, design analysis, material selection, mechanical testing, finite element analysis, fatigue and fracture evaluation, and development of various implantable medical devices including cardiovascular implants (heart valves, stents, catheters, pacemakers), orthopedic implants (screws, plates, pins, hip implants, spinal implants), cranial implants, etc.

Design and failure analysis of various fluid and drug delivery systems including implantable pumps, drug eluting stents, syringes, patches, microneedles, CPAP machines, anesthesia machines, insulin and other drug delivery pumps, balloon respirators, etc.

Design and failure analysis of other types of medical devices including surgical tools, scooters, hospital beds, physical therapy equipment, refrigerated portable coolers, etc.

Performed analyses to support FDA submissions.

Evaluated the design, pipeline integrity management program, in-line inspection tools, leak detection systems, control room management and operation and maintenance practices, of both liquid and gas pipeline systems under both 49 CFR 195 and 192.

Evaluated pipeline construction practices of various pipeline systems and performed pipeline failure investigations after various landslide events.



Assisted the Inter-American Development Bank with a pipeline integrity study and supervision of implementing a pipeline integrity management program. This included geotechnical site investigations, fracture mechanics, metallurgical investigations, in-line inspection data, and external inspection data.

Evaluated welding procedures and determined the effect of welding defects and other construction factors on pipeline integrity.

Evaluated pipe-soil interactions, mechanical and welded joints, welding procedures, in-line inspection tools, regulatory compliance, and the overall integrity of pipeline systems.

Failure analysis of various insulated steel oil and water pipeline systems, including behavior of the polyurethane foam and jacket materials.

Design evaluation and failure analyses of pipe couplings and fittings, including finite element analyses, as well as analysis of various plumbing fixtures and components.

Performed design and failure analyses of various gas distribution systems made of polyethylene and steel pipe, including the evaluation of compression couplings.

Retained as an expert for the United States Patent and Trademark Office in the evaluation of a patent claim dispute relating to large diameter pipes.

Evaluated the design of a hydrogenerator system. Performed a finite element analysis and fatigue analysis of the rotors, thrust bridge, and head cover to assess the design.

Evaluated the design of various pumps, rotors, bearings, seals and insulation systems.

Thermal analyses of industrial heat exchangers and cooling fins, nuclear reactor heads, and welds.

Failure analysis of various refrigeration systems and components and HVAC system components.

Performed design analysis of various solar panel system components and assisted in design changes to meet standardized safety testing.

Developed testing protocols and conducted failure analyses and design reviews for various consumer electronic devices and accessories, electrical connectors, power cords, and jacket sleeves.

Design of electrical connectors and various components of several consumer electronic devices including phones, tablets, and computers.

Design evaluation of various consumer products, including washing machines, refrigerators, various child containment products, hand and power tools, security and display systems, coffee machines, exercise machines, cooling sleeves and pads, consumer electronic accessories, breast pumps, baby bottles, etc.



Appendix B

KIMBERLY K. CAMERON, Ph.D., P.E.
PRINCIPAL

kkcameron@engsys.com

PROJECT	STATE
2024	
Eugene Davis, in his capacity as Liquidating Trustee of the Venoco Liquidating Trust v. Plains Pipeline, L.P., et al. Case No.: 16CV01319 Superior Court of the State of California	CA (trial)
Insulet Corporation v. EOFLOW Co., et al. Civil Action No. 1:23-cv-11780-FDS United States District Court, District of Massachusetts	CA (deposition)
Certain Liquid Transfer Devices with an Integral Vial Adapter Investigation No. 337-TA-1362 United States International Trade Commission	D.C. (deposition)
Baby Bjorn, AP, v. The Ergo Baby Carrier, Inc. Case No. 2:23-CV-00446AB U.S. District Court, Central District of California	CA (deposition)
Smarte Carte Inc. v. Innovative Vending Solutions, LLC C.A. No. 1:19-cv-08681-ESK-AMD United States District Court for the District of New Jersey	DE (deposition)
Novo Nordisk Inc., and Novo Nordisk A/S v. Orbicular Pharmaceutical Technologies Pvt. Ltd., et al. C.A. No. 22-856 (CFC) United States District Court for the District of Delaware	DE (deposition)
In the Matter of Certain Photovoltaic Connectors and Components Thereof Investigation No. 337-TA-1365 United States International Trade Commission	D.C. (deposition, trial)
2023	
Certain Liquid Transfer Devices with an Integral Vial Adapter Investigation No. 337-TA-1362 United States International Trade Commission	D.C. (deposition, trial)
Grey Fox, LLC. v. Plains All American Pipeline, L.P. Civil Action No. 2:16-cv-03157 U.S. District Court, Central District of California	CA (deposition)



**Eugene Davis, in his capacity as Liquidating Trustee of the
Venoco Liquidating Trust v. Plains Pipeline, L.P., et al.**

Case No.: 16CV01319
Superior Court of the State of California
County of Santa Barbara

CA (deposition)

**California State Lands Commission et al v. Plains
Pipeline, L.P., et al**

Case No.: 18CV02504
Superior Court of the State of California
County of Santa Barbara, Anacapa Division

CA (deposition)

**Hoya Corporation and Hoya Surgical Optics, Inc.,
Hoya Lamphun Ltd., and Hoya Medical Singapore PTE LTD., v.
Alcon Inc., Alcon Laboratories, Inc., and Alcon Research, LLC,
and Alcon Vision, LLC**

Civil Action No. 3:20-cv-03629-M
US District Court for the Northern District of Texas

TX (deposition)

**National Products Inc. v. Innovative Intelligent Products, LLC
D/B/A GPS Lockbox**

Case No. 2:20-cv-00428-DGE
United States District Court for the Western District
of Washington at Seattle

WA (deposition)

**EIS Inc. v. IntiHealth Ger GmbH, WOW Tech USA, Ltd.;
WOW Tech Canada, Ltd.; Novoluto GmbH; Novoluto
GmbH; Triple A Import GmbH; and Triple A Marketing GmbH**

Civil Action No. 19-CV-12279 (GBW)(MPT)
United States District Court for the District of Delaware

DE (deposition, trial)

**Novo Nordisk Inc. and Novo Nordisk AS v. Teva Pharmaceuticals
f/k/a Teva Development, USA, Inc. .**

Civil Action. No. 21-1782 (CFC)
United States District Court for the District of Delaware

DE (deposition)

International Medical Devices, Inc. v. Robert Cornell, M.D., et al

Case No. 2:20-cv-03503-CBM (RAOx)
United States District Court
Central District of California – Western Division

CA (deposition, trial)

Envirotainer AB v. Doubleday Acquisitions, LLC

Case No. IPR2022-00864
Case No. IPR2022-00851
United States Patent and Trademark Office Before the
Patent Trial and Appeal Board

D.C. (deposition)

Victualic v. ASC Engineered Solutions, LLP

Case No. 1-20-CV-00887-CFC
United States District Court for the District of Delaware

DE (deposition, trial)

**Echologics, LLC, Mueller International, LLC, and Mueller
Canada, LTD. d/b/a Echologics v. Orbis Intelligent Systems, Inc.**

Case No. 3:21-cv-01147-RBM-AHG
United States District Court Southern District of California

CA (deposition)



Wonderland Switzerland AG v. Evenflo Company, Inc. Civil Action No. 1:20-cv-00727-JPM United States District Court for the District of Delaware 2022	DE	(deposition, trial)
In the Matter of Certain Playards and Strollers Investigation No. 337-TA-1288 United States International Trade Commission	D.C.	(deposition, trial)
Envirotainer AB v. Doubleday Acquisitions, LLC Case No. IPR2022-00292 Case No. IPR2022-00293 United States Patent and Trademark Office Before the Patent Trial and Appeal Board	D.C.	(deposition)
Timothy Johnson v. LA Fitness; Fitness International LLC Case No. 30-2019-01059520 Superior Court for the State of California for the County of Orange	CA	(deposition, trial)
Ultra-Mek, Inc. v. United Furniture Industries, Inc.; Oiseys International, Inc.; Taizhou Chenguang Vehicle Co., LTD; Man Wah (USA), Inc.; Man Wah Holdings LTD; Remarco Machinery Technology Co., LTD; and Jiangsu Yulong Smart Technology Co., LTD Case No. 1:18-cv-281-WO-JEP United States District Court for the Middle District of North Carolina	NC	(deposition)
Unirac, Inc. v. Ecofasten Solar, LLC and ESDEC, Inc. Case No. 1:21-CV-000058 Case No. 1:21-CV-000059 United States District Court for the District of Delaware	DE	(deposition)
Transcontinental Gas Pipe Line Company LLC v Latex Construction Company Case No. CJ-2019-3611 In the District Court in and for Tulsa County State of Oklahoma	OK	(deposition)
Antonio Barrera and Martha Barrera v. Southern California Edison Company, Robert K. Laird and Rebecca F. Clark Case No. CIVDS1700188 Superior Court of the State of California County of San Bernardino, San Bernardino District	CA	(deposition)
Regeneron Pharmaceuticals, Inc. v. Novartis Pharma AG, Novartis Technology LLC, Novartis Pharmaceuticals Corporation Case No. IPR2021-00816 United States Patent and Trademark Office Before the Patent Trial and Appeal Board	D.C.	(deposition)



2021

Novo Nordisk Inc. and Novo Nordisk AS v. Sandoz Inc. Case No. 20-747-CFC United States District Court for the District of Delaware	DE	(deposition)
Marathon Pipe Line LLC. v. Energy Transfer L.P, et al Case No. 2021CH14 In The Circuit Court Fourth Judicial Circuit Marion County, Illinois	IL	(deposition)
In The Matter of Certain Electrical Connectors and Cages, Components Thereof, And Products Containing the Same Investigation No. 337-TA-1241 United States International Trade Commission	D.C.	(deposition, trial)
Hoya Corporation and Hoya Surgical Optics, Inc. v. Alcon Inc., Alcon Laboratories, Inc., and Alcon Research, LLC Case No. 3:20-cv-03629 5 th Circuit, US District Court for the Northern District of Texas	TX	(deposition)
Cherelus (Genicia) vs Columbia Hospital Corporation of South Broward D/B/A Westside Regional Medical Center; Ravishankar Shivashankar, M.B.B.S.; Envision Healthcare Corporation; Radiology Physician Solutions of Florida, LLC; and Penumbra, Inc Case No. CACE-19-002780 Circuit Court of the 17 th Judicial Circuit, Broward County, Florida	FL	(deposition)
In the Matter of: Certain Blowers and Components Thereof Investigation No. 337-TA-1217 Enforcement Proceeding United States International Trade Commission	MO	(deposition, trial)
Novo Nordisk Inc. and Novo Nordisk AS v. Mylan Institutional LLC Case No. 19-01551-CFC United States District Court for the District of Delaware	DE	(deposition)