

**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

Case IPR 2024-00291

Patent 11,399,535

Issue Date: August 2, 2022

Title: CAMOUFLAGE MATERIAL, FOR A HUNTING BLIND

INTRODUCTION

- A PHOSITA would not replace the mesh material of Whybrew with the camouflage material of Strength, because 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. Paper 17; 2, 14-18 and 27-31.
- The claims of the '535 Patent include a mesh material, which by Petitioner's definition has spaced holes. The camouflage material of Strength does not have holes because the thermoplastic coating covers any such holes that may have existed in the base textile in order to block light. Paper 17; 27-31
- The '535 Patent is entitled to the priority provisional filing date because the specification of the provisional application satisfies the written description requirement of Section 112(a). Pop-frames were well known as of the provisional filing date to include flexible foldable frame members that were spaced apart along sides and roof of the blind. Paper 36; 9-13.
- Exs. 2032-E, 2032-F and 1014 do not disclose a mesh material with a camouflage pattern on one side and a dark color coating on an opposite side of the mesh material; therefore it was known to PHOSITA to include such a mesh material for one-way visibility. Paper 36; 11-13, and 12-16.
- Patent Owner has established a nexus between the secondary considerations and the claimed invention. Paper 17; 63-64; Ex. 2031; 53-66

Austin Blind-2016 NWTf Tradeshow

IPR 2024-00291
U.S. Patent No. 11,399,535

IPR 2024-00291
U.S. Patent No. 11,399,535



#NWTfShow
Rugged Cross Blinds @ 2016 NWTfShow

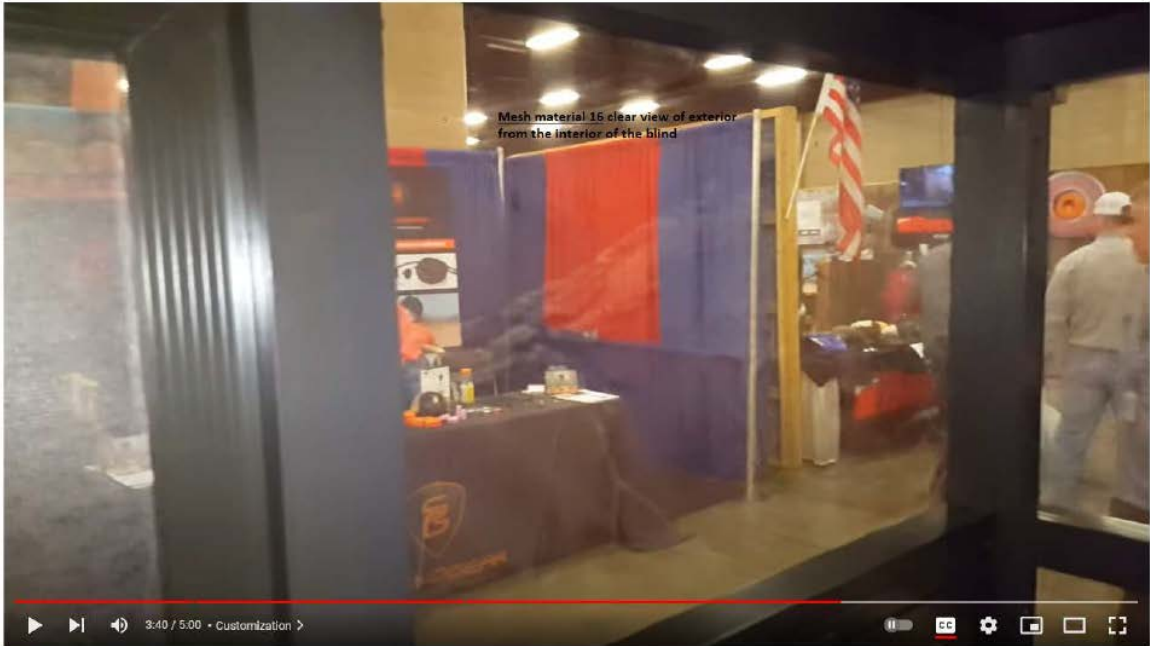
Becky Lou Outdoors
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EXHIBIT 2

4 4 Share Download Clip Save ...

EXHIBIT C

EX. 2032-C



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EXHIBIT 3

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EXHIBIT D

EX. 2032-D

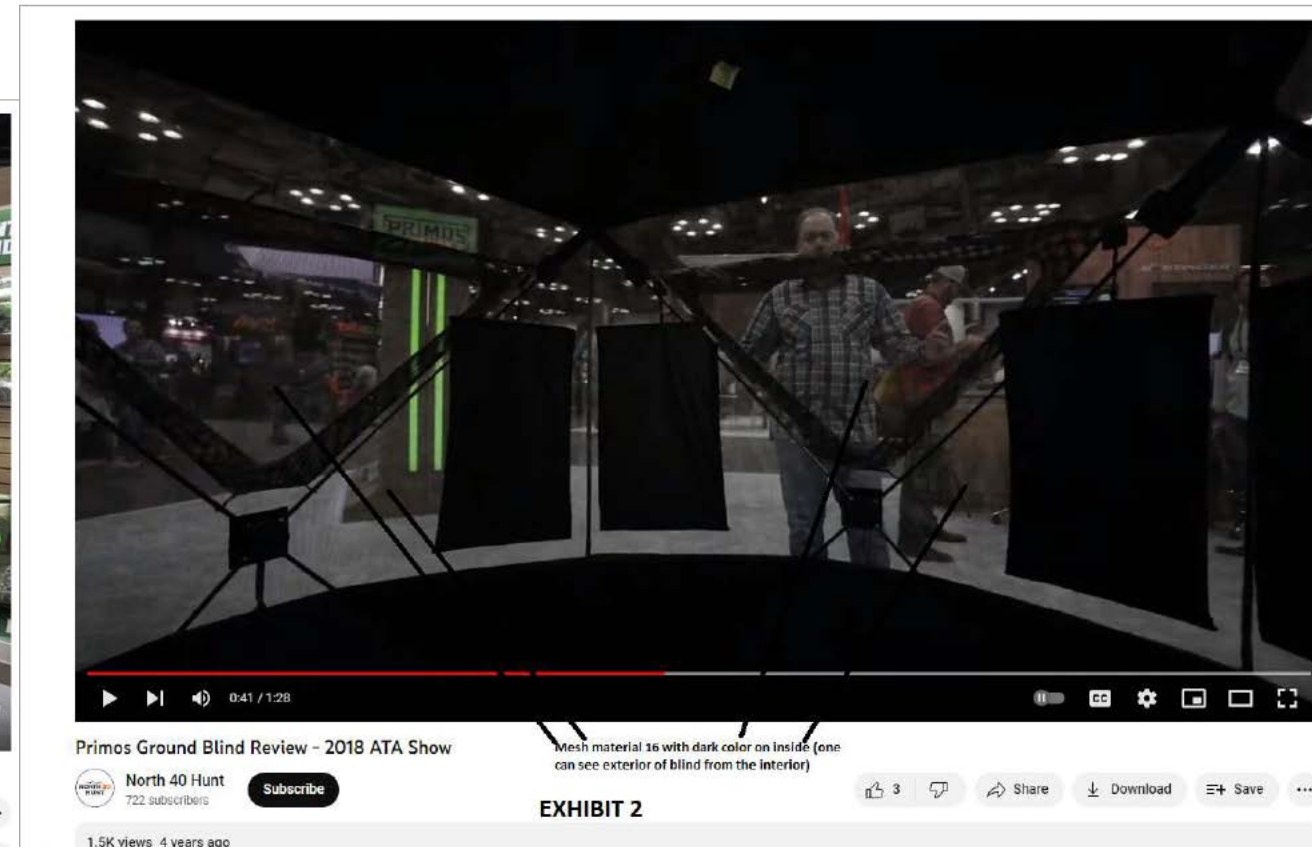
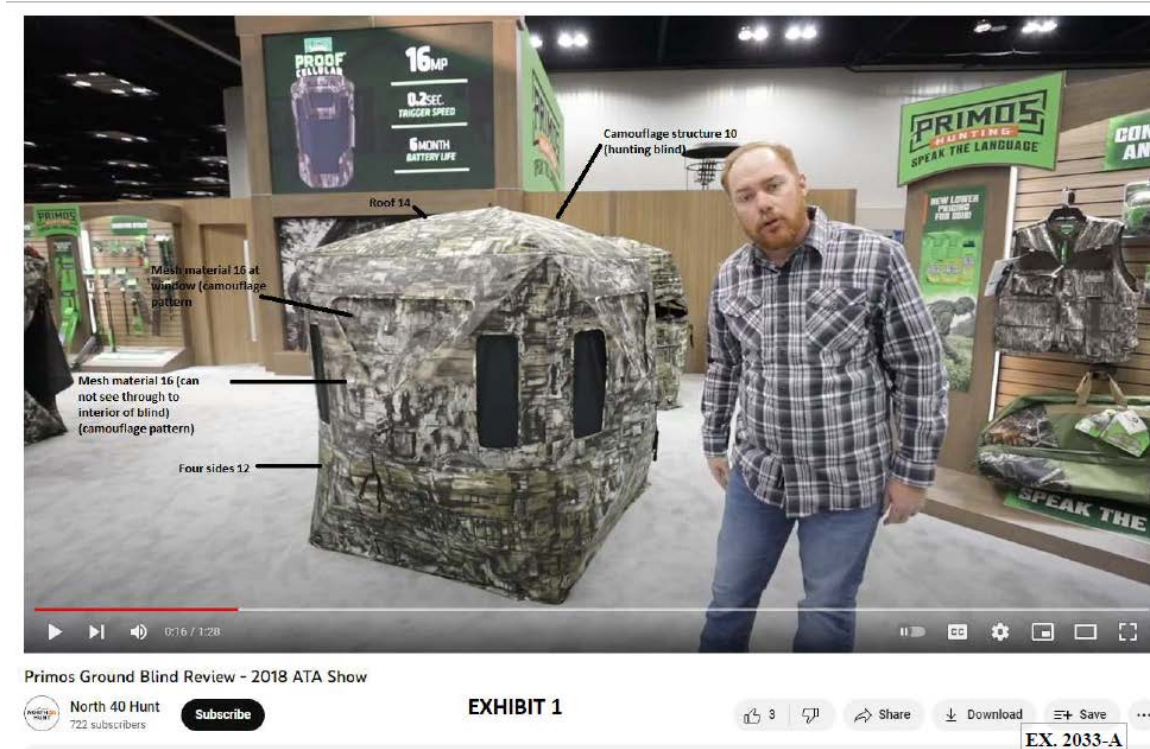
Paper 17; 38, Exs. 2032-C and 2032-D

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

Primos Double Bull Surroundview Blind-2018 ATA Tradeshow

IPR 2024-00291
U.S. Patent No. 11,399,535

IPR 2024-00291
U.S. Patent No. 11,399,535



Paper 17; 43; Exs. 2033-A and 2033-B

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

Claim Construction – Mesh Material

1. A camouflage structure comprising:

...one or more panels of mesh material of interwoven fabric ...said one or more panels comprising:

a first side with a camouflage pattern; and

a second side with a dark color coating, said second side opposite to the first side;

...wherein the one or more panels of the mesh material define an outer surface of the camouflage structure;

Ex. 1001, 9; 63 to 10; 4-19

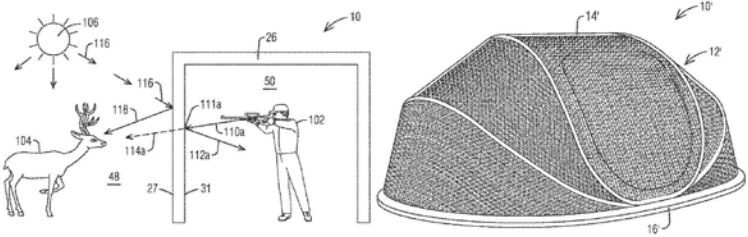
In construing the term “mesh material” a plain and ordinary usage of the term will be employed, which is “a woven material of open texture with spaced holes therein.”

Paper 1, 25; Ex.1007; ¶¶ 60-61, 106-110; Ex.1008; p.96.

Claim Construction – Mesh Material



(12) United States Patent Seaton et al.		(10) Patent No.: US 11,399,535 B2	
		(45) Date of Patent: *Aug. 2, 2022	
(54) CAMOUFLAGE MATERIAL, FOR A HUNTING BLIND		(56) References Cited	
		U.S. PATENT DOCUMENTS	
(71) Applicant: RUGGED CROSS HUNTING BLINDS LLC , Tampa, FL (US)		4,308,882 A 1/1982 Pusch 4,425,959 A 1/1984 Von Mosshaim (Continued)	
(72) Inventors: Christopher M. Seaton , Tampa, FL (US); Timothy R. Seaton , Tampa, FL (US)		FOREIGN PATENT DOCUMENTS	
(73) Assignee: RUGGED CROSS HUNTING BLINDS LLC , Tampa, FL (US)		JP 09321485 A * 12/1997 WO 2017074394 A1 5/2017	
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days. This patent is subject to a terminal disclaimer.		OTHER PUBLICATIONS	
(21) Appl. No.: 17/345,981		ECHOD Graphics Vinyl Mesh Printing—Vinyl Mesh Banner 37% Air Flow (https://web.archive.org/web/20140117130123/https://www.echodgraphics.com/-/category1.asp/cid=101&iid=12103) (Year: 2014).	
(22) Filed: Jun. 11, 2021		(Continued)	
(65) Prior Publication Data US 2021/0298288 A1 Sep. 30, 2021		<i>Primary Examiner</i> — David R Dunn <i>Assistant Examiner</i> — Danielle Jackson (74) <i>Attorney, Agent, or Firm</i> — Robert L. Wolter; Wolter, Van Dyke, Davis, PLLC	
Related U.S. Application Data		(57) ABSTRACT	
(63) Continuation of application No. 16/998,843, filed on Aug. 20, 2020, which is a continuation of application (Continued)		Mesh material is presented for a hunting blind with a camouflage pattern printed on a first side and a second side with a color coating. The mesh material is partially transmissive such that a portion of incident radiation from an exterior of the hunting blind is reflected back into the exterior, a portion of incident radiation from an interior of the hunting blind is transmitted through the mesh material to the exterior and an intensity ratio of the reflected portion to the transmitted portion during daylight conditions is above a threshold value such that the exterior of the hunting blind is visible from the interior and the interior of the hunting blind is not visible from an exterior of the hunting blind. A hunting blind is also provided that includes a frame including frame members and panels of the mesh material attached to the frame members.	
(51) Int. CL A01M 31/02 (2006.01) E04H 15/00 (2006.01) (Continued)			
(52) U.S. CL CPC A01M 31/025 (2013.01); E04H 15/001 (2013.01); E04H 15/008 (2013.01); (Continued)			
(58) Field of Classification Search CPC F41H 3/02 See application file for complete search history.		19 Claims, 8 Drawing Sheets	



Claim Construction – Mesh Material

The '535 Patent identifies two advantages of using the claimed mesh material, including improved air flow for ventilation and one-way visibility.

Ex. 1001; 2:43-42; 3:61 – 5:34

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.”

Ex. 1001; 2:44-52.

In an example embodiment, the pop-up frame includes panels of the mesh material **26** secured between the foldable frame members **14'**, **16'** such that when the frame **12'** is moved from a folded position to a deployed position, the exterior of the hunting blind **10'** is visible through the panels from the interior of the hunting blind yet the interior of the hunting blind **10'** is not visible through the panels from the exterior of the hunting blind **10'**.

Ex. 1001; 9:46-54

Holes in the mesh material are necessary for air flow and visibility. Accordingly, the mesh material necessarily has holes.

Claim Construction – Mesh Material

The specification is consistent with and supports a claim construction that the panels be mesh. Paper 36; 8. The panels of mesh material 26 are first introduced in col. 3, lines 17-60 (Ex. 1001) of the specification in reference to FIGS 1A and 1B. *Id.* The mesh material 26 is described as including camouflage pattern 29 printed on a first side 27 using ink, and a dark color ink 33 on the second side 31. *Id.* In an embodiment a dark colored mesh material is used and the second side does not need a dark colored ink coating. Ex. 1001; 3: 40-41. *Id.* To that end, the figures show panels of material with spaced holes.

FIG. 1A

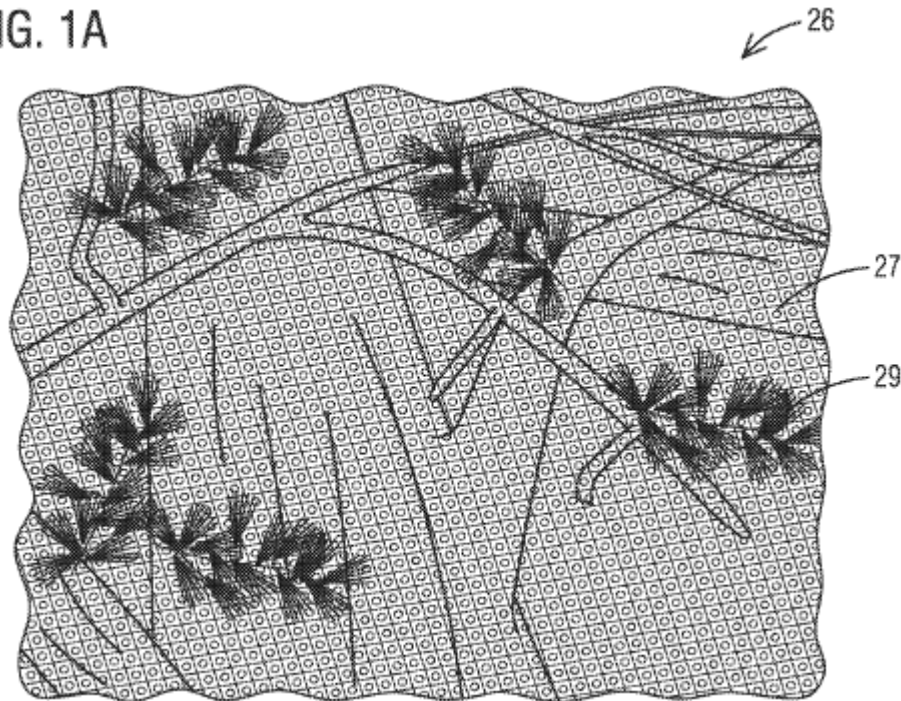
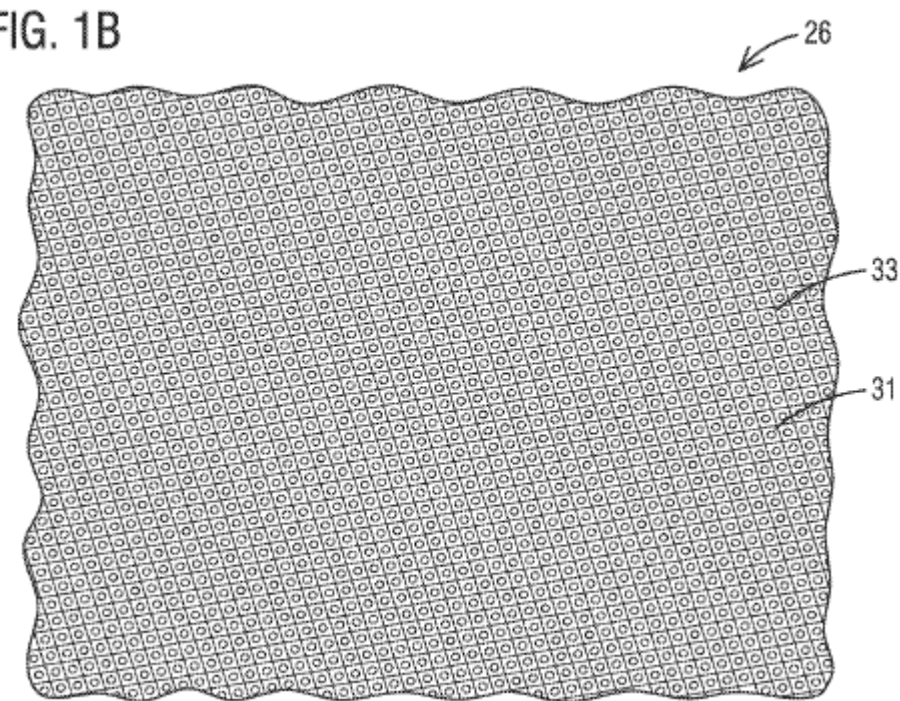


FIG. 1B



Claim Construction – Mesh Material

Immediately following this detailed description of the mesh material 26, and in reference to FIGS. 1C and 1D, the specification includes a detailed description of the function of the previously described mesh material 26 relative to visible light incident on the hunting blind 10. Paper 36; 8: Ex. 1001; 3:61 – 5:34.

Of course, visibility through the mesh material from an interior of the blind 10 necessarily requires holes in the mesh material. Paper 17; 29-31: Paper 36; 8.

FIG. 1C

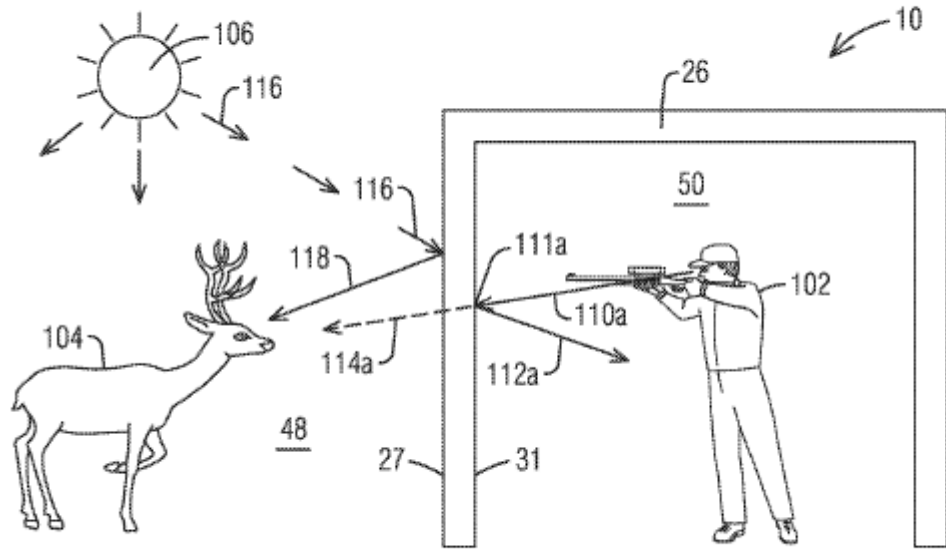
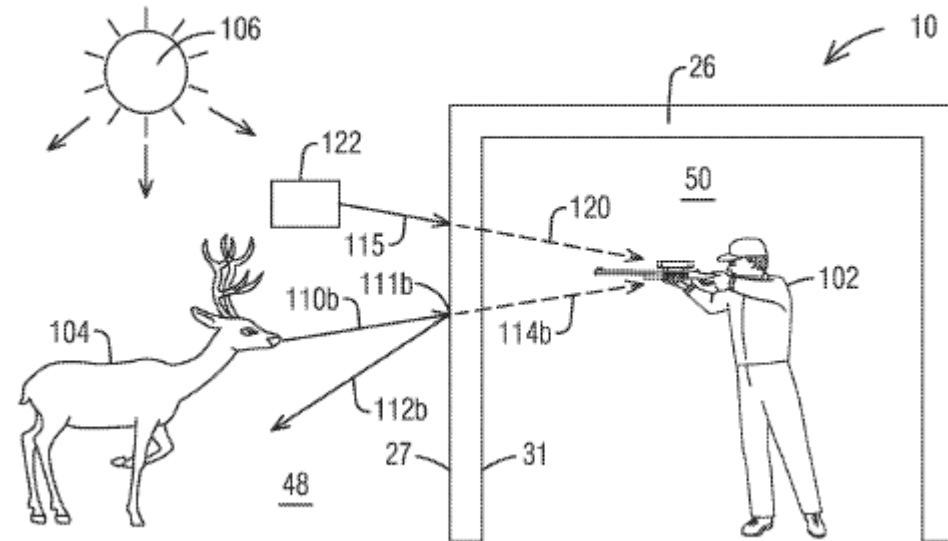


FIG. 1D



Claim Construction – Mesh Material

FIG. 1C is a side cutaway view of the hunting blind **10** of FIG. 2 depicting a ray diagram of visible light incident on the hunting blind **10** from an interior **50** of the hunting blind **10**. Ex. 1001; 4:1-4. FIG. 1D is a side cutaway view of the hunting blind **10** of FIG. 2 depicting a ray diagram of visible light incident on the hunting blind **10** from the exterior **48** of the hunting blind **10**. Ex. 1001; 4: 59-62

FIG. 1C

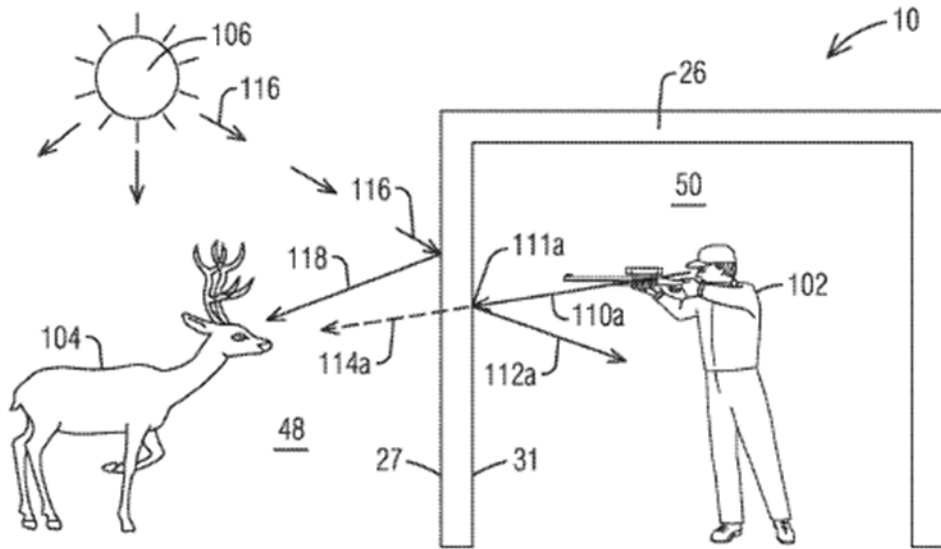
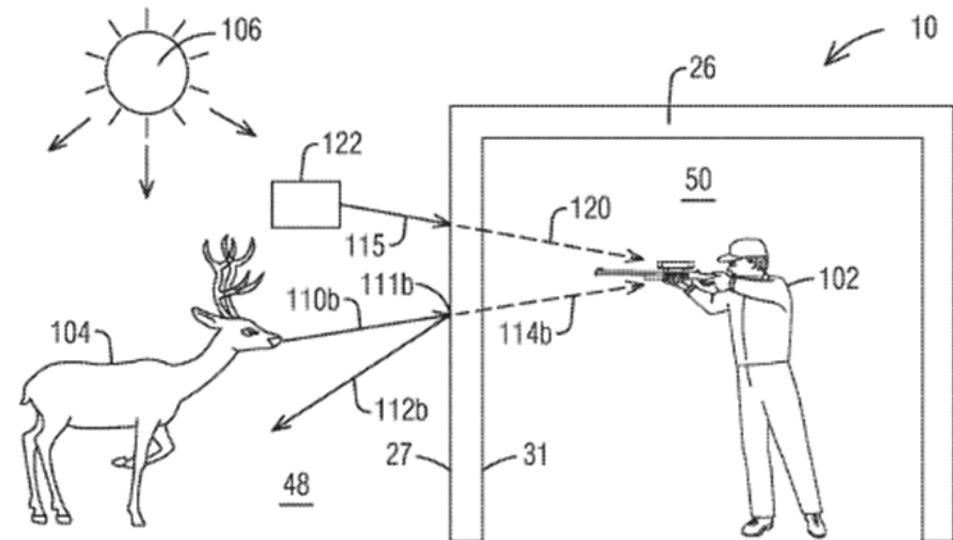


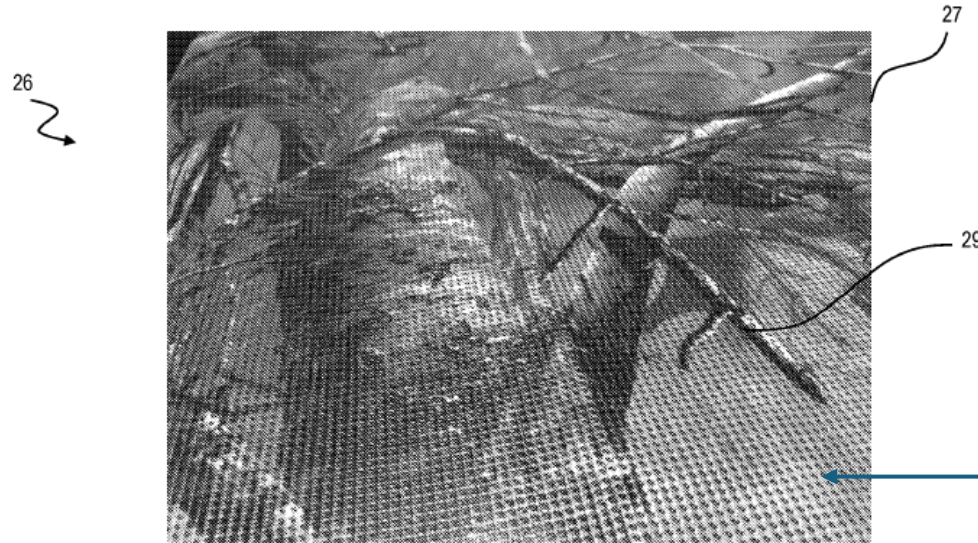
FIG. 1D



DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

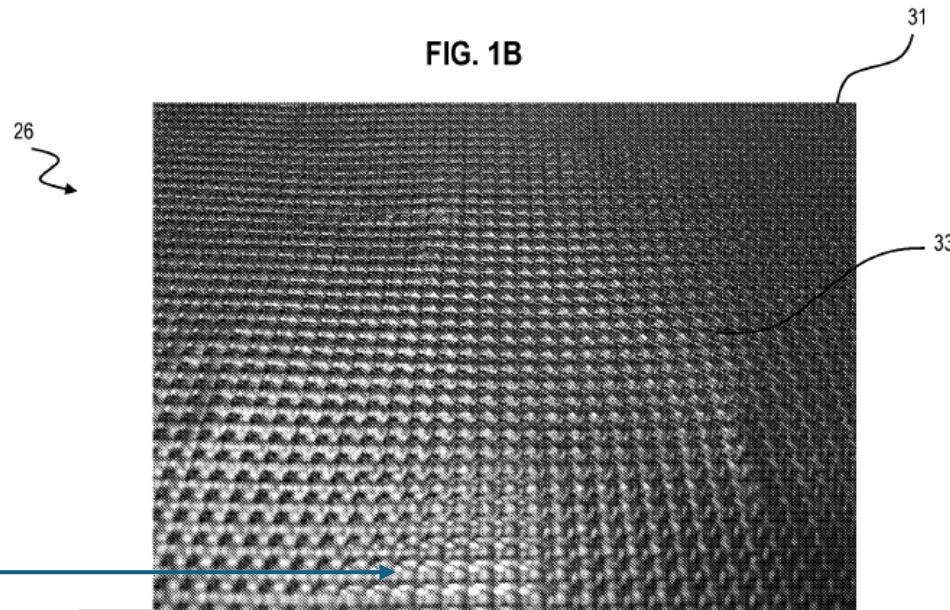
Claim Construction – Mesh Material

FIG. 1A



HOLES IN MESH

FIG. 1B



HOLES IN MESH

Ex. 1016; 8 (US Prov. App. 62/301,007)

Claim Construction – Mesh Material

FIG. 2

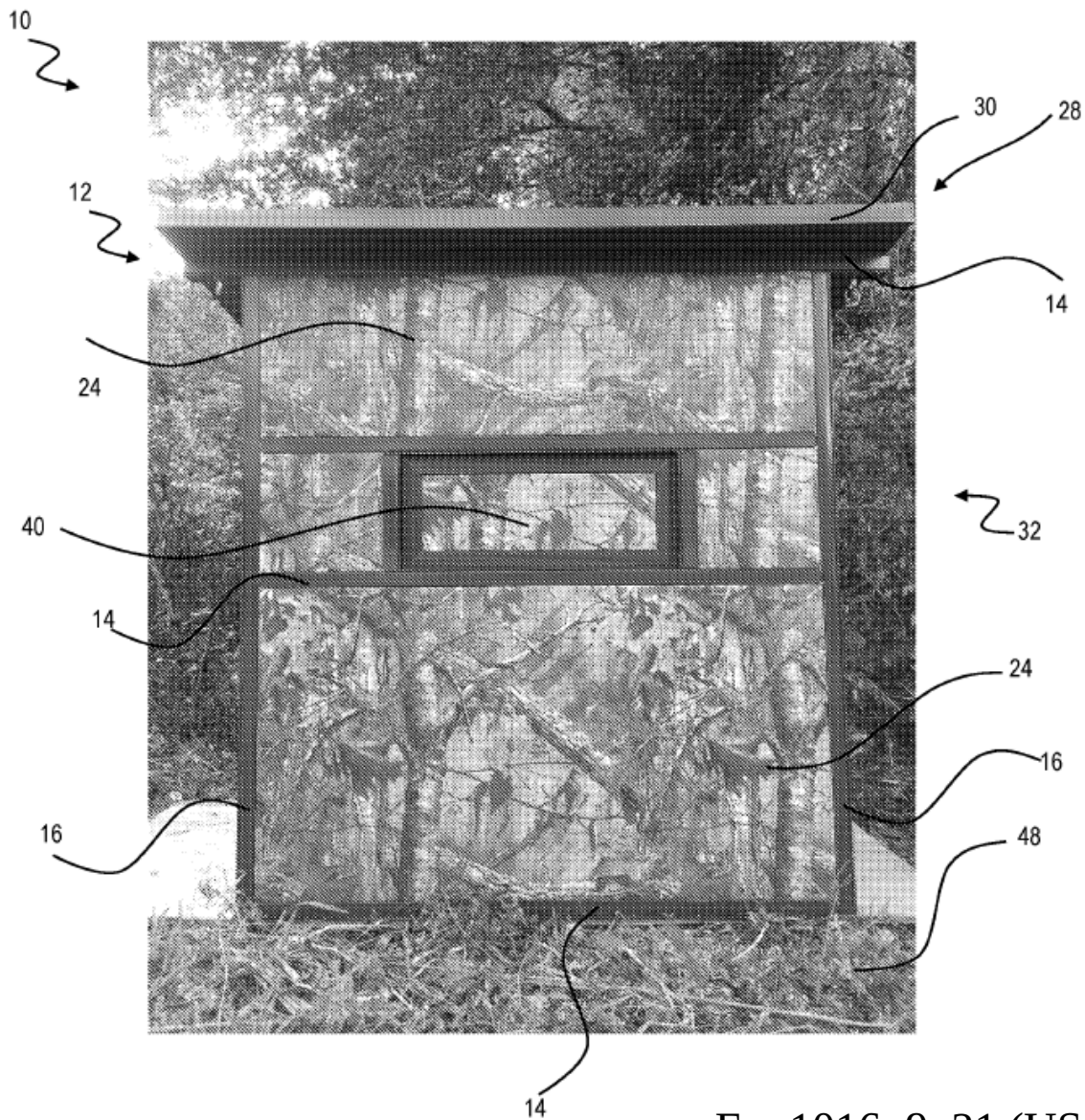
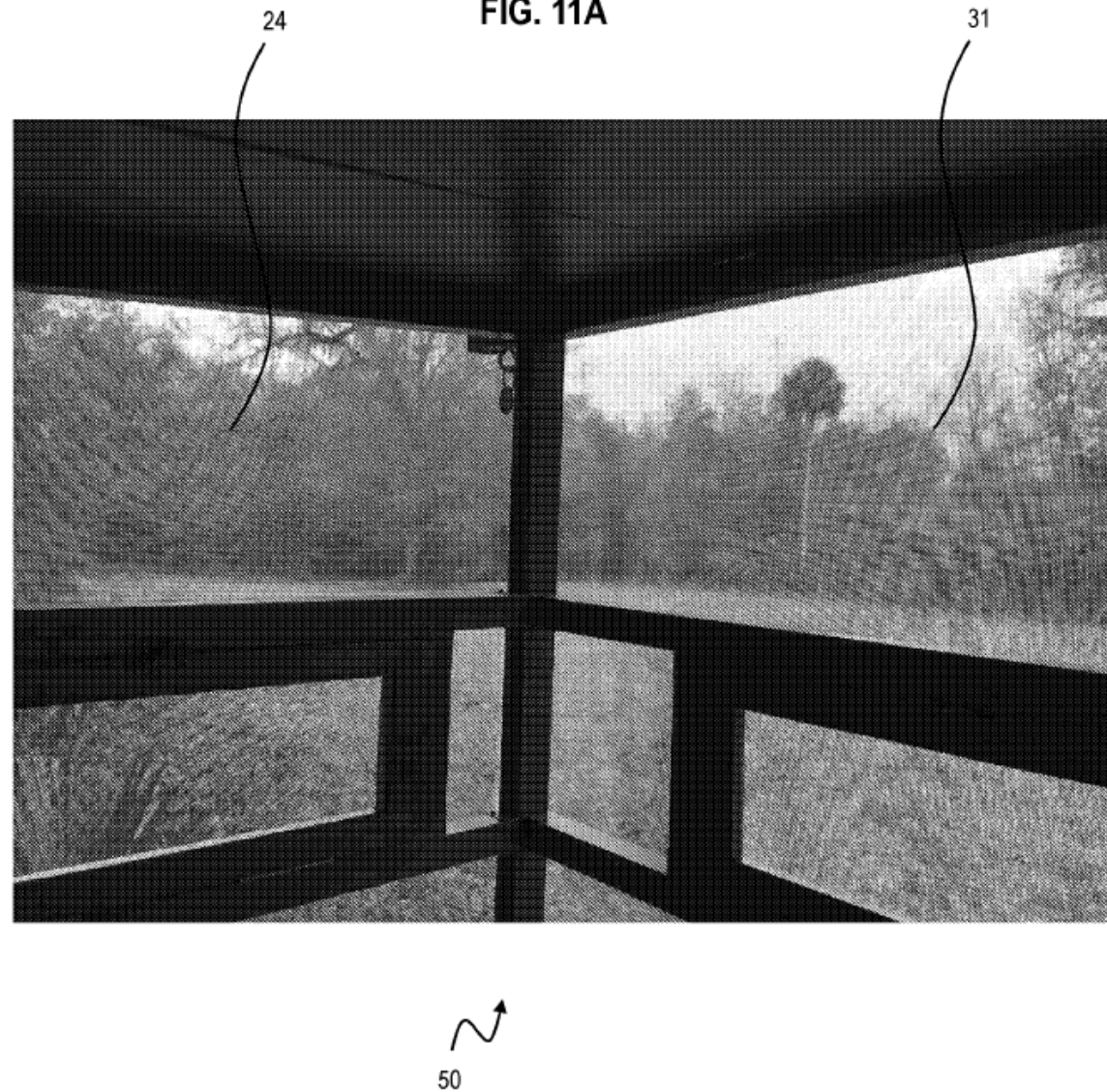
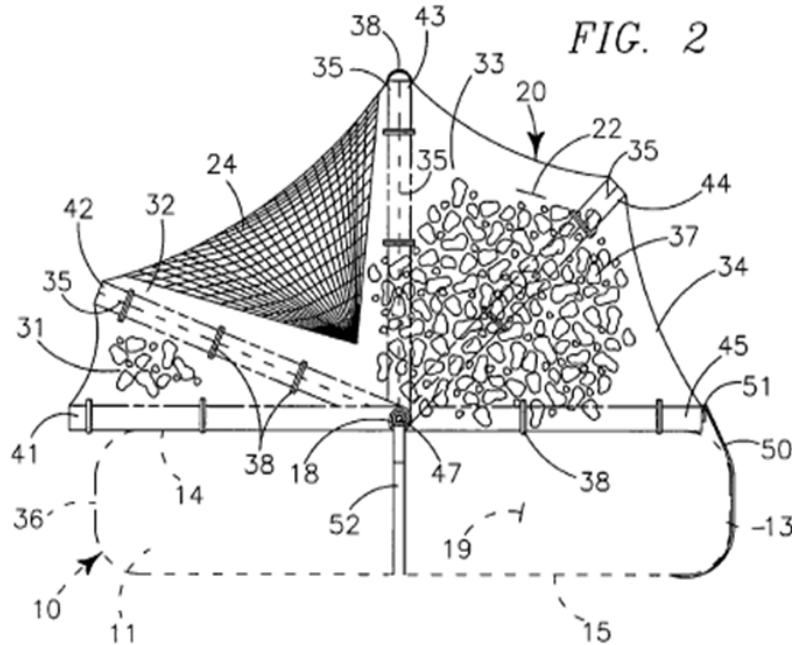


FIG. 11A



Ex. 1016; 9, 21 (US Prov. App. 62/301,007)

Whybrew



The mesh fabric window **24** is preferably formed of a flexible mesh-type material having a weave that is less dense than the weave of the fabric material forming the flexible body **20**. Ex. 1001; 5:9-15. The material of the mesh fabric window **24** allows an occupant within the blind may see outwardly therethrough, but observers, including animals, outside the blind cannot see into the blind or distinguish human activity inside the blind. Ex. 1001; 5:9-15

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. Paper 17; 11. 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. Paper 17; 11: Ex. 1001; 5:22-26

Strength

Strength explains a problem associated with existing blinds was that translucent materials result in creation of silhouette visible to an exterior; and, a prior art solutions was to use heavier material which translates to less desirable for packing in and out. Paper 17; 11-13: Ex. 1003; 1:15:21

Accordingly, Strength identifies and need for a camouflage material that is light blocking and light weight. Paper 17; 11-13: Ex. 1003; 1: 23-25.

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. Paper 17; 11-13: Ex. 1003 1:38-67

Strength

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

When a 1000 ft.-candle light source (or 380 μA) (visual spectrum) is located adjacent to the camouflage pattern **110** 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 μA 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 μA or less. In one preferred embodiment, the coating **200** is an opaque coating. Ex. 1003 col. 2, l 4-12

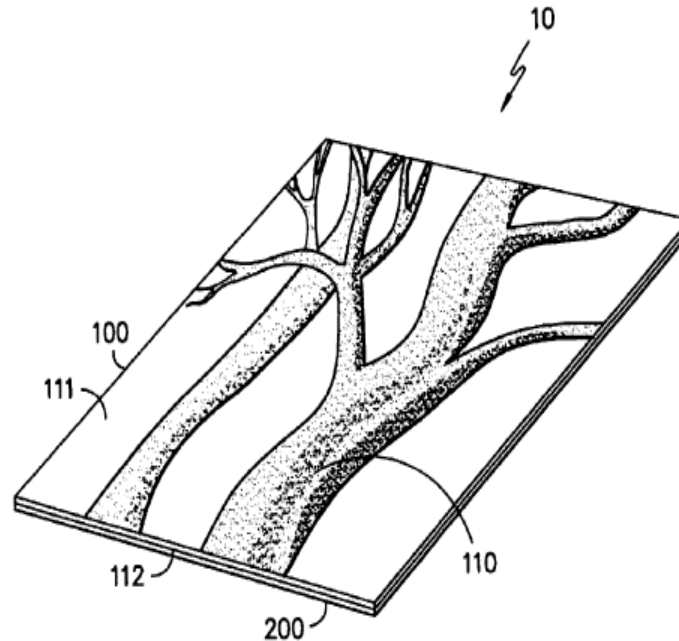


FIG. -1-

Strength

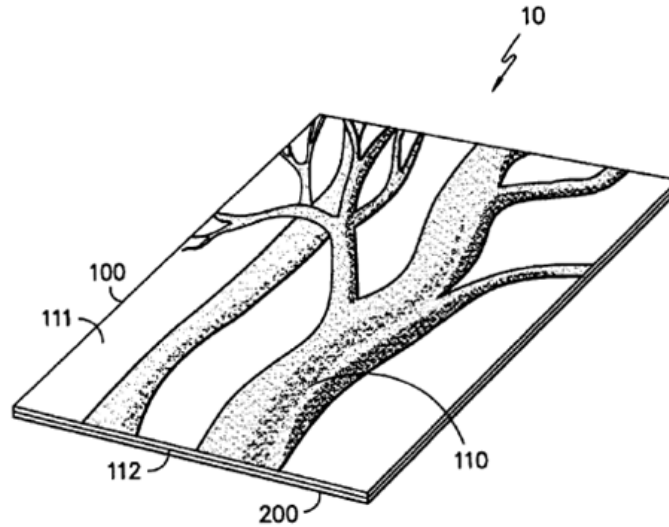


FIG. -1-

The coating **200** can be placed onto the second side **112** of the base textile **100** by hot melt coating, extrusion coating, laminating **a sheet to the base textile**, or other similar methods. Ex. 1003, col. 2, l. 26-29.

Strength discloses application of a thermoplastic material via extrusion, so it is applied as a sheet 200 covering any holes in the base textile 100 to block light. Paper 17; 19. The resultant material is not a mesh because into does not have holes. *Id.*

Ellison describes extrusion as a coating process that uses equipment similar to that used for fiber production, ... except that the spinneret is replaced by a slit die (film extrusion). Ex.1007; ¶65. The fabric is passed under the die. *Id.* Slit extrusion is also used to make the films used in film coating. Ex.1007; ¶65. That is, extrusion is used to form a sheet or film.

PRIORITY

[032] Although the frame 12 of the hunting blind 10 is a fixed frame including interconnected extruded members, the frame 12 of the hunting blind is not limited to a fixed frame and may include a pop-up frame with foldable frame members. In an example embodiment, the pop-up frame includes panels 24 of the camouflage material 26 secured between the foldable frame members such that when the frame is moved from a folded position to a deployed position, the exterior of the hunting blind is visible through the panels 24 from the interior of the hunting blind yet the interior of the hunting blind is not visible through the panels 24 from the exterior of the hunting blind. Ex. 1016; 29; (U.S. Prov. App. 62/301,007 filed Feb. 29, 2016)

PRIORITY

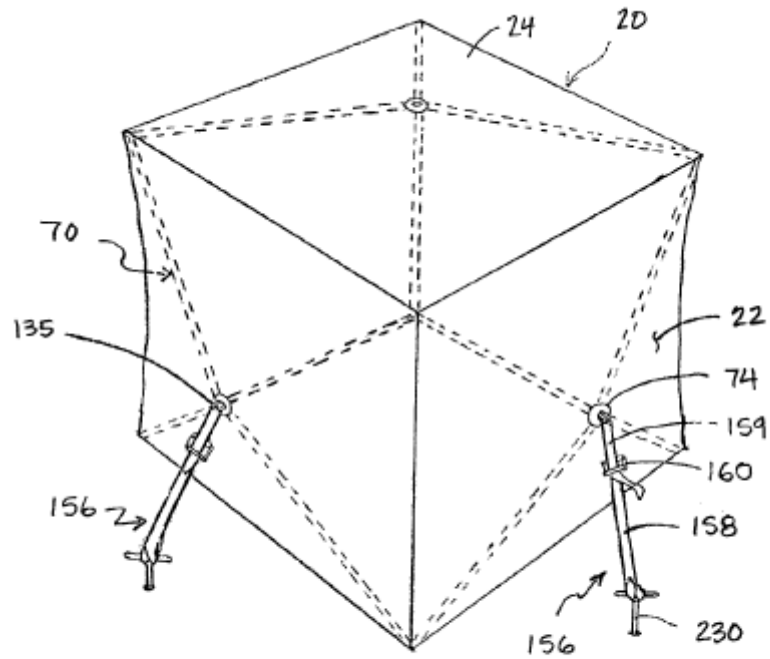


FIG. 2

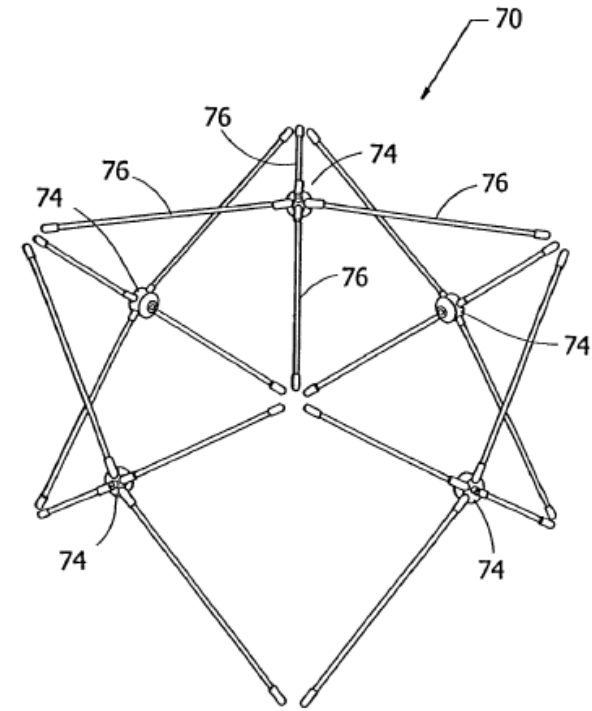


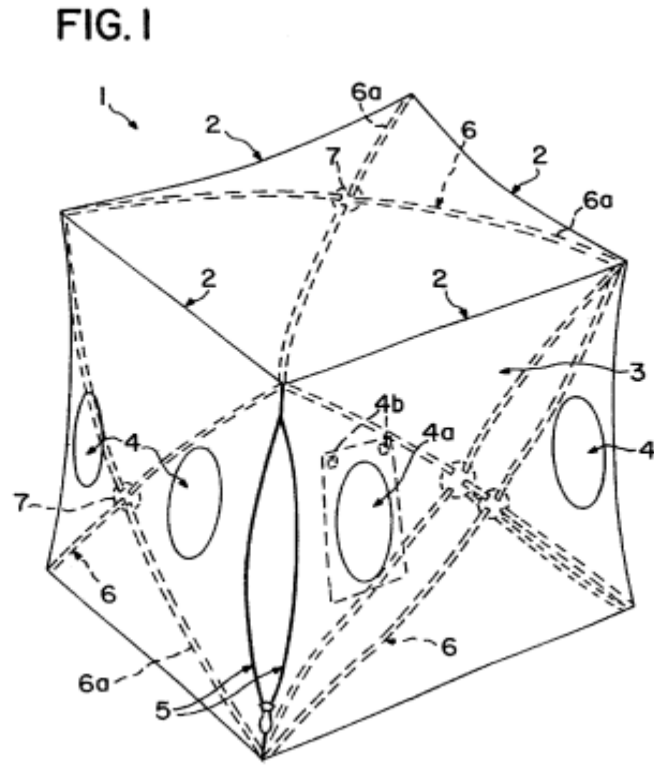
Fig. 5

Reis; Ex. 2020; 5, 8, Ex. 1066; 121-122 (Office Action dated Nov. 12, 2021)

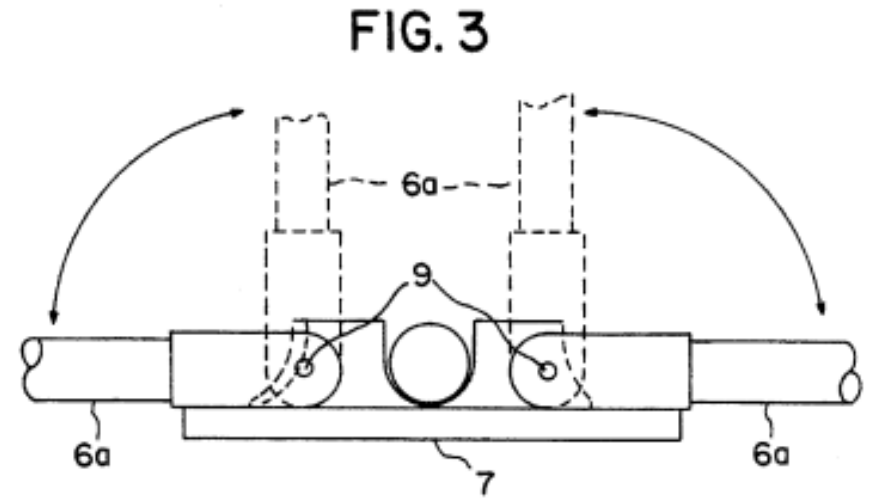
Each pole **76** consists of an elongate semi-rigid rod having a shaped hub end **164** for mounting within the mounting apertures **98**, and a distal end **166** opposed to the hub end **164**. The rod may be made of a strong, **flexible** material such as plastic, a carbon composite tube, or fiberglass. Paper 36; 10: Ex. 2020; 8: 9-13

Specifically, in the unfolded and opened position of the sub-frame **72** shown in FIGS. 5 and 7, the key **110** resides within the key slots **102**, the stop **114** abuts the stop surface **118**, and the hub end of the pole **76** resides within a corresponding radial groove **100**. Paper 36; 10Ex. 2020; 8: 24-28

PRIORITY



U.S. Patent No. 5,628,338 (Stumbo)

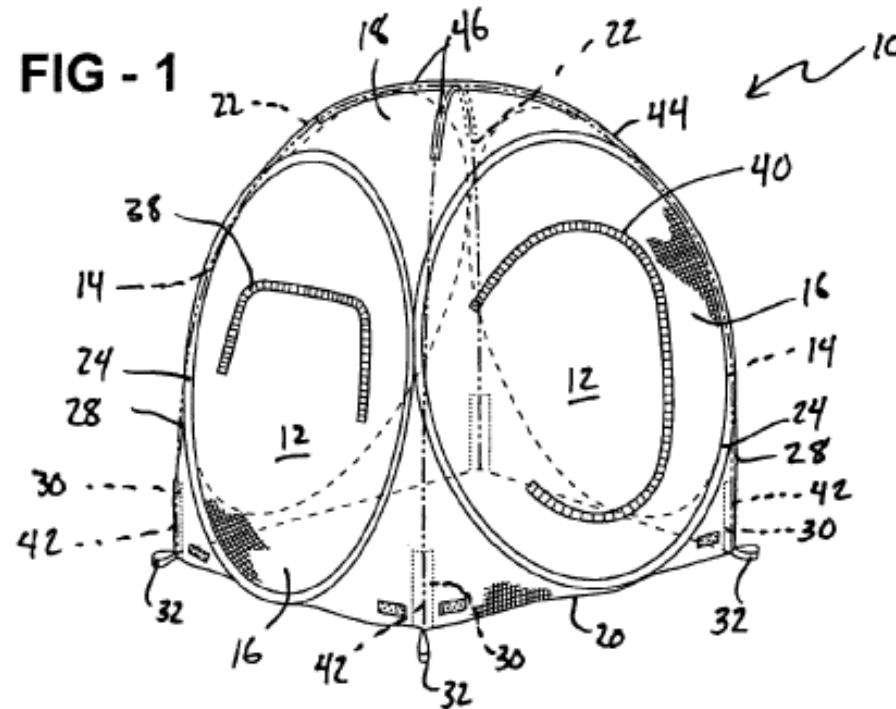


Reis describes prior art blinds such as Stumbo, U.S. Patent No. 5,628,338, which “discloses a portable and collapsible blind or shelter which includes an integral fabric cover having four side walls and a top.” Paper 36; 10: Ex. 2020; 2: 11-13

The **rods 6A** are resilient and **flexible** and their inner ends are secured in tubular receivers 7A on hub 7. Each receiver is hinged to the hub by a pin 9. **As shown in FIG. 3, the receivers 7A can pivot through an angle of 90° from a position parallel to the plane of the hub to a folded position (as shown in dotted lines in FIG. 3).** Thus, the hub prevents the receivers, and therefore the legs 6A, from pivoting past the plane of the hub. Paper 36; 10: Stumbo; 3: 8-15

PRIORITY

U.S. Patent No. 7,137,399 (Ransom)



Ex. 1004; 3, Fig. 1

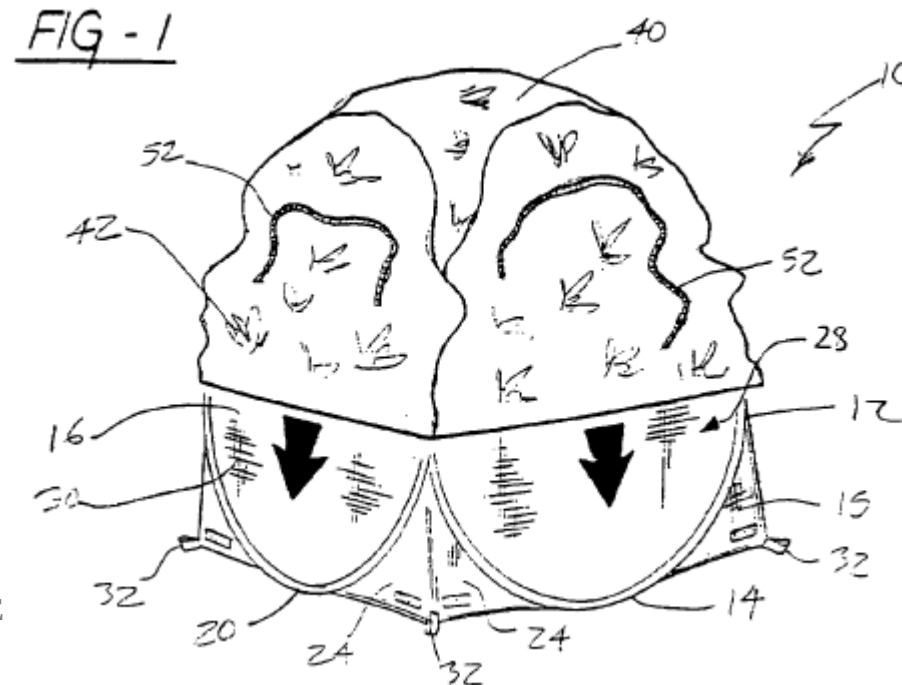
The invention is a collapsible structure comprising a plurality of panel elements, each having a coilable frame element and flexible material attached to the frame element. Ex. 1004; Abstract

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

PRIORITY

While it appears that Nagata teaches a camouflage pattern in FIG. 3e, Nagata does not explicitly state the pattern to be a camouflage pattern. Additionally, Nagata is silent on the structure of the frame of the structure/tent. Ransom et al. teaches a portable camouflage enclosure/blind comprising: a pop-up frame including a plurality of flexible frame members (12), said plurality of frame members comprising at least two spaced apart frame members (there are four frame members 12, each of which is spaced somewhat from and adjacent frame members, as seen in the figures), wherein a cover (15) covers the area between the spaced apart frame members (via portions 16, 24, 26 of cover 15). Ex. 1006; 64-65 (Office Action dated Feb. 24. 2022)

U.S. Patent No. 7,040,333 (Ransom I)



PRIORITY

US Pub. No. 2008/0083443 (Eastman)

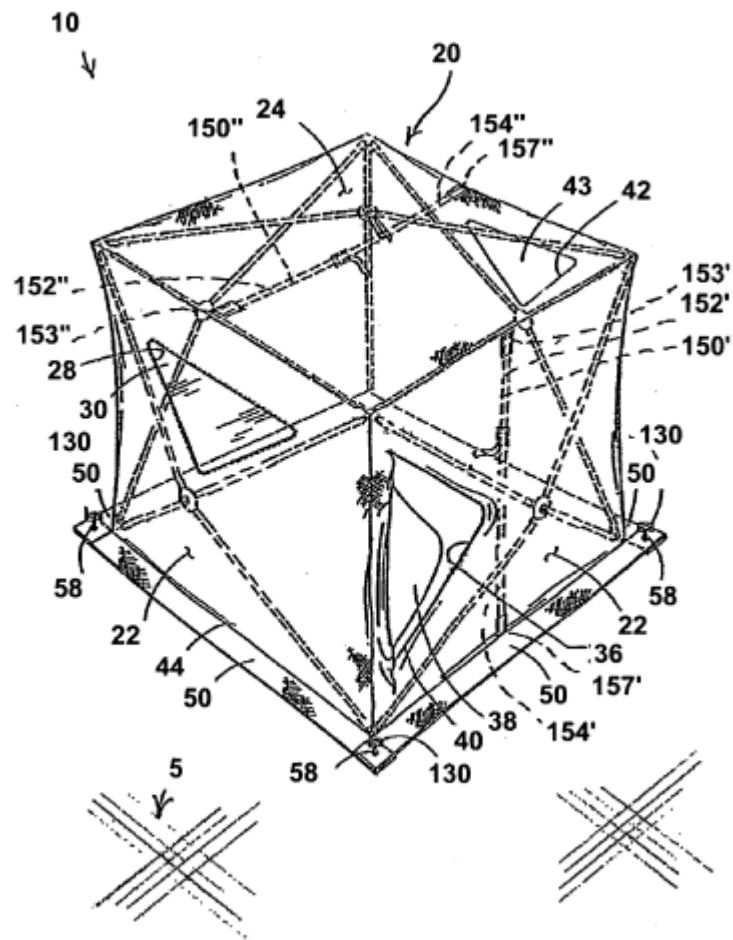


FIG. 1A

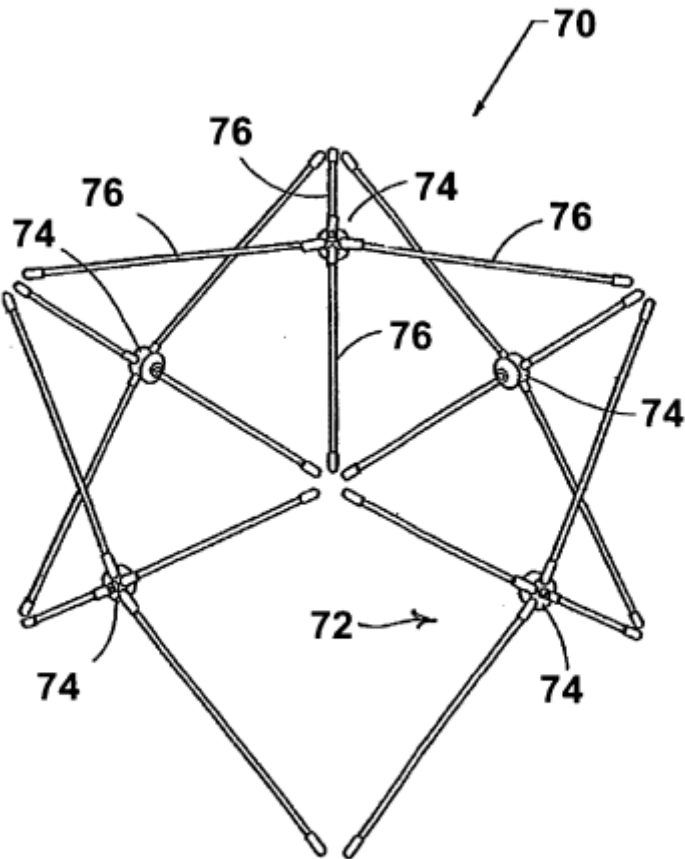


FIG. 2

Each pole **76** consists of an elongate semi-rigid rod having a shaped hub end **164** for mounting within the mounting apertures **98**, and a distal end **166** opposed to the hub end **164**. The rod may be made of a strong, flexible material such as plastic, a carbon composite tube, or fiberglass. Paper 36; 10: Eastman; ¶ 54.

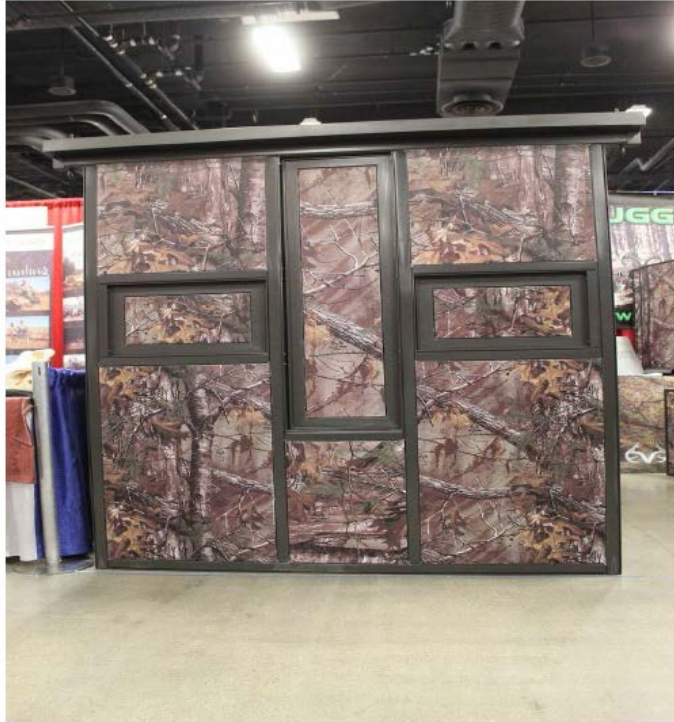
Once assembled, each pole **76** is positioned within the hub **74** such that the hub end **164** resides within a mounting aperture **98**. Specifically, in the unfolded and opened position of the sub-frame **72** shown in FIGS. 2 and 6. Paper 36; 10; Eastman; ¶ 55.

EXS. 2032-E AND 2032-F

Cool Hunting Gear From the 2016 NWTF Convention

BY JOSH HONEYCUTT FEBRUARY 17, 2016

Awesome Gear From an Awesome Show



1 | RUGGED CROSS AUSTIN BLIND

Talk about effective ground blinds. The Austin from **Rugged Cross** is just that. Its aluminum frame is durable, yet lightweight for easy mobility. The camo material is completely see-through from the inside, but it prevents anyone—or anything—on the outside from seeing in.

Ex. 2032-E: 34-35

in. You have virtually-unobstructed, 360-degree viewing capabilities with this blind. This one is both a bow blind and a shooting house. Comes in Realtree Xtra. (MSRP: \$2,400)



2 | RUGGED CROSS MICHAEL BLIND

The Michael, also from **Rugged Cross**, is much like the Austin. It only weighs 100 pounds. However, this one is a full-fledged shooting house. It offers the same concealment as the Austin. This blind comes in Realtree Xtra. (MSRP: \$2,100)



Rugged Cross Blinds

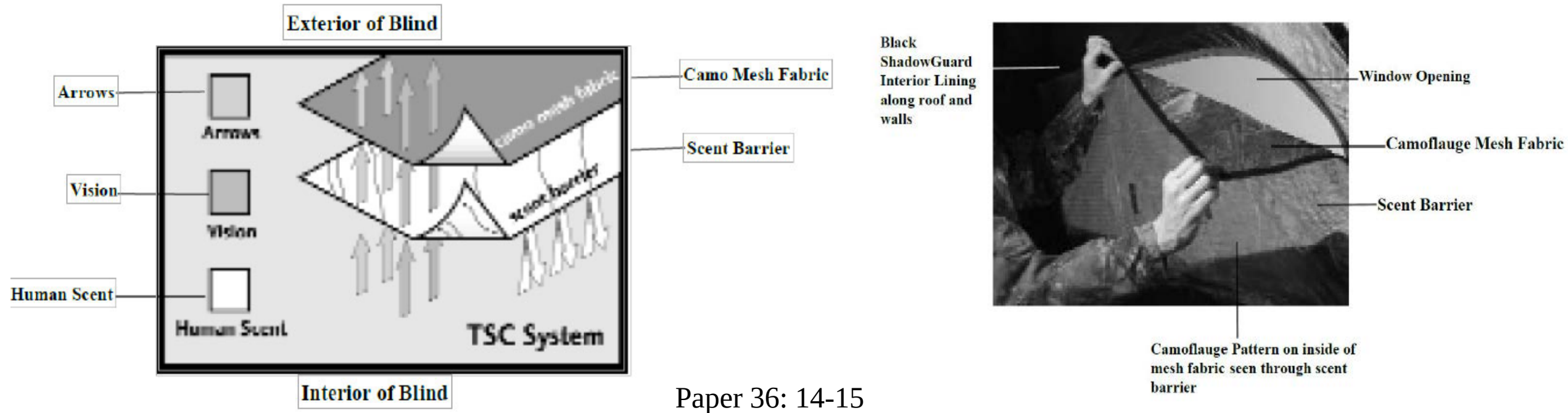
We came across a very unique new blind concept from the guys at Rugged Cross Blinds. These blinds feature a strong and durable aluminum frame with a high quality mesh material. **The really cool feature of this material is that you can see out, but game cannot see in.** It offers true 360-degree viewing. You can see it all with this blind. No obstructed views and peeking out windows. Designed for warmer climates, Rugged Cross Blinds are the only blind on the market that allows for constant airflow. **These blinds truly allow you to see more and stay much more comfortable on warm weather hunts.** www.ruggedcrossblinds.com

Ex. 2032-F: 42

While these references describe the one-way see-through characteristic they do not disclose, teach or even suggest that the mesh material has a dark color coating on an inside surface of the mesh opposite the camouflage pattern. Paper 36; 11-12.

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

EX. 1014, Ameristep Penthouse TSC System



Mr. Ransom testified that the Ameristep Penthouse blind with the TSC (sent control) was taken off the market because it did not work for its intended purpose. The cellophane membrane reflected light and gave away the location of the blind and the see-through clarity was not acceptable. Paper 36; 12-16; Ex. 1022, 51:8-52:4; 71:9-19

SECONDARY CONSIDERATIONS

Industry Praise

Application/Control Number: 17/345,981
Art Unit: 3636

Page 13

U.S. APPLICATION NO. 17/345,981
Attorney Docket No. 12914-003C2

Allowable Subject Matter

Claims 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Nagata teaches the one or more non-mesh panels as being transmissive, and therefore lacks the non-mesh panels being non-transmissive such that incident radiation from an exterior of the structure is not transmitted through the non-mesh material. It would not have been obvious to make the non-mesh panels of Nagata non-transmissive.

Paper 36; Ex. 1006; 72 (Office Action dated Feb. 24, 2022)

IN THE CLAIMS

1. (currently amended) A camouflage structure comprising:
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; and
one or more panels of mesh material of interwoven fabric configured to be attached between the at least two spaced apart frame members, said one or more panels comprising:
a first side with a camouflage pattern; and
a second side with a dark color coating, said second side opposite to the first side; and
one or more panels of non-mesh material provided along a roof of the camouflage structure and attached to one or more of the flexible frame members and cover the area between the spaced apart frame members; and
wherein the panels of the mesh material define an outer surface of the camouflage structure.

16. (currently amended) The camouflage structure of claim ~~15~~1, 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.

Paper 36; Ex. 1006; 91, 94, Response dated Jan. 11, 2022

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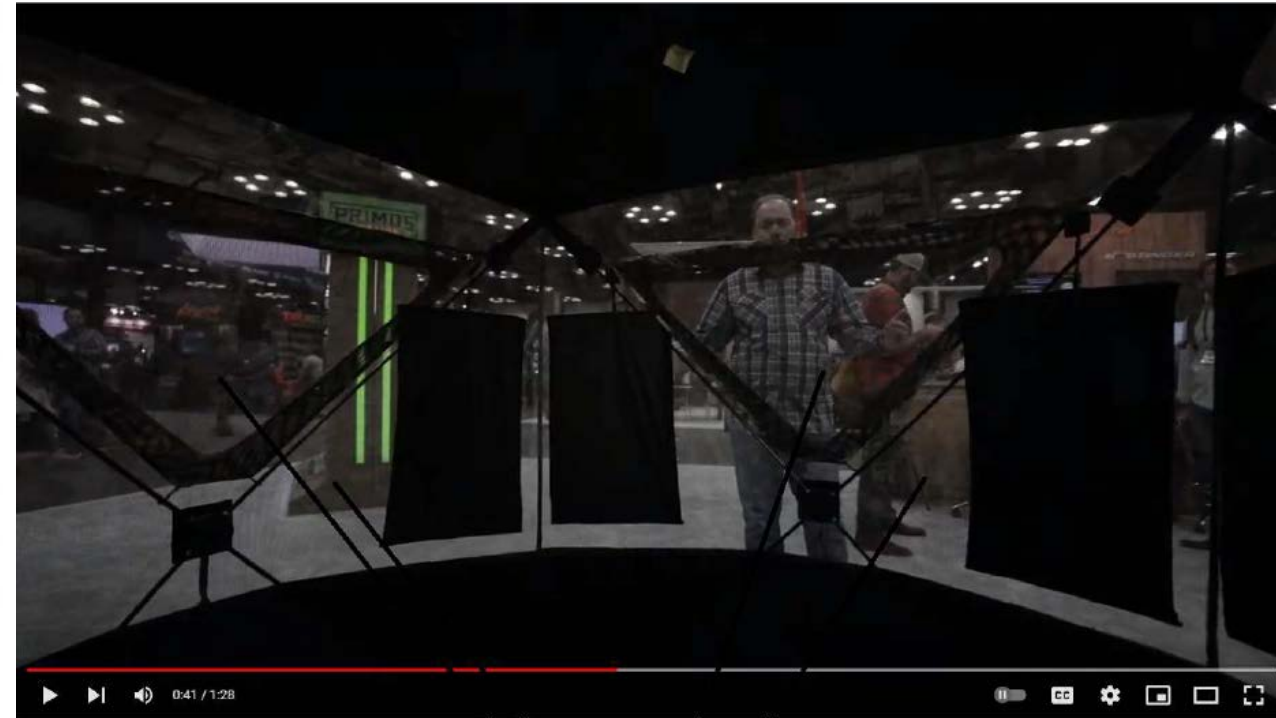
Primos Ground Blind Review - 2018 ATA Show



EXHIBIT 1



EX. 2033-A



Primos Ground Blind Review - 2018 ATA Show



EXHIBIT 2



1.5K views 4 years ago

Primos Surroundview Blind 2018 ATA Trade Show. Ex. 2033; ¶ 20: A-B

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

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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 4. Window in camouflage panel.



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

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EXHIBIT T

Petitioner's Rhino 180. Paper 17; Ex. 2032: T

EX. 2032-T



DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

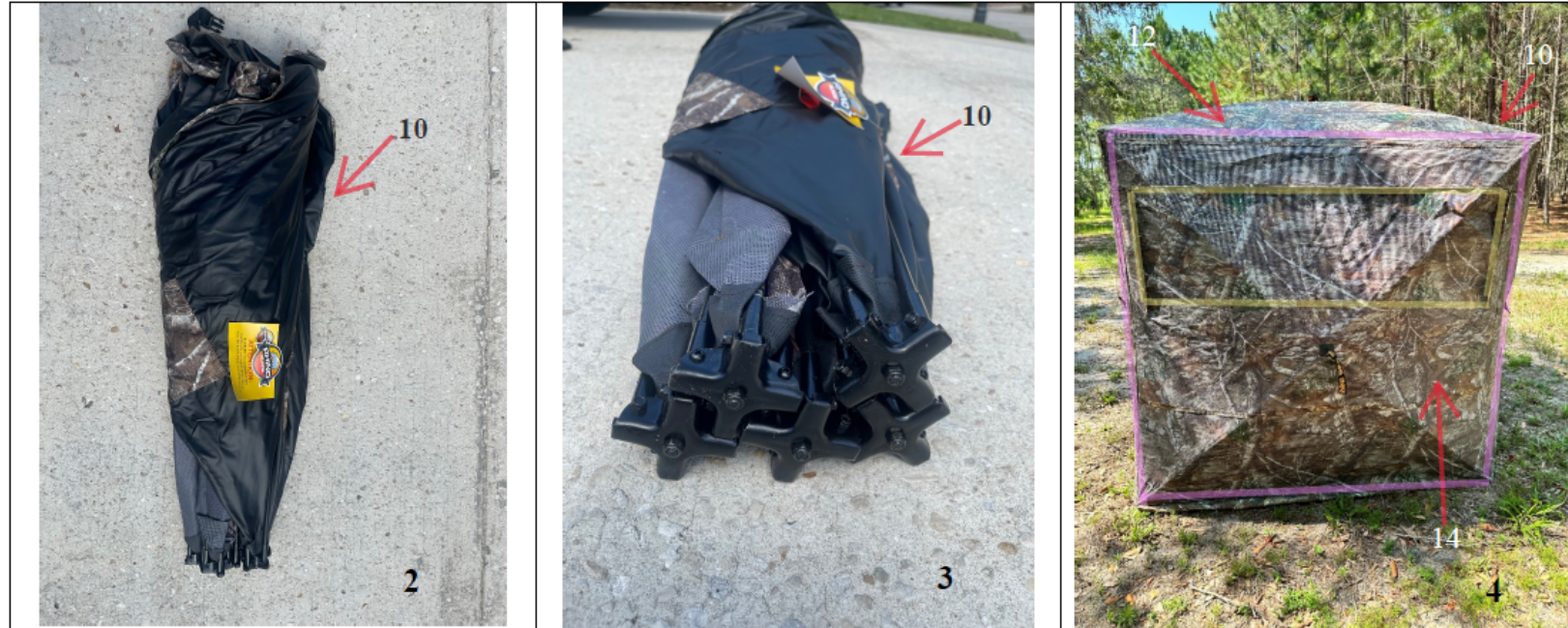
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CLAIM 1

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



FERADYNE OUTDOORS RHINO 180 BLIND

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

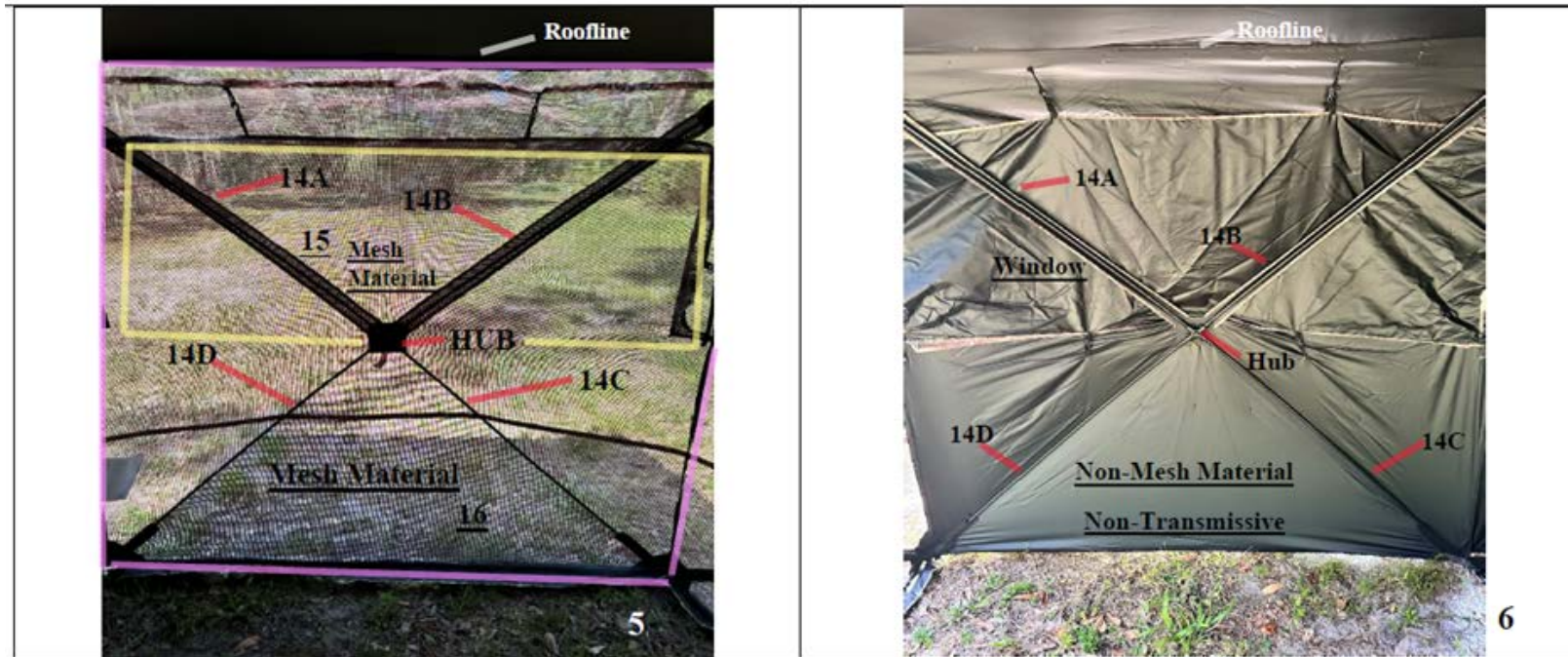
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CLAIM 1

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

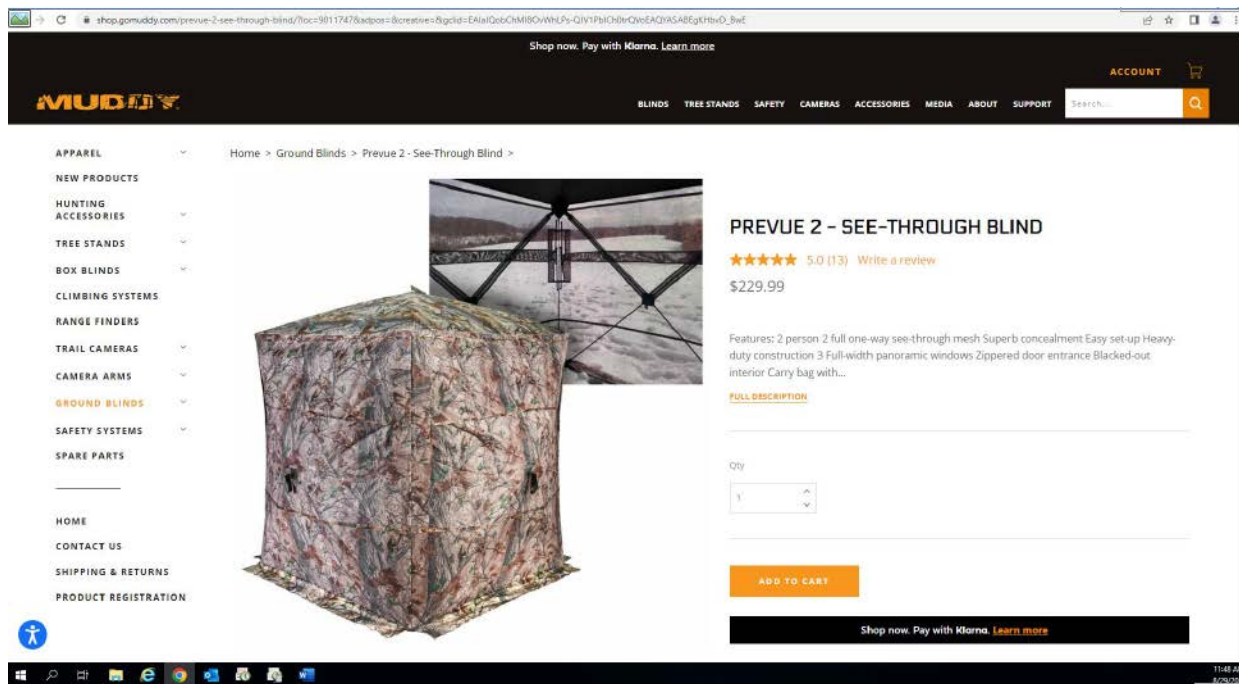


FERADYNE OUTDOORS RHINO 180 BLIND

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

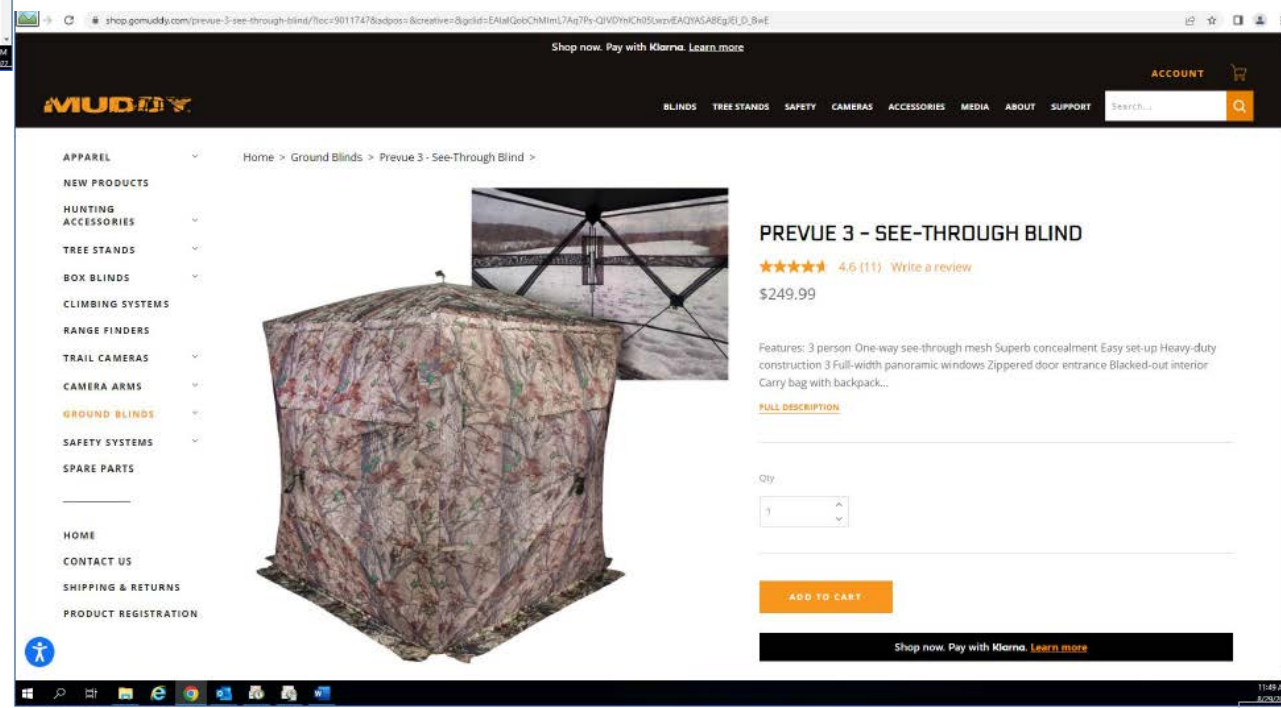
Paper 36, 23; Ex. 2013; 6

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Paper 17; Ex. 2032-Y; 105, 106

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE



NEXUS BETWEEN CLAIMED INVENTION AND SECONDARY CONSIDERATIONS

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.



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.

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.

NEXUS BETWEEN CLAIMED INVENTION AND SECONDARY CONSIDERATIONS

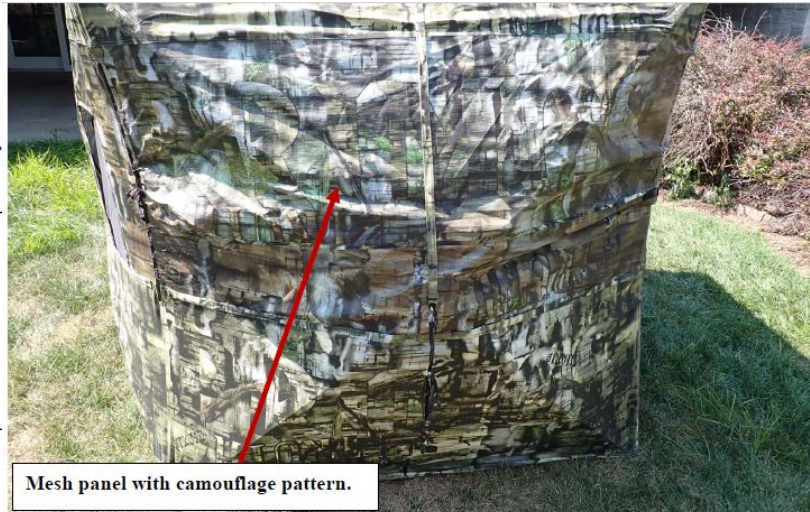


Figure 1. SurroundView blind, with camouflage covering.



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 7. Roof and wall panel pocket joint.

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NEXUS BETWEEN CLAIMED INVENTION AND SECONDARY CONSIDERATIONS

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 fame 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.



Figure 1. SurroundView blind, with camouflage covering.



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



Figure 6.

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NEXUS BETWEEN CLAIMED INVENTION AND SECONDARY CONSIDERATIONS

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.

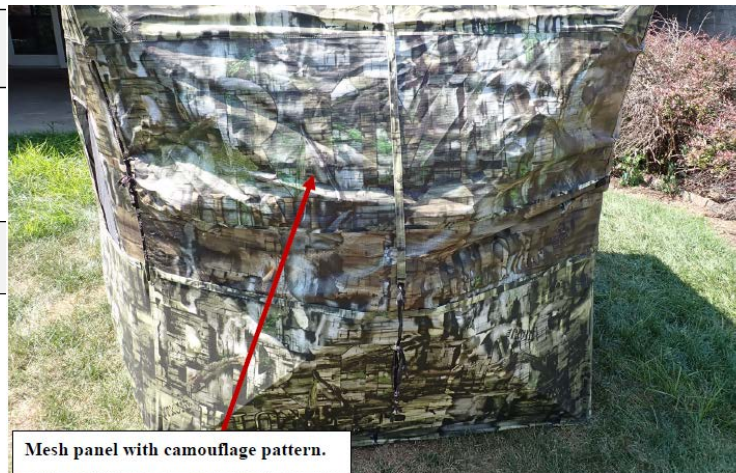


Figure 1. SurroundView blind, with camouflage covering.



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.

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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 and 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

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.

NEXUS BETWEEN CLAIMED INVENTION AND SECONDARY CONSIDERATIONS



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 4. Window in camouflage panel.



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

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NEXUS BETWEEN CLAIMED INVENTION AND SECONDARY CONSIDERATIONS

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

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Conclusion

- The claimed invention of the '535 Patent is not obvious over Whybrew in view of Strength
- In view of the Patent Owner's evidence of secondary considerations, the claimed invention is not obvious.
- All challengd claims 1-19 of the '535 Patent are patentable and valid