

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**National Nail, Corp., a Michigan
corporation,**

Plaintiff,

v.

**PrimeSource Building Products, Inc.,
a Delaware corporation,**

Defendant.

Civil Action No. 3:23-cv-02746

**PLAINTIFF’S DISCLOSURE OF ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS**

Plaintiff National Nail, Corp. (“**National Nail**”) provides the following Disclosure of Asserted Claims and Infringement Contentions for United States Patent No. 10,378,218 (“the ‘**218 Patent**”), United States Patent No. 11,840,848 (“the ‘**848 Patent**”), and United States Patent No. 11,898,357 (“the ‘**357 Patent**”) in accordance with Local Patent Rule 3-1 (“**Infringement Contentions**”).

I. RESERVATIONS

These Infringement Contentions are provided without prejudice to National Nail’s rights, and National Nail hereby expressly reserves its rights and ability to further supplement or amend its Infringement Contentions, including, without limitation, to add asserted claims or accused methods/products as additional facts

are ascertained, analyses are made, research is completed, contentions are made, and claims are construed. Indeed, discovery is ongoing and claim construction has not yet occurred, and, as such, National Nail reserves the right to modify or amend its Infringement Contentions.

To the extent National Nail's Infringement Contentions rely on or otherwise embody particular constructions of terms or phrases in the asserted claims, National Nail is not proposing any such constructions as proper construction of those terms or phrases. The various positions set forth in National Nail's Infringement Contentions are predicated on National Nail's current interpretation of its patents and claims. These positions are not intended to and do not necessarily reflect National Nail's final interpretation of the true and proper scope of the asserted claims. Moreover, National Nail offers these Infringement Contentions before PrimeSource Building Products, Inc. ("**PrimeSource**") has served its invalidity contentions, and, therefore, does so without prejudice to any position PrimeSource may ultimately take as to any claim construction issues. Accordingly, National Nail reserves the right to adopt claim construction positions that differ from or even conflict with the various positions set forth herein.

II. THE ASSERTED CLAIMS

The '218 Patent is a fastener unit and related method of securing a board to a support. The fastener unit includes a spacer block, a grip element extending from

the spacer block and configured to fit in and engage a groove of the board, and one or more resilient compression elements extending from the spacer block. *See, e.g.*, '218 Patent Abstract. National Nail asserts PrimeSource infringes Claim 17 of the '218 Patent. National Nail's EdgeX Clips, EdgeXMetal Clips, WedgeClip, and WedgeMetal Clips (collectively, the "National Clips") practice the claimed invention of Claim 17 of the '218 Patent. The accused products that infringe, directly or indirectly, Claim 17 of the '218 Patent include the Grip-Rite® Ninja™ Hidden Deck Clip.

The '848 Patent is a fastener unit and related method for securing a board to a support. The fastener unit includes a spacer block, a grip element extending from the spacer block and configured to fit in and engage a groove of the board, and one or more board engagement elements. The board engagement elements can engage the groove of the board, thereby securing the spacer block in a position adjacent the groove to establish a gap between the board and another board. *See, e.g.*, '848 Patent Abstract. National Nail asserts that PrimeSource infringes Claims 1, 3-4 and 6-17 of the '848 Patent. The National Clips practice the claimed invention of Claims 1, 3-4, 6-11, and 14-16. The accused products that infringe, directly or indirectly, claims 1, 3-4 and 6-17 of the '848 Patent include the Grip-Rite® Ninja™ Hidden Deck Clip.

The '357 Patent is a fastener unit and related method for securing a board to

a support is provided. The fastener unit includes a spacer block, a grip element extending from the spacer block and configured to fit in and engage a groove of the board, and one or more board engagement elements. The board engagement elements can engage the groove of the board, thereby securing the spacer block in a position adjacent the groove to establish a gap between the board and another board. *See, e.g.,* '357 Patent Abstract. National Nail asserts that PrimeSource infringes Claims 1, 4-5, 7-11, and 15-19 of the '357 Patent. The National Clips practice the claimed invention of Claims 1, 4-5, 7-11, and 15-19 of the '357 Patent. The accused products that infringe, directly or indirectly, Claims 1, 4-5, 7-11, and 15-19 of the '357 Patent include the Grip-Rite® Ninja™ Hidden Deck Clip.

III. PRELIMINARY INFRINGEMENT CLAIM CHARTS

Exhibits A, B, and C include claim charts identifying where each element of each asserted claim is found within the Grip-Rite® Ninja™ Hidden Deck Clip as required under Local Patent Rule 3-1(a)(3). Each element of each asserted claim is literally present in the Grip-Rite® Ninja™ Hidden Deck Clip. National Nail reserves the right to assert infringement under the doctrine of equivalents. The asserted patent claims are entitled to a priority date of August 15, 2017.

IV. INITIAL DOCUMENT PRODUCTION

In addition to the Disclosures provided in accordance with Local Patent Rule 3-1, National Nail has or is producing documents as required under Local Patent

Rule 3-2. National Nail reserves the right to supplement and will supplement further documents that may be required to be produced under Local Patent Rule 3-2 to the extent additional such documents are identified. Documents produced in accordance with Local Patent Rule 3-2(a)(1) are produced as National_Nail_0001151 to National_Nail_0001152. Documents produced in accordance with Local Patent Rule 3-2(a)(1) are produced as National_Nail_0000001 to National_Nail_0000008. Documents produced in accordance with Local Patent Rule 3-2(a)(3) are produced as National_Nail_0000009 to National_Nail_0001150.

Dated: April 25, 2024

Respectfully submitted,

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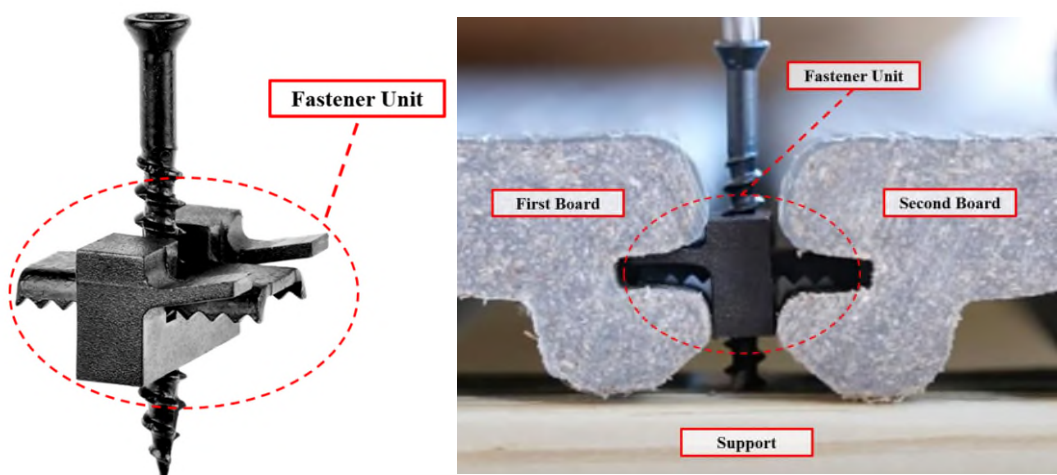
mjones@winstead.com

Attorneys for Plaintiff National Nail

EXHIBIT A

EXHIBIT A

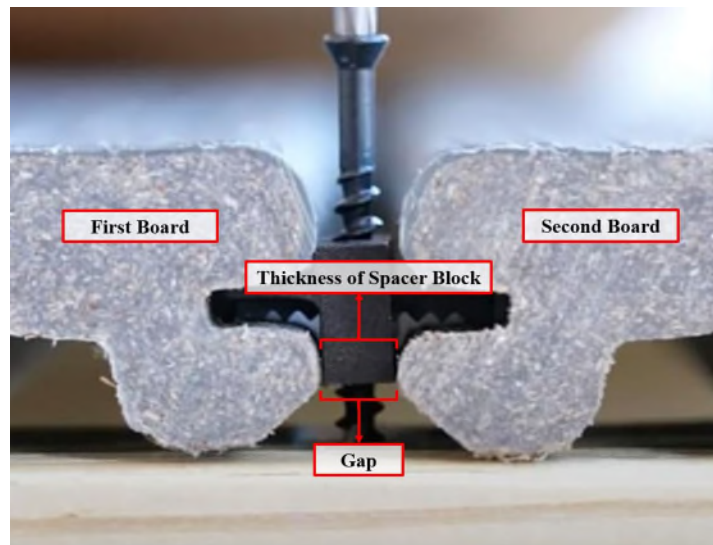
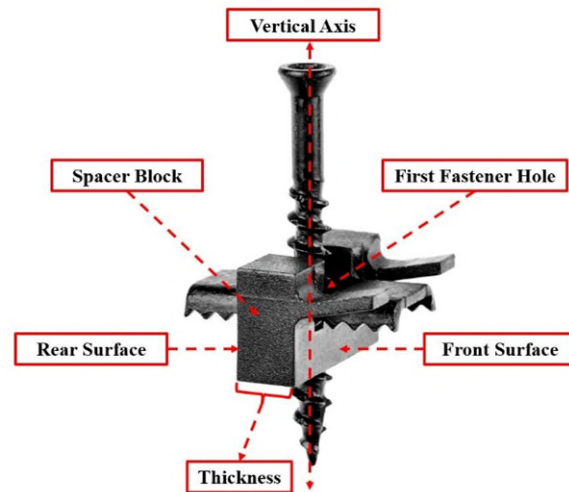
Grip-Rite® Ninja™ Hidden Deck Clip

U.S. Patent 10,378,218	Grip-Rite® Ninja™ Hidden Deck Clip (the “Infringing Product”) ¹
17. A fastener unit adapted to secure at least one board to a support, the fastener unit comprising:	The Infringing Product is a fastener unit adapted to secure at least one board to a support.  The left photograph shows a close-up of the patented fastener unit. A red dashed circle highlights the base of the unit, which is labeled 'Fastener Unit'. The right photograph shows the infringing product installed between two wooden boards, labeled 'First Board' and 'Second Board', which are resting on a 'Support'. A red dashed circle highlights the fastener unit in the infringing product, also labeled 'Fastener Unit'.

¹ The images used herein are a combination of images from PrimeSource Building Product, Inc.’s promotional material and images of the Infringing Product taken by Plaintiff.

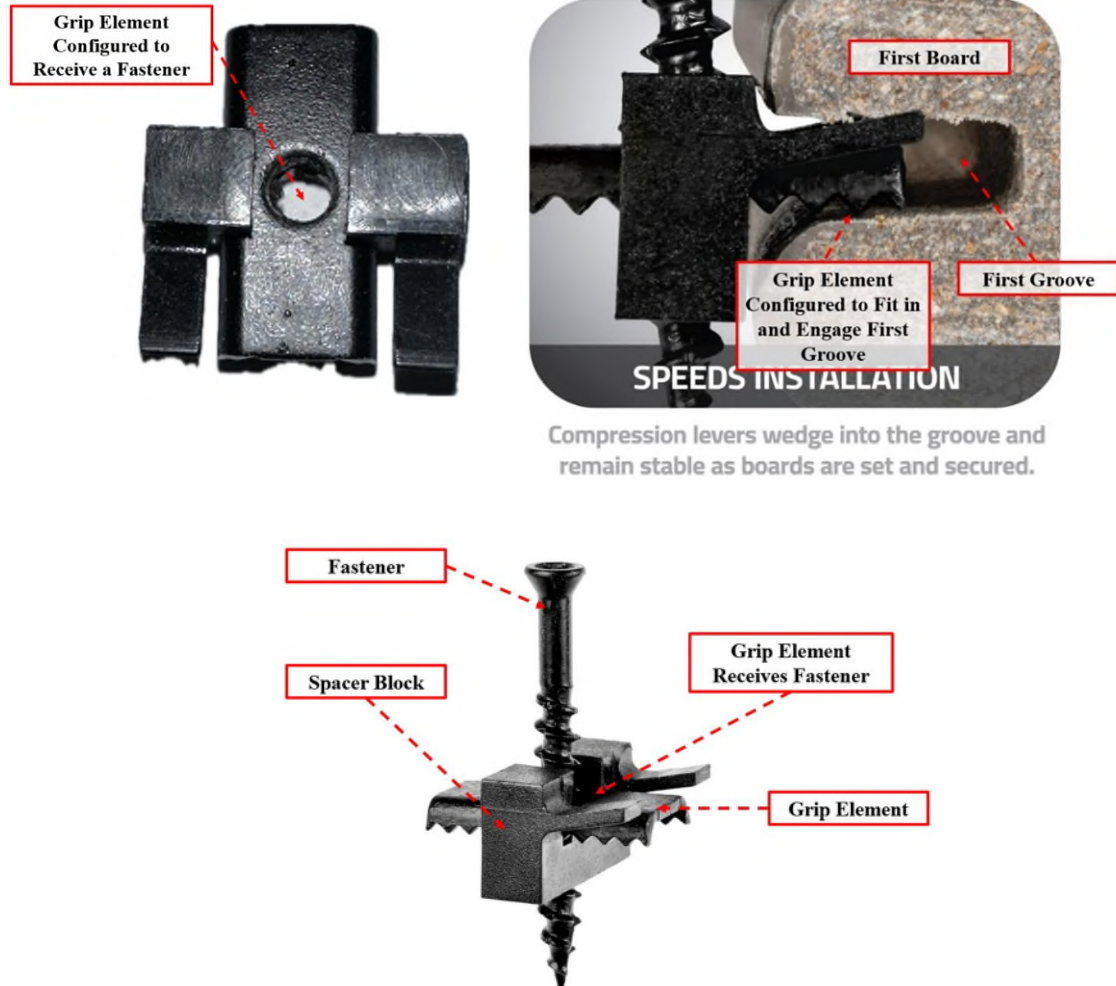
a spacer block defining a first fastener hole, the spacer block having a thickness extending from a front surface to a rear surface, the thickness corresponding to a gap between a first board and a second adjacent board, the spacer block including a vertical axis;

The Infringing Product further comprises a spacer block defining a first fastener hole, the spacer block having a thickness extending from a front surface to a rear surface, the thickness corresponding to a gap between a first board and a second adjacent board, the spacer block including a vertical axis.



a grip element extending from the spacer block, the grip element configured to fit in and engage a first groove defined by the first board, without the spacer block extending into the first groove, the grip element configured to receive a fastener through at least a portion of the grip element;

The Infringing Product further comprises a grip element extending from the spacer block, the grip element configured to fit in and engage a first groove defined by the first board, without the spacer block extending into the first groove, the grip element configured to receive a fastener through at least a portion of the grip element.



wherein the spacer block includes a first resilient compression element extending from the spacer block, the first resilient compression element being vertically compressible toward a first plane that is transverse to the vertical axis, the first resilient compression element configured to compress and fit in, and forcibly expand within the first groove of the first board, thereby securing the spacer block in a position adjacent the first groove defined by the first board, with the spacer block being disposed in the gap between the first board and the second adjacent board.

The spacer block of the Infringing Product includes a first resilient compression element extending from the spacer block, the first resilient compression element being vertically compressible toward a first plane that is transverse to the vertical axis, the first resilient compression element configured to compress and fit in, and forcibly expand within the first groove of the first board, thereby securing the spacer block in a position adjacent the first groove defined by the first board, with the spacer block being disposed in the gap between the first board and the second adjacent board.

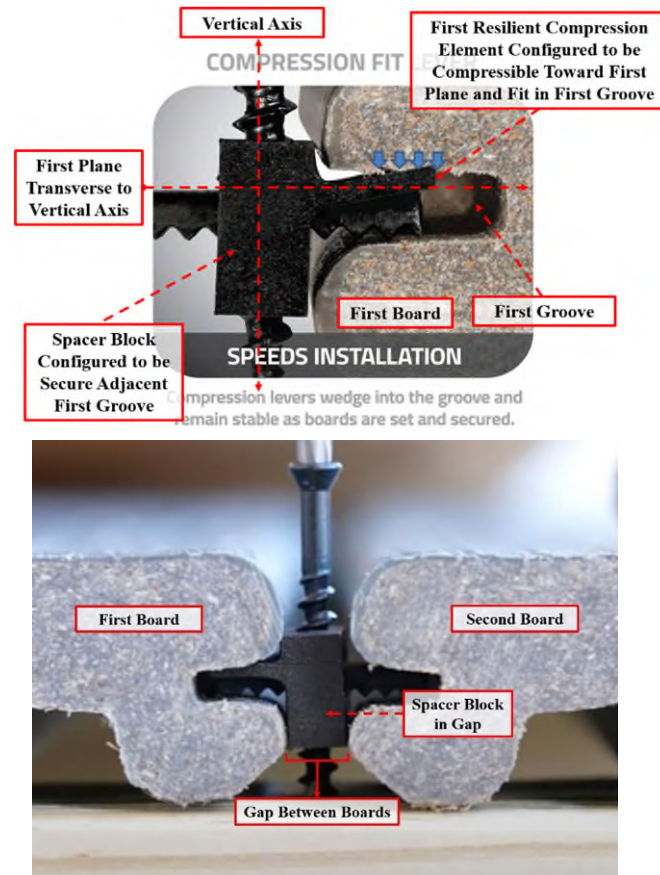
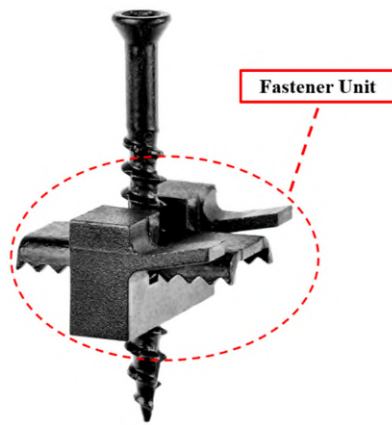
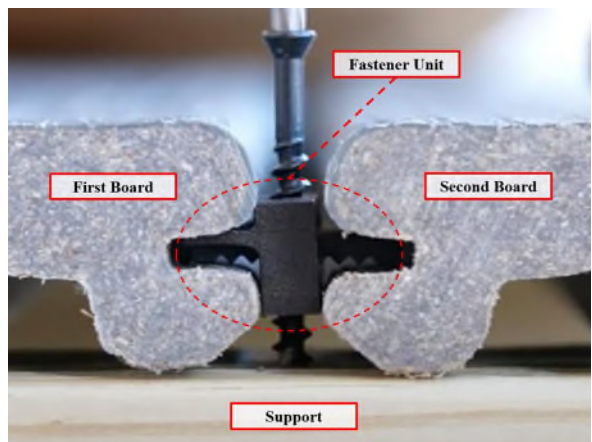


EXHIBIT B

EXHIBIT B

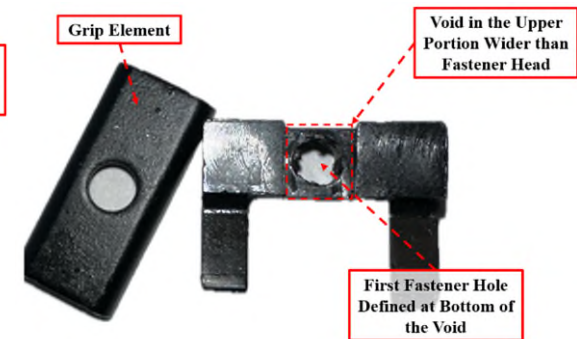
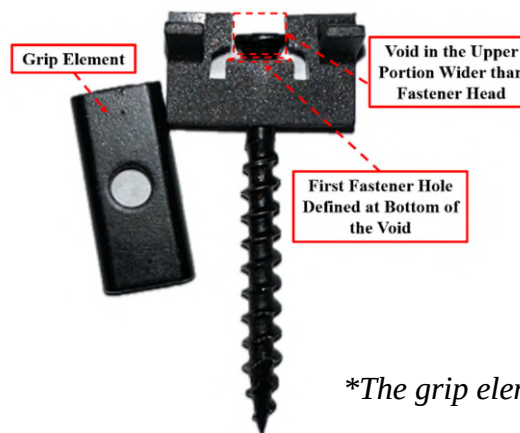
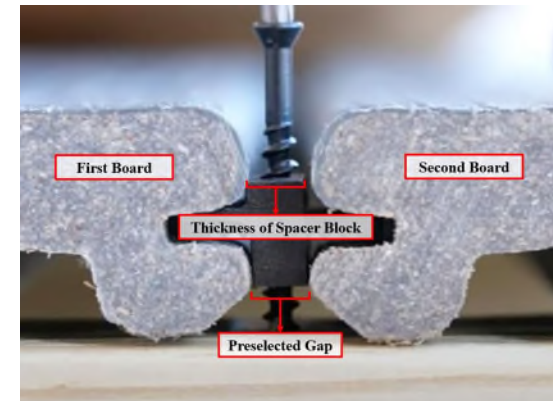
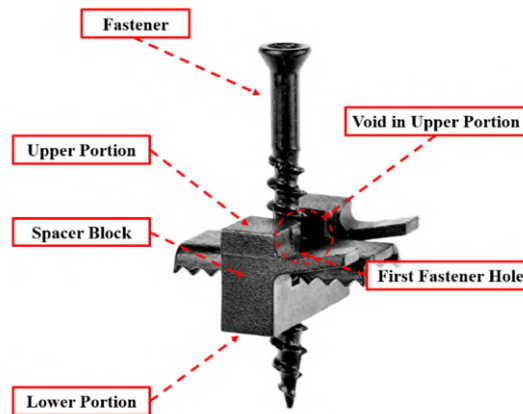
Grip-Rite® Ninja™ Hidden Deck Clip

U.S. Patent 11,840,848	Grip-Rite® Ninja™ Hidden Deck Clip (the “Infringing Product”) ¹
1. A fastener unit adapted to secure at least one board to a support, the fastener unit comprising:	The Infringing Product is a fastener unit adapted to secure at least one board to a support, as demonstrated in the illustrative example below.  

¹ The images used herein are a combination of images from PrimeSource Building Product, Inc.’s promotional material and images of the Infringing Product taken by Plaintiff.

a spacer block including an upper portion and a lower portion, the spacer block defining a void in the upper portion and a first fastener hole configured to receive a fastener therein, the first fastener hole being defined at a bottom of the void, the void being wider than a head of the fastener so that the fastener can seat within the void when the fastener unit is installed, the spacer block having a thickness corresponding to a preselected gap between a first board and an adjacent second board;

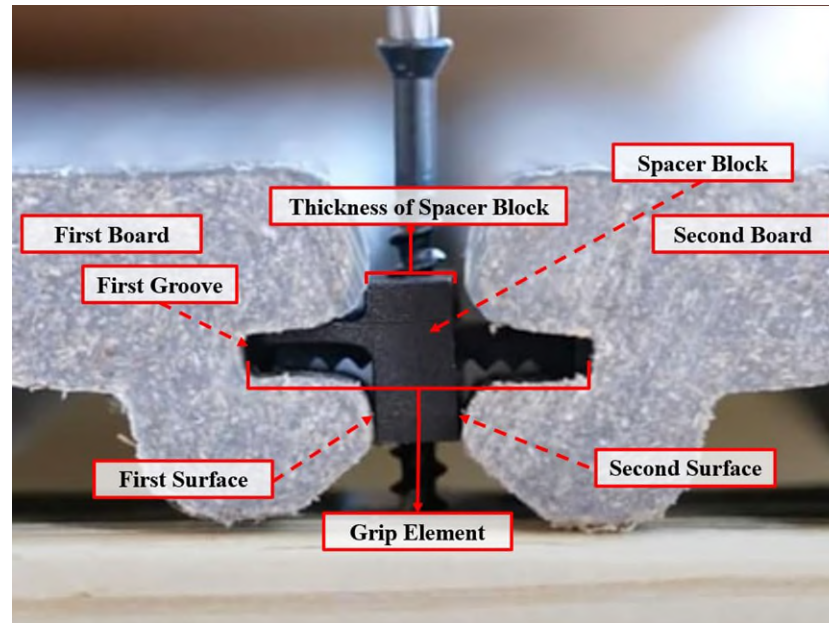
The Infringing Product further comprises a spacer block including an upper portion and a lower portion, the spacer block defining a void in the upper portion and a first fastener hole configured to receive a fastener therein, the first fastener hole being defined at a bottom of the void, the void being wider than a head of the fastener so that the fastener can seat within the void when the fastener unit is installed, the spacer block having a thickness corresponding to a preselected gap between a first board and an adjacent second board.



**The grip element is shown removed from spacer block*

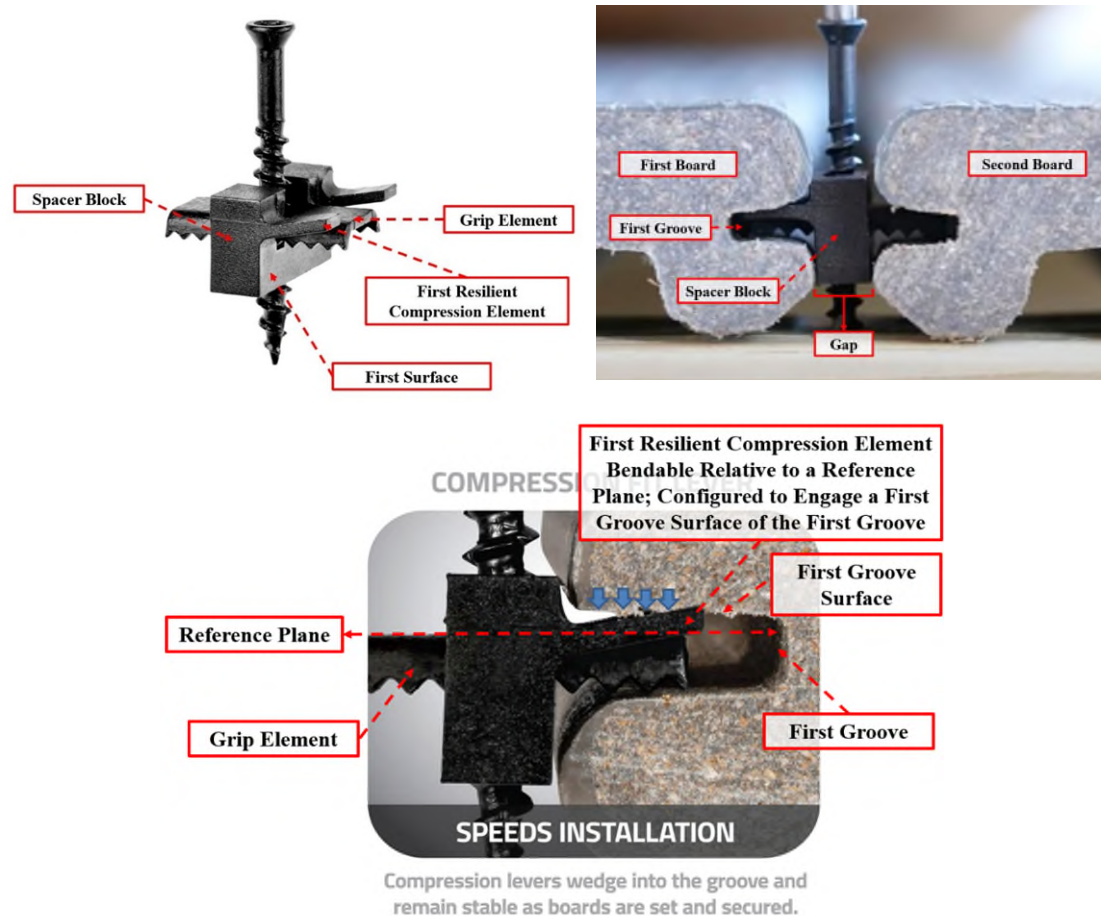
a grip element having a length that is greater than the thickness of the spacer block so that the grip element extends outward from the spacer block on a first surface and an opposing second surface of the spacer block, the grip element configured to fit in a first groove defined by the first board;

The Infringing Product includes a grip element having a length that is greater than the thickness of the spacer block so that the grip element extends outward from the spacer block on a first surface and an opposing second surface of the spacer block, the grip element configured to fit in a first groove defined by the first board, as demonstrated in the illustrative example below.



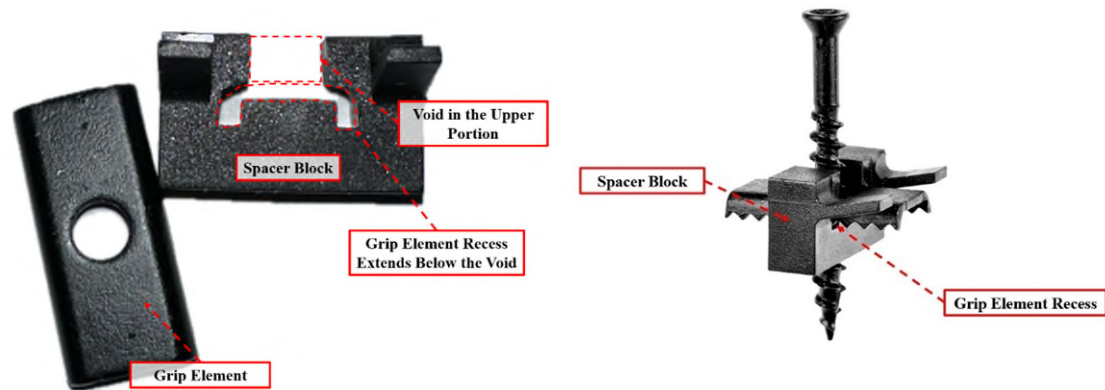
a first resilient compression element extending from the first surface and being bendable relative to a reference plane that is aligned with the grip element, the first resilient compression element configured to engage a groove surface of the first groove and secure the spacer block adjacent the first groove to establish a gap between the first board and the adjacent second board;

The Infringing Product includes a first resilient compression element extending from the first surface and being bendable relative to a reference plane that is aligned with the grip element. The first resilient compression element is configured to engage a groove surface of the first groove and secure the spacer block adjacent the first groove to establish a gap between the first board and the adjacent second board, as shown in the illustrative example below.



wherein the spacer block defines a grip element recess which extends below the void;

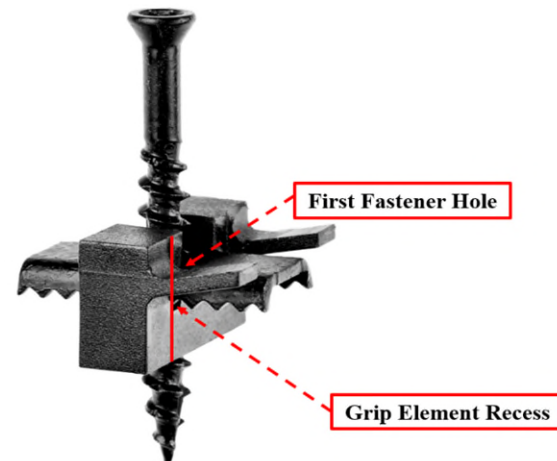
The spacer block of the Infringing Product defines a grip element recess which extends below the void.



**The grip element is shown removed from spacer block*

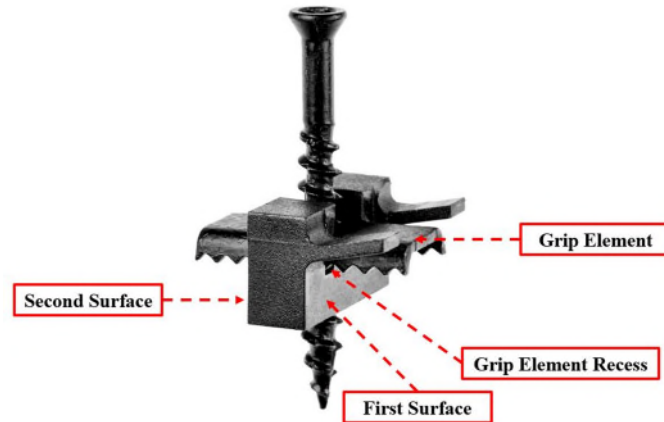
wherein the first fastener hole is aligned with the grip element recess;

The Infringing Product's first fastener hole is aligned with the grip element recess.



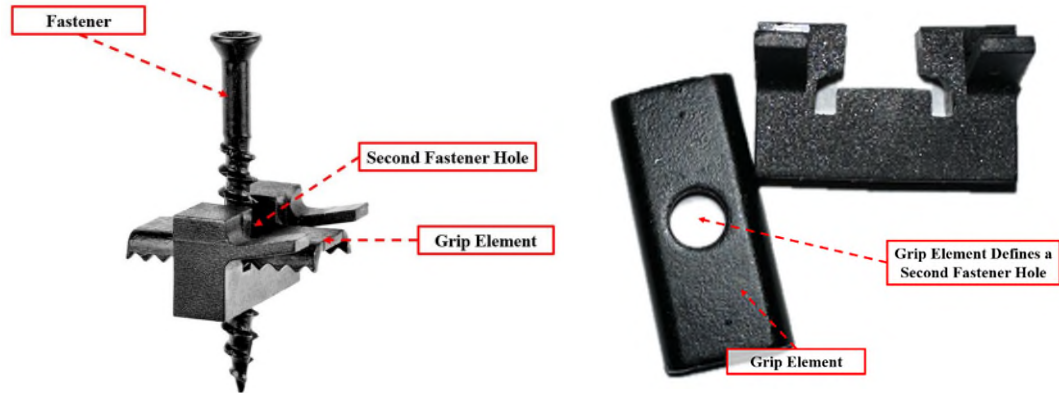
wherein the grip element recess is shaped to receive the grip element therethrough and extends from the first surface to the second surface;

The grip element recess of the Infringing Product is shaped to receive the grip element therethrough and extends from the first surface to the second surface.



wherein the grip element defines a second fastener hole through which the fastener extends.

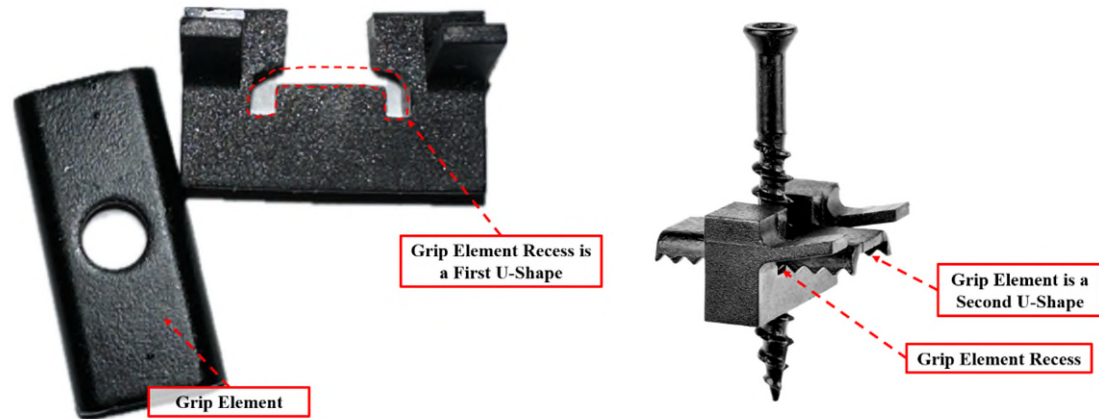
The Infringing Product's grip element defines a second fastener hole through which the fastener extends.



**The grip element is shown removed from spacer block*

3. The fastener unit of claim 1, wherein the grip element recess is a first U shape and the grip element is a second U shape,

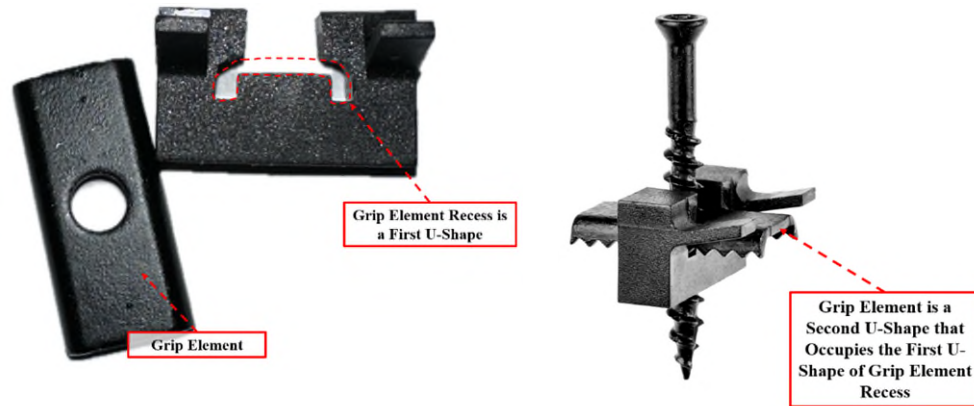
The Infringing Product's grip element recess is a first U shape and the grip element is a second U shape.



**The grip element is shown removed from spacer block*

wherein the second U shape of the grip element occupies the first U shape of the grip element recess.

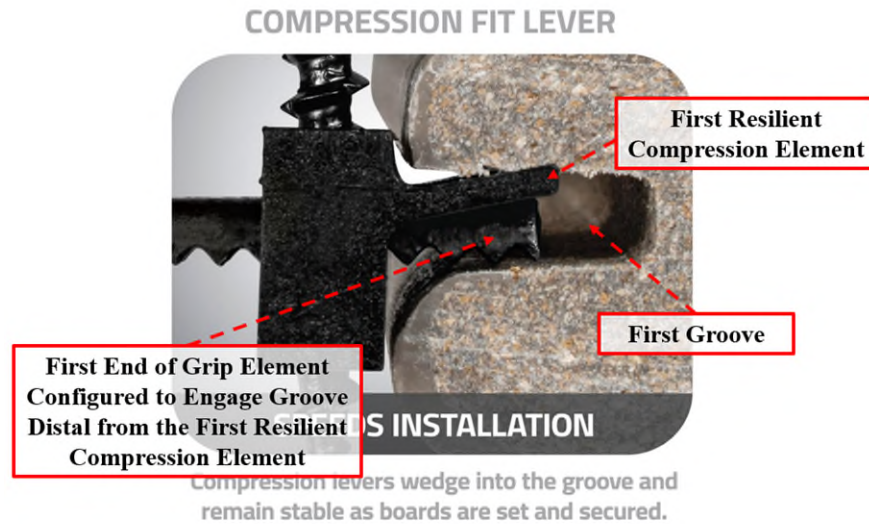
The Infringing Product's second U shape of the grip element occupies the first U shape of the grip element recess:



**The grip element is shown removed from spacer block*

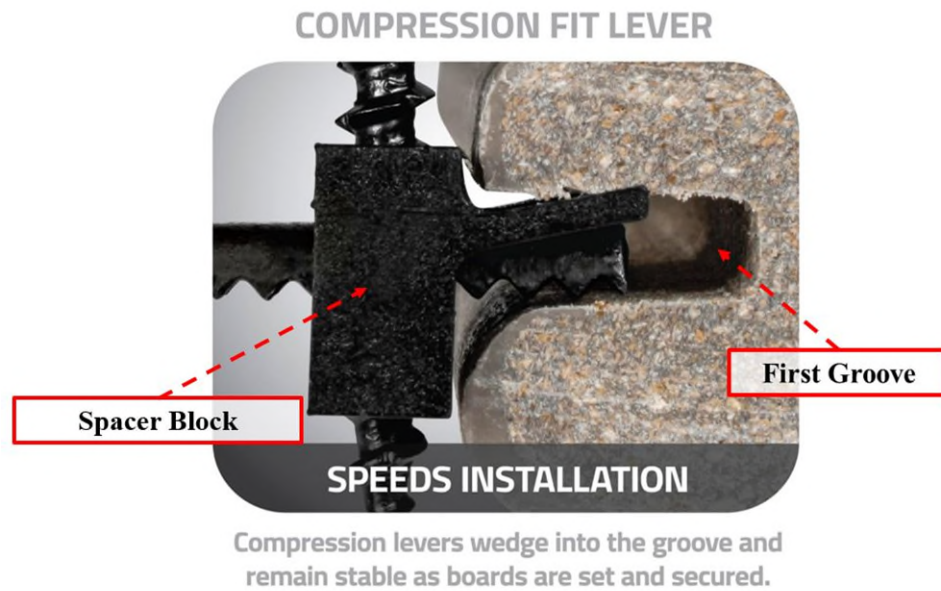
4. The fastener unit of claim 3, wherein the grip element includes a first end that is configured to engage the first groove distal from the first resilient compression element,

The grip element of the Infringing Product includes a first end that is configured to engage the first groove distal from the first resilient compression element, as demonstrated in the illustrative example below.



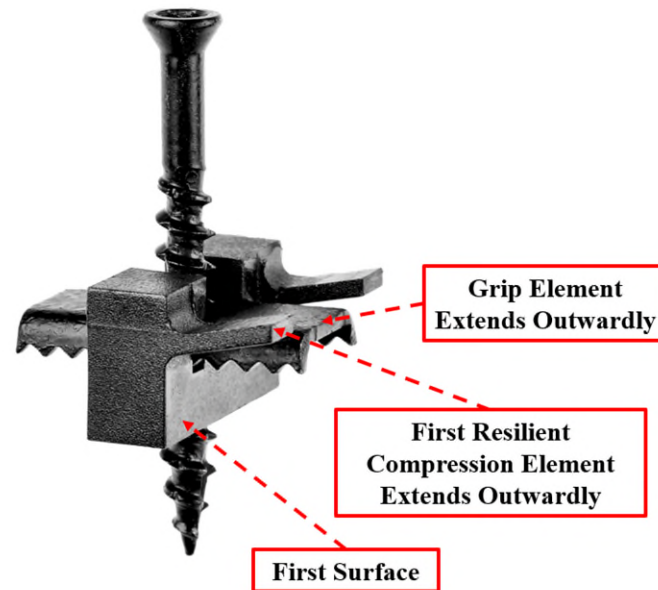
whereby the spacer block is suspended adjacent the first groove.

The spacer block of the Infringing Product is suspended adjacent the first groove, as demonstrated in the illustrative example below.



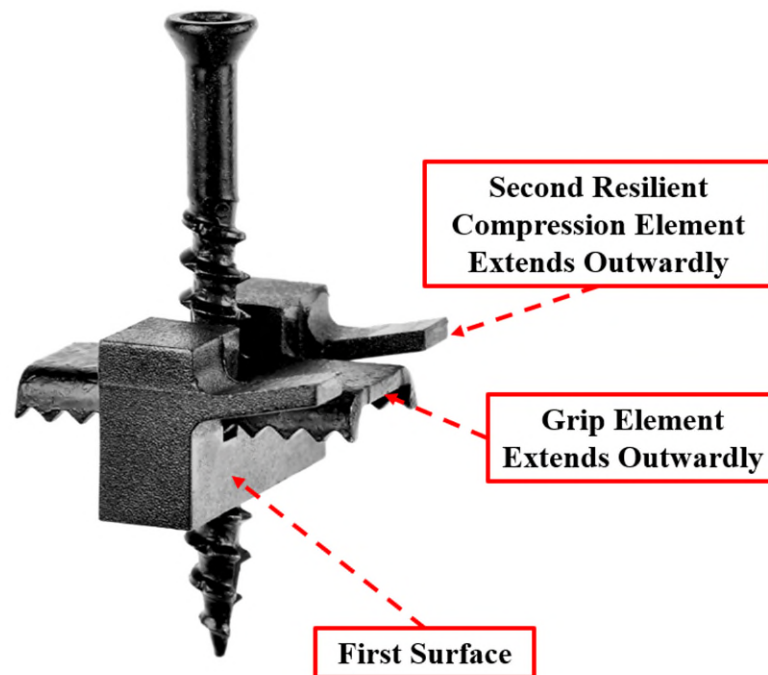
6. The fastener unit of claim 1, wherein the first resilient compression element and the grip element extend outwardly adjacent one another from the first surface,

The Infringing Product's first resilient compression element and the grip element extend outwardly adjacent one another from the first surface.



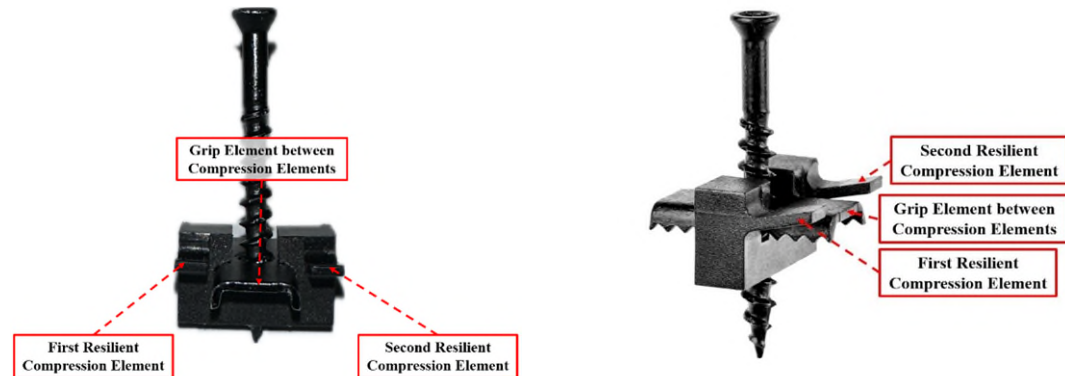
wherein a second resilient compression element extends outwardly adjacent the grip element from the first surface,

The Infringing Product's second resilient compression element extends outwardly adjacent the grip element from the first surface.



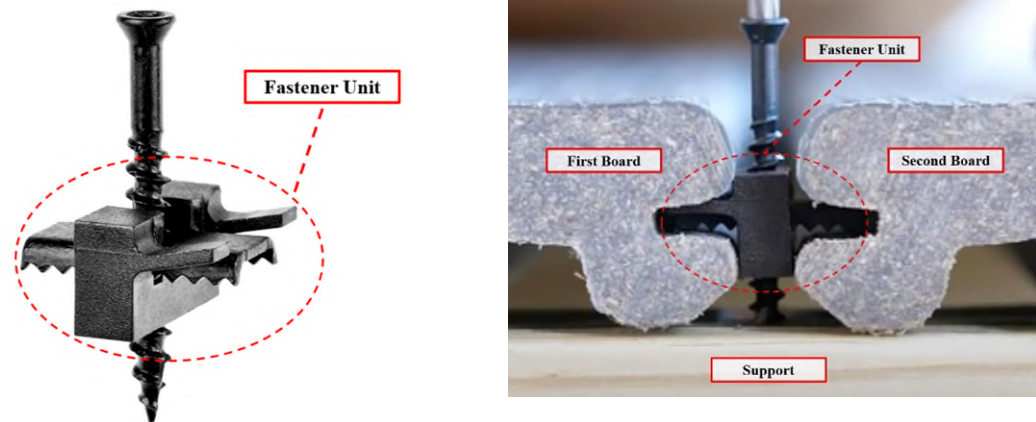
wherein the grip element extends between the first resilient compression element and the second resilient compression element.

The grip element of the Infringing Product extends between the first resilient compression element and the second resilient compression element.



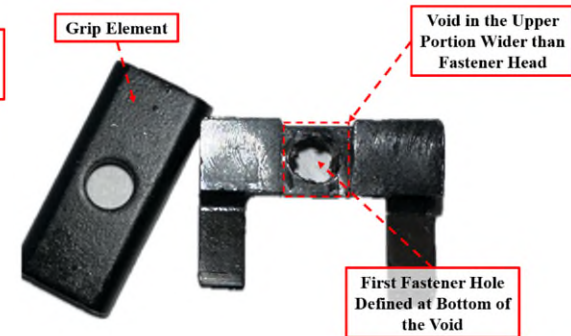
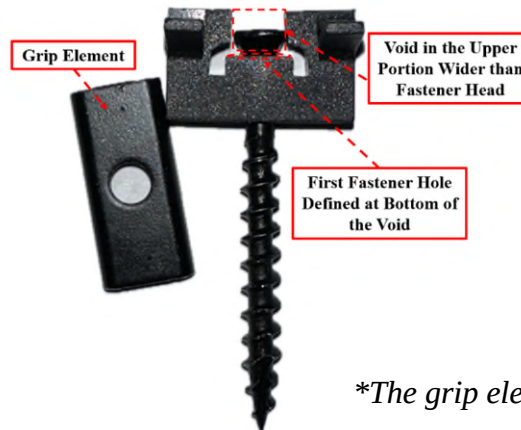
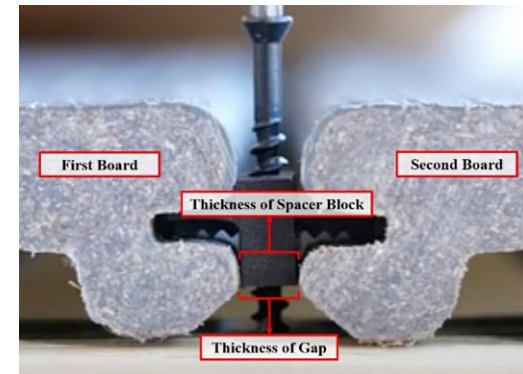
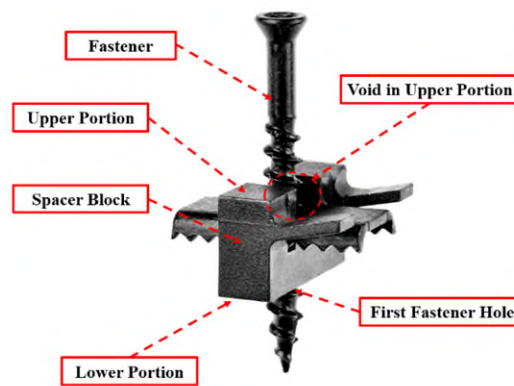
7. A fastener unit adapted to secure at least one board to a support, the fastener unit comprising:

The Infringing Product is a fastener unit adapted to secure at least one board to a support, as shown in the illustrative example below.



a spacer block including an upper portion and a lower portion, the spacer block defining a void in the upper portion and a first fastener hole configured to receive a fastener therein, the first fastener hole being defined at a bottom of the void, the void being wider than a head of the fastener so that the fastener can seat within the void when the fastener unit is installed, the spacer block having a thickness corresponding to a preselected gap between a first board and an adjacent second board;

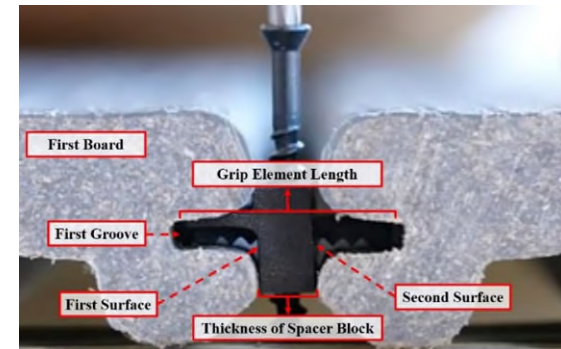
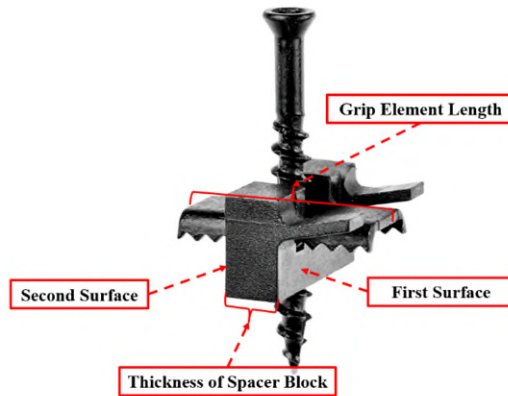
The Infringing Product's spacer block includes an upper portion and a lower portion, the spacer block defining a void in the upper portion and a first fastener hole configured to receive a fastener therein. The first fastener hole is defined at a bottom of the void, the void being wider than a head of the fastener so that the fastener can seat within the void when the fastener unit is installed. The spacer block has a thickness corresponding to a preselected gap between a first board and an adjacent second board, as illustrated in the below example.



**The grip element is shown removed from spacer block*

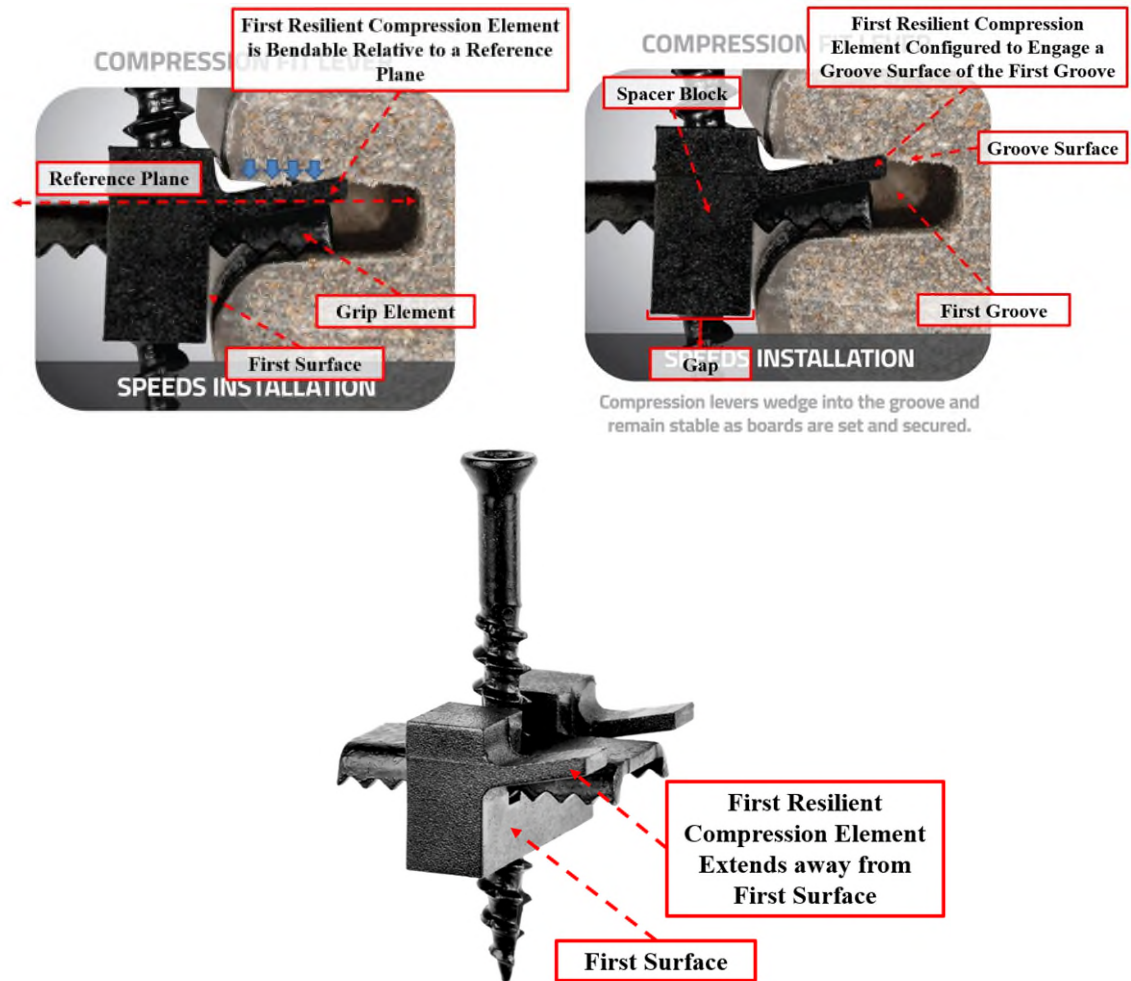
a grip element having a length that is greater than the thickness of the spacer block so that the grip element extends outward from the spacer block on a first surface and an opposing second surface of the spacer block, the grip element configured to fit in a first groove defined by the first board;

The Infringing Product's grip element has a length that is greater than the thickness of the spacer block so that the grip element extends outward from the spacer block on a first surface and an opposing second surface of the spacer block. The grip element is configured to fit in a first groove defined by the first board, as illustrated below.



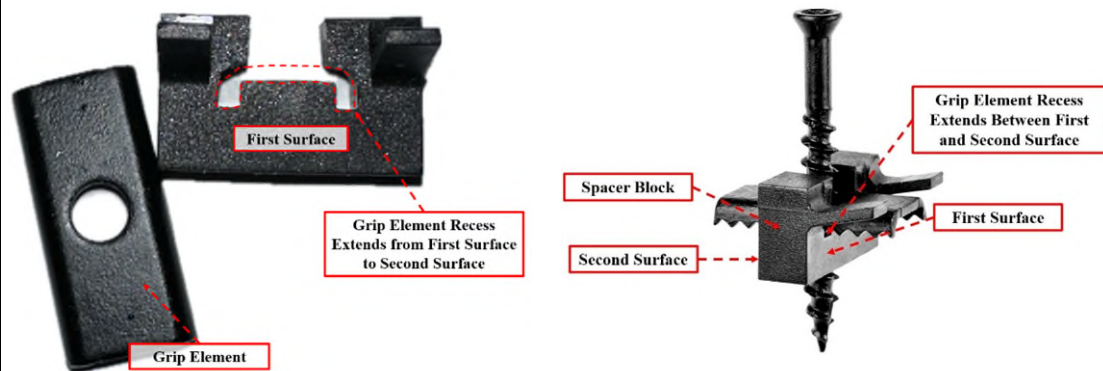
a first resilient compression element extending from the first surface and being bendable relative to a reference plane that is aligned with the grip element, the first resilient compression element configured to engage a groove surface of the first groove and secure the spacer block adjacent the first groove to establish a gap between the first board and the adjacent second board,

The Infringing Product's first resilient compression element extends from the first surface and is bendable relative to a reference plane that is aligned with the grip element, the first resilient compression element configured to engage a groove surface of the first groove and secure the spacer block adjacent the first groove to establish a gap between the first board and the adjacent second board.



wherein the spacer block defines a grip element recess extending from the first surface to the second surface,

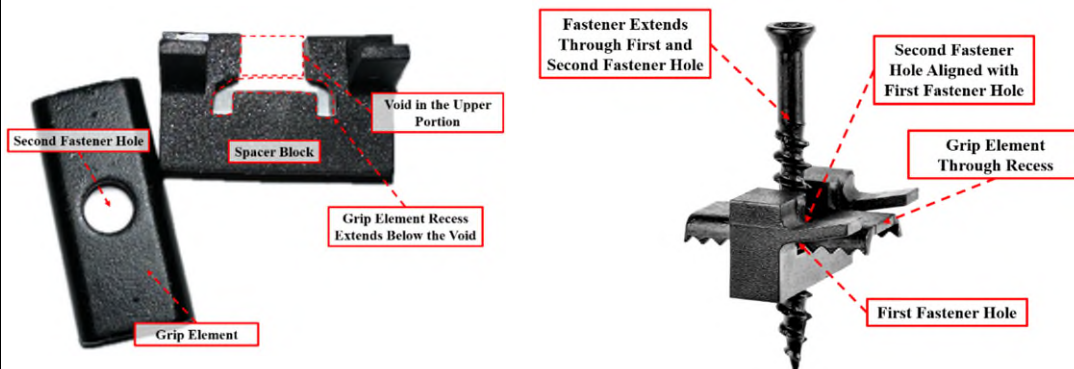
The Infringing Product's spacer block defines a grip element recess extending from the first surface to the second surface.



**The grip element is shown removed from spacer block*

wherein the grip element occupies the grip element recess, which receives the grip element, below the void and includes a second fastener hole aligned with the first fastener hole so that the fastener can extend simultaneously in the first fastener hole and the second fastener hole.

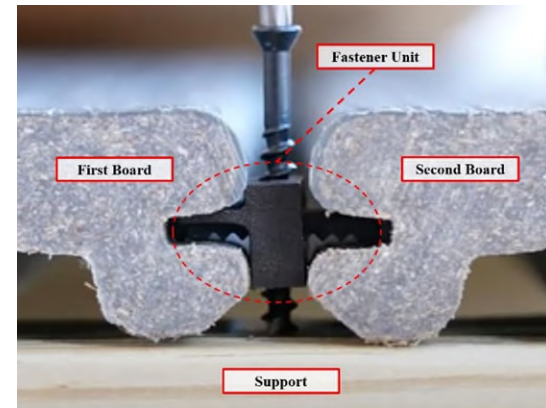
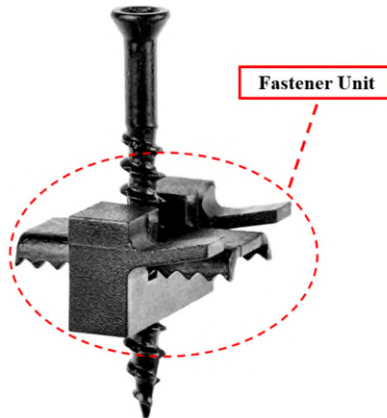
The Infringing Product's grip element occupies the grip element recess, which receives the grip element, below the void and includes a second fastener hole aligned with the first fastener hole so that the fastener can extend simultaneously in the first fastener hole and the second fastener hole.



**The grip element is shown removed from spacer block*

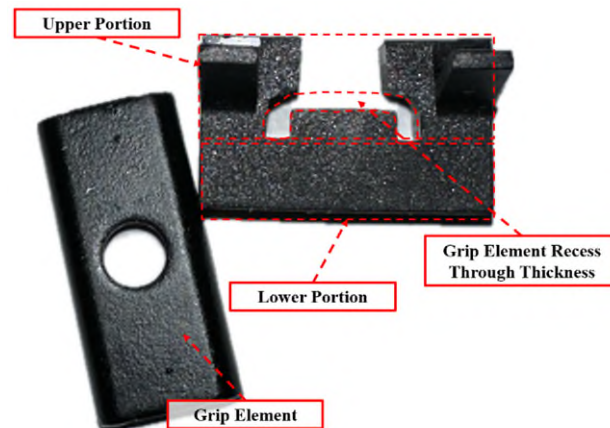
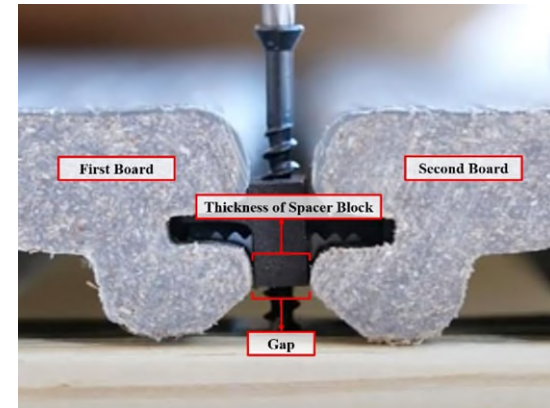
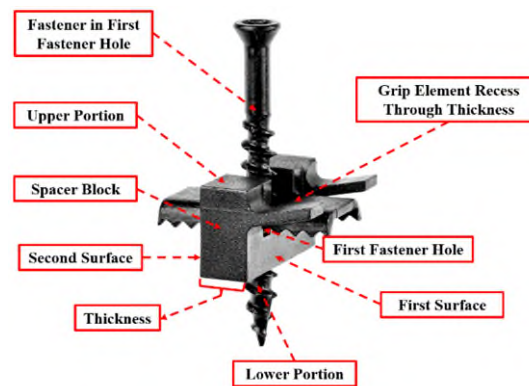
8. A fastener unit adapted to secure at least one board to a support, the fastener unit comprising:

The Infringing Product is a fastener unit adapted to secure at least one board to a support, as demonstrated in the illustrative example below.



a spacer block including an upper portion and a lower portion, the spacer block having a thickness between a first surface and a second surface of the spacer block, the thickness configured to set a preselected gap between a first board and an adjacent second board which the spacer block engages when installed, the spacer block defining a first fastener hole configured to receive a fastener therein, the spacer block defining a grip element recess extending through the thickness of the spacer block from the first surface to the second surface;

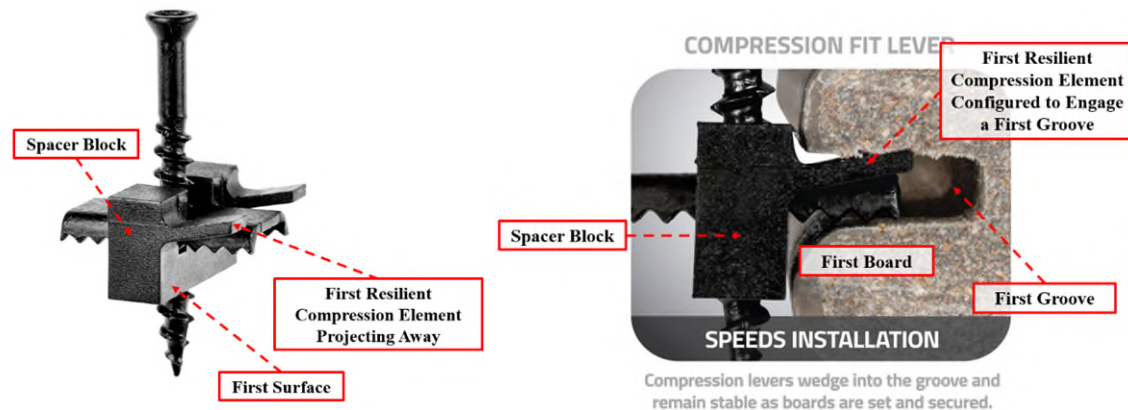
The Infringing Product further comprises a spacer block including an upper portion and a lower portion. The spacer block has a thickness between a first surface and a second surface of the spacer block, the thickness configured to set a preselected gap between a first board and an adjacent second board which the spacer block engages when installed. The spacer block defines a first fastener hole configured to receive a fastener therein, the spacer block defining a grip element recess extending through the thickness of the spacer block from the first surface to the second surface, as illustrated below.



**The grip element is shown removed from spacer block*

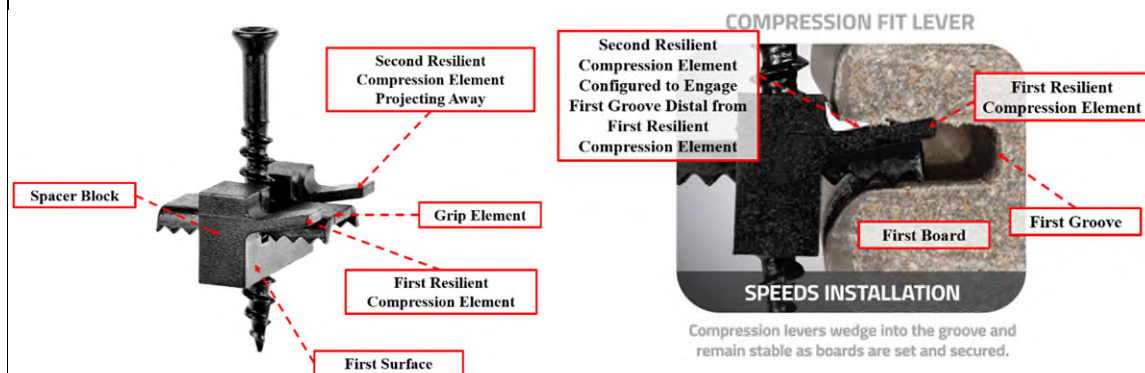
a first resilient element projecting away from a first surface of the spacer block, the first resilient element configured to engage a first groove of the first board;

The Infringing Product further comprises a first resilient element projecting away from a first surface of the spacer block, the first resilient element configured to engage a first groove of the first board as illustrated below.



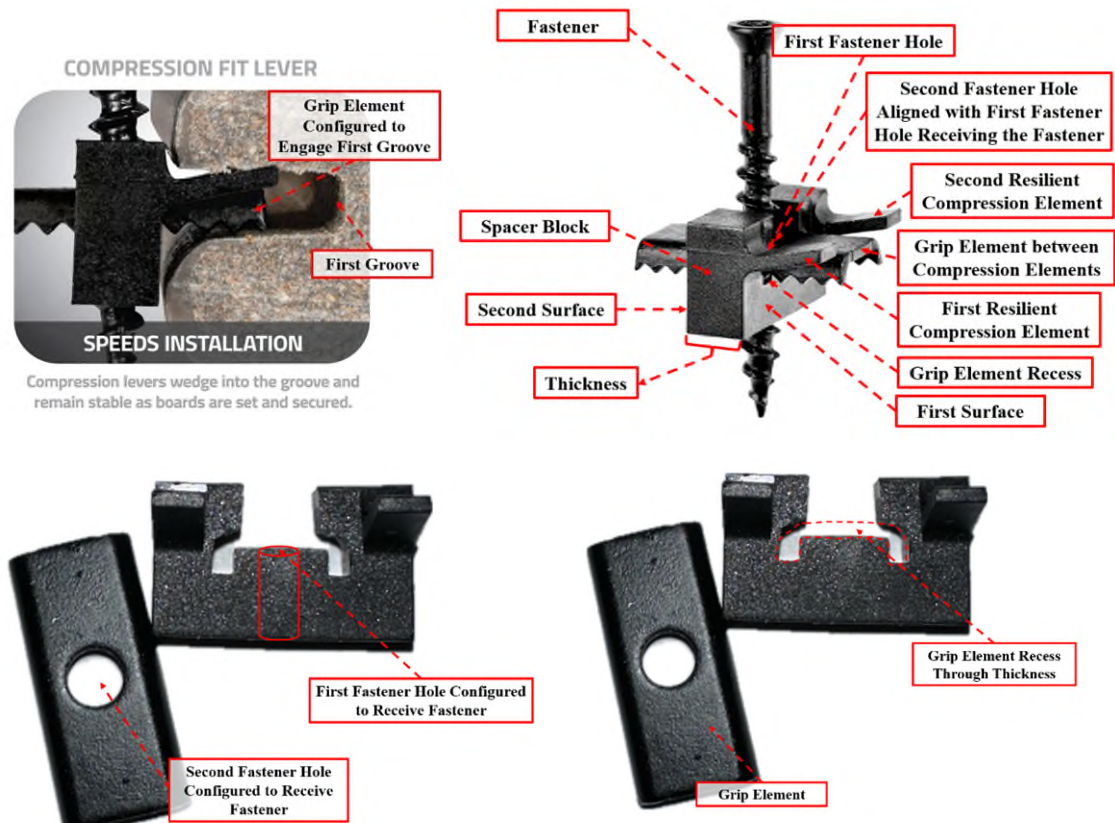
a second resilient element projecting away from the first surface of the spacer block, the second resilient element configured to engage the first groove of the first board distal from the first resilient element within the first groove;

The spacer block of the Infringing Product includes a second resilient element projecting away from the first surface of the spacer block, the second resilient element configured to engage the first groove of the first board distal from the first resilient element within the first groove, as illustrated below.



a grip element disposed between the first resilient element and the second resilient element and projecting away from the first surface of the spacer block, the grip element configured to engage the first groove of the first board, the grip element positioned in the grip element recess and extending through the thickness between the first surface and the second surface within the grip element recess, the grip element projecting away from the second surface of the spacer block on an opposite side of the thickness of the spacer block, the grip element defining a second fastener hole aligned with the first fastener hole configured to receive the fastener,

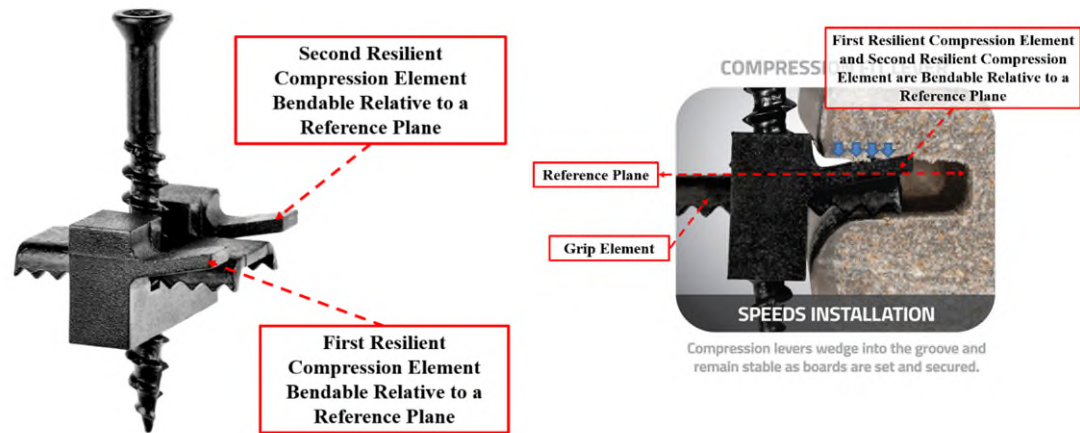
The spacer block of the Infringing Product also includes a grip element disposed between the first resilient element and the second resilient element and projecting away from the first surface of the spacer block. The grip element is configured to engage the first groove of the first board. The grip element is positioned in the grip element recess and extends through the thickness between the first surface and the second surface within the grip element recess, the grip element projecting away from the second surface of the spacer block on an opposite side of the thickness of the spacer block. The grip element defines a second fastener hole aligned with the first fastener hole configured to receive the fastener.



**The grip element is shown removed from spacer block*

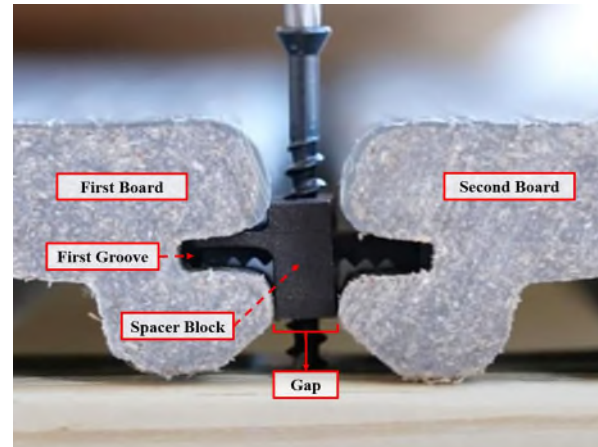
wherein the first resilient element and the second resilient element are bendable relative to a reference plane that is aligned with the grip element,

The first resilient element and the second resilient element of the Infringing Product are bendable relative to a reference plane that is aligned with the grip element, as illustrated below.



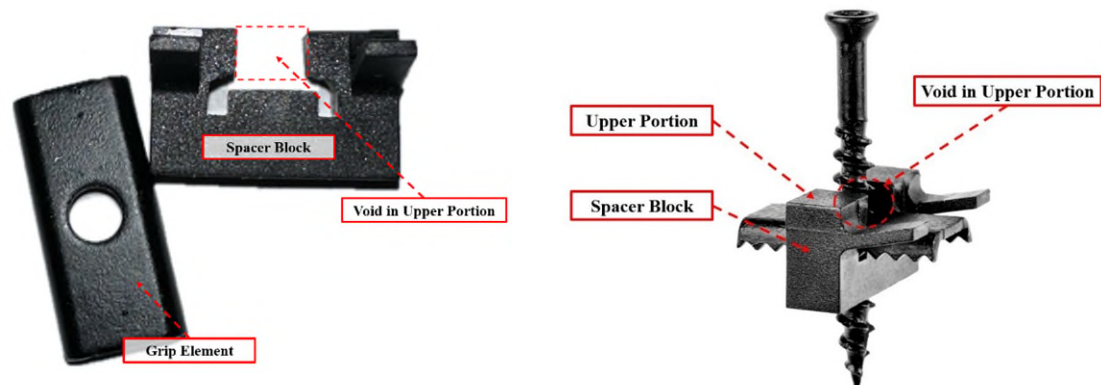
wherein the spacer block is securable adjacent the first groove to establish a gap between the first board and the adjacent second board.

The spacer block of the Infringing Product is securable adjacent the first groove to establish a gap between the first board and the adjacent second board, as illustrated below.



9. The fastener unit of claim 8, wherein the spacer block defines a void in the upper portion;

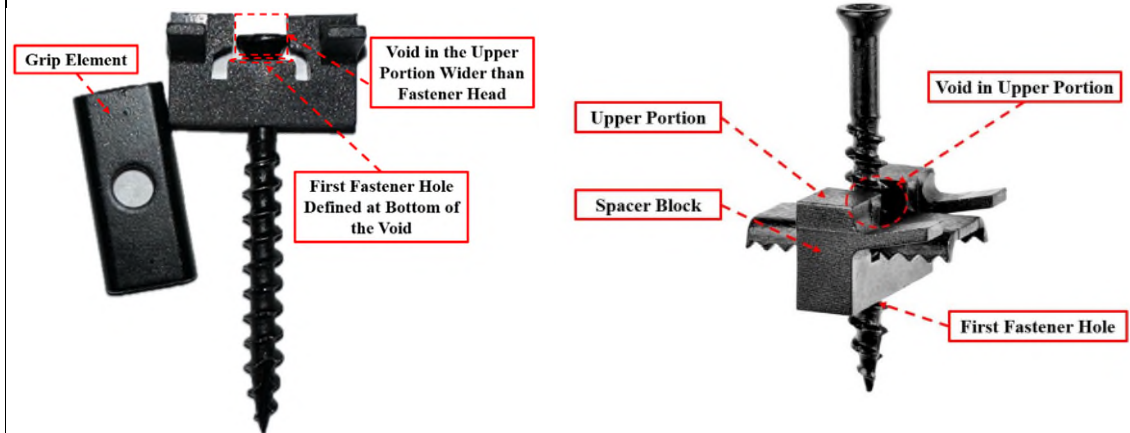
The spacer block of the Infringing Product defines a void in the upper portion.



**The grip element is shown removed from spacer block*

wherein the first fastener hole is defined at a bottom of the void, the void being wider than a head of the fastener so that the fastener can seat within the void when the fastener unit is installed.

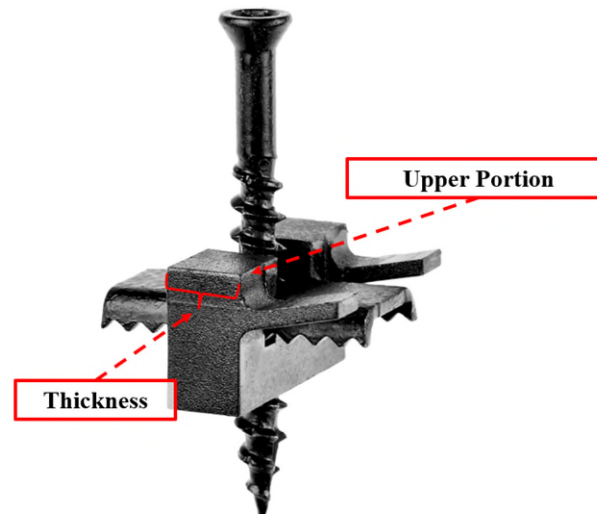
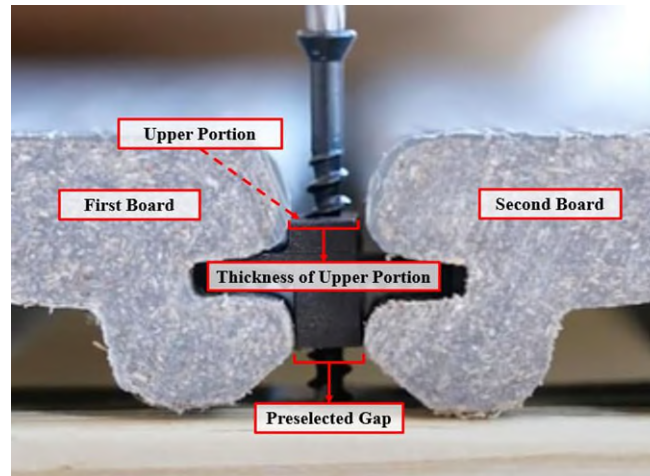
The first fastener hole of the Infinging Product is defined at a bottom of the void, the void being wider than a head of the fastener so that the fastener can seat within the void when the fastener unit is installed.



**The grip element is shown removed from spacer block*

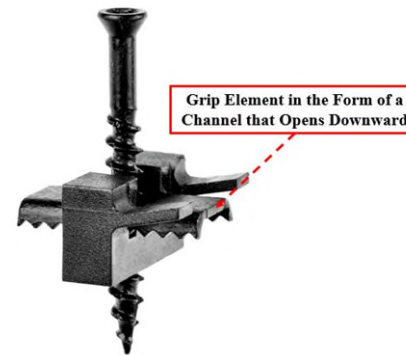
10. The fastener unit of claim 8, wherein the upper portion is of the thickness corresponding to the preselected gap between the first board and the adjacent second board.

The upper portion of the Infringing Product is of the thickness corresponding to the preselected gap between the first board and the adjacent second board, as illustrated below.



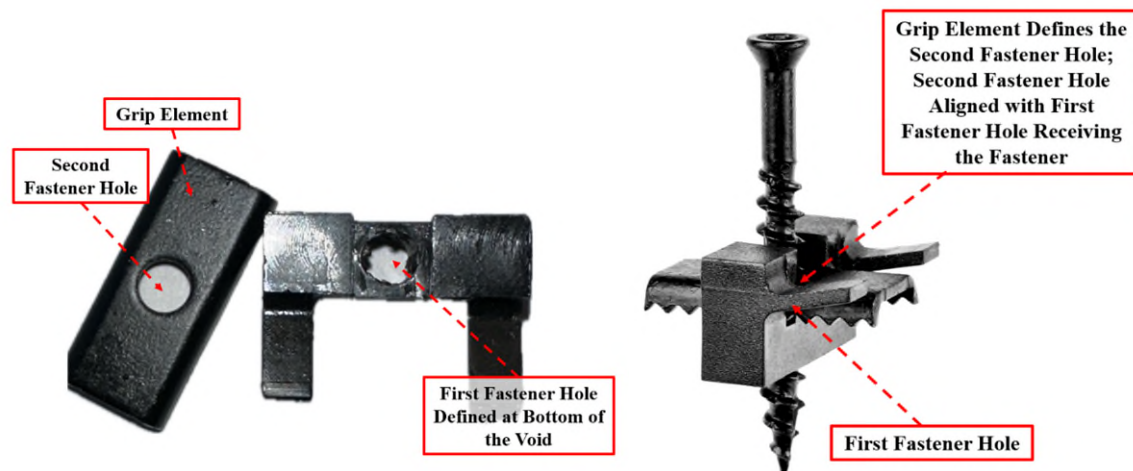
11. The fastener unit of claim 8, wherein the grip element is in the form of a channel that opens downward;

The grip element of the Infringing Product is in the form of a channel that opens downward.



wherein the grip element defines the second fastener hole which is aligned with the first fastener hole;

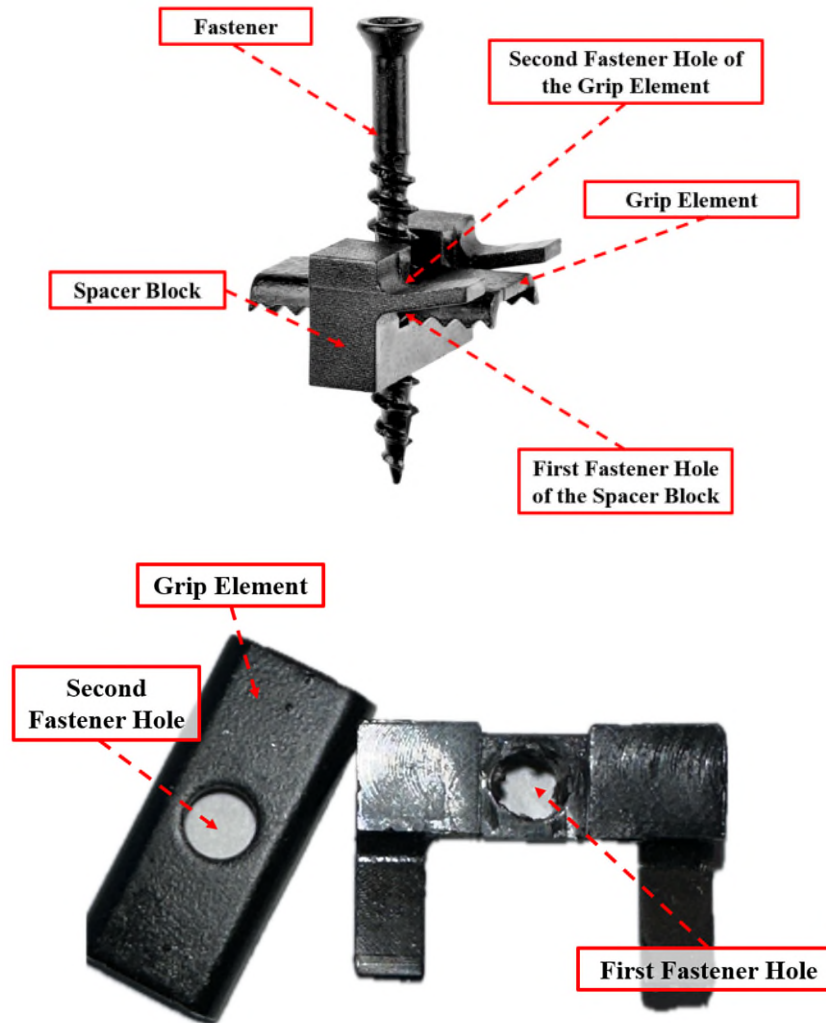
The grip element of the Infringing Product defines the second fastener hole which is aligned with the first fastener hole.



**The grip element is shown removed from spacer block*

wherein the fastener extends through the first fastener hole of the spacer block and the second fastener hole of the grip element.

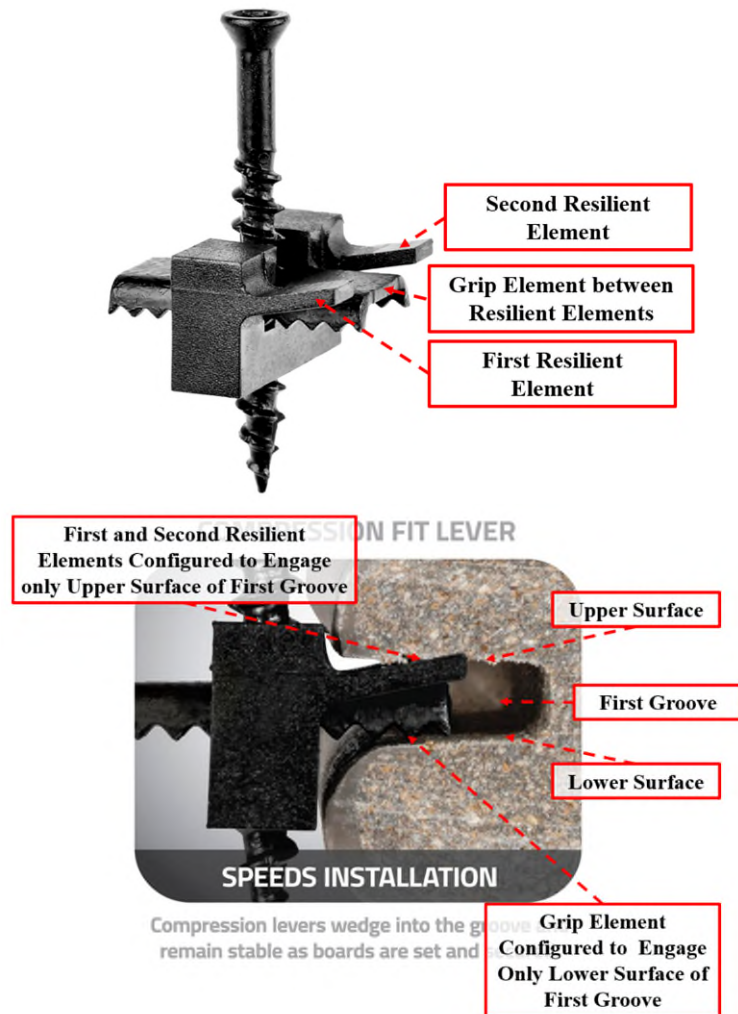
The fastener extends through the Infringing Product's first fastener hole of the spacer block and the second fastener hole of the grip element.



**The grip element is shown removed from spacer block*

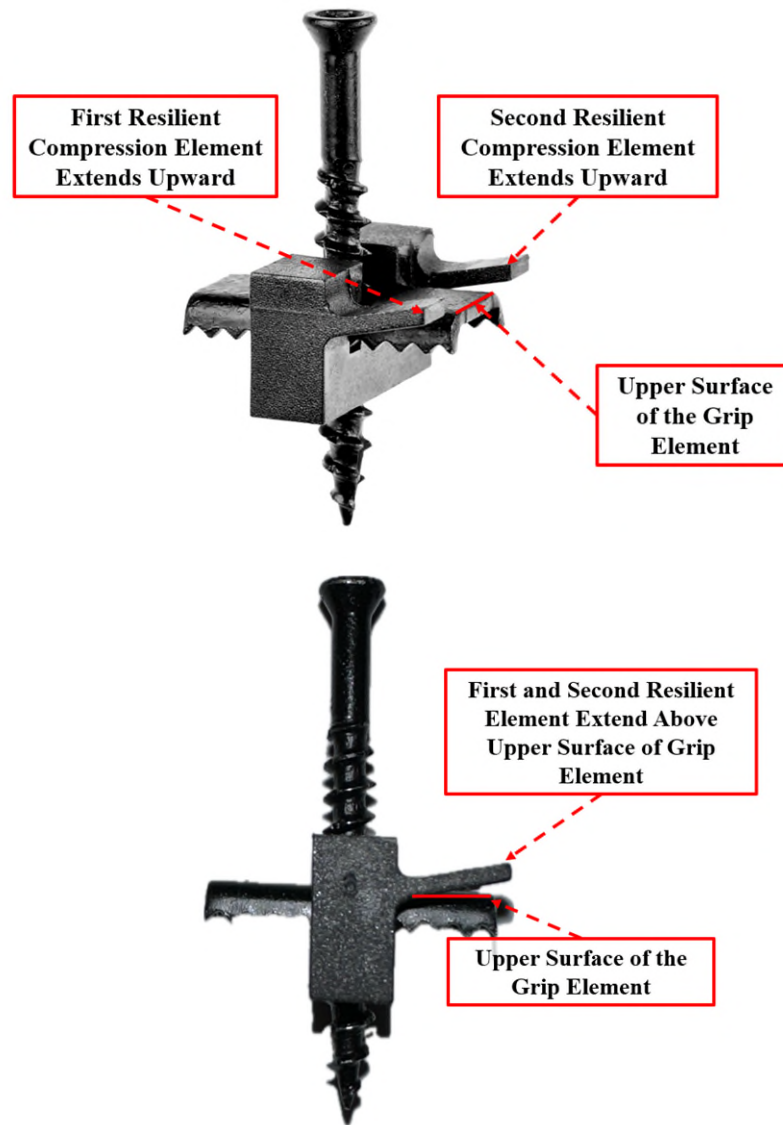
12. The fastener unit of claim 8, wherein the first resilient element and the second resilient element each are configured to engage an upper surface of the first groove, without engaging a lower surface of the first groove, simultaneously while the grip element engages the lower surface of the first groove, without engaging the upper surface of the first groove.

As illustrated below, the Infringing Product's first resilient element and the second resilient element each are configured to engage an upper surface of the first groove, without engaging a lower surface of the first groove, simultaneously while the grip element engages the lower surface of the first groove, without engaging the upper surface of the first groove.



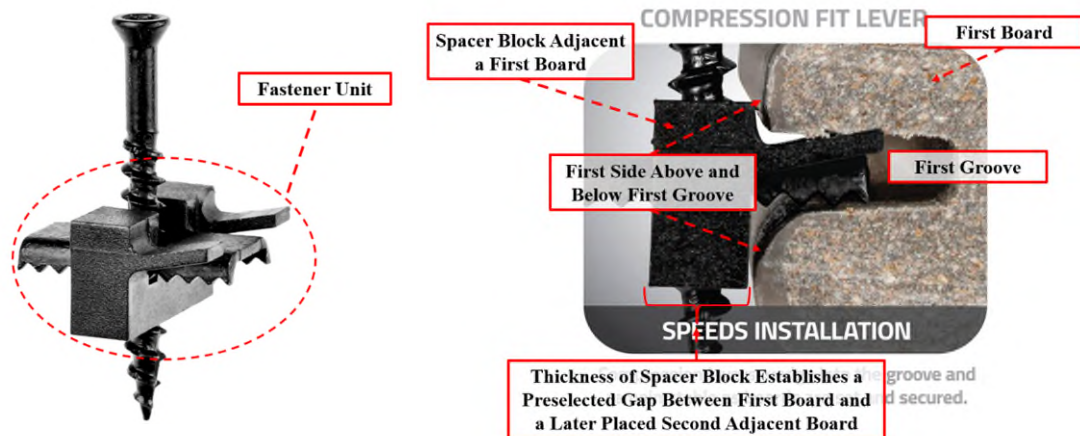
13. The fastener unit of claim 12, wherein the first resilient element and the second resilient element extend above an upper surface of the grip element.

The Infringing Products first resilient element and the second resilient element extend above an upper surface of the grip element.



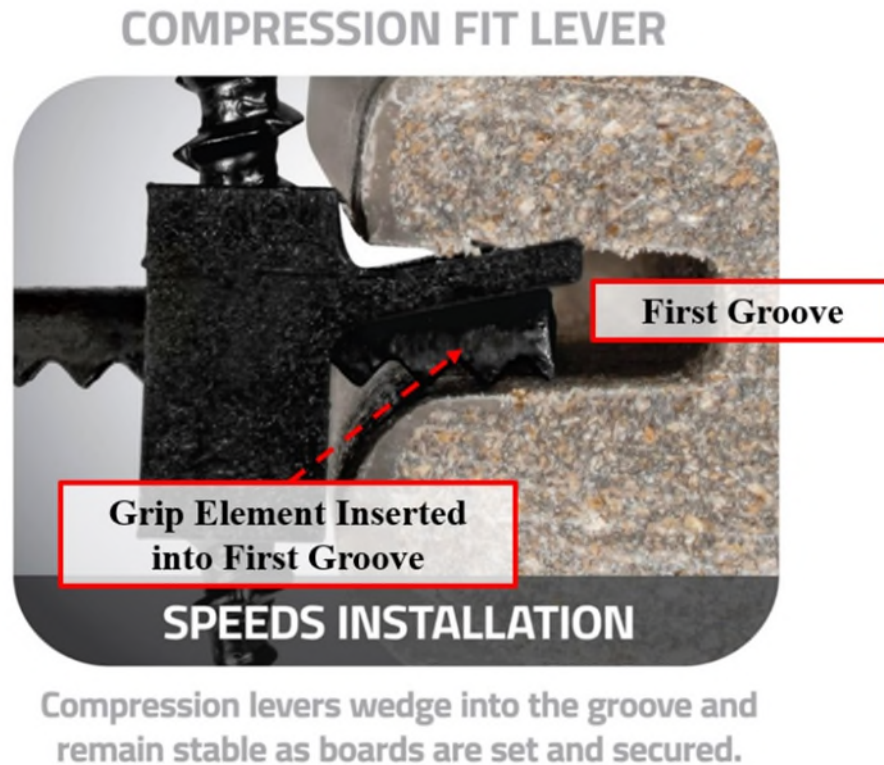
14. A method of using a fastener unit, the method comprising: placing a spacer block adjacent a first board so that the spacer block engages a first side surface above and below a first groove defined by the first board so that a thickness of the spacer block can establish a preselected gap between the first board and a later placed second adjacent board;

The Infringing Product's method includes using a fastener unit, which comprises placing a spacer block adjacent a first board so that the spacer block engages a first side surface above and below a first groove defined by the first board so that a thickness of the spacer block can establish a preselected gap between the first board and a later placed second adjacent board. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpspiw>).



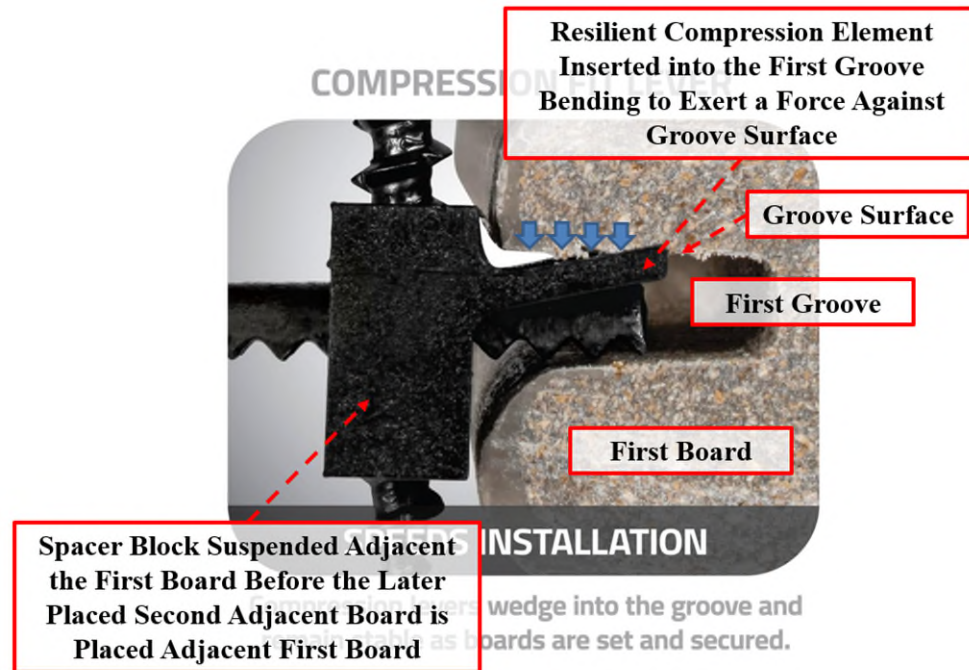
inserting a grip element into the first groove; and

The Infringing Product's method includes inserting a grip element into the first groove. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).



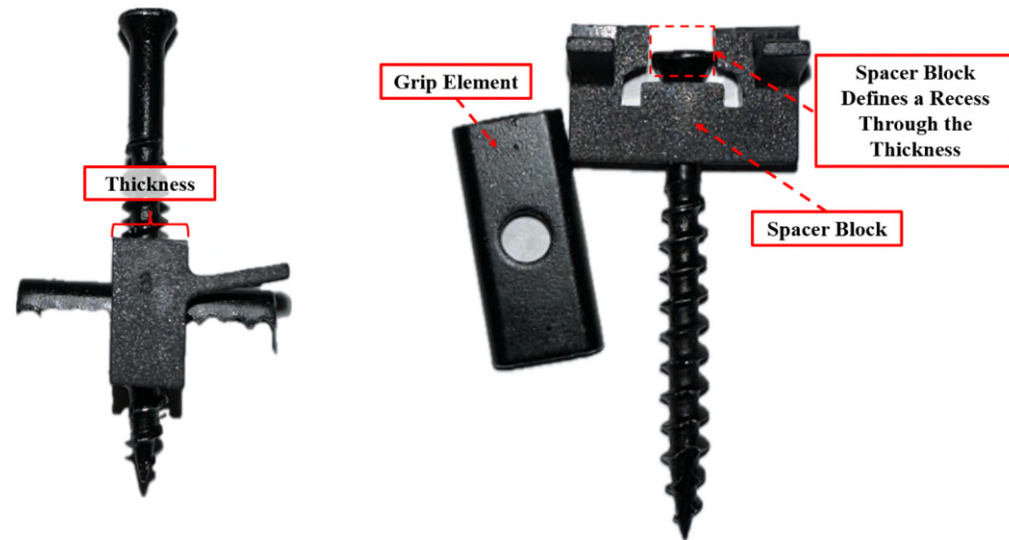
inserting a resilient compression element into the first groove so that the resilient compression element bends to exert a force against a groove surface of the first groove and suspend the spacer block adjacent the first board before the later placed second adjacent board is placed adjacent the first board,

The Infringing Product's method includes inserting a resilient compression element into the first groove so that the resilient compression element bends to exert a force against a groove surface of the first groove and suspend the spacer block adjacent the first board before the later placed second adjacent board is placed adjacent the first board. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSPiw>).



wherein the spacer block defines a recess extending through the thickness,

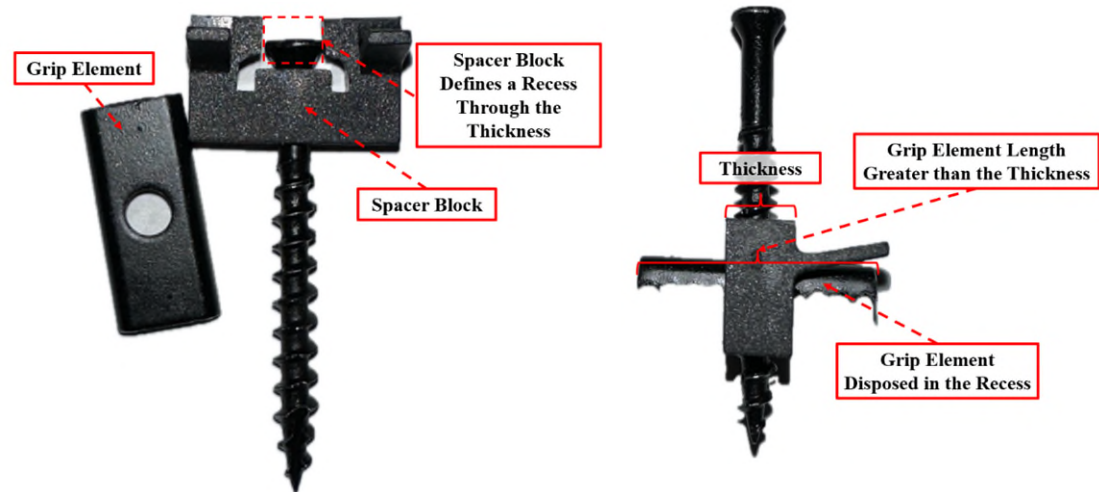
The Infringing Product's method includes a spacer block that defines a recess extending through the thickness. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpspiw>).



**The grip element is shown removed from spacer block*

wherein the grip element is disposed in the recess and engaged with the spacer block in the recess, the grip element having a length greater than the thickness,

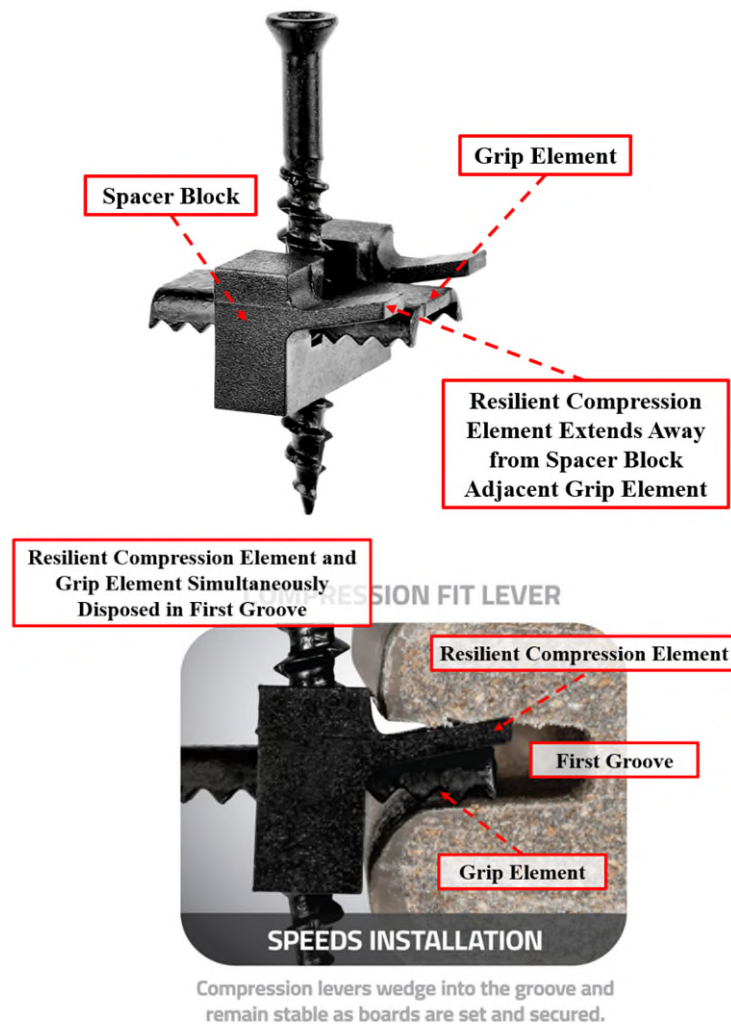
The Infringing Product's method includes a grip element disposed in the recess and engaged with the spacer block in the recess, the grip element having a length greater than the thickness. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).



**The grip element is shown removed from spacer block*

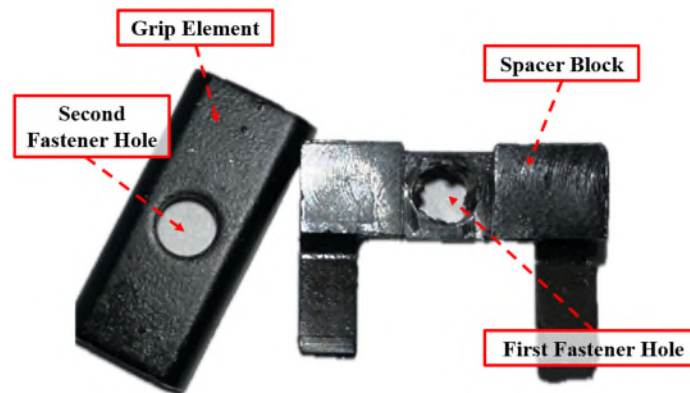
wherein the resilient compression element extends from the spacer block adjacent the grip element so that the grip element and the resilient compression element can be simultaneously disposed in the first groove,

The Infringing Product's method includes a resilient compression element that extends from the spacer block adjacent the grip element so that the grip element and the resilient compression element can be simultaneously disposed in the first groove. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUspiw>).

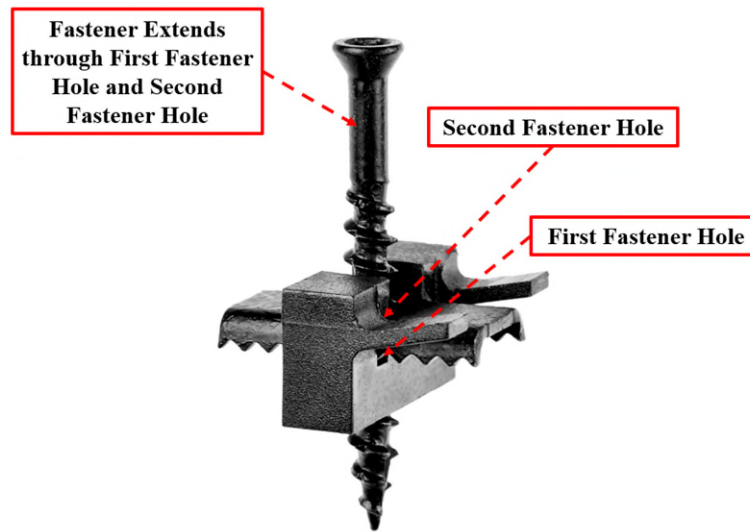


wherein the spacer block defines a first fastener hole aligned with a second fastener hole defined by the grip element so that a fastener can extend through the first fastener hole and the second fastener hole.

The Infringing Product's method includes a spacer block that defines a first fastener hole aligned with a second fastener hole defined by the grip element so that a fastener can extend through the first fastener hole and the second fastener hole. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).

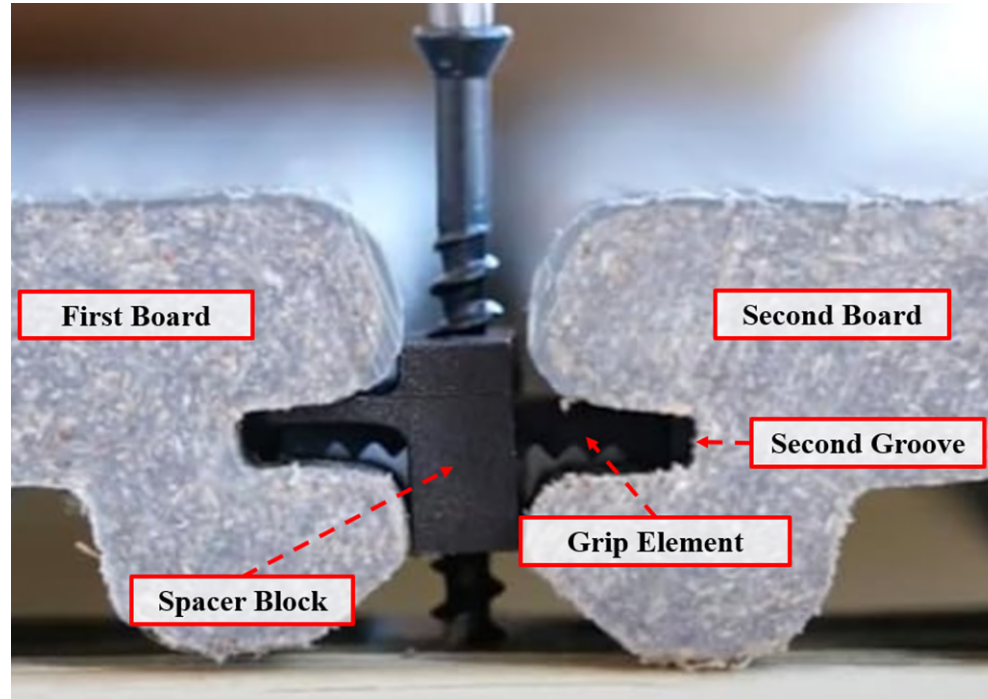


**The grip element is shown removed from spacer block*



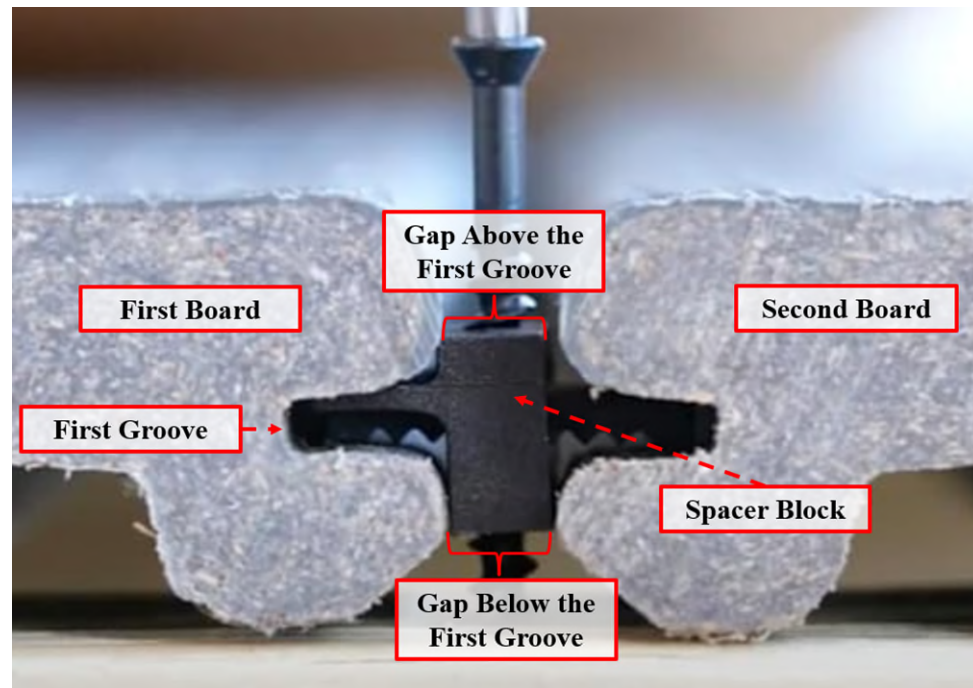
15. The method of claim 14, comprising: placing the second adjacent board adjacent the first board so that the grip element enters a second groove of the second adjacent board while the spacer block is suspended adjacent the first board,

The Infringing Product's method includes placing the second adjacent board adjacent the first board so that the grip element enters a second groove of the second adjacent board while the spacer block is suspended adjacent the first board. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).



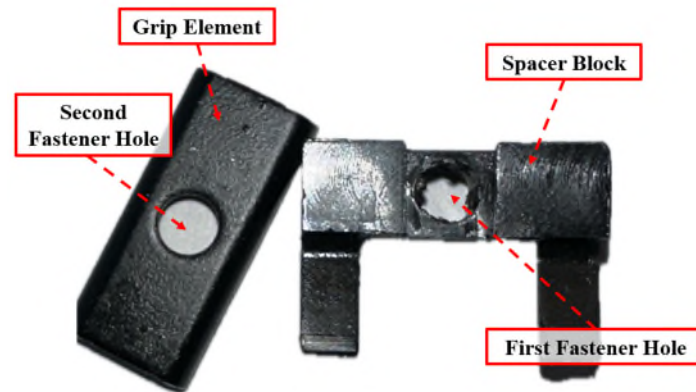
wherein the spacer block establishes the gap between the first board and the second adjacent board above and below the first groove.

The Infringing Product's method includes a spacer block that establishes the gap between the first board and the second adjacent board above and below the first groove. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpIw>).

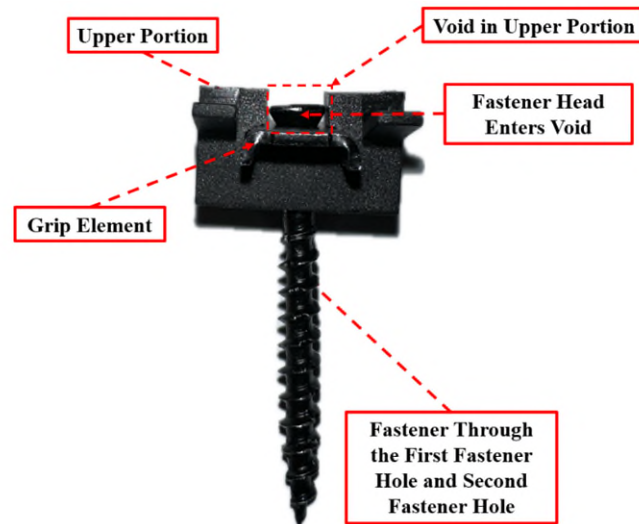


16. The method of claim 15 comprising:
advancing the fastener through the first fastener hole defined by the spacer block and the second fastener hole defined by the grip element so that a head of the fastener enters a void defined in an upper portion of the spacer block above the grip element.

The Infringing Product's method includes advancing the fastener through the first fastener hole defined by the spacer block and the second fastener hole defined by the grip element so that a head of the fastener enters a void defined in an upper portion of the spacer block above the grip element. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).



**The grip element is shown removed from spacer block*



17. The method of claim 14 comprising: engaging the resilient compression element against an upper surface of the first groove, without engaging a lower surface of the first groove, while simultaneously engaging the grip element against the lower surface of the first groove, without engaging the upper surface of the first groove.

The Infringing Product's method includes engaging the resilient compression element against an upper surface of the first groove, without engaging a lower surface of the first groove, while simultaneously engaging the grip element against the lower surface of the first groove, without engaging the upper surface of the first groove. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSpiw>).

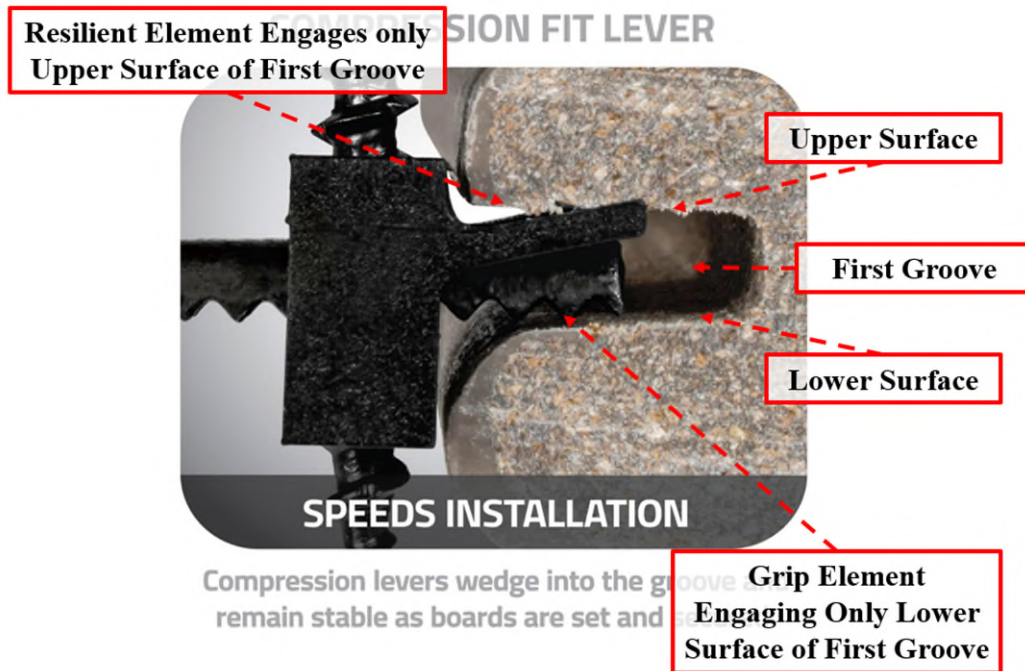
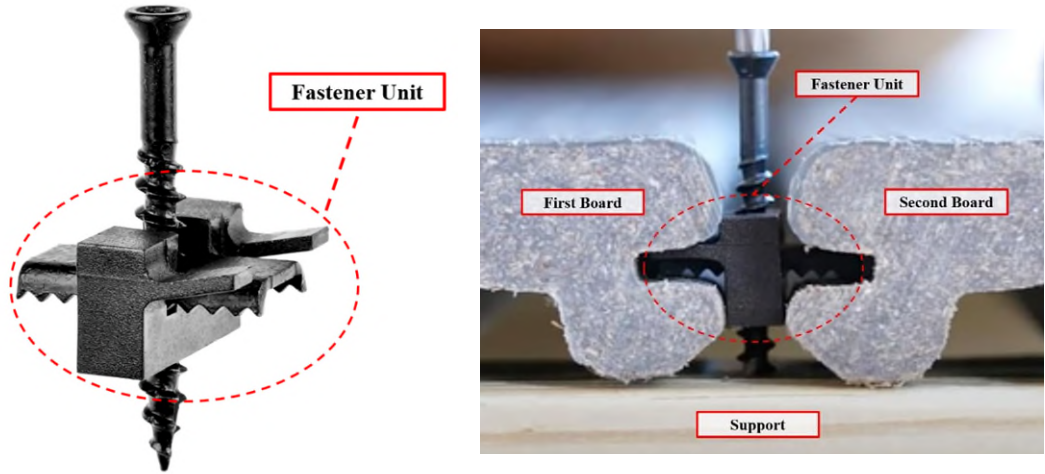


EXHIBIT C

EXHIBIT C

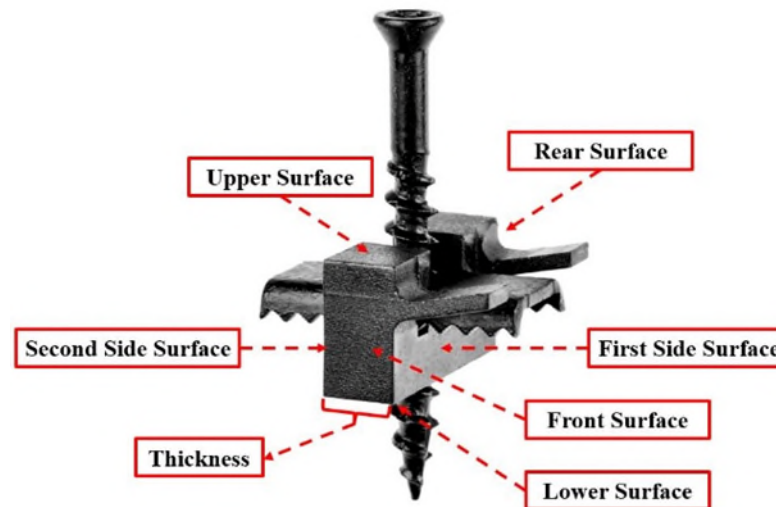
Grip-Rite® Ninja™ Hidden Deck Clip

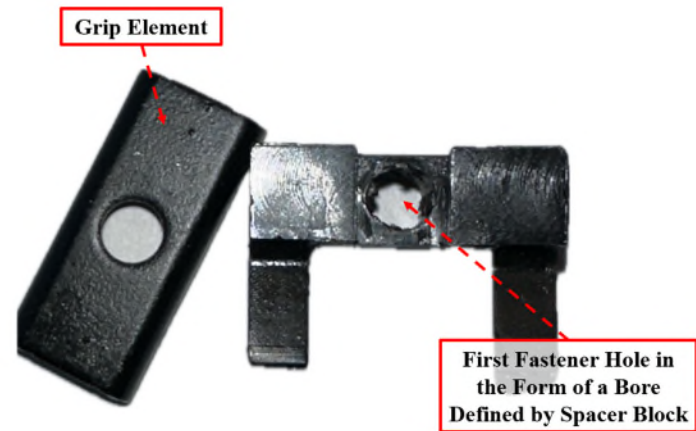
U.S. Patent 11,898,357	Grip-Rite® Ninja™ Hidden Deck Clip (the “Infringing Product”) ¹
1. A fastener unit adapted to secure at least one board to a support, the fastener unit comprising:	The Infringing Product is a fastener unit adapted to secure at least one board to a support: 

¹ The images used herein are a combination of images from PrimeSource Building Product, Inc.’s promotional material and images of the Infringing Product taken by Plaintiff.

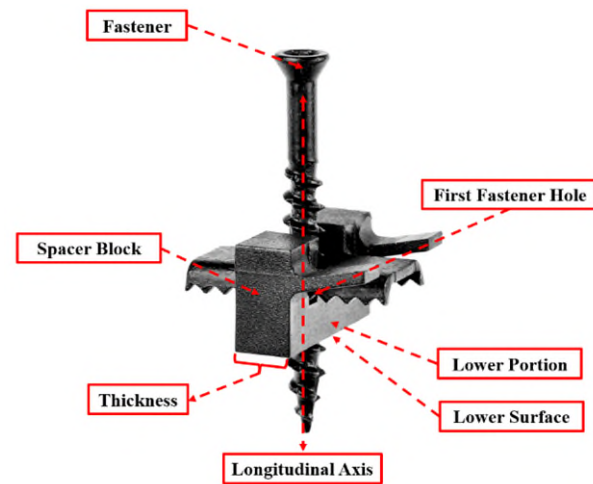
a spacer block defining a first fastener hole receiving a fastener having a longitudinal axis therein, the spacer block including a front surface, an opposing rear surface, a lower surface, a first side surface and a second side surface opposite the first side surface, the spacer block having a thickness extending from the front surface to the rear surface, the thickness corresponding to a preselected gap between a first board and a second adjacent board, the first fastener hole in the form of a bore defined by the spacer block;

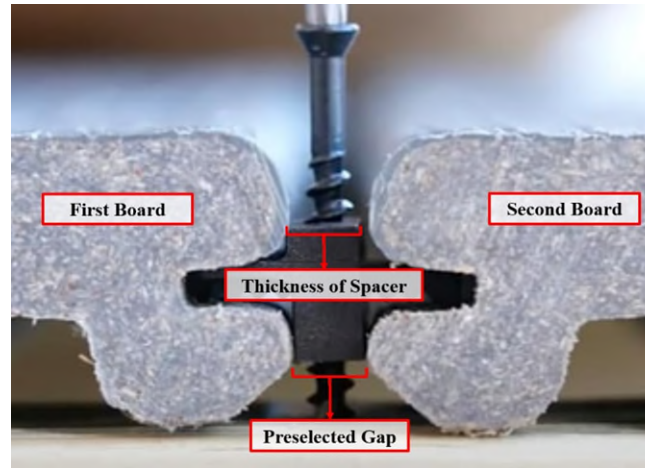
The Infringing Product includes a spacer block defining a first fastener hole receiving a fastener having a longitudinal axis therein. The spacer block including a front surface, an opposing rear surface, a lower surface, and a first side surface and a second side surface opposite the first side surface. The spacer block also has a thickness extending from the front surface to the rear surface, with the thickness corresponding to a preselected gap between a first board and a second adjacent board as illustrated below, with the first fastener hole in the form of a bore defined by the spacer block.





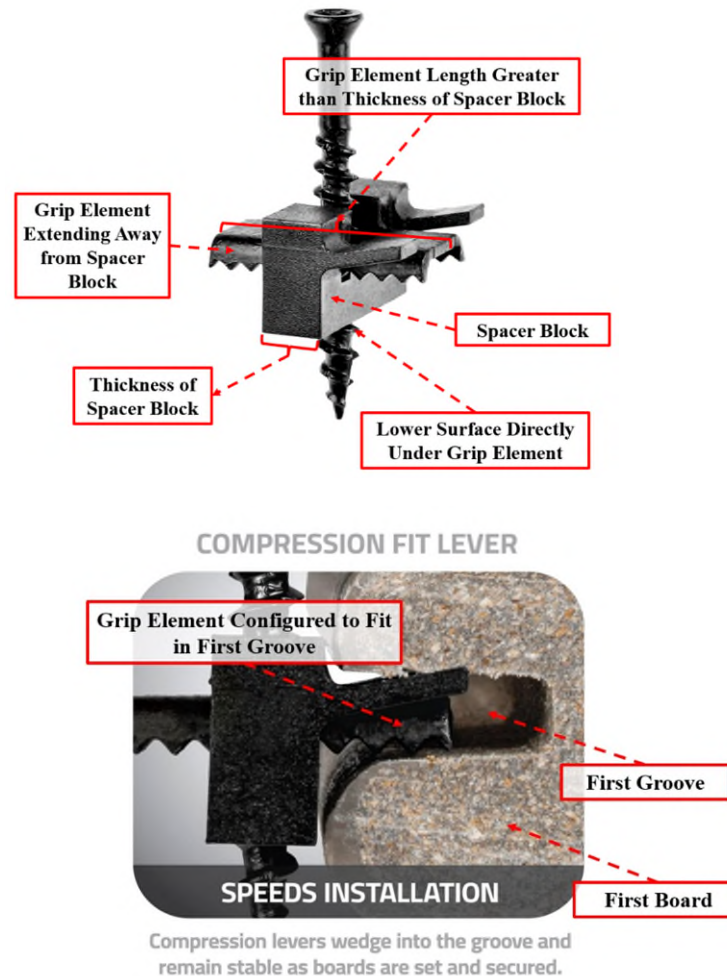
**The grip element is shown removed from spacer block*

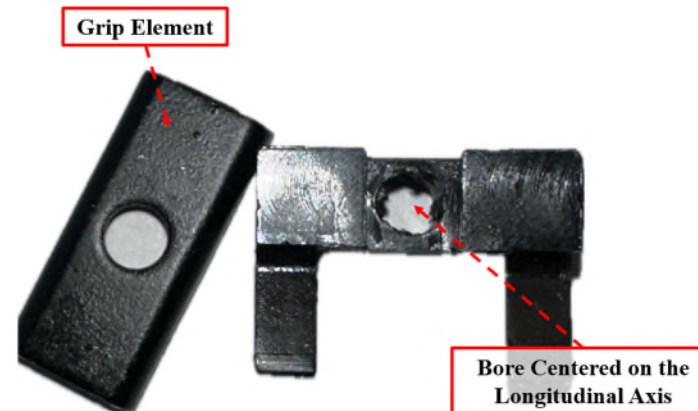
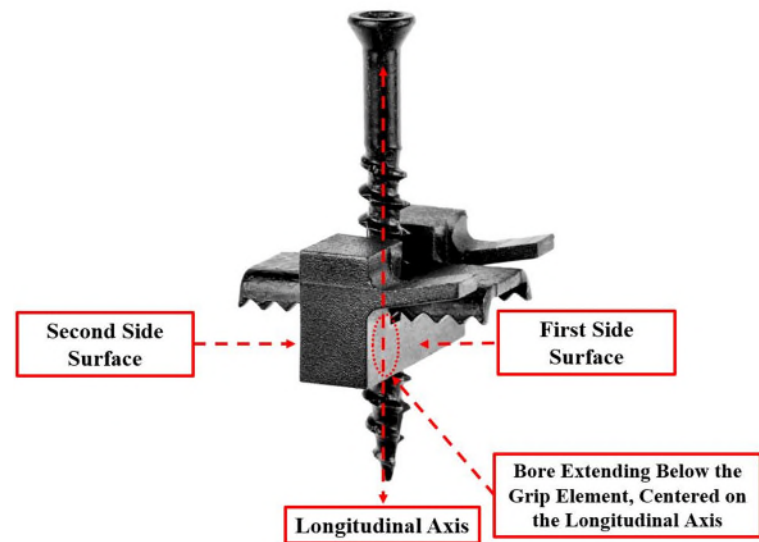




a grip element extending from the spacer block, the grip element configured to fit in a first groove defined by the first board, the grip element including a grip element length, the grip element length being greater than the thickness of the spacer block, the lower surface of the spacer block being directly under the grip element, the bore extending below the grip element to the lower surface of the spacer block, the bore being centered on the longitudinal axis between the first side surface and the second side surface; and

The Infringing Product includes a grip element having a length that is greater than the thickness of the spacer block so that the grip element extends outward from the spacer block on a first surface and an opposing second surface of the spacer block, the grip element configured to fit in a first groove defined by the first board:

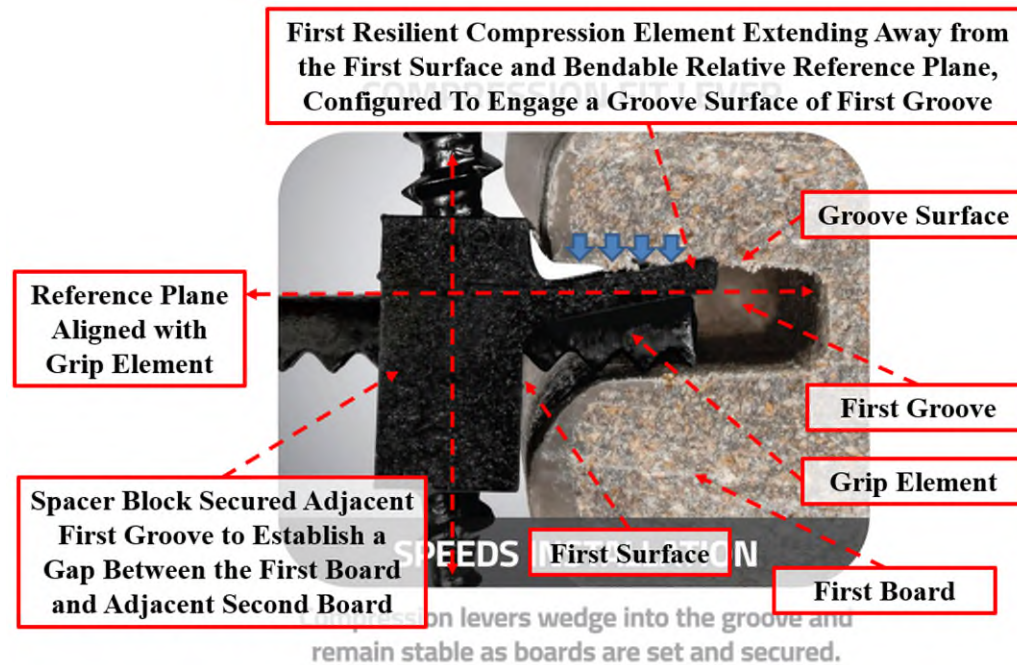




**The grip element is shown removed from spacer block*

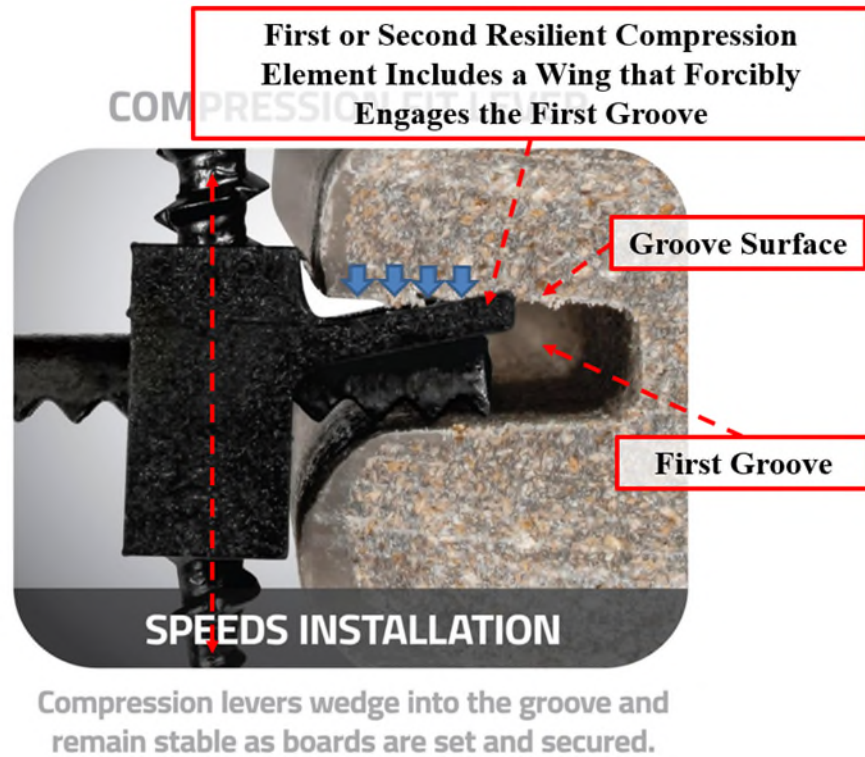
a first resilient compression element and a second resilient compression element extending away from the spacer block in the same direction and adapted to fit within the first groove and to thereby secure the spacer block adjacent the first groove and establish the preselected gap between the first board and the second adjacent board,

The Infringing Product includes a first resilient compression element extending away from the first surface and being bendable relative to a reference plane that is aligned with the grip element. As illustrated below, the first resilient compression element is configured to engage a groove surface of the first groove and secure the spacer block adjacent the first groove to establish a gap between the first board and the adjacent second board.



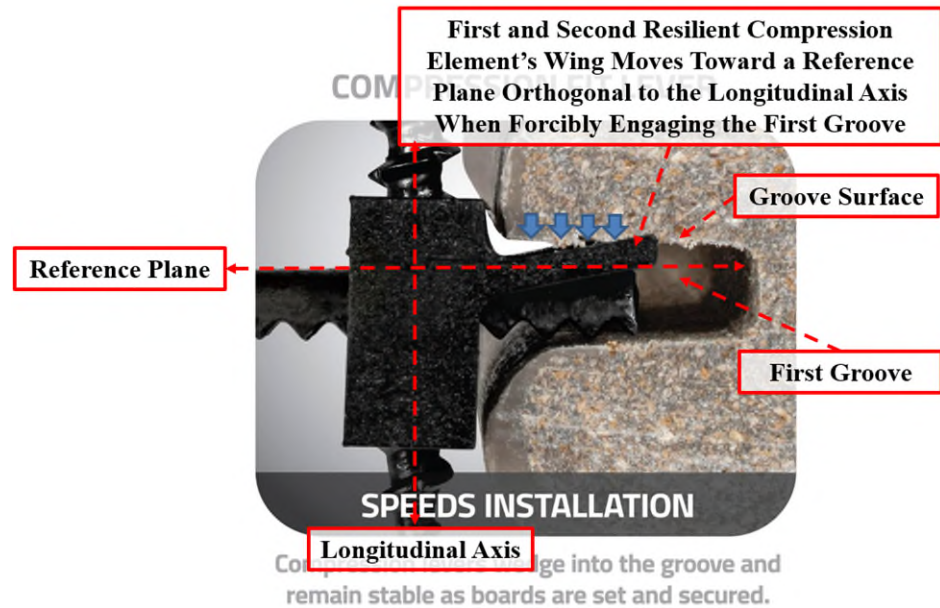
wherein at least one of the first resilient compression element and the second resilient compression element includes a wing that forcibly engages the first groove,

At least one of the Infringing Product's first resilient compression element or second resilient compression element includes a wing that forcibly engages the first groove.



wherein the wing moves toward a reference plane orthogonal to the longitudinal axis when forcibly engaging the first groove,

The Infringing Product's wing of the first resilient compression element or second resilient compression moves toward a reference plane orthogonal to the longitudinal axis when forcibly engaging the first groove.



wherein the spacer block is in the form of a monolithic plastic block that extends directly downward under the grip element and includes a lower portion that extends to the lower surface,

The Infringing Product's spacer block is in the form of a monolithic plastic block that extends directly downward under the grip element and includes a lower portion that extends to the lower surface.

Spacer Block in the Form of a Monolithic Plastic Block that Extends Downward Under the Grip Element and includes Lower Portion

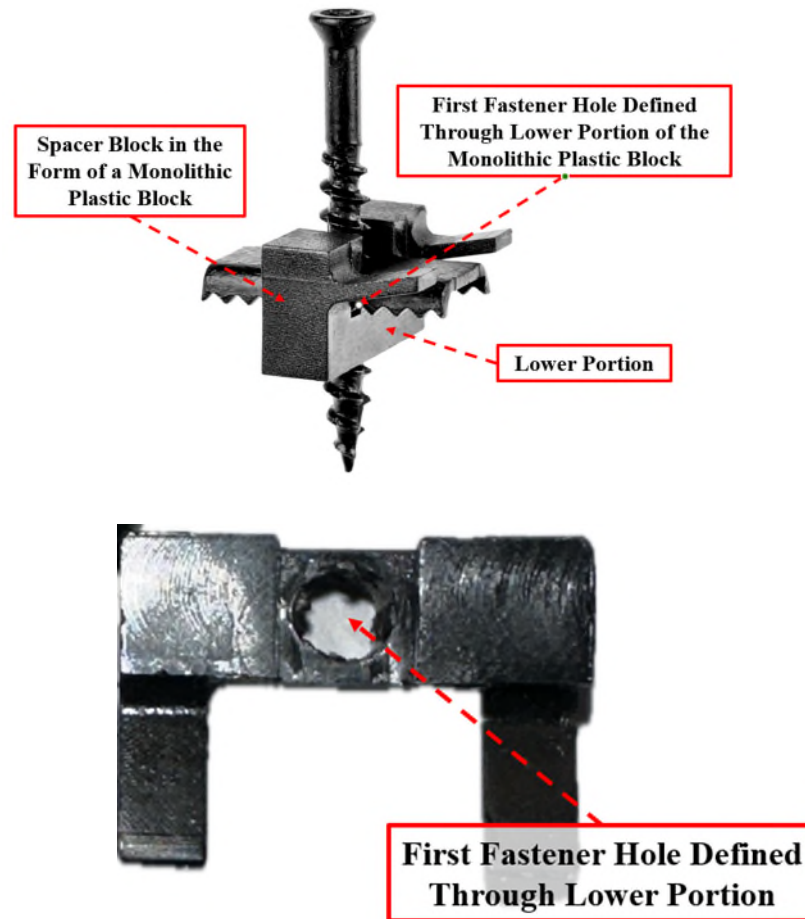
Grip Element

Lower Surface

Lower Portion of Spacer Block Extend to Lower Surface

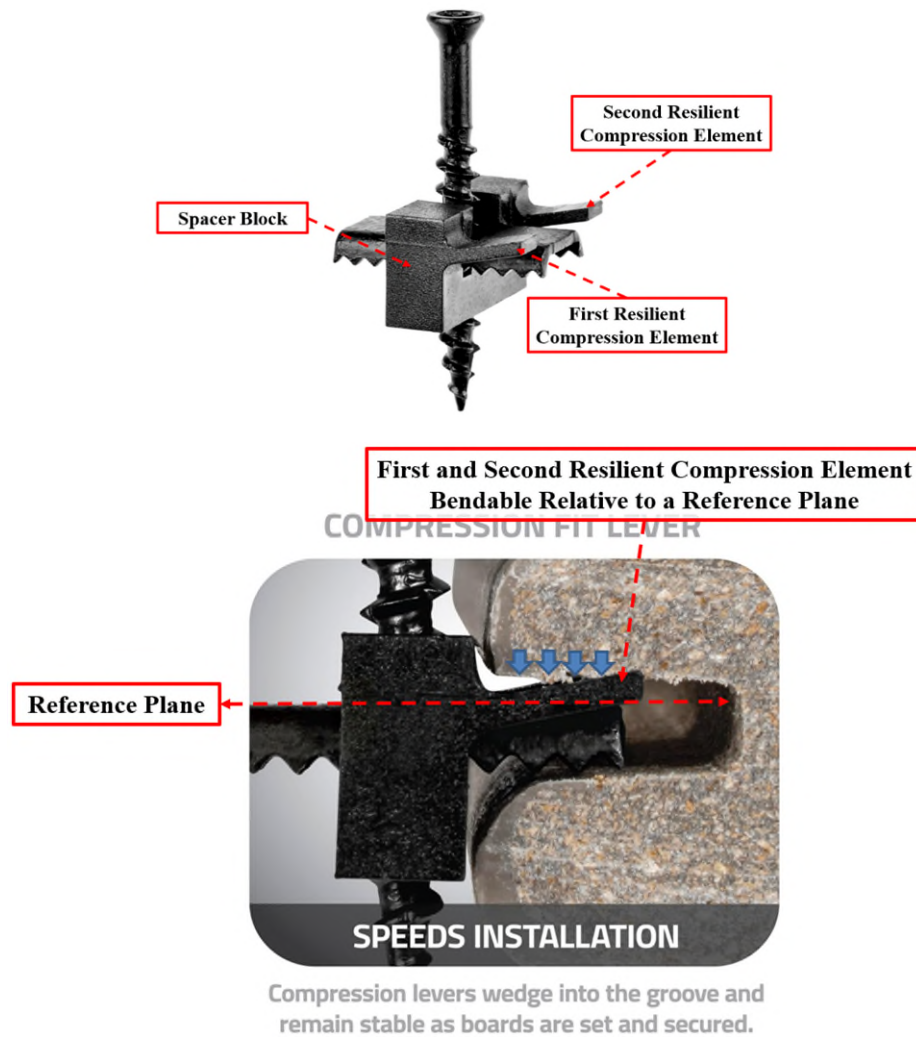
wherein the first fastener hole is defined through the lower portion of the monolithic plastic block.

The Infringing Product's first fastener hole is defined through the lower portion of the monolithic plastic block.



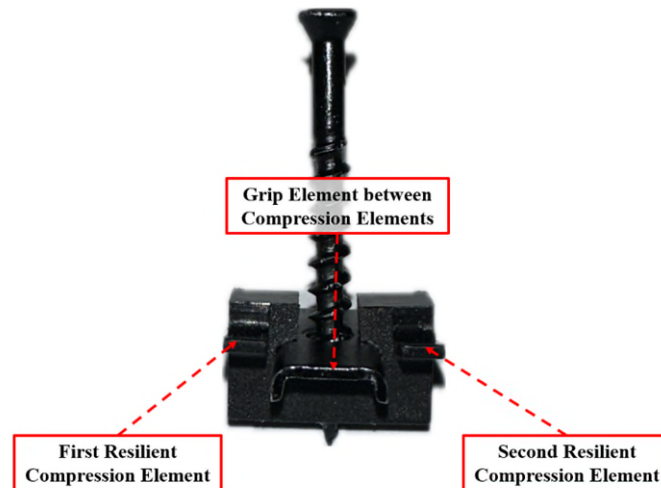
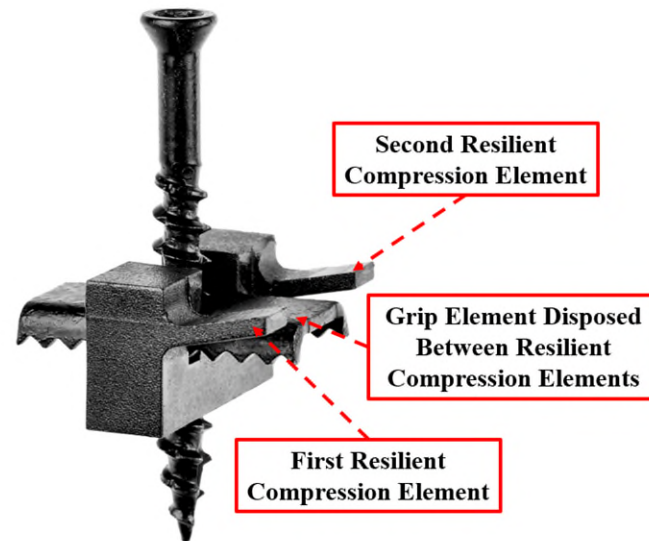
**The grip element is removed from spacer block*

4. The fastener unit of claim 1, wherein the first resilient compression element and the second resilient compression element extend from the spacer block and are each bendable relative to the reference plane,



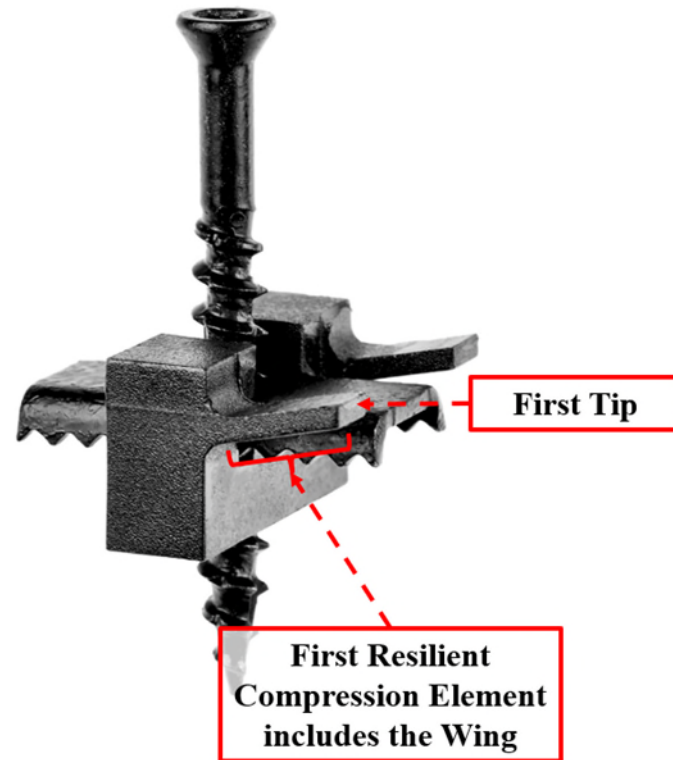
wherein the grip element is disposed between the first resilient compression element and the second resilient compression element.

The grip element of the Infringing Product is disposed between the first resilient compression element and the second resilient compression element.



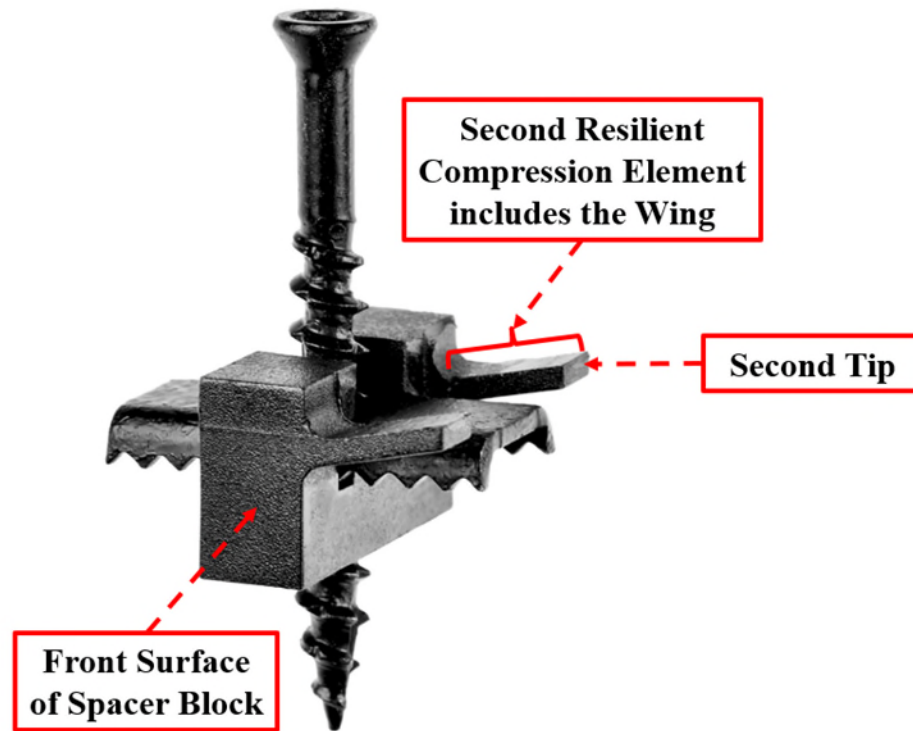
5. The fastener unit of claim 1, wherein the first resilient compression element includes the wing, which is a first wing extending to a first tip,

The Infringing Product's first resilient compression element includes the wing, which is a first wing extending to a first tip.



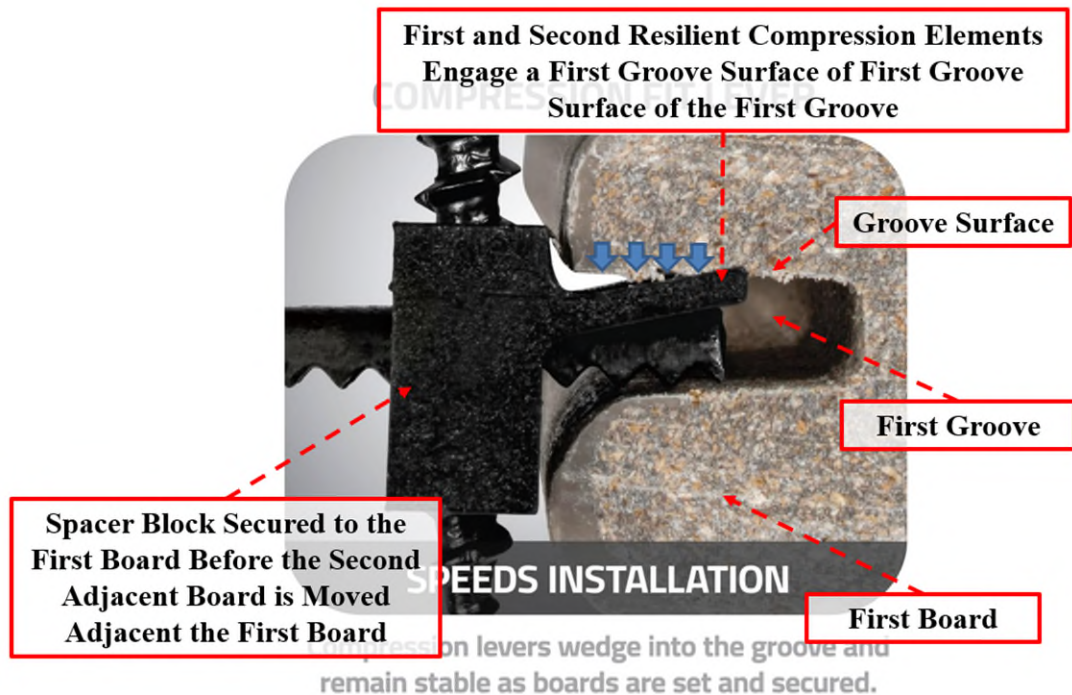
wherein the second resilient compression element includes a second wing extending to a second tip distal from the first tip and disposed forward of the front surface of the spacer block.

The Infringing Product's second resilient compression element includes a second wing extending to a second tip distal from the first tip and disposed forward of the front surface of the spacer block.



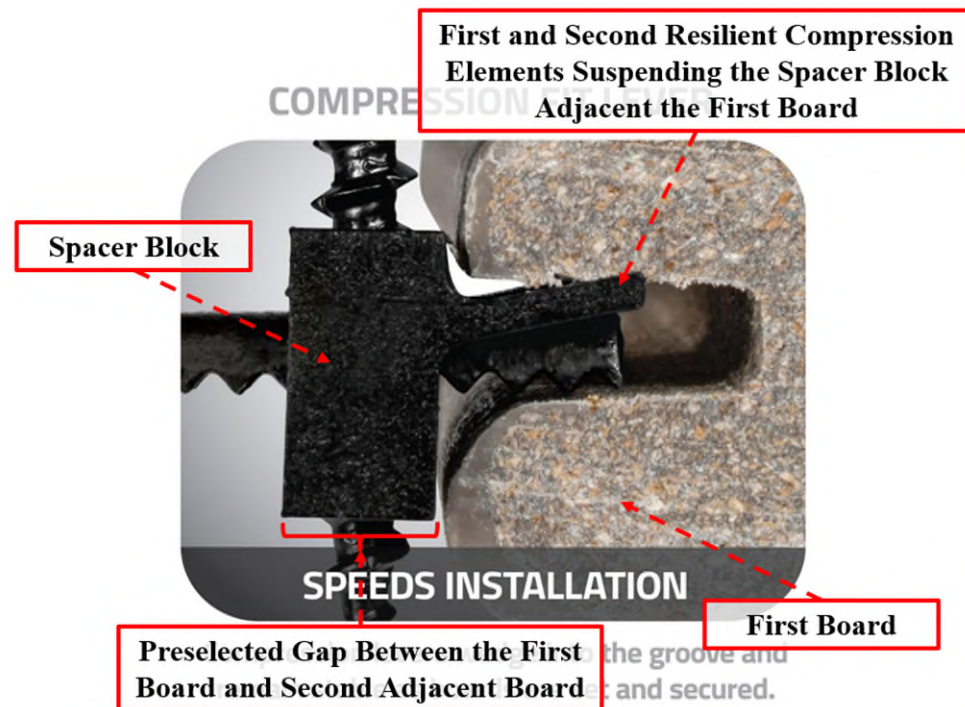
7. The fastener unit of claim 1, wherein the first resilient compression element and the second resilient compression element engage a first groove surface of the first groove and suspend the spacer block adjacent the first groove, with the spacer block thereby secured to the first board, before the second adjacent board is moved adjacent the first board,

The Infringing Product's first resilient compression element and the second resilient compression element engage a first groove surface of the first groove and suspend the spacer block adjacent the first groove, with the spacer block thereby secured to the first board, before the second adjacent board is moved adjacent the first board.



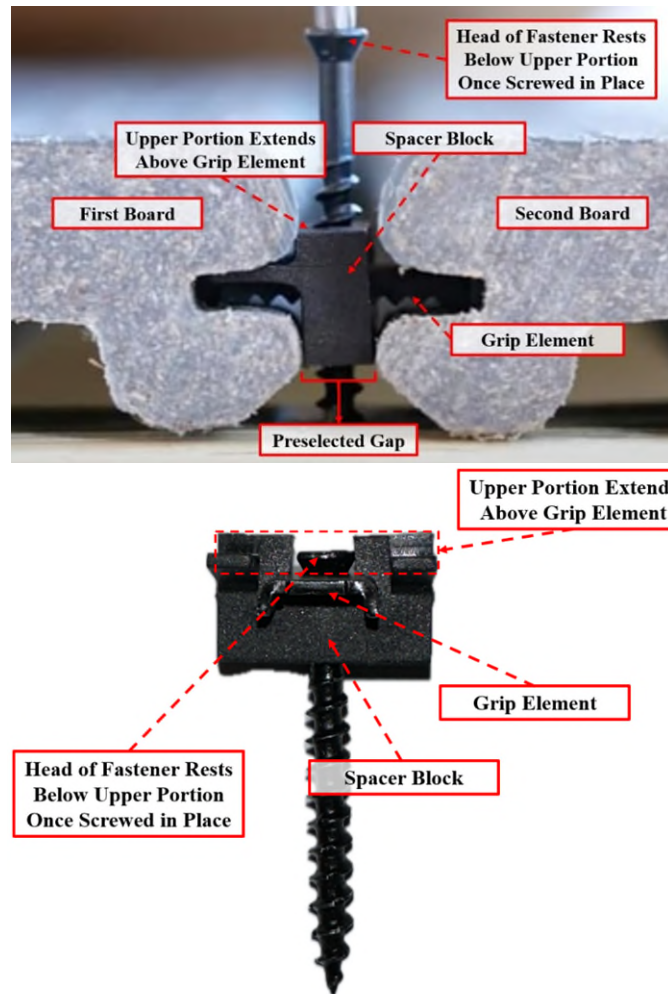
wherein the first resilient compression element and the second resilient compression element suspending the spacer block adjacent the first board establishes with the spacer block the preselected gap between the first board and the second adjacent board when the second adjacent board is moved adjacent the first board.

The Infringing Product's first resilient compression element and the second resilient compression element suspending the spacer block adjacent the first board establishes with the spacer block the preselected gap between the first board and the second adjacent board when the second adjacent board is moved adjacent the first board.



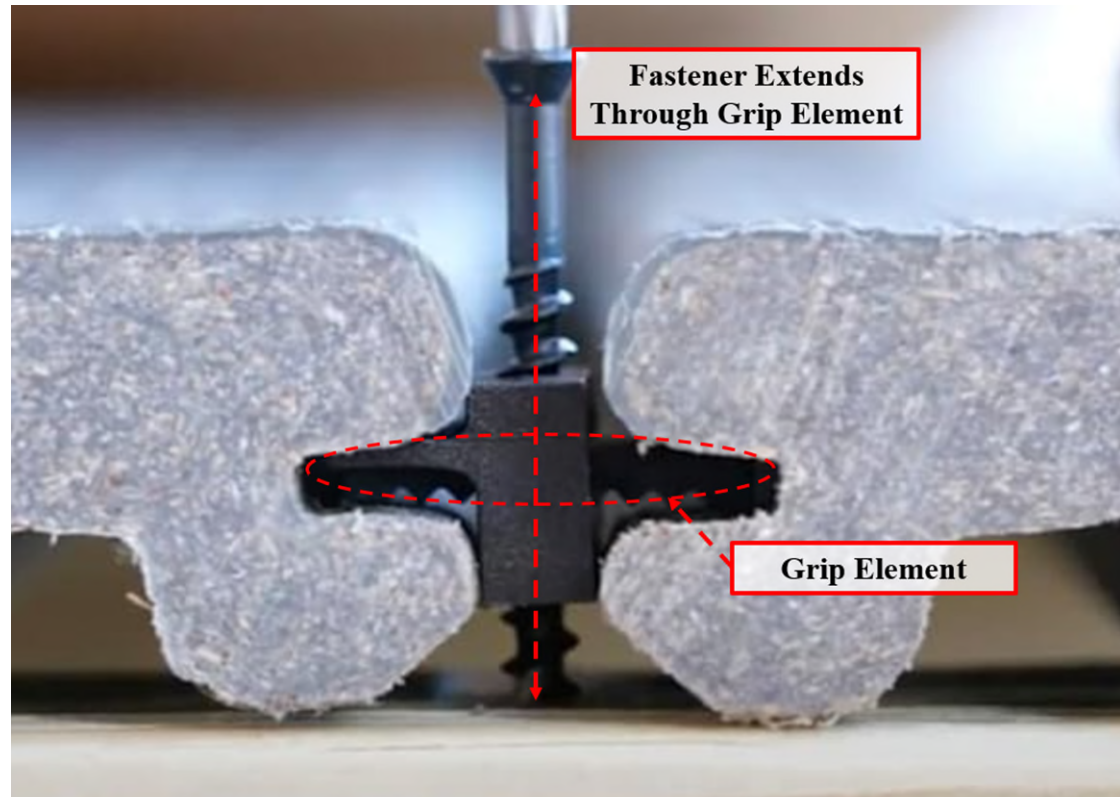
8. The fastener unit of claim 1, wherein the spacer block includes an upper portion that extends above the grip element and above a head of the fastener after the fastener unit establishes the preselected gap between the first board and the second adjacent board.

The Infringing Product's spacer block includes an upper portion that extends above the grip element and above a head of the fastener after the fastener unit establishes the preselected gap between the first board and the second adjacent board.



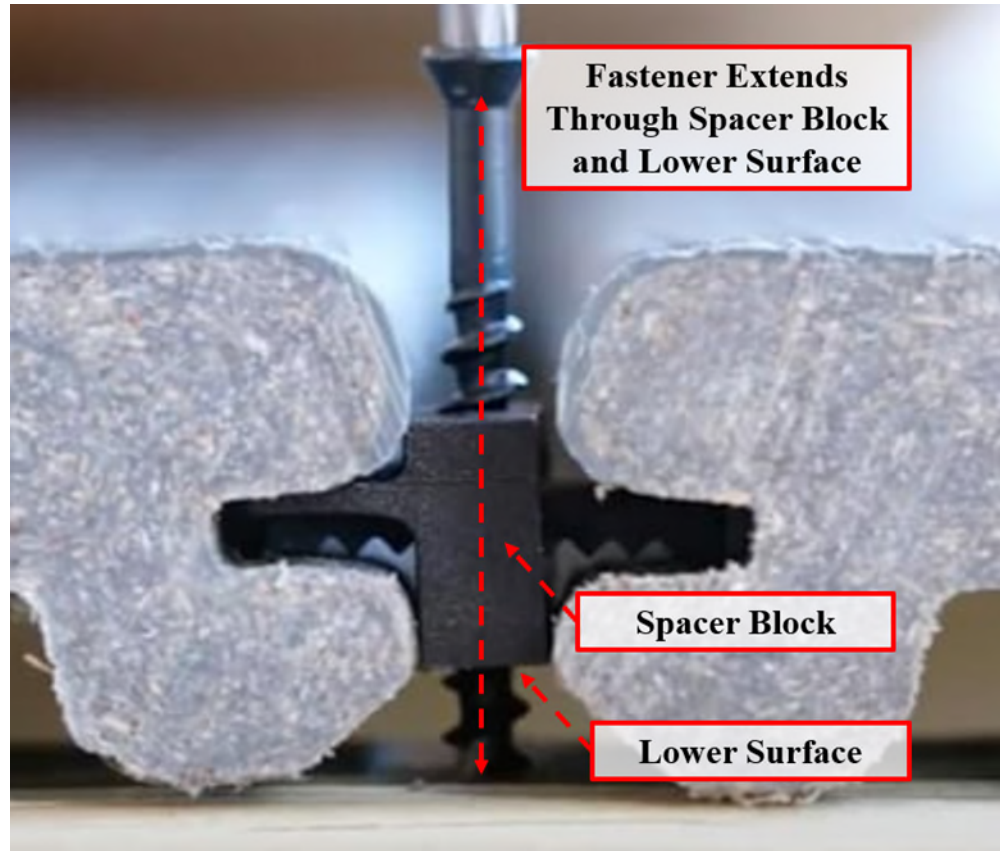
9. The fastener unit of claim 1,
wherein the fastener extends through
the grip element,

The fastener of the Infringing Product extends through the grip element.



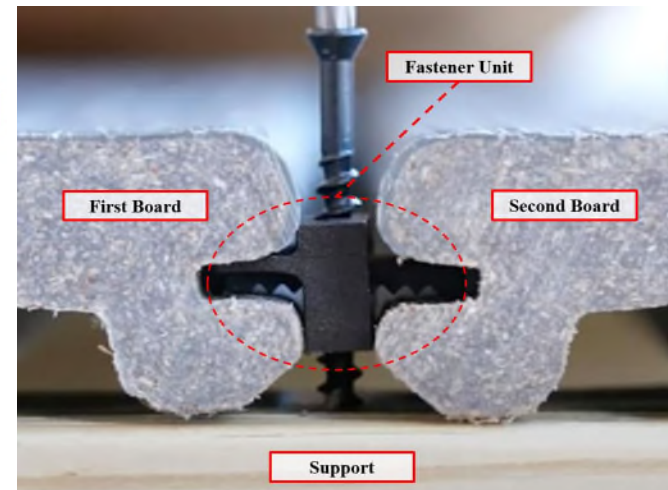
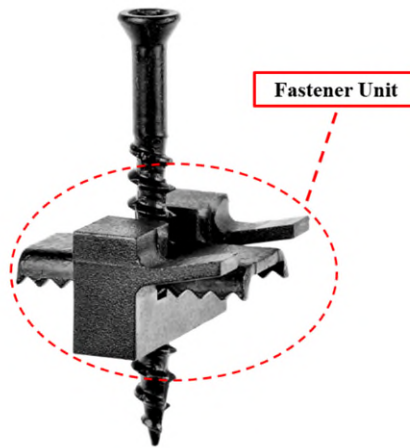
wherein the fastener extends through the spacer block and through the lower surface.

The fastener of the Infringing Product extends through the spacer block and through the lower surface.



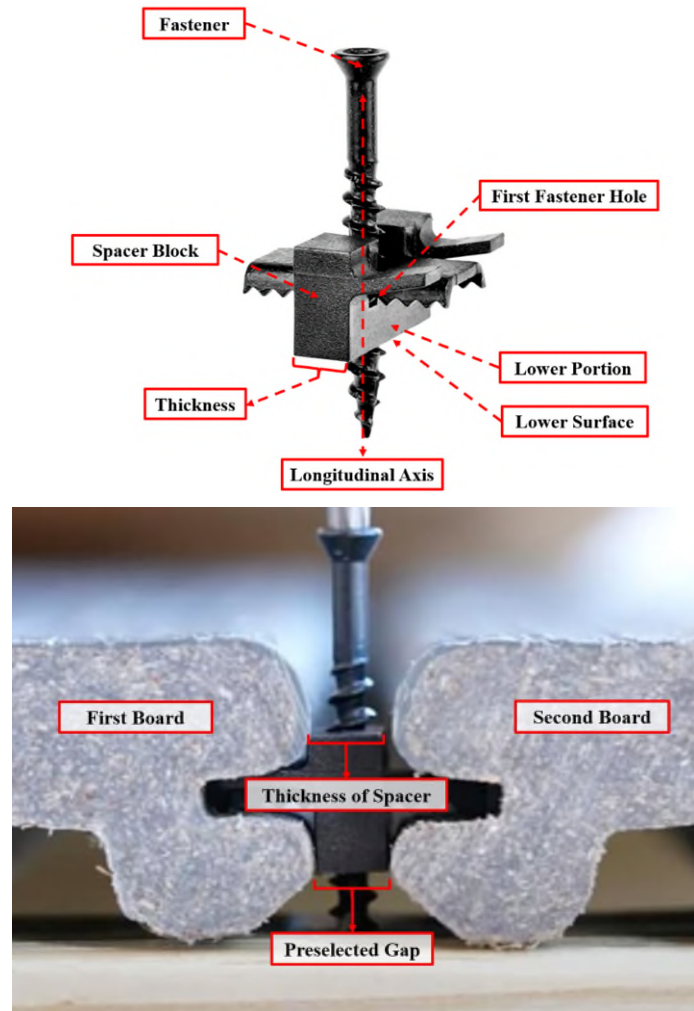
10. A fastener unit adapted to secure at least one board to a support, the fastener unit comprising:

The Infringing Product contains a fastener unit adapted to secure at least one board to a support.



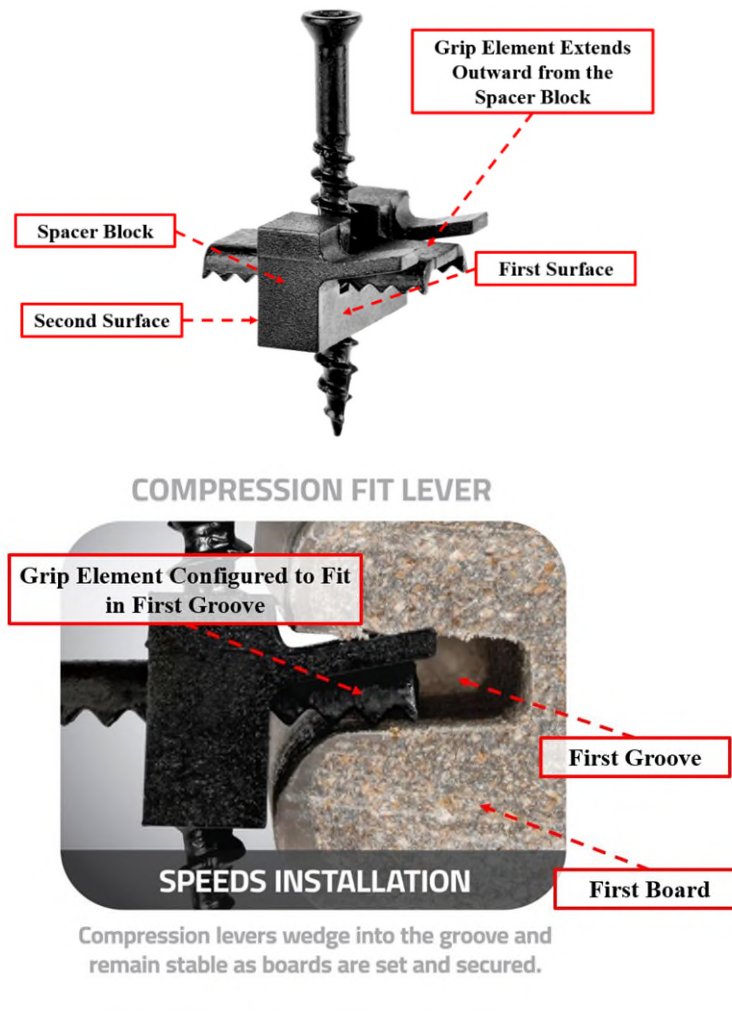
a spacer block including a lower portion bounded by a lower surface, the spacer block defining a first fastener hole receiving a fastener therein, the first fastener hole defining a longitudinal axis, the spacer block having a thickness corresponding to a preselected gap between a first board and an adjacent second board;

The Infringing Product's spacer block includes a lower portion bounded by a lower surface, the spacer block defining a first fastener hole receiving a fastener therein, the first fastener hole defining a longitudinal axis, the spacer block having a thickness corresponding to a preselected gap between a first board and an adjacent second board.



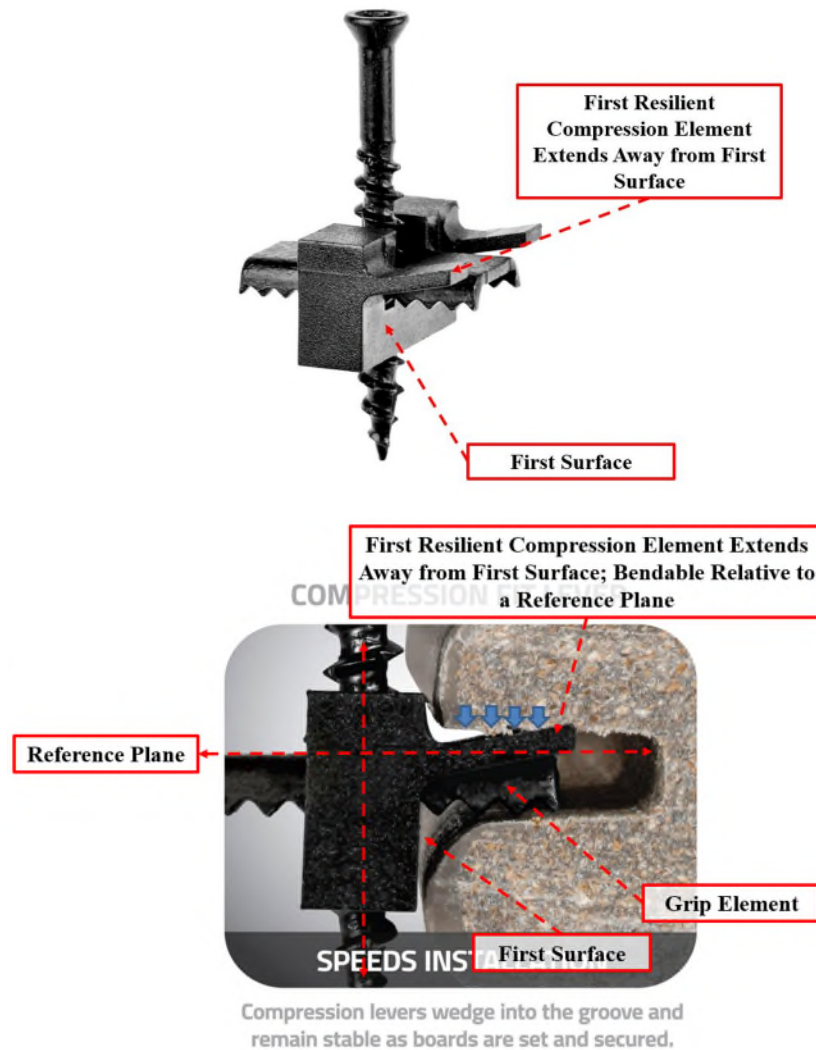
a grip element extending outward from the spacer block on a first surface and an opposing second surface of the spacer block, the grip element configured to fit in a first groove defined by the first board; and

The Infringing Product's grip element extends outward from the spacer block on a first surface and an opposing second surface of the spacer block, the grip element configured to fit in a first groove defined by the first board.



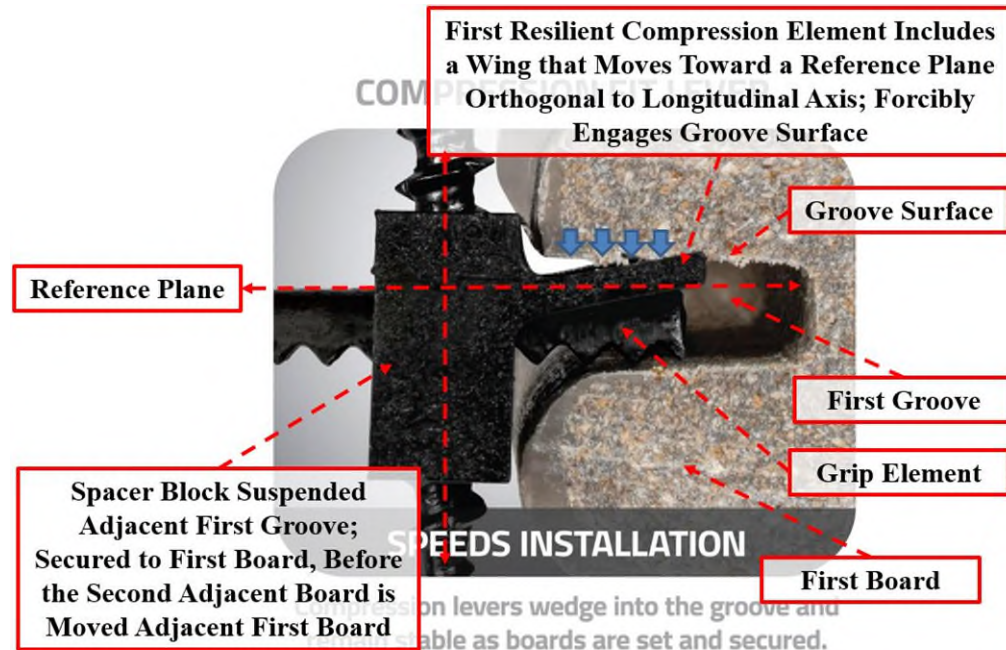
a first resilient compression element extending away from the first surface and being bendable relative to a reference plane that is aligned with the grip element,

The Infringing Product's first resilient compression element extends away from the first surface and being bendable relative to a reference plane that is aligned with the grip element.



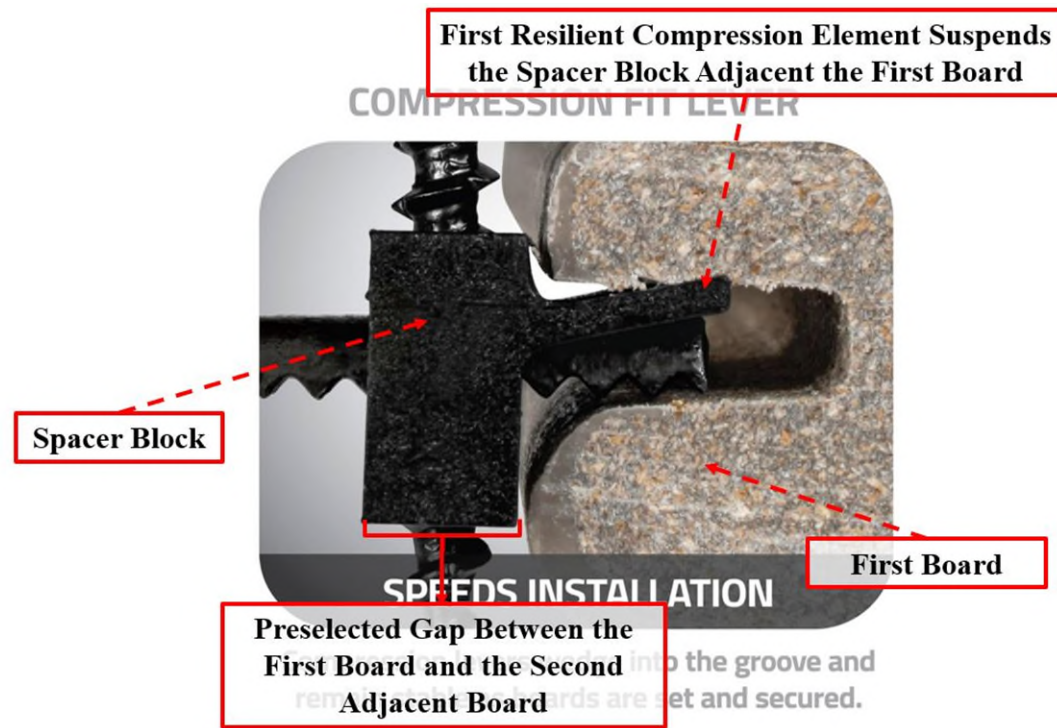
wherein the first resilient compression element includes a wing that moves toward a reference plane orthogonal to the longitudinal axis, and forcibly engages a groove surface of the first groove to suspend the spacer block adjacent the first groove, with the spacer block thereby secured to the first board, before the second adjacent board is moved adjacent the first board,

The Infringing Product's first resilient compression element includes a wing that moves toward a reference plane orthogonal to the longitudinal axis, and forcibly engages a groove surface of the first groove to suspend the spacer block adjacent the first groove, with the spacer block thereby secured to the first board, before the second adjacent board is moved adjacent the first board.



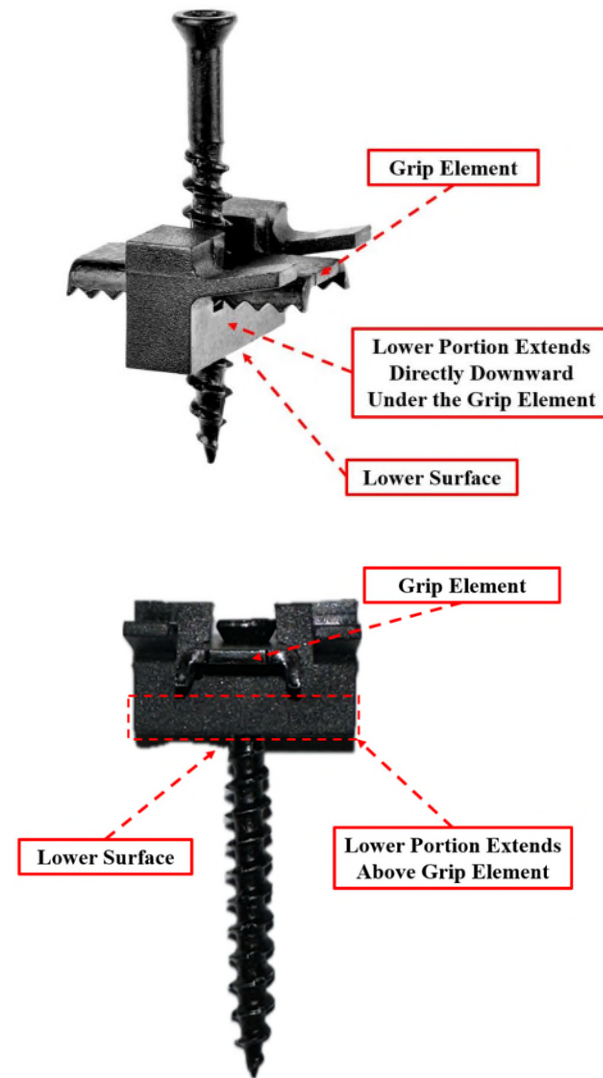
wherein the first resilient compression element suspending the spacer block adjacent the first board establishes with the spacer block the preselected gap between the first board and the second adjacent board when the second adjacent board is moved adjacent the first board,

The Infringing Product's first resilient compression element suspending the spacer block adjacent the first board establishes with the spacer block the preselected gap between the first board and the second adjacent board when the second adjacent board is moved adjacent the first board.



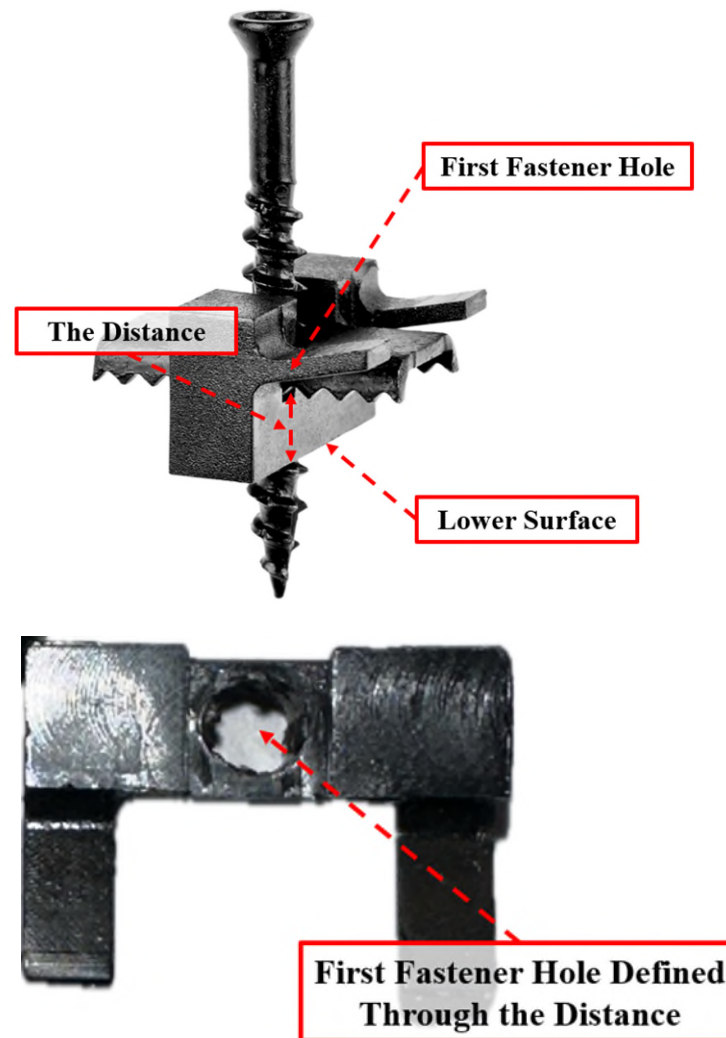
wherein the lower portion extends directly downward under the grip element a distance to the lower surface located directly below the grip element,

The Infringing Product's lower portion extends directly downward under the grip element a distance to the lower surface located directly below the grip element.

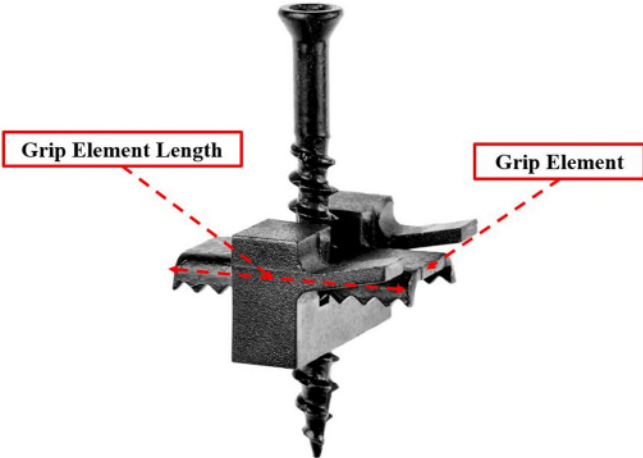
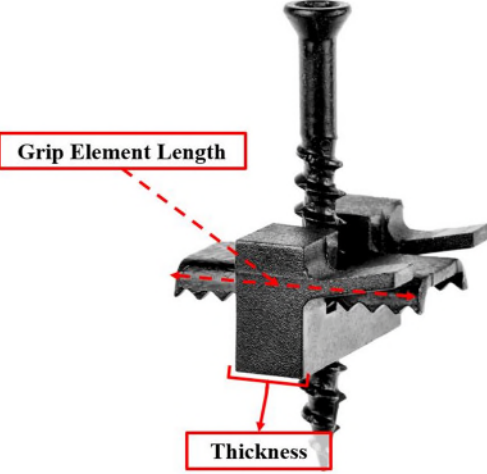


wherein a first fastener hole is defined through the distance and bounded by a sidewall for the distance to the lower surface,

The spacer block of the Infringing Product's first fastener hole is defined through the distance and bounded by a sidewall for the distance to the lower surface.

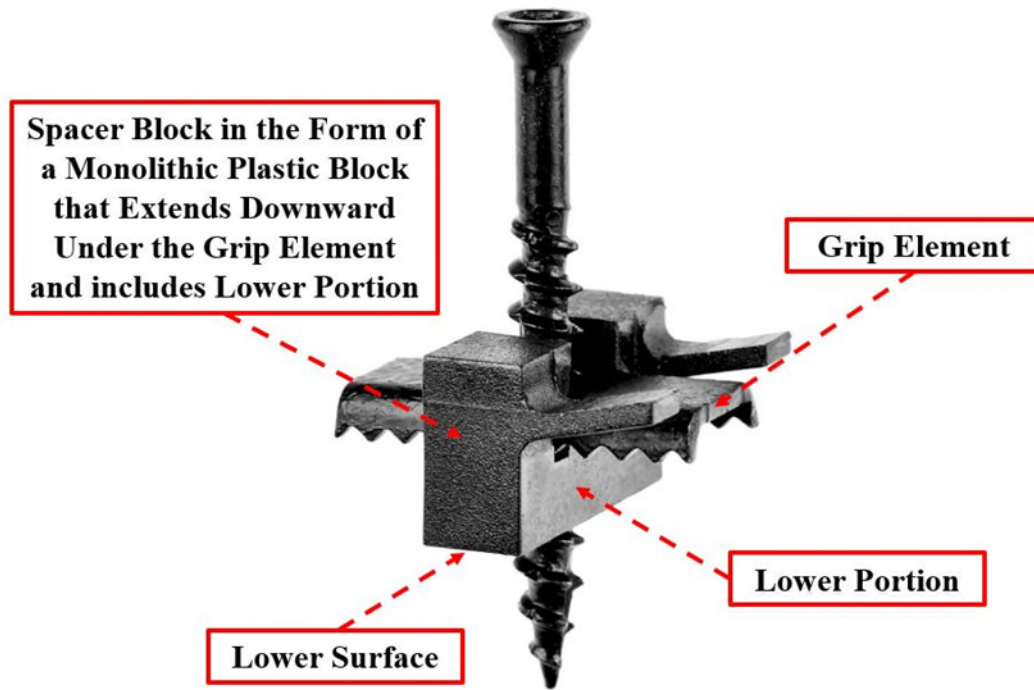


**The grip element is removed from spacer block*

wherein the grip element includes a grip element length,	The Infringing Product's grip element includes a grip element length.  The diagram shows a black mechanical component, likely a drill bit or screwdriver handle, with a central shaft and a flared base. A red dashed line with arrows at both ends spans the width of the base, labeled 'Grip Element Length'. Another red dashed line with arrows at both ends points to the base itself, labeled 'Grip Element'.
wherein the grip element length is greater than the thickness,	The Infringing Product's grip element length is greater than the thickness.  The diagram shows the same black mechanical component as above. A red dashed line with arrows at both ends spans the width of the base, labeled 'Grip Element Length'. A red solid line with arrows at both ends points to the thickness of the base, labeled 'Thickness'.

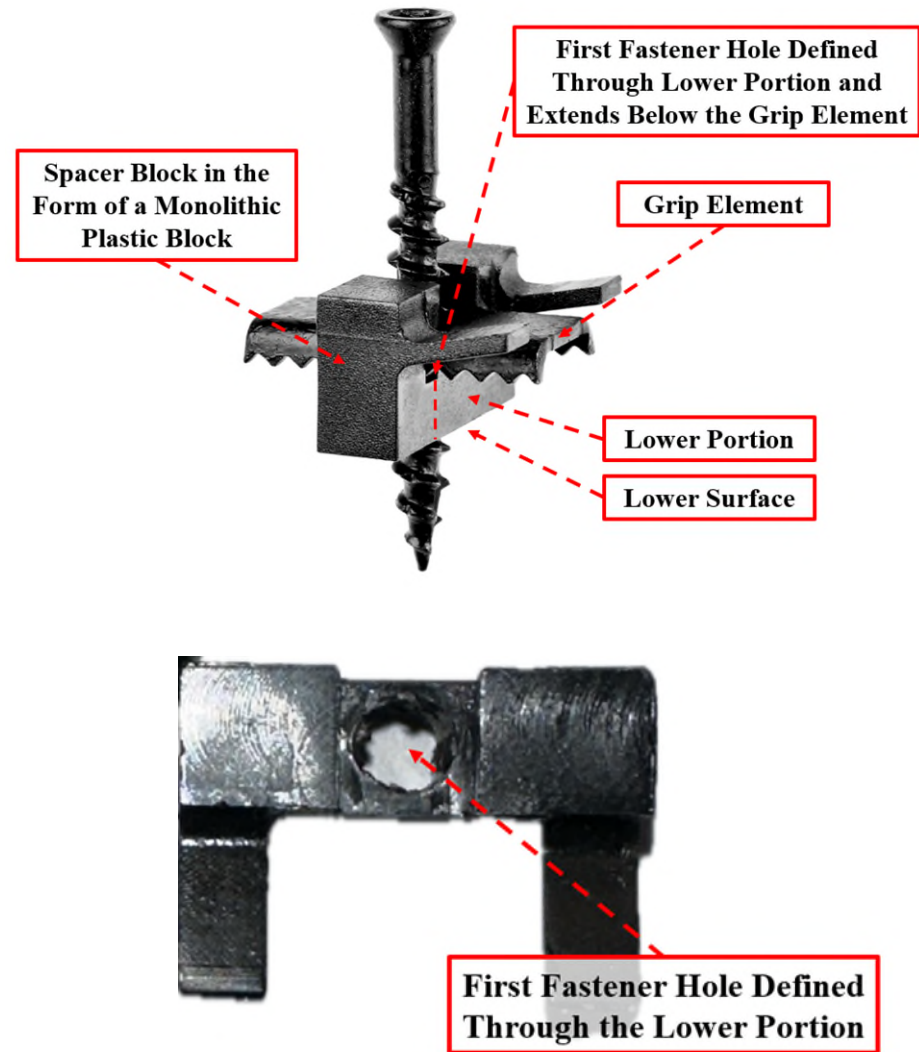
wherein the spacer block is in the form of a monolithic plastic block that extends directly downward under the grip element and includes the lower portion that extends to the lower surface,

The spacer block is in the form of a monolithic plastic block that extends directly downward under the grip element and includes the lower portion that extends to the lower surface.



wherein the first fastener hole is defined through the lower portion of the monolithic plastic block to the lower surface and extends below the grip element.

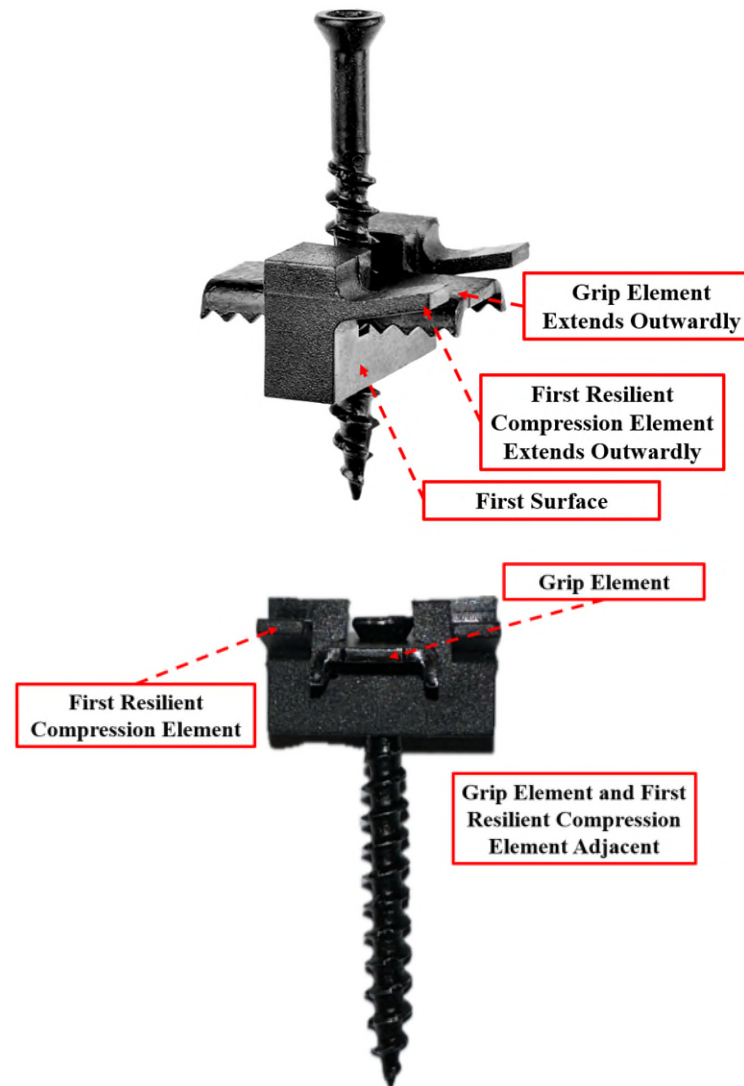
The Infringing Product's first fastener hole is defined through the lower portion of the monolithic plastic block to the lower surface and extends below the grip element.



**The grip element is removed from spacer block*

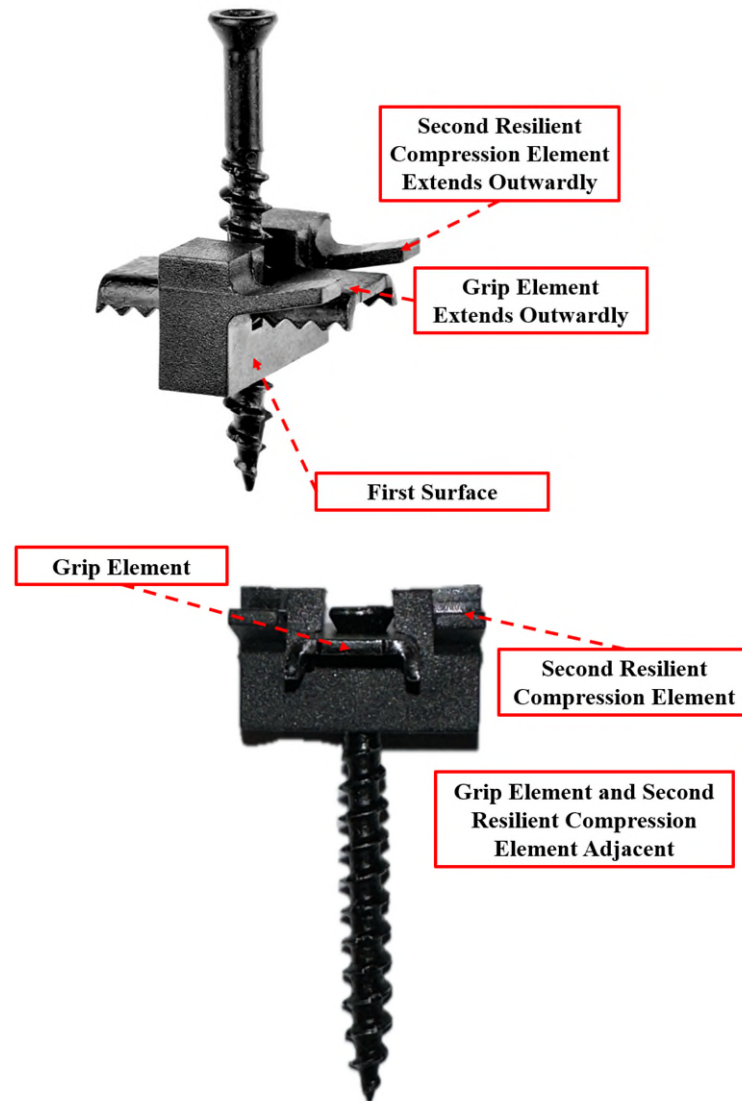
11. The fastener unit of claim 10, wherein the first resilient compression element and the grip element extend outwardly adjacent one another from the first surface,

The Infinging Product's first resilient compression element and the grip element extend outwardly adjacent one another from the first surface.



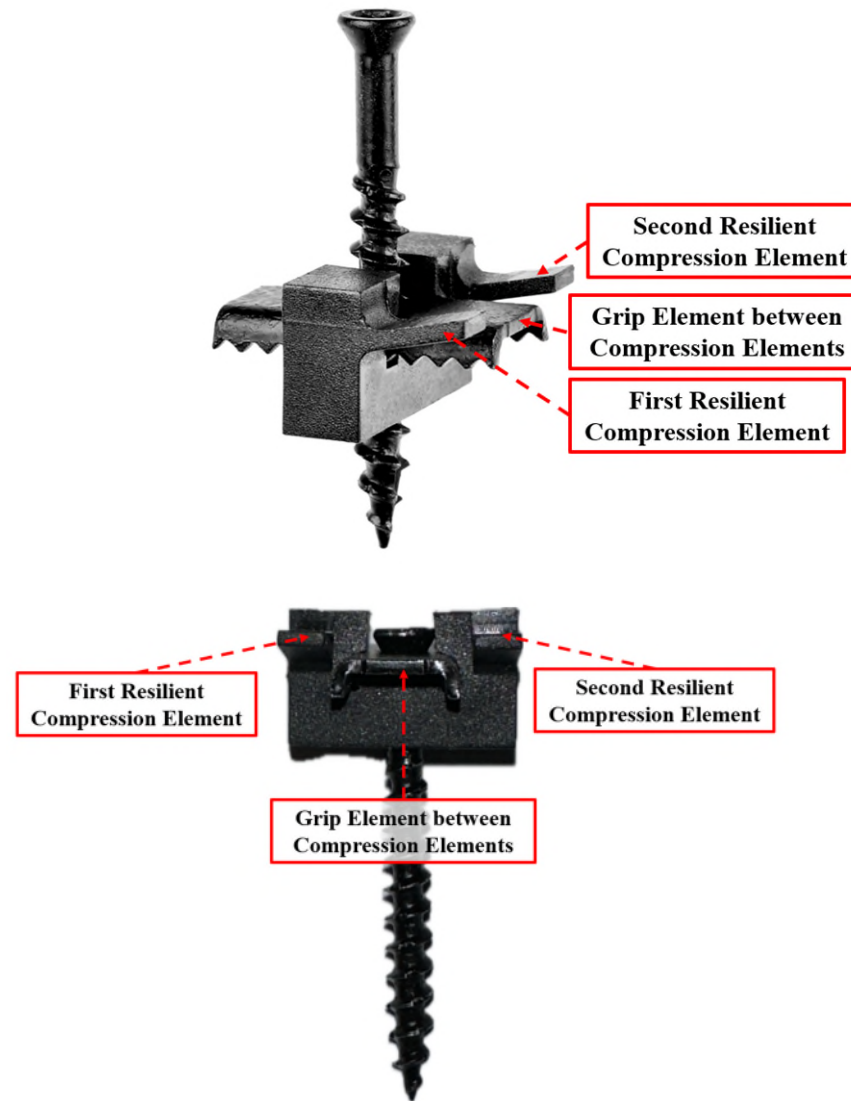
wherein a second resilient compression element extends outwardly adjacent the grip element from the first surface,

The Infinging Product's second resilient compression element extends outwardly adjacent the grip element from the first surface.



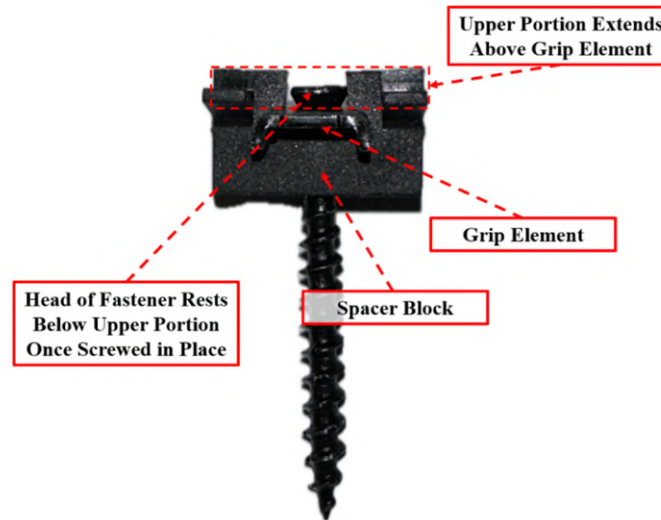
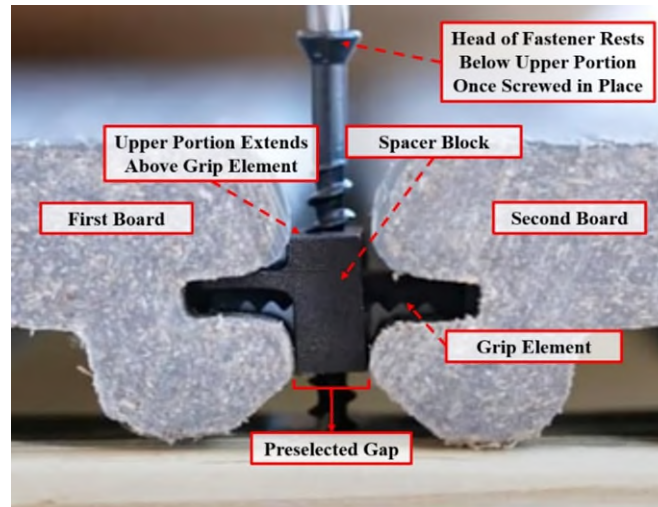
wherein the grip element extends between the first resilient compression element and the second resilient compression element.

The Infringing Product's grip element extends between the first resilient compression element and the second resilient compression element.



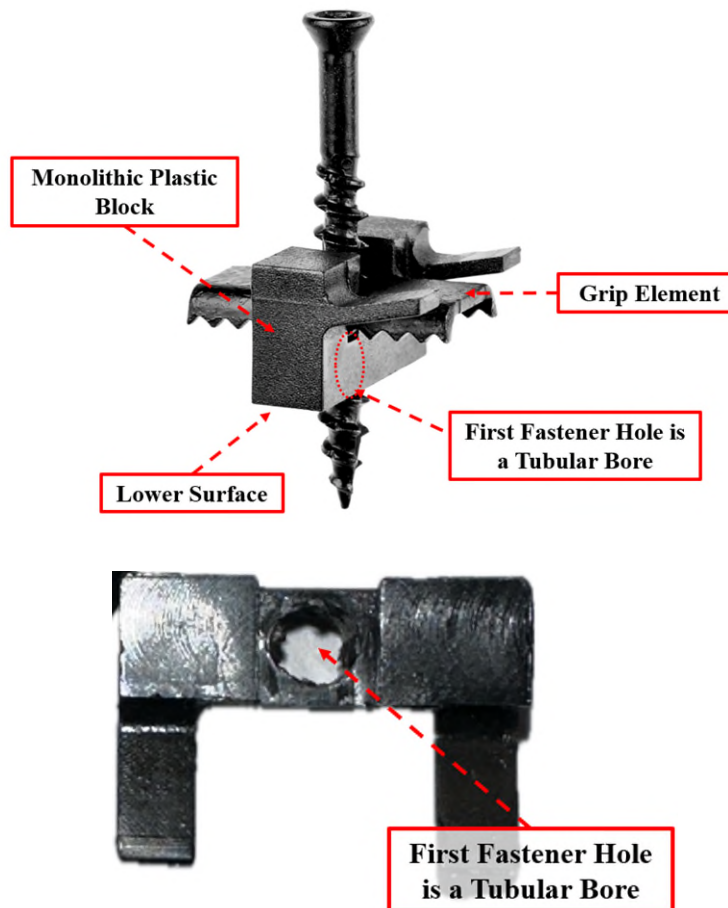
15. The fastener unit of claim 10, wherein the spacer block includes an upper portion that extends above the grip element and above a head of the fastener after the fastener unit establishes the preselected gap between the first board and the second adjacent board,

The Infringing Product's spacer block includes an upper portion that extends above the grip element and above a head of the fastener after the fastener unit establishes the preselected gap between the first board and the second adjacent board.



wherein the first fastener hole is a tubular bore extending under the grip element within the monolithic plastic block all the way to the lower surface.

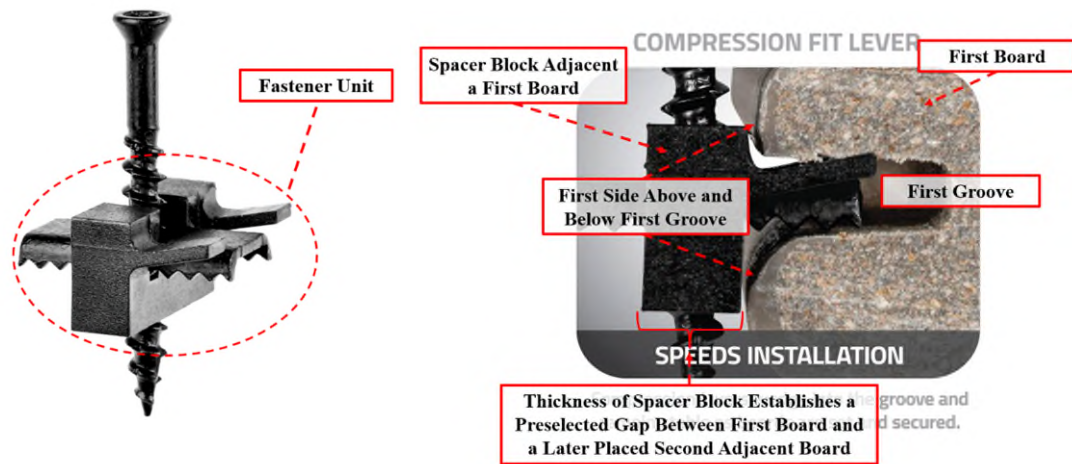
The Infringing Product's first fastener hole is a tubular bore extending under the grip element within the monolithic plastic block all the way to the lower surface.



**The grip element is removed from spacer block*

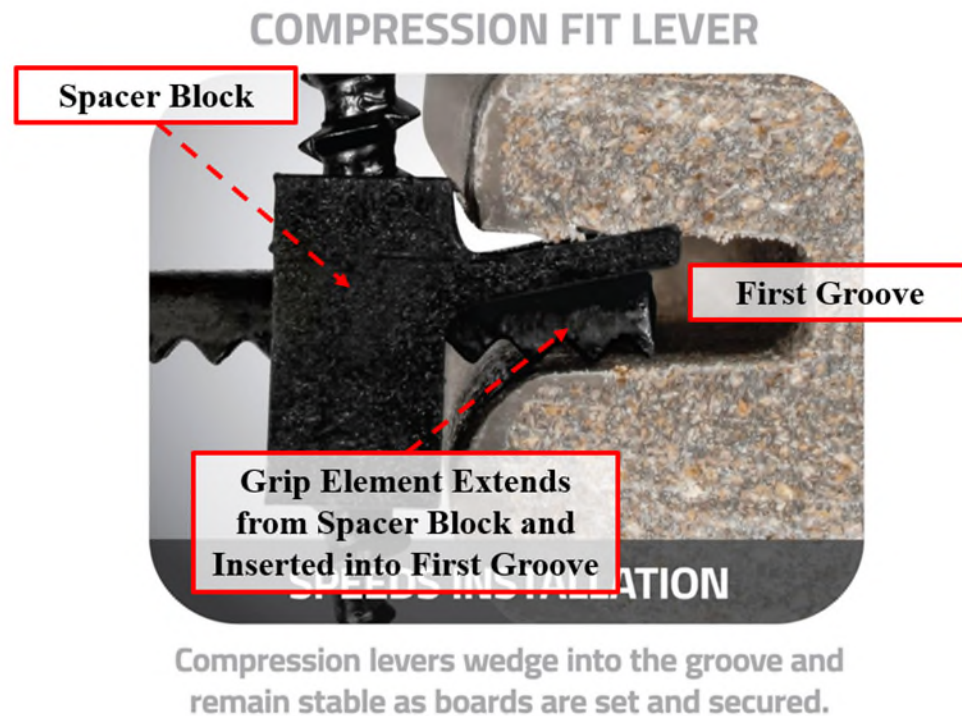
16. A method of using a fastener unit, the method comprising: placing a spacer block adjacent a first board so that the spacer block engages a first side surface defining a first groove in the first board so that a thickness of the spacer block is positioned to establish a preselected gap between the first board and a later placed adjacent second board;

The Infringing Product's method includes using a fastener unit, including placing a spacer block adjacent a first board so that the spacer block engages a first side surface defining a first groove in the first board so that a thickness of the spacer block is positioned to establish a preselected gap between the first board and a later placed adjacent second board. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSPiw>).



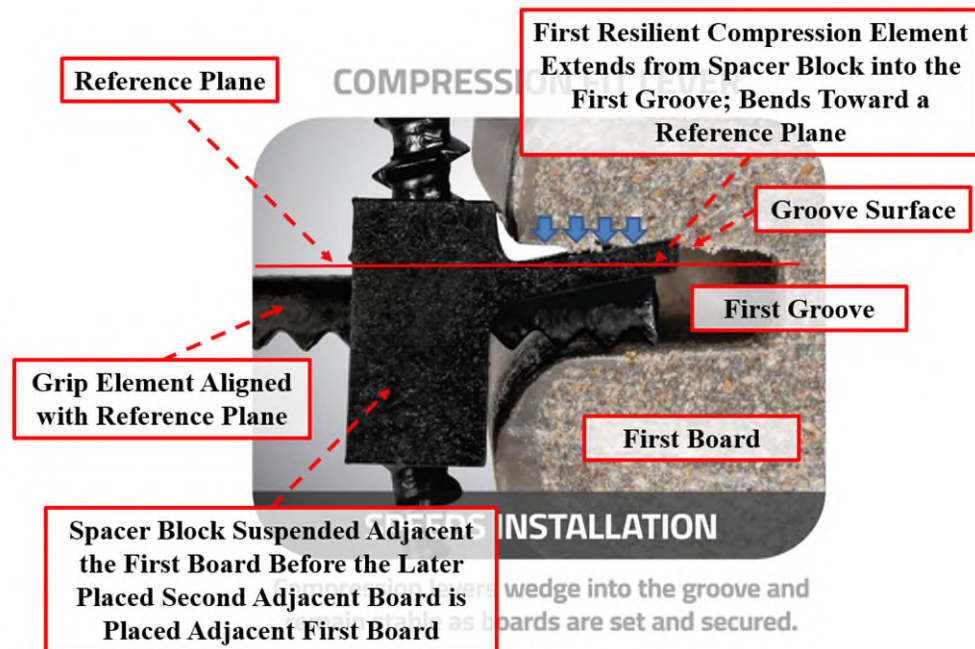
inserting a grip element, which extends from the spacer block, into the first groove;

The Infringing Product's method includes inserting a grip element, which extends from the spacer block, into the first groove. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).



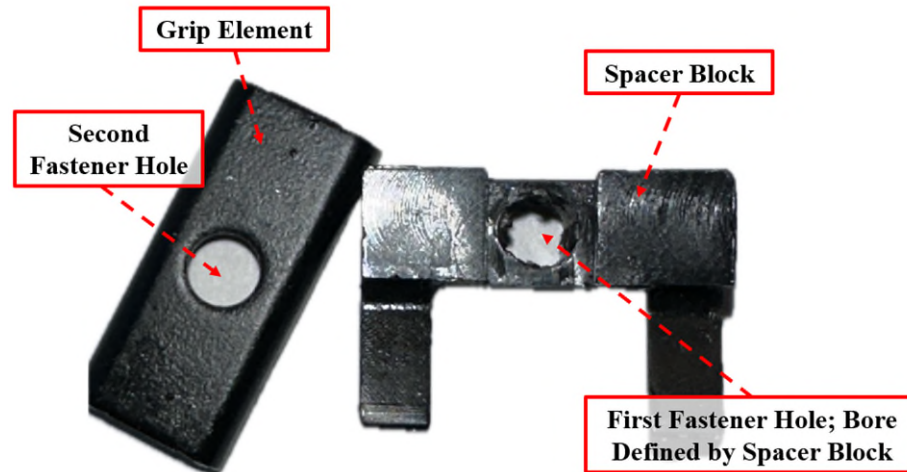
inserting a first resilient compression element, which extends from the spacer block, into the first groove so that the first resilient compression element bends toward a reference plane that is aligned with the grip element, and forcibly engages a first groove surface of the first groove to suspend the spacer block adjacent the first board before the later placed second adjacent board is placed adjacent the first board; and

The Infringing Product's method includes inserting a first resilient compression element, which extends from the spacer block, into the first groove so that the first resilient compression element bends toward a reference plane that is aligned with the grip element, and forcibly engages a first groove surface of the first groove to suspend the spacer block adjacent the first board before the later placed second adjacent board is placed adjacent the first board. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSPiw>).

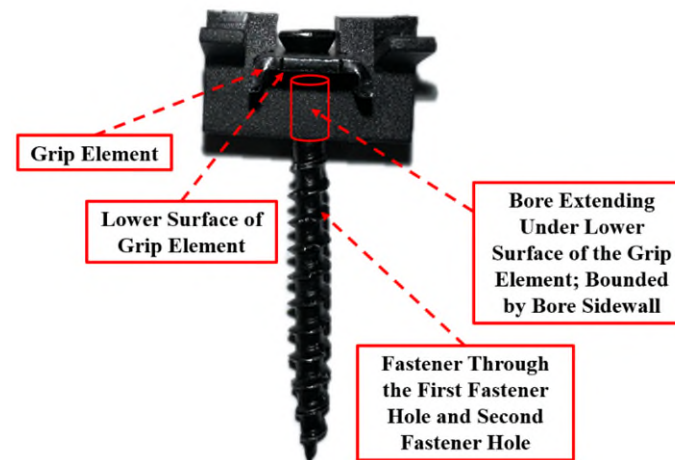


advancing a fastener through the grip element and through the spacer block within a bore defined by the spacer block, the bore extending under a lower surface of the grip element and bounded by a bore sidewall extending under the lower surface of the grip element,

The Infringing Product's method includes advancing a fastener through the grip element and through the spacer block within a bore defined by the spacer block, the bore extending under a lower surface of the grip element and bounded by a bore sidewall extending under the lower surface of the grip element. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpspiw>).

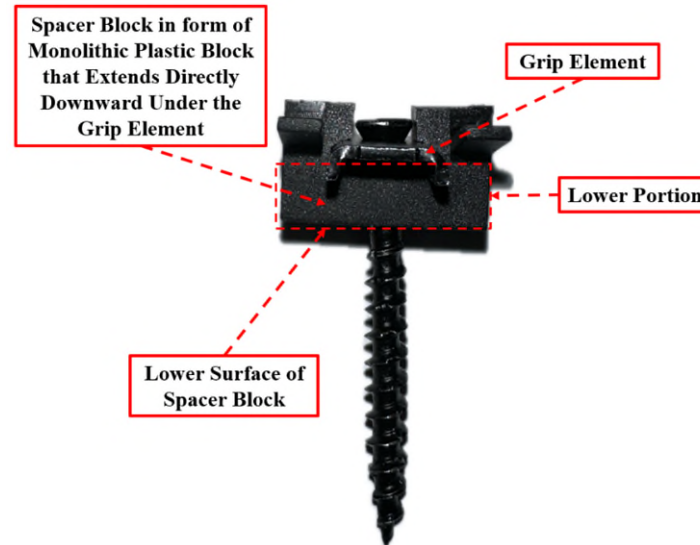


**The grip element is shown removed from spacer block*



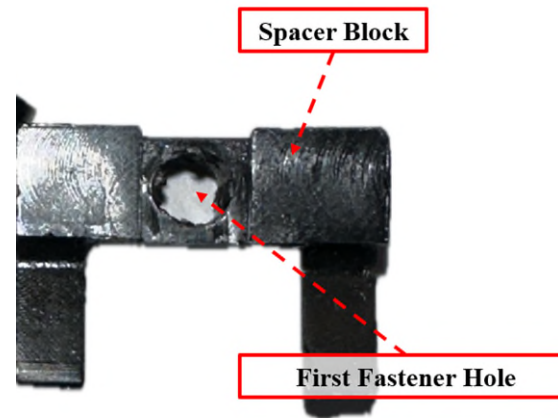
wherein the spacer block is in the form of a monolithic plastic block that extends directly downward under the grip element and includes a lower portion that extends to a lower surface of the spacer block,

The Infringing Product's method includes a spacer block in the form of a monolithic plastic block that extends directly downward under the grip element and includes a lower portion that extends to a lower surface of the spacer block. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).

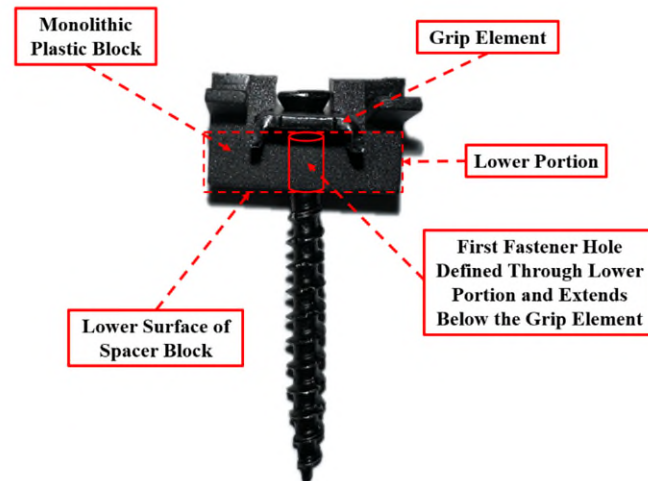


wherein the first fastener hole is defined through the lower portion of the monolithic plastic block to the lower surface of the spacer block and extends below the grip element.

The Infringing Product's method includes a first fastener hole that is defined through the lower portion of the monolithic plastic block to the lower surface of the spacer block and extends below the grip element. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpspiw>).

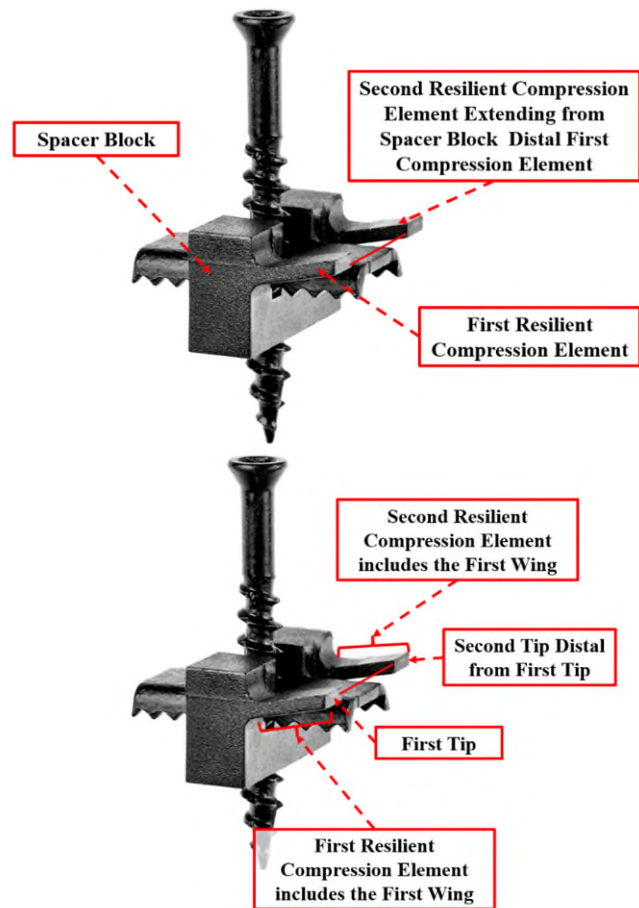


**The grip element is removed from spacer block*



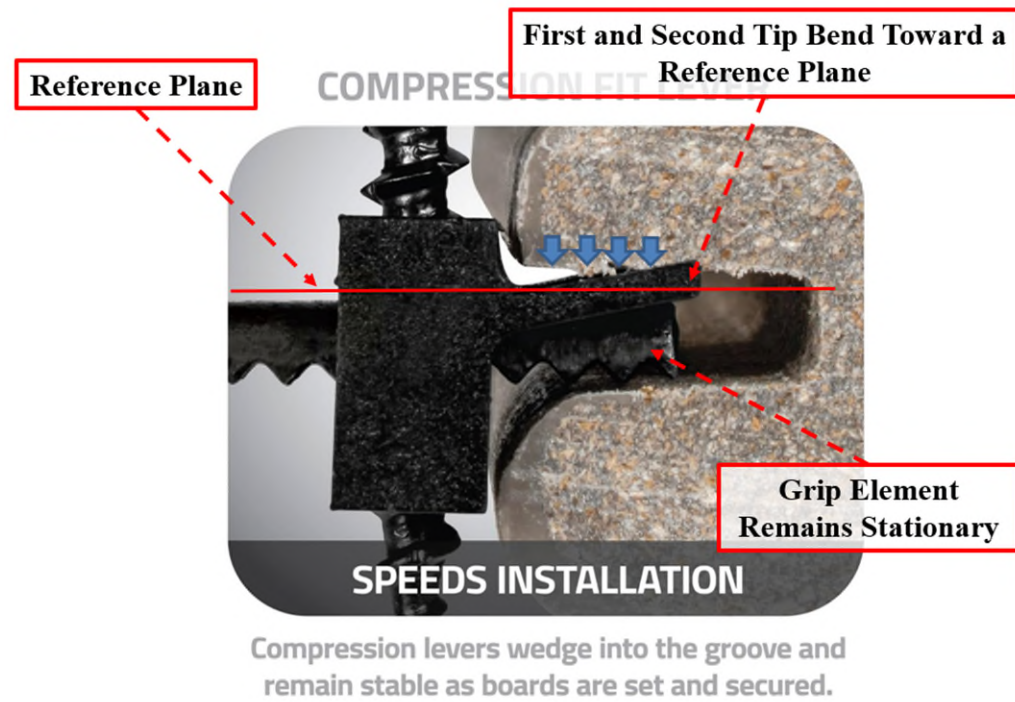
17. The method of claim 16 comprising: providing a second resilient compression element distal from the first resilient compression element, the second resilient compression element extending from the spacer block, the first resilient compression element including a first wing extending to a first tip, the second resilient compression element including a second wing extending to a second tip distal from the first tip; and

The Infringing Product's method provides a second resilient compression element distal from the first resilient compression element, the second resilient compression element extending from the spacer block, the first resilient compression element including a first wing extending to a first tip, the second resilient compression element including a second wing extending to a second tip distal from the first tip. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSpiw>).



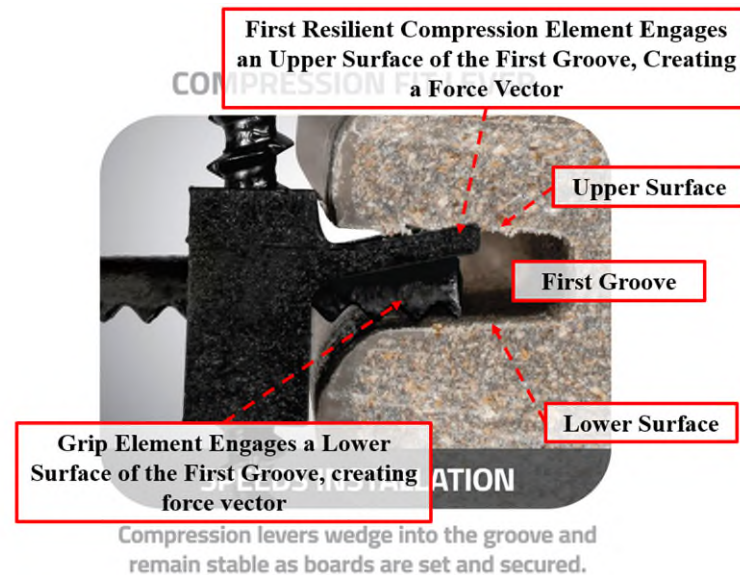
bending the first tip and the second tip toward the reference plane while the grip element remains stationary relative to the reference plane.

The Infringing Product's method bends the first tip and the second tip toward the reference plane while the grip element remains stationary relative to the reference plane. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).



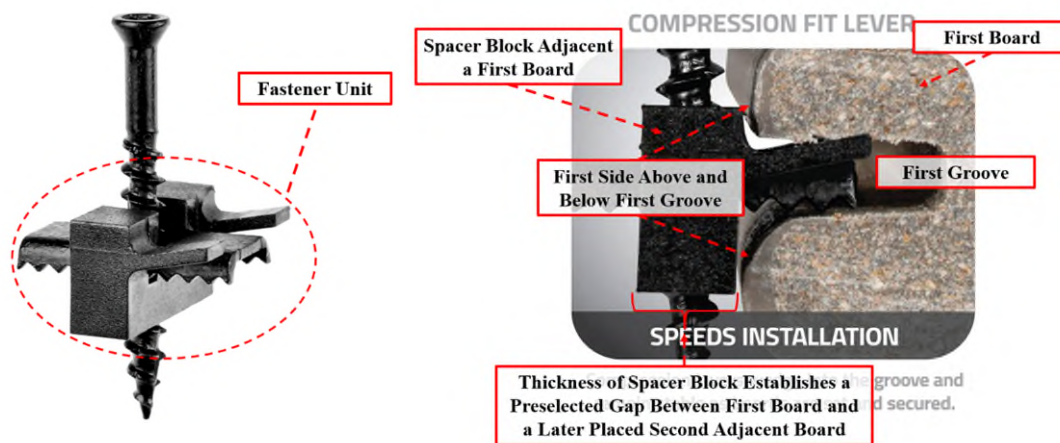
18. The method of claim 16 comprising: producing a force vector with the first resilient compression element and the grip element, the force vector engaging an upper surface of the first groove and a lower surface of the first groove simultaneously.

The Infringing Product's method produces a force vector with the first resilient compression element and the grip element, the force vector engaging an upper surface of the first groove and a lower surface of the first groove simultaneously. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSPiw>).



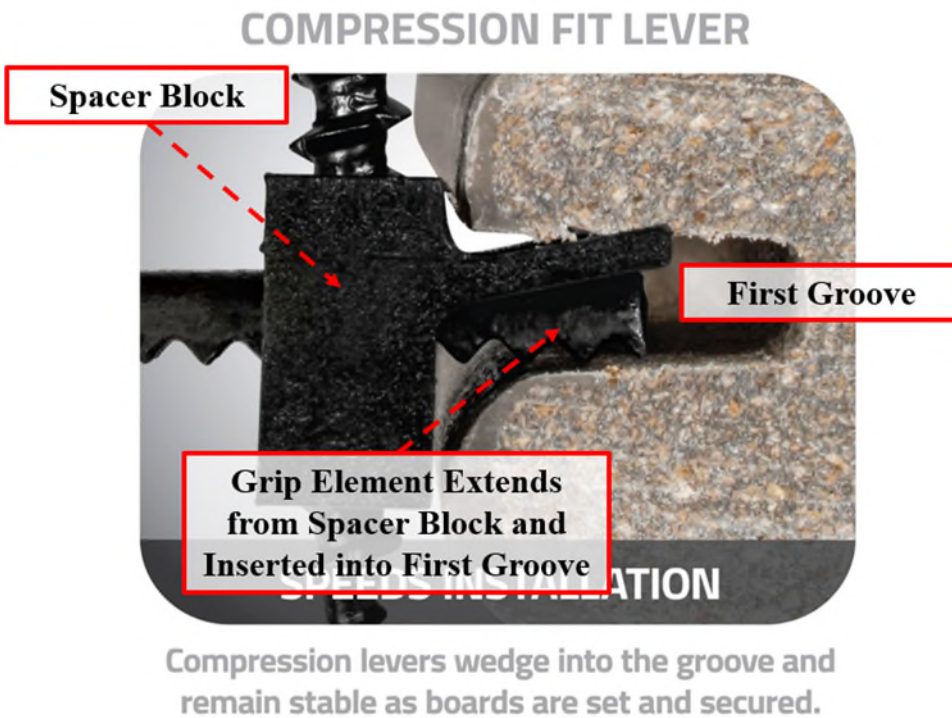
19. A method of using a fastener unit, the method comprising: placing a spacer block adjacent a first board so that the spacer block engages a first side surface defining a first groove in the first board so that a thickness of the spacer block is positioned to establish a preselected gap between the first board and a later placed adjacent second board;

The Infringing Product's method uses a fastener unit, including placing a spacer block adjacent a first board so that the spacer block engages a first side surface defining a first groove in the first board so that a thickness of the spacer block is positioned to establish a preselected gap between the first board and a later placed adjacent second board. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSPiw>).



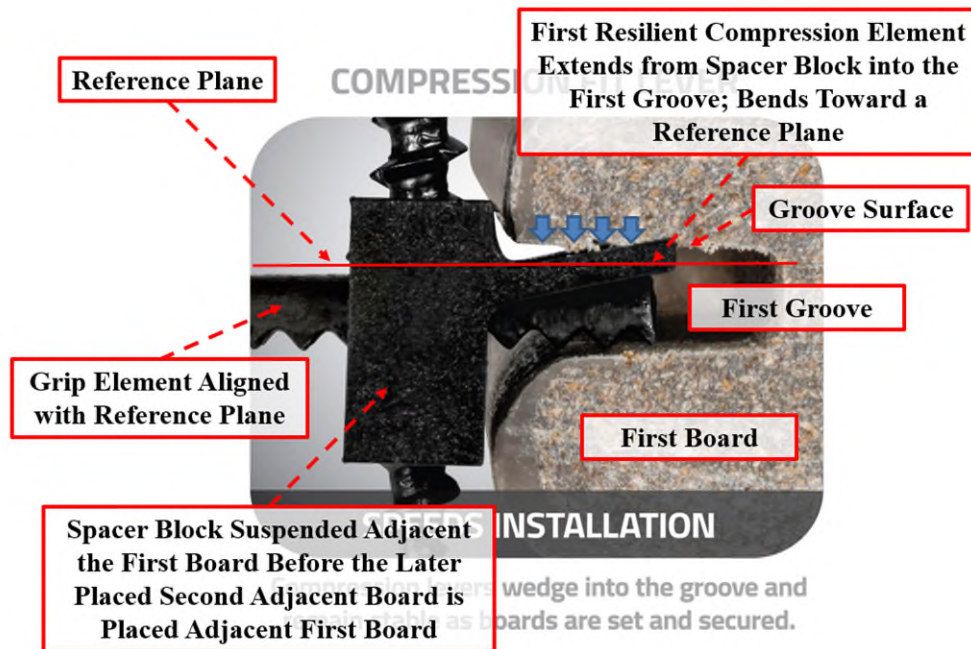
inserting a grip element, which extends from the spacer block, into the first groove;

The Infringing Product's method includes inserting a grip element, which extends from the spacer block, into the first groove. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).



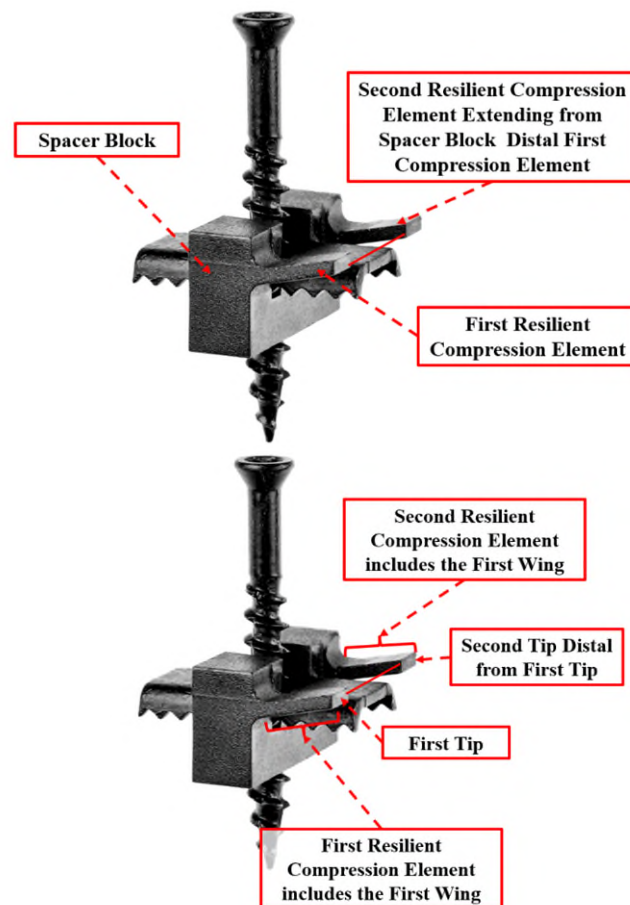
inserting a first resilient compression element, which extends from the spacer block, into the first groove so that the first resilient compression element bends toward a reference plane that is aligned with the grip element, and forcibly engages a first groove surface of the first groove to suspend the spacer block adjacent the first board before the later placed second adjacent board is placed adjacent the first board;

The Infringing Product's method includes inserting a first resilient compression element, which extends from the spacer block, into the first groove so that the first resilient compression element bends toward a reference plane that is aligned with the grip element, and forcibly engages a first groove surface of the first groove to suspend the spacer block adjacent the first board before the later placed second adjacent board is placed adjacent the first board. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpspiw>).



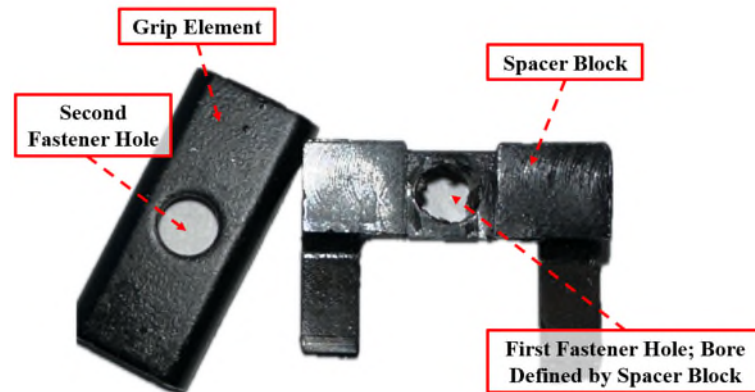
providing a second resilient compression element distal from the first resilient compression element, the second resilient compression element extending from the spacer block, the first resilient compression element including a first wing extending to a first tip, the second resilient compression element including a second wing extending to a second tip distal from the first tip; and

The Infringing Product's method includes providing a second resilient compression element distal from the first resilient compression element, the second resilient compression element extending from the spacer block, the first resilient compression element including a first wing extending to a first tip, the second resilient compression element including a second wing extending to a second tip distal from the first tip. See also Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpspiw>).

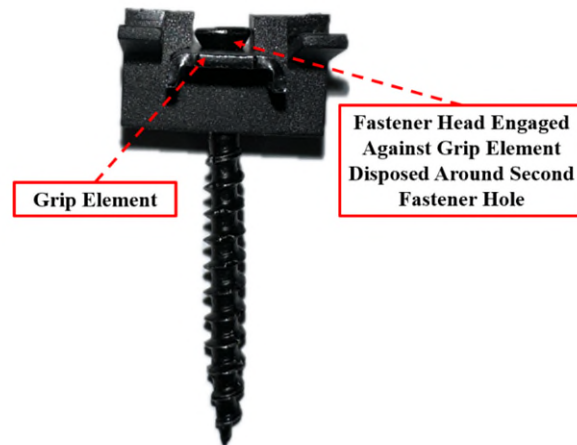


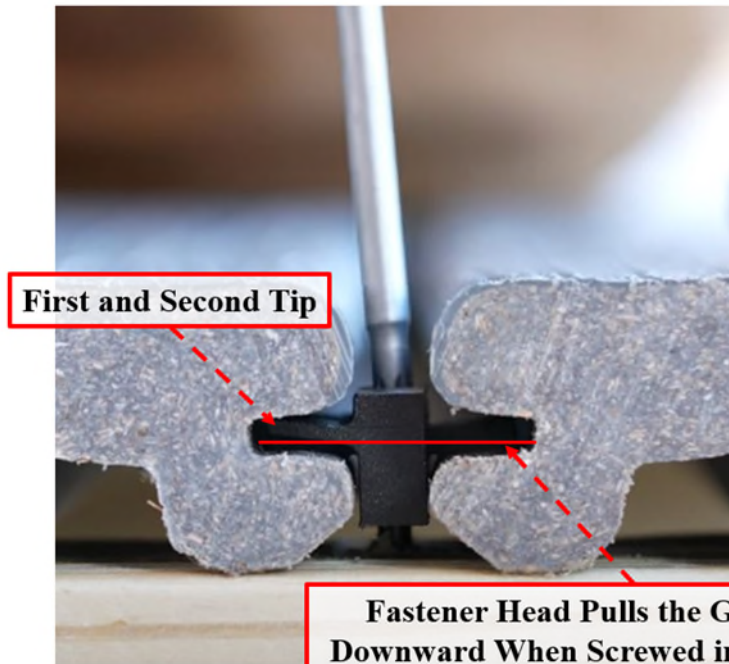
advancing a fastener through a first fastener hole defined by the spacer block and a second fastener hole defined by the grip element to engage a head of the fastener against the grip element disposed around the second fastener hole and pull the grip element downward to thereby move the grip element and the reference plane toward the first tip and the second tip; and

The Infringing Product's method includes advancing a fastener through a first fastener hole defined by the spacer block and a second fastener hole defined by the grip element to engage a head of the fastener against the grip element disposed around the second fastener hole and pull the grip element downward to thereby move the grip element and the reference plane toward the first tip and the second tip. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpSiw>).



**The grip element is shown removed from spacer block*





First and Second Tip

**Fastener Head Pulls the Grip Element
Downward When Screwed into Place; Grip
Element and Reference Plane Moves
Toward First and Second Tip**

bending the first tip and the second tip toward the reference plane while the grip element remains stationary relative to the reference plane.

The Infringing Product's method includes bending the first tip and the second tip toward the reference plane while the grip element remains stationary relative to the reference plane. *See also* Grip-Rite Hidden Ninja Deck Clip Instructional Video (<https://youtu.be/HqDIIUpspiw>).

