IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

VERMEER MANUFACTURING COMPANY,	)	
Plaintiff,	)	Case No. 4:17-cv-00076
vs.	)	
THE TORO COMPANY,	)	
Defendant.		

PLAINTIFF'S FINAL INFRINGEMENT CONTENTIONS

Plaintiff Vermeer Manufacturing Company ("Vermeer") hereby submits these Final Infringement Contentions in support of its allegations of infringement of U.S. Patent Nos. 9,321,386 ("the '386 patent"), 9,975,750 ("the '750 patent"), and 10,202,266 ("the '266 patent") (together, "the Asserted Patents") against The Toro Company ("Defendant"). The purpose of these Final Infringement Contentions is to combine all asserted claims into one set of contentions, now that the cases have been consolidated, and also to narrow the scope of asserted claims.

A. Asserted Claims

Vermeer asserts the following claims:

- '386 patent: claims 1, 3-13, 15, 17, 20, 23-32, 34-41, 43-45, 50, 51, 53-59, 61, and 62
- '750 patent: claims 1, 3-6, 8-17, 19-20, 22, and 24-33
- '266 patent: claims 1, 4-9, 19-23, 25, and 27

B. <u>Accused Product</u>

Vermeer identifies the Dingo TX 1000 ("the Accused Product") as the basis for Vermeer's allegations of infringement.

C. <u>Infringement Bases</u>

Attached hereto as Exhibits A, B, and C are claim charts identifying how the Accused Product satisfies the limitations of the Asserted Claims.

Based upon its current understanding, Vermeer contends that each element of the Asserted Claims is literally infringed by the Accused Product. In the event that a claim element is found not to be literally present in Defendant's Accused Product due to the manner in which that element is construed, it is Vermeer's position that the Accused Product represents an insubstantial variation on that claim element and that the Accused Product still infringes under the doctrine of equivalents.

Dated: March 6, 2020

Respectfully submitted,

By:/s/ *Marc W. Vander Tuig*

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2020, I served the foregoing electronically to the following:

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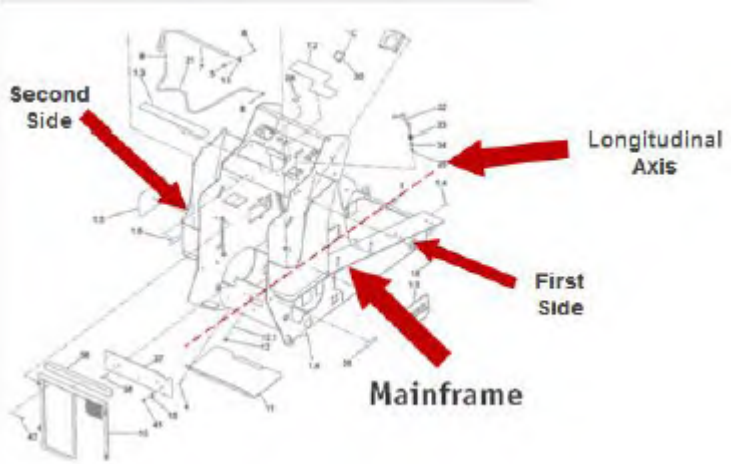
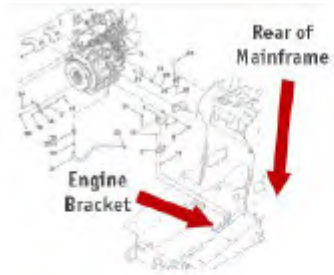
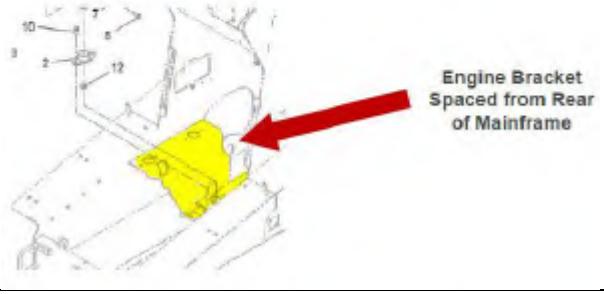
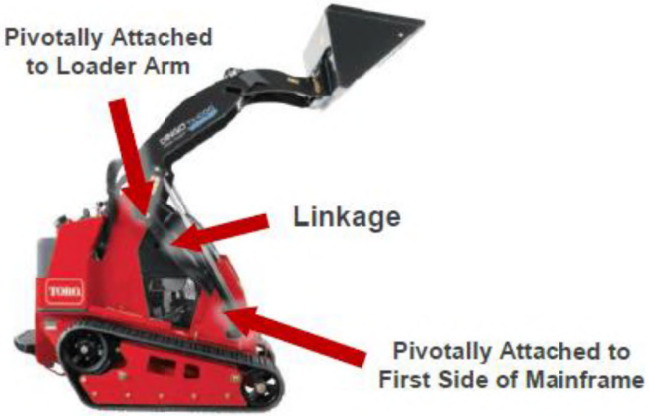
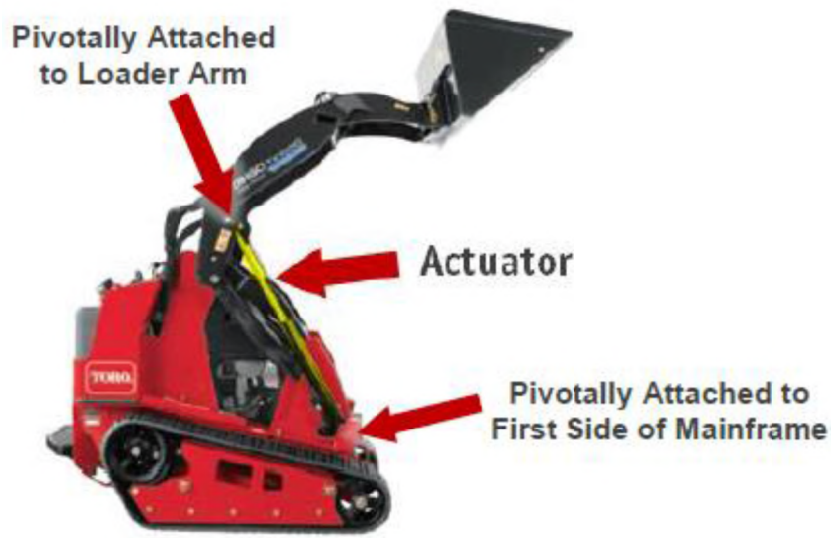
Exhibit A

Toro's TX-1000 Infringes Claims 1, 3–13, 15, 17, 20, 23–32, 34-41, 43-45, 50-51, and 53-59, 61-62 of U.S. Patent No. 9,321,386

Claims	Accused Product
1. A compact tool carrier configured for standing or walk-behind operator control and having a longitudinal axis and a mass of less than about 1,500 kg, the compact tool carrier comprising:	The TX-1000 is a compact tool carrier configured for standing operation, having a longitudinal axis as shown below. The TX-1000 also has a mass of less than 1,500 kg.
a loader having an arm, the loader being adapted to carry a tool;	The TX-1000 has a loader arm adapted to carry a tool.

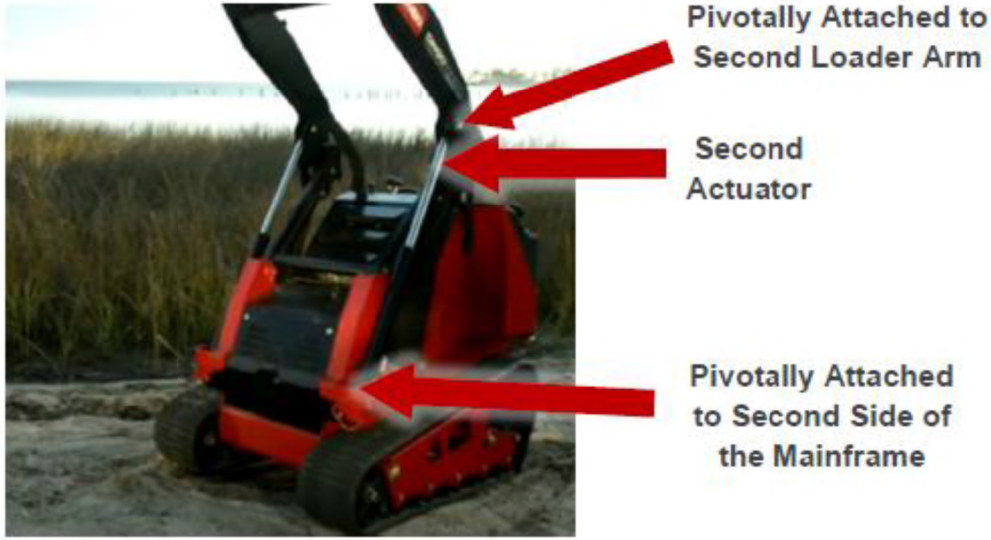
a mainframe for supporting the loader, the mainframe having a first side and a second side, and having a front end and a rear end relative to the longitudinal axis,	The TX-1000 has a mainframe for supporting the loader with a first side and a second side. The mainframe also has a front end and a rear end relative to the longitudinal axis. 
the mainframe comprising an engine bracket that extends from the first side toward the second side for mounting an engine to the mainframe, the engine bracket being spaced from the rear end of the mainframe,	The mainframe of the TX-1000 comprises an engine bracket for mounting an engine to the mainframe. The engine bracket is spaced from the rear end of the mainframe.  

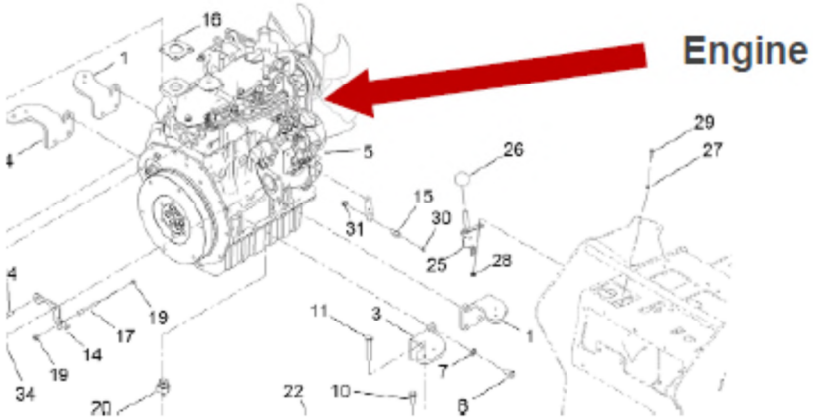
the loader arm not being directly attached to the mainframe;	The loader arm of the TX-1000 is not directly attached to the mainframe.
a linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader arm;	The TX-1000 has a linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader arm.  *See also*, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id.* at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates

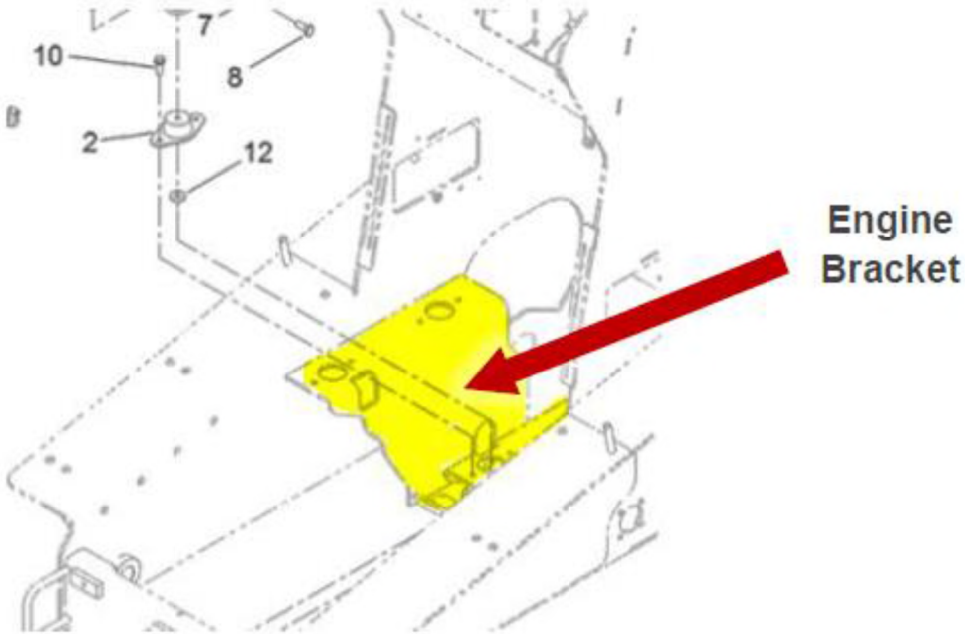
	the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.”).
an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm; and	The TX-1000 has an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm.  *See also*, Patent Application Pub. No. 2016/0244937 at 3, 0028 (“A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between.”).
a control station having operator controls for propelling the compact tool carrier forward and for raising and lowering the loader, the control station being mounted toward the rear of the compact tool carrier and adapted to allow for standing or walk-behind operation.	The TX-1000 has a control station with operator controls for moving it forward and raising and lowering the loader. The control station is mounted toward the rear of the machine and allows for standing operation, as depicted in the picture below.

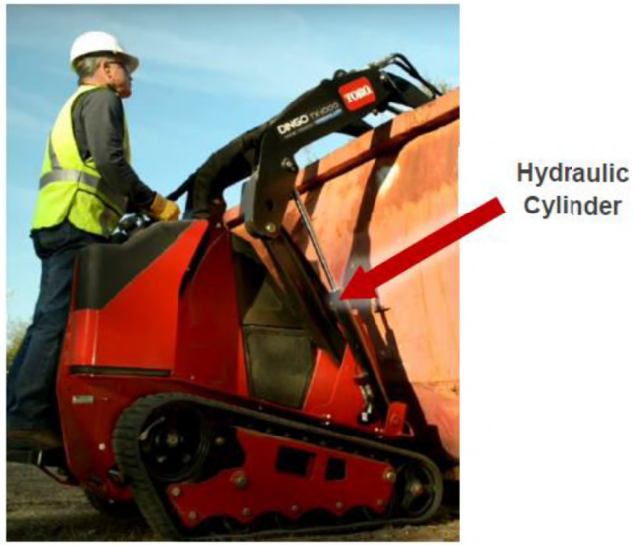
3. The compact tool carrier as set forth in claim 1 wherein the loader arm is a first loader arm and the linkage is a first linkage,	*See* claim 1 above, showing a first loader arm and first linkage associated with the right side of the TX-1000.
the loader comprising a second loader arm and the compact tool carrier comprising a second linkage pivotally attached to the second side of the mainframe and pivotally attached to the second loader arm.	As discussed above, the mainframe of the TX-1000 has a first side that corresponds with the right side of the TX-1000 machine. That right side of the machine also includes a first loader arm and a first linkage that pivotally attaches to the first side of the mainframe and to the first loader arm. The mainframe of the TX-1000 also has a second side that corresponds with the left side of the TX-1000 machine. That left side of the machine also includes a second loader arm and a second linkage that

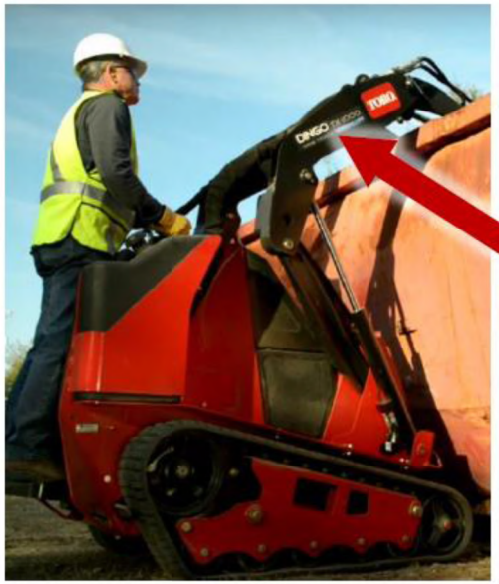
	pivotally attaches to the second side of the mainframe and to the second loader arm. *See also*, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id.* at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
4. The compact tool carrier as set forth in claim 3 wherein the actuator is a first actuator, the compact tool carrier comprising a second actuator, the second actuator being pivotally attached to the second side of the mainframe and pivotally attached to the second loader arm.	The TX-1000 has a first actuator and a second actuator. The first actuator is pivotally attached to the first (right) side of the mainframe and also to the first loader arm. The second actuator is pivotally attached to the second (left) side of the mainframe and also to the second loader arm.

	 *See also*, Patent Application Pub. No. 2016/0244937 at 3, 0028 ("A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between. Other actuators, such as electrical actuators, could be used in place of hydraulic cylinders 30 used in linkages 18.").
5. The compact tool carrier as set forth in claim 1 comprising a drive mechanism comprising tracks or wheels, the drive mechanism being attached to the mainframe.	The TX-1000 has a driving mechanism comprising tracks or wheels, which is attached to the mainframe.

6. The compact tool carrier as set forth in claim 1 comprising an engine to propel a drive mechanism, the engine being attached to the engine bracket.	The TX-1000 has an engine which is attached to the engine bracket.  *See* Parts Catalog https://www.toro.com/getpub/104840 Engine: Kubota® D1305

	 *See* Parts Catalog https://www.toro.com/getpub/104840
7. The compact tool carrier as set forth in claim 1 wherein the actuator is a hydraulic cylinder.	The actuators of the TX-1000 are hydraulic cylinders.

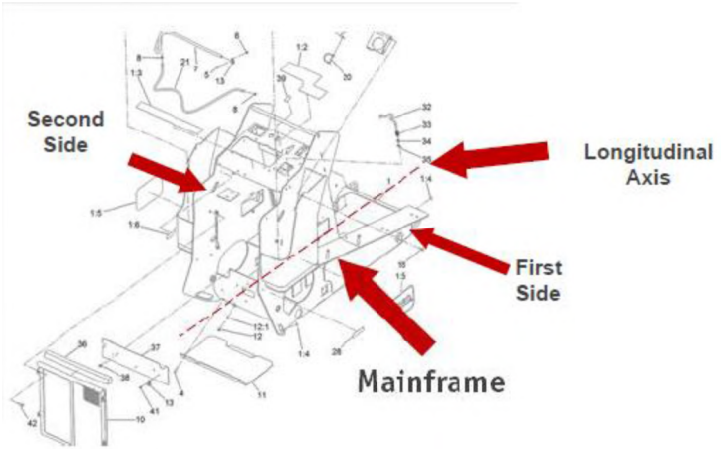
	 *See* Product Manual, Hydraulic Cylinder Assembly https://www.toro.com/en/parts/partdetails/?id=45035# *See also*, Patent Application Pub. No. 2016/0244937 at 3, 0028 ("A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between.").
8. The compact tool carrier as set forth in claim 1 wherein each loader arm incorporates a single weldment.	The TX-1000 has a first loader arm and a second loader arm that are each comprised of a single weldment.

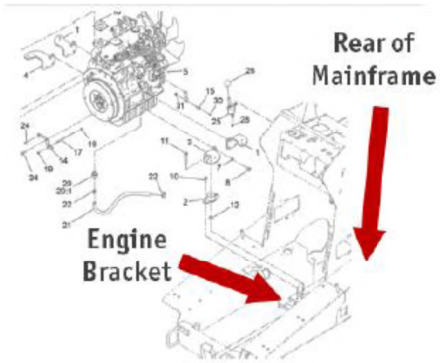
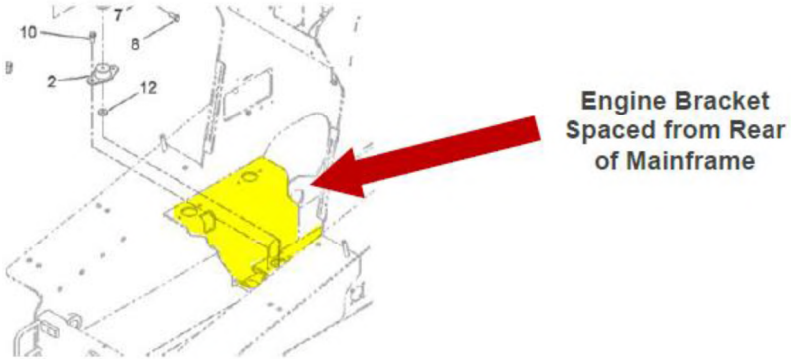
	
9. The compact tool carrier as set forth in claim 1 wherein the control station is mounted toward the rear of the compact tool carrier, the compact tool carrier comprising an operator platform for standing operation of the compact tool carrier, the difference between the height of the control station and the height of the platform being at least 90 cm.	The TX-1000 has a control station mounted towards the rear of the machine with a standing platform for an operator. The height difference between the control station and platform is at least 90 cm.

10. The compact tool carrier as set forth in claim 1 wherein the control station is mounted toward the rear of the compact tool carrier, and the height of the control station from a surface supporting the compact tool carrier is at least 90 cm.	The TX-1000 has a control station mounted towards the rear of the machine with a standing platform for an operator. The height difference between the control station and the surface supporting the machine is at least 90 cm.

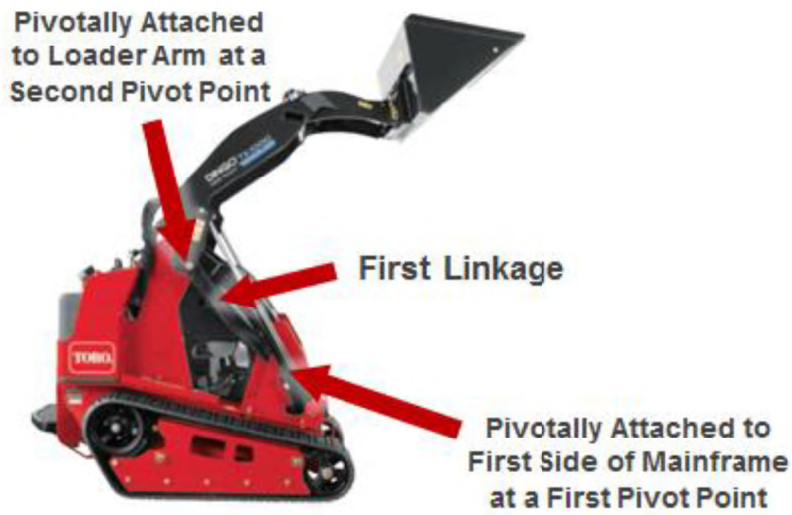
11. A method for operating the compact tool carrier as set forth in claim 1, the method comprising standing behind the compact tool carrier and operating the control station to propel the compact tool carrier forward and/or raise or lower the loader.	The TX-1000 is operated through the control station by an operator standing on a platform or behind the machine. The control station can propel the tool carrier forward and raise or lower the loader, as depicted in the following videos: https://www.youtube.com/watch?v=7EV8_Gfs4Jw https://www.youtube.com/watch?v=-xiDQxdR4kU https://www.youtube.com/watch?v=4InRD8NXG1k

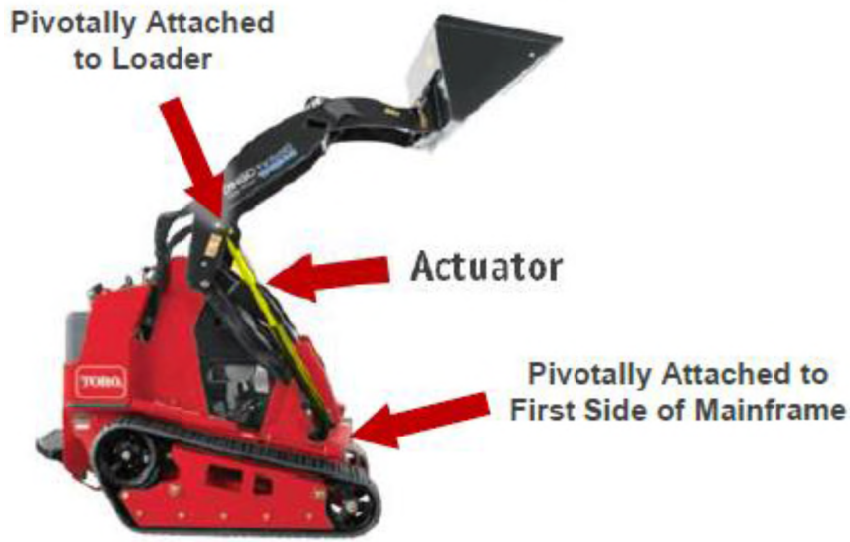
12. The method as set forth in claim 11 wherein the control station is operated while standing on an operator platform or while standing on a surface supporting the compact tool carrier.	
13. The compact tool carrier as set forth in claim 1 further comprising a tool attached to the loader, the tool being selected from the group consisting of a bucket, auger, fork, stump grinder, tiller and roller.	The TX-1000 allows for the attachment of a variety of tools. The "bucket" tool is pictured here. *See* https://www.toro.com/en/professional-contractor/compact-utility-loaders/dingo-tx1000-wide-track
15. A compact tool carrier comprising:	

a loader adapted to carry a tool;	The TX-1000 allows for the attachment of a variety of tools. The "bucket" tool is pictured here. *See* https://www.toro.com/en/professional-contractor/compact-utility-loaders/dingo-tx1000-wide-track
a mainframe for supporting the loader, the mainframe having a first side and a second side, and having a front end and a rear end relative to the longitudinal axis,	The TX-1000 has a mainframe for supporting the loader with a first side and a second side. The mainframe also has a front end and a rear end relative to the longitudinal axis of the frame. 

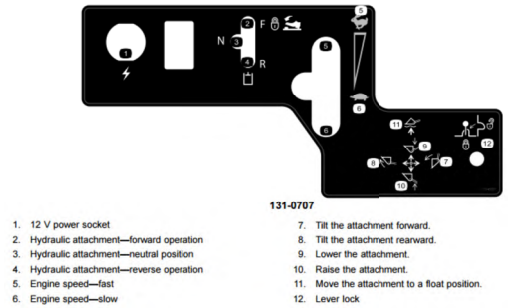
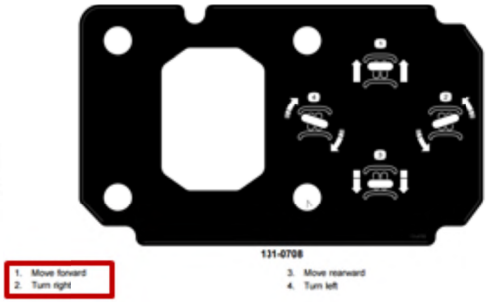
the mainframe comprising an engine bracket that extends from the first side toward the second side for mounting an engine to the mainframe, the engine bracket being spaced from the rear end of the mainframe, each side having a top and a bottom,	The mainframe of the TX-1000 comprises an engine bracket for mounting an engine to the mainframe. The engine bracket is positioned toward the rear end of the mainframe.  
the first side of the mainframe having at least two pivot points relative to the loader, the loader not being directly attached to the mainframe;	The first side of the TX-1000 mainframe has at least two pivot points relative to the loader. The loader is not directly attached to the mainframe.

a linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader;	The TX-1000 has a linkage that is pivotally attached to the first side of the mainframe and also to the loader.

	 *See also*, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id.* at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
an actuator pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader;	The TX-1000 has an actuator that is pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader.

	 *See also*, Patent Application Pub. No. 2016/0244937 at 3, 0028 ("A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between. Other actuators, such as electrical actuators, could be used in placed of hydraulic cylinders 30 used in linkages 18.").
a drive mechanism comprising tracks or wheels for propelling the compact tool carrier over a supporting surface, the drive mechanism being attached to the mainframe about a rotational axis, the compact tool carrier having a bottom at which the drive mechanism contacts the supporting surface,	The TX-1000 has a drive mechanism comprising tracks for propelling the machine over a supporting surface. The drive mechanism is attached to the mainframe about a rotational axis.

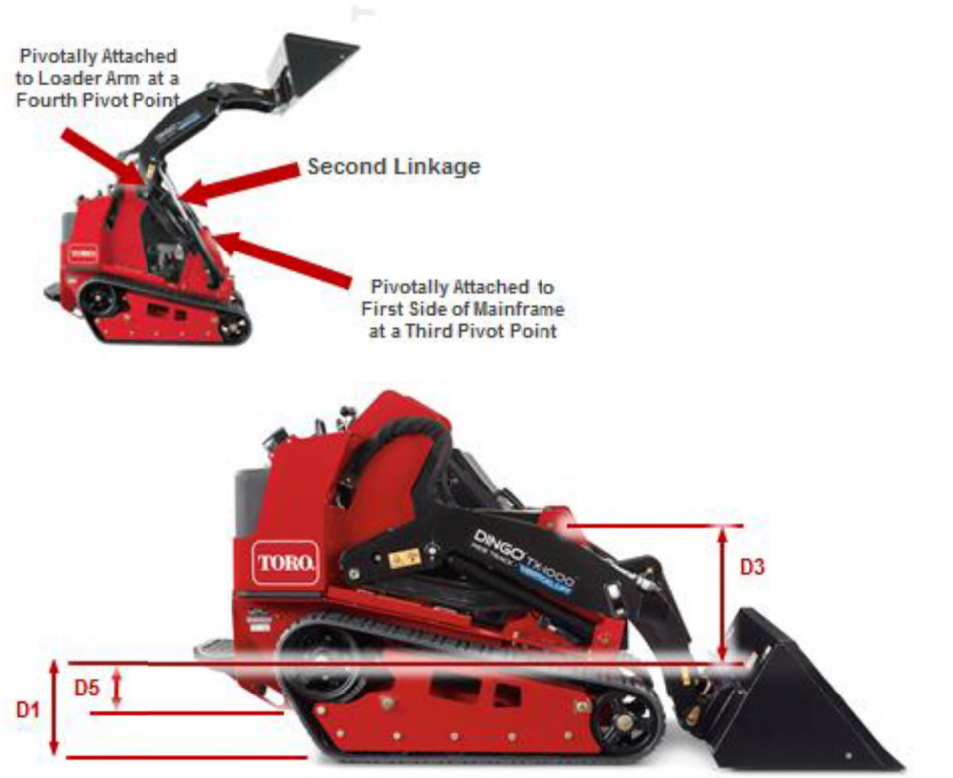
the rotational axis and bottom of the compact tool carrier being separated by a vertical distance D1, the rotational axis and the bottom of the first side of the mainframe being separated by a vertical distance D5, the rotational axis and the pivot point at which the linkage is attached to the mainframe being separated by a vertical distance D2, the rotational axis and the pivot point at which the actuator is attached to the mainframe being separated by a vertical distance D4, D2 and D4 each being less than 1.5 times D1 and each being less than twice D5; and	The distance between the rotational axis and the bottom of the TX-1000 is D1; the distance between the rotational axis and the bottom of the mainframe is D5; the distance between the rotational axis and the linkage pivot point is D2; the distance between the rotational axis and actuator pivot point is D4; D2 and D4 are less than 1.5 times D1 and less than twice D5.
a control station having operator controls for propelling the compact tool carrier forward and for raising and/or lowering the loader, the control station being mounted toward the rear of the compact tool	The TX-1000 has a control station with operator controls which allow forward movement of the machine, and raising and lowering of the loader. *See* Operator's Manual https://www.toro.com/getpub/106442 (picture of control features below).

carrier and adapted to allow for standing or walk-behind operation.	  The control station of the TX-1000 is also mounted toward the rear of the compact tool carrier and allows for standing operation. *See* https://www.youtube.com/watch?v=7EV8_Gfs4Jw (shows forward movement and raising and lowering of loader; also shows standing operation of control station, which is located at rear of machine).

17. The compact tool carrier as set forth in claim 15 wherein the second side of the mainframe comprises two pivot points, each vertical distance between the rotational axis and a pivot point being less than 1.5 times D1.	The TX-1000 is roughly symmetrical and, therefore, these equivalent limitations are satisfied as shown in the figure for Claim 15.
20. The compact tool carrier as set forth in claim 15 further comprising a tool attached to the loader, the tool being selected from the group consisting of a bucket, auger, fork, stump grinder, tiller and roller.	The TX-1000 allows for the attachment of a variety of tools. The "bucket" tool is pictured here. *See* https://www.toro.com/en/professional-contractor/compact-utility-loaders/dingo-tx1000-wide-track
23. The compact tool carrier as set forth in claim 15 wherein D2 and D4 are each less than 1.75 D5.	On the TX-1000, D2 and D4 are each less than 1.75 D5.

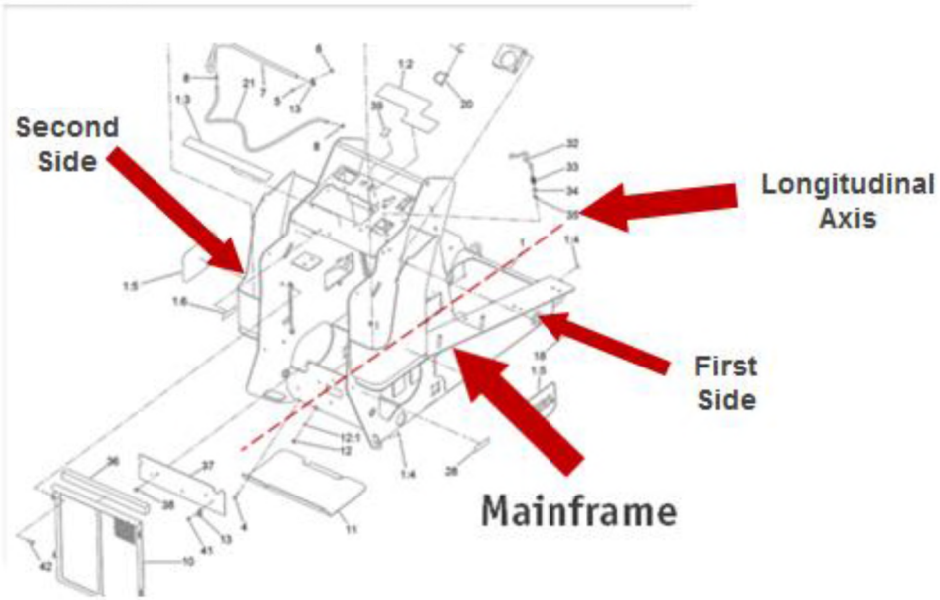
24. The compact tool carrier as set forth in claim 15 wherein D2 and D4 are each less than 1.5 D5.	On the TX-1000, D2 and D4 re each less than 1.5 D5.
25. The compact tool carrier as set forth in claim 15 wherein D2 and D4 are each less than D1.	On the TX-1000, D2 and D4 are each less than D1.

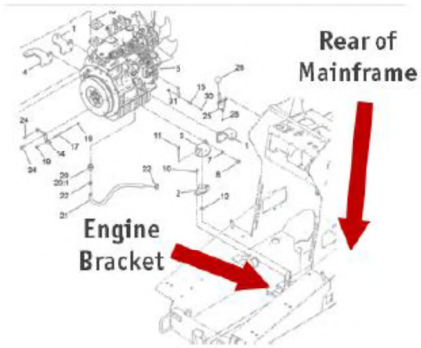
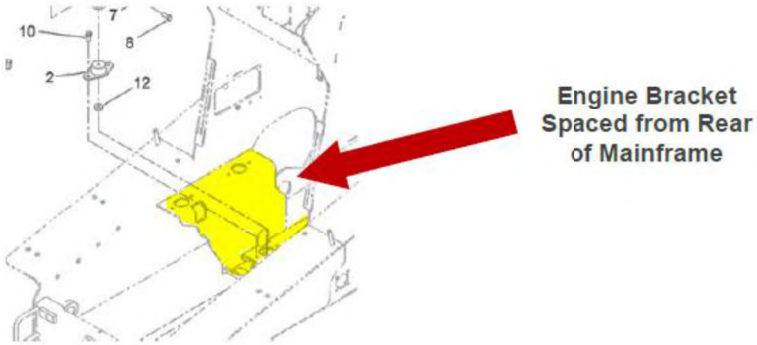
26. The compact tool carrier as set forth in claim 15 wherein D2 and D4 are each less than 0.75 D1.	On the TX-1000, D2 and D4 are each less than 0.75 times D5.
27. The compact tool carrier as set forth in claim 15 wherein the linkage is a first linkage, the compact tool carrier further comprising a second linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader, the rotational axis and the pivot point at which the second linkage is attached to the mainframe being separated by a vertical distance D3, D3 being less than 1.5 times D1.	The TX-1000 has a second linkage pivotally attached to the first side of the mainframe at a pivot pint and pivotally attached to the loader. The rotational axis and the pivot point at which the second linkage is attached to the mainframe and is separated by a vertical distance D3, D3 is less than 1.5 times D1.

	
28. The compact tool carrier as set forth in claim 15 wherein the linkage is a first linkage, the compact tool carrier further comprising a second linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader, wherein the mainframe comprises a forward-most pivot point with (1) the pivot point at which the first linkage is attached to the mainframe, (2) the pivot point at which the actuator is attached to the mainframe, or (3) the pivot point at which the second linkage is attached to the mainframe being the forward-most pivot point, a vertical distance between the rotational axis and the	The TX-1000 has a second linkage pivotally attached to the first side of the mainframe at a pivot pint and pivotally attached to the loader. The mainframe comprises a forward-most pivot point with a vertical distance between the rotational axis and the forward-most pivot point less than D1.

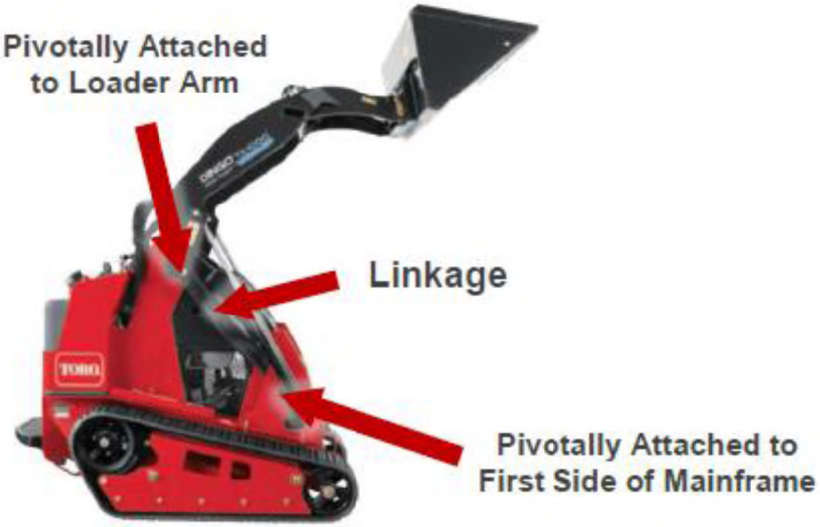
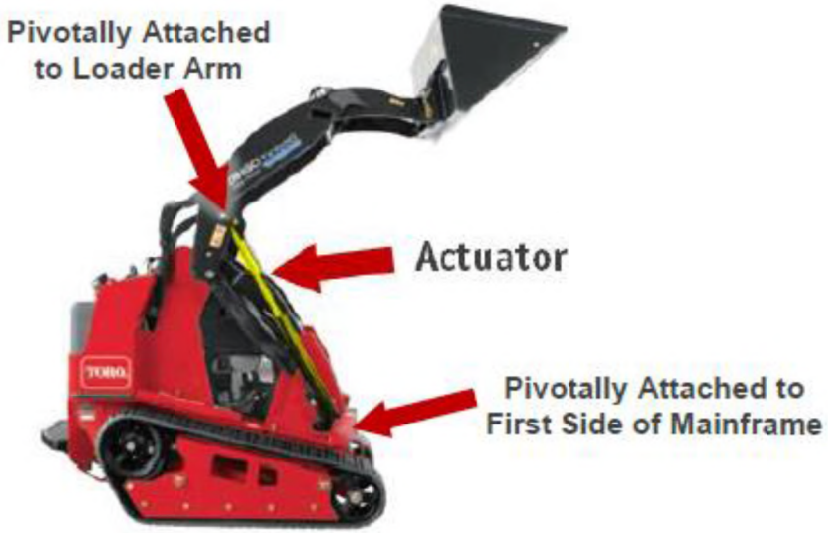
forward-most pivot point being less than D1.	
29. The compact tool carrier as set forth in claim 15 wherein the linkage is a first linkage, the compact tool carrier further comprising a second linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader, wherein the mainframe comprises a forward-most pivot point with (1) the pivot point at which the first linkage is attached to the mainframe, (2) the pivot point at which the actuator is attached to the mainframe, or (3) the pivot point at which the second linkage is attached to the mainframe being the forward-most pivot point, a vertical distance between the rotational axis and the forward-most pivot point being less than 0.75 D1.	The TX-1000 has a second linkage pivotally attached to the first side of the mainframe at a pivot pint and pivotally attached to the loader. The mainframe comprises a forward-most pivot point with a vertical distance between the rotational axis and the forward-most pivot point less than 0.75 D1.
30. The compact tool carrier as set forth in claim 15 wherein the linkage is a first linkage, the compact tool carrier further comprising a second linkage pivotally	The TX-1000 has a first linkage and a second linkage pivotally attached to the first side of the mainframe at a pivot pint and pivotally attached to the loader. The mainframe comprises a forward-most pivot point with a vertical distance between the rotational axis and the forward-most pivot point

attached to the first side of the mainframe at a pivot point and pivotally attached to the loader, wherein the mainframe comprises a forward-most pivot point with (1) the pivot point at which the first linkage is attached to the mainframe, (2) the pivot point at which the actuator is attached to the mainframe, or (3) the pivot point at which the second linkage is attached to the mainframe being the forward-most pivot point, a vertical distance between the rotational axis and the forward-most pivot point being less than 1.5 D5.	less than 1.5 D5.
31. A compact tool carrier configured for standing or walk-behind operator control and having a longitudinal axis and a mass of less than about 1500 kg, the compact tool carrier comprising:	The TX-1000 is a compact tool carrier configured for standing or walk-behind operation, having a longitudinal axis as shown below. The TX-1000 also has a mass of less than 1500 kg.
a loader adapted to carry a tool, the loader being	The TX-1000 is a loader adapted to carry a tool that is moveable between a down position and a

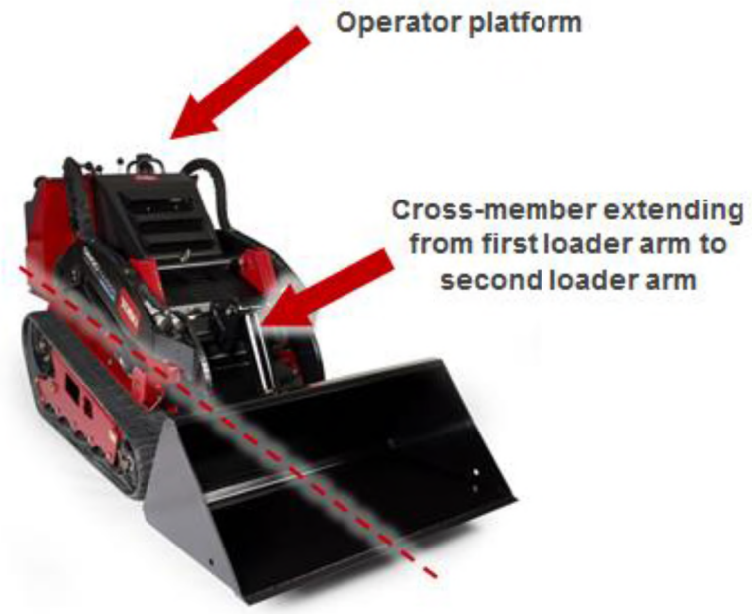
moveable between a down position and a vertically raised position, the loader comprising: a first loader arm; a second loader arm; and at least one cross-member that extends from the first loader arm to the second loader arm;	vertically raised position. The TX-1000 includes two loader arms and a cross-member extending between those two arms as depicted in the photo below.
a mainframe for supporting the loader, the mainframe having a first side and a second side, and having a front end and a rear end relative to the longitudinal axis, the mainframe comprising an engine bracket that extends from the first side toward the second side for mounting an engine to the mainframe, the engine bracket being spaced from the rear end of the mainframe, the first loader arm not being directly attached to the mainframe;	The TX-1000 has a mainframe for supporting the loader with a first side and a second side. The mainframe also has a front end and a rear end relative to the longitudinal axis. 

	The mainframe of the TX-1000 comprises an engine bracket for mounting an engine to the mainframe. The engine bracket is positioned toward the rear end of the mainframe.   The loader arm is not directly attached to the mainframe.

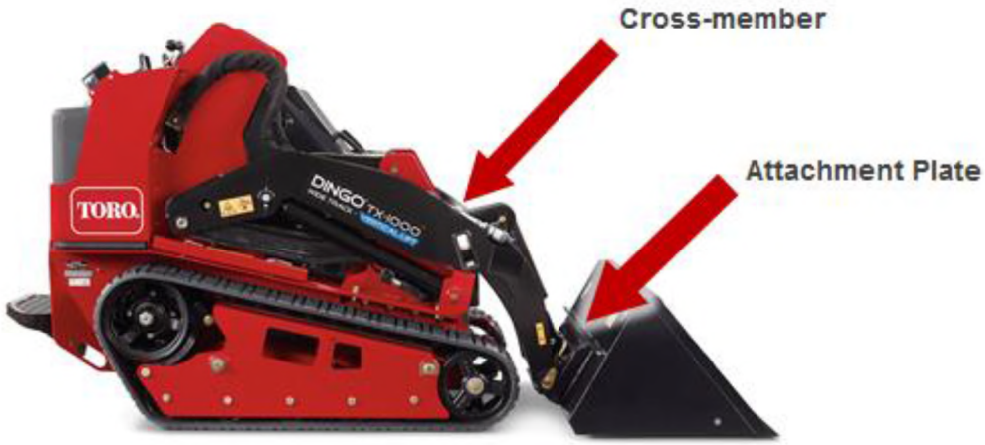
a linkage pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm;	The TX-1000 has a linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader arm.

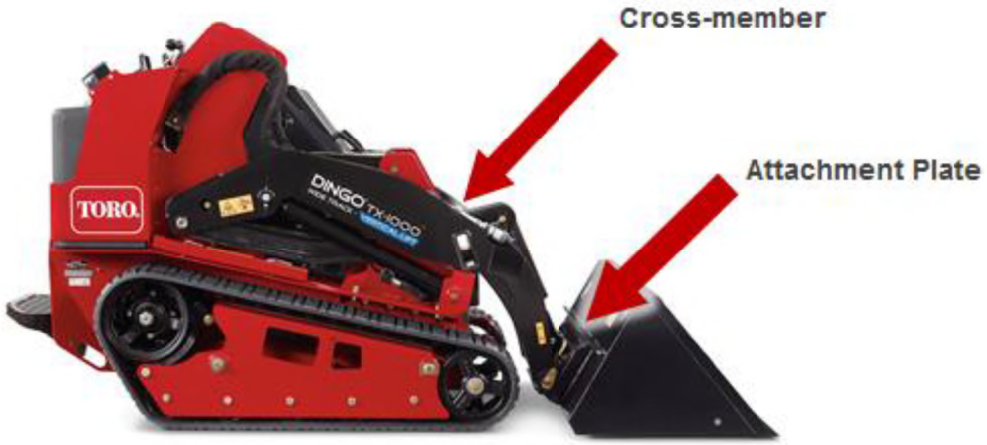
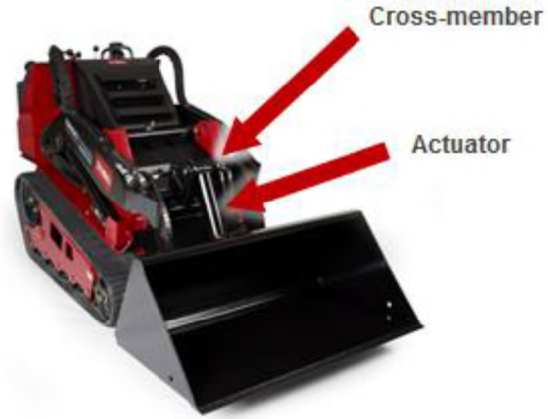
	
an actuator pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm;	The TX-1000 has an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm. 
a control station having operator controls for	The TX-1000 has a control station with operator controls for propelling it forward and raising and

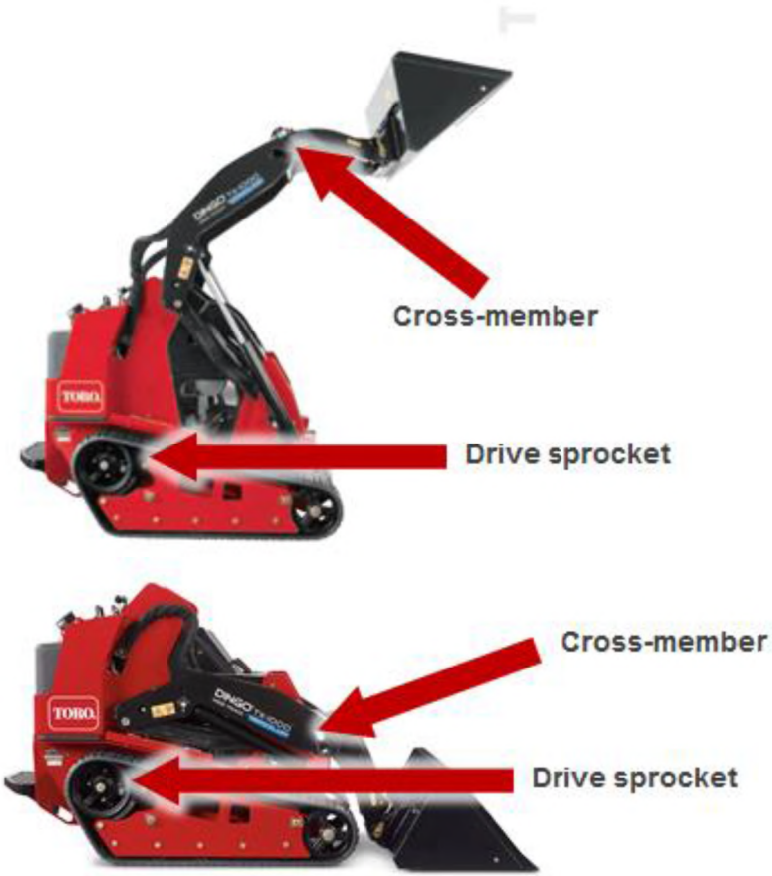
propelling the compact tool carrier forward and for raising and lowering the loader, the control station being mounted toward the rear of the compact tool carrier and adapted to allow for standing operation, each cross-member being disposed forward of the control station in the vertically raised position of the loader; and	lowering the loader. The control station is mounted towards the rear of the TX-1000 and allows for standing operation. The control station is positioned behind the cross-member that connects the linkages. TX 1000 CONTROLS

	
an operator platform for standing operation of the operator controls of the control station.	The TX-1000 includes an operator platform that allows for standing operation of the controls as depicted above and below.

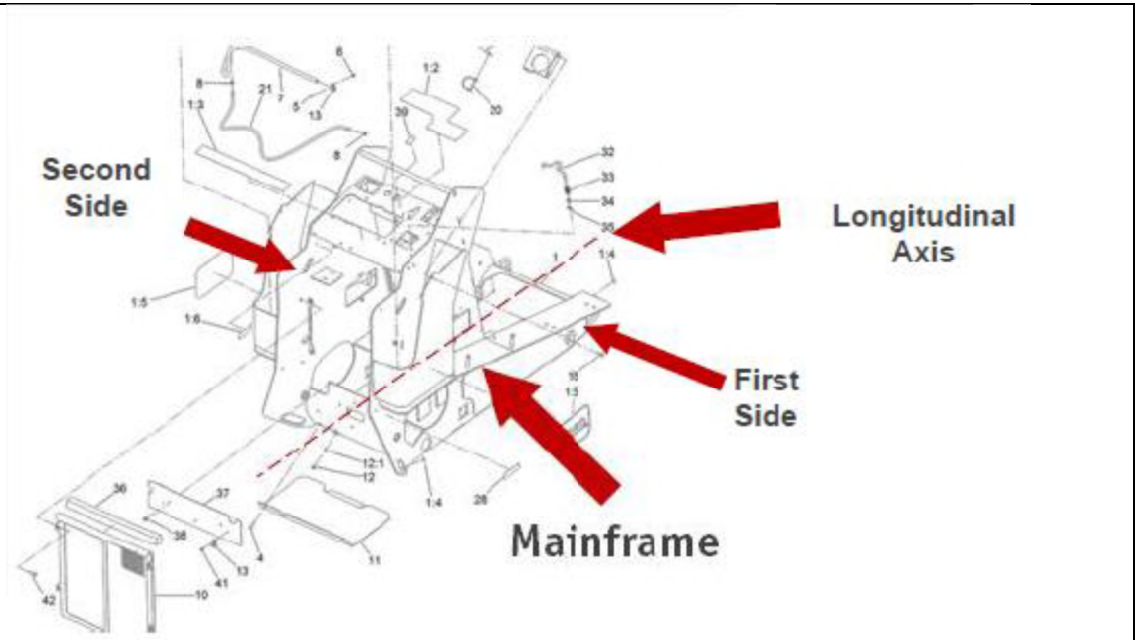
32. The compact tool carrier as set forth in claim 31 wherein the linkage is a first linkage, the compact tool carrier further comprising a second linkage pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm.	The TX-1000 has a second linkage pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm.
34. The compact tool carrier as set forth in claim 31 wherein each cross-member is disposed forward of the operator platform and forward of the control station in the down position of the loader.	The TX-1000 has a cross-member that is disposed forward of the operator platform and forward of the control station in the down position of the loader.

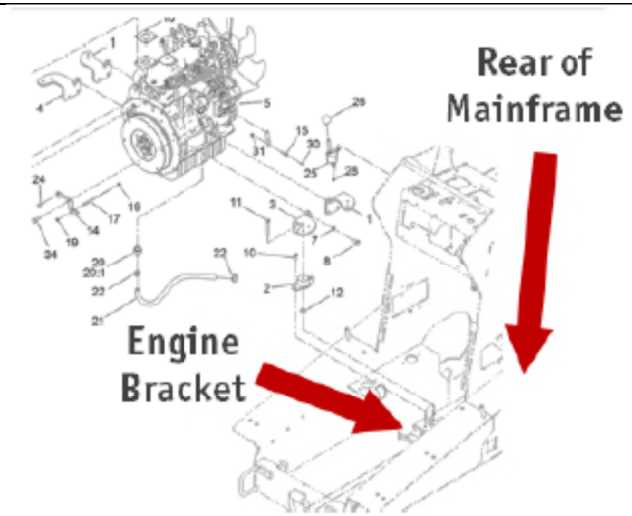
35. The compact tool carrier as set forth in claim 31 further comprising an attachment plate for removably attaching a tool to the compact tool carrier, the cross-member being spaced from the attachment plate.	The TX-1000 has an attachment plate that is spaced from the cross-member. 
36. The compact tool carrier as set forth in claim 35 further comprising an actuator for tilting of tools connected to the attachment plate, the actuator being connected to the cross-member and the attachment plate.	The TX-1000 has an actuator for tilting tools connected to the attachment plate. The actuator is connected to the cross-member and the attachment plate.

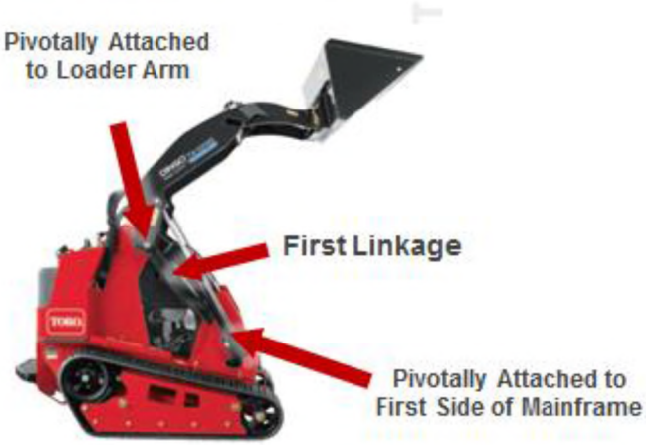
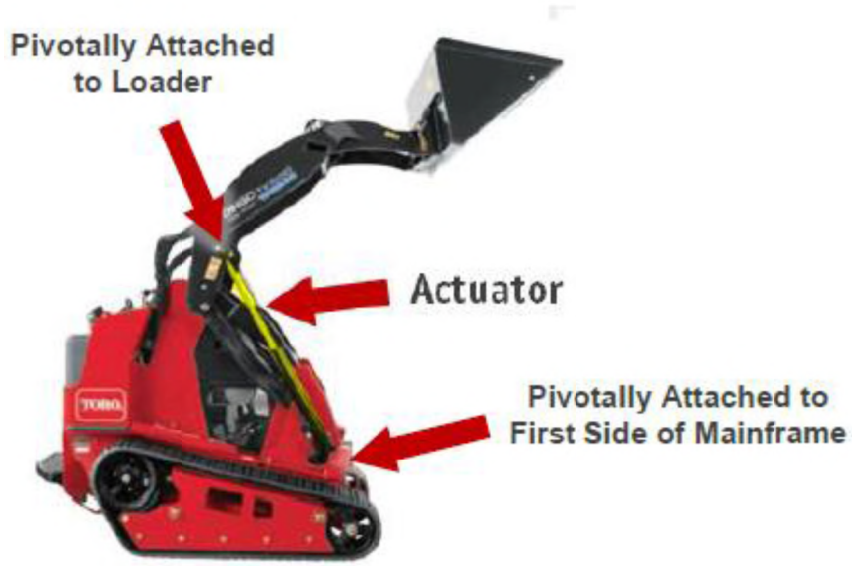
	 
37. The compact tool carrier as set forth in claim 31 further comprising a drive mechanism for propelling	The TX-1000 has a drive mechanism for propelling the compact tool carrier over a supporting surface. The drive mechanism has a drive sprocket that is behind the cross-member in the vertically raised

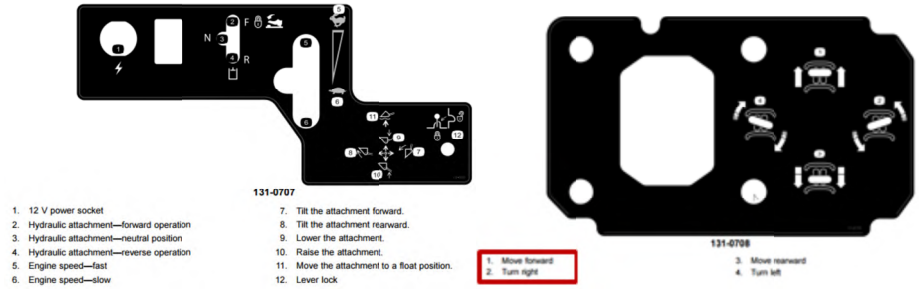
the compact tool carrier over a supporting surface, the drive mechanism having a drive sprocket, the cross-member being disposed forward of the drive sprocket in the vertically raised position and the down position.	position and the down position. 
38. A compact tool carrier configured for standing or walk-behind operator control and having a longitudinal axis and a mass of less than about 1500 kg, the compact tool carrier comprising:	The TX-1000 is a compact tool carrier configured for standing or walk-behind operation, having a longitudinal axis as shown below. The TX-1000 also has a mass of less than 1500 kg.

a loader being adapted to carry a tool, the loader comprising: a first loader arm; a second loader arm; and a single cross-member that extends from the first loader arm to the second loader arm;	The TX-1000 is a loader adapted to carry a tool and includes two loader arms and a cross-member extending between those two arms as depicted in the photo below.
a mainframe for supporting the loader, the mainframe having a first side and a second side, and having a front end and a rear end relative to the longitudinal axis,	The TX-1000 has a mainframe for supporting the loader with a first side and a second side. The mainframe also has a front end and a rear end relative to the longitudinal axis of the frame.

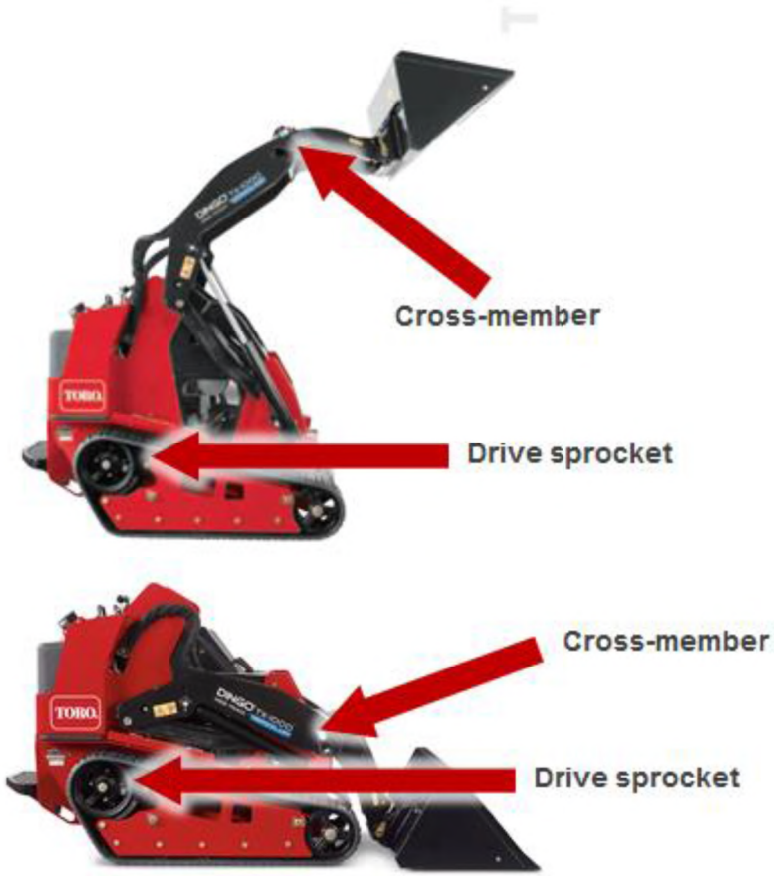
	
the mainframe comprising an engine bracket that extends from the first side toward the second side for mounting an engine to the mainframe, the engine bracket being spaced from the rear of the mainframe,	The mainframe of the TX-1000 comprises an engine bracket for mounting an engine to the mainframe. The engine bracket is spaced from the rear of the mainframe.

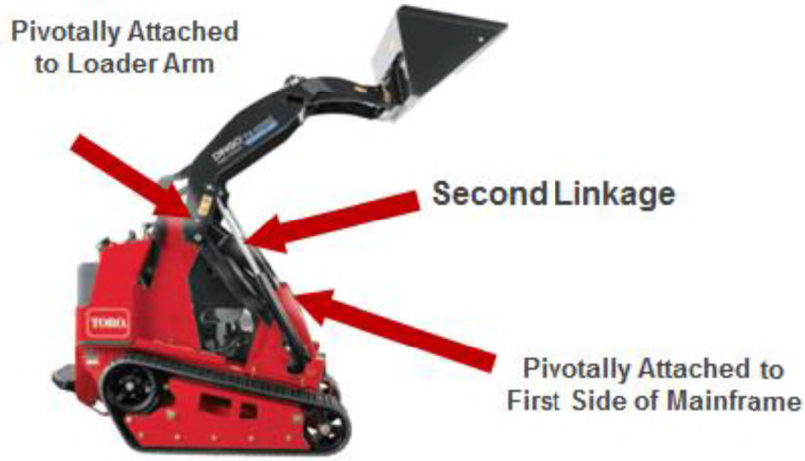
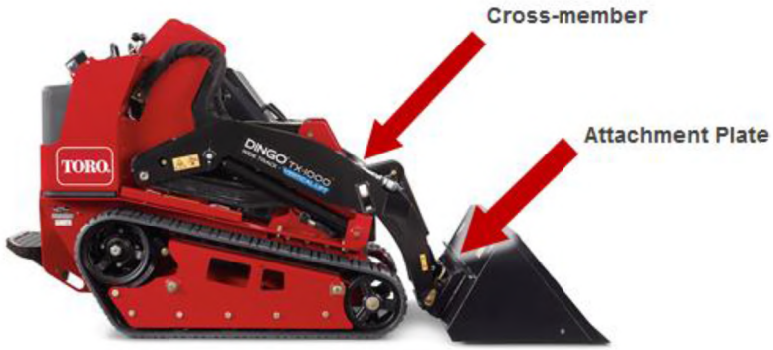
	
the first loader arm not being directly attached to the mainframe;	The first loader arm of the TX-1000 is not directly attached to the mainframe.
a linkage pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm;	The TX-1000 has a linkage that is pivotally attached to the first side of the mainframe and also pivotally attached to the loader arm.

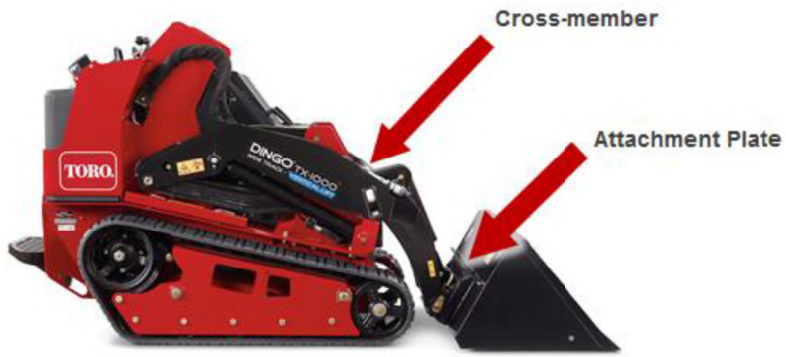
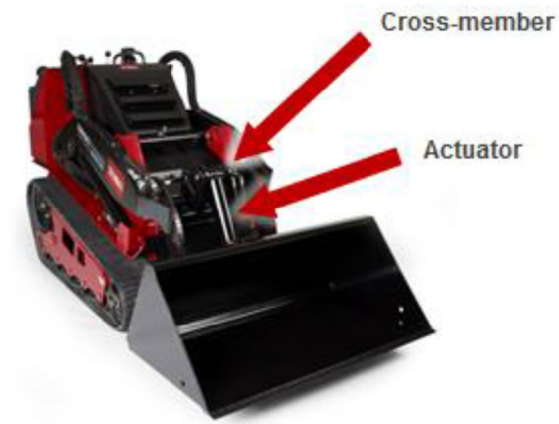
	
an actuator pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm;	The TX-1000 has an actuator that is pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm. 
a control station having operator controls for propelling the compact tool carrier forward and for	The TX-1000 has a control station with operator controls which allow forward movement of the machine, and raising and lowering of the loader. *See* Operator's Manual

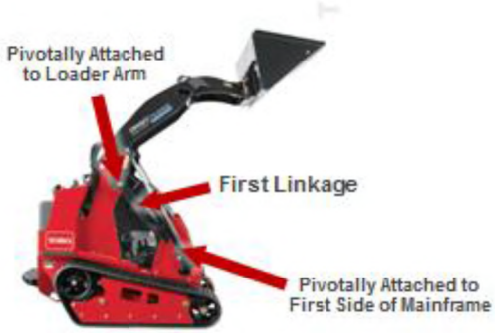
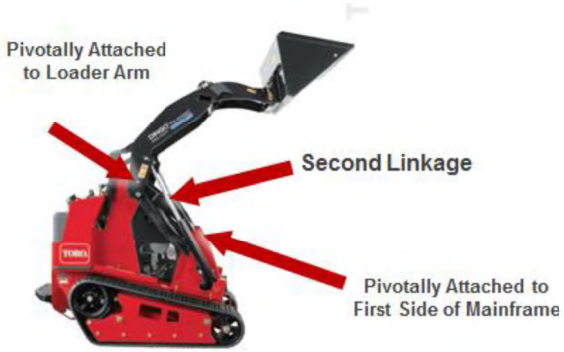
raising and lowering the loader, the control station being mounted toward the rear of the compact tool carrier and adapted to allow for standing operation; and	https://www.toro.com/getpub/106442 (picture of control features below).  The control station of the TX-1000 is also mounted toward the rear of the compact tool carrier and allows for standing operation. *See* https://www.youtube.com/watch?v=7EV8_Gfs4Jw (shows forward movement and raising and lowering of loader; also shows standing operation of control station, which is located at rear of machine).
an operator platform for standing operation of the operator controls of the control station.	See above.

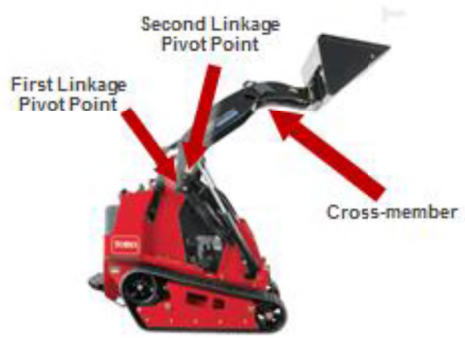
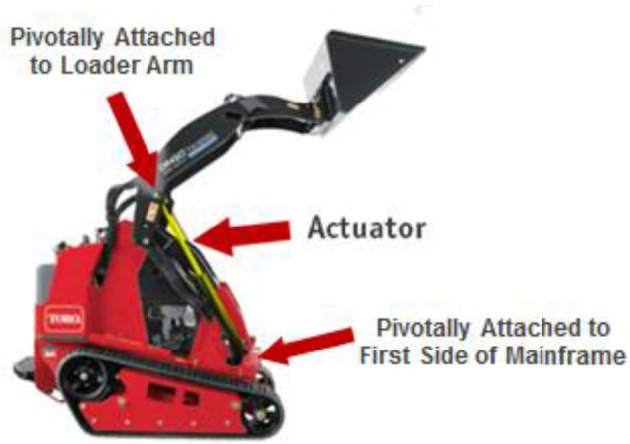
39. The compact tool carrier as set forth in claim 38 wherein the loader is moveable between a down position and a vertically raised position, the cross-member being disposed forward of the operator platform in the down position and the vertically raised position of the loader.	The loader of the TX-1000 is moveable between a down and vertically raised position. The cross-member of the TX-1000 is forward of the operator platform in the down and vertically raised position of the loader.
40. The compact tool carrier as set forth in claim 38 wherein the loader is moveable between a down position and a vertically raised position, the compact tool carrier further comprising a drive mechanism for propelling the compact tool carrier over a supporting	The loader of the TX-1000 is moveable between a down and vertically raised position. See claims above. The TX-1000 has a drive sprocket that is behind the cross-member in the down and vertically raised positions of the loader.

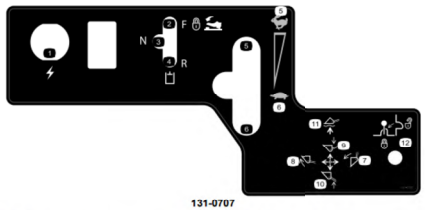
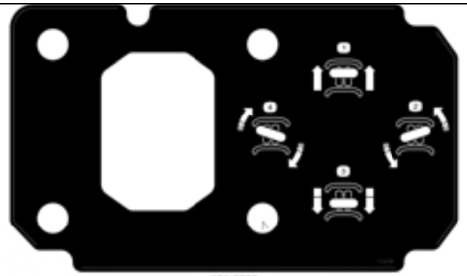
surface, the drive mechanism having a drive sprocket, the cross-member being disposed forward of the drive sprocket in the down position and the vertically raised position of the loader.	
41. The compact tool carrier as set forth in claim 38 wherein the linkage is a first linkage, the compact tool carrier further comprising a second linkage pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm.	The TX-1000 has a second linkage pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm.

	
43. The compact tool carrier as set forth in claim 38 further comprising an attachment plate for removably attaching a tool to the compact tool carrier, the cross-member being spaced from the attachment plate.	The TX-1000 has an attachment plate that is spaced from the cross-member. 
44. The compact tool carrier as set forth in claim 43 further comprising an actuator for tilting of tools connected to the attachment plate, the actuator being connected to the cross-member and the attachment plate.	The TX-1000 has an actuator for tilting tools connected to the attachment plate. The actuator is connected to the cross-member and the attachment plate.

	 
45. A compact tool carrier configured for standing or walk-behind operator control and having a longitudinal axis and mass of less than about 1500 kg, the compact tool carrier comprising:	The TX-1000 is a compact tool carrier configured for standing or walk-behind operation and has a longitudinal axis. The TX-1000 also has a mass of less than 1500 kg. *See* Claim 1.
a loader having an arm, the loader being adapted to carry a tool;	The TX-1000 has a loader arm adapted to carry a tool. *See* Claim 1.
a mainframe for supporting the loader, the mainframe having a first side and a second side, and having a front end and a rear end relative to the longitudinal	The TX-1000 has a mainframe to support the loader with first and second sides, and front and rear ends. It also has an engine bracket for mounting an engine that is spaced from the rear of the mainframe. The loader arm is not directly attached to the mainframe. *See* Claim 1.

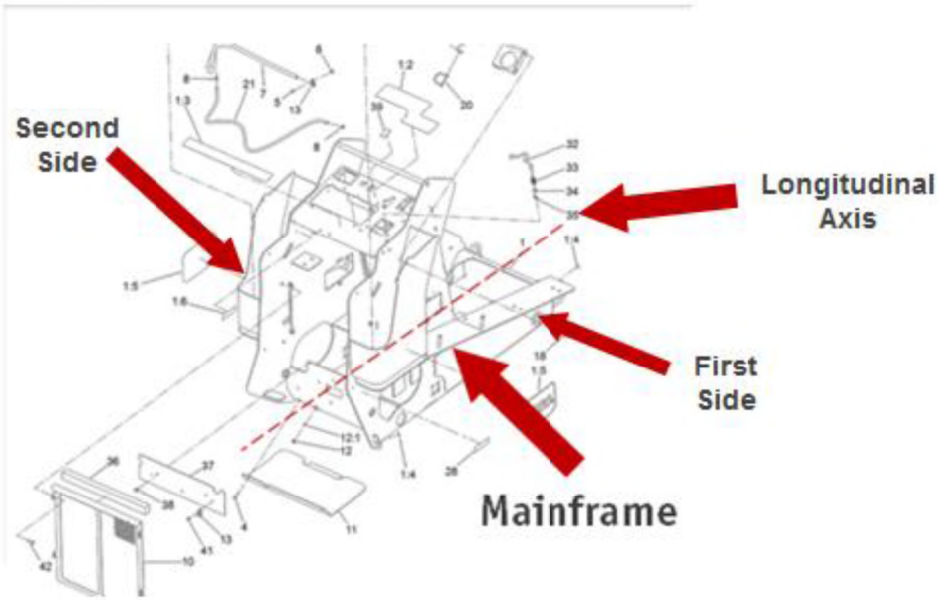
axis, the mainframe comprising an engine bracket that extends from the first side toward the second side for mounting an engine to the mainframe, the engine bracket being spaced from the rear of the mainframe, the loader arm not being directly attached to the mainframe;	
a first linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader arm at a first linkage pivot point;	The TX-1000 has a first linkage pivotally attached to the mainframe and pivotally attached to the loader arm at a first linkage pivot point. 
a second linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader arm at a second linkage pivot point; the loader being free of cross-members between the first linkage pivot point and the second linkage pivot point;	The TX-1000 has a second linkage pivotally attached to the mainframe and pivotally attached to the loader arm at a second linkage pivot point. The loader is free of cross-members between the first and second linkage pivot points. 

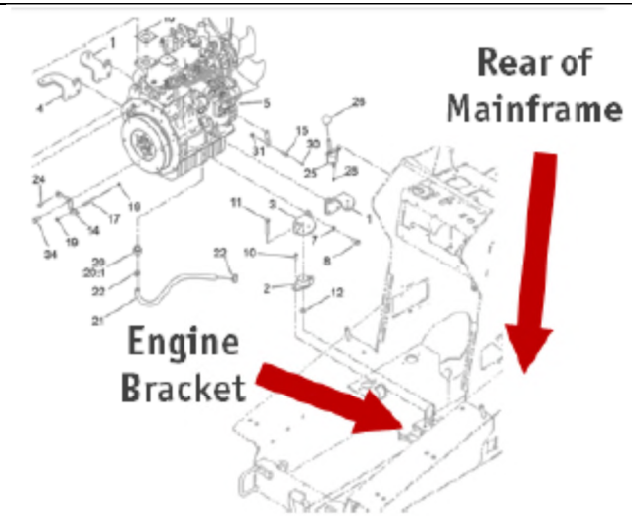
	
an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm at an actuator pivot point;	The TX-1000 has an actuator that is pivotally attached to the first side of the mainframe and pivotally attached to the loader arm at an actuator pivot point. 
a control station having operator controls for propelling the compact tool carrier forward and for raising the lowering the loader, the control station being mounted toward the rear of the compact tool carrier and adapted to allow for standing or walk-behind operation; and	The TX-1000 has a control station with operator controls which allow forward movement of the machine, and raising and lowering of the loader. *See* Operator's Manual https://www.toro.com/getpub/106442 (picture of control features below).

	 131-0707 1. 12 V power socket 2. Hydraulic attachment—forward operation 3. Hydraulic attachment—neutral position 4. Hydraulic attachment—reverse operation 5. Engine speed—fast 6. Engine speed—slow 7. Tilt the attachment forward. 8. Tilt the attachment rearward. 9. Lower the attachment. 10. Raise the attachment. 11. Move the attachment to a float position. 12. Lever lock  131-0708 1. Move forward 2. Turn right 3. Move rearward 4. Turn left The control station of the TX-1000 is also mounted toward the rear of the compact tool carrier and allows for standing operation. *See* https://www.youtube.com/watch?v=7EV8_Gfs4Jw (shows forward movement and raising and lowering of loader; also shows standing operation of control station, which is located at rear of machine).
an operator platform for standing operation of the	*See* above.

operator controls of the control station.	
50. A compact tool carrier configured for standing or walk-behind operator control and having a longitudinal axis and a mass of less than about 1500 kg, the compact tool carrier comprising:	The TX-1000 is a compact tool carrier configured for standing operation, having a longitudinal axis as shown below. The TX-1000 also has a mass of less than 1500 kg.
a loader adapted to carry a tool, the loader comprising:	The TX-1000 has a loader arm adapted to carry a tool.

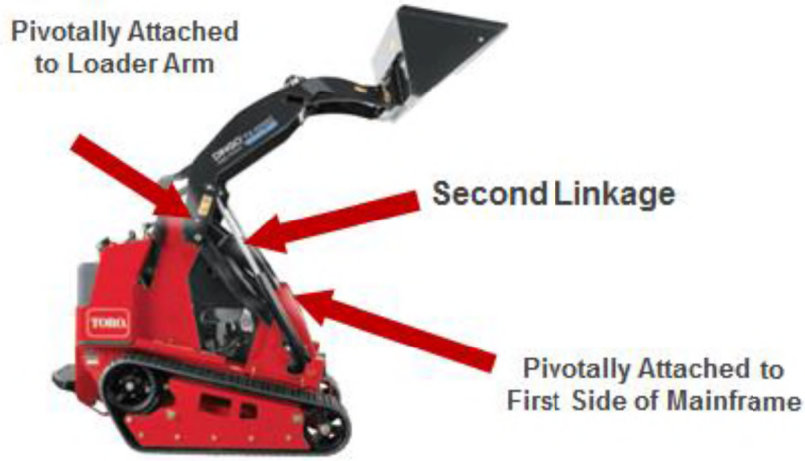
a first loader arm; a second loader arm; and at least one cross-member that extends from the first loader arm to the second loader arm;	The TX-1000 has a first loader arm, a second loader arm, and a cross-member that extends from the first loader arm to the second loader arm.
a mainframe for supporting the loader, the mainframe having a first side and a second side, and having a	The TX-1000 has a mainframe for supporting the loader with a first side and a second side. The mainframe also has a front end and a rear end relative to the longitudinal axis.

front end and a rear end relative to the longitudinal axis, the mainframe comprising an engine bracket that extends from the first side toward the second side for mounting an engine to the mainframe, the engine bracket being spaced from the rear end of the mainframe, the first loader arm not being directly attached to the mainframe;	 The mainframe has an engine bracket that extends from the first side toward the second side and is spaced from the rear end of the mainframe. The loader arm of the TX-1000 is not directly attached to the mainframe.



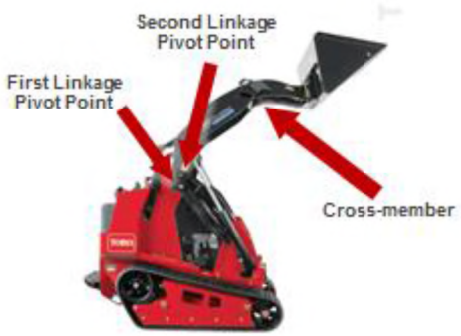
The loader arm of the TX-1000 is not directly attached to the mainframe.

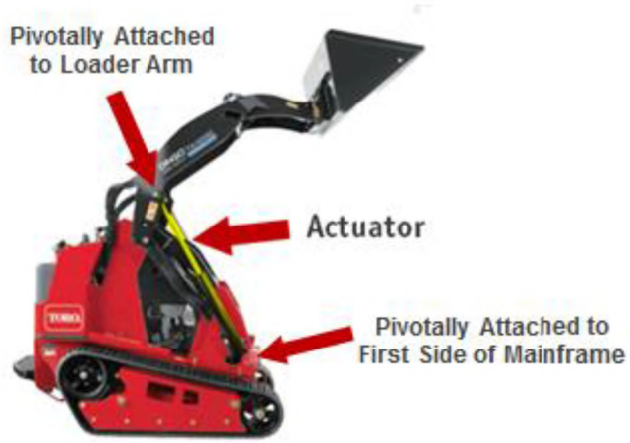
a first linkage pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm at a first linkage pivot point;	The TX-1000 has a linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader arm. *See also*, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id*. at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
a second linkage pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm at a second linkage pivot point, each cross-member being disposed forward of the first linkage pivot point and the second linkage pivot point;	The TX-1000 has a second linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader arm.



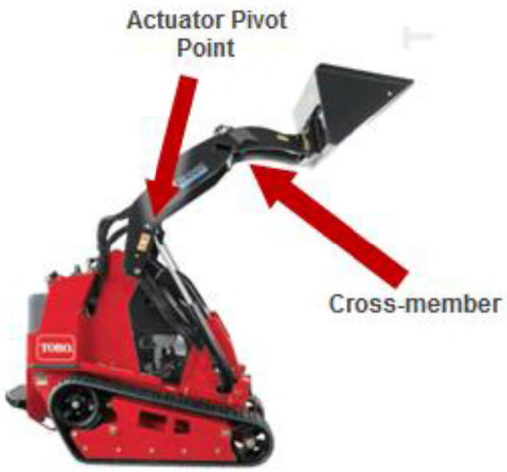
See also, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id.* at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").

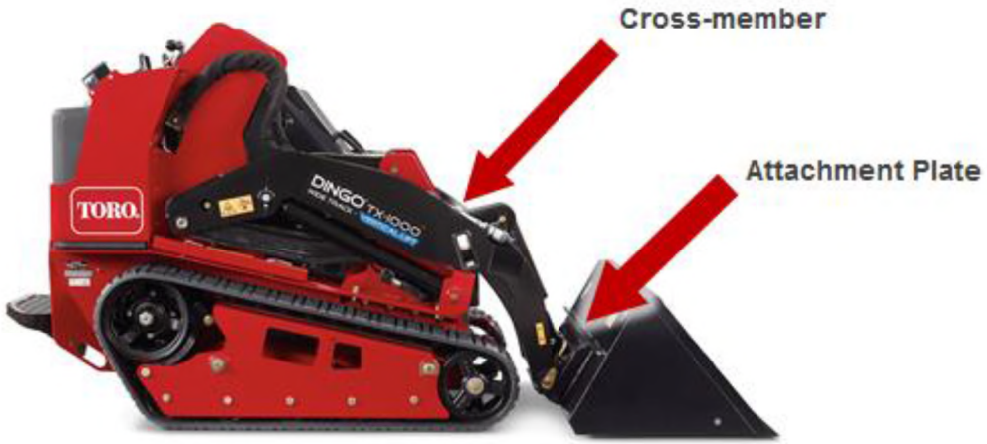
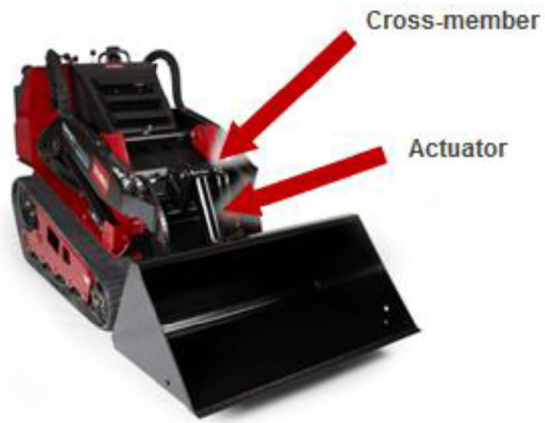
The cross-member is disposed forward of the first linkage pivot point and the second linkage pivot point.



an actuator pivotally attached to the first side of the mainframe and pivotally attached to the first loader arm at an actuator pivot point;	The TX-1000 has an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm at a pivot point.  *See also*, Patent Application Pub. No. 2016/0244937 at 3, 0028 ("A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between.").
a control station having operator controls for propelling the compact tool carrier forward and for raising and lowering the loader, the control station being mounted toward the rear of the compact tool carrier and adapted to allow for standing or walk-behind operation; and	The TX-1000 has a control station with operator controls for moving it forward and raising and lowering the loader. The control station is mounted toward the rear of the machine and allows for standing operation.

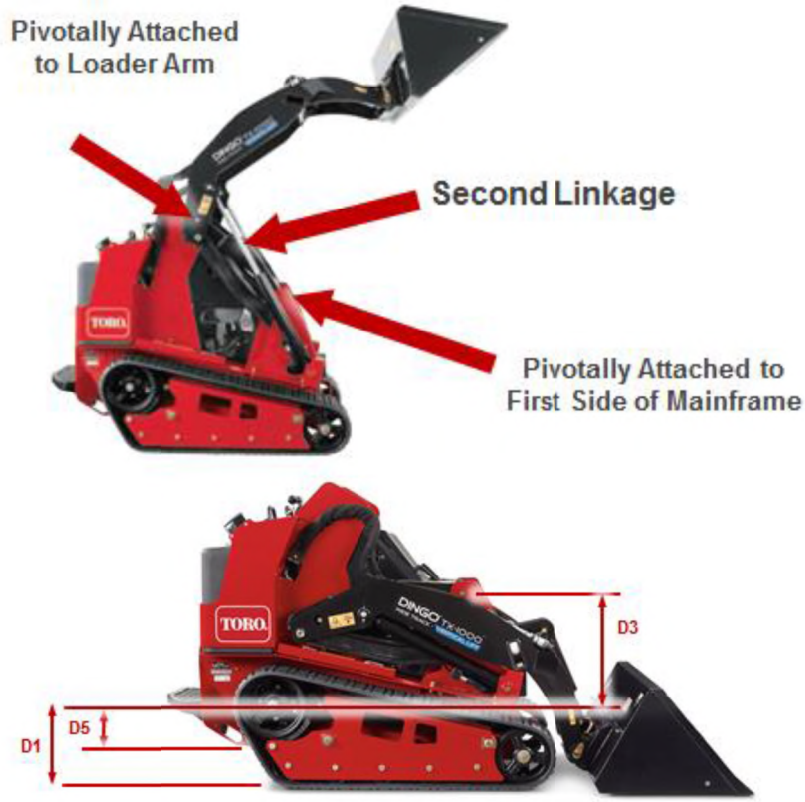
	 TX 1000 CONTROLS
an operator platform for standing operation of the operator controls of the control station.	The TX-1000 has an operator platform for standing operation of the operator controls of the control station.

51. The compact tool carrier as set forth in claim 50 wherein each cross-member is disposed forward of the actuator pivot point.	The TX-1000 has a cross-member located forward of the actuator pivot point. 
53. The compact tool carrier as set forth in claim 50	The TX-1000 has an attachment plate that is spaced from the cross-member.

further comprising an attachment plate for removably attaching a tool to the compact tool carrier, the cross-member being spaced from the attachment plate.	
54. The compact tool carrier as set forth in claim 53 further comprising an actuator for tilting of tools connected to the attachment plate, the actuator being connected to the cross-member and the attachment plate.	The TX-1000 has an actuator for tilting of tools that is connected to the cross-member and attachment plate. 

55. A compact tool carrier configured for standing or walk-behind operator control and having a longitudinal axis and a mass of less than about 1500 kg, the compact tool carrier comprising:	*See* Claims 1 and 15.
a loader having an arm, the loader being adapted to carry a tool;	*See* Claims 1 and 15.
a mainframe for supporting the loader, the mainframe having a first side and a second side, and having a front end and a rear end relative to the longitudinal axis, the mainframe comprising an engine bracket that extends from the first side toward the second side for mounting an engine to the mainframe, the engine bracket being spaced from the rear end of the mainframe, each side having a top and a bottom, the first side of the mainframe having at least two pivot points relative to the loader, the loader arm not being directly attached to the mainframe;	*See* Claims 1 and 15.
a linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader arm;	*See* Claims 1 and 15.
an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm;	*See* Claims 1 and 15.
a drive mechanism comprising tracks for propelling the compact tool carrier over a supporting surface, the drive mechanism having a rotational axis, the compact tool carrier having a bottom at which the drive mechanism contacts the supporting surface, the rotational axis and bottom of the compact tool carrier being separated by a vertical distance D1, the rotational axis and the bottom of the first side of the mainframe being separated by a vertical distance D5, the rotational axis and the pivot point at which the linkage is attached to the mainframe being separated by a vertical distance D2, the rotational axis and the pivot point at which the actuator is attached to the mainframe being separated by a vertical distance D4,	*See* Claims 1 and 15.

both D2 and D4 being less than D1 and being less than 1.5 D5; and	
a control station having operator controls for propelling the compact tool carrier forward and for raising and lowering the loader, the control station being mounted toward the rear of the compact tool carrier and adapted to allow for standing or walk-behind operation.	*See* Claims 1 and 15.
56. The compact tool carrier as set forth in claim 55 wherein D2 and D4 are each less than 0.75 D1.	The distance D2 and D4 identified above are each less than 0.75 D1.
57. The compact tool carrier as set forth in claim 55 wherein the linkage is a first linkage, the compact tool carrier further comprising a second linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader, the rotational axis and the pivot point at which the second linkage is attached to the mainframe being separated by a vertical distance D3, D3 being less than 1.5 times D1.	The TX-1000 has a first linkage and a second linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader. The rotational axis and pivot point of the second linkage is separated by a vertical distance D3, which is less than 1.5 times D1.

	
58. The compact tool carrier as set forth in claim 55 wherein the linkage is a first linkage, the compact tool carrier further comprising a second linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader, wherein the mainframe comprises a forward-most pivot point with (1) the pivot point at which the first linkage is attached to the mainframe, (2) the pivot point at which the actuator is attached to the mainframe, or (3) the pivot point at which the second linkage is attached to the mainframe being the forward-most pivot point, a	The TX-1000 has a second linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader. The mainframe comprises a forward-most pivot point, where the vertical distance between the rotational axis and the forward-most pivot point is less than D1.

vertical distance between the rotational axis and the forward-most pivot point being less than D1.	
59. The compact tool carrier as set forth in claim 55 wherein the linkage is a first linkage, the compact tool carrier further comprising a second linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader, wherein the mainframe comprises a forward-most pivot point with (1) the pivot point at which the first linkage is attached to the mainframe, (2) the pivot point at which the actuator is attached to the mainframe, or (3) the pivot point at which the second linkage is attached to the mainframe being the forward-most pivot point, a vertical distance between the rotational axis and the forward-most pivot point being less than 0.75 D1.	The TX-1000 has a second linkage pivotally attached to the first side of the mainframe at a pivot point and pivotally attached to the loader. The mainframe comprises a forward-most pivot point, where the vertical distance between the rotational axis and the forward-most pivot point is less than 0.75 D1.
61. The compact tool carrier as set forth in claim 55 wherein the drive mechanism comprises a drive sprocket, the drive sprocket rotating about the rotational axis.	The TX-1000 has a drive mechanism with a drive sprocket rotating about the rotational axis.

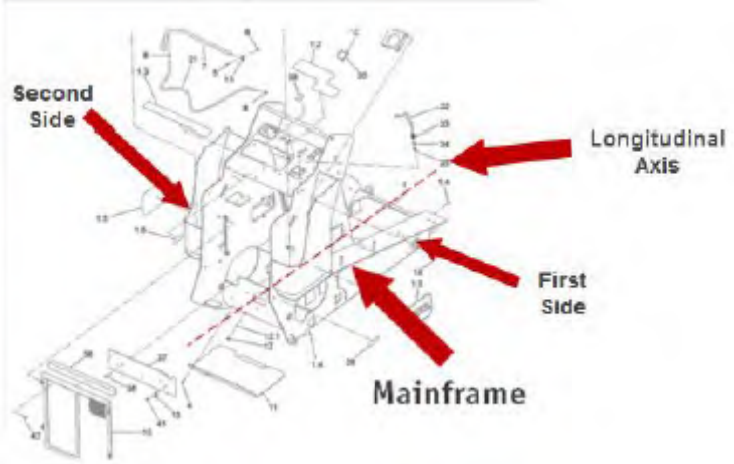
62. The compact tool carrier as set forth in claim 55 further comprising an operator platform for standing operation of the operator controls of the control station.	The TX-1000 has an operator platform for standing operation of the operator controls of the control station.

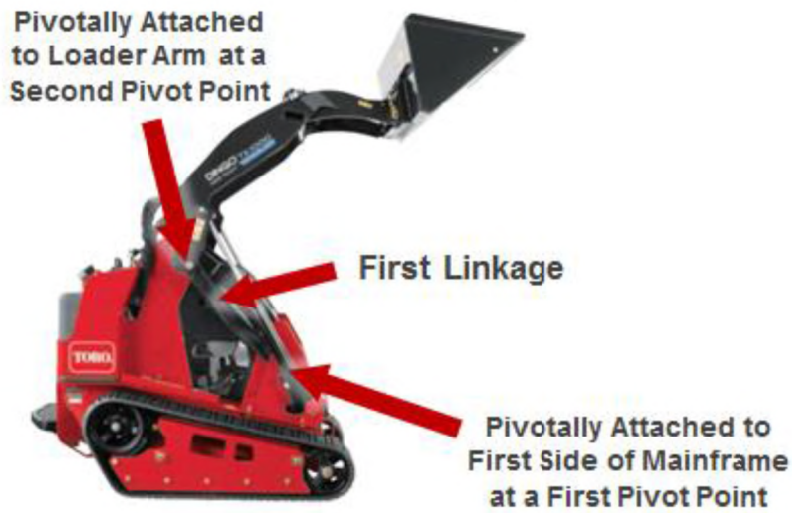
Exhibit B

Toro's TX-1000 Infringes Claims 1, 3-6, 8-17, 19-20, 22, and 24-33

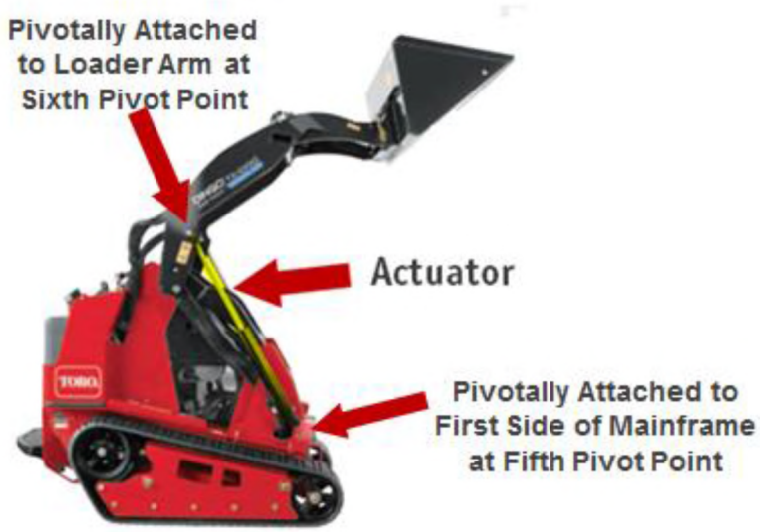
of U.S. Patent No. 9,975,750

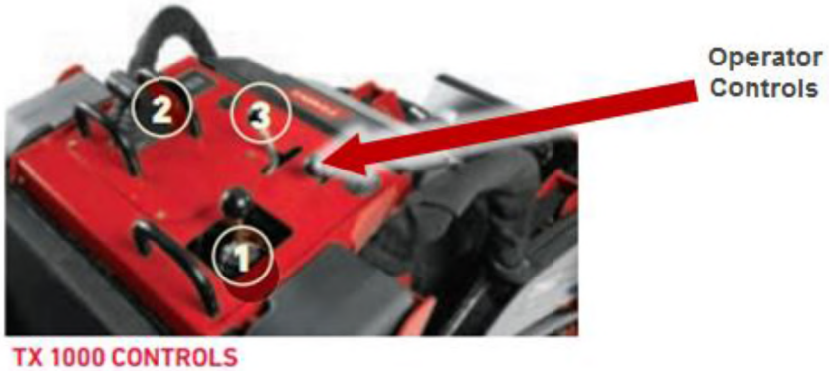
Claims	Accused Product
1. A compact tool carrier configured for standing operator control and having a longitudinal axis and a mass of less than about 1500 kg, the compact tool carrier comprising:	The TX-1000 is a compact tool carrier configured for standing operation, having a longitudinal axis as shown below. The TX-1000 also has a mass of less than 1500 kg.
a loader having an arm, the loader being adapted to carry a tool;	The TX-1000 has a loader arm adapted to carry a tool.

a mainframe for supporting the loader, the mainframe having a first side and a second side, the loader being free from direct attachment to the mainframe;	The TX-1000 has a mainframe for supporting the loader with a first side and a second side. The mainframe also has a front end and a rear end relative to the longitudinal axis.  The loader arm of the TX-1000 is not directly attached to the mainframe.
a first linkage pivotally attached to the first side of the	The TX-1000 has a linkage pivotally attached to the first side of the mainframe and pivotally attached

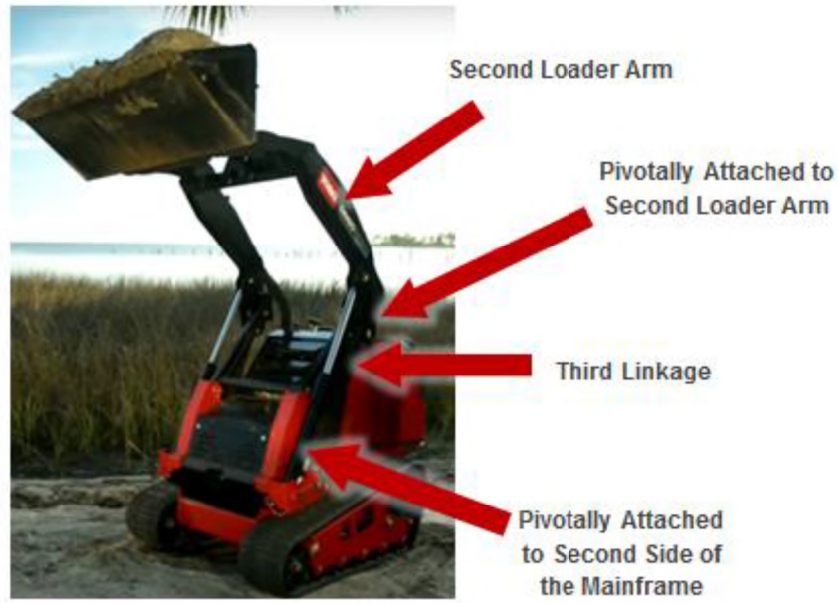
mainframe at a first pivot point and pivotally attached to the loader arm at a second pivot point;	to the loader arm.  *See also*, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id.* at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
a second linkage pivotally attached to the first side of the mainframe at a third pivot point and pivotally attached to the loader arm at a fourth pivot point;	The TX-1000 has a linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader arm.

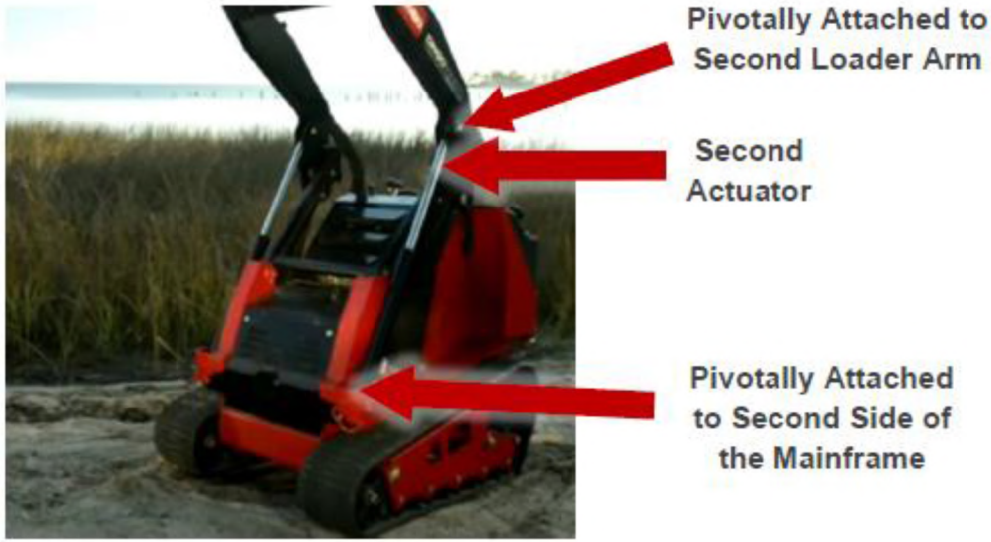
	 See also, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id.* at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
an actuator directly pivotally attached to the first side of the mainframe at a fifth pivot point and directly pivotally attached to the loader arm at a sixth pivot point, the fifth pivot point being distinct from the first pivot point and the third pivot point;	The TX-1000 has an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm.

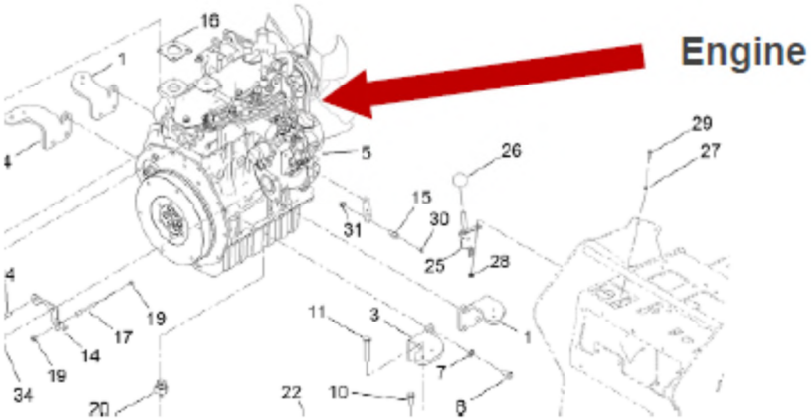
	 *See also*, Patent Application Pub. No. 2016/0244937 at 3, 0028 ("A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between."). .
a control station having operator controls for propelling the compact tool carrier forward and for raising and lowering the loader, the control station being mounted toward the rear of the compact tool carrier;	The TX-1000 has a control station with operator controls for moving it forward and raising and lowering the loader. The control station is mounted toward the rear of the machine and allows for standing operation, as depicted in the picture below.

	
an operator platform for standing operation of the operator controls of the control station; and	The TX-1000 has an operator platform for standing operation of the operator controls of the control station.

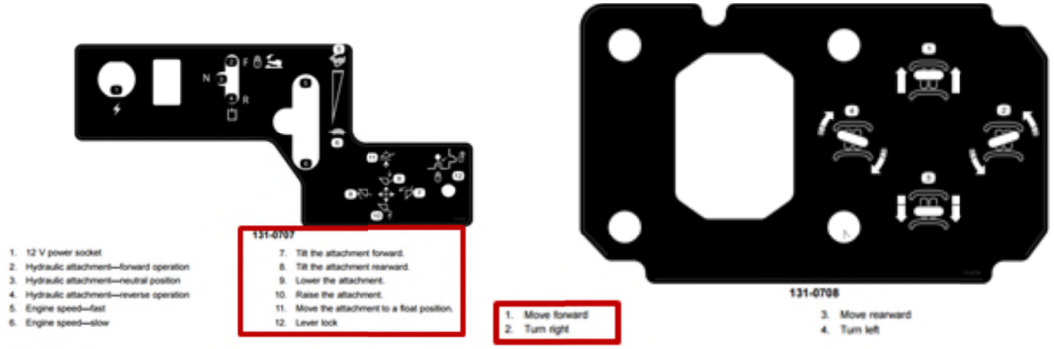
an engine disposed forward of the operator platform relative to the longitudinal axis.	The engine of the TX-1000 is forward of the operator platform.
3. The compact tool carrier as set forth in claim 1 wherein loader arm is a first loader arm the loader comprising a second loader arm and the compact tool carrier comprising a third linkage pivotally attached to the second side of the mainframe and pivotally attached to the second loader arm.	As discussed above, the mainframe of the TX-1000 has a first side that corresponds with the right side of the TX-1000 machine. That right side of the machine also includes a first loader arm and a first linkage that pivotally attaches to the first side of the mainframe and to the first loader arm. The mainframe of the TX-1000 also has a second side that corresponds with the left side of the TX-1000 machine. That left side of the machine also includes a second loader arm and a third linkage that pivotally attaches to the second side of the mainframe and to the second loader arm.

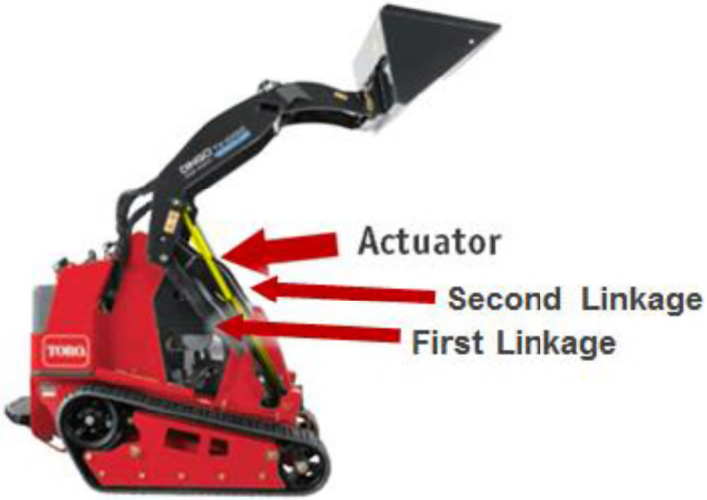
	 *See also*, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id.* at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
4. The compact tool carrier as set forth in claim 3 wherein the actuator is a first actuator, the compact tool carrier comprising a second actuator, the second actuator being pivotally attached to the second side of the mainframe and pivotally attached to the second loader arm.	The TX-1000 has a first actuator and a second actuator. The first actuator is pivotally attached to the first (right) side of the mainframe and also to the first loader arm. The second actuator is pivotally attached to the second (left) side of the mainframe and also to the second loader arm.

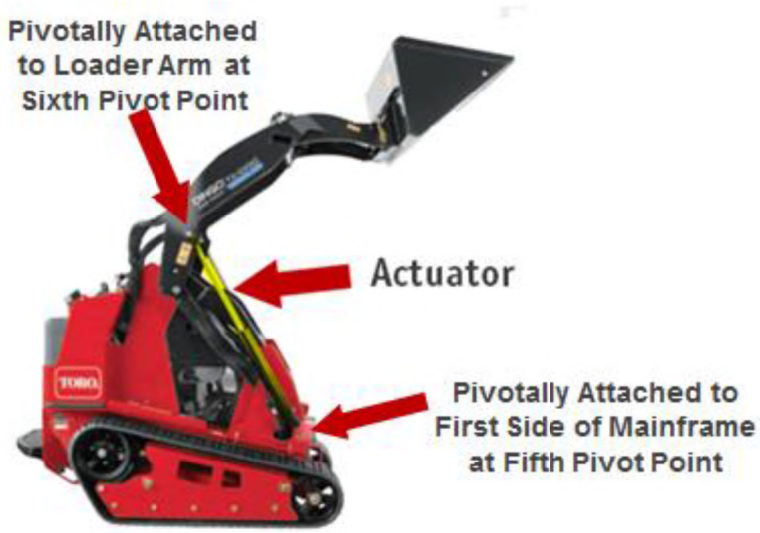
	 *See also*, Patent Application Pub. No. 2016/0244937 at 3, 0028 ("A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between. Other actuators, such as electrical actuators, could be used in place of hydraulic cylinders 30 used in linkages 18.").
5. The compact tool carrier as set forth in claim 1 comprising a drive mechanism comprising tracks or wheels, the drive mechanism being attached to the mainframe.	The TX-1000 has a driving mechanism comprising tracks or wheels, which is attached to the mainframe.

6. The compact tool carrier as set forth in claim 1 comprising a drive mechanism propelled by the engine.	The TX-1000 has an engine that powers the drive mechanism.  *See* Parts Catalog https://www.toro.com/getpub/104840 Engine: Kubota® D1305 *See* Parts Catalog https://www.toro.com/getpub/104840 (Track, Drive Wheel & Tensioner Assembly).

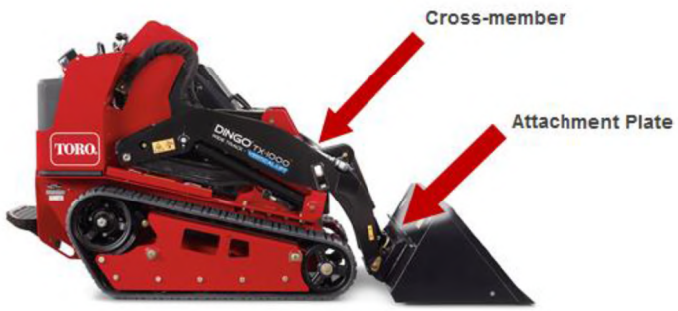
8. The compact tool carrier as set forth in claim 1 wherein the loader arm incorporates a single weldment.	The TX-1000 has a first loader arm and a second loader arm that are each comprised of a single weldment.
9. The compact tool carrier as set forth in claim 1 further comprising a tool attached to the loader, the tool being selected from the group consisting of a bucket, auger, fork, stump grinder, tiller and roller.	The TX-1000 allows for the attachment of a variety of tools. The “bucket” tool is pictured here.

	 See https://www.toro.com/en/professional-contractor/compact-utility-loaders/dingo-tx1000-wide-track
10. A method for operating the compact tool carrier as set forth in claim 1, the method comprising standing on the operator platform and operating the control station to propel the compact tool carrier forward and/or raise or lower the loader.	The TX-1000 has a control station with operator controls which allow forward movement of the machine, and raising and lowering of the loader. *See* Operator's Manual. https://www.toro.com/getpub/106442 (picture of control features below).  The control station can propel the tool carrier forward and raise or lower the loader, as depicted in the following videos: https://www.youtube.com/watch?v=7EV8_Gfs4Jw https://www.youtube.com/watch?v=-xiDQxdR4kU https://www.youtube.com/watch?v=4InRD8NXG1k

	The control station of the TX-1000 allows for standing operation.
11. The compact tool carrier as set forth in claim 1 wherein no more than three linkages and actuators are attached to the first side of the mainframe.	The TX-1000 has two linkages and one actuator attached to the first side of the mainframe. 

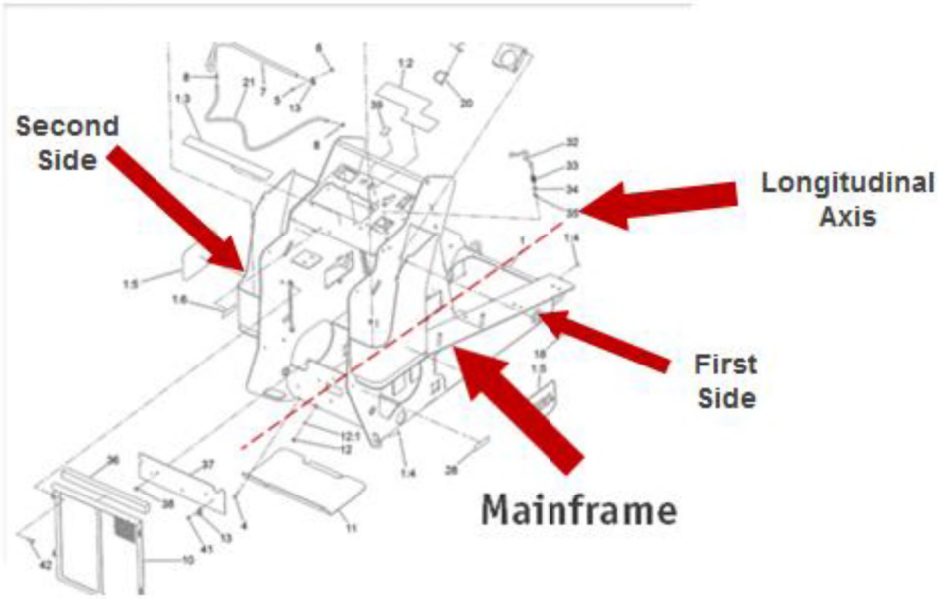
12. The compact tool carrier as set forth in claim 1 wherein a single actuator is attached to the first side of the mainframe.	The TX-1000 has an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm  *See also*, Patent Application Pub. No. 2016/0244937 at 3, 0028 ("A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between.").

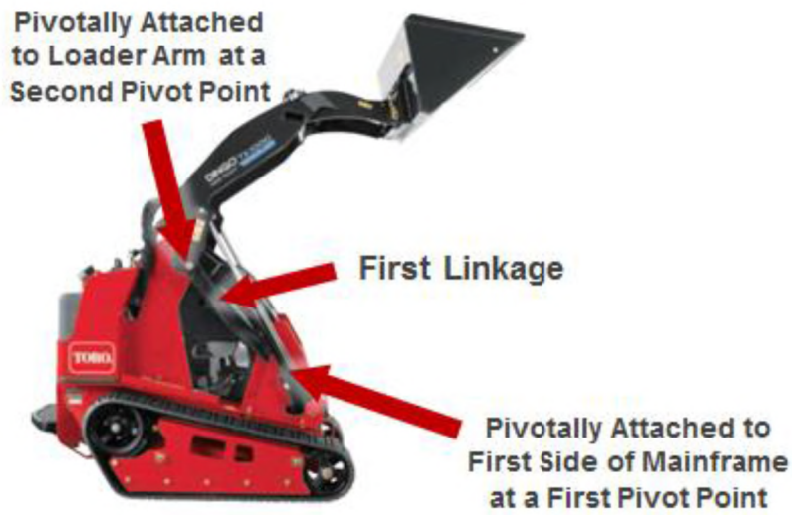
13. The compact tool carrier as set forth in claim 1 wherein the loader is moveable between a down position and a vertically raised position, the operator platform having a rear and a front relative to the longitudinal axis, the second pivot point, fourth pivot point, and sixth pivot point being disposed forward of the rear and front of the operator platform when the loader travels from the down position to the vertically raised position.	
14. The compact tool carrier as set forth in claim 1 wherein the loader is moveable between a down positon and a vertically raised position, the arm of the loader being a first arm and the loader comprising a second arm and at least one cross-member that extends from the first loader arm to the second loader arm, wherein each cross-member is disposed forward of the operator platform relative to the longitudinal axis in the vertically raised position of the loader.	As discussed above, the TX-1000 incorporates two loader arms and a cross-member that extends between them.
15. The compact tool carrier as set forth in claim 14 further comprising an attachment plate for removably	The TX-1000 has an attachment plate that is spaced from the cross-member.

attaching a tool to the compact tool carrier, the cross-member being spaced from the attachment plate.	
16. The compact tool carrier as set forth in claim 14 further comprising a drive mechanism for propelling the compact tool carrier over a supporting surface, the drive mechanism having a drive sprocket, the cross-member being disposed forward of the drive sprocket in the vertically raised position and the down position of the loader.	The TX-1000 has a drive mechanism with a drive sprocket and a cross-member disposed forward of the drive sprocket

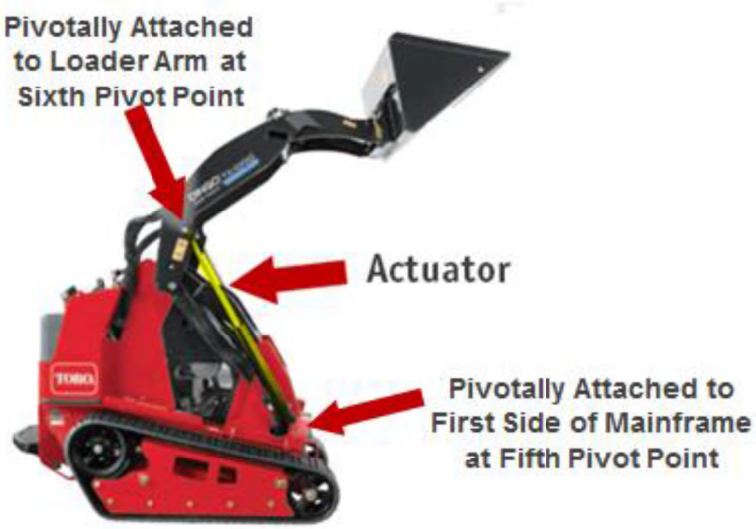
17. The compact tool carrier as set forth in claim 14 wherein the compact tool carrier comprises a single cross-member.	
19. A compact tool carrier having a longitudinal axis and comprising:	The TX-1000 is a compact tool carrier having a longitudinal axis as shown below.
a loader adapted to carry a tool;	The TX-1000 has a loader adapted to carry a tool.

mainframe for supporting the loader, the mainframe having a first side and a second side, the loader being free from direct attachment to the mainframe;	The TX-1000 has a mainframe for supporting the loader with a first side and a second side.

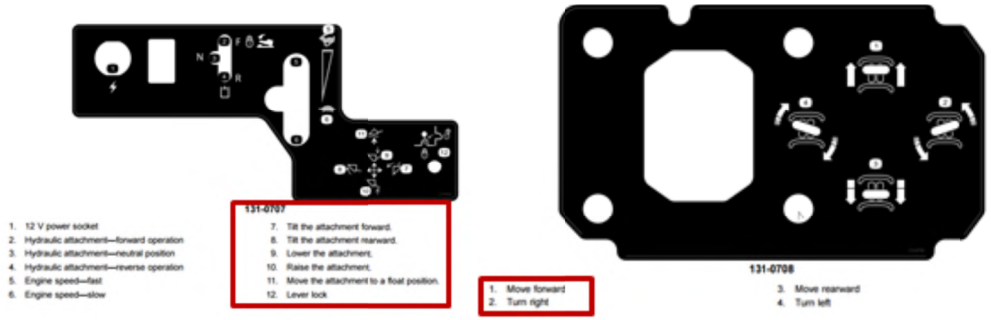
	 The loader of the TX-1000 is not directly attached to the mainframe.
a first linkage pivotally attached to the first side of the mainframe at a first pivot point and pivotally attached to the loader at a second pivot point;	The TX-1000 has a linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader.

	 *See also*, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id.* at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
a second linkage pivotally attached to the first side of the mainframe at a third pivot point and pivotally attached to the loader at a fourth pivot point;	The TX-1000 has a second linkage pivotally attached to the first side of the mainframe and pivotally attached to the loader.

	 See also, Patent Application Pub. No. 2016/0244937 at 1, 0008 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *Id.* at 2, 0027 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
an actuator pivotally attached to the first side of the mainframe at a fifth pivot point and directly pivotally attached to the loader at a sixth pivot point;	The TX-1000 has an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader.

	
a drive mechanism for propelling the compact tool carrier over a supporting surface, the drive mechanism having a drive sprocket defining a rotational axis R, the compact tool carrier having a bottom at which the drive mechanism contacts the supporting surface,	The TX-1000 has a drive mechanism with a drive sprocket defining a rotational axis and a bottom which contacts the supporting surface.

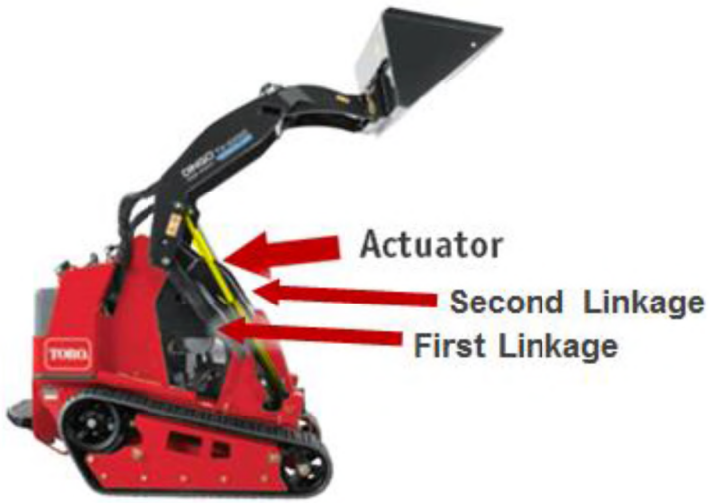
the rotational axis R and the bottom of the compact tool carrier being separated by a vertical distance D1, the rotational axis R and a bottom of the first side of the mainframe being separated by a vertical distance D5,	
the rotational axis R and each of the first, third, and fifth pivot points being separated by a vertical distance, the vertical distance between the rotational axis R and the first pivot point being less than 1.5 times D1, the vertical distance between the rotational axis R and the third pivot point also being less than 1.5 times D1, the vertical distance between the rotational axis R and the fifth pivot point also being less than 1.5 times D1,	

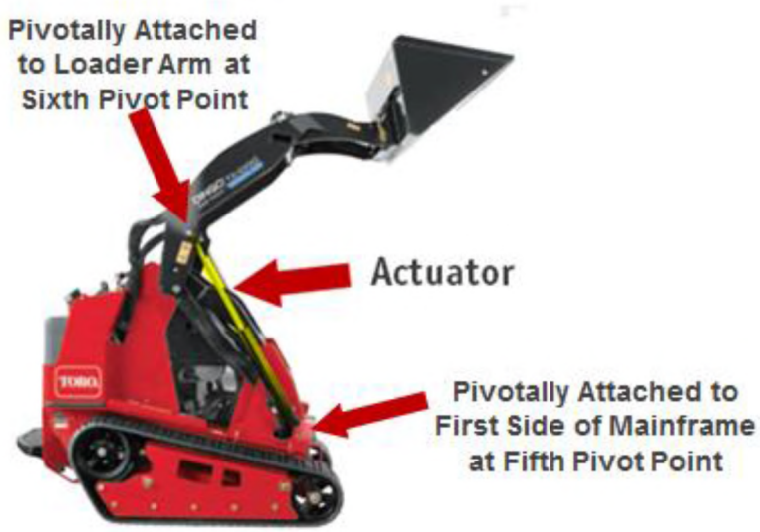
the first side of the mainframe comprising a forward-most pivot point, the first pivot point, the third pivot point, or the fifth pivot point being the forward-most pivot point, the vertical distance between the rotational axis R and the forward-most pivot point being less than twice D5;	
a control station having operator controls for propelling the compact tool carrier forward and for raising and/or lowering the loader, the control station being mounted toward the rear of the compact tool carrier;	The TX-1000 has a control station with operator controls which allow forward movement of the machine, and raising and lowering of the loader. *See* Operator's Manual https://www.toro.com/getpub/106442 (picture of control features below).  The control station of the TX-1000 is also mounted toward the rear of the compact tool carrier.

	 See https://www.youtube.com/watch?v=7EV8_Gfs4Jw (shows forward movement and raising and lowering of loader; also shows standing operation of control station, which is located at rear of machine).
an operator platform for standing operation of the operator controls of the control station; and	The TX-1000 has an operator platform for standing operation of the operator controls of the control station.

an engine disposed forward of the operator platform relative to the longitudinal axis.	The engine of the TX-1000 is forward of the operator platform.
20. The compact tool carrier as set forth in claim 19	The TX-1000 has a second side of the mainframe that is essentially identical to its first side. The ratios

wherein the second side of the mainframe comprises at least two pivot points, each vertical distance between the rotational axis R and the respective pivot point being less than 1.5 times D1.	for the pivot points on the second side are essentially identical to those on the first side.
22. The compact tool carrier as set forth in claim 19 further comprising a tool attached to the loader, the tool being selected from the group consisting of a bucket, auger, fork, stump grinder, tiller and roller.	The TX-1000 allows for the attachment of a variety of tools. The "bucket" tool is pictured here. *See* https://www.toro.com/en/professional-contractor/compact-utility-loaders/dingo-tx1000-wide-track
24. The compact tool carrier as set forth in claim 19 wherein no more than three linkages and actuators are attached to the first side of the mainframe.	The TX-1000 has two linkages and one actuator attached to the first side of the mainframe.

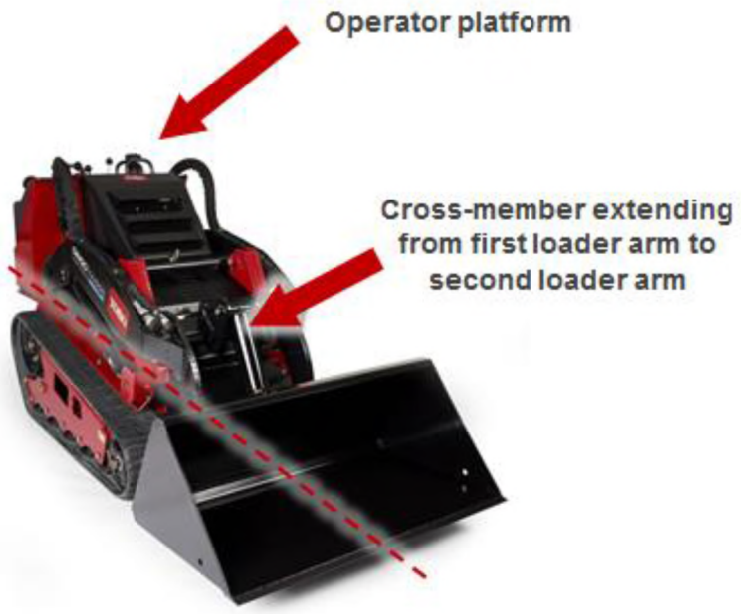
	
25. The compact tool carrier as set forth in claim 19 wherein a single actuator is attached to the first side of the mainframe.	The TX-1000 has an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm.

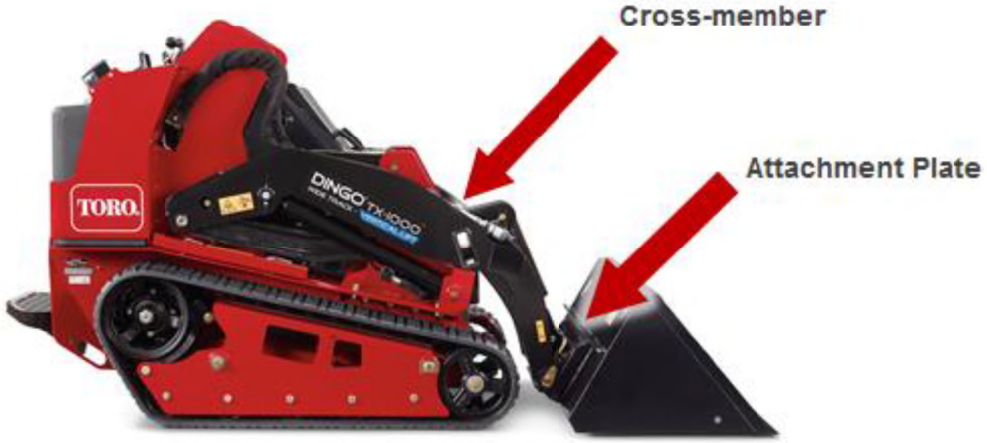
	 *See also*, Patent Application Pub. No. 2016/0244937 at 3, 0028 ("A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between."). \
26. The compact tool carrier as set forth in claim 19 wherein the vertical distance between the rotational axis R and the forward-most pivot point is less than 1.75 D5.	

	 The distance between the rotational axis and the forward-most pivot point is less than 1.75 D5.
27. The compact tool carrier as set forth in claim 19 wherein the vertical distance between the rotational axis R and the forward-most pivot point is less than 1.5 D5.	 The distance between the rotational axis and the forward-most pivot point is less than 1.5 D5.

28. The compact tool carrier as set forth in claim 19 wherein the vertical distance between the rotational axis R and the forward-most pivot point is less than D1.	 The distance between the rotational axis and the forward-most pivot point is less than D1.
29. The compact tool carrier as set forth in claim 19 wherein the vertical distance between the rotational axis R and the forward-most pivot point is less than 0.75 D1.	 The distance between the rotational axis and the forward-most pivot point is less than 0.75 D1.
30. The compact tool carrier as set forth in claim 35 wherein the loader is moveable between a down	The TX-1000 has a control station with operator controls for moving it forward and raising and lowering the loader. The control station is mounted toward the rear of the machine and allows for

position and a vertically raised position, the loader comprising:	standing operation, as depicted in the picture below.
a first arm;	The TX-1000 has a first arm and a second arm.
a second arm; and	See above.
at least one cross-member that extends from the first loader arm to the second loader arm, wherein each cross-member is disposed forward of the operator	The TX-1000 has a cross-member that is forward of the operator platform and extends from the first loader arm to the second loader arm.

platform relative to the longitudinal axis in the vertically raised position of the loader.	
31. The compact tool carrier as set forth in claim 30 further comprising an attachment plate for removably attaching a tool to the compact tool carrier, the cross-member being spaced from the attachment plate.	The TX-1000 has an attachment plate that is spaced from the cross-member.

	
32. The compact tool carrier as set forth in claim 30 wherein the cross-member is disposed forward of the drive sprocket in the vertically raised position and the down position of the loader.	The TX-1000 has a cross-member that is disposed forward of the drive sprocket in the vertically raised position and the down position of the loader.

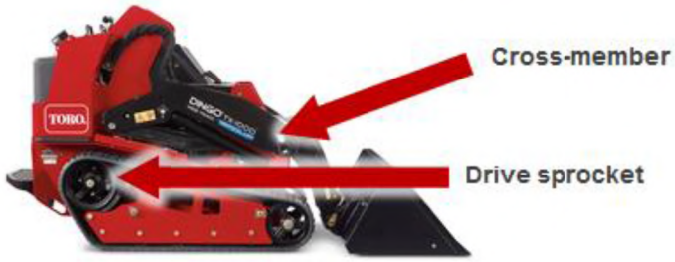
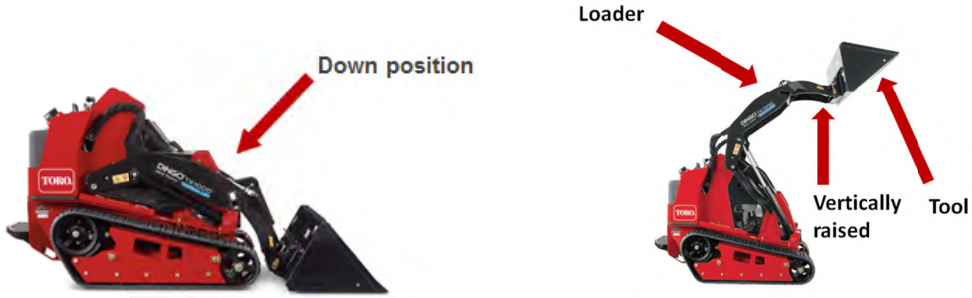
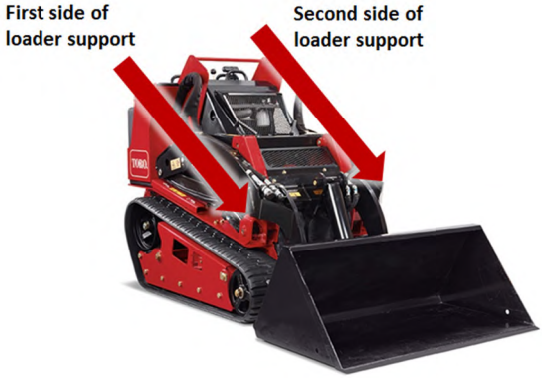
	
33. The compact tool carrier as set forth in claim 30 wherein the compact tool carrier comprises a single cross-member. .	

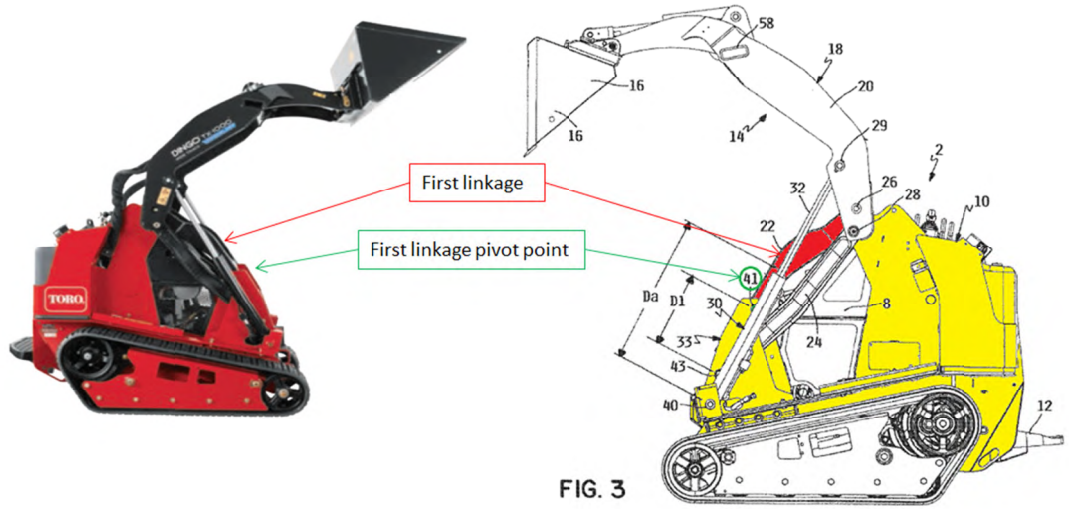
Exhibit C

Toro's TX-1000 Infringes Claims 1, 4–9, 19–23, 25, and 27 of U.S. Patent No. 10,202,266

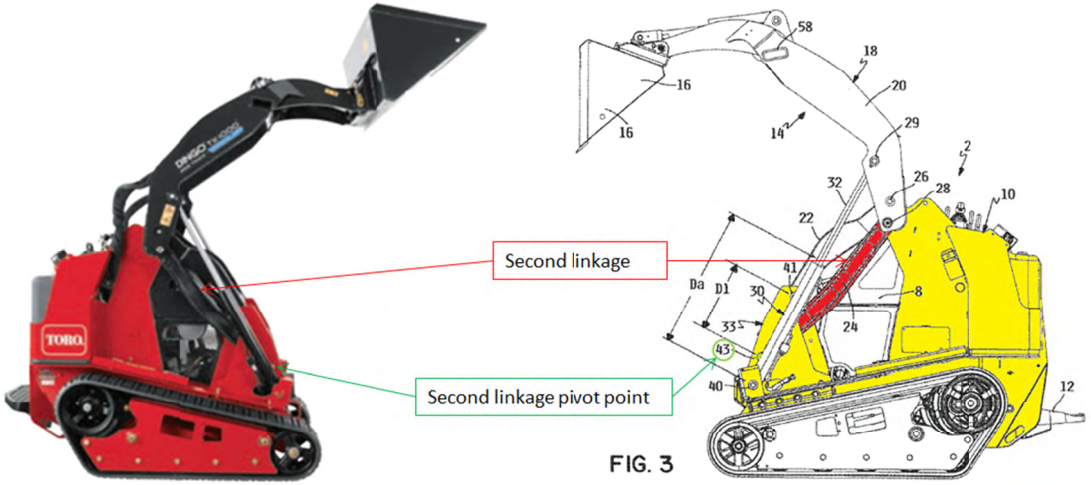
Claims	Accused Product
1. A loader apparatus configured for standing operator control and comprising:	The TX-1000 is a loader apparatus configured for standing operator control, as shown below. *See also*: https://www.toro.com/en/professional-contractor/compact-utility-loaders/dingo-tx1000-wide-track.
a loader adapted to carry a tool, the loader being moveable between a down position and a vertically raised position;	The TX-1000 has a loader adapted to carry a tool and is moveable between a down position and a vertically raised position. 

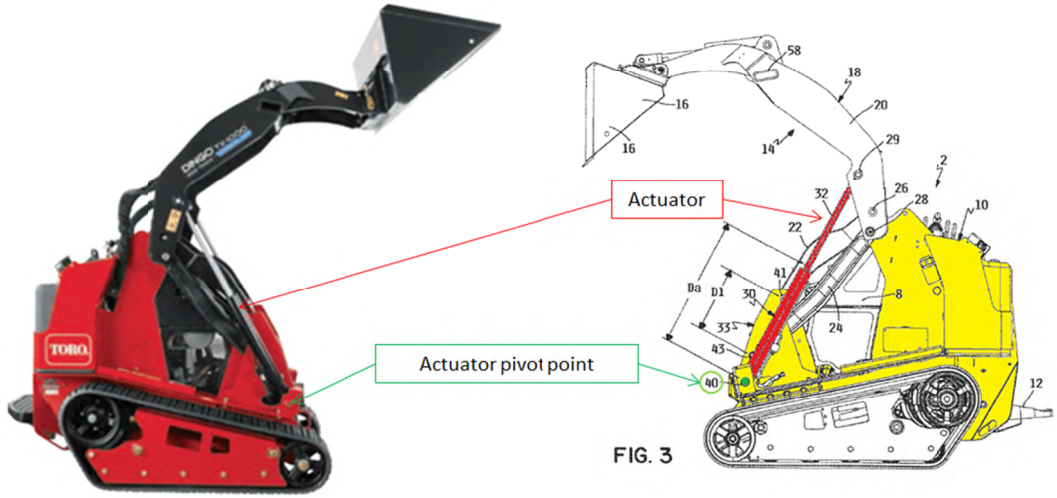
a loader support for supporting the loader, the loader support having a first side and a second side, the loader being free from direct attachment to the loader support;	The TX-1000 has a loader support for supporting the loader, the loader support having a first side and a second side, the loader being free from direct attachment to the loader support. 
a first linkage pivotally attached to the first side of the loader support at a first linkage pivot point;	The TX-1000 has a first linkage pivotally attached to the first side[1] of the loader support at a first linkage pivot point.

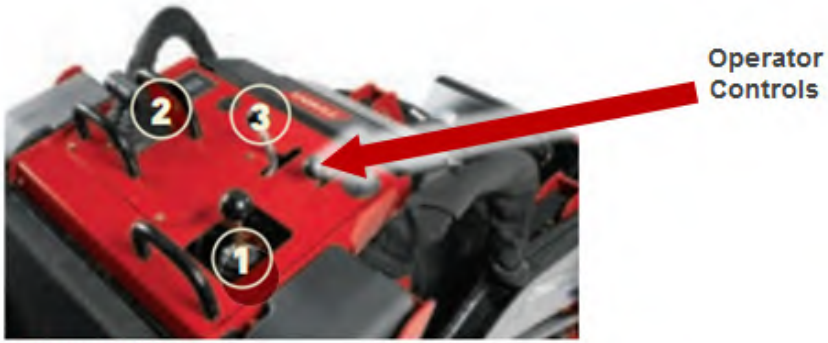
[1] For purposes of infringement, it does not matter whether the left side or the right side of the loader support is identified as the "first side." As shown here, the right side is used in the photograph and the left side is used in the patent figure. Because the TX-1000 has both a left side and a right side with the same linkages and pivot points, either side can be used to demonstrate infringement and are used interchangeably herein.

	 *See* U.S. Patent No. 10,221,540[2] at Fig. 3, 2:43–47 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *id.* at 4:40–45 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
a second linkage pivotally attached to the first side of the loader support at a second linkage pivot point;	The TX-1000 has a second linkage pivotally attached to the first side of the loader support at a second linkage pivot point.

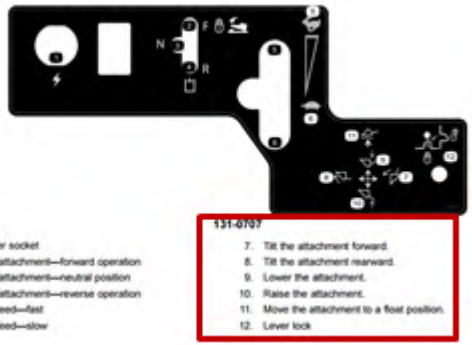
[2] U.S. Patent No. 10,221,540 is a Toro patent describing the TX-1000 compact utility loader.

	 *See* U.S. Patent No. 10,221,540 at Fig. 3.
an actuator pivotally attached to the first side of the loader support at an actuator pivot point;	The TX-1000 has an actuator pivotally attached to the first side of the mainframe and pivotally attached to the loader arm.

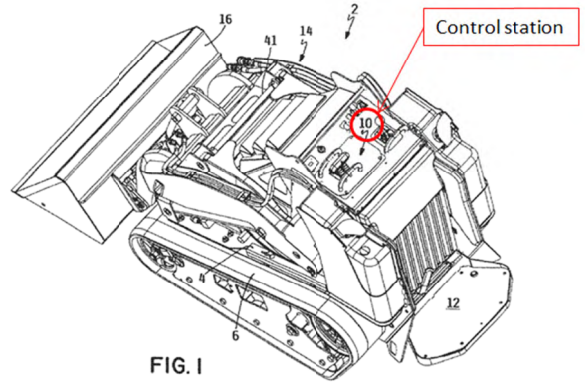
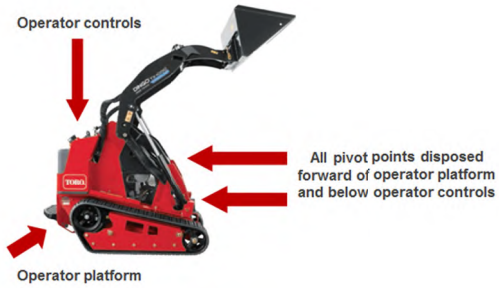
	 *See* U.S. Patent No. 10,221,540 at Fig. 3, 4:54–59 ("A hydraulic cylinder 30 has its piston rod 32 pivotally connected to upper loader arm 20 somewhat forwardly of pivots 26, 28 for lower loader arms 22, 24. Hydraulic cylinder 30 is the actuator that lifts and lowers loader arm assembly 14 between its FIG. 2 and FIG. 3 positions and any desired position in between.").
a control station having operator controls for propelling the loader apparatus forward and for raising and lowering the loader; and	The TX-1000 has a control station with operator controls for propelling the loader apparatus forward and for raising and lowering the loader.

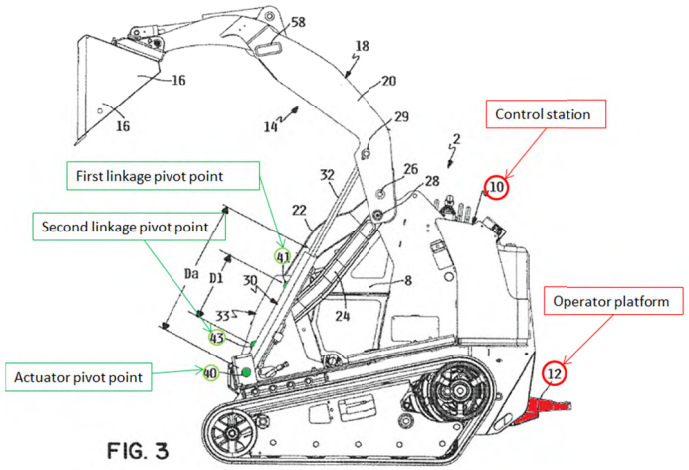


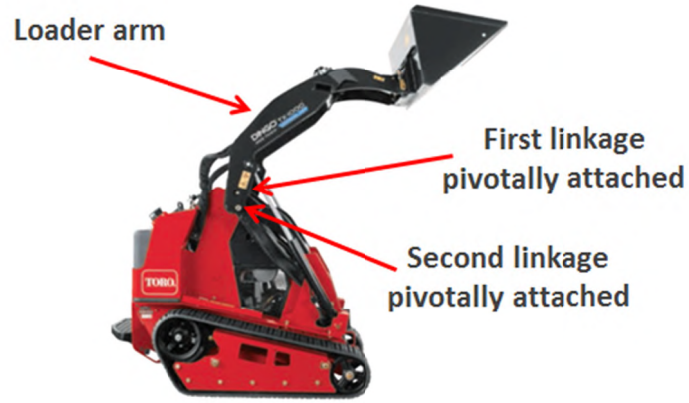
TX 1000 CONTROLS

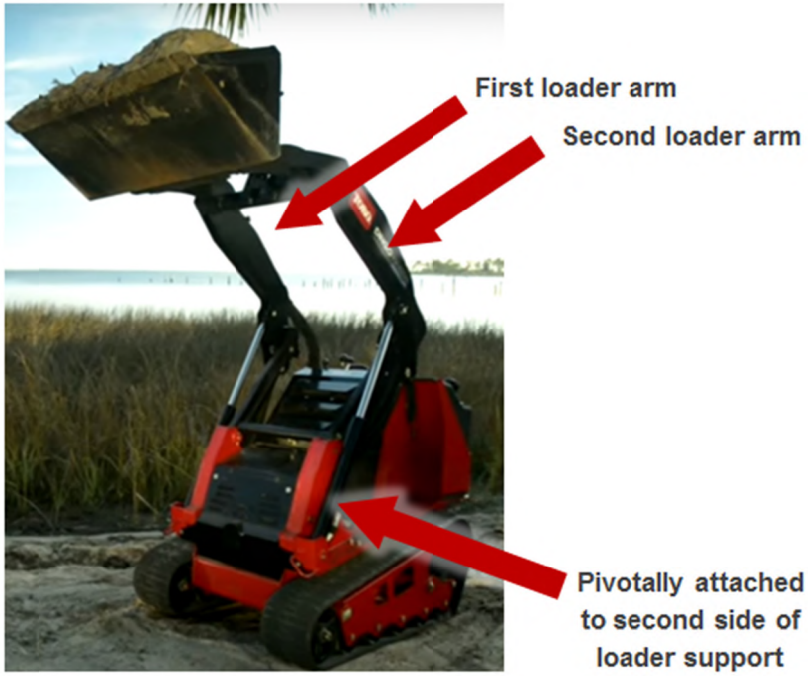


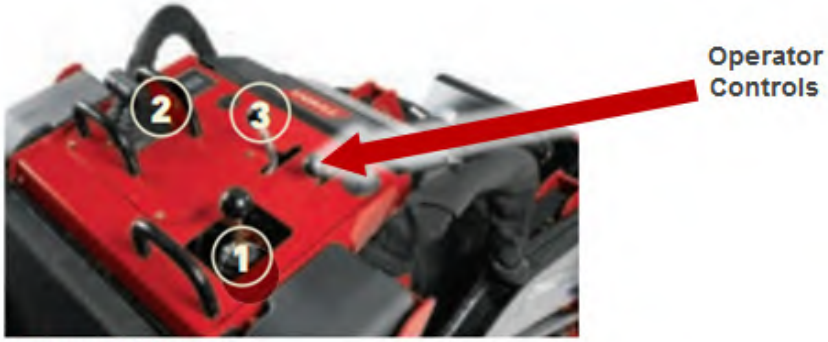
See Operator's Manual for the TX-1000: https://manuals.toro.com/154677/index.html?rnd=0.45088834393268784; *see also* Toro Dingo Brochure: https://cdn2.toro.com/en/-/media/Images/Toro/sitework-systems/Professional-Contractor/Compact-Utility-Loaders/Dingos/490-9226_Dingo_Brochure_FINAL.ashx ("1. Curl, dump or float the bucket while raising or lowering the loader arms with one hand using the joystick. 2. Grab the traction drive joystick for effortless, single-hand control.").

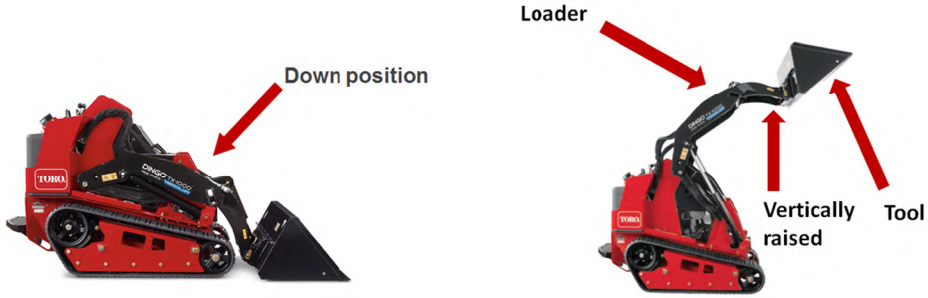
	 FIG. I *See* U.S. Patent No. 10,221,540 at Fig. 1.
an operator platform for standing operation of the operator controls of the control station, the operator platform being located toward a rear of the loader apparatus such that the first linkage pivot point, second linkage pivot point, and the actuator pivot point are disposed forward of the operator platform, the first linkage pivot point, second linkage pivot point, and the actuator pivot point being disposed below the operator controls of the control station.	The TX-1000 has an operator platform for standing operation of the operator controls of the control station. The operator platform is located toward the rear of the TX-1000 such that the first linkage pivot point, second linkage pivot point, and the actuator pivot point are disposed forward of the operator platform. The first linkage pivot point, second linkage pivot point, and the actuator pivot point of the TX-1000 are disposed below the operator controls of the control station, as depicted below. 

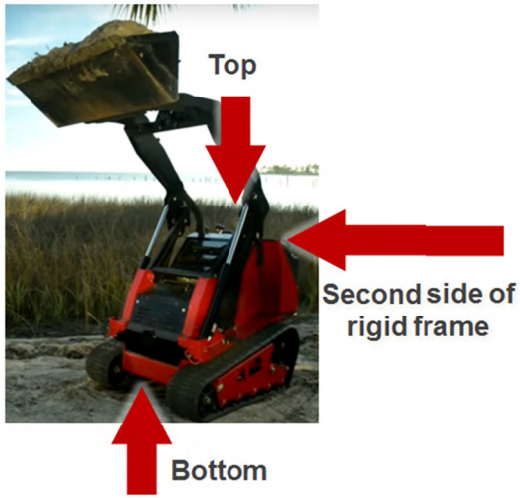
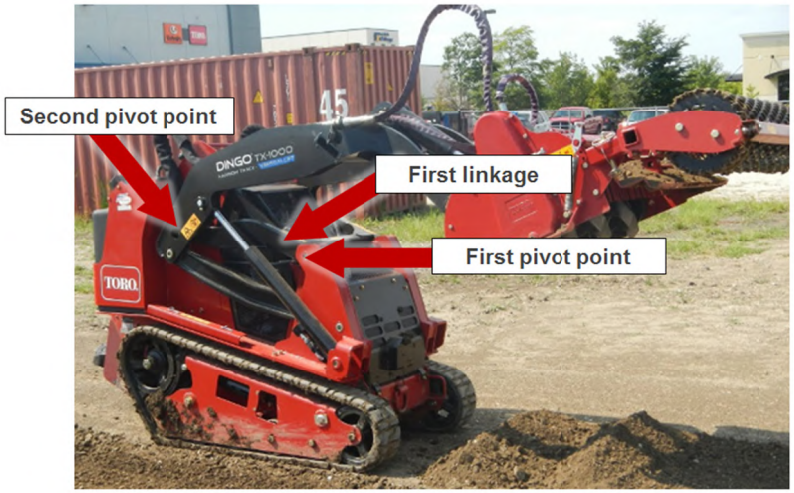
	 *See* U.S. Patent No. 10,221,540 at Fig. 3.
4. The loader apparatus as set forth in claim 1 wherein the loader comprises a loader arm, the loader arm being pivotally connected to the first side of the loader support.	The TX-1000 has a loader arm which is pivotally connected to the first side of the loader support.

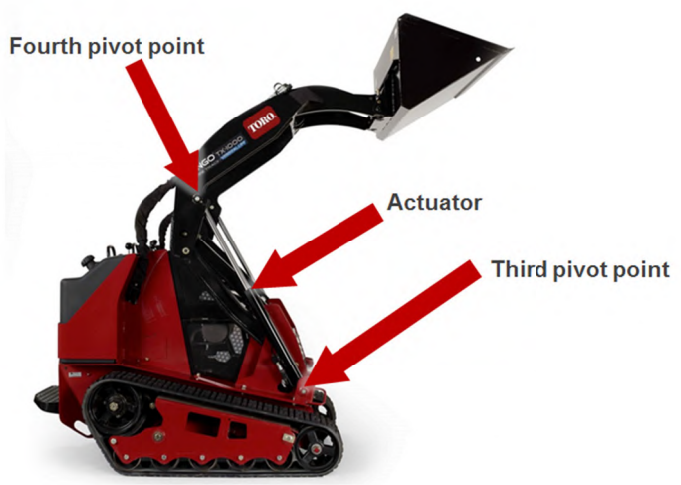
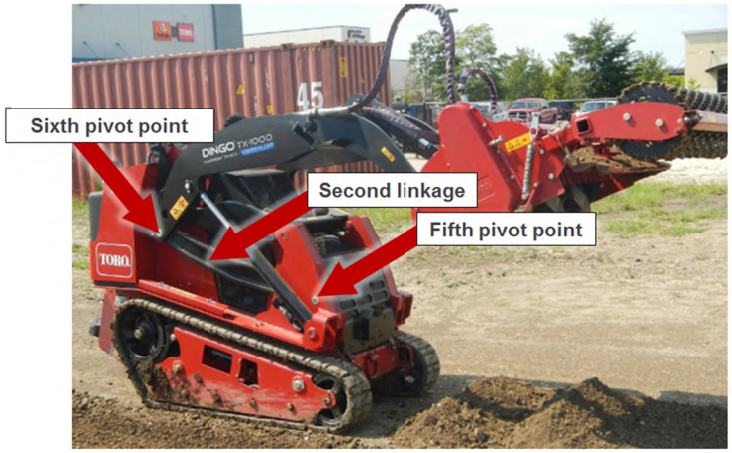
5. The loader apparatus as set forth in claim 4 wherein the first and second linkages are pivotally attached to the loader arm.	The TX-1000 has first and second linkages that are pivotally attached to the loader arm. 
6. The loader apparatus as set forth in claim 4 wherein the loader arm is a first loader arm, the loader comprising a second loader arm, the second loader arm being pivotally connected to the second side of the loader support.	The TX-1000 has a first loader arm and a second loader arm. The second loader arm is pivotally connected to the second side of the loader support.

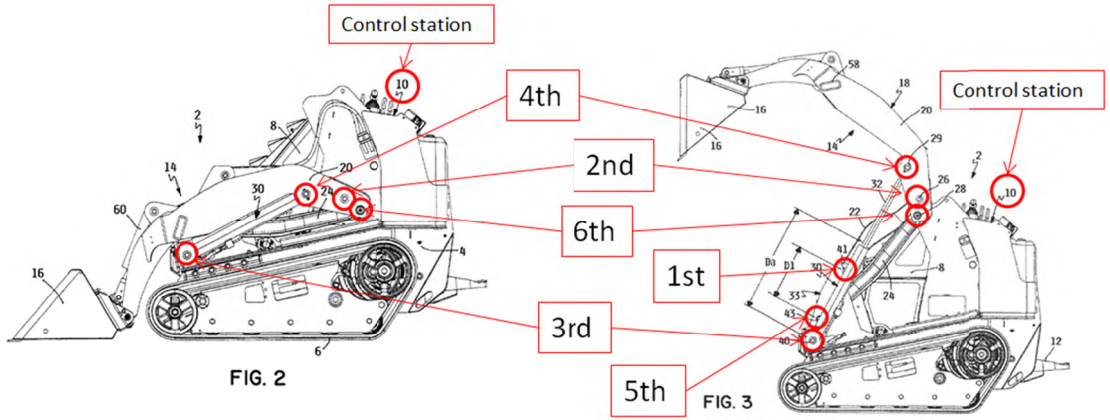
	 *See* U.S. Patent No. 10,221,540 at 2:43–47 ("A loader arm assembly has a pair of scissor linkages on opposite sides of the frame outboard of the prime mover with the linkages nesting around the prime mover when the loader arm assembly is in a lowermost, fully retracted position."); *id.* at 4:40–45 ("An aspect of this invention is the use of a high lift loader arm assembly that accommodates the small form of loader 2. Referring now to FIG. 3, loader arm assembly 14 comprises a pair of scissor shaped loader arm linkages 18 positioned on opposite sides of loader frame 4 directly outboard of prime mover 8.").
7. A loader apparatus for standing or walk-behind operator control and comprising:	The TX-1000 is a loader apparatus for standing operator control.

a control station having operator controls toward a rear of the loader apparatus;	The TX-1000 has a control station with operator controls toward the rear of the loader apparatus.  TX 1000 CONTROLS

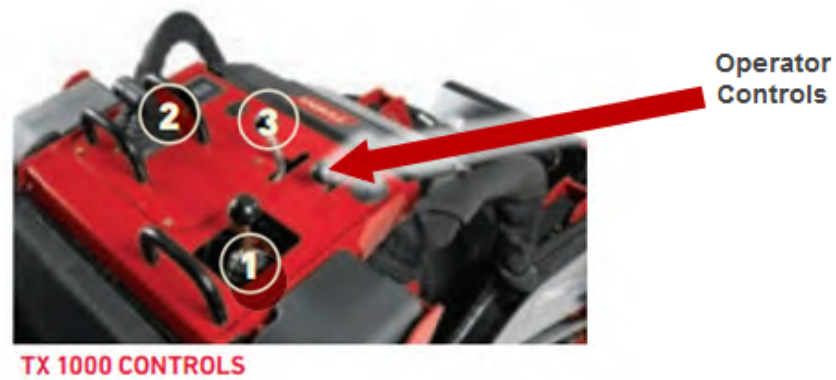
a loader adapted to carry a tool, the loader being moveable between a down position and a vertically raised position;	The TX-1000 has a loader adapted to carry a tool, which is moveable between a down position and a vertically raised position. 
a rigid frame for supporting the control station and the loader, the rigid frame having a first side, a second side, a top, and a bottom;	The TX-1000 has a rigid frame for supporting the control station and the loader. The TX-1000's rigid frame has a first side, a second side, a top and a bottom.

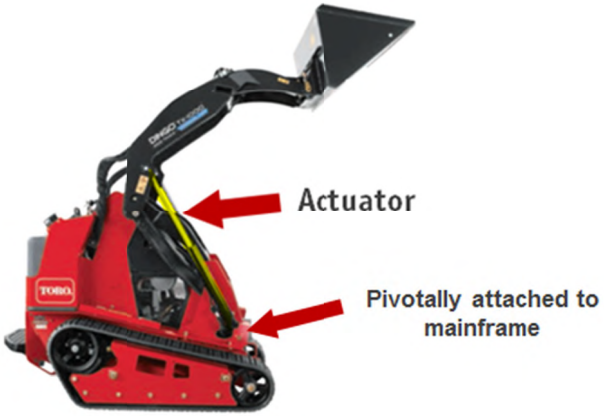
	
a first linkage pivotally attached to the first side of the rigid frame at a first pivot point and pivotally attached to the loader at a second pivot point;	The TX-1000 has a first linkage pivotally attached to the first side of the rigid frame at a first pivot point and pivotally attached to the loader at a second pivot point. 

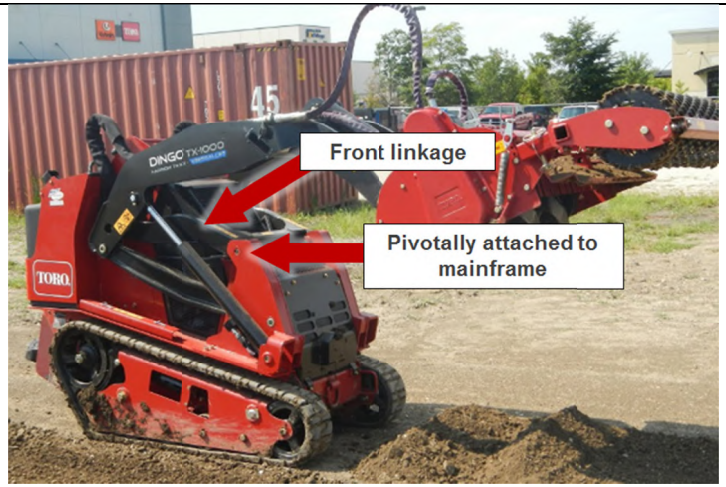
an actuator pivotally attached to the first side of the rigid frame at a third pivot point and pivotally attached to the loader at a fourth pivot point; and	The TX-1000 has an actuator pivotally attached to the first side of the rigid frame at a third pivot point and pivotally attached to the loader at a fourth pivot point. 
a second linkage pivotally attached to the first side of the rigid frame at a fifth pivot point and pivotally attached to the loader at a sixth pivot point, wherein, as the loader travels from the down position to the vertically raised position, the first, second, third, fourth, fifth and sixth pivot points are (1) disposed between the operator controls and the bottom of the rigid frame and/or (2) disposed forward of the control station.	The TX-1000 has a second linkage pivotally attached to the first side of the rigid frame at a fifth pivot point and pivotally attached to the loader at a sixth pivot point. 

	When the loader of the TX-1000 travels from the down position to the vertically raised position, the first, second, third, fourth, fifth and sixth pivot points are disposed between the operator controls and the bottom of the rigid frame or disposed forward of the control station.  *See* U.S. Patent No. 10,221,540 at Figs. 2 and 3.
8. The loader apparatus as set forth in claim 7 wherein the rigid frame defines a pocket toward a rear of the rigid frame to partially surround an operator.	The TX-1000 has a rigid frame that defines a pocket toward the rear of the rigid frame to partially surround an operator.

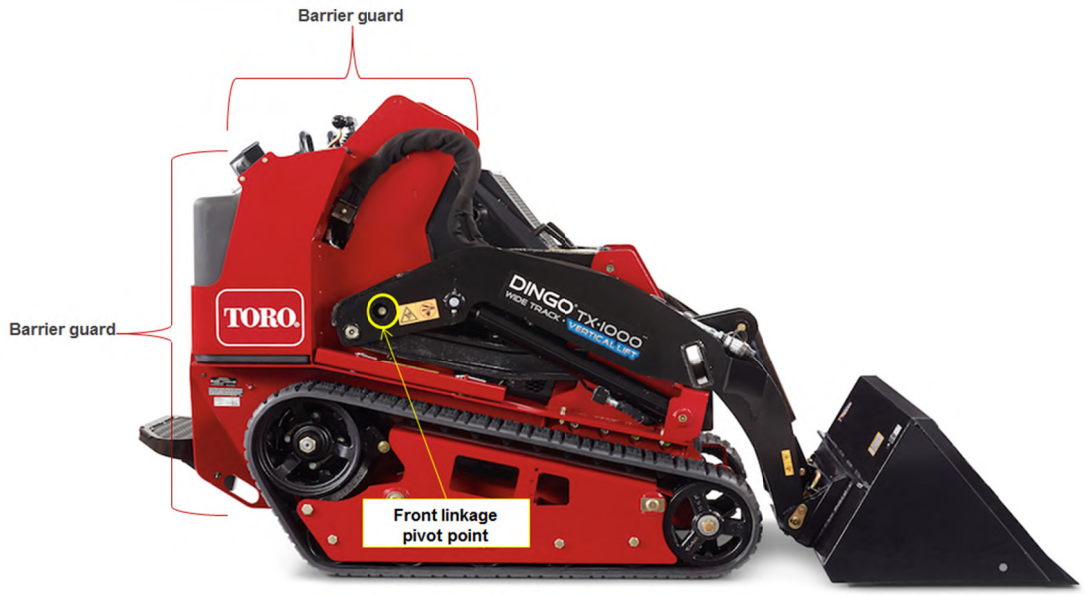
9. The loader apparatus as set forth in claim 8 further comprising an operator platform at least partially within the pocket.	The TX-1000 has an operator platform that is partially within the pocket.
19. A loader apparatus for standing or walk-behind operator control and comprising:	The TX-1000 is a loader apparatus for standing operator control, as depicted in the images above.
a machine structure comprising a mainframe and an upper frame, the machine structure defining a barrier guard;	The TX-1000 has a machine structure comprising a mainframe and an upper frame, and the perimeter of the machine structure defines a barrier guard.

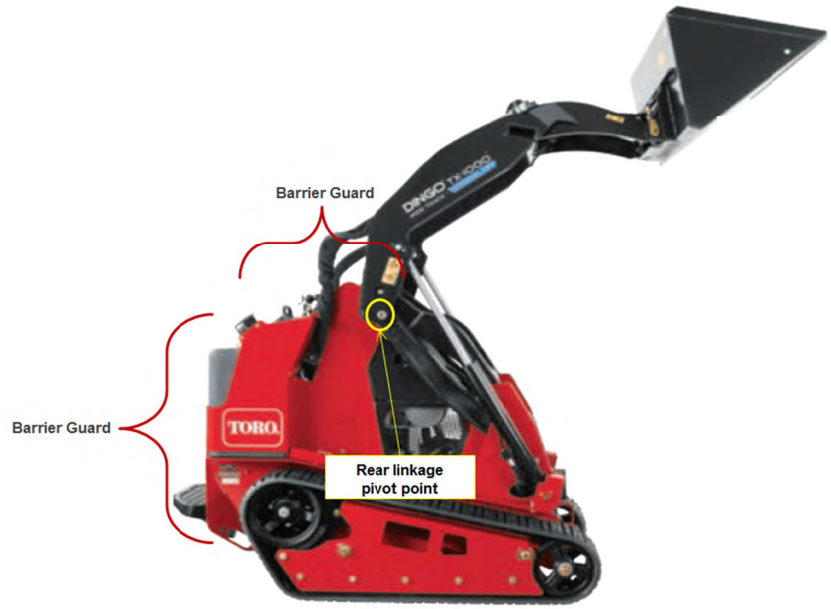
a control station having operator controls toward a rear of the loader apparatus;	The TX-1000 has a control station with operator controls toward the rear of the machine. 

an actuator pivotally attached to the mainframe;	The TX-1000 has an actuator pivotally attached to the mainframe. 
a front linkage pivotally attached to the mainframe;	The TX-1000 has a front linkage pivotally attached to the mainframe.

	
a rear linkage pivotally attached to the mainframe; and	The TX-1000 has a rear linkage pivotally attached to the mainframe.
a loader adapted to carry a tool, the loader being moveable between a down position and a vertically raised position, the front linkage being pivotally attached to the loader at a front linkage pivot point, the rear linkage being pivotally attached to the loader	The TX-1000 is a loader adapted to carry a tool and is moveable between a down position and a vertically raised position, as depicted in the images above. The TX-1000 has a front linkage that is pivotally attached to the loader at a front linkage pivot point and a rear linkage that is pivotally attached to the loader at a rear linkage pivot point.

at a rear linkage pivot point, wherein: in the down position, the front linkage pivot point is (1) disposed within the barrier guard and/or (2) disposed forward of the barrier guard; and as the loader travels from the down position to the vertically raised position, the rear linkage pivot point is (1) disposed within the barrier guard and/or (2) disposed forward of the barrier guard.	 In the down position, the front linkage pivot point is disposed within and/or forward of the barrier guard.

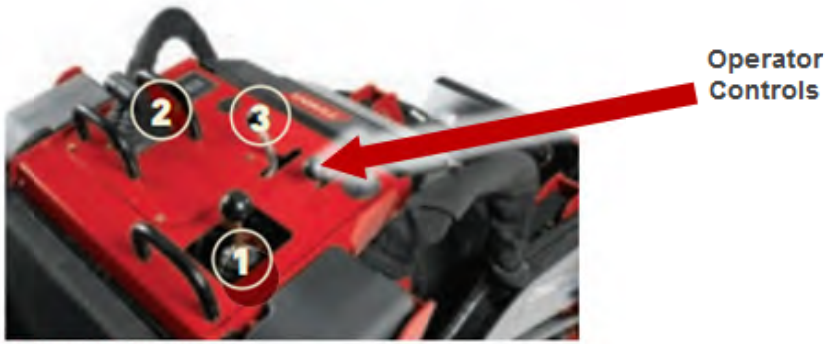
	 As the loader of the TX-1000 travels from the down position to the vertically raised position, the rear linkage pivot point is disposed within and/or forward of the barrier guard.

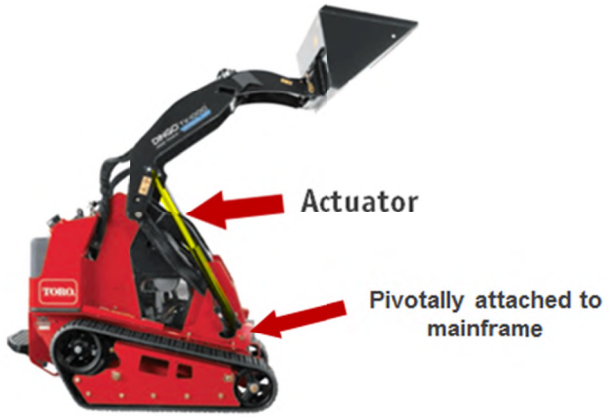
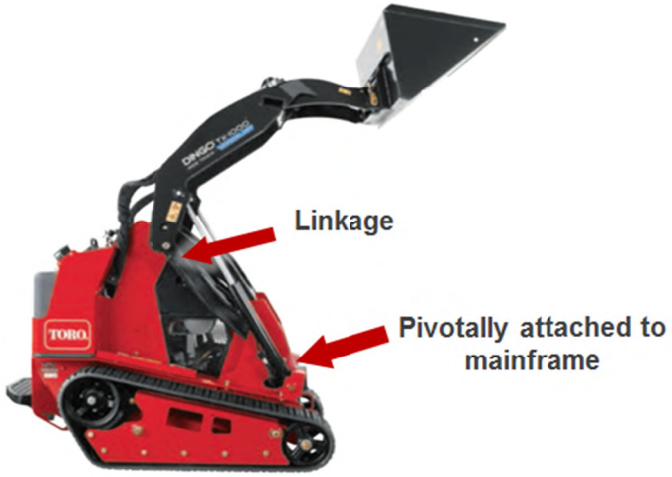
	
20. The loader apparatus as set forth in claim 19 wherein, in the down position, the rear linkage pivot point is disposed within the barrier guard.	The TX-1000, while in the down position, has a rear linkage pivot point that is disposed within the barrier guard.

21. The loader apparatus as set forth in claim 19 wherein the actuator is pivotally attached to the loader at an actuator pivot point, wherein, in the down position, the actuator pivot point is (1) disposed within the barrier guard and/or (2) disposed forward of the barrier guard.	The TX-1000 has an actuator that is pivotally attached to the loader at an actuator pivot point. In the down position, the actuator pivot point is disposed within and/or forward of the barrier guard.
22. The loader apparatus as set forth in claim 21	The TX-1000 has a mainframe with a first side and a second side, as depicted in the images above.

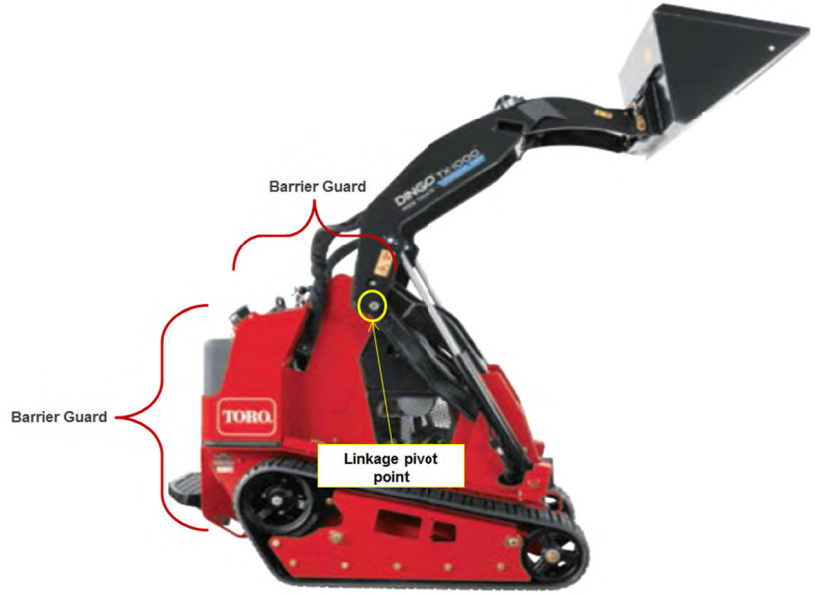
wherein the mainframe has a first side and a second side, the rear linkage, actuator and front linkage each being pivotally attached to the first side of the mainframe.	The TX-1000 has a rear linkage, actuator, and front linkage, which are all pivotally attached to the first side of the mainframe.
23. The loader apparatus as set forth in claim 19 wherein the loader is free from direct attachment to the mainframe.	The TX-1000 has a loader that is not directly attached to the mainframe.
25. A loader apparatus for standing or walk-behind	The TX-1000 is a loader apparatus for standing operator control, as depicted in the images above.

operator control and comprising:	
a machine structure comprising a mainframe and an upper frame, the machine structure defining a barrier guard;	The TX-1000 has a machine structure comprising a mainframe and an upper frame, and the perimeter of the machine structure defines a barrier guard.
a control station having operator controls toward a rear of the loader apparatus;	The TX-1000 has a control station with operator controls towards the rear of the machine.

	 TX 1000 CONTROLS
an actuator pivotally attached to the mainframe;	The TX-1000 has an actuator pivotally attached to the mainframe.

	
a linkage pivotally attached to the mainframe; and	The TX-1000 has a linkage pivotally attached to the mainframe. 
a loader adapted to carry a tool, the loader being moveable between a down position and a vertically raised position, the linkage being pivotally attached to	The TX-1000 has a loader adapted to carry a tool, and is moveable between a down position and a vertically raised position, as depicted in the images above. The TX-1000 loader has a linkage that is pivotally attached to the loader at a linkage pivot point.

the loader at a linkage pivot point, wherein:	
in the down position, the linkage pivot point is disposed within the barrier guard; and	The TX-1000 has a linkage pivot point that is disposed within the barrier guard when the loader is in the down position.
as the loader travels from the down position to the vertically raised position, the linkage pivot point is (1) disposed within the barrier guard and/or (2) disposed forward of the barrier guard.	When the loader of the TX-1000 is traveling from the down position to the vertically raised position, the linkage pivot point is disposed within and/or forward of the barrier guard.

	
27. The loader apparatus as set forth in claim 25 wherein the loader is free from direct attachment to the mainframe.	The TX-1000 is a loader apparatus with a loader that is not directly attached to the mainframe.