

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION**

LANE SHARK USA, LLC, a Florida company,

Plaintiff,

vs.

TITAN IMPLEMENT, LLC, a Tennessee
company, and TRAILBLAZER
ATTACHMENTS, LLC, a Tennessee company,

Defendants.

CASE NO: 1:19-CV-00326

**District Judge Travis R. McDonough
Magistrate Judge Christopher H. Steger**

Jury Trial Demanded

PLAINTIFF’S INITIAL INFRINGEMENT CONTENTIONS

Pursuant to the Court’s Amended Scheduling Order [Doc. 123], Plaintiff Lane Shark USA, LLC (“Lane Shark”) hereby presents the following Initial Infringement Contentions against Defendants Titan Implement, LLC and Trailblazer Attachments, LLC (collectively “Trailblazer”).

I. ASSERTED PATENTS AND PRIORITY

Lane Shark contends that Trailblazer infringes U.S. Patent No. 10,470,364 (“the ’364 patent”) and U.S. Patent No. 10,905,044 (“the ’044 patent”). Both the ’364 patent and the ’044 patent claim priority to Provisional Application No. 62/623,630 filed on January 30, 2018.

II. ASSERTED CLAIMS AND ACCUSED INSTRUMENTALITIES

Lane Shark contends that Trailblazer directly infringes claims 1-14 of the ’364 patent under 35 U.S.C. § 271(a) by making, using, selling, and offering for sale the TB-ONE and TB-JR MAX products.

Lane Shark contends that Trailblazer directly infringes claims 1-2, 5, 8-9, and 16 of the ’044 patent under 35 U.S.C. § 271(a) by making, using, selling, and offering for sale the TB-MAX and TB-MAX JR, including all versions of the TB-MAX and TB-MAX JR products (collectively “the TB-MAX products”). The TB-MAX products include without limitation the versions introduced in 2020 (hereafter the “TB-MAX(1)” and “TB-MAX JR(1)”) and the versions introduced in 2021 (hereafter the “TB-MAX(2)” and “TB-MAX JR(2)”).

III. CLAIM CHARTS

The claim charts in **Appendix A** specifically identify where each limitation of the asserted claims of the ’364 patent are found in the TB-ONE and TB-JR MAX products. Unless otherwise stated, each limitation is asserted to be literally satisfied by the identified structure of the TB-ONE and TB-JR MAX products. Lane Shark reserves the right to assert infringement under the doctrine of equivalents for any claim limitation based on information learned through discovery, claim construction or other proceedings.

The claim charts in **Appendix B** specifically identify where each limitation of the asserted claims of the ’044 patent are found in the TB-MAX(1) and TB-MAX JR(1) products. Unless otherwise stated, each limitation is asserted to be literally satisfied by the identified structure of

the TB-MAX(1) and TB-MAX JR(1) products. Lane Shark reserves the right to assert infringement under the doctrine of equivalents for any claim limitation based on information learned through discovery, claim construction or other proceedings.

The claim charts in **Appendix C** specifically identify where each limitation of the asserted claims of the '044 patent are found in the TB-MAX(2) and TB-MAX JR(2) products. Unless otherwise stated, each limitation is asserted to be literally satisfied by the identified structure of the TB-MAX(2) and TB-MAX JR(2) products. Lane Shark reserves the right to assert infringement under the doctrine of equivalents for any claim limitation based on information learned through discovery, claim construction or other proceedings.

IV. WILLFUL INFRINGEMENT

Lane Shark contends Trailblazer's infringement of its patent rights has been and continues to be willful. The basis for Lane Shark's position is that Trailblazer recognized the value of Lane Shark's invention, attempted unsuccessfully to purchase Lane Shark, and then studiously copied Lane Shark's invention to the gnat's eyebrow to create the TB-ONE and TB-JR MAX knowing Lane Shark had a patent application pending. A chart depicting the exactness of Trailblazer's copying is included in **Appendix A**. After receiving notice of Lane Shark's issued patent, Trailblazer continued to make, use and sell its infringing copies of the invention (the TB-ONE and TB-JR MAX) without any non-infringement position or genuine basis for invalidity, thus acting in callous disregard of Lane Shark's patent rights and deliberately infringing them. Substantial evidence and facts establishing Trailblazer's willful infringement are set forth in Lane Shark's preliminary injunction briefing and related declarations, which are hereby incorporated by this reference. *See* [Doc. 17], [Doc. 18], [Doc. 22], [Doc. 45], [Doc. 46], [Doc. 47], [Doc. 64], [Doc. 65], [Doc. 66], [Doc. 45].

Knowing it had no viable defense to infringement, Trailblazer continued to willfully infringe Lane Shark's patents with the TB-ONE and TB-JR MAX to buy time to design a non-infringing product in the hopes of mooting Lane Shark's preliminary injunction motion. Trailblazer ultimately came out with the TB-FLEX and TB-FLEX JR (collectively the "TB-FLEX products"), neither of which is currently accused of infringement. However, Trailblazer abandoned the TB-FLEX products, because they proved to be commercial failures. Knowing it could not effectively compete against Lane Shark with non-infringing products, Trailblazer went back to the core of Lane Shark's invention to again force Lane Shark to compete against its own patented technology by creating the TB-MAX Products, which implement the revolutionary rotating support arm design that allows the cutter to be placed in front of the tractor as well as to the side of the tractor at multiple cutting angles. This design is and has always been squarely within the patentable scope of the invention described in Lane Shark's Provisional Application No. 62/623,630 and the resulting '364 patent, and Trailblazer adopted its TB-MAX Product design knowing that Lane Shark was securing further broad patent protection for its brush cutter inventions. Trailblazer's infringement with the TB-MAX Products continues to be willful and reflects an ongoing reckless disregard of Lane Shark's patent rights as well as a tacit acknowledgement of the revolutionary nature of Lane Shark's invention. Trailblazer has no credible non-infringement or invalidity defenses, nor any reasonable basis to believe in non-infringement or invalidity.

Lane Shark reserves the right to supplement the basis for its willful infringement claims based on information learned through discovery, claim construction or other proceedings.

Dated: June 4, 2021

Respectfully submitted,

/s/ Mark A. Miller

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APPENDIX A

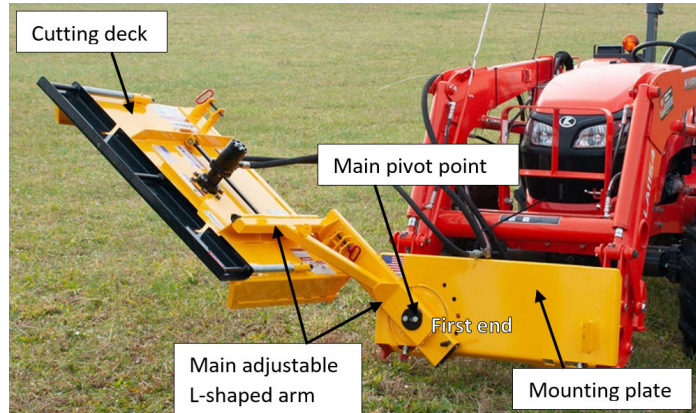
U.S. Patent No. 10,470,364

TB-ONE

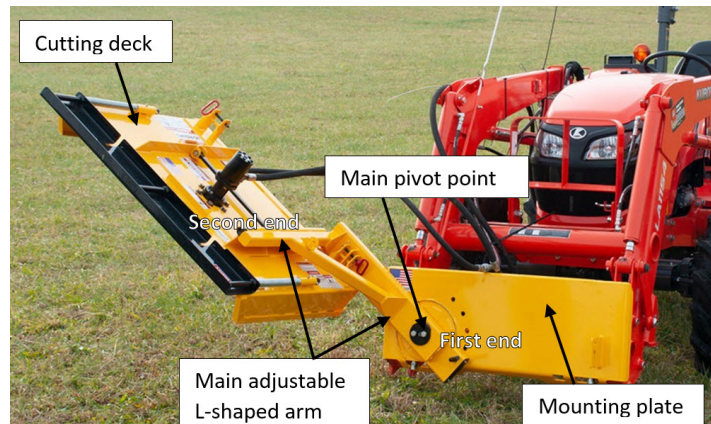
TB-JR MAX

<p>U.S. Patent No. 10,470,364</p>	<p align="center">Trailblazer TB-One http://trailblazerattachments.com/tb-one.html https://www.youtube.com/watch?v=-XuHihZKXxE <i>accessed November 2019</i></p>
<p>Claim 1</p>	
<p>A removably attachable adjustable cutting apparatus comprising:</p>	<div data-bbox="721 365 1019 506"></div> <div data-bbox="1065 373 1305 394">Four Mounting options available</div> <div data-bbox="1101 405 1273 485"> Universal Skid Steer John Deere 400 & 500 Euro/Quickie Universal Pin On </div> <div data-bbox="732 510 1031 651"></div> <div data-bbox="1040 510 1339 651"></div> <div data-bbox="695 663 1382 709"> <p>The Titan Attachments TrailBlazer TB-One is a new concept in tractor mowing. With 11 different positions, this mower allows you to reach into places previously too very difficult to maintain.</p> </div>
<p>a. a cutting deck;</p>	<div data-bbox="732 747 1339 1037"> </div>
<p>b. a mounting plate, with a front and back, connected with said cutting deck;</p>	<div data-bbox="732 1068 1339 1358"> </div>
<p>c. a main pivot point in said mounting plate;</p>	<div data-bbox="732 1390 1339 1680"> </div>

d. an L-shaped main adjustable arm with a first end connected with said mounting plate at said main pivot point such that said first end of said L-shaped main adjustable arm rotates around the main pivot point and parallel to the front of said mounting plate




and with a second end wherein the second end of the L-shaped main adjustable arm extends away from said first end perpendicular to the first end and to the front of the mounting plate



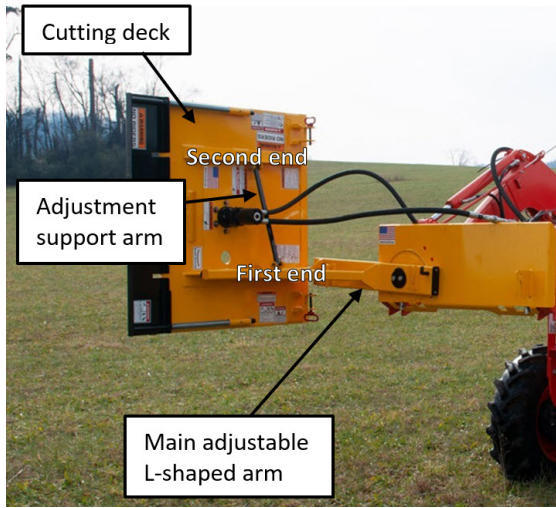


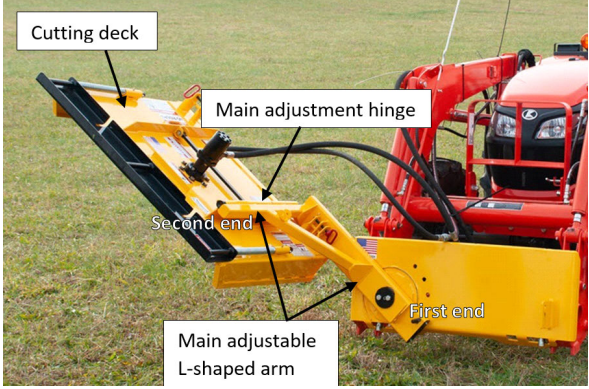
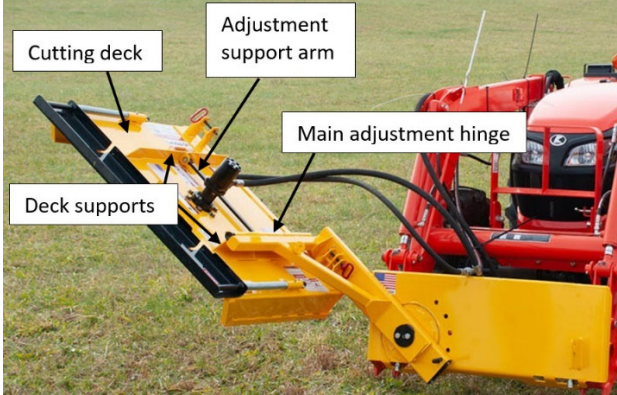



and wherein the second end is connected with said cutting deck such that said cutting deck is held perpendicular to said front of the mounting plate and is adjustable from a horizontal to a vertical position and positions in between; and



<p>e. a first lock bracket on said L-shaped main adjustable arm</p>	
<p>and a second lock bracket on said mounting plate</p>	
<p>and a spaced apart pair of tower locks on said cutting deck</p>	
<p>wherein said first lock bracket and said second lock bracket are both configured to fit within and connect with said pair of tower locks.</p>	

Claim 2	
The apparatus of claim 1	See claim 1 chart.
<p>wherein said mounting plate further includes machine attachment devices for connecting said mounting plate to a machine.</p>	 <p>QUICK SPECS</p> <ul style="list-style-type: none"> • Eleven Cutting Positions • Dual Tapered Bearing Design for Easy Cutting Adjustments • Two Motor Options <ul style="list-style-type: none"> ○ 9-14 Gallons per Minute ○ 15-20 Gallons Per Minute • Four Mounting Options Available <ul style="list-style-type: none"> ○ Universal Skid Steer ○ John Deere 400 & 500 ○ Euro/Quickie/Global ○ Universal Pin On • 44" Cutting Width • Up to a 3" Cut Capacity • 3,000lb Tractor Minimum
Claim 3	
The apparatus of claim 2	See claim 2 chart.
<p>wherein said machine attachment devices are configured so as to connect with said machine where the machine attachment devices are selected from a group of machine attachment devices consisting of:</p> <p>Skid Steer Quick Attach (SSQA) attachment devices and hook and pin attachment devices.</p>	 <p>QUICK SPECS</p> <ul style="list-style-type: none"> • Eleven Cutting Positions • Dual Tapered Bearing Design for Easy Cutting Adjustments • Two Motor Options <ul style="list-style-type: none"> ○ 9-14 Gallons per Minute ○ 15-20 Gallons Per Minute • Four Mounting Options Available <ul style="list-style-type: none"> ○ Universal Skid Steer ○ John Deere 400 & 500 ○ Euro/Quickie/Global ○ Universal Pin On • 44" Cutting Width • Up to a 3" Cut Capacity • 3,000lb Tractor Minimum
Claim 4	
The apparatus of claim 1	See claim 1 chart.
<p>further including a blade carrier in said cutting deck.</p>	 <p>Blades and Blade Bolts</p> <ul style="list-style-type: none"> • Flame Hardened Double Sided Cutting Edge Blades • True Hardened Rotary Cutter Blades • Square Blade Bolts for Maximum Life and Securement <p>< 1-3 ></p>
Claim 5	
The apparatus of claim 4	See claim 4 chart.

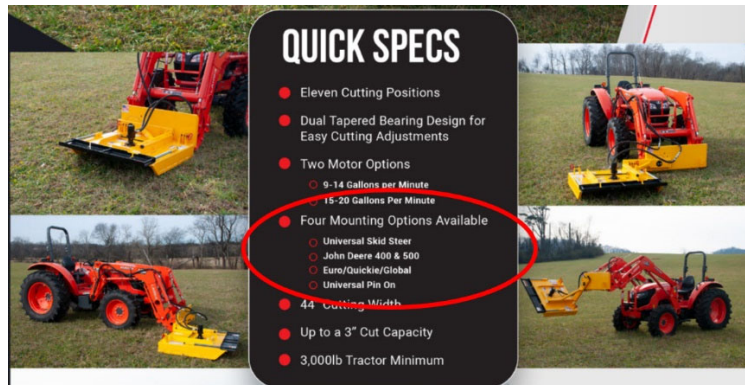
<p>further including at least one cutting blade connected with said blade carrier.</p>	 <p>Blades and Blade Bolts</p> <ul style="list-style-type: none"> • Flame Hardened Double Sided Cutting Edge Blades • True Hardened Rotary Cutter Blades • Square Blade Bolts for Maximum Life and Securement <p>< 1-3 ></p>
Claim 6	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>
<p>further including rotation adjustment holes at said main pivot point for use in combination with a locking pin to lock said cutting deck at a selected position.</p>	
Claim 7	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>
<p>further including an adjustment support arm with a first end and a second end wherein the first end is connectable with said L-shaped main adjustable arm and the second end is connectable with said cutting deck such that said cutting deck is supported by said adjustment support arm.</p>	
Claim 8	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>

<p>further including a main adjustment hinge connected with said cutting deck wherein said second end of the L-shaped main adjustable arm is connected with said main adjustment hinge.</p>	 <p>Labels in diagram: Cutting deck, Main adjustment hinge, Second end, First end, Main adjustable L-shaped arm.</p>
<p>Claim 9</p>	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>
<p>further including a pair of deck supports connected with said cutting deck wherein a first deck support includes an adjustment support arm connection and wherein a second deck support includes a main adjustment hinge.</p>	 <p>Labels in diagram: Cutting deck, Adjustment support arm, Main adjustment hinge, Deck supports.</p>
<p>Claim 10</p>	
<p>A removably attachable adjustable cutting apparatus comprising:</p>	<div data-bbox="711 1205 1010 1348">  </div> <div data-bbox="1019 1192 1341 1331"> <p>Four Mounting options available</p> <ul style="list-style-type: none"> Universal Skid Steer John Deere 400 & 500 Euro/Quickie Universal Pin On </div> <div data-bbox="734 1352 1029 1495">  </div> <div data-bbox="1039 1352 1341 1495">  </div> <div data-bbox="688 1512 1386 1566"> <p>The Titan Attachments TrailBlazer TB-One is a new concept in tractor mowing. With 11 different positions, this mower allows you to reach into places previously too very difficult to maintain.</p> </div>

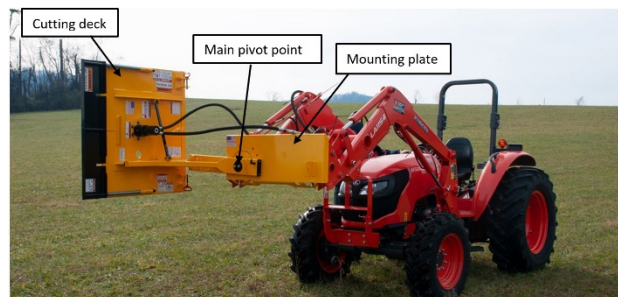
a. a cutting deck wherein the cutting deck further includes a main adjustment hinge connected with said cutting deck;



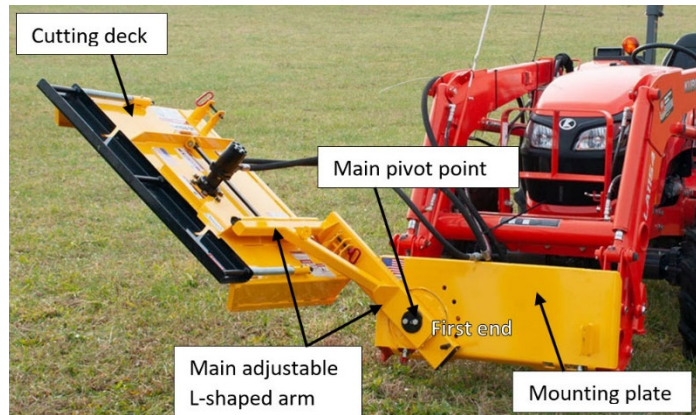
b. a mounting plate connected with said cutting deck wherein said mounting plate further includes a front and a back and machine attachment devices for connecting said mounting plate to a machine;



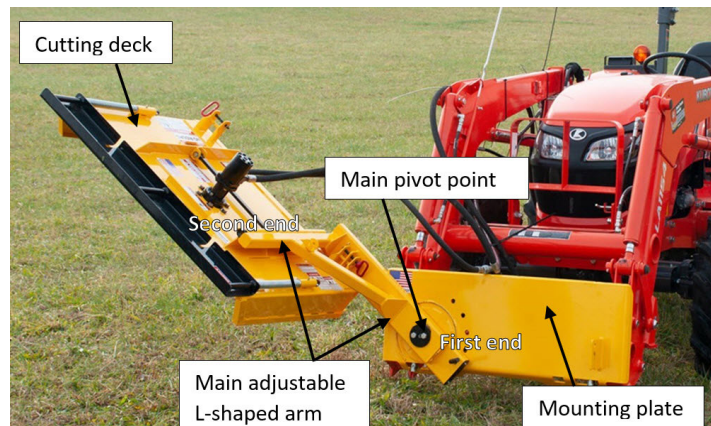
c. a main pivot point in said mounting plate;



d. an L-shaped main adjustable arm with a first end connected with said mounting plate at said main pivot point such that said first end of said L-shaped main adjustable arm rotates around the main pivot point and parallel to the front of said mounting plate



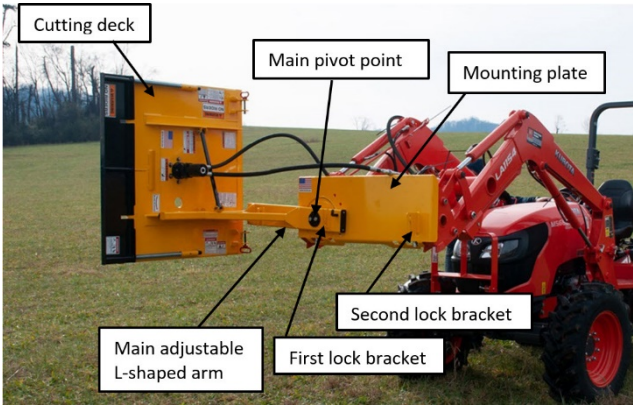
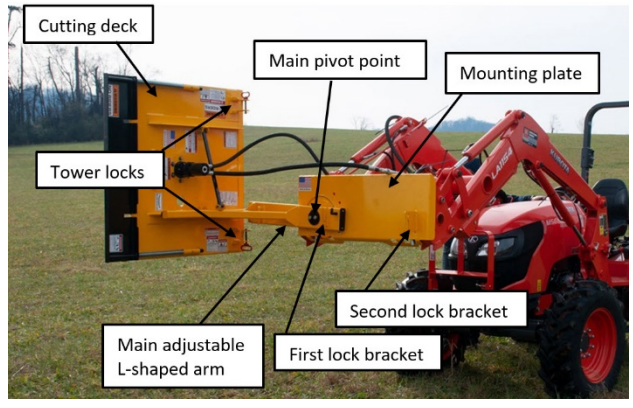

and with a second end wherein the second end of the L-shaped main adjustable arm extends away from said first end perpendicular to the first end and to the front of the mounting plate



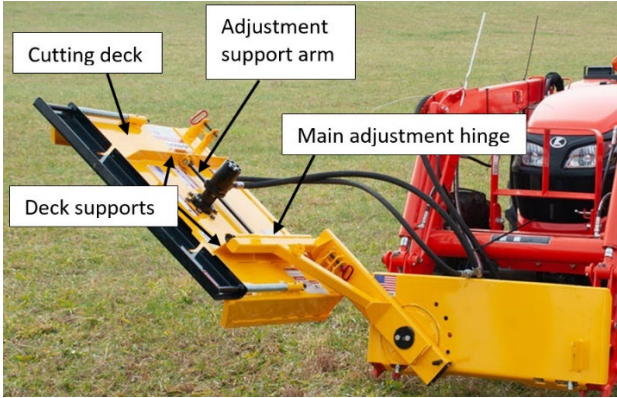


and wherein the second end is connected with said main adjustment hinge such that said cutting deck is held perpendicular to said front of the mounting plate and is adjustable from a horizontal to a vertical position and positions in between;



<p>e. an adjustment support arm connectable with said L-shaped main adjustable arm and said cutting deck;</p>	
<p>f. a blade carrier, connected with a motor, in said cutting deck;</p>	
<p>g. at least one cutting blade connected with said blade carrier; and</p>	
<p>h. a first lock bracket on said L-shaped main adjustable arm</p>	

<p>and a second lock bracket on said mounting plate</p>	
<p>and a spaced apart pair of tower locks on said cutting deck</p>	
<p>wherein said first lock bracket and said second lock bracket are both configured to fit within and connect with said pair of tower locks.</p>	
<p>Claim 11</p>	
<p>The apparatus of claim 10</p>	<p>See claim 10 chart.</p>

<p>wherein said machine attachment devices are configured so as to connect with said machine where the machine attachment devices are selected from a group of machine attachment devices consisting of:</p> <p>Skid Steer Quick Attach (SSQA) attachment devices and hook and pin attachment devices.</p>	
<p>Claim 12</p>	
<p>The apparatus of claim 10</p>	<p>See claim 10 chart.</p>
<p>further including rotation adjustment holes at said main pivot point for use in combination with a locking pin to lock said cutting deck at a selected position.</p>	
<p>Claim 13</p>	
<p>The apparatus of claim 10</p>	<p>See claim 10 chart.</p>
<p>further including a pair of deck supports connected with said cutting deck wherein a first deck support includes an adjustment support arm connection and wherein a second deck support includes a main adjustment hinge.</p>	
<p>Claim 14</p>	
<p>The apparatus of claim 10</p>	<p>See claim 10 chart.</p>

further including two cutting blades.



Blades and Blade Bolts

- Flame Hardened Double Sided Cutting Edge Blades
- True Hardened Rotary Cutter Blades
- Square Blade Bolts for Maximum Life and Securement

< 1-3 >

Copying Chart

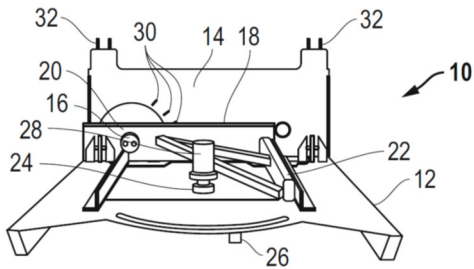


FIG. 1

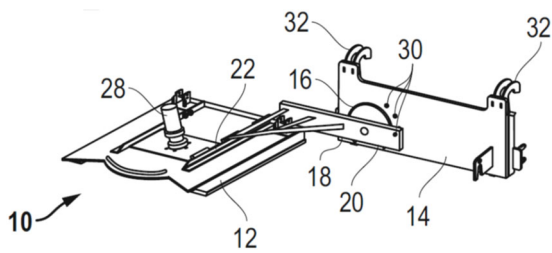


FIG. 2

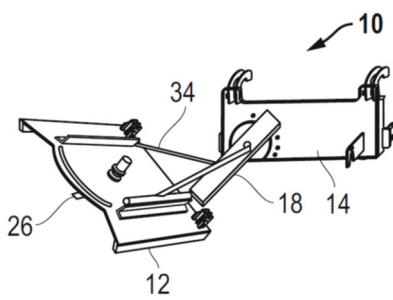
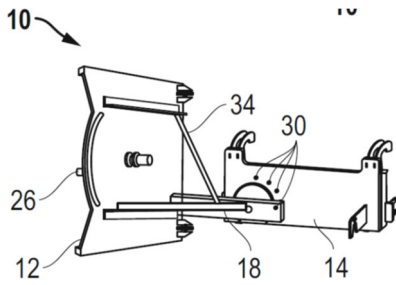
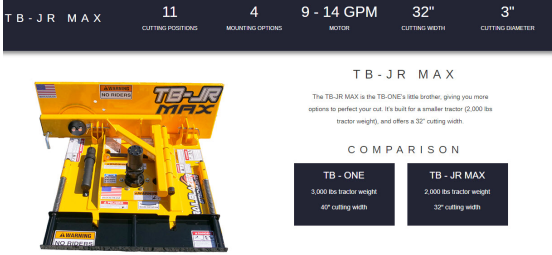

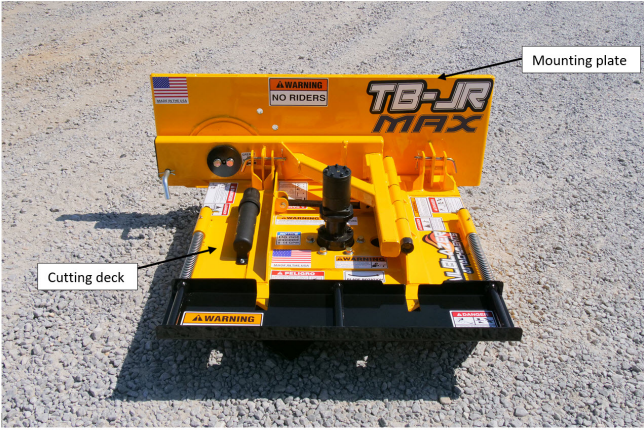


FIG. 4

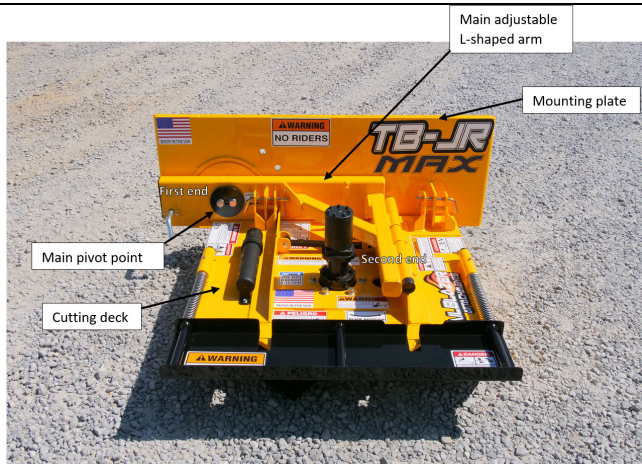


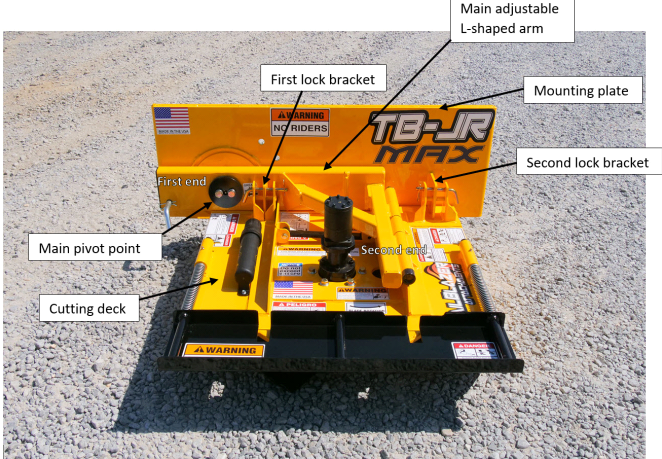
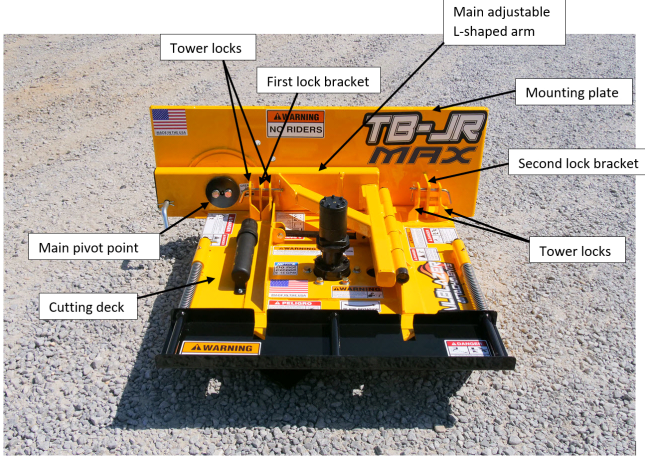

U.S. Patent No. 10,470,364	<p align="center">Trailblazer TB-JR MAX</p> <p align="center">http://trailblazerattachments.com/tb-jr-max.html</p> <p align="center"><i>accessed November 2019</i></p>
Claim 1	
A removably attachable adjustable cutting apparatus comprising:	
a. a cutting deck;	
b. a mounting plate ,with a front and back, connected with said cutting deck;	





c. a main pivot point in said mounting plate;


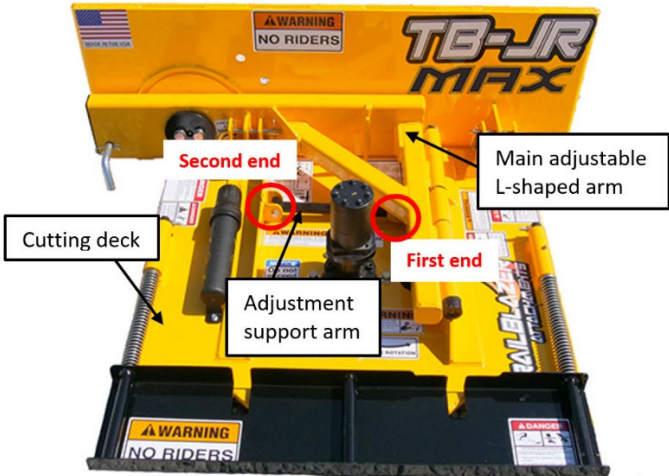
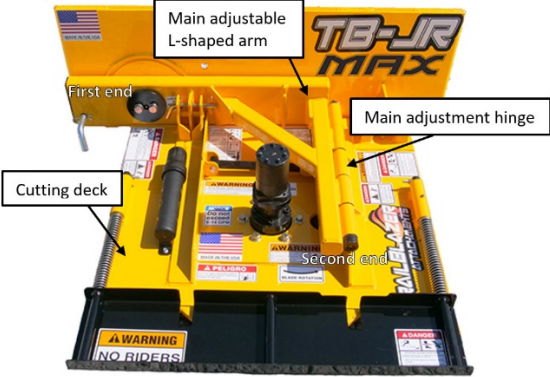


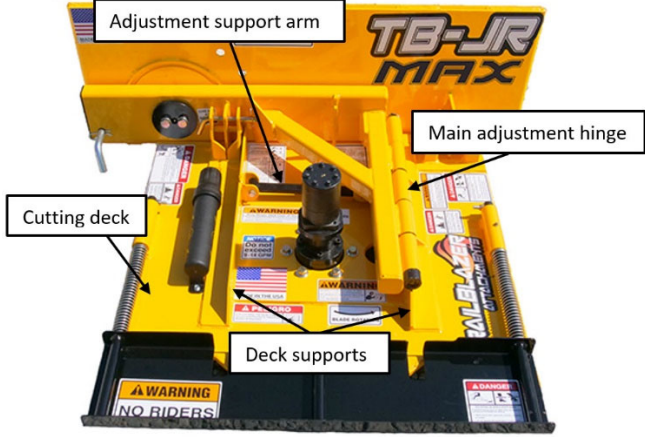
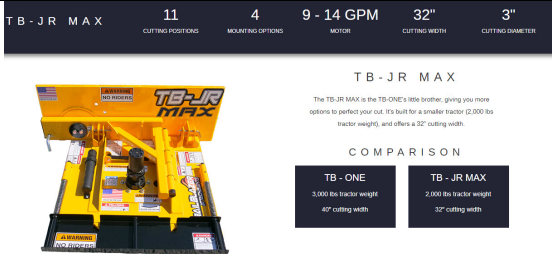
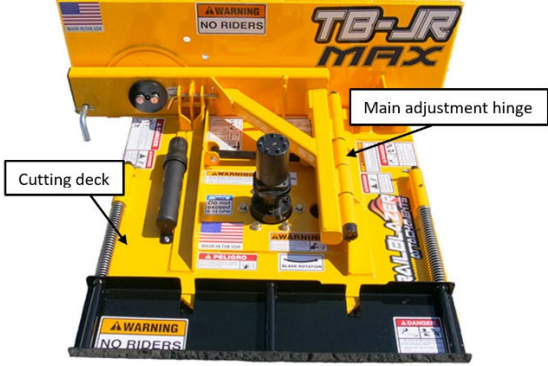
d. an L-shaped main adjustable arm with a first end connected with said mounting plate at said main pivot point such that said first end of said L-shaped main adjustable arm rotates around the main pivot point and parallel to the front of said mounting plate and with a second end wherein the second end of the L-shaped main adjustable arm extends away from said first end perpendicular to the first end and to the front of the mounting plate and wherein the second end is connected with said cutting deck such that said cutting deck is held perpendicular to said front of the mounting plate and is adjustable from a horizontal to a vertical position and positions in between; and



<p>e. a first lock bracket on said L-shaped main adjustable arm and a second lock bracket on said mounting plate</p>	
<p>and a spaced apart pair of tower locks on said cutting deck wherein said first lock bracket and said second lock bracket are both configured to fit within and connect with said pair of tower locks.</p>	
<p>Claim 2</p>	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>
<p>wherein said mounting plate further includes machine attachment devices for connecting said mounting plate to a machine.</p>	<div data-bbox="889 1327 1274 1600"> <p>SPECIFICATIONS</p> <ul style="list-style-type: none"> • Eleven Cutting Positions • Dual Tapered Bearing Design For Easy Adjustment • 9 to 14 gallons per minute Motor • Four Mounting options available <ul style="list-style-type: none"> ◦ Universal Skid Steer ◦ John Deere 400 & 500 ◦ Euro/Quickie ◦ Universal Pin On </div> <div data-bbox="803 1638 1372 1843"> <p>We're proud to introduce the TB-JR MAX, the little brother to the TB-ONE. The MAX is made for smaller tractors, giving you a more focused cut. (2,000 lbs tractor weight.)</p>  <div> <p>4 MOUNTING OPTIONS</p> <p>9 - 14 GPM MOTOR</p> <p>3" CUTTING DIAMETER</p> <p>32" CUTTING WIDTH</p> </div>  </div>

Claim 3	
The apparatus of claim 2	See claim 2 chart.
<p>wherein said machine attachment devices are configured so as to connect with said machine where the machine attachment devices are selected from a group of machine attachment devices consisting of:</p> <p>Skid Steer Quick Attach (SSQA) attachment devices and hook and pin attachment devices.</p>	 <p>SPECIFICATIONS</p> <ul style="list-style-type: none"> • Eleven Cutting Positions • Dual Tapered Bearing Design For Easy Adjustment • 9 to 14 gallons per minute Motor • Four Mounting options available <ul style="list-style-type: none"> ◦ Universal Skid Steer ◦ John Deere 400 & 500 ◦ Euro/Quickie ◦ Universal Pin On  <p>We're proud to introduce the TB-JR MAX, the little brother to the TB-ONE. The MAX is made for smaller tractors, giving you a more focused cut. (2,000 lbs tractor weight.)</p> <ul style="list-style-type: none"> 4 MOUNTING OPTIONS 9 - 14 GPM MOTOR 3" CUTTING DIAMETER 32" CUTTING WIDTH
Claim 4	
The apparatus of claim 1	See claim 1 chart.
further including a blade carrier in said cutting deck.	 <p>Blades and Blade Bolts</p> <ul style="list-style-type: none"> • Flame Hardened Double Sided Cutting Edge Blades • True Hardened Rotary Cutter Blades • Square Blade Bolts for Maximum Life and Securement <p>< 1 - 3 ></p>
Claim 5	
The apparatus of claim 4	See claim 4 chart.
further including at least one cutting blade connected with said blade carrier.	 <p>Blades and Blade Bolts</p> <ul style="list-style-type: none"> • Flame Hardened Double Sided Cutting Edge Blades • True Hardened Rotary Cutter Blades • Square Blade Bolts for Maximum Life and Securement <p>< 1 - 3 ></p>
Claim 6	
The apparatus of claim 1	See claim 1 chart.

<p>further including rotation adjustment holes at said main pivot point for use in combination with a locking pin to lock said cutting deck at a selected position.</p>	
<p>Claim 7</p>	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>
<p>further including an adjustment support arm with a first end and a second end wherein the first end is connectable with said L-shaped main adjustable arm and the second end is connectable with said cutting deck such that said cutting deck is supported by said adjustment support arm.</p>	
<p>Claim 8</p>	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>
<p>further including a main adjustment hinge connected with said cutting deck wherein said second end of the L-shaped main adjustable arm is connected with said main adjustment hinge.</p>	
<p>Claim 9</p>	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>

<p>further including a pair of deck supports connected with said cutting deck wherein a first deck support includes an adjustment support arm connection and wherein a second deck support includes a main adjustment hinge.</p>	
<p>Claim 10</p> <p>A removably attachable adjustable cutting apparatus comprising:</p>	
<p>a. a cutting deck wherein the cutting deck further includes a main adjustment hinge connected with said cutting deck;</p>	

b. a mounting plate connected with said cutting deck wherein said mounting plate further includes a front and a back and machine attachment devices for connecting said mounting plate to a machine;



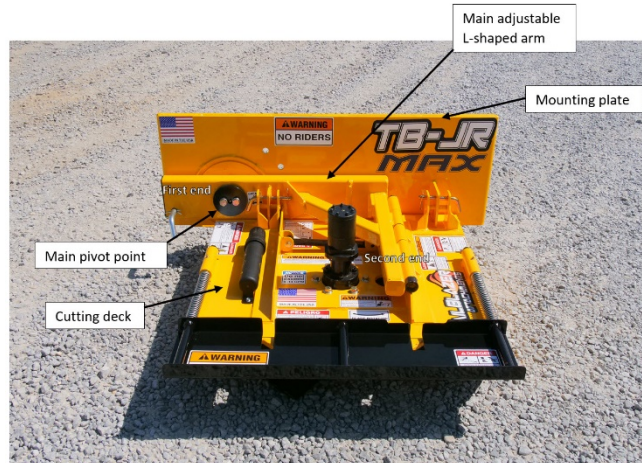
SPECIFICATIONS

- Eleven Cutting Positions
- Dual Tapered Bearing Design For Easy Adjustment
- 9 to 14 gallons per minute Motor
- Four Mounting options available
 - Universal Skid Steer
 - John Deere 400 & 500
 - Euro/Quickie
 - Universal Pin On

c. a main pivot point in said mounting plate;



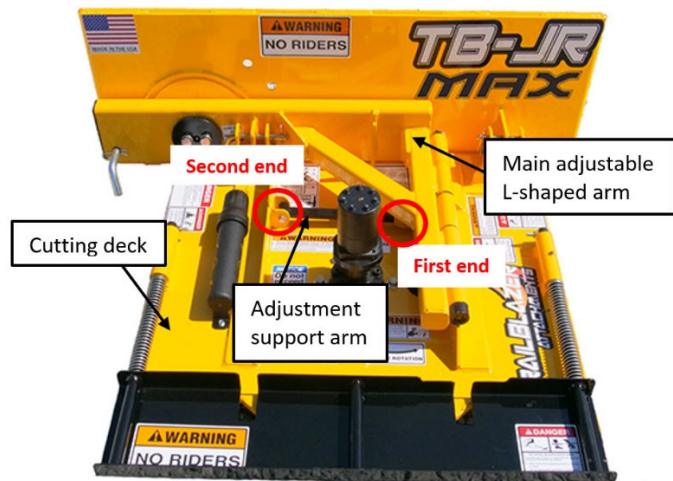
d. an L-shaped main adjustable arm with a first end connected with said mounting plate at said main pivot point such that said first end of said L-shaped main adjustable arm rotates around the main pivot point and parallel to the front of said mounting plate and with a second end wherein the second end of the L-shaped main adjustable arm extends away from said first end perpendicular to the first end and to the front of the mounting plate and wherein the second end is connected with said main adjustment hinge such that said cutting deck is held perpendicular to said front of the mounting plate and is adjustable from a horizontal to a vertical position and positions in between;




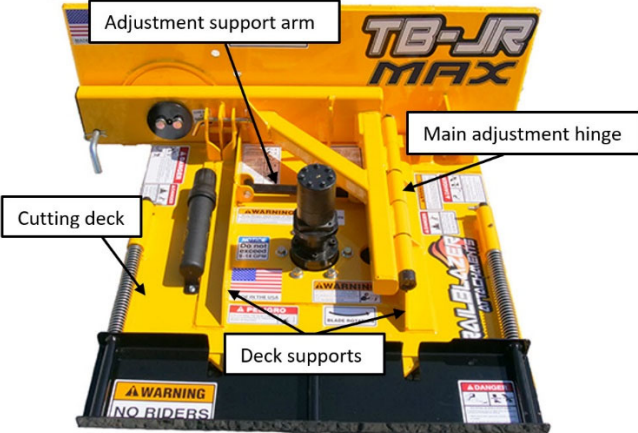
T B - J R M A X


11
CUTTING POSITIONS

e. an adjustment support arm connectable with said L-shaped main adjustable arm and said cutting deck;



<p>f. a blade carrier, connected with a motor, in said cutting deck;</p>	<div data-bbox="735 205 972 527">  <p>BLADES AND BLADE BOLTS</p> <ul style="list-style-type: none"> • Flame Hardened Double Sided Cutting Edge Blades • True Hardened Rotary Cutter Blades • Square Blade Bolts for Maximum Life and Securement </div> <div data-bbox="980 205 1429 527"> <p>TRUE DIRECT DRIVE SYSTEM</p> <ul style="list-style-type: none"> • Genuine Eaton Char-Lynn Hydraulic Motor • 2 Year Trailblazer Limited Warranty on Hydraulic Motor • Precision CNC Machined Spindle Hub Assembly. • High Quality Press Fit Bearings • Precision CNC Machined 1 3/8" Cold Rolled Output Shaft  </div>
<p>g. at least one cutting blade connected with said blade carrier; and</p>	<div data-bbox="777 569 1084 758">  </div> <p>Blades and Blade Bolts</p> <ul style="list-style-type: none"> • Flame Hardened Double Sided Cutting Edge Blades • True Hardened Rotary Cutter Blades • Square Blade Bolts for Maximum Life and Securement <p style="text-align: right;">< 1 - 3 ></p>
<p>h. a first lock bracket on said L-shaped main adjustable arm and a second lock bracket on said mounting plate</p>	
<p>and a spaced apart pair of tower locks on said cutting deck wherein said first lock bracket and said second lock bracket are both configured to fit within and connect with said pair of tower locks.</p>	
<p>Claim 11</p>	
<p>The apparatus of claim 10</p>	<p>See claim 10 chart.</p>

<p>wherein said machine attachment devices are configured so as to connect with said machine where the machine attachment devices are selected from a group of machine attachment devices consisting of:</p> <p>Skid Steer Quick Attach (SSQA) attachment devices and hook and pin attachment devices.</p>	<div data-bbox="850 296 1305 611"> <p style="text-align: center;">S P E C I F I C A T I O N S</p> <hr style="width: 10%; margin: auto;"/> <ul style="list-style-type: none"> • Eleven Cutting Positions • Dual Tapered Bearing Design For Easy Adjustment • 9 to 14 gallons per minute Motor • Four Mounting options available <ul style="list-style-type: none"> ◦ Universal Skid Steer ◦ John Deere 400 & 500 ◦ Euro/Quickie ◦ Universal Pin On </div>
<p>Claim 12</p>	
<p>The apparatus of claim 10</p>	<p>See claim 10 chart.</p>
<p>further including rotation adjustment holes at said main pivot point for use in combination with a locking pin to lock said cutting deck at a selected position.</p>	
<p>Claim 13</p>	
<p>The apparatus of claim 10</p>	<p>See claim 10 chart.</p>
<p>further including a pair of deck supports connected with said cutting deck wherein a first deck support includes an adjustment support arm connection and wherein a second deck support includes a main adjustment hinge.</p>	



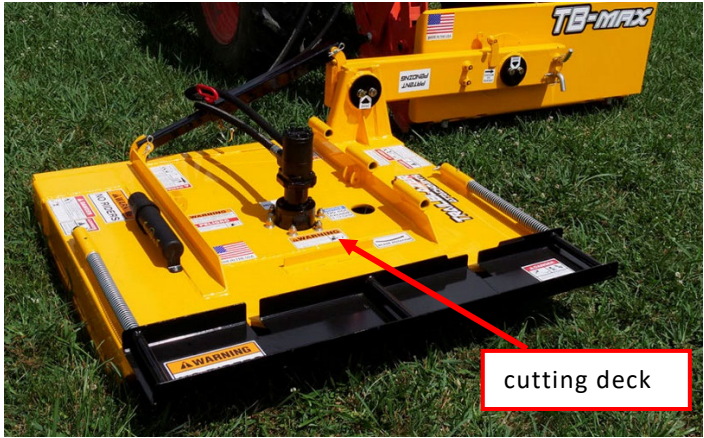
Claim 14	
The apparatus of claim 10	<i>See claim 10 chart.</i>
further including two cutting blades.	<div data-bbox="784 327 1088 514">  </div> <div data-bbox="1122 327 1382 453"> <p>Blades and Blade Bolts</p> <ul style="list-style-type: none"> • Flame Hardened Double Sided Cutting Edge Blades • True Hardened Rotary Cutter Blades • Square Blade Bolts for Maximum Life and Securement </div> <div data-bbox="1146 495 1300 516"> <p>< 1 - 3 ></p> </div>

APPENDIX B

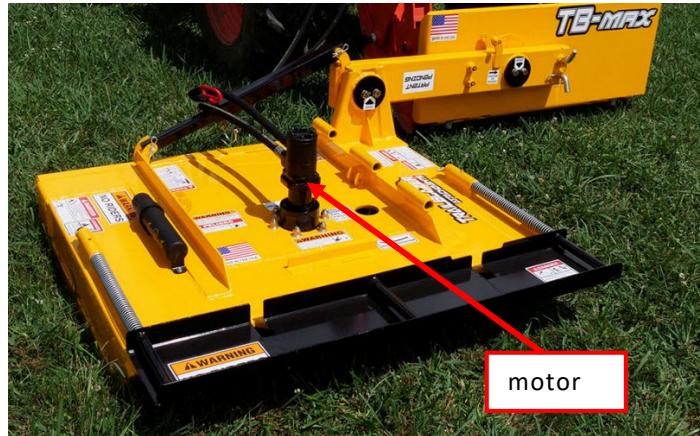
U.S. Patent No. 10,905,044

TB-MAX(1)

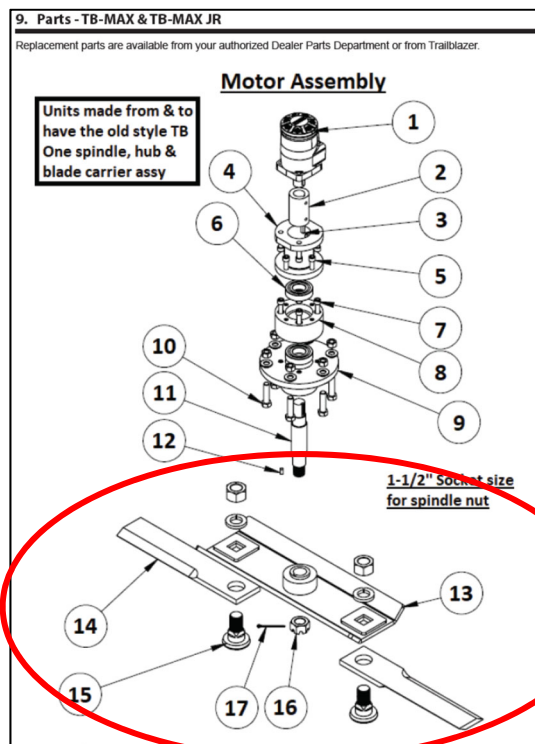
TB-MAX JR(1)

U.S. Patent No. 10,905,044	<p align="center">Trailblazer TB-MAX(1)</p> <p align="center"> http://trailblazerattachments.com/tb-max.html; http://trailblazerattachments.com/assets/trailblazer-mower-manual-v11182020.pdf <i>accessed November 2020</i> </p>
Claim 1	
A cutting apparatus comprising:	<div data-bbox="685 422 1328 552"> <p>The TB-Max is the newest mower from TrailBlazer Attachment. Its new versatile front-mounted design provides you with enough power to blaze your way through the toughest of jobs.</p> </div> 
a mounting plate;	
a cutting deck;	

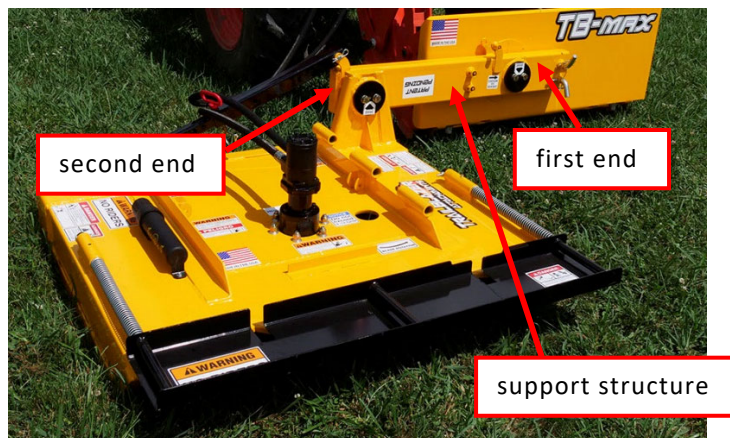
a motor operably coupled to the cutting deck;



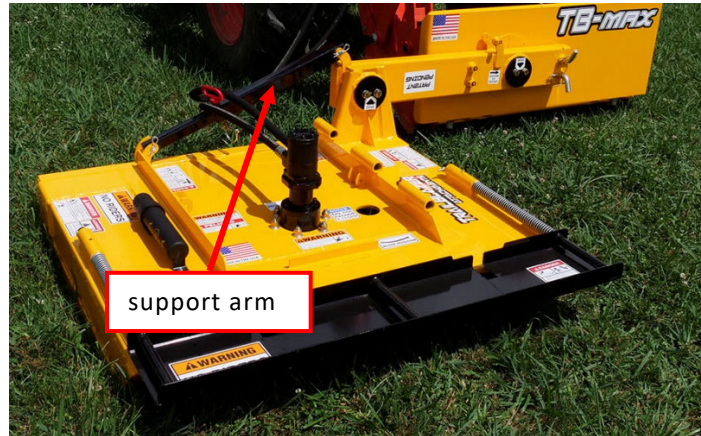
a blade;



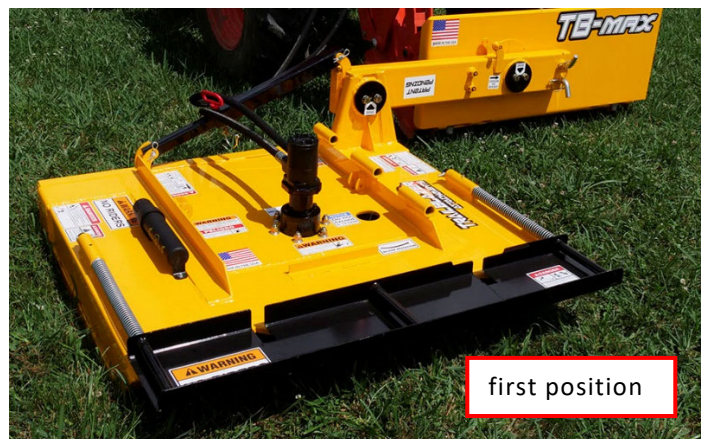
a support structure having a first end coupled to the mounting plate and a second end coupled to the cutting deck; and



a support arm interconnected between the support structure and the cutting deck;



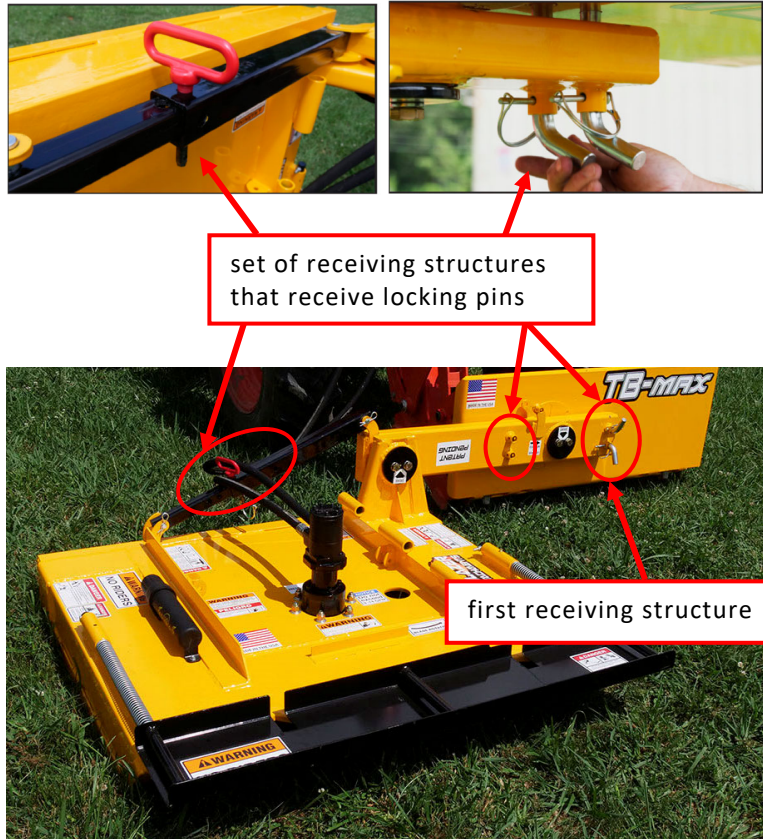
wherein the support structure and the support arm are configured to selectively enable positioning the cutting deck in a first position relative to the mounting plate, a second position relative to the mounting plate, and at least one other position relative to the mounting plate, the first position being angled substantially 90 degrees relative to the second position, and the at least one other position being different from the first and second positions;



Easy Adjustment

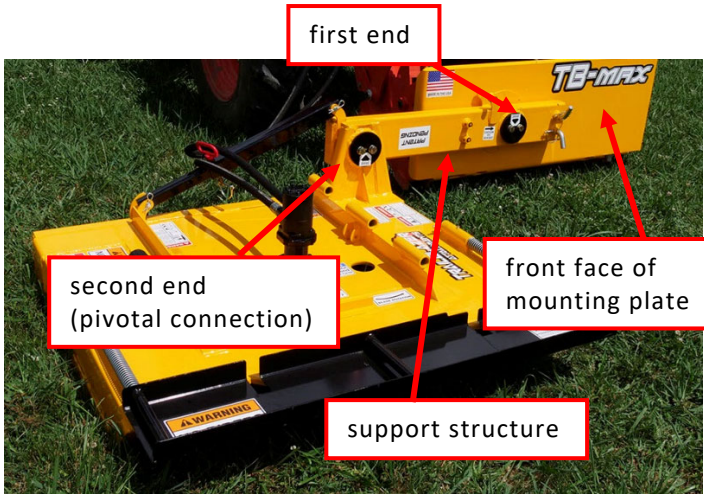

- The red-handled pin is used to adjust the TB-Max cutting position
 - Pin inserted in side for one of five fixed cutting positions
 - Pin inserted on top to initiate float

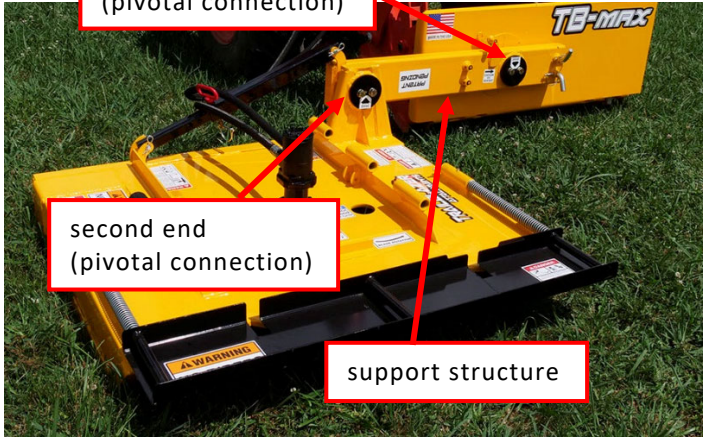

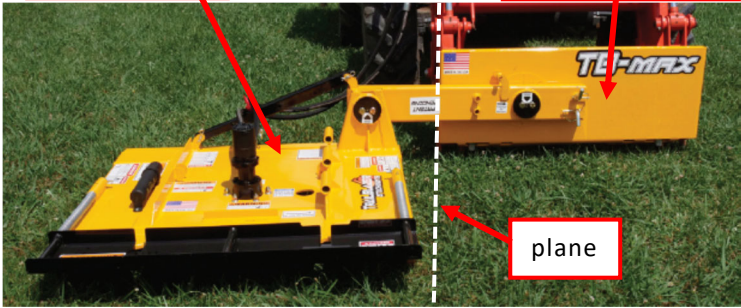
wherein the cutting deck is manually adjustable from at least one of the first or second positions to the at least one other position, the first position correlating with a first receiving structure of a set of receiving structures, each receiving structure of the set of receiving structures being configured to receive a locking pin,


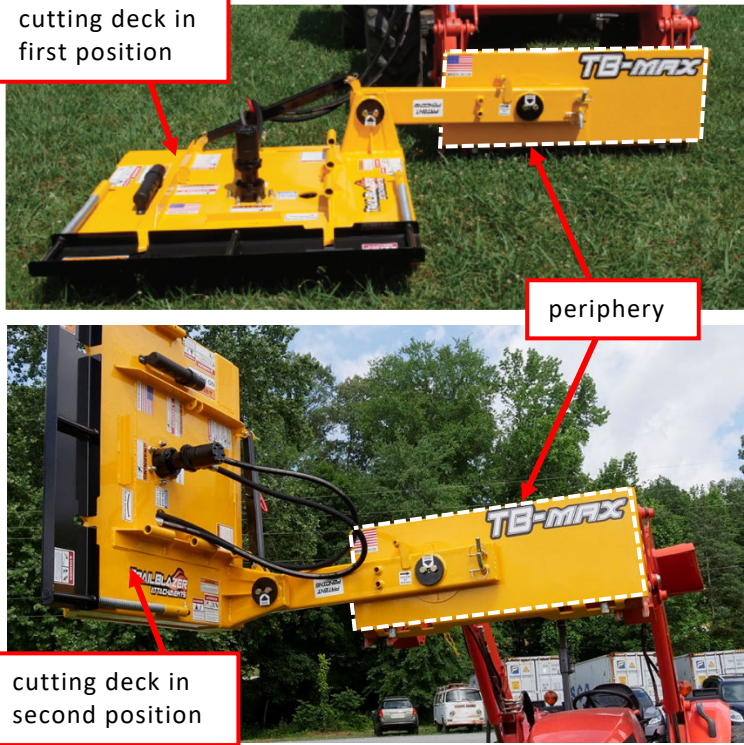


wherein the set of receiving structures include a set of holes formed in the mounting plate.

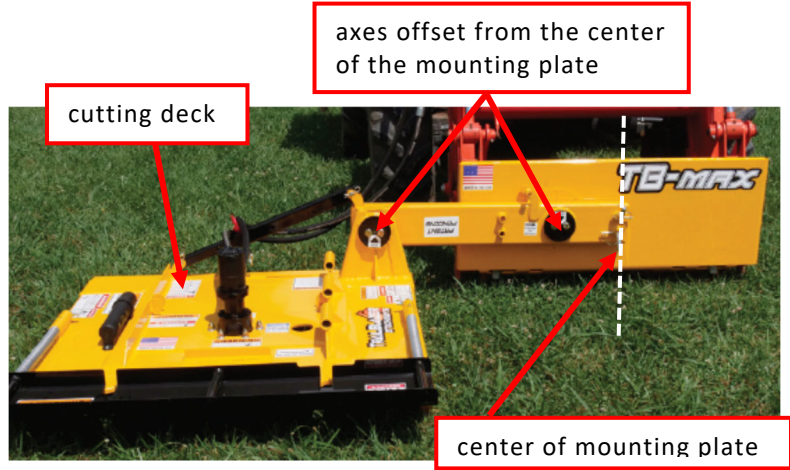


Claim 2	
The apparatus of claim 1,	<i>See claim 1 chart.</i>
<p>wherein: the first end of the support structure is coupled to a forward facing surface of the mounting plate;</p> <p>the second end of the support structure is pivotally coupled to the cutting deck;</p>	
<p>when in the first position, the cutting deck is horizontal;</p> <p>when in the second position, the cutting deck is vertical.</p>	
Claim 5	
The apparatus of claim 1,	<i>See claim 1 chart.</i>

<p>wherein: the first end of the support structure is pivotally coupled to the mounting plate; and</p> <p>the second end of the support structure is pivotally coupled to the cutting deck;</p>	
<p>Claim 8</p>	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>
<p>wherein: the mounting plate comprises a forward-facing surface having a lateral edge, the lateral edge defining a plane; and</p>	
<p>when in the first position, the cutting deck is substantially positioned on a first side of the plane and the mounting plate is positioned on a second side of the plane.</p>	
<p>Claim 9</p>	
<p>The apparatus of claim 1,</p>	<p>See claim 1 chart.</p>

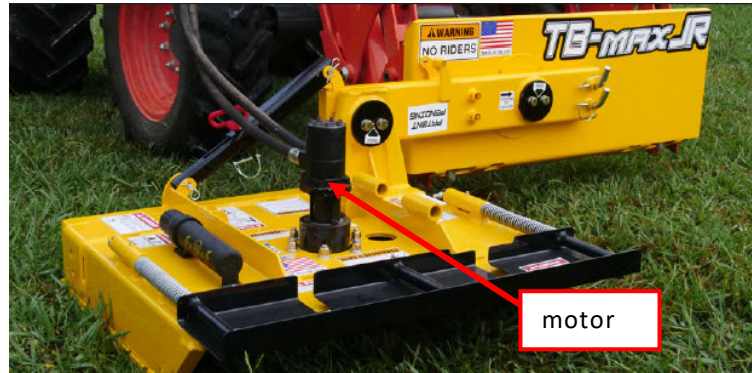
<p>wherein the mounting plate comprises a forward-facing surface having a periphery,</p>	 <p>periphery</p> <p>forward facing surface</p>
<p>the cutting deck being positioned laterally beyond the periphery when in at least one of the first position, second position, or the at least one other position.</p>	 <p>cutting deck in first position</p> <p>periphery</p> <p>cutting deck in second position</p>
<p>Claim 16</p>	
<p>The apparatus of claim 1,</p>	<p>See claim 1 chart.</p>

wherein the cutting deck is rotatable relative to the mounting plate about an axis that is laterally offset from a center of the cutting deck.

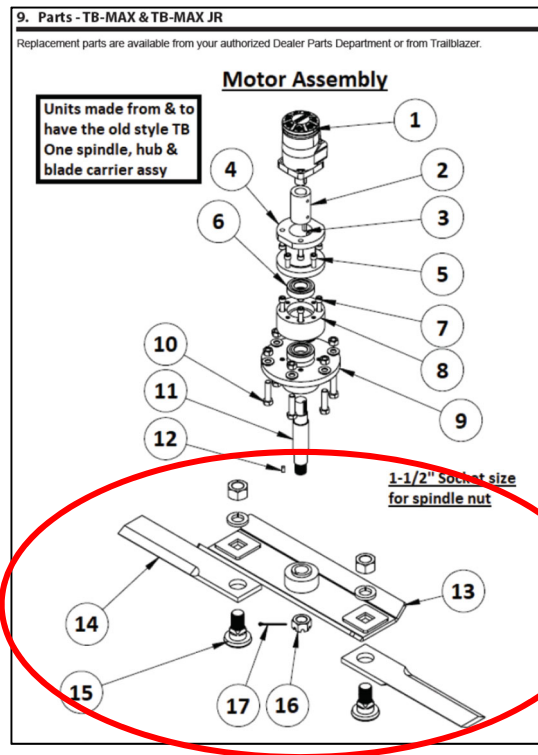


<p>U.S. Patent No. 10,905,044</p>	<p>Trailblazer TB-MAX JR(1) https://trailblazerattachments.com/tb-max-jr.html http://trailblazerattachments.com/assets/trailblazer-mower-manual-v11182020.pdf <i>accessed November 2020</i> https://www.facebook.com/TrailBlazerAttachments/videos/the-tb-max-jr-is-hard-at-work/780021802796773/</p>
<p>Claim 1</p>	
<p>A cutting apparatus comprising:</p>	<div data-bbox="680 506 1328 667" data-label="Text"> <p>The TB-Max JR is designed for smaller tractors, giving you more options to maximize your land. While the TB-Max has a 44" cutting width, the TB-Max JR has a 32" cutting width and a minimum tractor weight requirement of 2,000lbs.</p> </div> <div data-bbox="786 743 1261 978" data-label="Image"> </div>
<p>a mounting plate;</p>	<div data-bbox="654 1031 1396 1400" data-label="Image"> <div data-bbox="1183 1247 1416 1308" data-label="Caption"> <p>mounting plate</p> </div> </div>
<p>a cutting deck;</p>	<div data-bbox="654 1430 1396 1799" data-label="Image"> <div data-bbox="1183 1730 1395 1791" data-label="Caption"> <p>cutting deck</p> </div> </div>

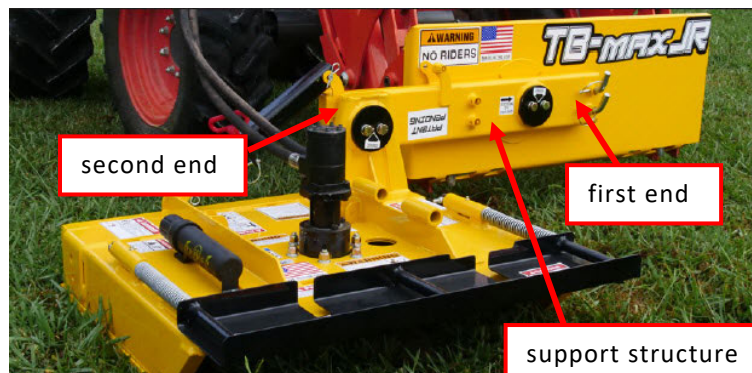
a motor operably coupled to the cutting deck;



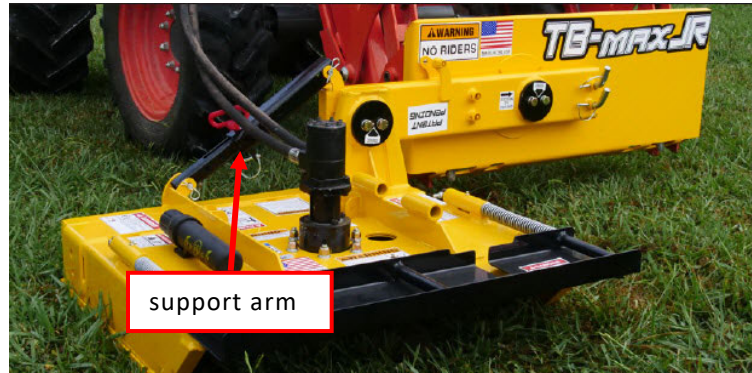
a blade;



a support structure having a first end coupled to the mounting plate and a second end coupled to the cutting deck; and



a support arm interconnected between the support structure and the cutting deck;



wherein the support structure and the support arm are configured to selectively enable positioning the cutting deck in a first position relative to the mounting plate, a second position relative to the mounting plate, and at least one other position relative to the mounting plate, the first position being angled substantially 90 degrees relative to the second position, and the at least one other position being different from the first and second positions;



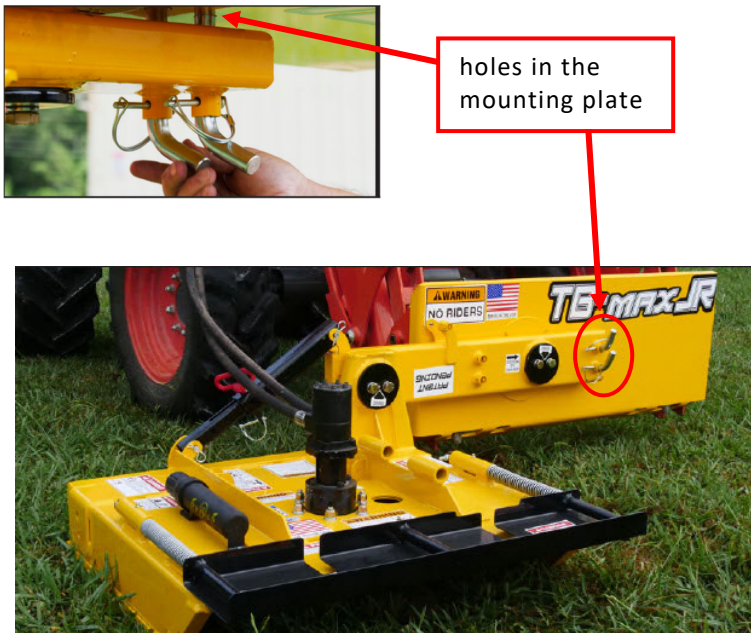
Easy Adjustment

- The red-handled pin is used to adjust the TB-Max cutting position
 - Pin inserted in side for one of five fixed cutting positions
 - Pin inserted on top to initiate float

wherein the cutting deck is manually adjustable from at least one of the first or second positions to the at least one other position, the first position correlating with a first receiving structure of a set of receiving structures, each receiving structure of the set of receiving structures being configured to receive a locking pin,



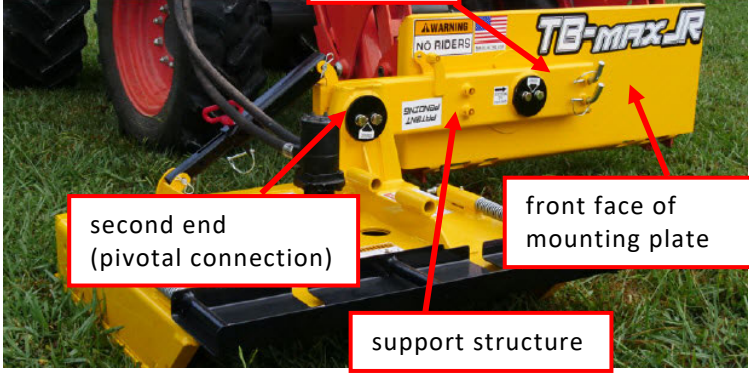

wherein the set of receiving structures include a set of holes formed in the mounting plate.

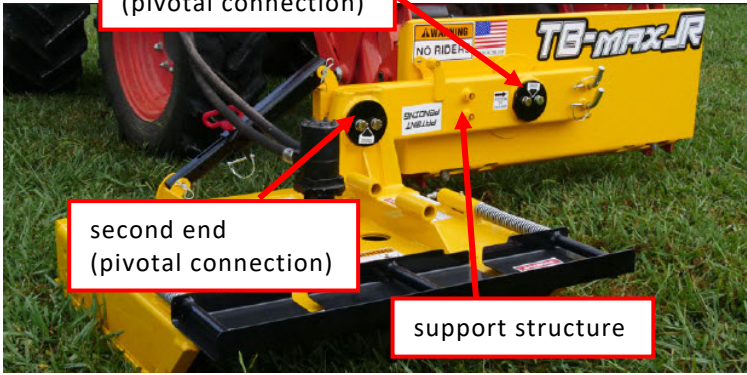

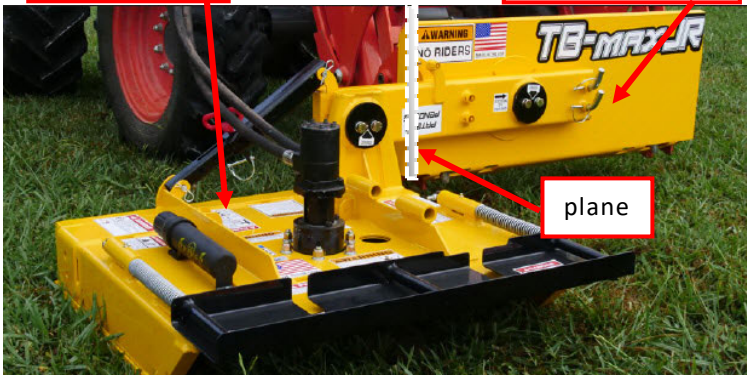


Claim 2

The apparatus of claim 1,

See claim 1 chart.

<p>wherein: the first end of the support structure is coupled to a forward facing surface of the mounting plate;</p> <p>the second end of the support structure is pivotally coupled to the cutting deck;</p>	
<p>when in the first position, the cutting deck is horizontal;</p> <p>when in the second position, the cutting deck is vertical.</p>	
<p>Claim 5</p>	
<p>The apparatus of claim 1,</p>	<p>See claim 1 chart.</p>

<p>wherein: the first end of the support structure is pivotally coupled to the mounting plate; and</p> <p>the second end of the support structure is pivotally coupled to the cutting deck;</p>	
<p>Claim 8</p>	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>
<p>wherein: the mounting plate comprises a forward-facing surface having a lateral edge, the lateral edge defining a plane; and</p>	
<p>when in the first position, the cutting deck is substantially positioned on a first side of the plane and the mounting plate is positioned on a second side of the plane.</p>	
<p>Claim 9</p>	
<p>The apparatus of claim 1,</p>	<p>See claim 1 chart.</p>

<p>wherein the mounting plate comprises a forward-facing surface having a periphery,</p>	
<p>the cutting deck being positioned laterally beyond the periphery when in at least one of the first position, second position, or the at least one other position.</p>	
<p>Claim 16</p>	
<p>The apparatus of claim 1,</p>	<p>See claim 1 chart.</p>

wherein the cutting deck is rotatable relative to the mounting plate about an axis that is laterally offset from a center of the cutting deck.



APPENDIX C

U.S. Patent No. 10,905,044

TB-MAX(2)

TB-MAX JR(2)


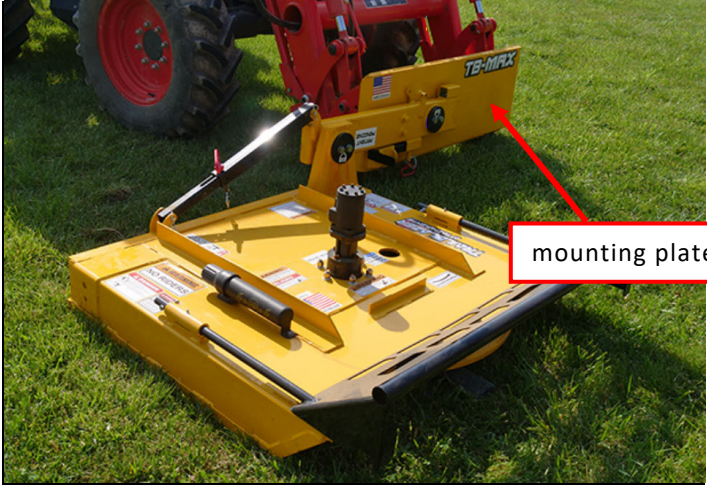
As shown below and in Trailblazer's marketing literature, the TB-MAX(2) and TB-MAX JR(2) are structurally identical, but at different scales.

The TB-Max JR is designed for smaller tractors, giving you more options to maximize your land. While the TB-Max has a 44" cutting width, the TB-Max JR has a 32" cutting width and a minimum tractor weight requirement of 2,000lbs.

<https://trailblazerattachments.com/tb-max-jr.html>.

<u>TB-MAX(2)</u> https://trailblazerattachments.com/tb-max.html	<u>TB-MAX JR(2)</u> https://trailblazerattachments.com/tb-max-jr.html
	
	
	

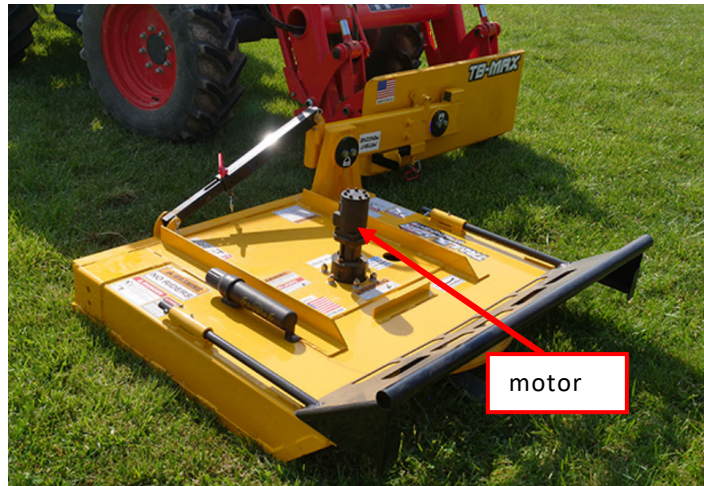
Accordingly, the following chart depicts how both the TB-MAX(2) and TB-MAX JR(2) satisfy every limitation of the Asserted Claims using images of the TB-MAX(2) as representative of both.

<p>U.S. Patent No. 10,905,044</p>	<p><u>Trailblazer TB-MAX(2) & TB-MAX JR(2)</u> http://trailblazerattachments.com/tb-max.html https://trailblazerattachments.com/tb-max-jr.html https://trailblazerattachments.com/assets/tb-literature-full-lineup-v4162021.pdf <i>accessed May 2021</i></p>
<p>Claim 1</p>	
<p>A cutting apparatus comprising:</p>	<div data-bbox="685 531 1328 659"> <p>The TB-Max is the newest mower from TrailBlazer Attachment. Its new versatile front-mounted design provides you with enough power to blaze your way through the toughest of jobs.</p> </div> 
<p>a mounting plate;</p>	 <div data-bbox="1182 1228 1416 1289" style="border: 1px solid red; padding: 2px;"> <p>mounting plate</p> </div>

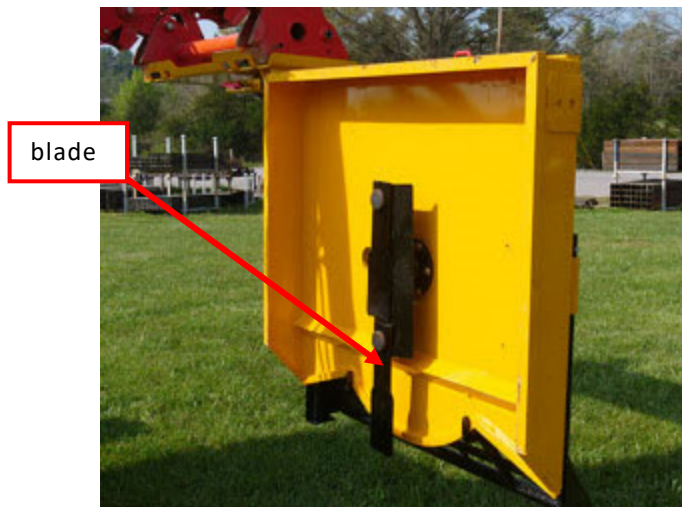
a cutting deck;



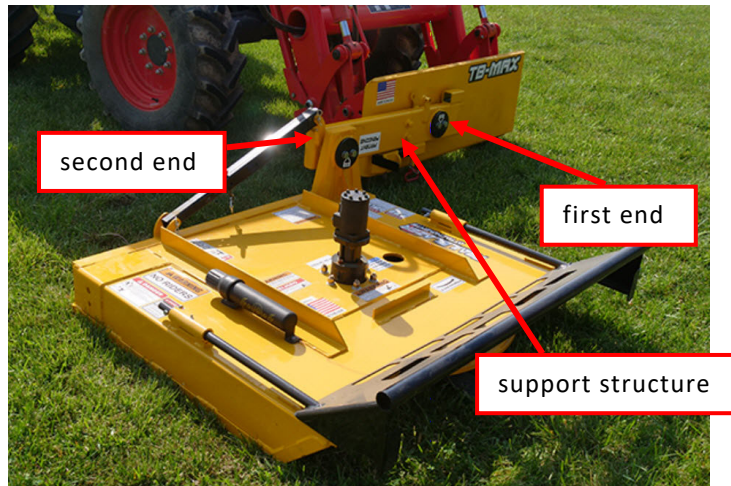
a motor operably coupled to the cutting deck;



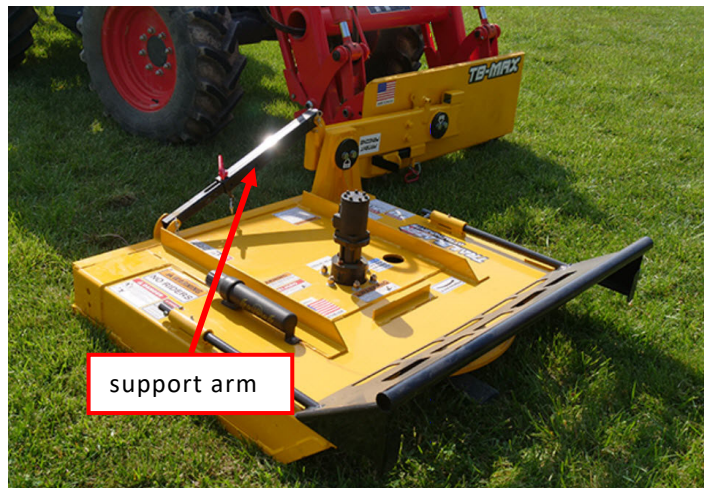
a blade;



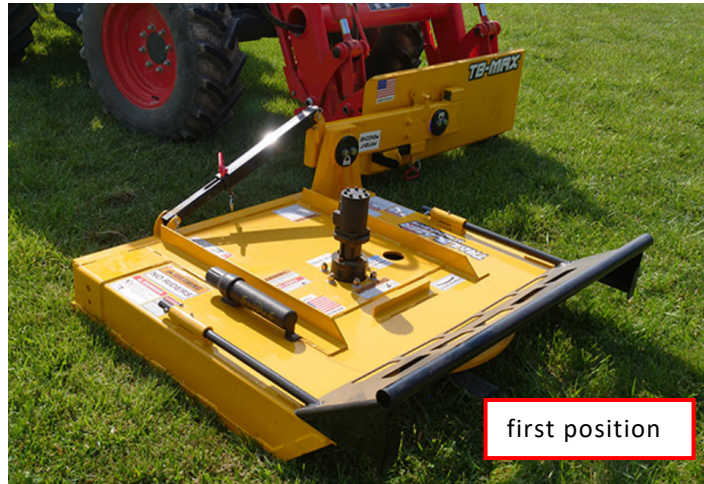
a support structure having a first end coupled to the mounting plate and a second end coupled to the cutting deck; and



a support arm interconnected between the support structure and the cutting deck;

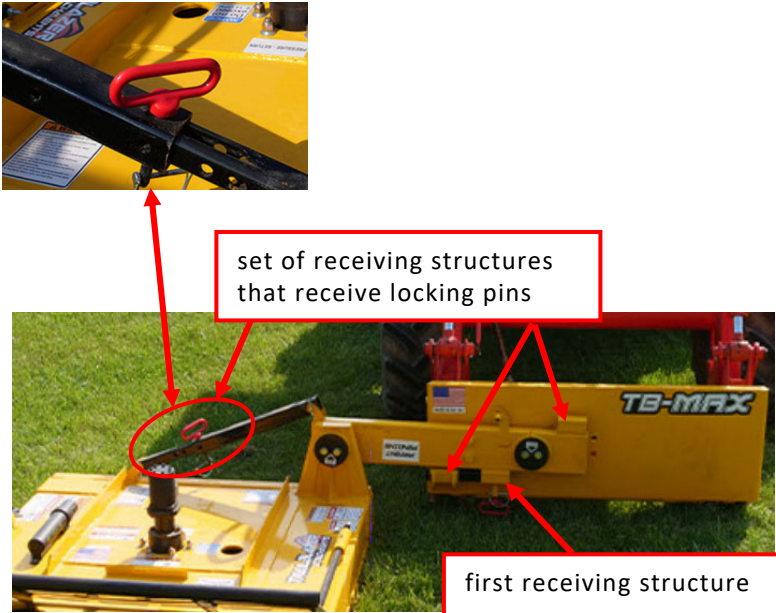
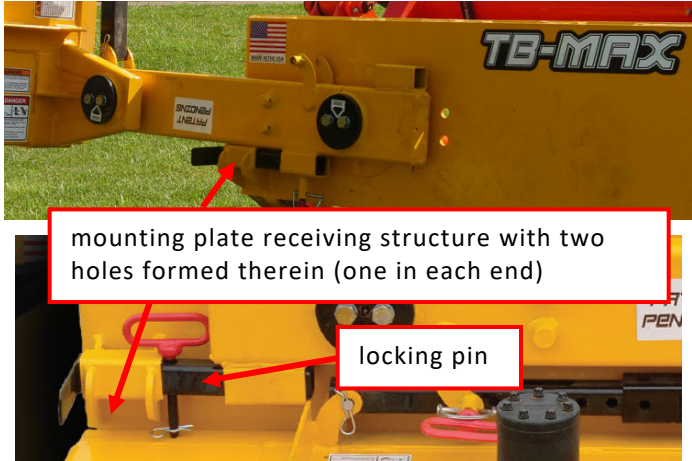


wherein the support structure and the support arm are configured to selectively enable positioning the cutting deck in a first position relative to the mounting plate, a second position relative to the mounting plate, and at least one other position relative to the mounting plate, the first position being angled substantially 90 degrees relative to the second position, and the at least one other position being different from the first and second positions;



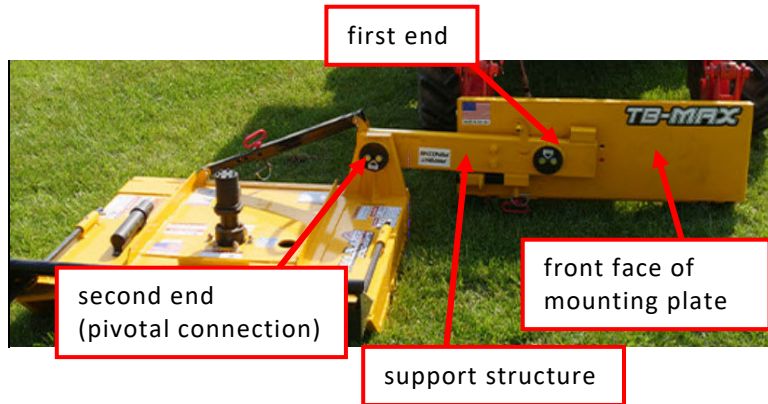
Easy Adjustment

- The red-handled pin is used to adjust the TB-MAX cutting position
 - Pin inserted in side for one of five fixed cutting positions
 - Pin inserted on top to initiate float

<p>wherein the cutting deck is manually adjustable from at least one of the first or second positions to the at least one other position, the first position correlating with a first receiving structure of a set of receiving structures, each receiving structure of the set of receiving structures being configured to receive a locking pin,</p>	 <p>set of receiving structures that receive locking pins</p> <p>first receiving structure</p>
<p>wherein the set of receiving structures include a set of holes formed in the mounting plate.</p>	 <p>mounting plate receiving structure with two holes formed therein (one in each end)</p> <p>locking pin</p> <p>Alternatively, if the mounting plate receiving structure of the TB-MAX(2) and TB-MAX JR(2) (indicated above) does not literally satisfy the claimed “set of holes formed in the mounting plate,” it is equivalent thereto because it performs the same function of the claimed “set of holes formed in the mounting plate” by locking the support structure and cutting deck into a selected position. It does this in substantially the same way by being located near the rotation axis of the support structure and operating with a locking pin. <i>See</i> '044 patent at 5:36-39. And it achieves the same result of enabling the manual positioning of the cutting deck into multiple cutting positions, including the claimed first position, second position, and at least one other position. Thus, the mounting plate receiving structure in the TB-MAX(2) and TB-MAX JR(2) satisfies the “set of holes formed in the mounting plate” under the doctrine of equivalents.</p>
<p>Claim 2</p>	
<p>The apparatus of claim 1,</p>	<p><i>See</i> claim 1 chart.</p>

wherein: the first end of the support structure is coupled to a forward facing surface of the mounting plate;

the second end of the support structure is pivotally coupled to the cutting deck;



when in the first position, the cutting deck is horizontal;

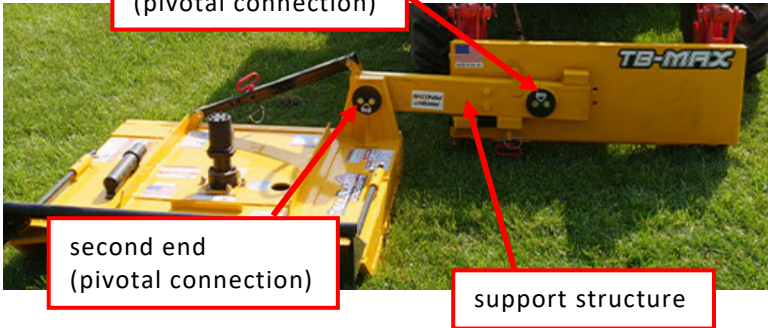
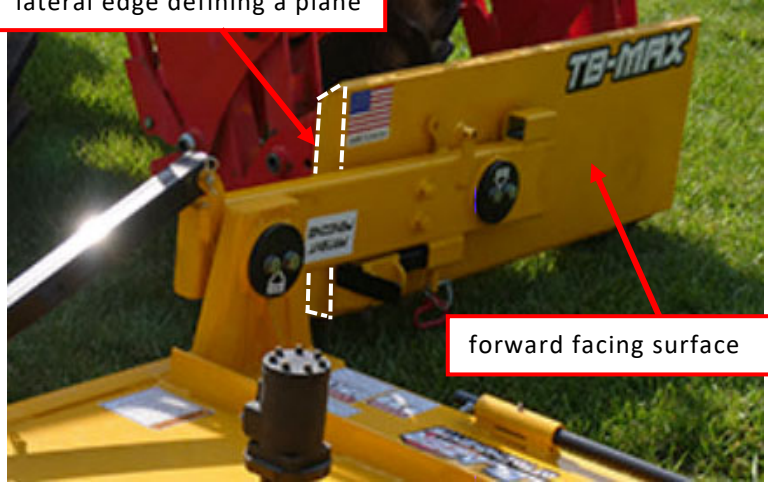
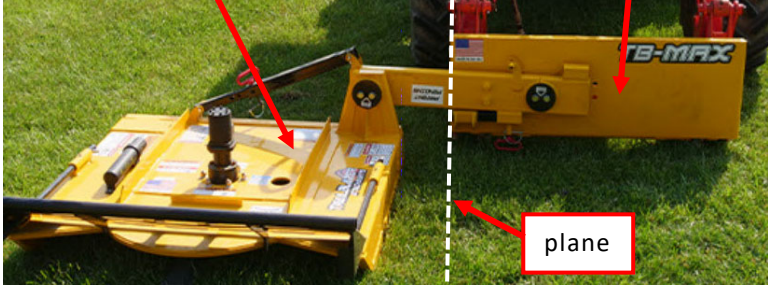
when in the second position, the cutting deck is vertical.

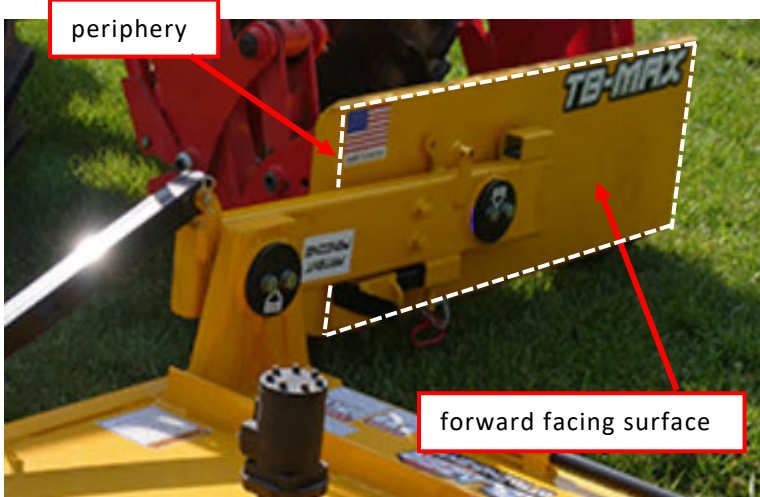


Claim 5

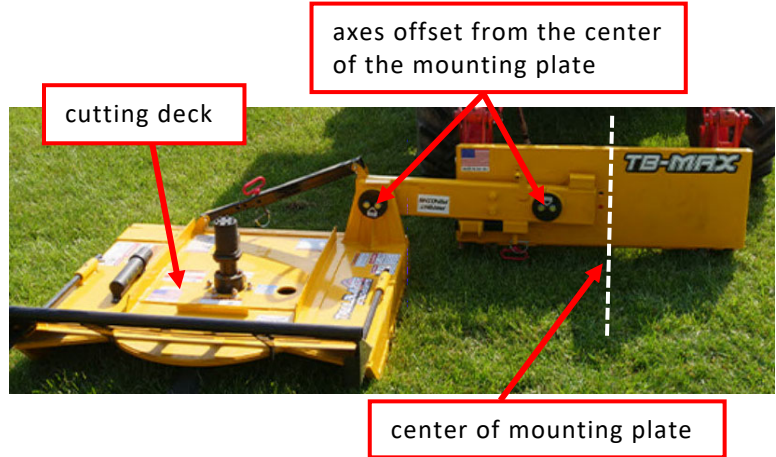
The apparatus of claim 1,

See claim 1 chart.

<p>wherein: the first end of the support structure is pivotally coupled to the mounting plate; and</p> <p>the second end of the support structure is pivotally coupled to the cutting deck;</p>	 <p>first end (pivotal connection)</p> <p>second end (pivotal connection)</p> <p>support structure</p>
<p>Claim 8</p>	
<p>The apparatus of claim 1</p>	<p>See claim 1 chart.</p>
<p>wherein: the mounting plate comprises a forward-facing surface having a lateral edge, the lateral edge defining a plane; and</p>	 <p>lateral edge defining a plane</p> <p>forward facing surface</p>
<p>when in the first position, the cutting deck is substantially positioned on a first side of the plane and the mounting plate is positioned on a second side of the plane.</p>	 <p>cutting deck</p> <p>mounting plate</p> <p>plane</p>
<p>Claim 9</p>	
<p>The apparatus of claim 1,</p>	<p>See claim 1 chart.</p>

<p>wherein the mounting plate comprises a forward-facing surface having a periphery,</p>	
<p>the cutting deck being positioned laterally beyond the periphery when in at least one of the first position, second position, or the at least one other position.</p>	
<p>Claim 16</p>	
<p>The apparatus of claim 1,</p>	<p>See claim 1 chart.</p>

wherein the cutting deck is rotatable relative to the mounting plate about an axis that is laterally offset from a center of the cutting deck.



CERTIFICATE OF SERVICE

I certify that on June 4, 2021, I caused the foregoing PLAINTIFF'S INITIAL INFRINGEMENT CONTENTIONS to be emailed to counsel of record for Defendants. I declare under penalty of perjury that the above is true and correct.

/s/ Mark A. Miller

Mark A. Miller