

UNITED STATES PATENT AND TRADEMARK
OFFICE

BEFORE THE PATENT TRIAL AND APPEAL
BOARD

MISSION INTEGRATED TECHNOLOGIES LLC
Petitioners

v.

JOSHUA CLEMENTE
Patent Owner

Case IPR2023-01285
Patent 11,174,677

PATENT OWNER'S PRELIMINARY RESPONSE

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Preliminary Response to Petition
for IPR of U.S. Patent No. 11,174,677

Exhibit	Description
2001	Declaration of Timothy Clemente
2002	Figure 2 in US11174677
2003	Figure 3 in US11174677
2004	Figure 5 in US11174677
2005	ARES Promo 6 (MIT Exhibit 1007) screenshot at 1 min, 46 sec
2006	Copy of page 9 of the Kingdom of Saudi Ministry of Finance Government Tenders and Procurement Law

I. INTRODUCTION

I am grateful for the opportunity to present a response to the Inter Partes Review petition filed against my patent, US11,174,677. This response uncovers critical issues with the petition and comprehensively demonstrates that the review should be denied.

I invented the machine patented in 11,174,677 as a professional engineer and someone with direct experience in the elevated tactics industry. Mission Integrated Technologies (MIT) has gone on to commercialize this same invention under the trade name “ARES”, securing millions of dollars in international sales while infringing on the ‘677 IP and thousands of hours of my engineering and labor. I have never been compensated for the illegitimate use of my IP, though I had recently achieved some progress in negotiations with MIT. During those negotiations, one investor in MIT, Fahmi Alubbad, has attempted to block any compensation agreement between MIT and myself, using his financial leverage over MIT as a tool of enforcement. This IPR petition is the most recent of his attempts to force an unjust outcome by misusing the PTAB process as a means of avoiding financial obligations. Fahmi is not authorized to perform an action such as this petition on behalf of MIT. Indeed, as demonstrated herein, this is not an

MIT action at all but an action by Fahmi the individual against me over a financial responsibility that might eat into his profit margins.

As discussed below, this inter partes review should be denied in its entirety for at least the reasons stated below:

1. The Real Party in Interest is deliberately misrepresented and indeed is not Mission Integrated Technologies but Fahmi Alubbad, an individual.
2. Ground 1 fails:
 - a. *ARES PROMO 6 Video* does not disclose critical elements of the claims of ‘677
3. Ground 2 fails:
 - a. *"The Elevated ARES video"* does not disclose critical elements of the claims of ‘677
4. Ground 3 fails:
 - a. *the Oct. 2017 brochure* does not disclose critical elements of the claims of ‘677
5. The patent in question is involved in federal and related state litigation:
 - a. Mission Integrated Technologies, LLC et al v. Clemente et al, Case No. 1:23-cv-01608 (E.D. Va.) filed November 27, 2023.

i. This case touches upon IP and ownership arguments central to this IPR.

b. F2E Holdings LLC et al. vs. Timothy G Clemente et al., Case No.

CL-2023-0014661, VA Fairfax Circuit Court, filed October 16, 2023

Even should the board disregard the statutory issues, abuse of process, and insufficient grounds contained within this petition, any review should be suspended pending resolution of the related legal proceedings.

II. MISREPRESENTATION OF PARTY IN INTEREST

The first critical issue that must be addressed is the false representation of the real party-in-interest in this petition. The IPR regulations under 37 CFR § 42.8 mandate the accurate disclosure of the real party-in-interest as a foundational requirement for the legitimacy and integrity of any IPR petition. The petition, as filed by “MISSION INTEGRATED TECHNOLOGIES, LLC” (MIT), explicitly states on pages 1-2 that MIT is the real party-in-interest. This attestation, however, is directly contradicted by the evidence contained in the declaration from Timothy Clemente, President and managing member of MIT (Clemente Exhibit 2001). The evidence makes clear that the claim of MIT being the real party in interest is not merely incorrect but intentionally misrepresented by the actual real party in interest, Fahmi Alubbad.

This deliberate misrepresentation is not a minor procedural error; it represents a serious breach of the fundamental principles governing the IPR process.

Accurately identifying the real party-in-interest is essential to ensure transparency, fairness, and the proper administration of the IPR proceedings. This blatant misrepresentation and evident abuse of process by Mr. Alubbad presents sufficient grounds for the PTAB to take decisive action in denying the petition and refusing a review.

Furthermore, considering the severity of this misrepresentation, it is appropriate to explore the imposition of sanctions. Such measures are crucial not only in addressing the specific misconduct in this case but also in deterring similar actions in the future, thereby preserving the integrity and intended purpose of the IPR system.

III. SUMMARY RESPONSES

From the petition:

1. *Claims 1-17 are anticipated under 35 U.S.C. 102(a)(1) by ARES PROMO 6 Video (Ex. 1007, "The ARES 6 video").*
2. *Claims 1-17 are anticipated under 35 U.S.C. 102(a)(1) by ARES Elevated Tactics System (Ex. 1019, "The Elevated ARES video")*

3. *Claims 1-8 and 10-17 are anticipated under 35 U.S.C. 102(a)(1) by MIT's*

ARES Marketing Brochure (Ex. 1014, "the Oct. 2017 brochure")."

CLARIFICATION ON THE 12-MONTH GRACE PERIOD

As a first item, it appears that there may be a misunderstanding on the part of the Petitioner concerning the 12-month grace period extended by the U.S. patent system. The Petitioner cites the patent priority date of 11/20/2018, while also referencing alleged prior art that falls within the twelve months preceding this date. According to 35 U.S.C. §102(b)(1)(A)-(B), there exists a 12-month grace period following initial public disclosure during which a patent application may be filed. Material made public by the inventor or sourced from the inventor within this period should not be considered detrimental to the patentability of the claims in question.

THE ARES 6 VIDEO (MISSION EX 1007)

While it is true that the ARES 6 video has been publicly available, this video was crafted as a marketing tool which purposefully omits important details of the technical details and key features and mechanisms that are central to the '677 patent claims, such as the hydraulic actuation system.

Indeed, the video does not approach sufficiency of disclosure or enablement as addressed in 35 U.S.C. §112(a), which requires that a patent specification “contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.”

The video in question was specifically crafted such that it does not provide enough technical detail that someone skilled in the relevant field could use that information to make and use the invention without undue experimentation. Therefore, it cannot reasonably be considered prior art with respect to the core elements of the invention.

Additionally, this video content was sourced from my materials, not from some other inventor.

THE ELEVATED ARES VIDEO (MISSION EX. 1019)

The Elevated ARES video was crafted as a marketing tool which purposefully omits important details of the technical details and key features and mechanisms that are central to the '677 patent claims. Like the ARES 6 video, it too deliberately omits the salient features of the hydraulic actuation system and other key

mechanisms of the invention claims. It's worth noting that the publication date of this video is 11/13/2018, which comfortably falls within the 12-month grace period leading up to the 11/20/2018 priority date for the '677 patent. Additionally, this video content was sourced from my materials, not from some other inventor. This further invalidates its proposed standing as prior art.

THE OCT. 2017 BROCHURE (MISSION EX. 1014)

The Oct. 2017 MIT's ARES Marketing Brochure, much like the aforementioned videos, was designed explicitly as a promotional piece and sourced from my invention materials. It is visually compelling, displaying the system exterior structure but deliberately lacks the technical detail that would amount to an enabling disclosure of the key features of the claims of the patented invention. As such, it too does not meet the standard of prior art in this case.

THE TECHNICAL OFFER TO SAUDI ARABIA

Although not referenced in the grounds, the petition refers repeatedly to this document. A "Technical Offer" was submitted to the Kingdom of Saudi Arabia as part of an official government procurement process. It is crucial to note that this submission was conducted under the strict confidentiality provided by the Kingdom's procurement protocols detailed in Chapter 7, Article 17 (Clemente Exhibit 2006) of the Kingdom of Saudi Ministry of Finance Government Tenders

and Procurement Law. It does not constitute public disclosure or public sale and to my knowledge, the technical offer was never made public before the patent priority date of 11/20/2018.

THE MILIPOL 2017 DISCLOSURE

The petition refers to the display and disclosure of the invention at this trade show.

Indeed, initial public disclosure of the invention did occur at the Milipol 2017 show on 11/21/2017. Consequently, this too falls within the 12-month grace period from the established priority date of 11/20/2018 and thus should not serve as prior art against the claims of the '677 patent.

DETAILED RESPONSES

THE ARES 6 PROMO VIDEO (MISSION EX. 1007)

From Petition: *“Exhibit 1007, the ARES PROMO 6 video ("the ARES 6 video") is a video promoting MIT's new generation of ARES product that was published and continuously accessible to the public at the YouTube website at URL <https://www.youtube.com/watch?v=9gVnP18I39Q> from October 11, 2017 to the present and at MIT's home page at <http://www.Mit.technology> which featured the YouTube link <https://www.youtube.com/watch?v=9gVnP18I39Q> from at least*

*October 22, 2017 to at least November 20, 2018. Ex. 1004, Alubbad Deel. ,r6-15;
Exs. 1008-1013.”*

- As the petitioner states, “the website featured the ARES 6 video (Ex. 1007), on its Homepage, demonstrating the use and functionality of the new generation ARES product.” While the video does indeed showcase some capabilities of the system, it fails to disclose the key features and mechanisms of the invention to the standard of an enabling disclosure. Critical features such as the hydraulic actuation system are completely concealed within the structure. Detailed cutaways and descriptions are necessary to adequately disclose the complex kinematic function of the system and its novel mechanisms. This video was intentionally designed to generate intrigue and does not constitute prior art for the claims of the invention. Just as a video of a sedan driving down the highway does not disclose the novel elements of its suspension design; similarly, the ARES 6 video conceals the detailed and important technical elements of the novel inventions claimed in the ‘677 patent.
- I attest that on many instances since Milipol 2017 I have been asked by capable engineers in the industry how the system mechanisms of Claims 1-17 are able to function *after* they have viewed the video of Mission Exhibit 1007. This follows as the key components and novel functionality of

the claimed invention are neither revealed nor obvious from simply viewing the jump cuts and distant viewpoints of the video..

- Furthermore, while the "ARES 6" video included details about the invention in question, it is critical to clarify that it lacked the comprehensive technical information necessary to constitute an enabling disclosure. According to 35 U.S.C. §112(a), an enabling disclosure is one that provides enough detail for a person skilled in the art to replicate the invention. The information included in this high-level document was not sufficient to meet this standard. It provided an overview of the system's capabilities and images of the structure and potential applications but did not disclose the detailed mechanics or technical specifics that would enable a skilled person to replicate the claimed invention.

THE ELEVATED ARES VIDEO (MISSION EX. 1019)

From Petition: “*Exhibit 1019, the ARES Elevated Tactics System video ("The Elevated ARES video"), is a promotional video of the new generation ARES product that was published and continuously accessible to the public at the URL <https://www.youtube.com/watch?v=oXlgPIKBAl4> from November 13, 2018 to the present.*”

- The video was developed from the same footage as the ARES 6 promo and presents the capabilities of the system but does not disclose the key technical features and mechanisms such as the hydraulic actuation system which are completely concealed within the structure. Detailed cutaways and descriptions are necessary to disclose the complex kinematic function of the system and its novel mechanisms. This video was intentionally designed to generate intrigue and does not constitute prior art for the claims of the invention. Just as a video of a sedan driving down the highway does not disclose the novel elements of its suspension design; similarly, the Elevated ARES video conceals the detailed and important technical elements of the novel inventions claimed in the '677 patent.
- I attest that on many instances since Milipol 2017 I have been asked by capable engineers in the industry how the system mechanisms of Claims 1-17 are able to function *after* they have viewed the video of Mission Exhibit 1019. This follows as the key components and novel functionality of the claimed invention are neither revealed nor obvious from simply viewing the jump cuts and distant viewpoints of the video.
- Furthermore, while the "Elevated ARES" video included details about the invention in question, it is important to clarify that it lacked the comprehensive technical information necessary to constitute an enabling

disclosure. Per 35 U.S.C. §112(a) an enabling disclosure is one that provides enough detail for a person skilled in the art to replicate the invention. The information included in this high-level document was not sufficient to meet this criterion. It provided an overview of the system's capabilities and images of the structure and potential applications but did not delve into the detailed mechanics or technical specifics that would enable a skilled person to replicate the claimed invention.

- Lastly, this video was posted on Nov 13th 2018. Although it is subject to the same considerations as the ARES 6 video and does not constitute a disclosure of the critical elements of the invention, its publication also falls well within the grace period for the '677 patent priority date, extending 12 months back from Nov 20th 2018.

THE OCT. 2017 BROCHURE (MISSION EX. 1014)

From Petition: *"MIT's ARES Marketing Brochure ("The Oct. 2017 brochure") is a promotional brochure of the new generation ARES product that was created on October 31, 2017. Copies of the Oct. 2017 brochure were also digitally distributed to potential customers via the WhatsApp app in the weeks before and after the Milipol trade show. A copy of the Oct. 2017 brochure was emailed to a potential customer on November 8, 2017"*

- Just as with the videos, the brochure was crafted to generate intrigue in the capabilities of the invention for Milipol 2017 - it is not a detailed or technical disclosure of the key elements of the invention claims. The images show the ARES structure system but do not detail or explain how the crucial mechanisms function. Indeed, the explicit elements of the novel lifting system such as the hydraulic actuation are completely hidden in all images within the system structure - a deliberate feature of the system design and decision during crafting of the brochure. Detailed cutaways and descriptions are necessary to disclose the complex kinematic function of the system and its novel mechanisms. This was deliberately developed as a marketing tool but does not constitute prior art for the key invention. Just as images of a sedan driving down the highway do not disclose novel elements of its suspension design, this marketing brochure conceals the important elements of the novel inventions claimed in the '677 patent.
- Furthermore, while the "Oct 2017 Brochure" included details about the invention in question, it is important to clarify that it lacked the comprehensive technical information necessary to constitute an enabling disclosure. Per 35 U.S.C. §112(a) an enabling disclosure is one that provides enough detail for a person skilled in the art to replicate the invention. The information included in this high-level document was not sufficient to meet

this criterion. It provided an overview of the system's capabilities and images of the structure and potential applications but did not delve into the detailed mechanics or technical specifics that would enable a skilled person to replicate the claimed invention.

THE TECHNICAL OFFER TO SAUDI ARABIA

From petition: *"On June 12, 2017, MIT submitted a "Technical Offer" (Ex. 1006) to the Kingdom of Saudi Arabia, Ministry of Defense, for Two Armored Assault Vehicles with ARES System. Ex. 1004, Alubbad Decl., 5. 48. The Technical Offer shows the ARES mounted on a host vehicle, a fully armored Lenco Bearcat. The ARES system in the Technical Offer has the exact same lifting apparatus for lifting an inclinable access structure."*

- In this case, a "Technical Offer" was submitted to the Kingdom of Saudi Arabia as part of an official government procurement process. This direct submission to the government, made prior to the public disclosure of the system, contained various details of my invention. Per the Declaration of Timothy Clemente (see Clemente Exhibit 2001), this submission was conducted under the strict confidentiality inherent in the Kingdom's procurement protocols detailed in Chapter 7, Article 17 of the Kingdom of

Saudi Ministry of Finance Government Tenders and Procurement Law

(Clemente Exhibit 2006).

- The explicitly confidential nature of these official procurement procedures is intended to protect such submissions from becoming part of the public domain. Petitioner Fahmi Alubbad is intimately aware of the confidential nature of Kingdom of Saudi procurement proceedings and has described them in great detail on several occasions that I have been privy to. It is therefore inaccurate and dishonest to represent Mission Ex. 1006, as a public disclosure.
- Furthermore, while the "Technical Offer" included details about the invention in question, it is important to clarify that it lacked the comprehensive technical information necessary to constitute an enabling disclosure. Per 35 U.S.C. §112(a), an enabling disclosure is one that provides enough detail for a person skilled in the art to replicate the invention. The information included in this offer was not sufficient to meet this criterion. It provided an overview of the system's capabilities and potential applications but did not delve into the detailed mechanics or technical specifics that would enable a skilled person to replicate the claimed invention.

- As such, given the confidential nature of the submission under the official procurement process of the Kingdom of Saudi Arabia and the lack of sufficient technical details for enablement, this "Technical Offer" should not be considered a public disclosure that constitutes prior art to this invention. To my best knowledge, the contents of this offer have never been released into the public domain prior to the patent priority date of 11/20/2018.

THE MILIPOL 2017 DISCLOSURE

This was the first public disclosure of the ARES system including detailed discussion of the technical details and capabilities of the invention.

The Milipol 2017 show doors opened to the public on November 21st 2017. The provisional patent was filed on November 20th 2018, establishing the priority date as affirmed by the USPTO. I chose this filing date to make maximal use of the 12 month US grace period between first public disclosure at Milipol on November 21st 2017 and the filing priority date. The full patent filing was submitted on November 19th 2019 and was granted priority to the provisional application by the USPTO, thereby retaining the November 20th 2018 priority date. All public disclosures between November 21st 2017 and November 20th 2018 fall within the

12 month US grace period between public disclosure and priority date as the novel elements of the invention did not change.

INSUFFICIENCY OF GROUNDS

Mission Exhibits 1006, 1007, 1010, 1014, 1019, and 1024 do not demonstrate enabling disclosure of the claims in the invention of US11,174,677. The details imparted in these exhibits are substantially all derivative works of the same teaser video and whether in isolation or in combination, they do not contain or describe key enabling components, configurations, and elements of the patent claims in question. Non-exhaustive examples of the information crucial to the patent claims that is not disclosed in the Mission Exhibits:

- **Claim 1:** The actuators and configuration thereof of invention Claim 1 - critical, novel, and non-obvious elements of the claimed invention - are entirely concealed in the Mission Exhibits and cannot be seen in any of the annotated images. This is because the system structure encapsulates and fully conceals them from view as a design feature. Refer to Clemente Exhibit 2002 [Figure 2 of US11174677] which is a cutaway view of the system structure revealing the actuator tube **140** extending out of the fixed base structure **105** of the system. The arrows drawn by the petitioners in Mission Exhibits 1006, 1010, 1014, and 1024 point to the fixed base

structure **105** of the system and serve to reinforce my point: observing where the arrows indicate, no actuation mechanism can be seen.

- **Claim 1:** The inclineable access structure **110** endpoints, track channels **107**, and movable hinge carriages **108** of Claim 1 - critical and non-obvious elements of the claimed invention - are entirely concealed in all Mission Exhibits 1006, 1007, 1010, 1014, 1019, and 1024. This is because the system structure encapsulates and fully conceals them from view as a design feature. Refer to Clemente Exhibit 2002 [Figure 2 of US11174677] which is a cutaway view of the system structure revealing the inclineable access structure **110** pivotal endpoints, track channels **107** and movable carriage **108**. The arrows drawn by the petitioners in Mission Exhibits 1006, 1010, 1014, and 1024 claiming to identify these components are in fact pointing at the fixed base structure **105** of the system and serve to reinforce this point: observing where the arrows indicate, no pivotable connections, track channels, or movable carriage mechanisms can be seen. This video does not come close to constituting an enabling disclosure of Claim 1.
- **Claims 2-3:** The handrail **130** of Claims 2 and 3 is entirely different in design than that of the Mission Exhibits 1006, 1007, 1010, 1014, 1019, and 1024. Refer to Clemente Exhibit 2002 [Figure 2 of US11174677] to see the handrail deployment linkages **115** which take advantage of a complex

multibar kinematic motion principle formed with the inclineable access structure **110** to achieve variable deployment relative to the motion of the actuation system **140**. A key feature of this design is the ability for the breaching platform deployment to occur without deploying the handrail **130**. Refer to Clemente Exhibit 2003 [Figure 5 of US11174677] which demonstrates the handrail **130** vs. access structure **110**, and breaching platform **125** configuration that is not possible in the system shown in Mission Exhibits 1006, 1007, 1014, 1019, and 1024. The Mission Exhibits show a system that does not include handrail deployment linkages **115** or an inclineable access structure **110** designed to interface in a complex kinematic manner with handrail deployment linkages **115** via hinge points such that the motion of the inclineable access structure **110** passively (without additional actuation) deploys and stows the handrails while rigidly maintaining their position. This is a key element of Claims 2 and 3. Refer to Clemente Exhibit 2005 (Mission Exhibit 1007 1 min, 41-47 sec), the same system as that of Mission Exhibits 1007, 1010, 1014, 1019, and 1024, which demonstrates this difference in handrail functionality compared to Clemente Exhibit 2003. Furthermore, Mission Exhibit 1006 contains no handrails whatsoever.

- **Claims 4-8:** The structure of the multipoint breaching platform of Claims 4-8 is visible in Mission Exhibits 1007, 1014, 1019, and 1024, but the

mechanism details are not observable from the video. Crucially, the deployment mechanism **302**, see Clemente Exhibit 2004 [Figure 5 of US11174677], a key enabling element of the 270+ degree deployment and stowage functionality of the multipoint breaching platform **125**, is not visible in any of the materials as it is hidden beneath the system as a design feature.

- **Claim 9:** There are no disclosures of Claim 9 in any of the Mission Exhibits. The petition identifies a ramp **126** in Mission Exhibits 1007 and 1010 pg 1, however, this is inaccurate as the exhibit images are all of the same system which obviously has stairs on the inclinable access structure, not a ramp.
- **Claim 16:** The actuators and configuration thereof of invention Claim 1 - critical, novel, and non-obvious elements of the claimed invention - are entirely concealed in the Mission Exhibits and cannot actually be seen in any of the annotated images. This is because the system structure encapsulates and fully conceals them from view as a design feature. Refer to Clemente Exhibit 2002 [Figure 2 of US11174677] which is a cutaway view of the system structure revealing the actuator **140**. The arrows drawn by the petitioners in Mission Exhibits 1006, 1010, 1014, and 1024 point to the fixed base structure **105** of the system and serve to reinforce this point: observing where the arrows indicate, no actuation mechanism can be seen.

RESPONSE TO MISSION EX. 1021 - DECLARATION OF MATTHEW

HAYDUK

Mr. Hayduk, who asserts himself as an expert and a "person of ordinary skill in the art" (POSA), has made statements regarding the sufficiency of the Mission

Exhibits as enabling disclosures of the claimed inventions. However, his independence and objectivity are significantly compromised by his professional and financial relationship with Mr. Alubbad and Mission Integrated Technologies.

It is important to highlight that Mr. Hayduk's involvement with the ARES system, as directed and compensated by Mr. Alubbad on behalf of MIT, extends beyond a casual consultancy. Since at least September of 2022, he has been contracted to, among other duties, participate in ongoing manufacturing engineering work on the invention as part of MIT's ongoing infringing commercialization of it. This involvement has granted him unprecedented access to and familiarity with comprehensive technical data pertaining to the invention, including my detailed computer models, production hardware, and the complete contents of patent 11,174,677.

This deep familiarity with the technical aspects of the invention under the patronage of Mr. Alubbad fundamentally undermines Mr. Hayduk's ability to provide an independent, unbiased evaluation of the MIT Exhibits and enabling

disclosures. His declaration that these exhibits constitute an enabling disclosure is intrinsically colored by his prior exposure to detailed and confidential information about the invention that would not have been available to a truly independent POSA reviewing the same materials prior to the patent filing.

Thus, Mr. Hayduk's assessment that the exhibits are sufficiently detailed to enable someone skilled in the art to replicate the invention is flawed. An independent POSA, without prior access to the detailed technical materials and internal knowledge that Mr. Hayduk possesses, would not likely arrive at the same conclusion. Indeed, over the past several years I have spent many dozens of hours laboriously explaining the function of the invention to persons of ordinary skill in the art *after* providing materials identical to the Mission Exhibits for their review. This is because these articles by deliberate design do not document or disclose the key elements of the claimed invention. Mr. Hayduk's declaration should be viewed with substantial skepticism, and its influence in these proceedings should be heavily discounted due to:

1. His significant conflict of interest, being on the payroll of Fahmi Alubbad and MIT for at least a year prior to this petition.

2. His lack of representation of the perspective of an independent POSA or member of the public as his views are based on privileged information not available through the exhibits alone.

In summary, the circumstances surrounding Mr. Hayduk's involvement with the invention and his relationship with Fahmi Alubbad render his assertions regarding the Mission Exhibits as enabling disclosures highly questionable. His assessment does not reflect the understanding an independent POSA would have based solely on the information available in the public domain prior to the public disclosure event on November 20th 2018.

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JOSHUA CLEMENTE
Patent Owner

Case IPR2023-01285
Patent 11,174,677

DECLARATION OF TIMOTHY CLEMENTE

Clemente Exhibit 2001



ELEVATE YOUR TACTICS

United States Patent and Trademark Office

Date: November 22, 2023

Re: IPR 2023 01285, relating to Patent# 11,174,677 B2

Before the Patent Trial and Appeal Board

To Whom It May Concern:

As mentioned on page 1 of the Declaration of Fahmi Alubbad, acting as petitioner in the above referenced process, my name is Tim Clemente, and I am the President of Mission Integrated Technologies (MIT). I have held the position of President of MIT since the company was founded in 2013, by myself and Mr Alubbad.

Since the company's formation, I have acted as the president and official representative of the company, as well as its primary spokesperson. I, and I alone, have the authority to act as an officer of the company, and as such it is my name, title, and signature which appear on every proposal sent out to all of the customers we do business with, and it is my name, title, and signature which appears on every contract MIT secures with our customers around the world. This authority was granted to me by the company's founding operating agreement in 2013.

MIT is in the principal business of making and selling elevated tactics systems, a term which I coined over two and a half decades ago, when I invented the first ever product in that category in 2008. I was named the president of MIT, because I have extensive experience in the tactical, law enforcement, and military special operations fields, as a former police officer, FBI Special Agent, SWAT Team Leader, and US Military Contractor, as well as being the inventor of the first system upon which all subsequent systems around the world have been based.

This IPR action was in fact not initiated by Mission Integrated Technologies, the entity I am proudly the President of, but rather is being perpetrated by one of the company's investors as part of a conspiracy to avoid compensating the inventor and patent holder of the ARES system, Joshua Clemente.

I wish to state unequivocally, that Mr Alubbad has neither the authority nor the intimate knowledge to purport to represent MIT in this process, and as such the assertions of his numerous claims in his declaration, amount to nothing but misrepresentations, if not outright lies. It additionally constitutes a serious and deliberate misrepresentation of Real Party in Interest in the petition in question.

Even a cursory review of our company's website (www.mit.technology), marketing literature, brochures, product proposals, customer contracts, or anything else related to MIT in its everyday operations – including all of those documents and screen captures included in Mr Alubbad's claims - demonstrate unequivocally that I am the president and chief spokesperson for Mission Integrated Technologies. Another glaring fact that becomes obvious with a review of this literature or the company's online presence, is that the claimant in this process is nowhere to be seen in any of the above, because he does

CLEMENTE EXHIBIT 2001 PAGE 1 OF 3

1934 Old Gallows Road, Suite 402, Vienna, VA 22182

Web: www.mit.technology



ELEVATE YOUR TACTICS

not speak publicly for the company, nor is he the principal officer of the company. That is the role I fulfill for Mission Integrated Technologies, and I alone.

Mr Alubbad's Claim #5, related to Exhibit #6, a copy of a Technical Offer to the Kingdom of Saudi Arabia Ministry of Defense, purports that the disclosures in that document amount to a release to the general public with regard to the ARES system's design secrets. While this is an actual technical offer made to the government of Saudi Arabia, by me, as President of MIT, in fact, it is the farthest thing from a public disclosure, due to the utmost confidentiality of the proposal and contracting process with the Saudi government, as with virtually every government entity we deal with. Under the rules of the tender and proposal process, both the members of the government agencies in Saudi Arabia, as well as their customers, and suppliers, including our company, MIT, are obligated to maintain strict confidentiality in the entirety of the proposal and or contracting process. In fact, the mere inclusion of this Technical Offer as an attachment to Mr Alubbad's Declaration, may have violated the confidentiality that MIT is held to by the Saudi government. Regardless of the appropriateness of its disclosure in this process, the Technical Offer itself in no way released any information regarding the ARES system design to the general public.

While the video described by Mr Alubbad, ARES 6 Video, was indeed uploaded to Youtube, in October of 2017, it was done so for the purposes of sharing it within our internal MIT team of consultants and advisers, and was not advertised to the public until its release at the Millipol tradeshow in Paris in late November 2017. That said, the release of this video, though it does contain images of the then new ARES system, reveals none of the intricate design features which form the basis for the product's patent claims. Those design features were never released to the public in any form, until after the priority date of the patent application Joshua filed. Any suggestion to the contrary is false. The ARES 6 video, and the marketing literature distributed to potential customers, provide absolutely no vantage point on the intricacies of the ARES design.

With regard to the disclosure and testimony of Matthew Hayduk, I as President of MIT, can personally attest that Mr. Hayduk is not an independent party to these proceedings. In his capacity, he has been privy to confidential and trade secret information, being employed and compensated by MIT and working on behalf of MIT for the specific purpose of reviewing and making updates and corrections on the extremely detailed ARES manufacturing drawings as provided to MIT by its manufacturing partner. This direct involvement with an interested party in the IPR proceedings undermines the impartiality and independence that his testimony would ordinarily require. The nature of his engagement, under the auspices of Alubbad, inherently positions him in a role where his declarations and analyses cannot justly be considered objective or detached from the interests he represents. His access to sensitive and proprietary information within our organization, under the guise of his professional role, significantly biases his perspective and casts substantial doubt on the neutrality of his contributions to this case. I greatly appreciate your effort to protect the integrity of the patent for the ARES system, the most advanced elevated tactics system ever made. It would be a miscarriage of justice for the falsehoods presented by Mr Alubbad to undermine the protections of Patent# 11,174,677 B2 over this incredible invention.

CLEMENTE EXHIBIT 2001 PAGE 2 OF 3



ELEVATE YOUR TACTICS

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Timothy G. Clemente', is written over a light blue horizontal line.

Timothy G. Clemente
President, Mission Integrated Technologies

CLEMENTE EXHIBIT 2001 PAGE 3 OF 3

1934 Old Gallows Road, Suite 402, Vienna, VA 22182

Web: www.mit.technology

CLOSING STATEMENT

In conclusion, I urge the board to consider the substantial merits of my response while meticulously evaluating the validity and underlying intentions of the petition. The evidence presented in this response, supported by comprehensive exhibits, clearly demonstrates that the petition's claims fail to provide an enabling disclosure of the invention. Moreover, the misrepresentation of the real party-in-interest is of consequential importance. As unambiguously detailed in the declaration by Timothy Clemente, President and Director of Mission Integrated Technologies (Clemente Exhibit 2001), Fahmi Alubbad is not authorized to represent Mission Integrated Technologies in such a capacity. This misrepresentation, combined with the incorrect identification of the real party-in-interest, severely undermines the legitimacy of this petition.

In light of these significant issues - the misrepresentation of the real party-in-interest and relevant authority and the insufficiency of the claims - I firmly contend that the most appropriate and judicious course of action would be to dismiss this petition and deny review. The intentional and strategic misrepresentations contained in the petition were designed to mislead and abuse the IPR process. Therefore, in accordance with 37 C.F.R. § 42.12, it is appropriate that in addition to dismissal, sanctions be considered against Fahmi Alubbad for

his improper use of the IPR proceedings. Such sanctions are necessary to address the misuse of the process and to deter similar conduct in the future.

Should the board initially be inclined to overlook the concerning misrepresentations and weakness of the claims of the petition, I recommend that the board exercise its authority under 37 C.F.R. § 1.987 to suspend this IPR proceeding due to recently-filed litigation involving the patent in question. As stated in the regulation, the Director has the discretion to suspend an inter partes reexamination proceeding when the patent is involved in litigation. Should the Board choose not to dismiss, it is prudent to suspend this proceeding until the related proceedings resolve.

Dismissing or suspending this petition would not only address the specific improprieties of this case but would also uphold the integrity of the U.S. patent system while safeguarding the legitimate protections of patent 11,174,677.

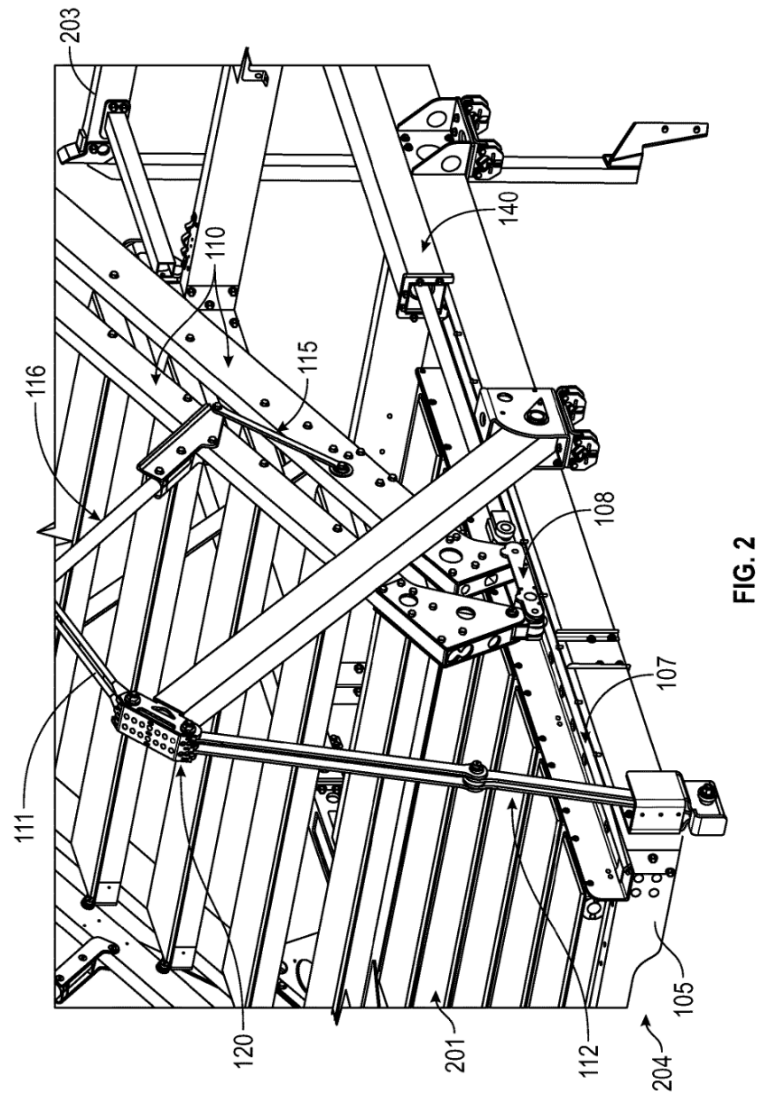
Additional Exhibits

U.S. Patent

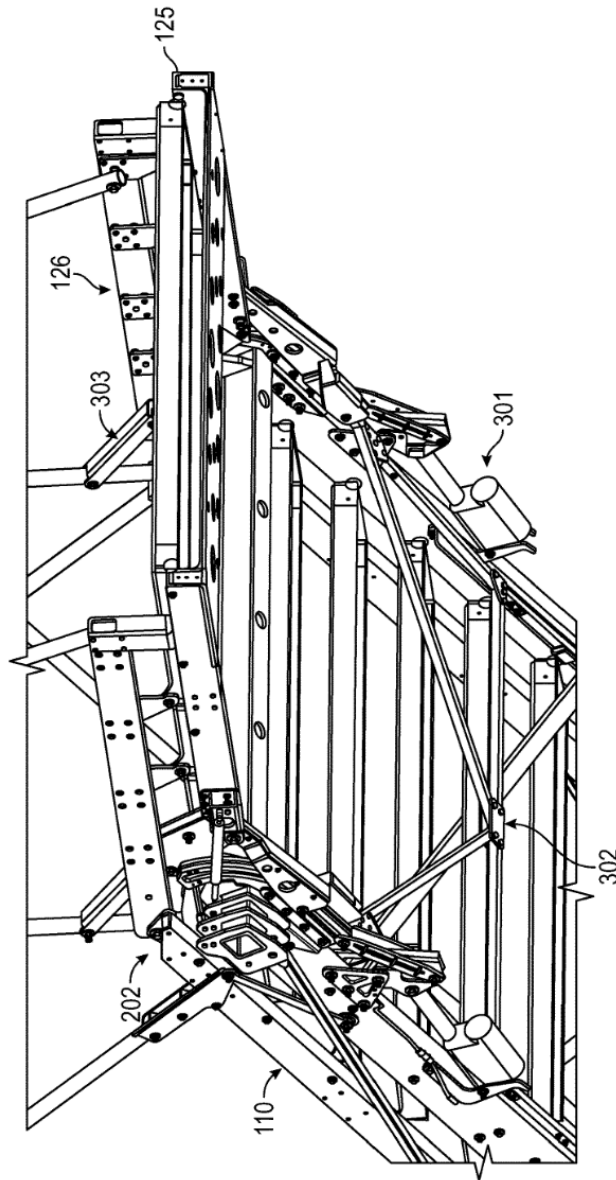
Nov. 16, 2021

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Clemente Exhibit 2002: Figure 2 in US11174677



Clemente Exhibit 2003: Figure 3 in US11174677



Clemente Exhibit 2005: ARES Promo 6 (MIT Exhibit 1007) 1 min, 46 sec

national security, as specified by the Regulations.

Article 17

1. The Portal shall ensure the highest degree of privacy, confidentiality, safety, and transparency of information, and it shall ensure integrity of procedures.
2. The Portal shall make available to interested parties tender-related information and data as specified by the Regulations.
3. The Portal shall maintain a record for each government agency, which includes information, data, and procedures relating to concluded contracts, as well as tendered projects and works, as specified by the Regulations.
4. The Ministry shall charge a fee for the services rendered through the Portal. The Council of Ministers shall determine the amount of the fee and may amend it upon the Ministry's recommendation.

Chapter 8: Eligibility and Qualification of Bidders

Article 18

Prospective bidders shall meet the requirements necessary for carrying out government works and procurements, as specified by the Regulations.

Article 19

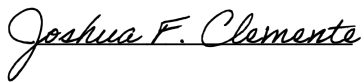
1. A government agency shall carry out pre- or post-qualification for its works and procurements in accordance with the Regulations.

Preliminary Response to Petition
for IPR of U.S. Patent No. 11,174,677

All statements made herein of my own knowledge are true; all statements made on information and belief are believed to be true; and these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both under 18 U.S.C. § 1001.

Executed this 28th day of November 2023

Respectfully,

A handwritten signature in cursive script that reads "Joshua F. Clemente".

/s/Joshua F Clemente

Joshua F. Clemente, Patent Owner, Pro Se
32006 Vista Ln APT B.
Austin, TX 78703
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joshua.clemente@gmail.com

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATION,
TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS**

1. This Preliminary Response complies with the type-volume limitation of 14,000 words, in fact comprising about 5,300 words, excluding the parts exempted by 37 C.F.R. § 42.24(a).
2. This Preliminary Response complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared in 14 point Times New Roman font.

Respectfully Submitted,

Date: November 29 , 2023

/s/Joshua F Clemente
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