EXHIBIT 71

Portions of this document include information designated by Hilti as HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY, as noted below.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HILTI AKTIENGESELLSCHAFT, Plaintiff, Counterclaim Defendant, v. SPECIFIED TECHNOLOGIES INC., Defendant, Counterclaimant.	C.A. No. 1:22-cv-01248-CFC

SUPPLEMENTAL STATEMENT OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS OF SPECIFIED TECHNOLOGIES INC.

Defendant and Counterclaimant Specified Technologies Inc. ("STI" or "Specified") hereby provides its Supplemental Statement of Asserted Claims and Infringement Contentions pursuant to paragraph 3 of the Scheduling Order (D.I. 35).

I. PRELIMINARY STATEMENT

STI's statements and infringement contentions are based on publicly available materials, STI's current good faith beliefs regarding Hilti Aktiengesellschaft's ("Hilti") Accused Devices and Accused TTS Products (defined below), and Hilti's discovery responses to date. Discovery has just begun, and STI continues to investigate the facts relevant to this action. STI served its First Set of Requests for Production and First Set of Interrogatories[1] on Hilti on January 20, 2023.

[1] The Requests for Production include, *inter alia*, the following Requests that are relevant to these Infringement Contentions: "Documents and things concerning the Hilti Accused Products, including, but not limited to, a copy of all product brochures, engineering and product specifications, engineering change orders, drawings, schematics, manuals, and component lists"

Hilti requested a 3-week extension (until March 14 – only 3 days before the due date of these Contentions) to respond. STI received Hilti's initial responses, which were incomplete or otherwise unilaterally limited in substance by Hilti, on March 14. Based on STI's initial review, Hilti's responses (or lack thereof) have been noted where relevant below. Notably, Hilti did not produce any documents in response to STI's RFPs. Additionally, Hilti did not provide a substantive response to Interrogatory No. 9. *See supra* fn. 1. Hilti did provide some information

(RFP No. 46); "Documents concerning and sufficient to establish the nature and volume of sales of all Hilti Accused Products, including, but not limited to, accounting records, instances, financial reports, sales reports, business plans and/or sales prospectuses" (RFP No. 47), "Documents sufficient to show, on a monthly, quarterly, and yearly basis, all revenue, costs, gross profits, net profits, and number of units sold for the Hilti Accused Products" (RFP No. 48); "Two (2) samples of each and every one of the Hilti Accused Products" (RFP No. 57); "Documents and things concerning and sufficient to describe in detail the manufacture, development, and/or production of the Hilti Accused Products, including any technical specifications, manuals, protocols, guides, presentations, instructional videos, or animations" (RFP No. 64); "Documents sufficient to identify all persons and/or organizations involved in the research, development, experimentation, and/or creation of the Hilti Accused Products" (RFP No. 65); "All Documents regarding any analysis, study, test, experiment, or evaluation relating to the Hilti Accused Products" (RFP No. 66); "All Documents regarding publications, surveys, research notebooks, research summaries, reports, articles, or presentations authored or co-authored by You or on Your behalf concerning the Hilti Accused Products" (RFP No. 67); "All Documents concerning any actual or perceived failure, shortcoming, deficiency, or limitation of the Hilti Accused Products." (RFP No. 75); "All Documents that include any comparison between the inventions and/or products described in the STI Patents-in-Suit and the Hilti Accused Products" (RFP No. 82); and "All Documents which relate to or evidence Your knowledge or awareness of the STI Patents-in-Suit" (RFP No. 88). Additionally, the Interrogatories include, *inter alia*, the following Interrogatories relevant to these Infringement Contentions: "Describe in detail the process by which the Hilti Accused Products were developed, including but not limited to describing their creation, testing/evaluation, completion, and any modification made between the moment of creation and completion; and for each event described, provide: (a) The approximate date of the event; (b) The person(s) involved in the event, including their role; and (c) A detailed description of what took place during the event described" (Interrogatory No. 9) and "Identify the date, facts, and circumstances of Your first knowledge of each of the STI Patents-in-Suit, and describe in detail the dates, facts, and circumstances regarding any actions taken by You or Your agent(s) to avoid infringement of any claim of the STI Patents-in-Suit, including, but not limited to, efforts to design around any claim of the STI Patents-in-Suit" (Interrogatory No. 11).

in response to Interrogatory No. 11, which has been noted below. In addition, the parties have not yet taken any depositions.

STI reserves the right to amend or supplement its disclosures and contentions consistent with the Court's orders, the Local Rules of this Court, and any other applicable authority. STI reserves the right to amend or supplement its disclosures and contentions based on additional or different information it learns during further investigation or discovery in this action. In addition, STI reserves the right to rebut any non-infringement arguments asserted by Hilti.

II. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS FOR U.S. PATENT NO. 10,143,868

A. Asserted Claims

Based on currently known information, STI contends that Hilti has infringed and continues to infringe (literally and under the doctrine of equivalents) claims 1-6 and 9 of U.S. Patent No. 10,143,868 B2 (the "'868 Patent"). STI contends that Hilti is liable under 35 U.S.C. § 271(a) for its direct infringement of each of the asserted claims of the '868 Patent. In addition, STI contends that Hilti is liable under 35 U.S.C. § 271(b) for induced infringement and under 35 U.S.C. § 271(c) for contributory infringement. STI also contends that Hilti's infringement is willful. Additional contentions regarding Hilti's infringing activities are provided below in Section C.

B. Hilti's Accused Devices

Based on currently known information, STI contends that the following Hilti products fall within the scope of the asserted claims of the '868 Patent: 1) Hilti's CFS-MSL Modular Fire Sleeve, which is available in three sizes: small (3" x 2"), medium (3" x 4") and large (6" x 4") and 2) Hilti's CFS-MSL P Modular Sleeve Frame (collectively, the "Accused Devices"). STI reserves the right to modify the listing of accused devices based on additional or different information it learns during further investigation or discovery in this action.

Claim 1

Each of the three sizes of Hilti's CFS-MSL Modular Fire Sleeve falls within the scope of claim 1.

Claim 2

Each of the three sizes of Hilti's CFS-MSL Modular Fire Sleeve falls within the scope of claim 2 when combined with the CFS-MSL P Modular Sleeve Frame.



Hilti's CFS-MSL Modular Fire Sleeve with CFS-MSL P Modular Sleeve Frame installed. *See* CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close.

Claim 3

Each of the three sizes of Hilti's CFS-MSL Modular Fire Sleeve falls within the scope of claim 3.

Claim 4

Each of the three sizes of Hilti's CFS-MSL Modular Fire Sleeve falls within the scope of claim 4.

Claim 5

Each of the three sizes of Hilti's CFS-MSL Modular Fire Sleeve falls within the scope of claim 5.

Claim 6

Each of the three sizes of Hilti's CFS-MSL Modular Fire Sleeve falls within the scope of claim 6.

Claim 9

Each of the three sizes of Hilti's CFS-MSL Modular Fire Sleeve falls within the scope of claim 9.

C. Claim Chart and Allegations of Infringement

1. Direct Infringement – 35 U.S.C. § 271(a)

STI contends that Hilti has directly infringed the asserted claims of the '868 Patent by making, using, offering to sell, or selling within the United States, and/or importing into the United States the three sizes of the CFS-MSL Modular Fire Sleeve and the CFS-MSL Modular Sleeve Frame.

Attached hereto as Exhibit A is a claim chart identifying where each limitation of each asserted claim is found within an exemplary Hilti CFS-MSL Modular Fire Sleeve. As explained in detail in the claim chart, Hilti's CFS-MSL Modular Fire Sleeve literally infringes claims 1-6 and 9, and also infringes claims 3-5 under the doctrine of equivalents. Additionally, to the extent any element is found to be literally missing, each element identified as literally present is also

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insubstantially different from the literal scope of that element and performs substantially the same function in substantially the same way to achieve substantially the same result.

Hilti has denied that its CFS-MSL Modular Fire Sleeve has a housing as claimed. This is incorrect. Rather, the housing is clearly present in CFS-MSL Modular Fire Sleeve literally and through the Doctrine of Equivalents.

As explained in the accompanying claim chart (Exhibit A), with respect to claims 3-5, Hilti's CFS-MSL Modular Fire Sleeve is literally "pivotally connected" (claim 3) and literally includes a "hinge" (claims 4 and 5); the structure present in the Hilti CFS-MSL Modular Fire Sleeve is, in the alternative, equivalent to the claimed pivotal connection and hinge.

As explained in the accompanying claim chart (Exhibit A), with respect to claim 3, the CFS-MSL Modular Fire Sleeve is pivotally connected under of the Doctrine of Equivalents. The connected protrusions and slots of the CFS-MSL Modular Fire Sleeve perform substantially the same function in substantially the same way to achieve substantially the same result as parts that are pivotally connected. Specifically, the function of a hinge is to provide a joint that permits two objects or surfaces to angle relative to one another. The connected protrusions and slots of the CFS-MSL Modular Fire Sleeve do precisely this; the protrusions are pins that fit into corresponding slots in the opposing housing member that provide a joint that permits the two housing members to pivot relative to each other.

As explained in the accompanying claim chart (Exhibit A), with respect to claim 4, the connected protrusions and slots of the CFS-MSL Modular Fire Sleeve perform substantially the same function in substantially the same way to achieve substantially the same result as a pivotal connection or a hinge. Specifically, the function of a hinge is to provide a joint that permits two objects or surfaces to angle towards each other or away from each other about at least one axis.

Hinges typically use a pin to achieve this rotation. The connected protrusions and slots of the CFS-MSL Modular Fire Sleeve do precisely this; the protrusions are pins that fit into corresponding slots in the opposing housing member that provide a joint that permits the two housing members to angle towards each other or away from each other about at least one axis (along the length of the Modular Fire sleeve, *e.g.,* parallel to the direction of the slots in the housing member).

Claim 5 depends from claim 4. Accordingly, the Doctrine of Equivalents applies to claim 5 to the extent it applies to claim 4, as explained above.

2. Contributory Infringement – 35 U.S.C. § 271(c)

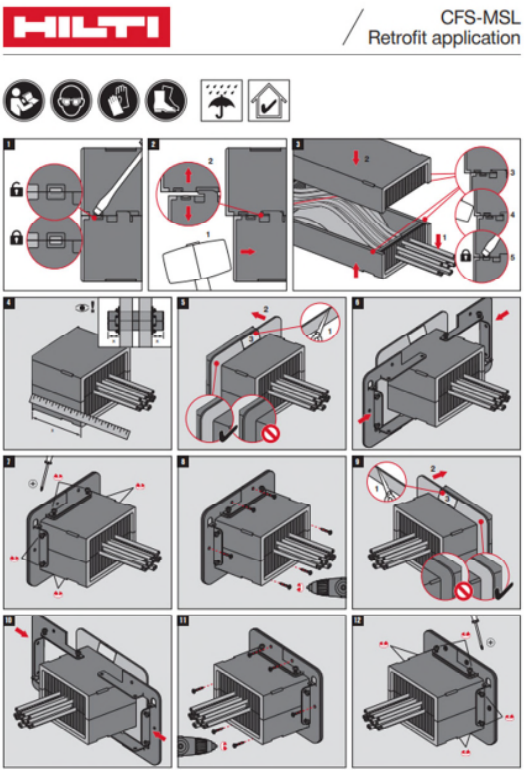
Hilti contributorily infringes the '868 Patent under 35 U.S.C. § 271(c) by, *inter alia*, providing components to be assembled together and, when assembled together, directly infringe the '868 Patent. As discovery progresses in this case, STI expects to discover and identify instances of direct infringement that resulted from Hilti's acts of contributory infringement. Hilti has not yet substantively responded to interrogatories or requests for production seeking information on who has purchased, obtained, and/or used the components sold by Hilti as identified herein.[2] *See supra* fn. 1.

Specifically, Hilti sells, offers for sale, and/or imports into the United States separate components (CFS-MSL Modular Fire Sleeve and the CFS-MSL Modular Sleeve Frame) that, when assembled, constitute a firestopping apparatus that falls within the scope of claim 2 of the '868 Patent. These individual components sold or offered for sale by Hilti constitute a material part of the invention claimed in the '868 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing uses. For example, below are instructions from

[2] For example, Hilti merely objected to and did not substantively respond to Interrogatories Nos. 9 and 10. Hilti also did not respond to any of the RFPs identified in fn 1, *supra*.

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Hilti's website that explain to others how to assemble CFS-MSL Modular Fire Sleeve and the CFS-MSL Modular Sleeve Frame in a manner that infringes claim 2 of the '868 Patent. *See* Ex. B (Operating Instructions for CFS-MSL).



The direct infringers include Hilti's customers who use the combination of the CFS-MSL Modular Fire Sleeve and the CFS-MSL Modular Sleeve Frame in a directly infringing manner.

3. Induced Infringement – 35 U.S.C. § 271(b)

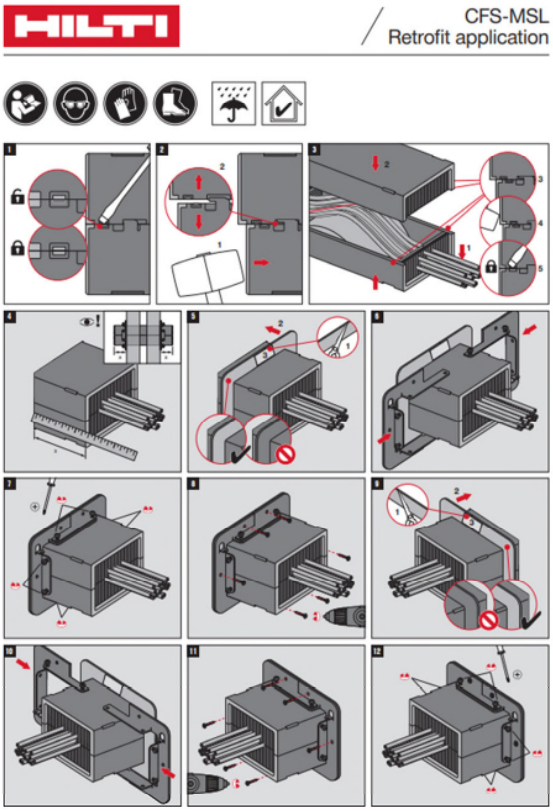
This section includes information designated by Hilti as HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY.

Hilti has infringed and continues to infringe the '868 Patent by inducing others, including its customers, to make, use, sell, offer to sell, and/or import Hilti's CFS-MSL Modular Fire Sleeve

and the CFS-MSL Modular Sleeve Frame products in a manner that directly infringes claim 1-6 and 9 of the '868 Patent.

For example, Hilti's website provides access to brochures that contain assembly instructions for Hilti's Accused Devices. These instructions explain in detail how to use and assemble the CFS-MSL Modular Fire Sleeve and the CFS-MSL Modular Sleeve Frame in a configuration that falls within the scope of the asserted claims, evidencing Hilti's specific intent to encourage others to infringe the '868 Patent. By providing such explicit step-by-step assembly instructions, Hilti is actively and knowingly aiding and abetting others' direct infringement of the '868 Patent. Hilti's conduct constitutes induced infringement under 35 U.S.C. § 271(b). Hilti has known of the existence of the '868 Patent since at least August 2019, with additional substantive information and allegations of infringement provided in STI's Counterclaims, yet it continues to advertise infringing uses and instruct its customers on how to use the CFS-MSL Modular Fire Sleeve and CFS-MSL Modular Sleeve Frame products in an infringing manner. *See* Hilti's Response to STI's Interrogatory No. 11.

The direct infringers include Hilti's customers who were induced by Hilti to install and use the accused Modular Fire Sleeve products in a directly infringing manner. As discovery progresses in this case, STI expects to discover and identify specific instances of direct infringement that resulted from Hilti's acts of induced infringement. Hilti has not yet substantively responded to interrogatories or requests for production seeking information on who has purchased, obtained, and/or used the components sold by Hilti as identified herein. *See supra* fn. 2. Below are instructions from Hilti's website that induce others to assemble CFS-MSL Modular Fire Sleeve and the CFS-MSL Modular Sleeve Frame in a manner that infringes claims 1-6 and 9 of the '868 Patent. *See* Ex. B (Operating Instructions for CFS-MSL).



D. Priority Date

STI contends that the '868 Patent is entitled to at least a priority filing date of June 8, 2016—the date that provisional Appl. No. 62/347,140 was filed. The '868 patent claims priority to and the subject matter of each of the asserted claims is disclosed in provisional Appl. No. 62/347,140.

E. Embodying Instrumentalities

STI produces multiple products that embody the Asserted Claims. STI preserves the right to rely on the assertion that the below identified embodying instrumentalities practice the inventions of the Asserted Claims.

Claims 1-6, 9: STI's embodying instrumentalities for claims 1-6 and 9 of the '868 patent include the following EZ Path Retrofit Devices: EZDR200, EZDR400, EZPR150, and EZPR300.

F. Timing of First Infringement and Damages

Based on currently known information, STI contends that Hilti made, used, sold, offered to sell, and/or imported the accused CFS-MSL Modular Fire Sleeve and the CFS-MSL Modular Sleeve Frame products by at least in or around July 2022. *See* Hilti Response to STI's Interrogatory No. 5. Because Hilti continues to sell these products, the damages period is still continuing—i.e., it has not ended. As discovery progresses in this case, STI expects to discover and identify specific instances of Hilti's infringement. Hilti has not substantively responded to other interrogatories or requests for production seeking information on financial records including who has purchased, obtained, and/or used the products sold by Hilti as identified herein. *See supra* fn. 2.

G. Willful Infringement

This section includes information designated by Hilti as HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY.

STI contends that Hilti has willfully infringed and continues to willfully infringe the '868 Patent. Hilti has known of the existence of the '868 Patent since at least August 2019. *See* Hilti's Response to STI's Interrogatory No. 11. Despite this knowledge, Hilti launched its infringing CFS-MSL Modular Fire Sleeve products and has continued to sell them since in or around July 2022, advertise infringing uses, and instruct its customers on how to use the CFS-MSL Modular Fire Sleeve and CFS-MSL Modular Sleeve Frame products in an infringing manner. *See* Hilti's Response to STI's Interrogatory No. 11.

III. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS FOR U.S. PATENT NO. 9,157,232

A. Asserted Claims

Based on currently known information, STI contends that Hilti has infringed and continues to infringe (literally and under the doctrine of equivalents) claims 6-12 of U.S. Patent No. 9,157,232 B2 (the "'232 Patent"). STI contends that Hilti is liable under 35 U.S.C. § 271(a) for its direct infringement of each of the asserted claims of the '232 Patent. In addition, STI contends that Hilti is liable under 35 U.S.C. § 271(b) for induced infringement and under 35 U.S.C. § 271(c) for contributory infringement. STI also contends that Hilti's infringement is willful. Additional contentions regarding Hilti's infringing activities are provided below in Section C.

B. Hilti's Accused Devices

Based on currently known information, STI contends that the following Hilti products fall within the scope of the asserted claims of the '232 Patent:

Claim 6

The following Hilti products each fall within the scope of claim 6:

1. Firestop Top Track Seal CFS-TTS 212
2. Firestop Top Track Seal CFS-TTS OS
3. Firestop Top Track Seal CFS-TTS R OS
4. Firestop Top Track Seal CFS-TTS 358
5. Firestop Top Track Seal CFS-TTS 600
6. Firestop Top Track Seal CFS-TTS MD OS
7. Firestop Top Track Seal CFS-TTS MD 600
8. Smoke & Acoustic Track Seal CS-TTS SA 358
9. Smoke & Acoustic Track Seal CS-TTS SA OS

10. Smoke & Acoustic Track Seal CS-TTS SA 600

Claim 7

The following Hilti products each fall within the scope of claim 7:

1. Firestop Top Track Seal CFS-TTS 212
2. Firestop Top Track Seal CFS-TTS OS
3. Firestop Top Track Seal CFS-TTS R OS
4. Firestop Top Track Seal CFS-TTS 358
5. Firestop Top Track Seal CFS-TTS 600
6. Firestop Top Track Seal CFS-TTS MD OS
7. Firestop Top Track Seal CFS-TTS MD 600
8. Smoke & Acoustic Track Seal CS-TTS SA 358
9. Smoke & Acoustic Track Seal CS-TTS SA OS
10. Smoke & Acoustic Track Seal CS-TTS SA 600

Claim 8

The following Hilti products each fall within the scope of claim 8:

1. Firestop Top Track Seal CFS-TTS 212
2. Firestop Top Track Seal CFS-TTS OS
3. Firestop Top Track Seal CFS-TTS R OS
4. Firestop Top Track Seal CFS-TTS 358
5. Firestop Top Track Seal CFS-TTS 600
6. Firestop Top Track Seal CFS-TTS MD OS
7. Firestop Top Track Seal CFS-TTS MD 600
8. Smoke & Acoustic Track Seal CS-TTS SA 358

9. Smoke & Acoustic Track Seal CS-TTS SA OS

10. Smoke & Acoustic Track Seal CS-TTS SA 600

Claim 9

The following Hilti products each fall within the scope of claim 9:

1. Firestop Top Track Seal CFS-TTS 212
2. Firestop Top Track Seal CFS-TTS OS
3. Firestop Top Track Seal CFS-TTS R OS
4. Firestop Top Track Seal CFS-TTS 358
5. Firestop Top Track Seal CFS-TTS 600
6. Firestop Top Track Seal CFS-TTS MD OS
7. Firestop Top Track Seal CFS-TTS MD 600

Claim 10

The following Hilti products each fall within the scope of claim 10:

1. Firestop Top Track Seal CFS-TTS 212
2. Firestop Top Track Seal CFS-TTS OS
3. Firestop Top Track Seal CFS-TTS R OS
4. Firestop Top Track Seal CFS-TTS 358
5. Firestop Top Track Seal CFS-TTS 600
6. Firestop Top Track Seal CFS-TTS MD OS
7. Firestop Top Track Seal CFS-TTS MD 600

Claim 11

The following Hilti products each fall within the scope of claim 11:

1. Firestop Top Track Seal CFS-TTS 212

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2. Firestop Top Track Seal CFS-TTS OS
3. Firestop Top Track Seal CFS-TTS R OS
4. Firestop Top Track Seal CFS-TTS 358
5. Firestop Top Track Seal CFS-TTS 600
6. Firestop Top Track Seal CFS-TTS MD OS
7. Firestop Top Track Seal CFS-TTS MD 600
8. Smoke & Acoustic Track Seal CS-TTS SA 358
9. Smoke & Acoustic Track Seal CS-TTS SA OS
10. Smoke & Acoustic Track Seal CS-TTS SA 600

Claim 12

The following Hilti products each fall within the scope of claim 12:

1. Firestop Top Track Seal CFS-TTS 212
2. Firestop Top Track Seal CFS-TTS OS
3. Firestop Top Track Seal CFS-TTS R OS
4. Firestop Top Track Seal CFS-TTS 358
5. Firestop Top Track Seal CFS-TTS 600
6. Firestop Top Track Seal CFS-TTS MD OS
7. Firestop Top Track Seal CFS-TTS MD 600
8. Smoke & Acoustic Track Seal CS-TTS SA 358
9. Smoke & Acoustic Track Seal CS-TTS SA OS
10. Smoke & Acoustic Track Seal CS-TTS SA 600

Collectively, these products shall be referred to as the "Accused TTS Products." Hilti's Accused TTS Products fall into three different categories:

(1) the Firestop Top Track Seal CFS-TTS products, which include the following products:

a. Firestop Top Track Seal CFS-TTS 212

b. Firestop Top Track Seal CFS-TTS OS

c. Firestop Top Track Seal CFS-TTS R OS

d. Firestop Top Track Seal CFS-TTS 358

e. Firestop Top Track Seal CFS-TTS 600

(2) the Firestop Top Track Seal CFS-TTS MD products, which include the following products:

a. Firestop Top Track Seal CFS-TTS MD OS

b. Firestop Top Track Seal CFS-TTS MD 600

(3) the Smoke & Acoustic Track Seal CS-TTS products, which include the following products:

a. Smoke & Acoustic Track Seal CS-TTS SA 358

b. Smoke & Acoustic Track Seal CS-TTS SA OS

c. Smoke & Acoustic Track Seal CS-TTS SA 600

STI reserves the right to modify the listing of accused devices based on additional or different information it learns during further investigation or discovery in this action.

C. Claim Chart and Allegations of Infringement

1. Direct Infringement – 35 U.S.C. § 271(a)

STI contends that Hilti has directly infringed under 35 U.S.C. § 271(a) claims 6-12 of the '232 Patent by making, using, selling, offering to sell, and/or importing the following products: (1) Firestop Top Track Seal CFS-TTS 212, (2) Firestop Top Track Seal CFS-TTS OS, (3) Firestop

Top Track Seal CFS-TTS R OS, (4) Firestop Top Track Seal CFS-TTS 358, (5) Firestop Top Track Seal CFS-TTS 600, (6) Firestop Top Track Seal CFS-TTS MD OS, and (7) Firestop Top Track Seal CFS-TTS MD 600. Additionally, STI contends that Hilti has directly infringed under 35 U.S.C. § 271(a) claims 6-8, 11, and 12 of the '232 Patent by making, using, selling, offering to sell, and/or importing the following products: (1) Smoke & Acoustic Track Seal CS-TTS SA 358, (2) Smoke & Acoustic Track Seal CS-TTS SA OS, and (3) Smoke & Acoustic Track Seal CS-TTS SA 600.

Attached hereto as Exhibit H is a claim chart identifying where each limitation of each asserted claim is found within an exemplary Firestop Top Track Seal CFS-TTS product. Attached hereto as Exhibit I is a claim chart identifying where each limitation of each asserted claim is found within an exemplary Firestop Top Track Seal CFS-TTS MD product. Lastly, attached hereto as Exhibit J is a claim chart identifying where each limitation of claims 6-8, 11, and 12 is found within an exemplary Smoke & Acoustic Track Seal CS-TTS product. Each of the listed products above includes the limitations of each respectively identified claim, but when differences between versions of Hilti's Firestop Top Track Seal CFS-TTS, Firestop Top Track Seal CFS-TTS MD, and Smoke & Acoustic Track Seal CS-TTS products are merely dimensional, each individual version or model may not be explicitly identified in the chart. The same is true for the Firestop Top Track Seal CFS-TTS OS and CFS-TTS R OS products, which only differ in color. As explained in detail in the claim charts, Hilti's products identified above literally infringe claims 6-12 of the '232 Patent. Additionally, to the extent any element is found to be literally missing, each element identified as literally present is also insubstantially different from the literal scope of that element and functions in substantially the same way to achieve substantially the same result.

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Specifically, as explained in the individual claim charts, the accused Firestop Top Track Seal CFS-TTS products and Smoke & Acoustic Track Seal CS-TTS literally include a connecting strap, and in the alternative the accused Firestop Top Track Seal CFS-TTS products and Smoke & Acoustic Track Seal CS-TTS products include a connecting strap under of the Doctrine of Equivalents. The center connecting portion of the accused Firestop Top Track Seal CFS-TTS products and Smoke & Acoustic Track Seal CS-TTS products performs substantially the same function in substantially the same way to achieve substantially the same result as the claimed connecting strap. Specifically, the function of the connecting strap is to connect the first L-shaped gasket section and the second L-shaped gasket section to limit spatial separation therebetween. The center portion of the accused Firestop Top Track Seal CFS-TTS products and Smoke & Acoustic Track Seal CS-TTS products does this; it connects to the L-shaped gasket sections and limits spatial separation between the sections.

2. Contributory Infringement – 35 U.S.C. § 271(c)

Hilti contributorily infringes the '232 Patent under 35 U.S.C. § 271(c) by, *inter alia*, providing infringing seals that can be used with other building components in a manner that directly infringes the '232 Patent. As discovery progresses in this case, STI expects to discover and identify instances of direct infringement that resulted from Hilti's acts of contributory infringement. Hilti has not yet substantively responded to interrogatories or requests for production seeking information on who has purchased, obtained, and/or used the components sold by Hilti as identified herein. *See supra* fn. 1, 2.

Specifically, Hilti sells, offers for sale, and/or imports into the United States components (the Accused TTS Products) that, when assembled with other building materials constitute a firestopping apparatus that falls within the scope of one or more of claims 6-12 of the '232 Patent.

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These components sold or offered for sale by Hilti constitute a material part of the invention claimed in the '232 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing uses. The direct infringers include Hilti's customers who use the Accused TTS products in a directly infringing manner.

3. Induced Infringement – 35 U.S.C. § 271(b)

This section includes information designated by Hilti as HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY.

Hilti has infringed and continues to infringe the '232 Patent by inducing others, including its customers, to make, use, sell, offer to sell, and/or import Hilti's Firestop Top Track Seal CFS-TTS, Firestop Top Track Seal CFS-TTS MD, and Smoke & Acoustic Track Seal CS-TTS products in a manner that directly infringes claim 6-12 of the '232 Patent.

For example, Hilti's website provides access to brochures that contain instructions for using Hilti's Accused TTS Products. These instructions explain in detail how to use the Accused TTS Products in a configuration that falls within the scope of the asserted claims, evidencing Hilti's specific intent to encourage others to infringe the '232 Patent. *See* Ex. Ex. L (CFS-TTS Instructions for Use), Ex. N (Installation Guide for CFS-TTS MD), Ex. O (CFS-TTS MD Operating Instructions), and Ex. Q (Smoke & Acoustic Track Seal CS-TTS SA Instructions for Use).

By providing such explicit step-by-step assembly instructions, Hilti is actively and knowingly aiding and abetting others' direct infringement of the '232 Patent. Hilti's conduct constitutes induced infringement under 35 U.S.C. § 271(b). Hilti has known of the existence of the '232 Patent since at least January 2019, yet continues to advertise infringing uses and instruct its customers on how to use the Firestop Top Track Seal CFS-TTS, Firestop Top Track Seal CFS-

TTS MD, and Smoke & Acoustic Track Seal CS-TTS products in an infringing manner. *See* Hilti's Response to STI's Interrogatory No. 11.

The direct infringers include Hilti's customers who were induced by Hilti to install and use the accused Firestop Top Track Seal CFS-TTS, Firestop Top Track Seal CFS-TTS MD, and Smoke & Acoustic Track Seal CS-TTS products in a directly infringing manner. As discovery progresses in this case, STI expects to discover and identify specific instances of direct infringement that resulted from Hilti's acts of induced infringement. Hilti has not yet responded to interrogatories or requests for production seeking information on who has purchased, obtained, and/or used the components sold by Hilti as identified herein. *See supra* fn. 2.

D. Priority Date

STI contends that the '232 Patent is entitled to at least a priority filing date of June 11, 2013—the date that provisional Appl. No. 61/956,554 was filed. The '232 patent claims priority to and the subject matter of each of the asserted claims is disclosed in provisional Appl. No. 61/956,554.

E. Embodying Instrumentalities

STI produces multiple products that embody the Asserted Claims. STI preserves the right to rely on the assertion that the below identified embodying instrumentalities practice the inventions of the Asserted Claims.

Claims 6-12: STI's embodying instrumentalities for claims 6-12 of the '868 patent include the following Top Track Gasket products: TTG350F and TTG600F.

F. Timing of First Infringement and Damages

Based on currently known information, STI contends that Hilti first made, used, sold, offered to sell, and/or imported one or more of the following products by at least in or around June

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2016: (1) Firestop Top Track Seal CFS-TTS 212, (2) Firestop Top Track Seal CFS-TTS OS, (3) Firestop Top Track Seal CFS-TTS R OS, (4) Firestop Top Track Seal CFS-TTS 358, (5) Firestop Top Track Seal CFS-TTS 600, (6) Smoke & Acoustic Track Seal CS-TTS SA 358, (7) Smoke & Acoustic Track Seal CS-TTS SA OS, and (8) Smoke & Acoustic Track Seal CS-TTS SA 600. Additionally, based on currently known information, STI contends that Hilti first made, used, sold, offered to sell, and/or imported one or more of the following products by at least in or around November 2019: (1) Firestop Top Track Seal CFS-TTS MD OS and (2) Firestop Top Track Seal CFS-TTS MD 600. Because Hilti continues to sell these products, the damages period is still continuing—i.e., it has not ended. As discovery progresses in this case, STI expects to discover and identify specific instances of Hilti's infringement. Hilti has not yet substantively responded to interrogatories or requests for production seeking information on financial records including who has purchased, obtained, and/or used the products sold by Hilti as identified herein. *See also supra* fn. 2.

G. Willful Infringement

This section includes information designated by Hilti as HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY.

STI contends that Hilti has willfully infringed and continues to willfully infringe the '232 Patent. Hilti has known of the existence of the '232 Patent since at least January 2019, yet continues to sell infringing products, advertise infringing uses and instruct its customers on how to use the Firestop Top Track Seal CFS-TTS, Firestop Top Track Seal CFS-TTS MD, and Smoke & Acoustic Track Seal CS-TTS products in an infringing manner. *See* Hilti's Response to STI's Interrogatory No. 11.

H. Document Production Accompanying Disclosure of Asserted Claims and Infringement Contentions

Pursuant to paragraph 4 of the Scheduling Order (D.I. 35), STI is producing contemporaneously herewith documents bearing Bates numbers STI-1248-001624 through STI-1248-003712. This document production includes STI information that has been designated HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY under the Protective Order (D.I. 38).

I. Document Production Accompanying Disclosure of Asserted Claims and Infringement Contentions, Pursuant to Paragraph 4 of the Scheduling Order – Supplemented on March 22, 2023

Pursuant to Paragraph 4 of the Scheduling Order (D.I. 35), STI produced on March 17, 2023 contemporaneously with its Disclosure the following Document Production:

a. Documents Regarding Public Disclosure, Use or Sale or Offer to Sell Prior to the Date of Application

STI identifies by production number the following documents corresponding to documents (*e.g.*, contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or each sale of or offer to sell, or any public use of, the claimed invention prior to the date of application for the asserted patent(s): No such documents exist.

b. Documents evidencing conception, reduction to practice, design and development before priority date

STI identifies by production number the following documents corresponding to all documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the asserted patent(s) or the priority date identified pursuant to paragraph 3(f) of the Scheduling Order (D.I. 35),

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whichever is earlier: STI-1248-001627; STI-1248-002606 - STI-1248-002668; STI-1248-002760 - STI-1248-002915; STI-1248-002939; STI-1248-003168; STI-1248-003190; STI-1248-003191; STI-1248-003195; STI-1248-003198 - STI-1248-003201; STI-1248-003204; STI-1248-003221; STI-1248-003223; STI-1248-003225; STI-1248-003234 - STI-1248-003237; STI-1248-003239; STI-1248-003241; STI-1248-003243 - STI-1248-003264; STI-1248-003271; STI-1248-003272; STI-1248-003274; STI-1248-003275; STI-1248-003281; STI-1248-003284; STI-1248-003285; STI-1248-003287; STI-1248-003294; STI-1248-003299; STI-1248-003320; STI-1248-003322; STI-1248-003332; STI-1248-003335; STI-1248-003403; STI-1248-003407; STI-1248-003409; STI-1248-003414; STI-1248-003415; STI-1248-003417; STI-1248-003421; STI-1248-003422; STI-1248-003471; STI-1248-003473; STI-1248-003511; STI-1248-003515; STI-1248-003590, STI-1248-003647; STI-1248-003657 - STI-1248-003660; STI-1248-003669 – STI-1248-003676.

c. File Histories of the Asserted Patents

STI identifies by production number the following documents corresponding to the file history for each asserted patent: STI-1248-002117 - STI-1248-002442; STI-1248-002449 - STI-1248-002598.

d. Documents Evidencing Ownership of Asserted Patents

STI identifies by production number the following documents corresponding to all documents evidencing ownership of the asserted patents: STI-1248-002443 - STI-1248-002445; STI-1248-002446 - STI-1248-002448; STI-1248-002599 - STI-1248-002601.

e. Documents Regarding STI's Instrumentalities

STI identifies by production number the following documents sufficient to show the operation of any aspects or elements of STI's instrumentalities identified pursuant to paragraph 3(g) of the Scheduling Order (D.I. 35) that STI relies upon as embodying any asserted claims as

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well as the sales, revenues, costs, and profits of such instrumentalities: STI-1248-001628 - STI-1248-001669; STI-1248-001701 - STI-1248-001703; STI-1248-001721; STI-1248-001802; STI-1248-001803; STI-1248-001862; STI-1248-001863; STI-1248-001865 - STI-1248-001871; STI-1248-001885 - STI-1248-002116; STI-1248-002669 - STI-1248-002759; STI-1248-002916 - STI-1248-002938; STI-1248-002940 - STI-1248-003167; STI-1248-003169 - STI-1248-003186; STI-1248-003187 - STI-1248-003189; STI-1248-003192 - STI-1248-003194; STI-1248-003197; STI-1248-003197; STI-1248-003202; STI-1248-003203; STI-1248-003205; STI-1248-003206 - STI-1248-003220; STI-1248-003222; STI-1248-003224; STI-1248-003226 - STI-1248-003233; STI-1248-003238; STI-1248-003240; STI-1248-003242; STI-1248-003265 - STI-1248-003270; STI-1248-003273; STI-1248-003276 - STI-1248-003280; STI-1248-003282; STI-1248-003283; STI-1248-003286; STI-1248-003288; STI-1248-003291; STI-1248-003293; STI-1248-003295 - STI-1248-003298; STI-1248-003300 - STI-1248-003319; STI-1248-003321; STI-1248-003323 - STI-1248-003331; STI-1248-003333; STI-1248-003334; STI-1248-003336 - STI-1248-003350; STI-1248-003351; STI-1248-003353 - STI-1248-003402; STI-1248-003404 - STI-1248-003406; STI-1248-003408; STI-1248-003410 - STI-1248-003413; STI-1248-003416; STI-1248-003418 - STI-1248-003420; STI-1248-003423 - STI-1248-003470; STI-1248-003472; STI-1248-003474 - STI-1248-003510; STI-1248-003512 - STI-1248-003514; STI-1248-003516 - STI-1248-003520; STI-1248-003522 - STI-1248-003589; STI-1248-003591 - STI-1248-003646; STI-1248-003648 - STI-1248-003656; STI-1248-003661 - STI-1248-003668; STI-1248-3677- STI-1248-3711.

f. Documents Transferring an Interest in Any Asserted Patent

STI identifies by production number the following documents corresponding to all agreements, including licenses, transferring an interest in any asserted patent: No such documents exist.

g. Agreements Relating to Comparable Licenses

STI identifies by production number the following documents corresponding to all agreements that STI contends are comparable to a license that would result from a hypothetical reasonable royalty negotiation: No such documents exist.

h. Agreements Related to Damages Case

STI identifies by production number the following documents corresponding to all agreements that may be used to support its damages case: No such documents exist.

i. Documents Related to Patent Marking

STI identifies by production number the following documents sufficient to show marking of Embodying Instrumentalities identified pursuant to paragraph 3(g) of the Scheduling Order (D.I. 35); and the sales, revenues, costs, and profits of such Embodying Instrumentalities: STI-1248-001624 - STI-1248-001626; STI-1248-002602 - STI-1248-002605; STI-1248-003712.

j. Documents Regarding Any F/RAND Commitment

STI identifies by production number the following documents comprising or reflecting a F/RAND commitment or agreement with respect to the asserted patent(s): No such documents exist.

Originally Dated: March 17, 2023
Supplemented on March 22, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March, 2023, a copy of the foregoing *Supplemental Statement of Asserted Claims and Infringement Contentions of Specified Technologies Inc.* was served via e-mail on the following:

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EXHIBIT A

EXHIBIT A

Claim Charts Demonstrating Hilti's Infringement of Claims 1-6 and 9 of Specified Technology Inc.'s U.S. Patent No. 10,143,868 (the "'868 Patent")

Accused Devices: (1) Hilti's CFS-MSL Modular Fire Sleeve, which is available in three sizes: small (3" x 2"), medium (3" x 4") and large (6" x 4"); and (2) Hilti's CFS-MSL P Modular Sleeve Frame. The images below depict the large (6" x 4") size of the CFS-MSL Modular Fire Sleeve.

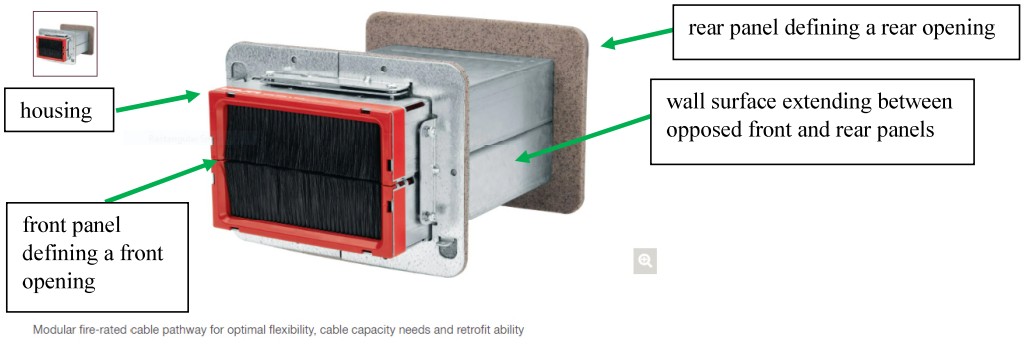
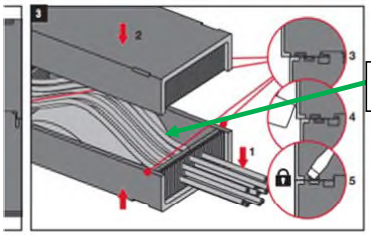
The claim charts below illustrate a representative accused product, but the infringement allegations presented herein apply to all three sizes of the CFS-MSL Modular Fire Sleeve. Aside from the dimensions of the front and rear openings, the three sizes of the CFS-MSL Modular Fire Sleeve share the same structure and functions. The total length of each sleeve is the same (12"). Ex. C (CFS-MSL Product Information Sheet). Hilti uses the same documentation to refer to all three sizes. For example, the three sizes share the same website listing (with a selection to buy a certain size), the same product information sheet (Ex. C), the same operating instructions (Ex. B), and the same instructional video on the website. The "Features" portion of the webpage is identical for each of the three sizes. *See* CFS-MSL Modular Fire Sleeve, Hilti,https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close.

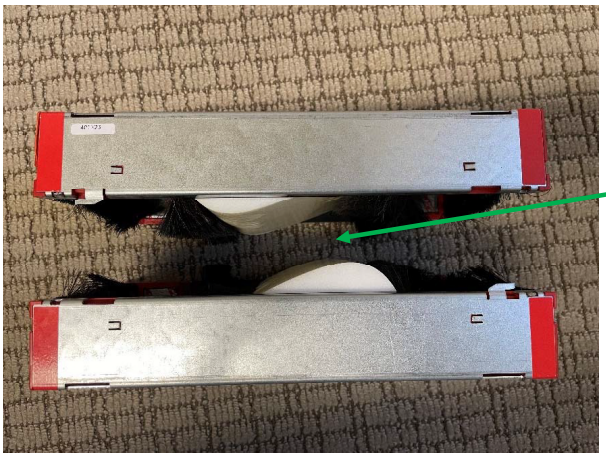
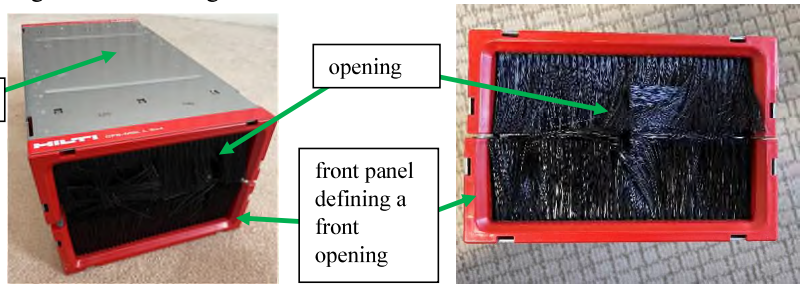
Further, the three sizes also share the same UL Certificate of Compliance (Ex. E. (UL Certificate of Compliance for CFS-MSL Modular Firestop Sleeves)) (which refers to "representative samples" of "Model CFS-MSL Firestop Device" and does not distinguish between sizes in any way), VOC Emission test certificate (Ex. D. (VOC Emissions Certificate – CFS-MSL Modular Sleeves)) (which refers to the "CFS-MSL Modular Sleeve" and does not distinguish between sizes in any way), and FM Certificate of Compliance (Ex. F (FM Certificate of Compliance for CFS-MSL Modular Sleeves)). Additionally, the Hilti Material Information Statement includes one entry referring to the "Firestop Modular Sleeves and accessories CFS-MSL" that does not distinguish between sizes. Ex. G (Hilti Material Information Statement).

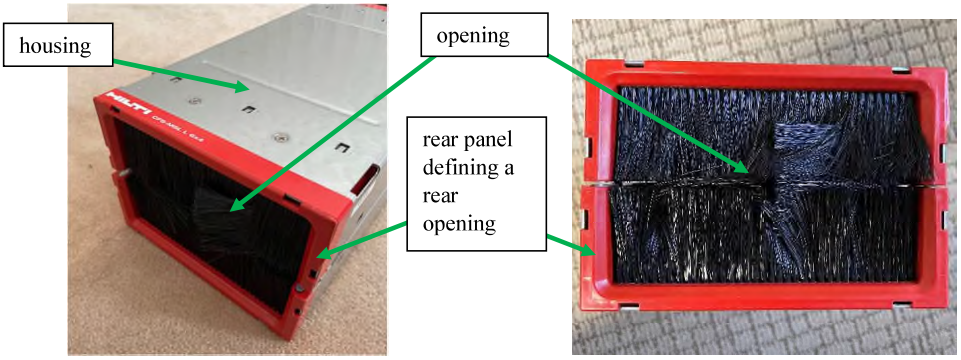
The Accused Devices literally infringe claims 1-6 and 9 of the '868 Patent. Additionally, in the alternative, each element identified as literally present is also insubstantially different from the literal scope of that element and performs substantially the same function in substantially the same way to achieve substantially the same result.

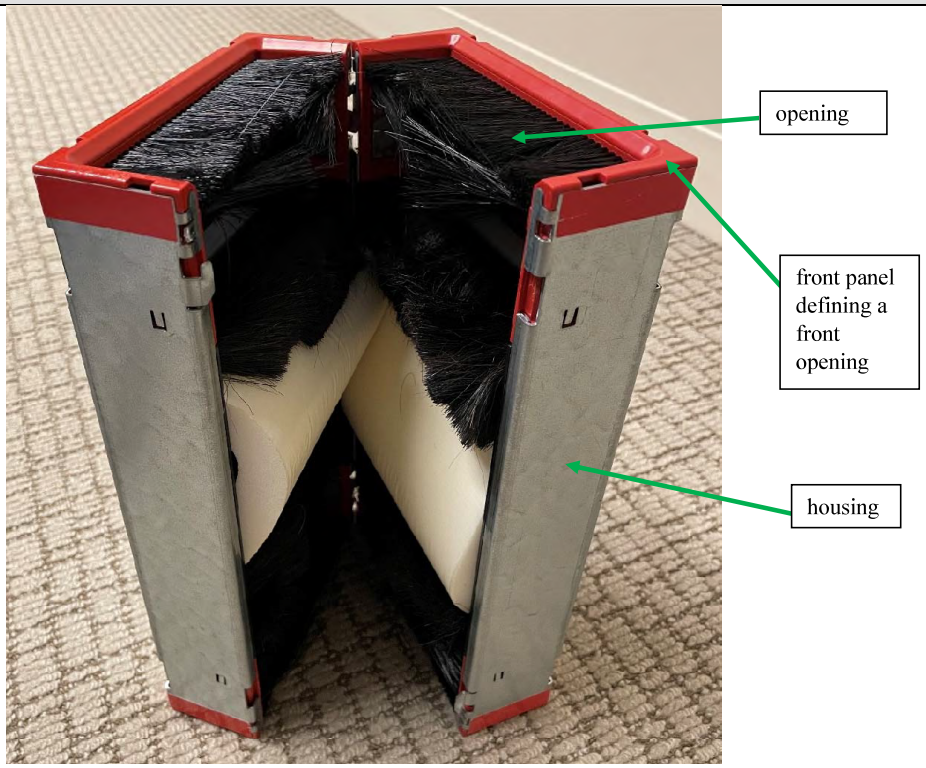
1. Hilti's Modular Fire Sleeve infringes claim 1 of the '868 Patent.

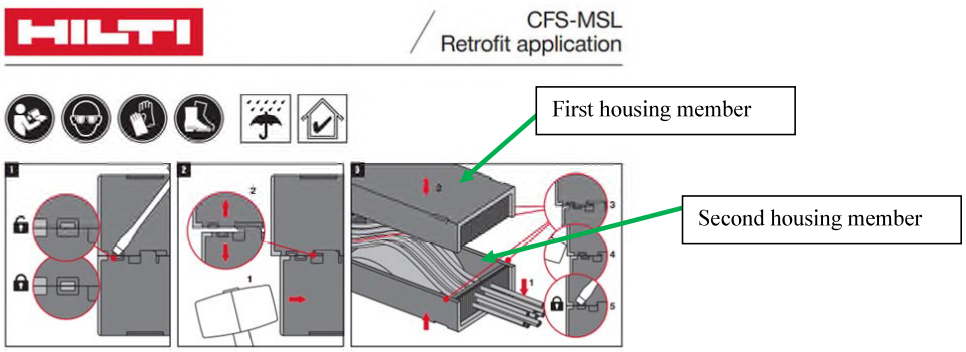
Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
A firestopping apparatus comprising:	Hilti's Modular Fire Sleeve is a firestopping apparatus. Hilti's website and Product Information Sheet for the Modular Fire Sleeve describe the product as a "modular fire-rated cable pathway." CFS-MSL Modular Fire Sleeve, Hilti,https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close; Ex. C (CFS-MSL Product Information Sheet).  CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close Hilti's product description also explains that an area of application for the product is "*Firestopping* low-voltage cable penetrations." Ex. C (CFS-MSL Product Information Sheet) (emphasis added).

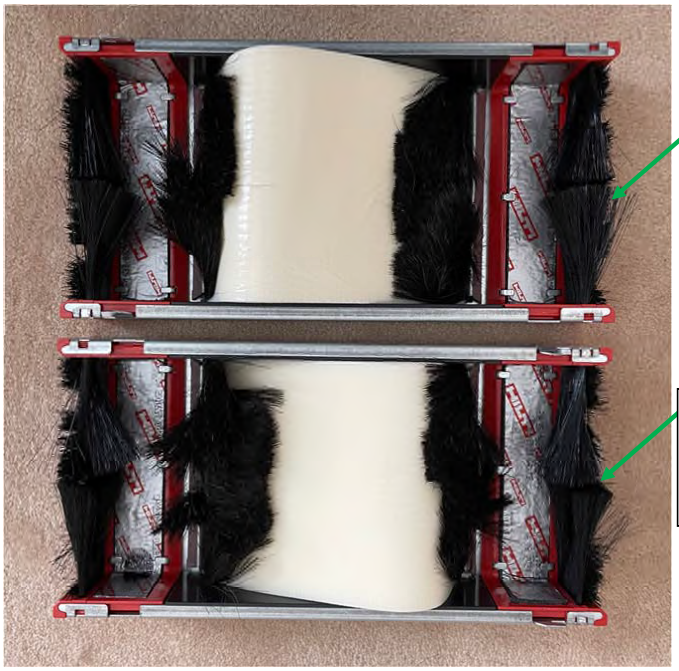
Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
a housing having a wall surface extending between opposed front and rear panels with an inner chamber defined therein, the front panel defining a front opening therethrough and the rear panel defining a rear opening therethrough,	 CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close.  *See* Ex. B (Operating Instructions for CFS-MSL) (showing a separated view of the device, exposing the inner chamber); product images below.

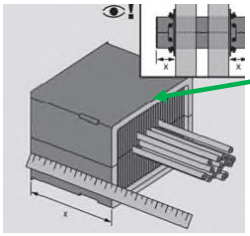
Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
	 The front and back views illustrate that the housing has separate (plastic) front and back panels that define openings into the housing. Front view of Modular Fire Sleeve: 

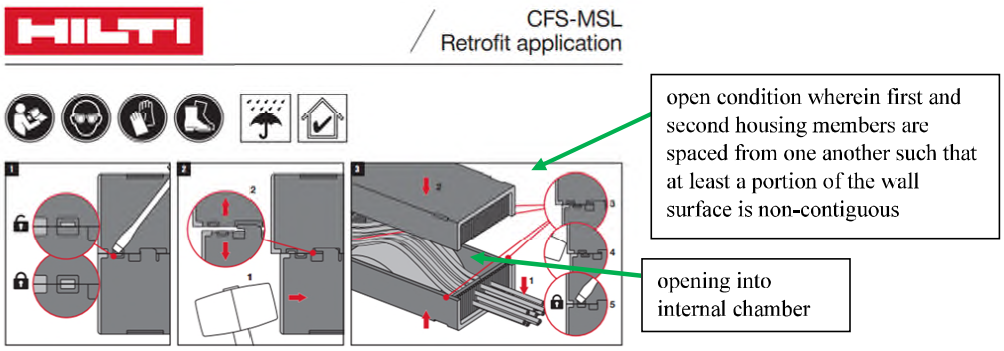
Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
	Back view of Modular Fire Sleeve: 

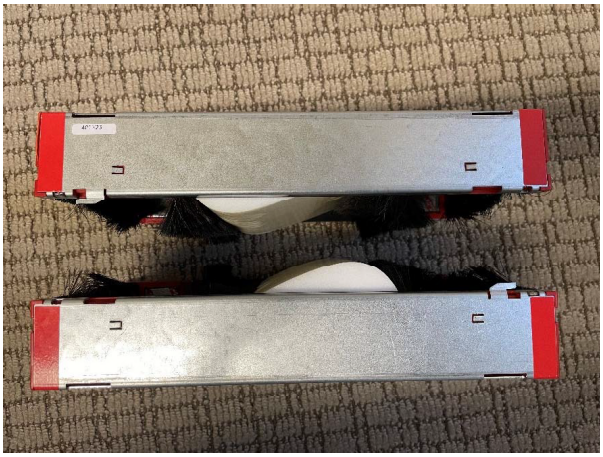
Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
	 Hilti has denied that the CFS-MSL Modular Fire Sleeve includes the claimed housing. As explained above, the housing is literally present in the CFS-MSL Modular Fire Sleeve. Moreover, in the

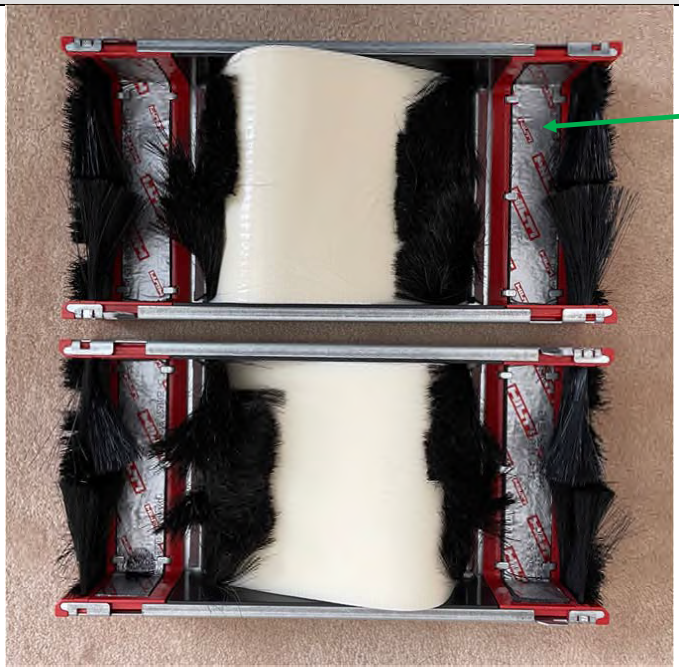
Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
	alternative, the structure is equivalent to the claimed housing under the Doctrine of Equivalents. The two members of the CFS-MSL Modular Fire Sleeve perform substantially the same function in substantially the same way to achieve substantially the same result as a housing having a wall surface extending between opposed front and rear panels with an inner chamber defined therein. Specifically, the function of the housing is to provide a structure for the firestopping apparatus and define a channel through which cables can be routed. The two members of CFS-MSL Modular Fire Sleeve do precisely this—i.e., the two members define a structure that defines a channel through which cables can be routed. Together the two members of the CFS-MSL Modular Fire Sleeve define front and rear openings through which cables can extend.
the housing including first and second housing members which are completely detachable from one another and	The Modular Fire Sleeve has top and bottom members that can be completely detached from one another:  *See* Ex. B (Operating Instructions for CFS-MSL) (showing instructions for unlocking and separating the two members); product images below.

Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
	
moveable relative to one another between an assembled condition wherein the first and second housing members are interconnected and the	The Modular Fire Sleeve's two housing members are moveable between an assembled interconnected condition wherein the wall is substantially continuous, and an open condition wherein the first and second housing members are spaced from one another such that the wall surface is non-contiguous.

Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
wall surface is substantially continuous about the internal chamber and an open condition wherein at least a portion of the first and second housing members are spaced from one another such that at least a portion of the wall surface is non-contiguous to define an opening into the internal chamber; and	Assembled condition:  Ultimate Modular fire-rated cable pathway for optimal flexibility, cable capacity needs and retrofit ability CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close. 

Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
	 *See* Ex. B (Operating Instructions for CFS-MSL) (showing instructions for unlocking and separating the two members); product images below. Assembled condition: 

Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
	Open condition: 

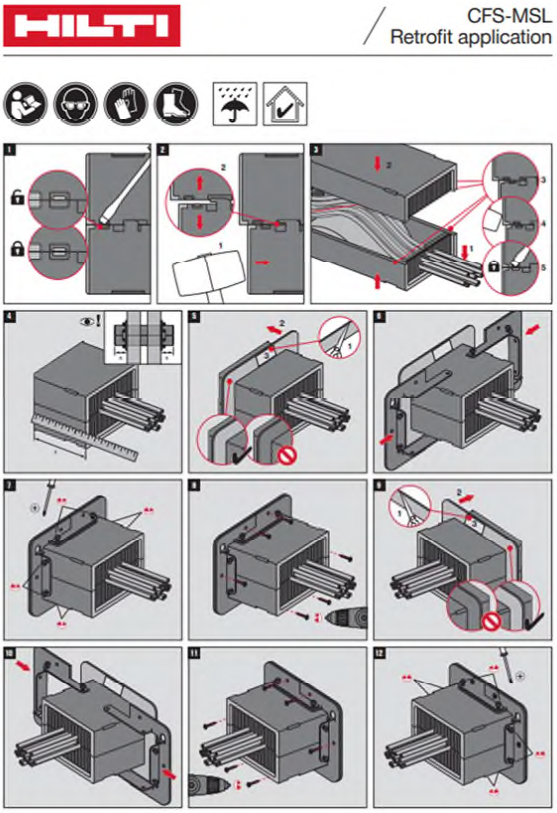
Claim 1 of '868 Patent	Hilti's Modular Fire Sleeve
intumescent material positioned within the internal chamber.	 In addition, the product sheet lists an "intumescent expansion temperature." Ex. C (CFS-MSL Product Information Sheet).

2. The combination of Hilti's CFS-MSL Modular Fire Sleeve and CFS-MSL P Modular Sleeve Frame infringes claim 2 of the '868 Patent.

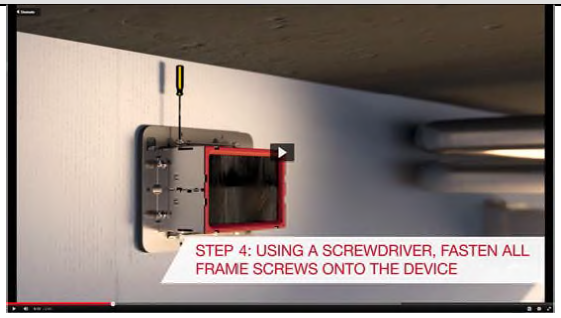
Claim 2 of '868 Patent	Hilti's Modular Fire Sleeve
The firestopping apparatus according to claim 1 wherein one or more mounting tabs extend outwardly from the housing.	As discussed below, when Hilti's Modular Fire Sleeve is combined with Hilti's CFS-MSL P Modular Sleeve Frame, the "firestopping apparatus" of claim 1 includes "one or more mounting tabs" that "extend outwardly from the housing." Hilti's Modular Fire Sleeve is a firestopping apparatus. Hilti's website and Product Information Sheet for the Modular Fire Sleeve describe the product as a "modular fire-rated cable pathway." CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close; Ex. C (CFS-MSL Product Information Sheet).  Ultimate Modular fire-rated cable pathway for optimal flexibility, cable capacity needs and retrofit ability CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close

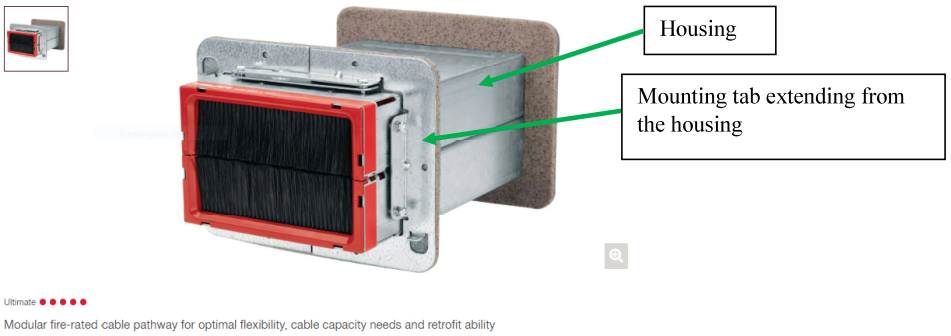
Claim 2 of '868 Patent	Hilti's Modular Fire Sleeve
	Hilti's website offers two options for the CFS-MSL Modular Fire Sleeve – the sleeve alone and the sleeve with a frame. The frame offered is the CFS-MSL P Modular Sleeve Frame:  CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Sleeve%20with%20frame&CHA_DEVICE_SIZE_2=L&combo_content=f9130f716fca19d33204342ec8a36a1d&itemCode=3805994#nav%2Fclose Hilti's website also depicts the CFS-MSL Modular Fire Sleeve as having the frame installed:

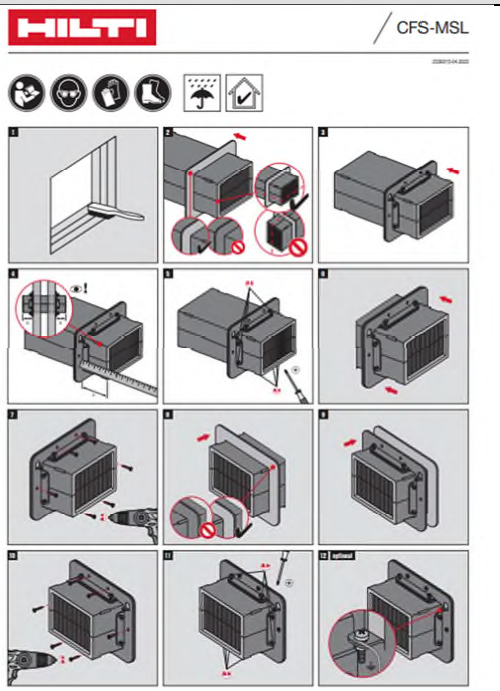
Claim 2 of '868 Patent	Hilti's Modular Fire Sleeve
	 Ultimate ●●●●● Modular fire-rated cable pathway for optimal flexibility, cable capacity needs and retrofit ability CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close. Even if Hilti itself does not assemble the sleeve and frame together, Hilti provides instructions for placing the frame on the sleeve:

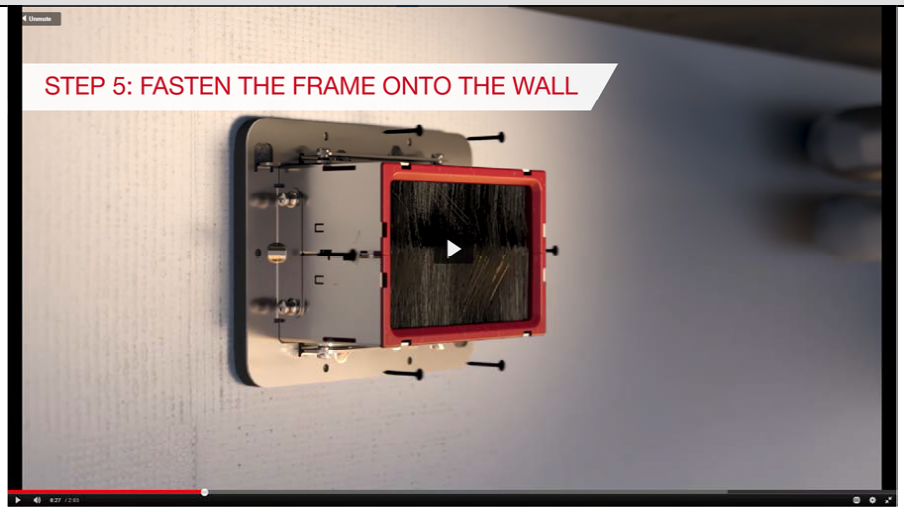
Claim 2 of '868 Patent	Hilti's Modular Fire Sleeve
	 *See* Ex. B (Operating Instructions for CFS-MSL).

Claim 2 of '868 Patent	Hilti's Modular Fire Sleeve
	Hilti also provides an instructional video that includes the steps of sliding the frame onto the device" and "using a screwdriver, fasten all frame screws onto the device."  CFS-MSL Modular Sleeve, How-To Single Retrofit Devices (16:9, EN), Hilti at 0:04-0:10, 0:32-0:37, 1:27-1:33, 1:44-1:49, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Sleeve%20with%20frame&CHA_DEVICE_SIZE_2=L&combo_content=f9130f716fca19d33204342ec8a36a1d&itemCode=3805994#nav%2Fclose.

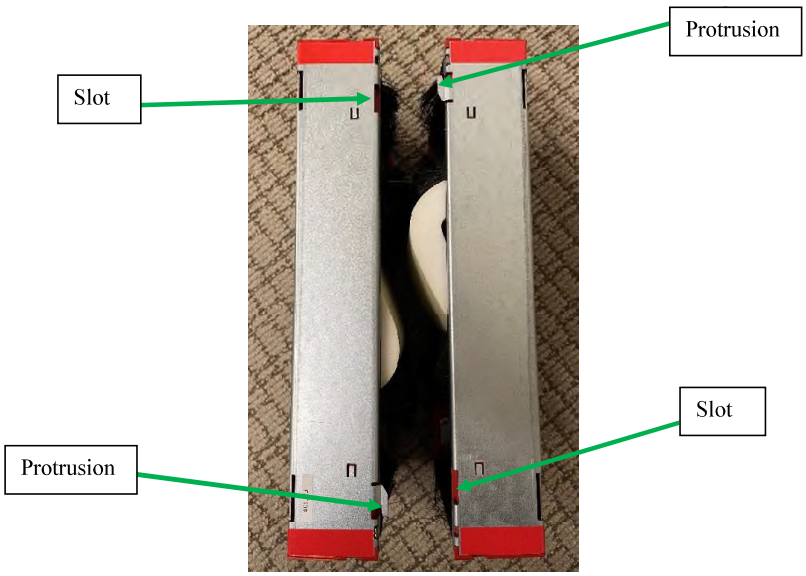
Claim 2 of '868 Patent	Hilti's Modular Fire Sleeve
	 CFS-MSL Modular Sleeve, How-To Single Retrofit Devices (16:9, EN), Hilti at 0:21-0:25, 0:43-0:46, 1:34-1:37, 1:49-1:54, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Sleeve%20with%20frame&CHA_DEVICE_SIZE_2=L&combo_content=f9130f716fca19d33204342ec8a36a1d&itemCode=3805994#nav%2Fclose. The CFS-MSL P Modular Sleeve Frame is a mounting tab extending outwardly from the housing of the firestopping apparatus. The frame provides a flange that extends from the housing that is used to mount the housing:

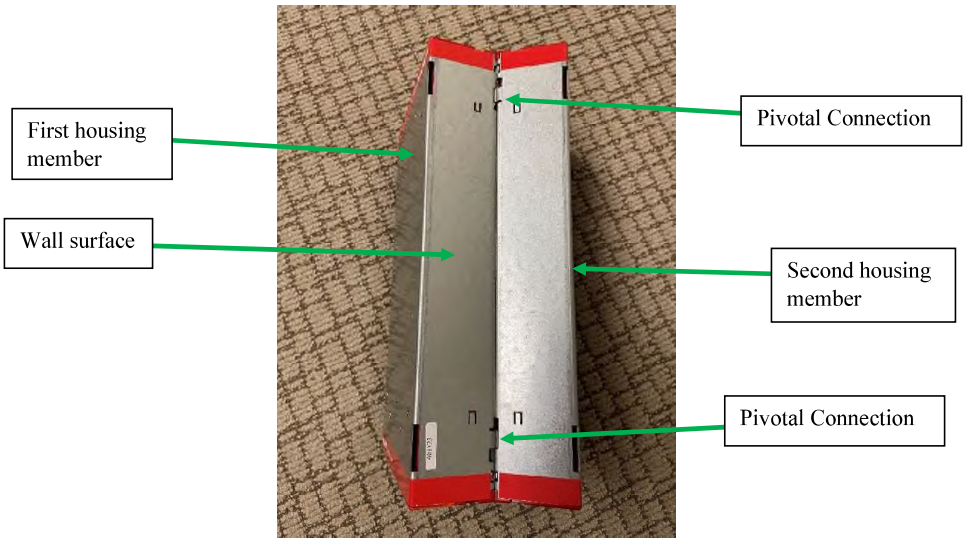
Claim 2 of '868 Patent	Hilti's Modular Fire Sleeve
	 CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close. Hilti provides instructions for mounting the assembled unit to a wall. The instructions include installing screws through the mounting tab and into a wall:

Claim 2 of '868 Patent	Hilti's Modular Fire Sleeve
	 *See* Ex. B (Operating Instructions for CFS-MSL). Hilti's installation video also includes a step of "fasten the frame onto the wall":

Claim 2 of '868 Patent	Hilti's Modular Fire Sleeve
	 CFS-MSL Modular Sleeve, How-To Single Retrofit Devices (16:9, EN), Hilti at 0:26-0:29, 0:38-0:42, 1:38-1:42, 1:55-1:59, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Sleeve%20with%20frame&CHA_DEVICE_SIZE_2=L&combo_content=f9130f716fca19d33204342ec8a36a1d&itemCode=3805994#nav%2Fclose.

3. Hilti's CFS-MSL Modular Fire Sleeve infringes claim 3 of the '868 Patent.

Claim 3 of '868 Patent	Hilti's Modular Fire Sleeve
The firestopping apparatus according to claim 1 wherein the first housing member is pivotally connected to the second housing member along a portion of the wall surface.	The CFS-MSL Modular Fire Sleeve housing members have protrusions on each edge that correspond to a slot in the other housing member: 

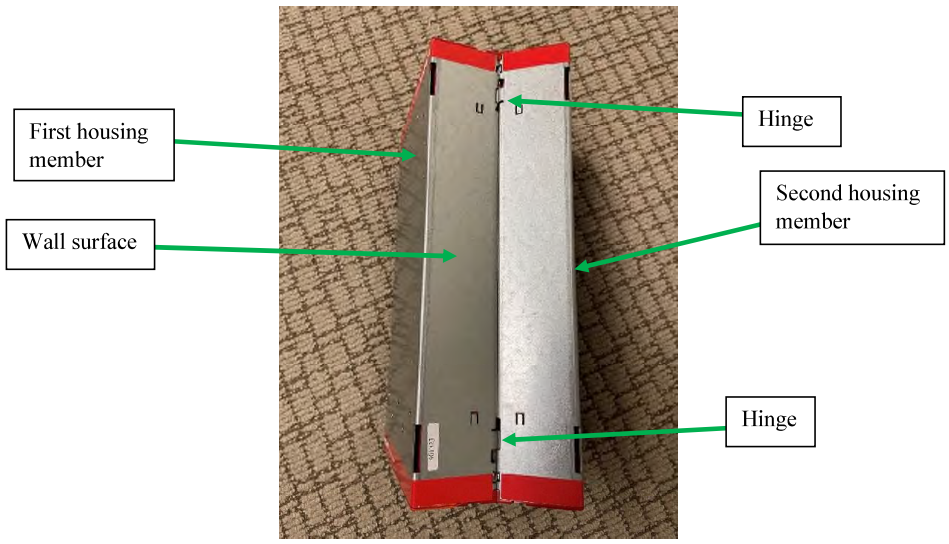
Claim 3 of '868 Patent	Hilti's Modular Fire Sleeve
	When one side of the sleeve is connected via the protrusions, the two housing members pivot relative to one another (they are pivotally connected). The pivot occurs along a portion of the wall surface of the sleeve that extends between its front and rear panels. See photographs below: 

Claim 3 of '868 Patent	Hilti's Modular Fire Sleeve
	

Claim 3 of '868 Patent	Hilti's Modular Fire Sleeve
	The images below further show that the two housing members are pivotally connected:    

Claim 3 of '868 Patent	Hilti's Modular Fire Sleeve
	In the alternative, the CFS-MSL Modular Fire Sleeve is also pivotally connected under of the Doctrine of Equivalents. The connected protrusions and slots of the CFS-MSL Modular Fire Sleeve perform substantially the same function in substantially the same way to achieve substantially the same result as parts that are pivotally connected. Specifically, the function of a hinge is to provide a joint that permits two objects or surfaces to angle relative to one another. The connected protrusions and slots of the CFS-MSL Modular Fire Sleeve do precisely this—i.e., the protrusions are pins that fit into corresponding slots in the opposing housing member that provide a joint that permits the two housing members to pivot relative to each other.

4. Hilti's CFS-MSL Modular Fire Sleeve infringes claim 4 of the '868 Patent.

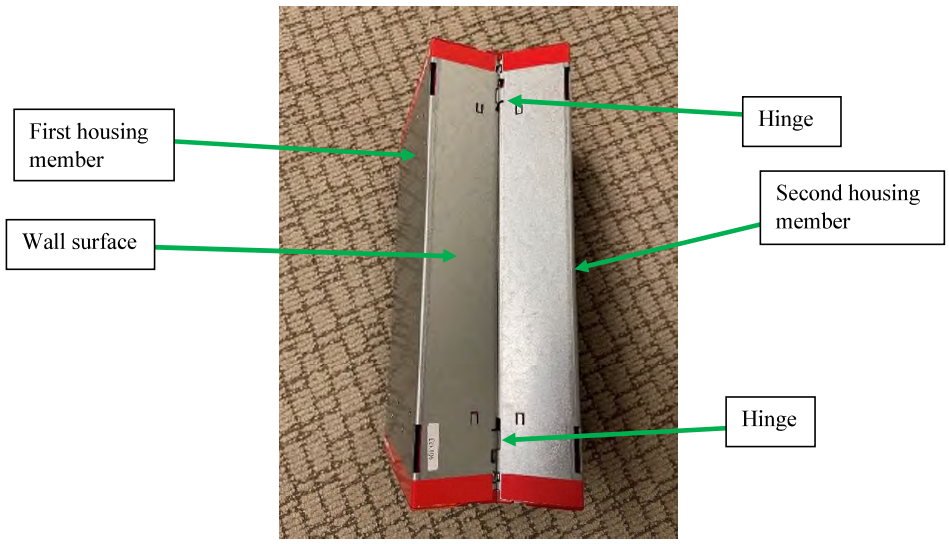
Claim 4 of '868 Patent	Hilti's Modular Fire Sleeve
The firestopping apparatus according to claim 3 wherein a hinge is defined along the wall surface between the first and second housing members.	The CFS-MSL Modular Fire Sleeve housing members have protrusions on each edge that correspond to a slot in the other housing member. The connected protrusions and slots are a hinge defined along the wall surface between the first and second housing members: 

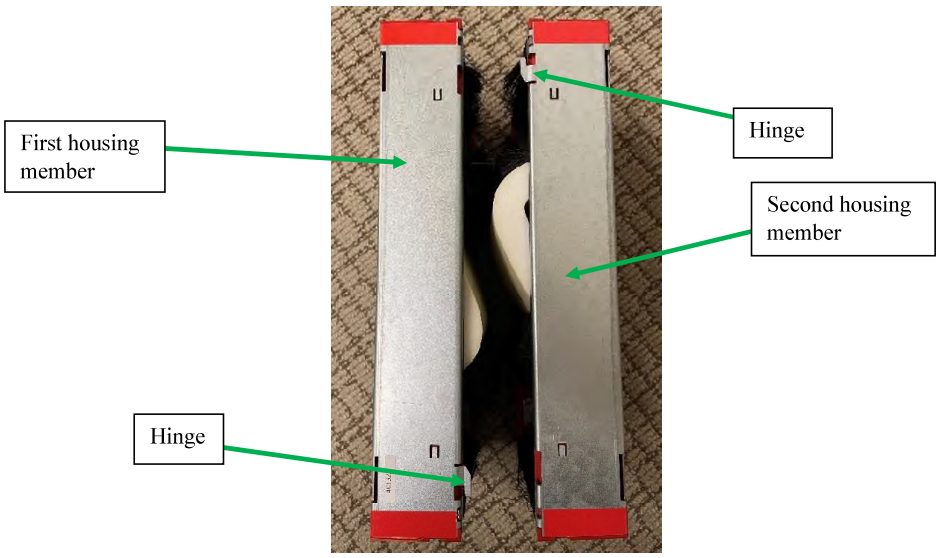
Claim 4 of '868 Patent	Hilti's Modular Fire Sleeve
	

Claim 4 of '868 Patent	Hilti's Modular Fire Sleeve
	The two housing members are able rotate relative to one another at the hinge. Even if Hilti argues that the structure is not literally a hinge, in the alternative the CFS-MSL Modular Fire Sleeve also includes a hinge under of the Doctrine of Equivalents. The connected protrusions and slots of the CFS-MSL Modular Fire Sleeve perform substantially the same function in substantially the same way to achieve substantially the same result as a hinge. Specifically, the function of a hinge is to provide a joint that permits two objects or surfaces to angle towards each other or away from each other about at least one axis. Hinges typically use a pin achieve this rotation. The connected protrusions and slots of the CFS-MSL Modular Fire Sleeve do precisely this—i.e., the protrusions are pins that fit into corresponding slots in the opposing housing member that provide a joint that permits the two housing members to angle towards each other (right side pictures below) or away from each other (left side pictures below) about at least one axis (along the length of the Modular Fire sleeve, *e.g.,* parallel to the direction of the slots in the housing member).  

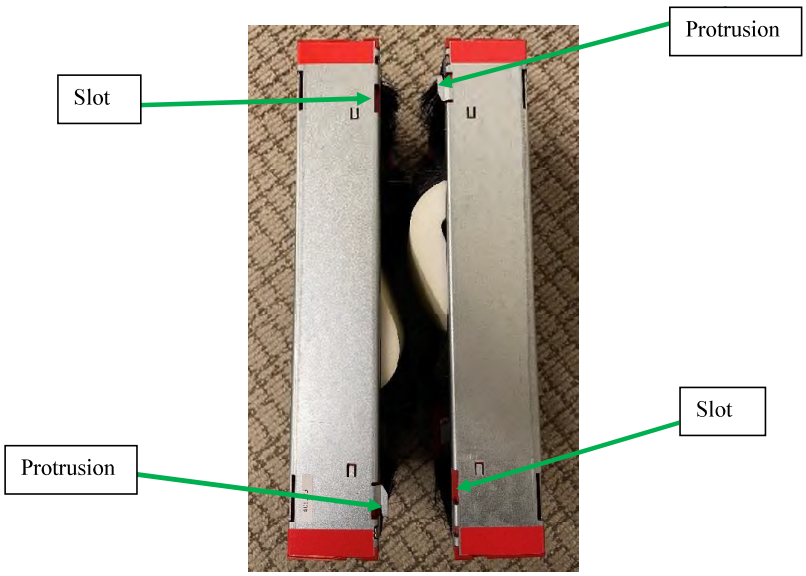
Claim 4 of '868 Patent	Hilti's Modular Fire Sleeve
	 

5. Hilti's CFS-MSL Modular Fire Sleeve infringes claim 5 of the '868 Patent.

Claim 5 of '868 Patent	Hilti's Modular Fire Sleeve
The firestopping apparatus according to claim 4 wherein the first and second housing members are completely detachable via the hinge.	The CFS-MSL Modular Fire Sleeve housing members have protrusions on each edge that correspond to a slot in the other housing member. The connected protrusions and slots form a hinge defined along the wall surface between the first and second housing members: 

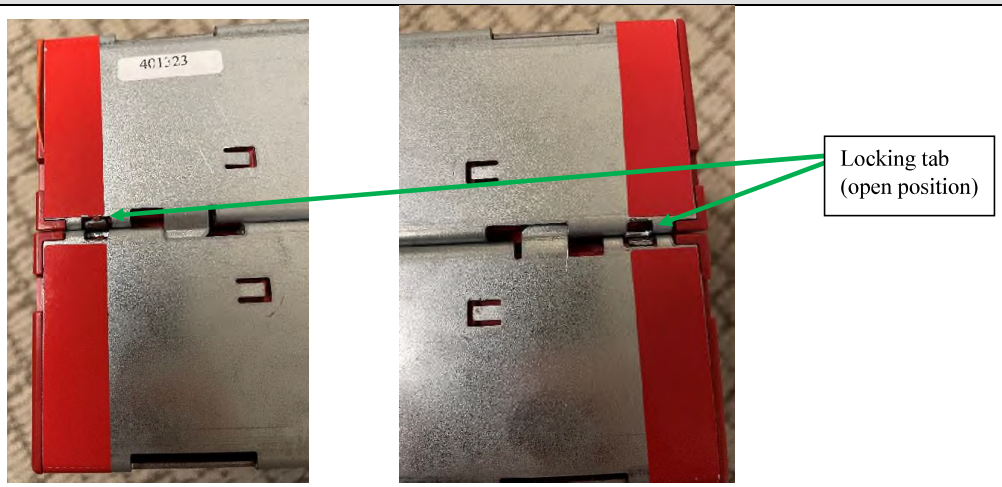
Claim 5 of '868 Patent	Hilti's Modular Fire Sleeve
	The two housing members are completely detachable via the hinge:  As explained above with respect to claim 4, the CFS-MSL Modular Fire Sleeves literally include a hinge. In the alternative, the Doctrine of Equivalents also applies. Specifically, the connected protrusions and slots of the CFS-MSL Modular Fire Sleeve provide a joint that permits the two housing members to angle towards each other or away from each other about at least one axis.

6. Hilti's CFS-MSL Modular Fire Sleeve infringes claim 6 of the '868 Patent.

Claim 6 of '868 Patent	Hilti's Modular Fire Sleeve
The firestopping apparatus according to claim 1 wherein a latching assembly is positioned along the wall surface to lock the housing in the assembled condition.	The CFS-MSL Modular Fire Sleeve housing members have protrusions on each edge that correspond to a slot in the other housing member: 

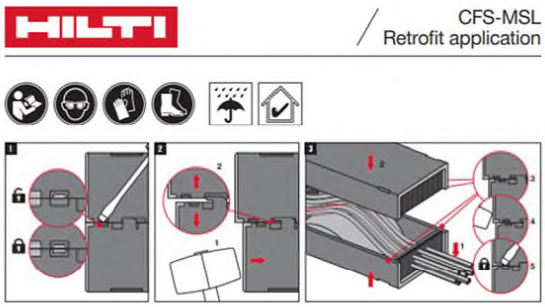
Claim 6 of '868 Patent	Hilti's Modular Fire Sleeve
	 When all four protrusions engage with their corresponding slots, they form a latching assembly to lock the housing in the assembled condition. The latching assembly positioned along the wall surface extending between the front and back panels:

Claim 6 of '868 Patent	Hilti's Modular Fire Sleeve
	Assembled condition:  Additionally, the CFS-MSL Modular Fire Sleeve includes a locking tab on each side that forms an additional portion of the latching assembly positioned along the wall surface to lock the housing in the assembled condition.

Claim 6 of '868 Patent	Hilti's Modular Fire Sleeve
	

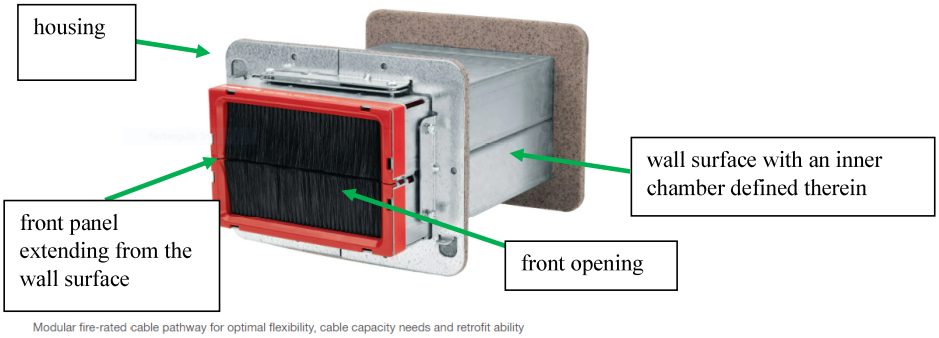


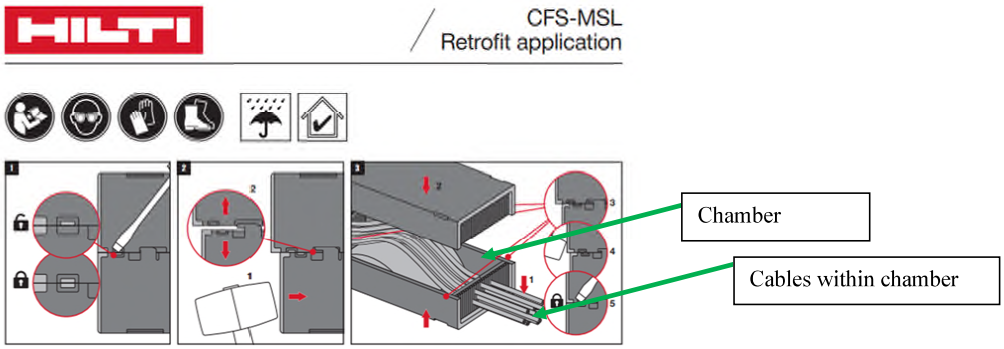
37

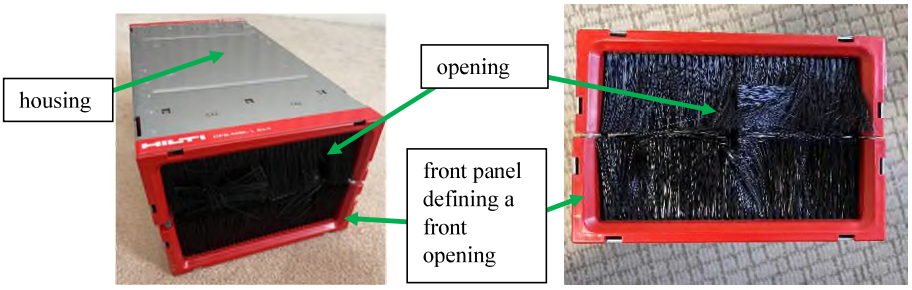
Claim 6 of '868 Patent	Hilti's Modular Fire Sleeve
	Hilti's operating instructions for the CFS-MSL Modular Fire Sleeve include instructions for locking and unlocking via this locking tab. The tab can be bent in one direction to lock the sleeve in a closed position. The tab can be bent in the opposite direction to unlock the sleeve and permit it to be separated into an open position:  *See* Ex. B (Operating Instructions for CFS-MSL).

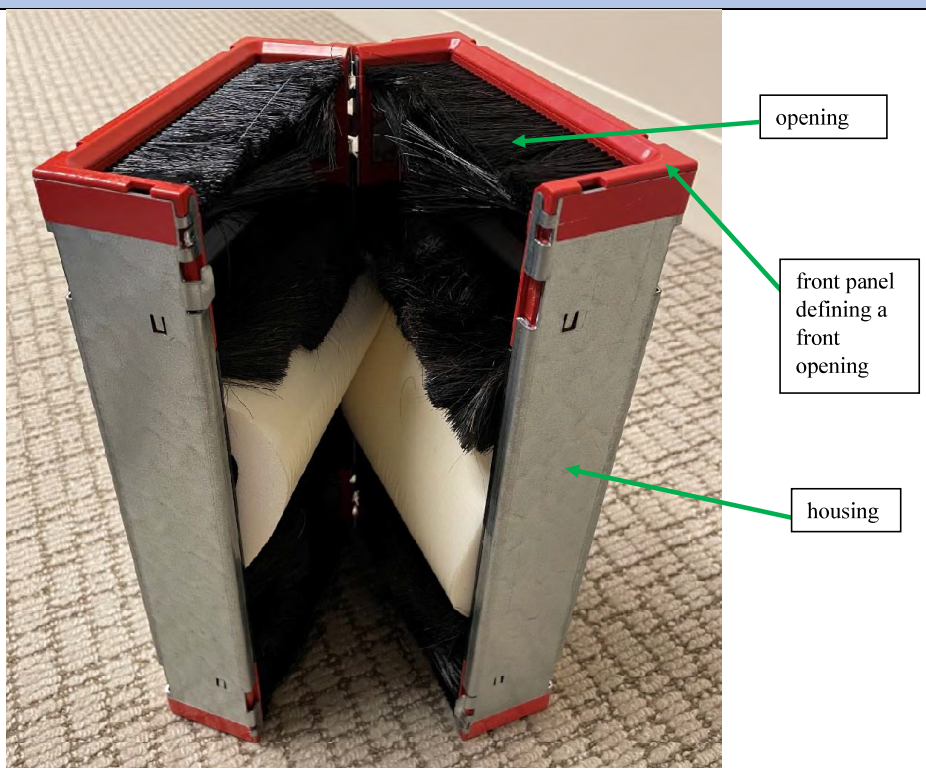
7. Hilti's Modular Fire Sleeve infringes claim 9 of the '868 Patent.

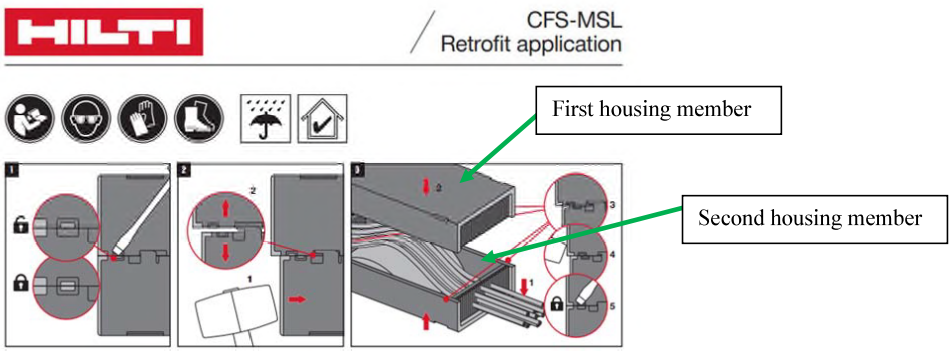
Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
A firestopping apparatus comprising:	Hilti's Modular Fire Sleeve is a firestopping apparatus. Hilti's website and Product Information Sheet for the Modular Fire Sleeve describe the product as a "modular fire-rated cable pathway." CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close ; Ex. C (CFS-MSL Product Information Sheet).  Ultimate Modular fire-rated cable pathway for optimal flexibility, cable capacity needs and retrofit ability CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close.

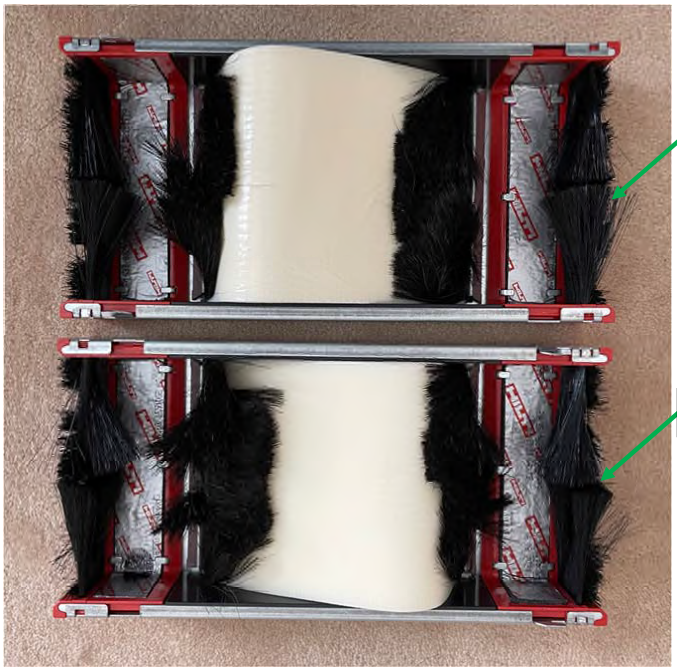
Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
	Hilti's product description also explains that an area of application for the product is "*Firestopping* low-voltage cable penetrations." Ex. D (CFS-MSL Product Information Sheet) (emphasis added).
a housing having a wall surface with an inner chamber defined therein, a front panel extending from the wall surface and defining a front opening therethrough,	 CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close. The interior of the Modular Fire Sleeve forms a chamber that can, for example, receive cables:

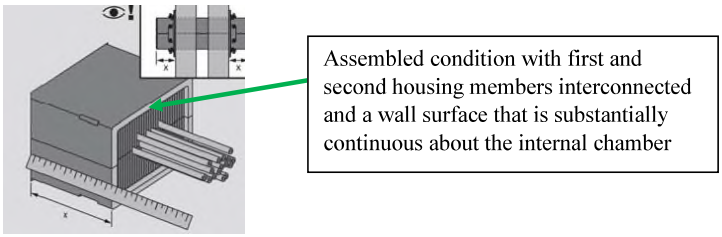
Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
	 *See* Ex. B (Operating Instructions for CFS-MSL) (showing instructions for unlocking and separating the two members); product images below. 

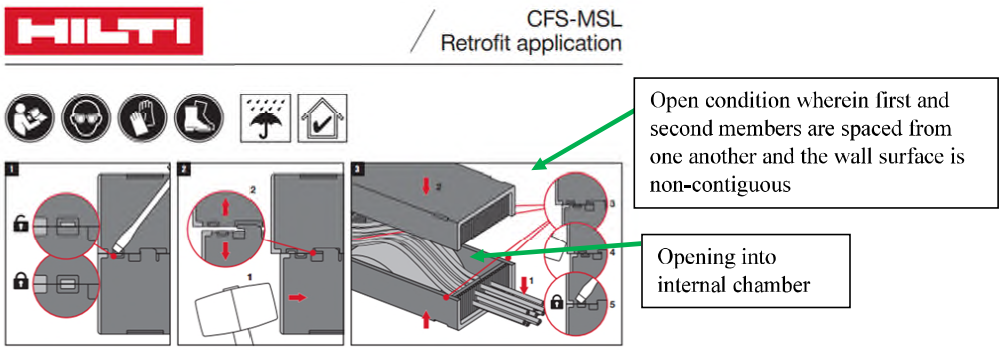
Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
	Specifically, the housing has a separate front panel that defines a front opening into the housing. Front view of Modular Fire Sleeve: 

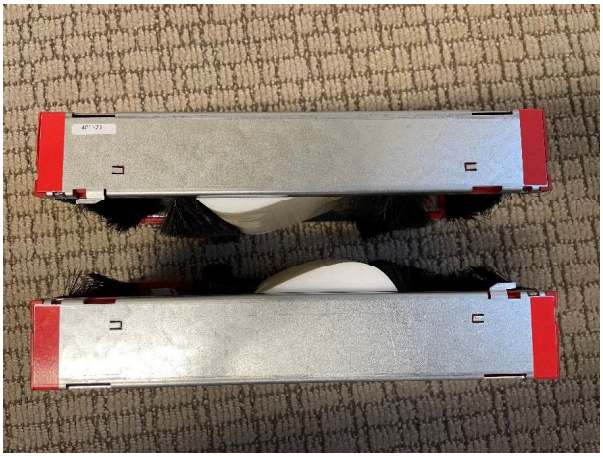
Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
	 Hilti has denied that the CFS-MSL Modular Fire Sleeve includes the claimed housing. As explained above with respect to claim 1, the housing is literally present in the CFS-MSL Modular Fire Sleeve.

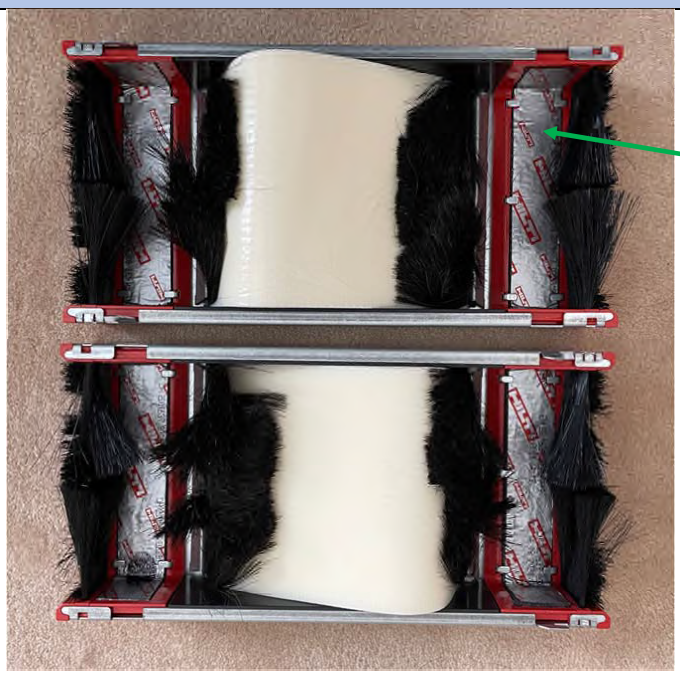
Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
	Moreover, in the alternative, the structure is equivalent to the claimed housing under the Doctrine of Equivalents. The two members of the CFS-MSL Modular Fire Sleeve perform substantially the same function in substantially the same way to achieve substantially the same result as a housing having a wall surface with an inner chamber defined therein and a front panel extending from the wall surface and defining a front opening therethrough. Specifically, the function of the housing is to provide a structure for the firestopping apparatus and define a channel through which cables can be routed. The two members of CFS-MSL Modular Fire Sleeve do precisely this—i.e., the two members define a structure that defines a channel through which cables can be routed. Together the two members of the CFS-MSL Modular Fire Sleeve define a front opening through which cables can extend.
the housing including first and second housing members which are moveable relative to one another	The Modular Fire Sleeve has top and bottom members that can be completely detached from one another:  The first and second housing members are movable relative to one another. *See* Ex. B (Operating Instructions for CFS-MSL) (showing instructions for unlocking and separating the two members); *see also* product images below.

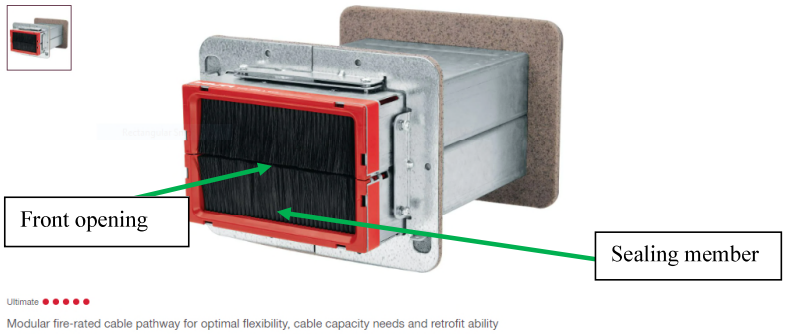
Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
	
between an assembled condition wherein the first and second housing members are interconnected and the wall surface is substantially	The Modular Fire Sleeve's two housing members are moveable between an assembled interconnected condition wherein the wall is substantially continuous, and an open condition wherein the first and second housing members are spaced from one another such that the wall surface is non-contiguous to define an opening into the internal chamber.

Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
continuous about the internal chamber, and an open condition wherein at least a portion of the first and second housing members are spaced from one another such that at least a portion of the wall surface is non-contiguous to define an opening into the internal chamber; and	Assembled condition:  CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close. 

Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
	 *See* Ex. B (Operating Instructions for CFS-MSL) (showing instructions for unlocking and separating the two members); *see also* product images below. Assembled condition: 

Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
	Open condition: 

Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
intumescent material positioned within the internal chamber,	 In addition, the product sheet lists an "intumescent expansion temperature." *See* Exhibit C, CFS-MSL Product Information Sheet.

wherein a sealing member extends across at least a portion of the front opening.	The front opening of the Modular Fire Sleeve includes a "sealing member"—i.e., a brush seal that extends across at least a portion of the front opening:  CFS-MSL Modular Fire Sleeve, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_FIRESTOP_SLEEVES_PATHWAYS_7131/r16802907?CHA_CONFIGURATION=Single%20Sleeve&combo_content=884a6325c5f164f3cc6d5f97bd3e3231#nav/close.

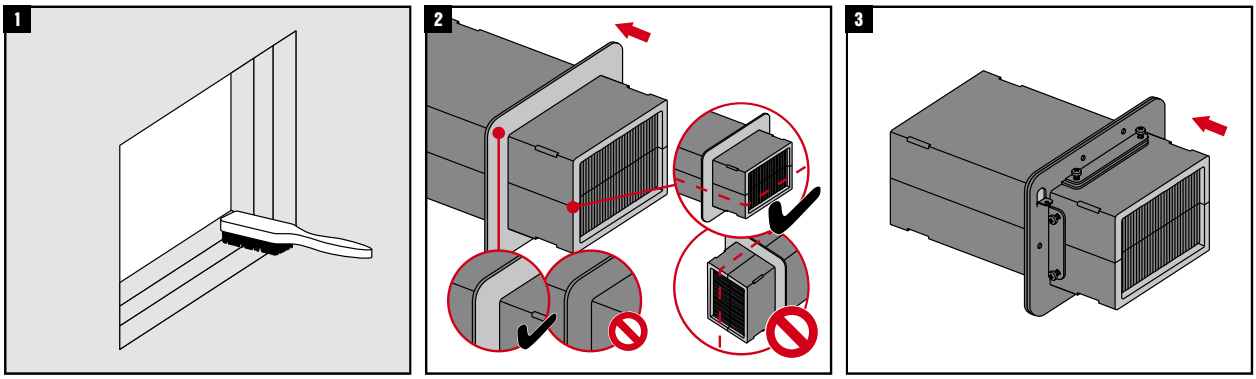
Claim 9 of '868 Patent	Hilti's Modular Fire Sleeve
	Front view of Modular Fire Sleeve: 

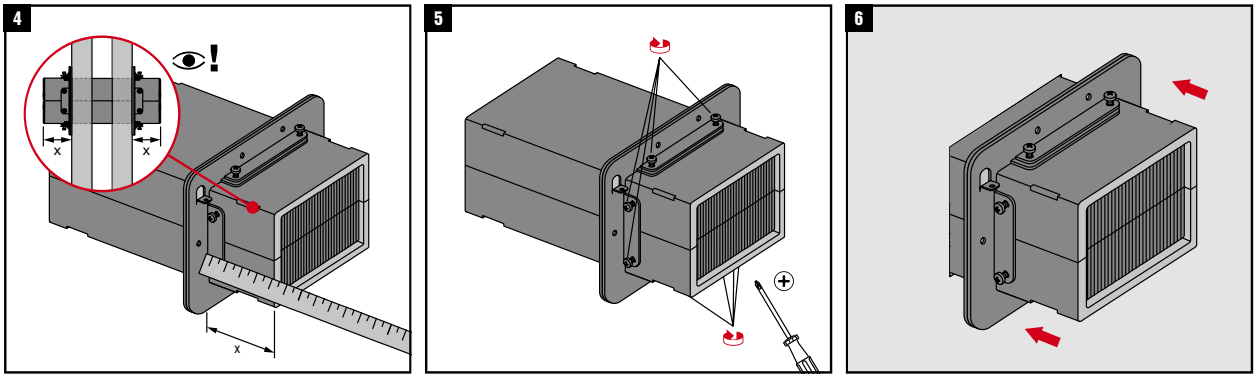
EXHIBIT B

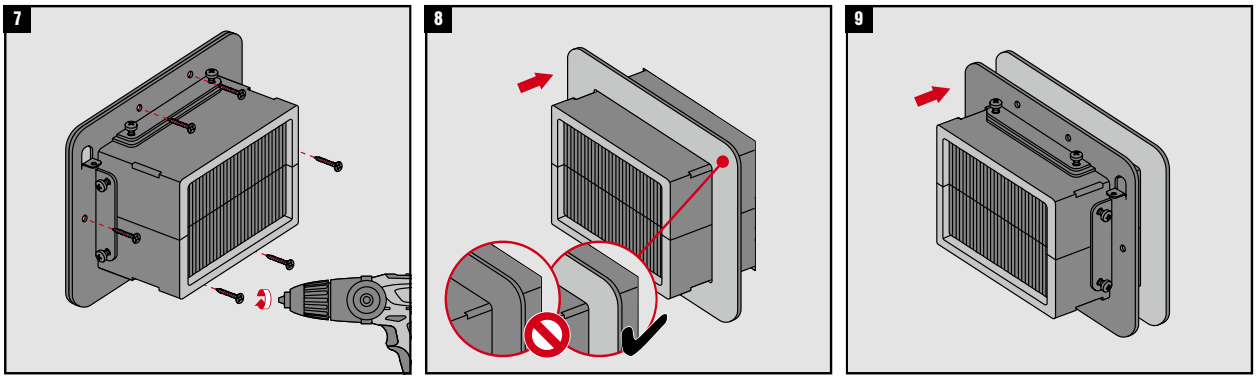
CFS-MSL

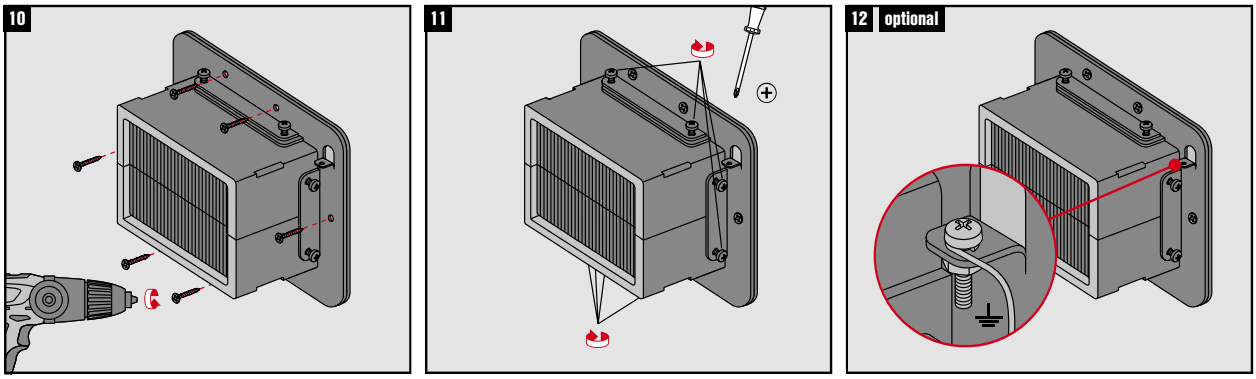
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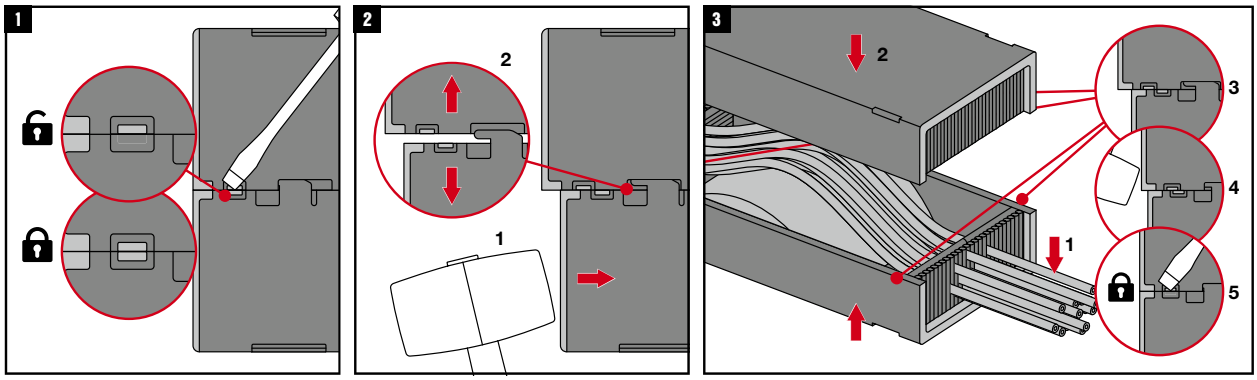


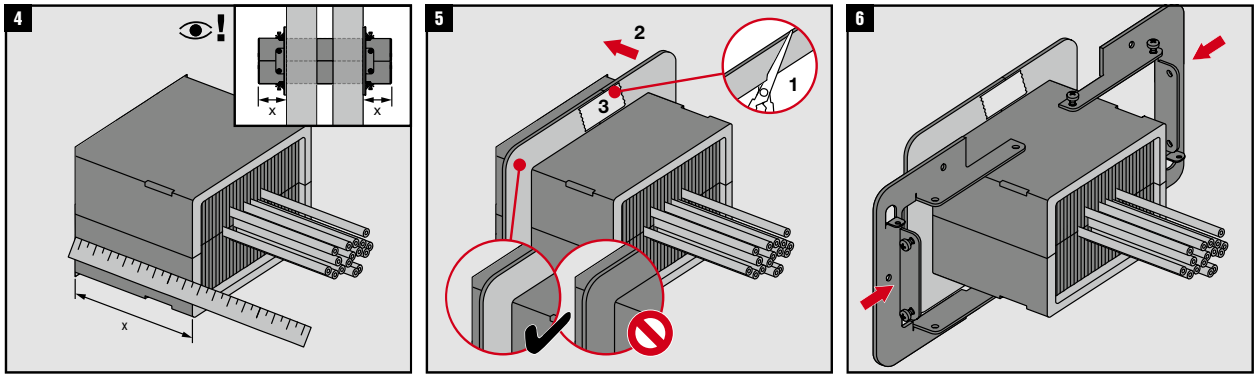


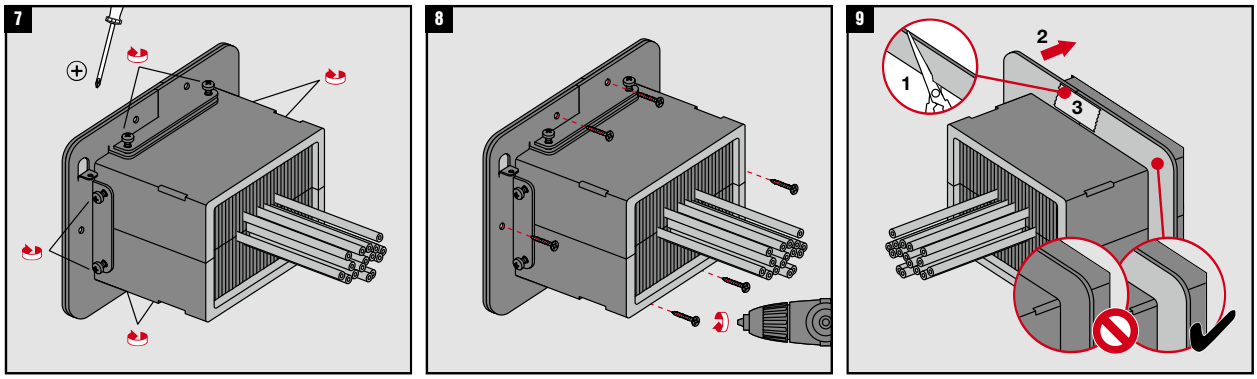


CFS-MSL
Retrofit application









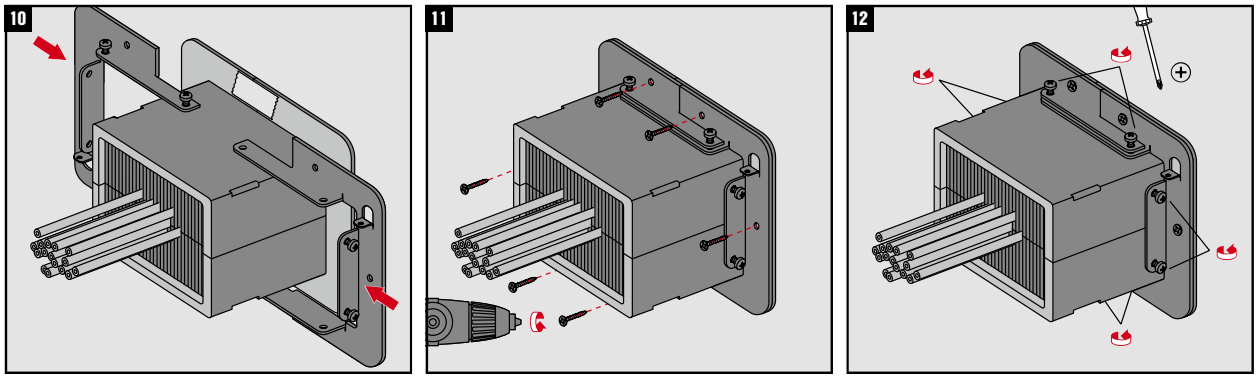
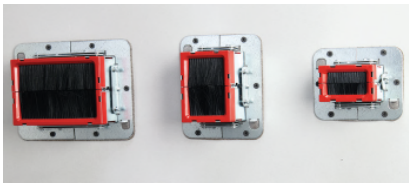
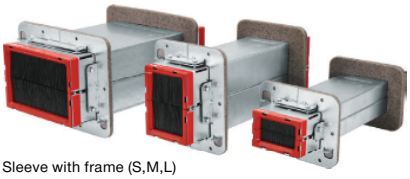


EXHIBIT C

CFS-MSL MODULAR SLEEVE



Installed sleeve with frame (S,M,L)



Sleeve with frame (S,M,L)



Single sleeve for ganging (S,M,L)

Product description

- Modular fire-rated cable pathway for optimal flexibility, cable capacity needs and retrofit-ability

Product features

- Retrofittable thanks to symmetrical half-shell design — no destructive steps involved
- Low code-compliant air leakage ratings
- Can be easily ganged in any combination of modular sleeve sizes
- Withstands the rigors of usage and time
- Suitable for sustainable construction — Hilti fire sleeves use mechanical assembly techniques
- Can be installed in wall or floor applications
- Buy American Compliant
- May be “ganged” together
- Available as single devices for ganging (S,M,L) or as part of a combo, which includes (2) CFS-MSL S, M, or L P Adapter Plates for single device installation

Areas of application

- Cable and cable bundles
- Firestopping low-voltage cable penetrations for single and cable bundles
- Ideal for frequent cable moves and additions

For use with

- Concrete floor systems rated up to 2 hours
- Gypsum walls systems rated up to 2 hours
- For use in concrete, masonry and drywall
- Covers most types of cables

Examples

- Electrical wiring
- Premise wiring
- Low voltage and datacom

Installation instructions

- See Hilti literature and third-party listings for complete application and installation details

Technical Data

	CFS-MSL S	CFS-MSL M	CFS-MSL L
Width (device only)	3” (76mm x 51mm)	3” (76mm)	6” (152mm)
Height (device only)	2” (51mm)	4” (102mm)	4” (102mm)
Flange plate dimensions (L x W x H)	4 x 5 x 0.77 in (102 x 127 x 20mm)	5 x 6 x 0.77 in (127 x 152 x 20mm)	8 x 6 x 0.77 in (203 x 152 x 20mm)
Total length	12”	12”	12”
Application & storage temperature	-22 °F to 167 °F (-6 ° C to 75 °C)		
Intumescent expansion temperature	320 °F (160 °C)		
Metal	Steel with zinc coating		
Tested in accordance with	UL 1479, ASTM E 814, CAN/ULC-S115		

Firestop Device
FOR USE IN THROUGH PENETRATION FIRESTOP SYSTEMS SEE UL PRODUCT iQ

UL CERTIFIED SAFETY US•CA SÛRETÉ US•CA R15431

FM APPROVED

DBS • 09/22

Hilti Firestop
Saving lives through innovation and education

EXHIBIT D

COMPLIANCE TESTED by berkeley analytical

VOC Emission Test Certificate

Product Name: CFS-MSL Modular Sleeve

Product Sample Information	
Company:	Hilti Inc.
Company Website:	www.hilti.com
Product Type:	Modular Sleeve
Date Produced:	8/15/2022

Certificate Information	
Certificate No:	220916-01
Certified By:	Raja S. Tannous, Laboratory Director
Date:	September 16, 2022

Reference Standard: California Department of Public Health CDPH/EHLB/Standard Method Version 1.2, 2017 (Emission testing method for CA Specification 01350)

Acceptance Criteria and Results Demonstrating Compliance of Product Sample to Referenced Standard:

Exposure Scenario[1]	Individual VOCs of Concern[2]		Formaldehyde[3]		TVOC[4]
	Criterion	Compliant?	Criterion	Compliant?	Range
School Classroom	≤½ Chronic REL	YES	≤9.0 µg/m³	YES	≤ 0.5 mg/m³
Private Office	≤½ Chronic REL	YES	≤9.0 µg/m³	YES	≤ 0.5 mg/m³

Product Coverage[5]: See attached manufacturer's letter for loading application

1. Exposure scenarios & product quantities for classroom & office are defined in Tables 4-2 – 4-5 (CDPH Std. Mtd. V1.2-2017)
2. Maximum allowable concentrations of individual target VOCs are specified in Table 4-1 (*ibid.*)
3. Maximum allowable formaldehyde concentration is ≤9 µg/m³, effective Jan 1, 2012; previous limit was ≤16.5 µg/m³ (ibid.)
4. Informative only; predicted TVOC Range in three categories, i.e., ≤0.5 mg/m³, >0.5 – 4.9 mg/m³, and ≥5.0 mg/m³
5. Informative and applicable only to tests of wet-applied products: grams of sample applied per square meter of substrate

Standards & Codes Recognizing CDPH Standard Method V1.2 (partial list)

- USGBC LEED Version 4/4.1, BD&C, ID&C, Residential BD&C Multifamily
- The WELL Building Standard, WELL v2, Feature X06
- ANSI/GBI 01-2019 Green Globes Assessment Protocol

Narrative: Hilti Inc. selected a sample representative of its CFS-MSL Modular Sleeve - 2337019 product and submitted it on 8/17/2022 for testing. Berkeley Analytical measured and evaluated the emissions of VOCs from this sample following CDPH/EHLB/Standard Method V1.2-2017. The results of the test are presented in Berkeley Analytical report, 1031-014-01A-Sep1622.

Berkeley Analytical is an independent, third-party laboratory specializing in the analysis of organic chemicals emitted by and contained in building products, finishes, furniture, and consumer products. We are an ISO/IEC 17025 accredited laboratory (IAS, TL-383); all standards used in performing this test are in Berkeley Analytical's scope of accreditation.

DISCLAIMER: THIS CERTIFICATE OF COMPLIANCE AFFIRMS THAT: 1) A SAMPLE OF THE LISTED PRODUCT WAS TESTED ACCORDING TO THE REFERENCED STANDARD; 2) THE MEASURED VOC EMISSIONS FROM THE SAMPLE WERE EVALUATED FOR THE DEFINED EXPOSURE SCENARIO(S); AND 3) THE RESULTS MEET THE ACCEPTANCE CRITERIA OF THE REFERENCED STANDARD(S). BERKELEY ANALYTICAL IS NOT RESPONSIBLE FOR ANY CLAIMS REGARDING A PRODUCT OR PRODUCTS ENTERED INTO COMMERCE THAT MAY BE BASED ON THIS TEST. BERKELEY ANALYTICAL PROVIDES THIS CERTIFICATE OF COMPLIANCE "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PURPOSE.

Berkley Analytical
Mr. Alec Huang
815 Harbor Way South, suite 6
Richmond, CA 94804

RE: VOC Emission Testing; CDPH Standard Test Method V1.2; non-full spread application calculations

Below are the average number of Hilti CFS-MSL Modular Sleeves that would be used in the standard school classroom and the standard private office as defined in the CDPH Standard Method V1.2.

CLASSROOM

The dimenstions of a typical classroom are given by the CDPH Standard as 40 ft x 24 ft. It is expected that this size room would require 2 CFS-MSL Modular Sleeves.

OFFICE

The dimenstions of a typical office are given by the CDPH Standard as 12 ft x 10 ft. It is expected that this size room would require 4 CFS-MSL Modular Sleeves.

Please contact me if you have any questions

Jerry Metcalf MPH, CHMM
Sr. Manager Safety/Environmental
jerry.metcalf@hilti.com
918 872 3704

Hilti North America
7250 Dallas Parkway, Ste 1000
Plano, TX 75024
www.hilti.com

EXHIBIT E

CERTIFICATE OF COMPLIANCE

Certificate Number	R15431
Report Reference	R15431-20220630
Date	2022-July-01
Issued to:	HILTI CONSTRUCTION CHEMICALS, DIV OF HILTI INC 7250 Dallas Pky, Legacy Tower Suite 1000 Plano TX, 75024 US
This is to certify that representative samples of	FIRESTOP DEVICES Model CFS-MSL Firestop Device intended for use in Through-Penetration Firestop Systems. Have been evaluated by UL in accordance with the Standard(s) indicated on this Certificate.
Standard(s) for Safety:	ANSI/UL 1479, Fire Tests of Penetration Firestops. CAN/ULC S115, Standard Method of Fire Tests of Firestop Systems.
Additional Information:	See the UL Online Certifications Directory at https://iq.ulprospector.com for additional information

This Certificate of Compliance indicates that representative samples of the product described in the certification report have met the requirements for UL certification. It does not provide authorization to apply the UL Mark. Only the Authorization Page that references the Follow-Up Services Procedure for ongoing surveillance provides authorization to apply the UL Mark.

Only those products bearing the UL Mark should be considered as being UL Certified and covered under UL's Follow-Up Services.

Look for the UL Certification Mark on the product.

Bruce Mahrenholz, Director North American Certification Program

UL LLC

Any information and documentation involving UL Mark services are provided on behalf of UL LLC (UL) or any authorized licensee of UL. For questions, please contact a local UL Customer Service Representative at http://ul.com/aboutul/locations/

EXHIBIT F

FM APPROVED

Certificate of Compliance

This certificate is issued for the following:

CFS-MSL S 3x2", CFS-MSL P S 3x2",
CFS-MSL M 3x4", CFS-MSL P M 3x4",
CFS-MSL L 6x4", CFS-MSL P L 6x4"

Prepared for:

Hilti AG
BU Fire Protection
Feldkircherstrasse 100
PO Box 333
Schaan, 9494
Liechtenstein

FM Approvals Class: 4990

Approval Identification: PR461716 / RR233789 Approval Granted: 8/22/2022

To verify the availability of the Approved product, please refer to www.approvalguide.com

Said Approval is subject to satisfactory field performance, continuing Surveillance Audits, and strict conformity to the constructions as shown in the Approval Guide, an online resource of FM Approvals.

Phillip J. Smith
VP - Manager of Materials
FM Approvals
1151 Boston-Providence Turnpike
Norwood, MA 02062

SCC Accredited CB-P/S OCPS Accrédité CCN

FM Approvals®

Member of the FM Global Group

EXHIBIT G

Material Information Statement

Articles

According to Regulation (EC) 1907/2006, Article 32

Revision: 04.08.2022 Version: 23

1 Identification of the articles and of the company undertaking

1.1 Product identifier

Trade name:

- Firestop Bandage CFS-B / CFS-CB / CP 646
- Firestop Back Pan Strip CFS-BPS
- Firestop Block CFS-BL / CFS-BL P
- Firestop Board CP 675
- Firestop Boot CFS-BO
- Firestop Box Insert
- Firestop Cable Collar CFS-CC / CFS-RCC / CFS-RCC EXT
- Firestop Cable Module CFS-T
- Firestop Cast-in device and accessories CP 680 / CP 681 / CFS-CID / CFS-CID MD P/M/ CFS-CID MD HS GUI / CFS-CID MD PLT W2/W3 / CFS-CID MD HS / CFS-CID ARB TE-Y / CFS-CID ARB TE-C
- Firestop Coated Board CFS-CT B / CP670 / CP673 / CP676
- Firestop Collar CFS-C / CFS-C P
- Firestop Collar CP 643 / CP 644
- Firestop Composite Sheet CFS-COS
- Firestop Cord CFS-CO
- Firestop Cushion CP 651N
- Firestop Drop-In Device CFS-DID
- Firestop Edge of Slab QuickSeal CFS-EOS QS
- Firestop Endless Collar CFS-C EL
- Firestop Filler Module CFS-T FB
- Firestop Gangplate CFS-SL GP
- Firestop Module Box CFS-MB / CP 657
- CFP-ES ENDO-SHIELD
- Firestop Plug CFS-PL / CP 658
- Firestop Plug Seal CFS-T RR / CFS-T RRS
- Firestop Retrofit Sleeve CFS-SL RK
- Firestop Sleeve CP 645
- Firestop Sleeve Kit CFS-SL SK
- Firestop Modular Sleeves and accessories CFS-MSL / CFS-MSL GPP Pre-Installed Gang Plates / CFS-MSL FGR Floor Grids / CFS-MSL GCL (Ganging Clips) / CFS-MSL GPA Adjustable Gang Plates / CFS-MSL GPR Retrofit Gang Plates
- Firestop Speed Sleeve CFS-SL / CFS-SL GA / CP 653
- Firestop Top Track Seal CFS-TTS
- Firestop Top Track Seal CFS-TTS MD
- Firestop Top Track Cover CFS-TTS MD C
- Firestop Top Track Plug CFS-TTS MD P
- Firestop Top Track Seal CFS-TTS 212
- Firestop Top Track Seal CFS-TTS R
- Firestop Wedge Seal CFS-T WD120
- Firestop Wrap Strip CFS-W EL / SG / P / CP 648
- Foil Tapes CS-FT
- Intumescent façade cavity closer CP674
- Joint Sealing Tapes CS-JST
- Mineral Wool
- Mineral Wool Boards
- Multifunctional Tapes CS-MFT
- Pre-coated Mineral Wool Boards
- Smoke & Acoustic Track Seal CS-TTS SA
- Speed Plug CP 777
- Speed Strip CP 767

1.2 Application of the listed articles

Construction industry.

Refer to Hilti product literature, technical data sheets, 3rd party published listings and national approvals for specific application information. For more details, please contact your local Hilti organization through http://www.hilti.group

1.3 Manufacturer / Supplier

Hilti AG
Feldkircherstr. 100
FL-9494 Schaan
Liechtenstein

Customer Service
Phone +423 (0)844 84 84 85
Fax +423 (0)844 84 84 86

2 Other information

A Safety Data Sheet is not required due to the classification of these products as “articles” according to Regulation (EC) No. 1907/2006 of 18 December 2006 (EU) / 29CFR 1910.1200 (U.S.A.). Consequently, these products are exempted from CLP / OSHA Labeling and SDS requirements.

These data are based on our present knowledge. However, they shall not constitute a guarantee for any specific product features and shall not establish a legally valid contractual relationship.

Informing department:
chemicals.hse@hilti.com

EXHIBIT H

EXHIBIT H

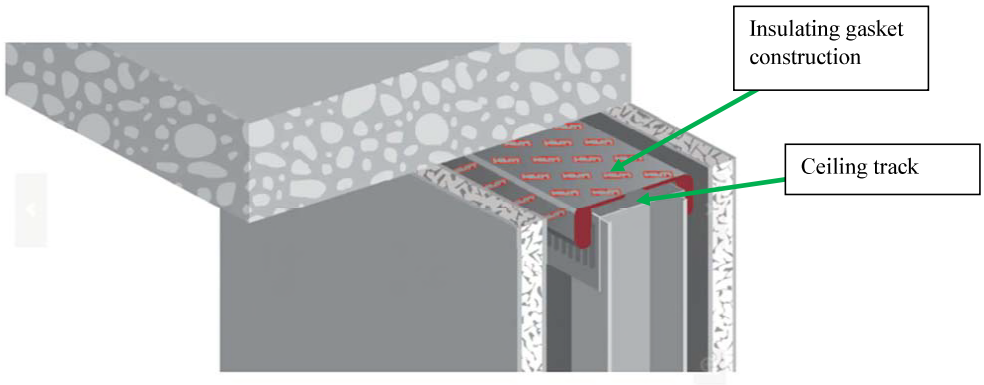
Claim Charts Demonstrating Hilti's Infringement of Claims 6-12 of Specified Technology Inc.'s U.S. Patent No. 9,157,232 (the "'232 Patent") by the Firestop Top Track Seal CFS-TTS

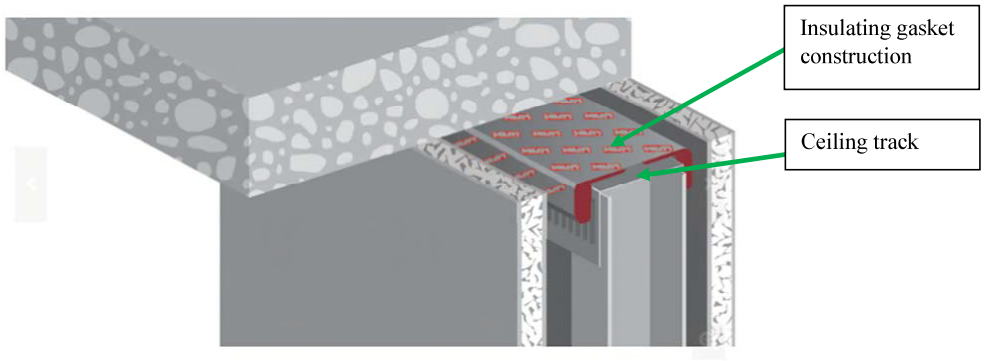
Accused Devices: (1) Hilti's Firestop Top Track Seal CFS-TTS 212, (2) Firestop Top Track Seal CFS-TTS OS, (3) Firestop Top Track Seal CFS-TTS R OS, (4) Firestop Top Track Seal CFS-TTS 358, and (5) Firestop Top Track Seal CFS-TTS 600. These accused devices are all variations of the Firestop Top Track Seal CFS-TTS. Specifically, the Firestop Top Track Seal CFS-TTS 212 is a seal to fit a 2 ½" wide track, the Firestop Top Track Seal CFS-TTS 358 is a seal to fit a 3 5/8" wide track, the Firestop Top Track Seal CFS-TTS 600 is a seal to fit a 6" wide track. *See* Ex. K (CFS-TTS Product Information Sheet). The Firestop Top Track Seal CFS-TTS OS and CFS-TTS R OS are seals to fit a 3 5/8" wide track that are separable down the middle. *See* Ex. K (CFS-TTS Product Information Sheet); Ex. L (CFS-TTS Instructions for Use). The "R" of the CFS-TTS R OS appears to merely indicate a color variation. The specific width dimensions of the seals, the color of the seals, and the capability of being separated are the differences between the different versions of the Firestop Top Track Seal CFS-TTS and these features are not material to the asserted claims of the '232 Patent. That is, none of these differences between the various accused products bear on or are relevant to the resulting infringement assessments or conclusions.

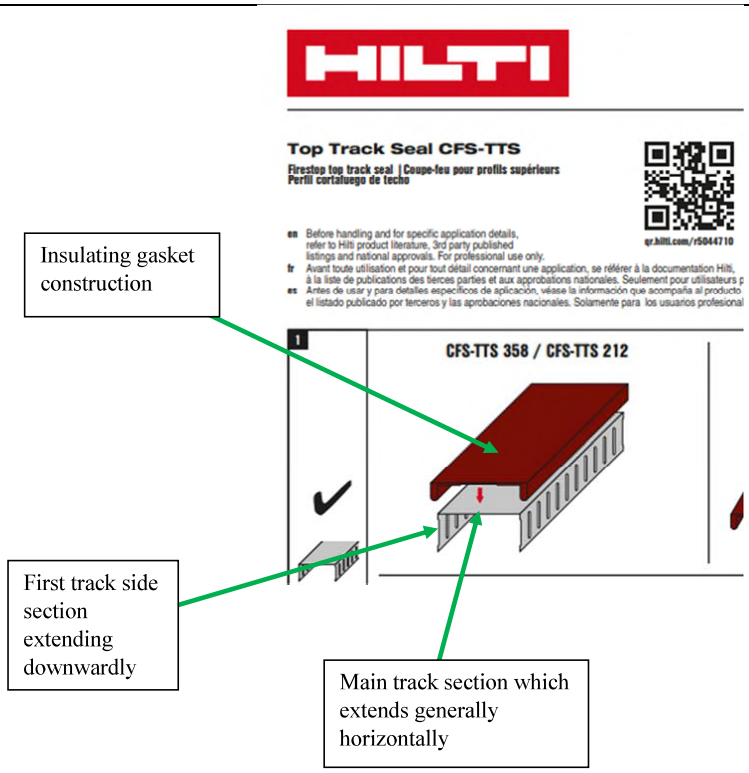
The chart below analyzes infringement of the CFS-TTS Firestop Top Track Seal using the images provided on Hilti's website and other literature as an exemplary device, but the infringement allegations apply to all six versions of the device.

1. Hilti's CFS-TTS Firestop Top Track Seal infringes claim 6 of the '232 Patent.

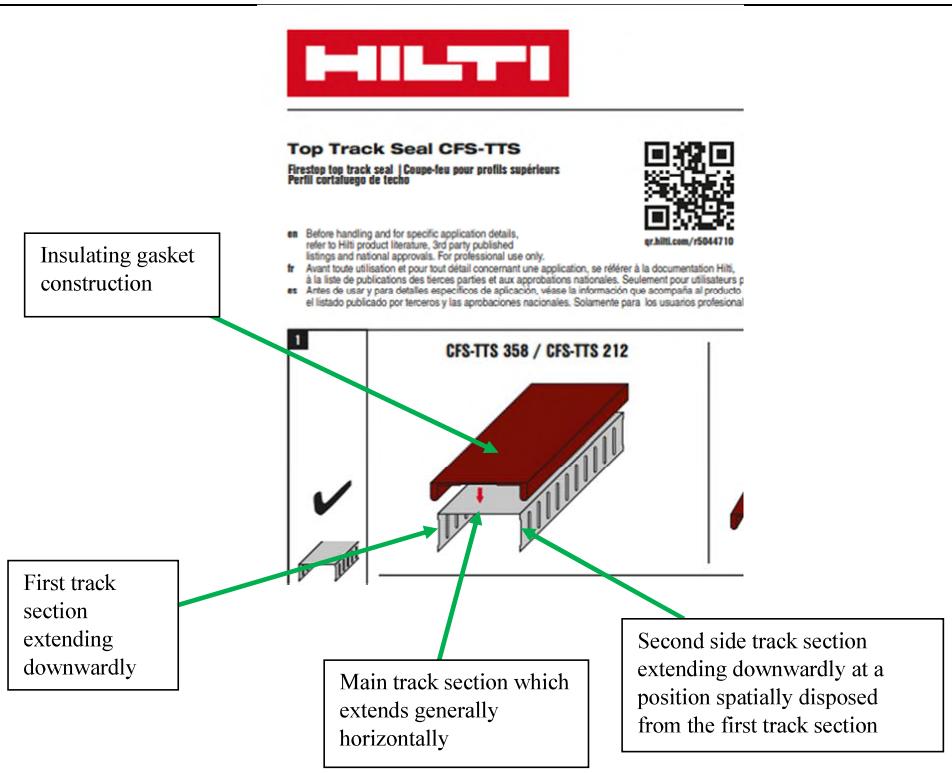
Claim 6 of '232 Patent	Hilti's CFS-TTS Firestop Top Track Seal
[P1] An adjustable head-of-wall insulating construction for sealing a head-of-wall area between a ceiling thereabove and a	Hilti's CFS-TTS Firestop Top Track Seal is an adjustable head of wall insulating construction for sealing a head-of-wall area between a ceiling thereabove and a wall configuration therebelow. Hilti's website for the Firestop Top Track Seal describes the product as a "Firestop Preformed solution for top-of-wall drywall joints." CFS-TTS Firestop Top Track Seal, Hilti,

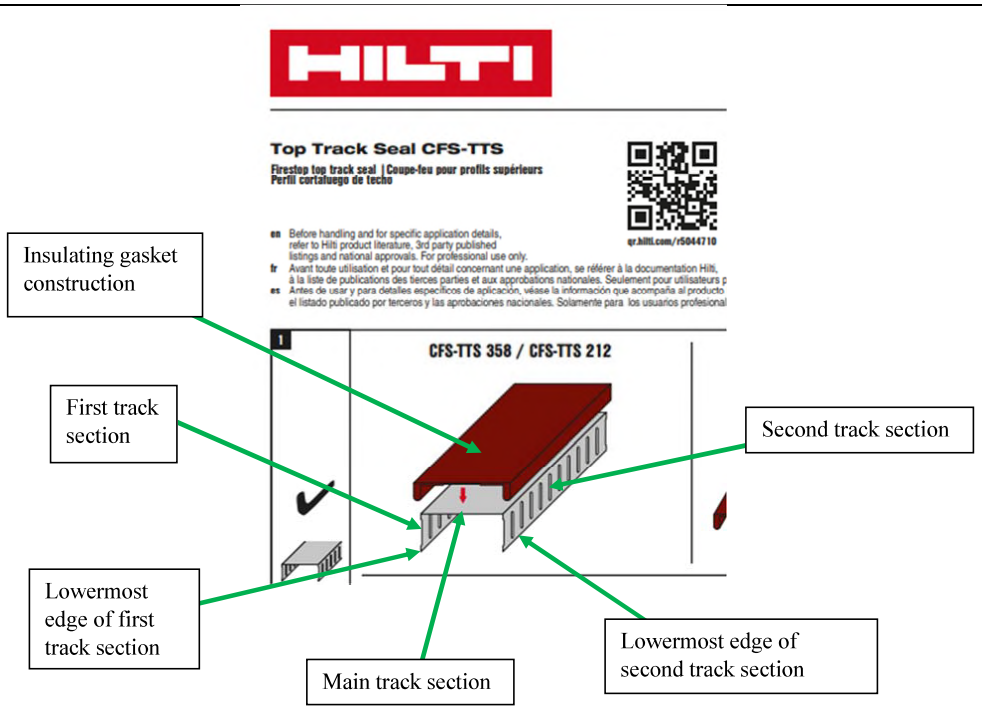
Claim 6 of '232 Patent	Hilti's CFS-TTS Firestop Top Track Seal
wall configuration therebelow	https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose. Hilti's Product Information Sheet for the Firestop Top Track Seal describes applications for use of the product as "Firestop, smoke and sound seal for head-of-wall joints between top track and gypsum to flat concrete slabs." Ex. K (CFS-TTS Product Information Sheet).  Hilti's website for the Firestop Top Track Seal provides an illustration of the product being installed at the head of a wall. CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

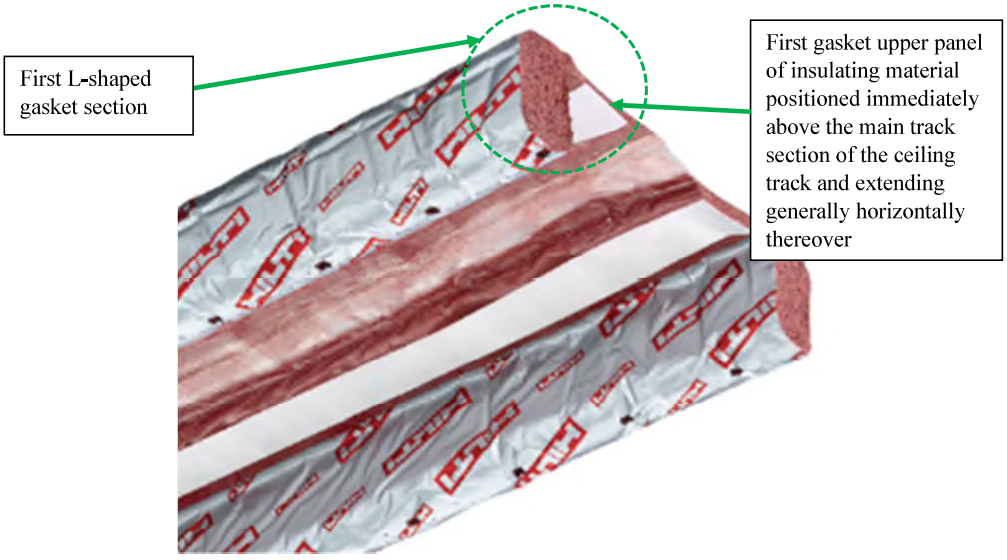
[P2] [a wall configuration] which is wider than standard and which includes a ceiling track having a main track section which extends generally horizontally and a first track side section extending downwardly therefrom and	Hilti's Product Information Sheet for the Firestop Top Track Seal further explains that "CFS-TTS OS is a flexible solution for various track sizes." Ex. K (CFS-TTS Product Information Sheet). The Firestop Top Track Seal is produced in several different size variants for sealing head-of-wall area above a wider than standard wall configuration. At least a double stud wall is "wider than standard." *See* '232 Patent Specification, 10:29-34.  CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

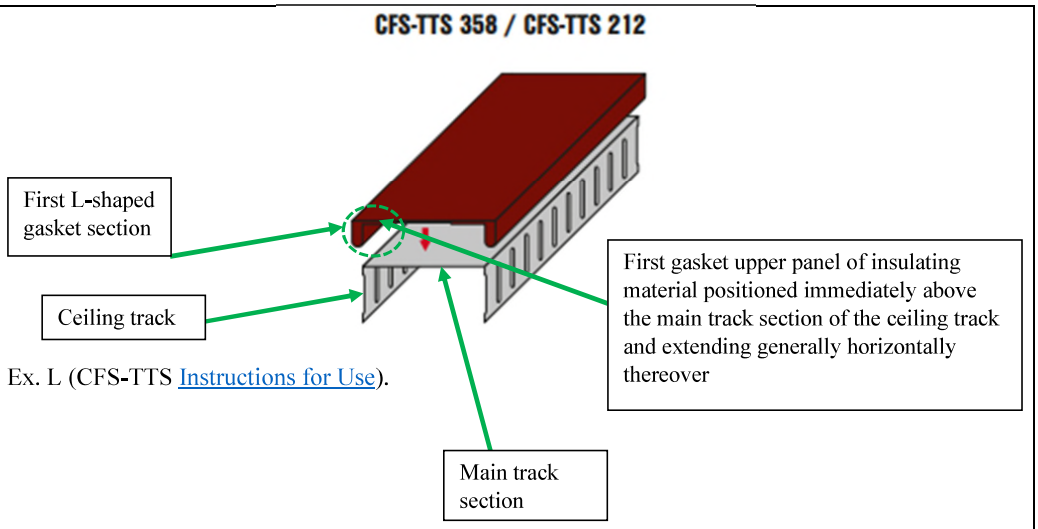


Ex. L (CFS-TTS Instructions for Use).

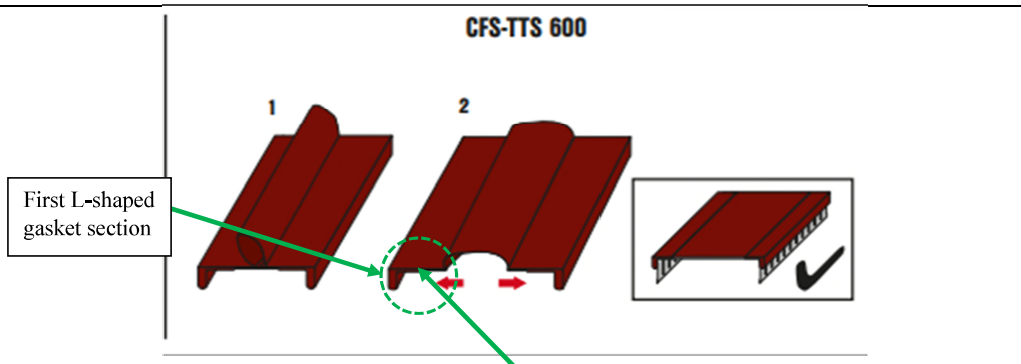
[P3] a second side track section extend downwardly therefrom at a position spatially disposed from the first track section	 Ex. L (CFS-TTS Instructions for Use).

[P4] wherein the main track section includes a first track side section defining a first lowermost edge thereof and a second side track section defining a second lowermost edge thereof, said insulating gasket construction comprising:	 Ex. L (CFS-TTS Instructions for Use).

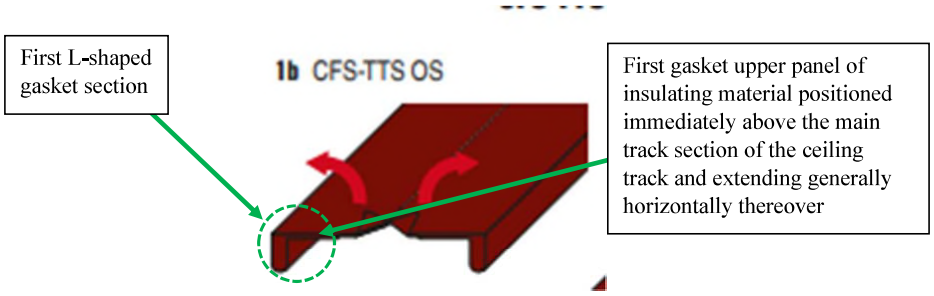
A. a first L-shaped gasket section including: (1) a first gasket upper panel of insulating material positioned immediately above the main track section of the ceiling track and extending generally horizontally thereover; and	 CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.



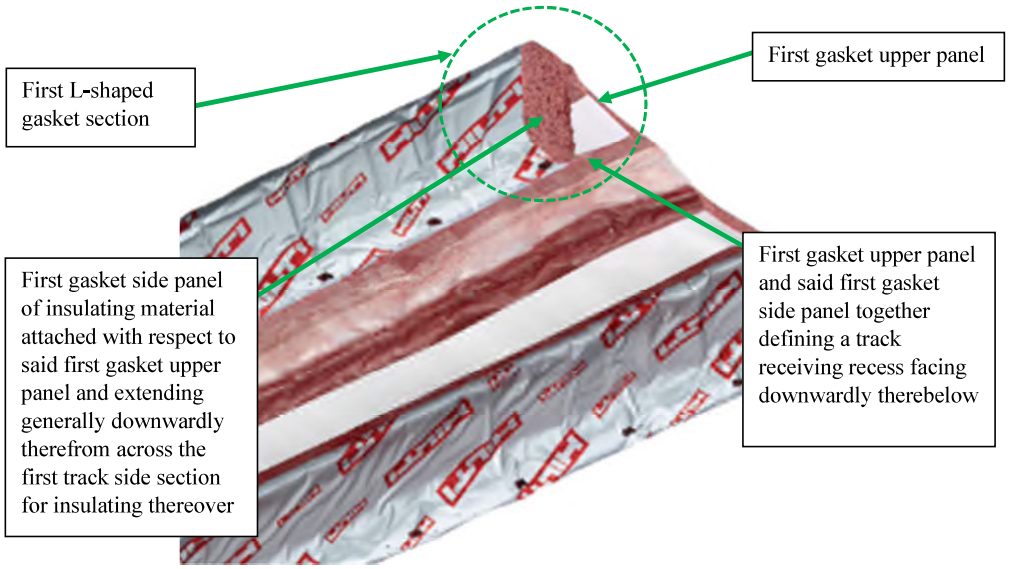
Ex. L (CFS-TTS Instructions for Use).

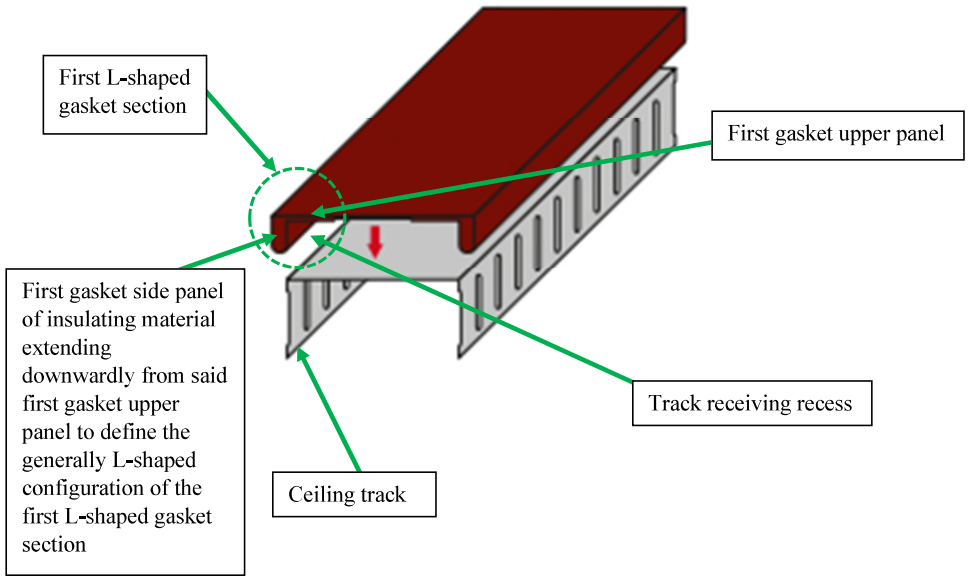


Ex. L (CFS-TTS Instructions for Use).

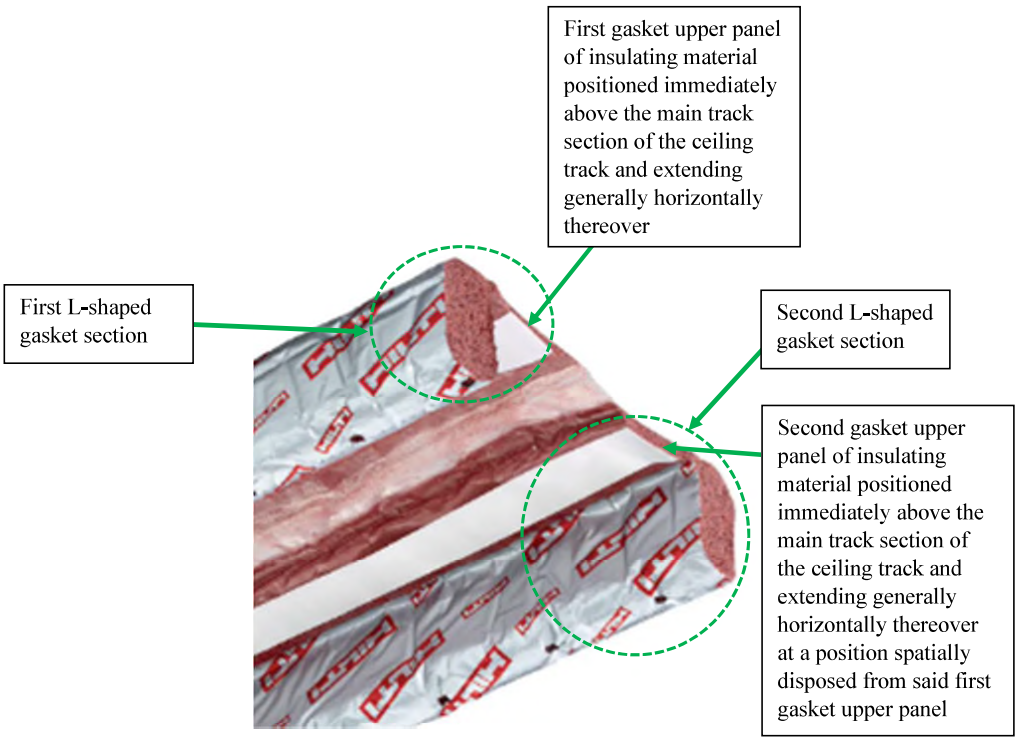


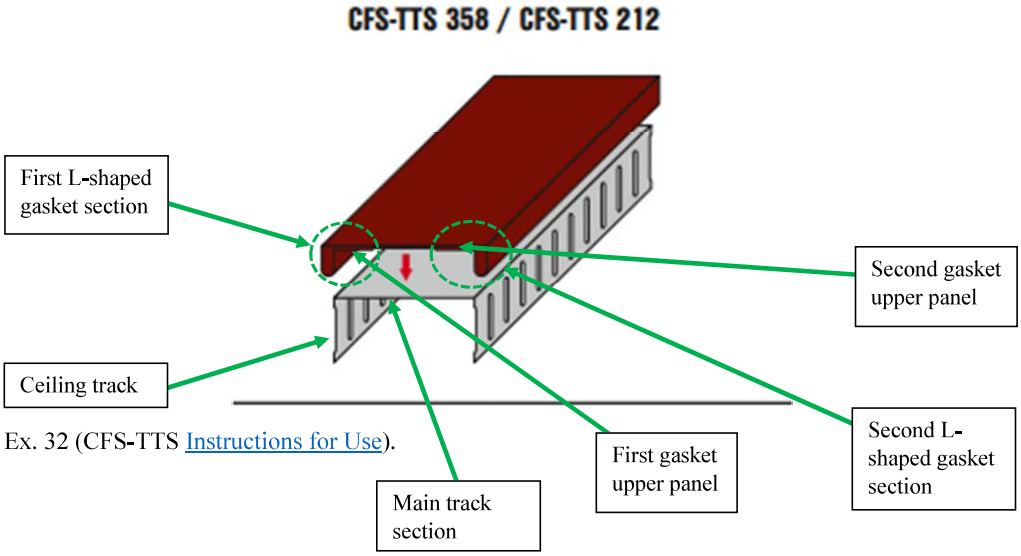
Ex. L (CFS-TTS Instructions for Use).

(2) a first gasket side panel of insulating material attached with respect to said first gasket upper panel and extending generally downwardly therefrom across the first track side section for insulating thereover, said first gasket side panel extending downwardly from said first gasket upper panel to define the generally L-shaped configuration of the first L-shaped gasket section, said first gasket upper panel and said first gasket side panel together defining a track receiving recess facing downwardly therebelow;	 CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

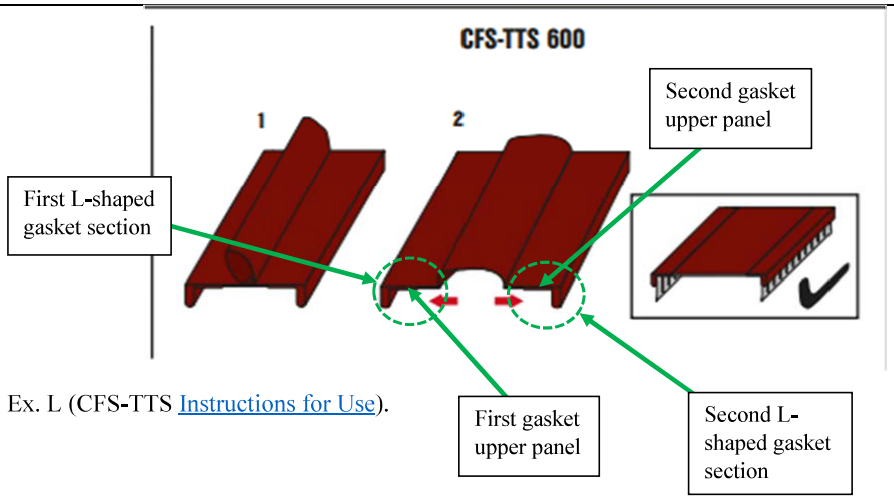


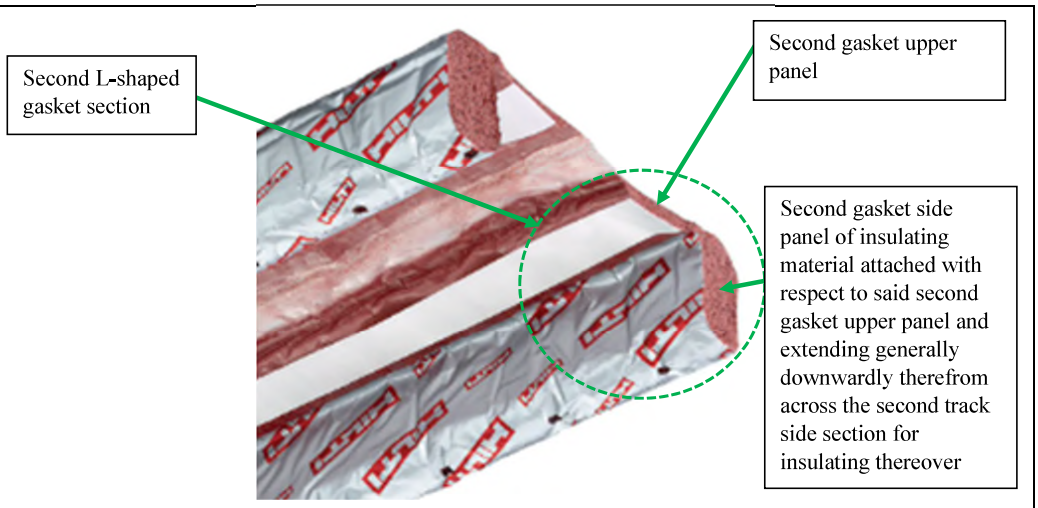
Ex. L (CFS-TTS Instructions for Use).

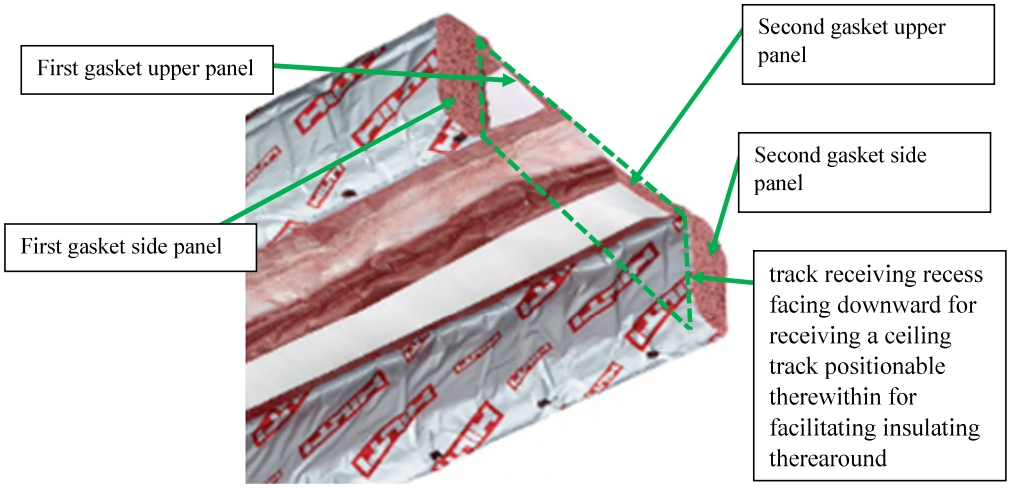
B. a second L-shaped gasket section including: (1) a second gasket upper panel of insulating material positioned immediately above the main track section of the ceiling track and extending generally horizontally thereover at a position spatially disposed from said first gasket upper panel; and	 CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

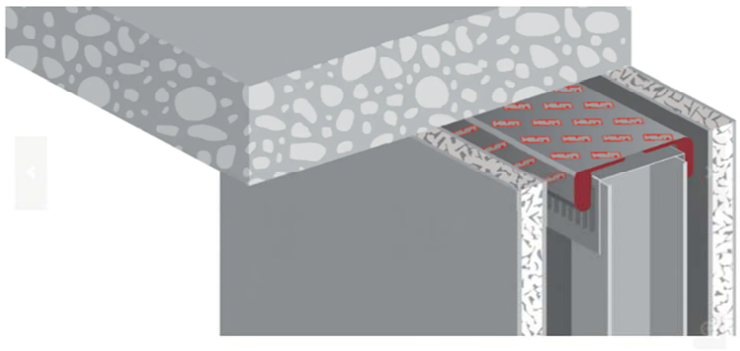


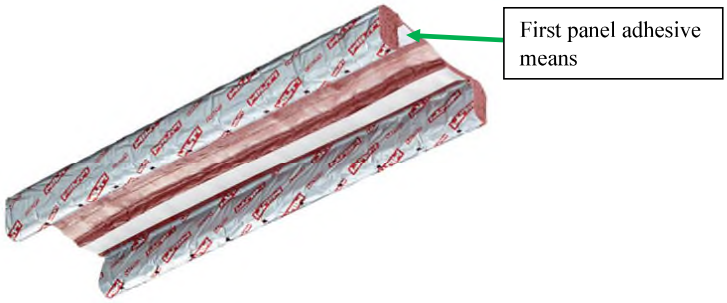
Ex. 32 (CFS-TTS Instructions for Use).

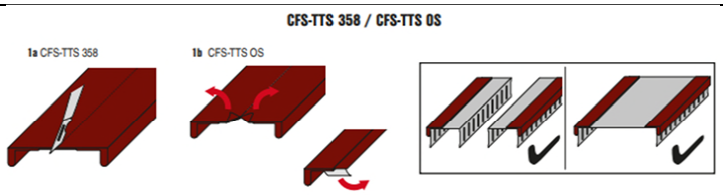
	 Ex. L (CFS-TTS Instructions for Use).

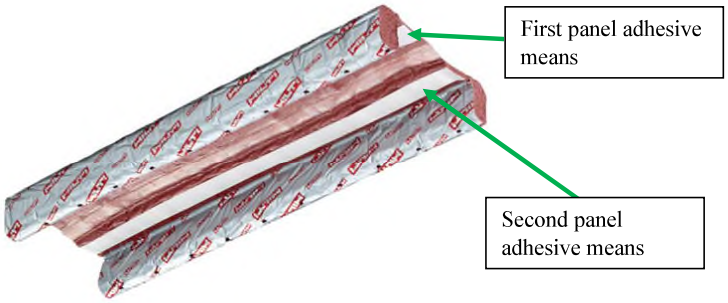
(2) a second gasket side panel of insulating material attached with respect to said second gasket upper panel and extending generally downwardly therefrom across the second track side section for insulating thereover, said second gasket side panel extending downwardly from said second gasket upper panel to define the generally L-shaped configuration of the second L-shaped gasket section,	 In addition, as shown in the photo, the second side gasket panel extends downwardly from the second gasket upper panel to define the generally L-shaped configuration of the second L-shaped gasket section. *See* CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

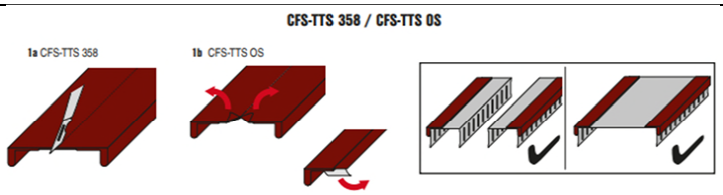
said second gasket upper panel and said second gasket side panel and said first gasket upper panel and said first gasket side panel together defining a track receiving recess facing downward therebelow for receiving a ceiling track positionable therewithin for facilitating insulating therearound;	 CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

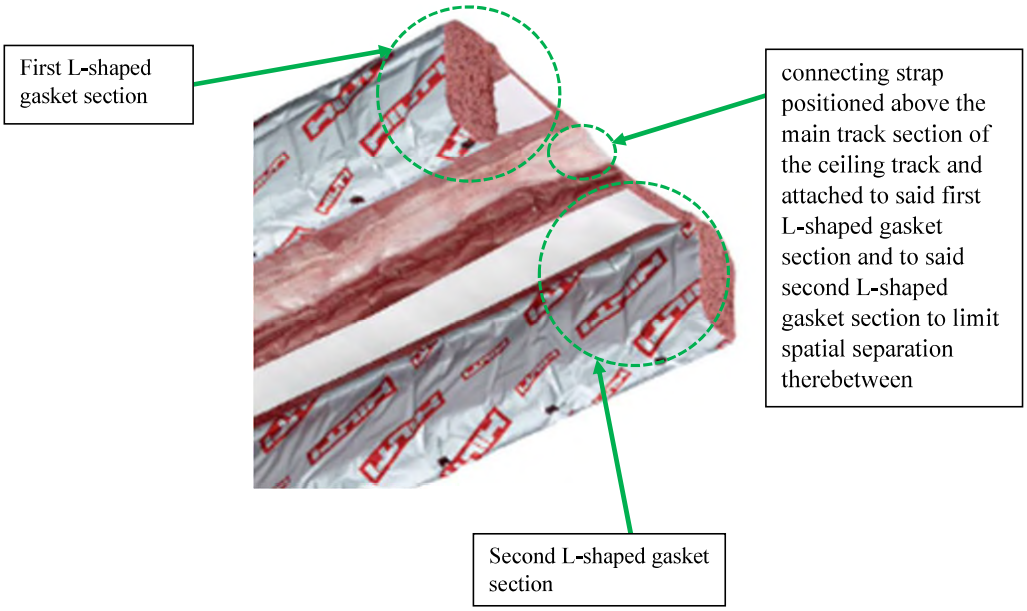
	 Hilti's website for the Firestop Top Track Seal provides an illustration of the product being installed over a track at the head of a wall. CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

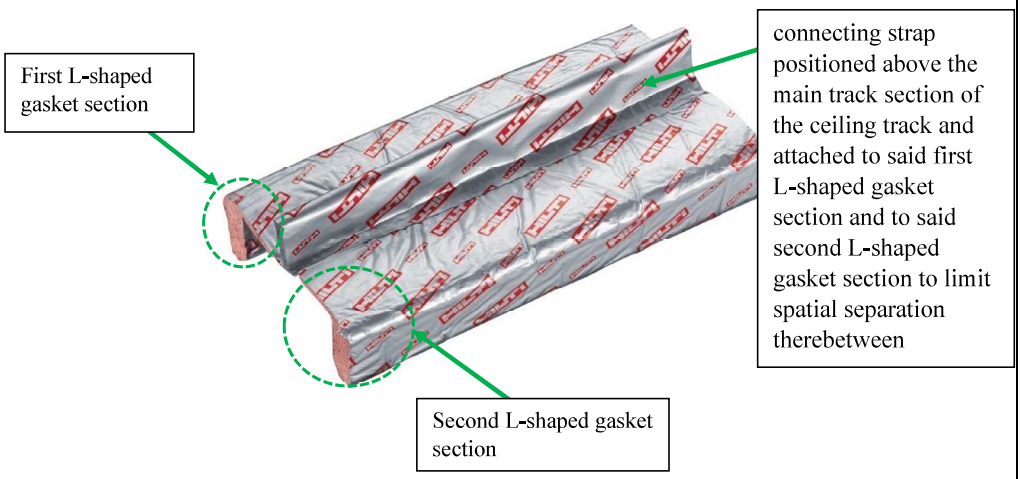
C. a first panel adhesive means mounted on said first gasket upper panel at a position between said first gasket upper panel of said first L-shaped gasket section and the main track section of the ceiling track to facilitate engagement therebetween;	Hilti's website and Product Information Sheet for the Firestop Top Track Seal both provide an image of the product having an adhesive strip on both upper panels. CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose; Ex. K (CFS-TTS Product Information Sheet).  CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose. Hilti's Instructions for Use of the Firestop Top Track Seal illustrates a white film being removed before installation:

	 Ex. L (CFS-TTS Instructions for Use).

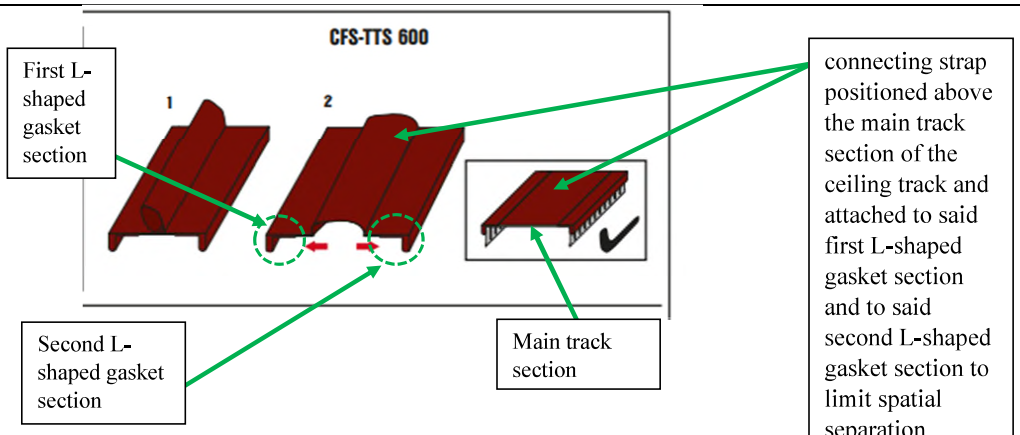
D. a second panel adhesive means mounted on said second gasket upper panel at a position between said second gasket upper panel of said second L-shaped gasket section and the main track section of the ceiling track to facilitate engagement therebetween; and	Hilti's website and Product Information Sheet for the Firestop Top Track Seal both provide an image of the product having an adhesive strip on both upper panels. CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose; Ex. K (CFS-TTS Product Information Sheet).  CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose. Hilti's Instructions for Use of the Firestop Top Track Seal illustrates a white film being removed before installation:

	 Ex. L (CFS-TTS Instructions for Use).

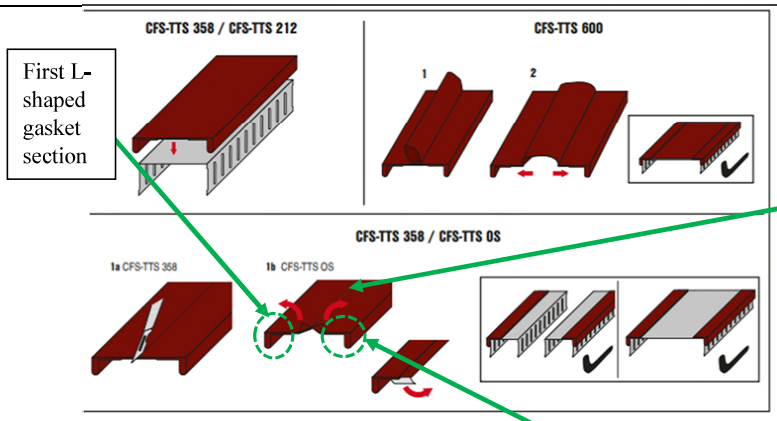
E. at least one connecting strap positioned above the main track section of the ceiling track and attached to said first L-shaped gasket section and to said second L-shaped gasket section to limit spatial separation therebetween.	The Firestop Top Track Seal has a thin plastic strip that is a connecting strap positioned above the main track section of the ceiling track and attached to the first and second L-shaped gasket sections and limits spatial separation therebetween:  CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.



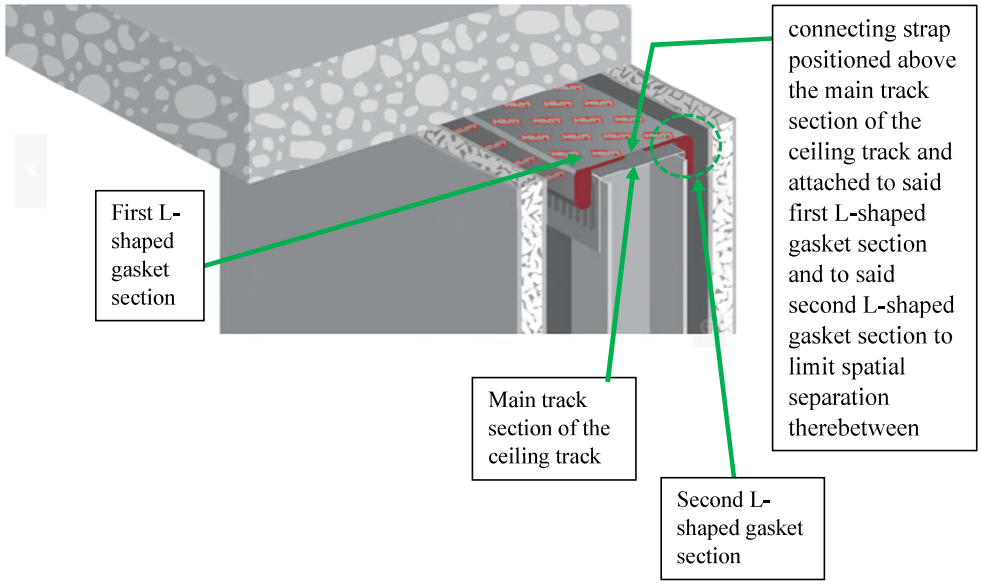
CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.



Ex. L (CFS-TTS Instructions for Use).



Ex. L (CFS-TTS Instructions for Use).

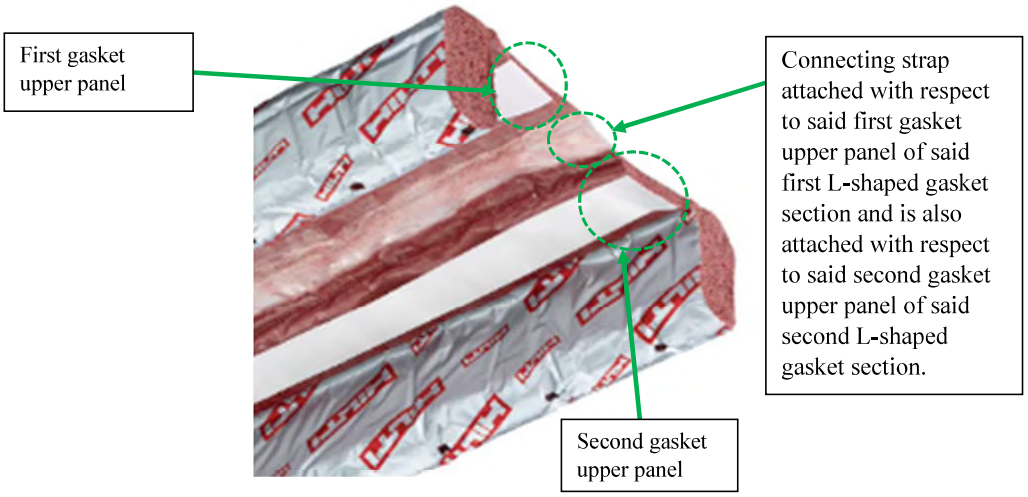


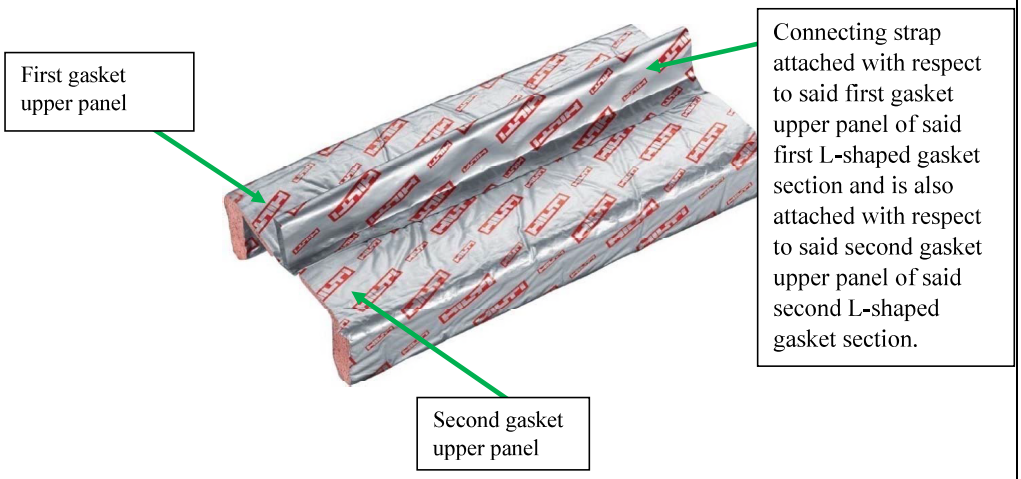
CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

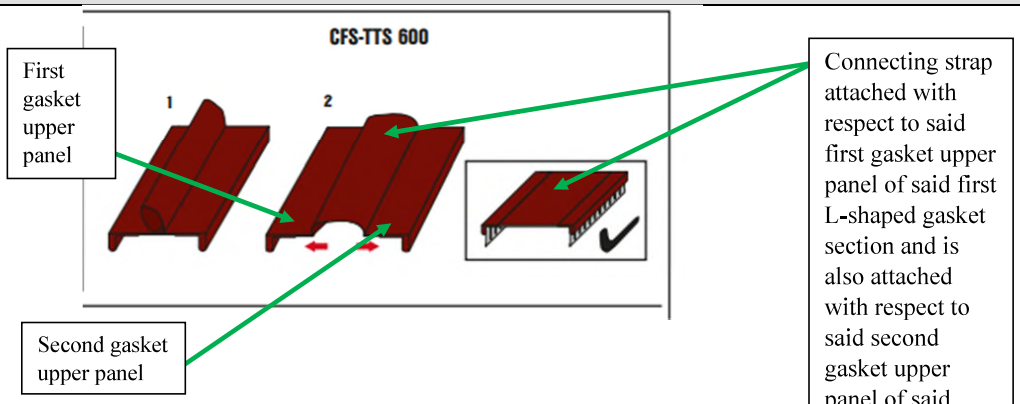
CFS-TTS Firestop Top Track Seals literally include a connecting strap. In addition, in the alternative, the CFS-TTS Firestop Top Track Seals include a connecting strap under of the Doctrine of Equivalents. The center connecting portion of the CFS-TTS Firestop Top Track Seals performs substantially the same function in substantially the same way to achieve substantially the same result as the claimed connecting strap. Specifically, the function of the connecting strap is to connect the

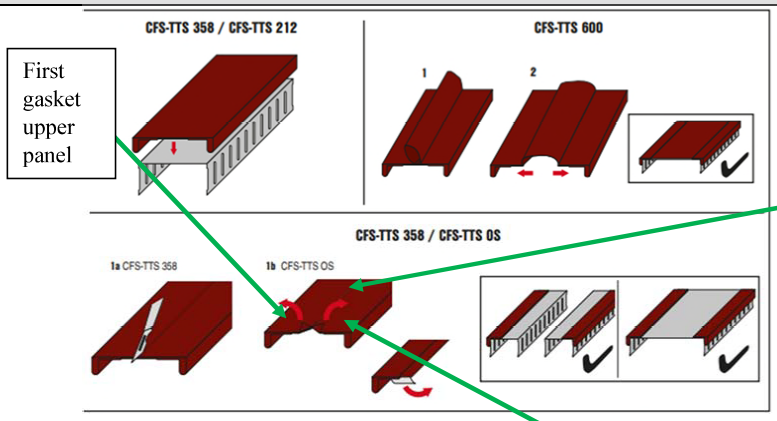
	first L-shaped gasket section and the second L-shaped gasket section to limit spatial separation therebetween. The center portion of each of the CFS-TTS Firestop Top Track Seals does precisely this; it connects to the L-shaped gasket sections and limits special separation between the sections.

2. Hilti's CFS-TTS Firestop Top Track Seal infringes claim 7 of the '232 Patent.

Claim 7 of '232 Patent	Hilti's CFS-TTS Firestop Top Track Seal
An adjustable head-of-wall insulating construction for sealing a head-of-wall area as defined in claim 6 wherein said at least one connecting strap is attached with respect to said first gasket upper panel of said first L-shaped gasket section and is also attached with respect to said second gasket upper panel of said second L-shaped gasket section.	The Firestop Top Track Seal has a thin plastic strip that is a connecting strap positioned above the main track section of the ceiling track and attached to both the first and second upper panels of the first and second L-shaped gasket sections:  CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

Claim 7 of '232 Patent	Hilti's CFS-TTS Firestop Top Track Seal
	 CFS-TTS Firestop Top Track Seal, Hilti, https://www.hilti.com/c/CLS_FIRESTOP_PROTECTION_7131/CLS_PREFABRICATED_JOINTS_7131/r5044710#nav%2Fclose.

Claim 7 of '232 Patent	Hilti's CFS-TTS Firestop Top Track Seal
	 Ex. L (CFS-TTS Instructions for Use).

Claim 7 of '232 Patent	Hilti's CFS-TTS Firestop Top Track Seal
	 First gasket upper panel Connecting strap attached with respect to said first gasket upper panel of said first L-shaped gasket section and is also attached with respect to said second gasket upper panel of said second L-shaped gasket section. Ex. L (CFS-TTS Instructions for Use). Second gasket upper panel