

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Klipsta PTY LTD
Petitioner

v.

Lindsay Albanese
Patent Owner

Patent No. 10,413,047
Case No. IPR2025-00346

PETITION FOR *INTER PARTES* REVIEW

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LIST OF EXHIBITS

Exhibit	Description
Ex. 1001	U.S. Patent No. 10,413,047
Ex. 1002	U.S. Provisional Application 62/525,431 file history
Ex. 1003	U.S. Patent No. 10,413,047 file history
Ex. 1004	U.S. Publication 2009/0106944
Ex. 1005	U.S. Patent No. 2,615,227
Ex. 1006	U.S. Patent No. 9,408,992
Ex. 1007	Amazon Neutral Evaluation, “Initial Arguments” re U.S. Patent No. 10,413,047
Ex. 1008	Korean Patent Publication 101457458 with certified translation
Ex. 1009	Japanese Patent Publication 2011087655 with certified translation
Ex. 1010	U.S. Patent No. 3,529,328
Ex. 1011	U.S. Patent No. 5,890,638
Ex. 1012	U.S. Patent No. 9,289,052
Ex. 1013	U.S. Patent No. D447,087
Ex. 1014	U.S. Patent No. 6,863,196
Ex. 1015	German Patent Publication 29717216 with certified translation
Ex. 1016	Korean Patent Publication 20130061278 with certified translation
Ex. 1017	Korean Patent Publication 20100009332 with certified translation

Ex. 1018	U.S. Publication 2014/0367986
Ex. 1019	U.S. Publication 2013/0133160
Ex. 1020	U.S. Patent No. 6,836,899
Ex. 1021	U.S. Publication 2005/0263226

KLIPSTA PTY LTD requests *Inter Partes Review* and cancellation of claims 1-18 of U.S. Patent No. 10,413,047 [Ex. 1001].

I. PRELIMINARY STATEMENT

The '047 patent relates to a “system” for holding a hat in the form of first and second straps connected at one end and selectively connectable and detachable at opposite ends via magnetic members. A hat may be secured between the magnetic members.

The '047 patent endeavors to solve the problem of how to carry or store a hat when it is not being worn. See Ex. 1001, col. 1, lines 21-22. The '047 patent contends “there is a need for a device to store a hat when it is not being worn” to address the identified problems with existing apparatus. See Ex. 1001, col. 1, lines 42-45.

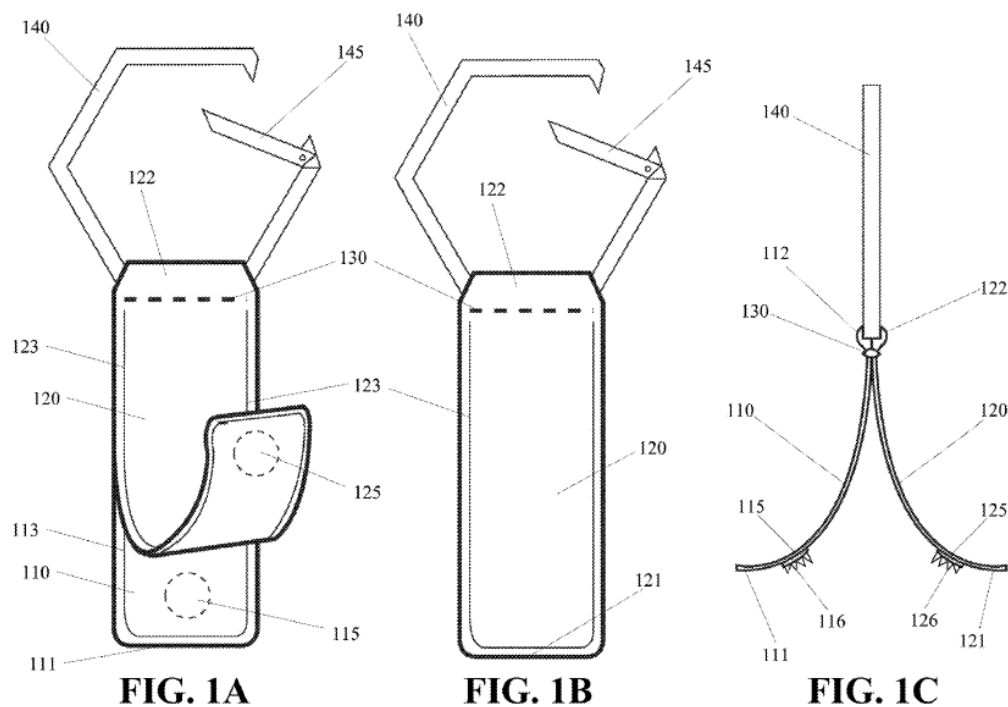
The purported solution includes a pair of straps connected together at one end and magnetic members at opposite ends thereof that are selectively connected/disconnected to secure/release a hat. In some embodiments, a hook is connected to one of the straps, which serves to secure the “system” to a bag or other accessory. This simple design has been previously disclosed since well before the earliest priority date of the '047 patent for securing clothing including hats.

II. THE '047 PATENT

A. Overview of the '047 Patent

The earliest claimed priority date of the '047 patent is June 27, 2017 [Ex. 1002]. The '047 patent describes several variations of a “hat holder.”

With reference to Figs. 1A-1C, the hat holder described in the '047 patent includes a rear strap **110**, a front strap **120**, and hook **140**. The rear strap **110** includes a ferromagnetic member **115**. The front strap **120** also includes a ferromagnetic member **125**.



In some embodiments, the rear strap **110** and the front strap **120** are coupled together at their top end via connection **130**. The connection **130** can be stitching,

cleats, rivets, buttons, snaps, or other methods of mechanical coupling known in the art of textiles. The '047 patent describes that the rear strap **110** and the front strap **120** can “connected” by being formed from a single piece of material that is folded approximately in half where a first half can be the rear strap **110** and a second half can be the front strap **120**. “Thus, although the rear strap **110** and the front strap **120** are referred throughout the specification as separate straps, those of skill in the art will appreciate that the rear strap **110** and the front strap **120** can be formed from a single piece of material.” See Ex. 1001, col. 3, lines 37-44.

The rear strap **110** and the front strap **120** can be formed from leather, nylon, plastic, cotton, or other natural or man-made materials. The rear strap **110** and the front strap **120** are desirably flexible, although rigid materials are contemplated. The rear strap **110** and the front strap **120** are desirably formed from the same type of material and, in preferred embodiments of the invention, are formed from nylon webbing, leather, or leatherette. When the rear strap **110** and the front strap **120** are formed from a single piece of material, the single piece of material can be folded over the hook **140**.

The ferromagnetic members **115** and **125** can be, for example, formed from a ferrous material such as iron disks or washers. The ferromagnetic members **115** and **125** can be permanent magnets such as neodymium disk-shaped magnets. When the ferromagnetic members **115** and **125** are both magnets, they can be

disposed at the respective lower ends **111** and **121** such that the opposite poles face one another. The lower ends **111** and **121** can be held together by the force of magnetic attraction between the ferromagnetic members **115** and **125**.

In use, the brim of a hat can be placed between the ferromagnetic members **115** and **125**, and the force of magnetic attraction between the ferromagnetic members **115** and **125** can substantially hold the hat between the ferromagnetic members **115** and **125**. A hat retained in the hat holder can allow a user to carry a hat “hands-free” thereby freeing the user's hands to engage in other activities and relieving the user of the burden of carrying or stowing a hat.

The hook **140** can be used to attach the assembly to another object such as a beltloop or an eyelet on a suitcase or purse. The hook **140** can have a spring-loaded gate **145** that can prevent the hook from becoming inadvertently dislodged.

B. Prosecution History

U.S. Patent Application No. 15/939,549 was filed on March 29, 2018. The application claimed priority from a provisional application (U.S. Application No. 62/525,431) filed on June 27, 2017 [Ex. 1002]. The application included twenty (20) claims, of which claims 1, 17 and 20 were independent. The file history of the ‘047 patent is included as Exhibit 1003.

The U.S. Patent Office issued an election of species requirement on January 10, 2019, alleging that the application contained claims directed to eight (8)

different species, including the embodiments shown in Figs. 1A-C, 2A-C, 3A-C, 4A-B, 5A-B, 6A-B, 7, and 8, respectively. The applicant ultimately elected the species associated with the embodiment shown in Figs. 1A-C, encompassing original claims 1-3, 5-10 and 12-19.

In an Office Action dated April 1, 2019, claims 1 and 5 were objected to due to minor informalities. Additionally, claims 2, 12, 13, 17 and 19 were rejected under 35 U.S.C. §112(b). In respect of claim 2, the examiner contended that the phrase “wherein the force of magnetic attraction between the first ferromagnetic member and the second ferromagnetic member substantially retains a portion of a hat therebetween” rendered the claim indefinite. The examiner contended that “magnetic attraction” is a double positive recitation and further indicated that it is unclear whether the hat is required. The remaining rejected claims contained issues in respect of antecedent basis.

Claims 1-3, 5-7, 10, 14-17 and 19 were rejected under 35 U.S.C. §102 over U.S. Publication 2009/0106944 to Hsu [Ex. 1004]. Additionally, claims 8 and 9 were rejected under 35 U.S.C. §103 over Hsu in view of U.S. Patent No. 2,615,227 to Hornik [Ex. 1005]. Lastly, claims 12 and 13 were rejected under 35 U.S.C. §103 over Hsu in view of U.S. Patent No. 9,408,992 to Reynolds [Ex. 1006]. In response, the applicant amended the claims to address the informalities and the rejection under 35 U.S.C. §112(b). The applicant disagreed with the examiner's

contentions in respect of the phrase “magnetic attraction” as indefinite.

To overcome the Hsu publication, the applicant amended claim 1 to include “a hat” and to recite that “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.” The applicant argued that Hsu lacks the claimed hat and the feature wherein the magnetic coupling in Hsu is “configured to retain a portion of the hat therebetween” as recited in amended independent claim 1.

The applicant argued that independent claim 17 (which issued as claim 16) “recites features that are the same as, or coextensive with, independent claim 1 and is therefore allowable for the same reasons as discussed [in respect of claim 1].”

The applicant did not address or contest any of the rejections of the dependent claims.

The examiner subsequently issued a Notice of Allowance on July 29, 2019. In the Notice of Allowance, the examiner withdrew the election of species requirement, thereby rejoining claims 4, 11 and 18. Claim 20 remained withdrawn “because it does not require all of the limitations of an allowable claim.” See Notice of Allowance page 2, paragraph 1. The examiner also amended the claims in the Notice of Allowance to modify the preamble of the dependent claims to be consistent with the amended independent claims and to change the recitation of “a hat” to --the hat--.

The issue fee was subsequently paid on August 5, 2019, and the patent granted on September 17, 2019.

C. The Challenged Claims

This petition challenges claims 1-18, of which claims 1 and 16 are independent. The independent claims are reproduced below. Claim 1 defines:

1. A system for holding a hat, the system comprising:
 - the hat;
 - a first strap having a first end and a second end;
 - a second strap having a first end and a second end, the second strap joined to the first strap;
 - a first ferromagnetic member disposed at the first end of the first strap;
 - a second ferromagnetic member disposed at the first end of the second strap;
 - a hook coupled to the first strap;
 - wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the first ferromagnetic member and the second ferromagnetic member; and
 - wherein the first strap and the second strap are configured to

retain a portion of the hat therebetween.

Claim 16 defines:

16. A system for holding a hat, the system comprising:
the hat;
a first strap having a first end and a second end;
a second strap having a first end and a second end, the second
strap joined to the first strap at their respective second ends;
a magnet coupled to the first end of the first strap;
a ferromagnetic member coupled to the first end of the second
strap;
wherein the first strap and the second strap are configured to be
separably joined at their respective first ends by a force of magnetic
attraction between the magnet and the ferromagnetic member; and
wherein the first strap and the second strap are configured to
retain a portion of the hat therebetween.

III. LEVEL OF ORDINARY SKILL

A person of ordinary skill in the art (“POSITA”) in respect of the '047 patent would be a regular consumer/shopper with a rudimentary knowledge of the use of magnetic clips and a basic understanding of clip construction.

IV. CLAIM CONSTRUCTION

Unless otherwise stated, the limitations of the challenged claims should be given their plain and ordinary meaning.

1. “the second strap joins to the first strap”

The ‘047 patent describes a rear strap 110 and a front strap 120 that are coupled together, either as a single piece of material or separate pieces of material. The language encompasses a construction where the rear strap 110 and the front strap 120 are “connected” by being formed from a single piece of material that is folded approximately in half where a first half can be the rear strap 110 and a second half can be the front strap 120. See Ex. 1001, col. 3, lines 37-44 (stating “although the rear strap 110 and the front strap 120 are referred throughout the specification as separate straps, those of skill in the art will appreciate that the rear strap 110 and the front strap 120 can be formed from a single piece of material”).

This interpretation was confirmed and reasserted by the applicant in “Patent Owner’s Initial Written Submission” in an Amazon Neutral Evaluation proceeding submitted to Amazon on August 15, 2023. “It should be noted that forming the first and second straps from a single piece of material is well within the scope of the claimed invention.” [Ex. 1007, pg. 5, lines 16-18]. The phrase “the second strap joins to the first strap” should therefore be construed as encompassing either the first strap and the second strap being a single piece of material, or the first strap

and the second strap being separate pieces of material connected at an end.

2. “a first ferromagnetic member”

This term should be given its ordinary meaning. The ‘047 patent describes the ferromagnetic member as “formed from a ferrous material such as iron discs or washers.” The specification also provides that the ferromagnetic members “can be permanent magnets such as neodymium disk-shaped magnets.” See Ex. 1001 at col. 3, line 63-col. 4, line 14. The use of the term “ferromagnetic” is consistent with the ordinary meaning: a material having a high susceptibility to magnetization.

3. “a hook coupled to the first strap”

The ‘047 patent describes a wide variety of “hooks” and uses the term more broadly than the ordinary meaning. The “hook” 140 shown in Figs. 1A-C is exemplary, and the remaining drawings illustrate other “hook” embodiments. The ‘047 patent describes that the hook 140 “can be used to attach the assembly to another object such as a beltloop or an eyelet on a suitcase or purse.” See Ex. 1001 at col. 4, lines 57-60. Other examples include, e.g., the gated hook 240 of Figs. 2A and 2B, and the “strap-style hook” 340 of Figs. 3A-3C that can be “formed from the same material as the front or rear straps” of the hat holder. As can be seen, hook 340 is merely a thin strap having a snap or button closure 345. See Ex. 1001 at Figs. 3A-3C

and col. 8, lines 29-31. In each instance, the '047 patent portrays the “hook” as structure that can be used to attach the assembly to another object such as a beltloop or an eyelet on a suitcase or purse. See, e.g., Ex. 1001 at col. 4, lines 58-60. The “hook” thus refers to structure that serves to attach the hat holder to another object.

4. “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween”

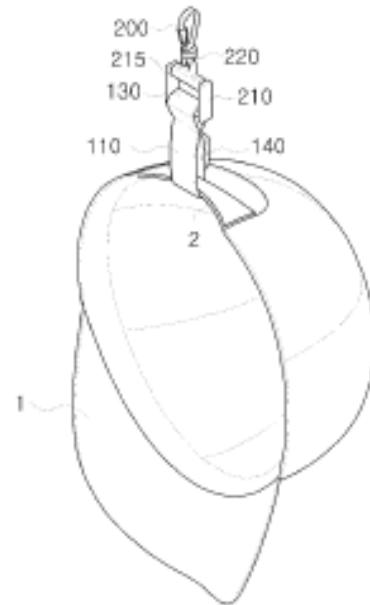
This claim limitation should be construed as requiring the force of magnetic attraction between the ferromagnetic members to be sufficient to substantially hold the hat between the ferromagnetic members. The '047 patent describes that “the brim of a hat can be placed between the ferromagnetic members 115 and 125 and the force of magnetic attraction between the ferromagnetic members 115 and 125 can substantially hold the hat between the ferromagnetic members 115 and 125.” See Ex. 1001, at col. 4, lines 15-19. The phrase thus refers to the force of magnetic attraction between the ferromagnetic members sufficient to “substantially hold the hat between the ferromagnetic members.”

V. CLAIMS 1-18 ARE UNPATENTABLE

A. Overview of the Prior Art

1. KR 101457458 B

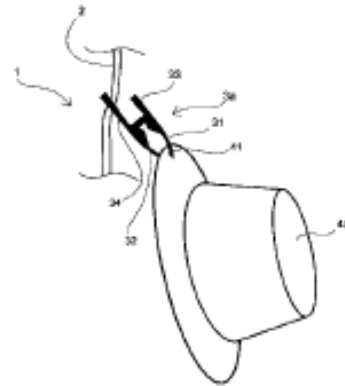
KR '458 was published in 2014 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1008]. KR '458 describes a hat holder for carrying a hat. Fig. 4 is shown. KR '458 describes a hook that can be attached to and detached from a connecting link of a bag, and which can conveniently hang a hat and glasses.



See Ex. 1008, paragraph [0001]. In paragraph [0003], KR '458 describes that when a hat is stored in bag storage space, the shape of the hat may change, and the color of the hat may be contaminated due to other items stored in the storage space. Paragraph [0003] also refers to discomfort in carrying a hat by hand as hands are then not free.

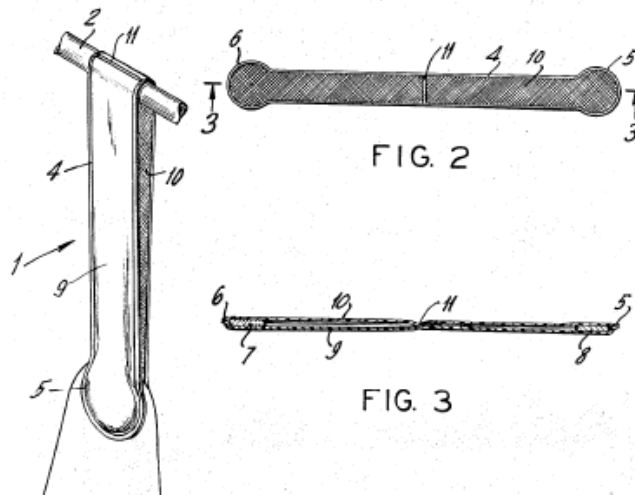
2. JP 2011087655

JP '655 was published in 2011 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1009]. JP '655 describes a hanger that holds an object to be hung, such as a hat. See Ex. 1009, paragraph [0001]. Fig. 9 is shown. The clip includes clamping parts 31, 32 that are securable via magnetic attachment means. See Ex. 1009 at paragraph [0046]. The clip includes a hook referred to as a “holding body 34” that is coupled to the clamping part 32.



3. Davison

U.S. Patent No. 3,529,328 was granted in 1970 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1010]. Davison describes a magnetic clothes pin including first and second straps having a magnet



and/or ferromagnetic member at respective first ends of the first and second straps. The straps are configured to be separately joined at the respective first ends by a force of magnetic attraction between a magnet and the ferromagnetic

member. See Ex. 1010 at col. 2, lines 26-29. Davison describes that the magnet 7 will attract the plug 8 with sufficient force to retain a stocking 3 “or other relatively light and thin garments therebetween.” See Ex. 1010 at col. 2, lines 26-29.

4. *Additional hat clip patents*

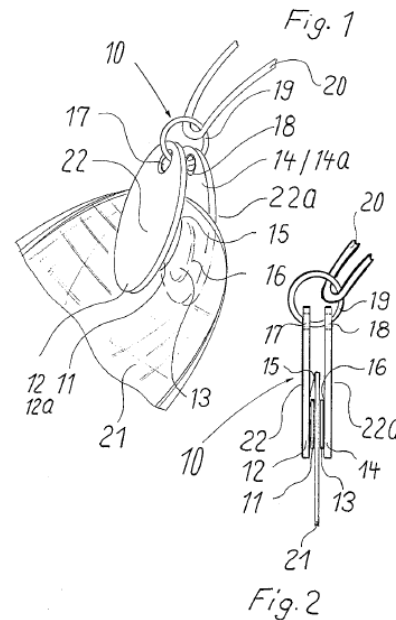
U.S. Patent No. 5,890,638 to Woloshen [Ex. 1011], U.S. Patent No. 9,289,052 to Griffith [Ex. 1012], U.S. Patent No. D447,087 to Hodge [Ex. 1013], U.S. Patent No. 6,863,196 to Carter et al. [Ex. 1014], among others, describe the known use of clips for securing hats. These references demonstrate a few of the many design options and mechanisms for securing a hat that were available to the person having an ordinary level of skill in the art prior to the priority date.

5. **DE 29717216**

DE 29717216 was published in 1997 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1015]. DE '216 describes magnetic holders for garments or textiles. The first strap is described as a holder 12 made of a plastic or metal strip. The first end is the distal end of the holder 12, and the second end is the opposite end with hole 17. The second strap is described as a counter-holder 14

made of a plastic or metal strip. The first end is the distal end of the counter-holder 14, and the second end is the opposite end with hole 18 (shown in Figs. 1 and 2).

A magnet 11 is disposed at the first end of the holder 12. A magnet or ferromagnetic member 13 is disposed at the first end of the counter-holder 14. The first strap 12 and the second strap 14 are configured to be separably joined at their respective first ends by a force of magnetic attraction. See [0011]. DE '216 describes and illustrates a magnetic fastening device for securing a napkin. The structure is readily capable of retaining a portion of a hat therebetween for the purpose or securing the hat.



6. *Additional prior art references disclosing straps and magnets for securing an article of clothing or related material*

There are several references that demonstrate the variety of straps and magnetic closure options that were available to the person having an ordinary level of skill in the art prior to the priority date. KR 20130061278 was published in 2013 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1016]. KR ‘278 describes a hanger for gloves including straps connected to each other at one end with magnetic members at opposite ends thereof for securing a glove. KR 20100009332 was published in 2010 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1017]. KR ‘332 describes a storage management system for rubber gloves including straps connected to each other at one end with magnetic members at opposite ends thereof for securing a glove. U.S. Publication 2014/0367986 to Liao was published in 2014 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1018]. Liao describes a boot holder including straps connected to each other at one end with magnetic members at opposite ends thereof for securing and carrying a pair of boots. U.S. Publication 2013/0133160 to Lloyd was published in 2013 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1019]. Lloyd describes a garment hanging system including straps connected to each other at one end with magnetic members at opposite ends thereof for securing a garment.

7. *Miscellaneous prior art references*

U.S. Patent No. 6,836,899 to Glasmire was published in 2005 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1020]. Glasmire describes a napkin holder that uses magnetic securing devices. With reference to Fig. 4 in Glasmire, the napkin holder includes a hook 16 in the form of a flexible strap or lanyard. Glasmire describes that the lanyard may be secured via Velcro to be readily detachable. U.S. Patent No. 9,408,992 to Smith-Reynolds was published in 2015 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1006]. Smith-Reynolds describes the known feature wherein a magnetic member is secured by being sewn into a strap. U.S. Publication 2005/0263226 to Smithers was published in 2005 and is therefore prior art under 35 U.S.C. §102(a)(1) [Ex. 1021]. Smithers describes a purse or pouch incorporating a clip coupled with its interior.

B. Ground 1: Claims 1 and 16 are anticipated by KR ‘458 [EX. 1008]

Claim 1

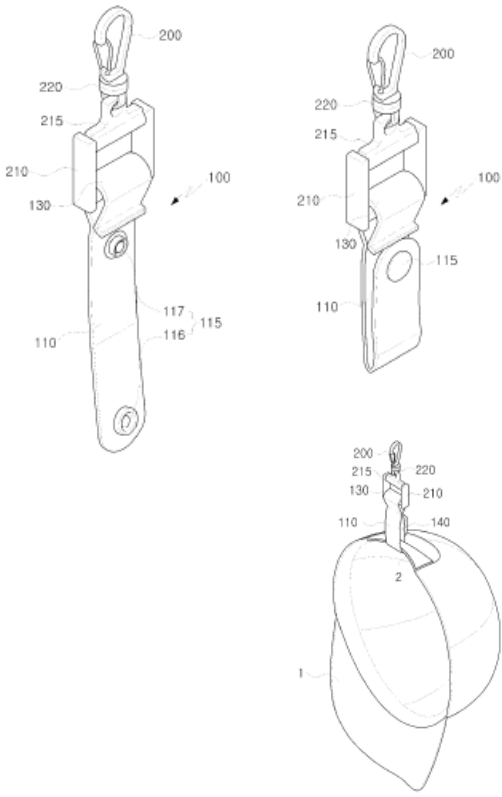
With reference to the below claim chart, KR ‘458 includes each and every feature defined in claim 1 of the ‘047 patent. KR ‘458 describes a system for holding a hat. The hat is shown in Fig. 4. With reference to Figs. 3 and 4, the first strap is the portion of the hat holder 110 from the centerline shown in Fig. 3 and downward to its end. The first end is the end shown with the connector 116, and the second end

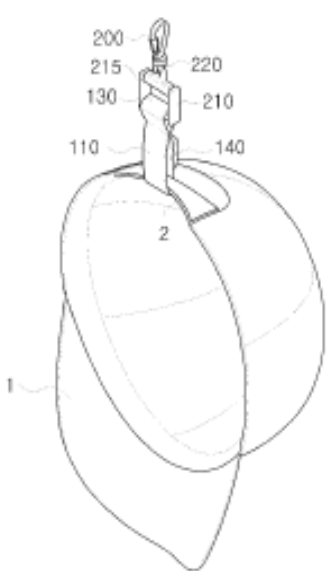
is the end at the centerline. The second strap is the portion of a hat holder 110 from the centerline shown in Fig. 3 left and upward to the connector 117, and the second end is the end at the centerline.

A fastening member 115 includes connecting members 116 and 117. The fastening member shown in Fig. 3 is a snap connector. KR '458 describes that the fastening member 115 may alternatively be formed using a fixed magnet. See Ex. 1008 in paragraph [0027].

A ring 210 and fixing device or hook 200 are coupled to the first strap.

The fastening member 115, which as noted can include fixed magnets, serves to join the first and second straps at the respective first ends. With reference to Fig. 4 in KR '458, the first and second straps are configured to retain a portion of a hat 1 therebetween. Note that claim 1 specifies that the straps are configured to retain a portion of the hat therebetween. With the straps in KR '458 in the configuration shown in Fig. 2, the straps together serve to retain a portion of the hat between them.

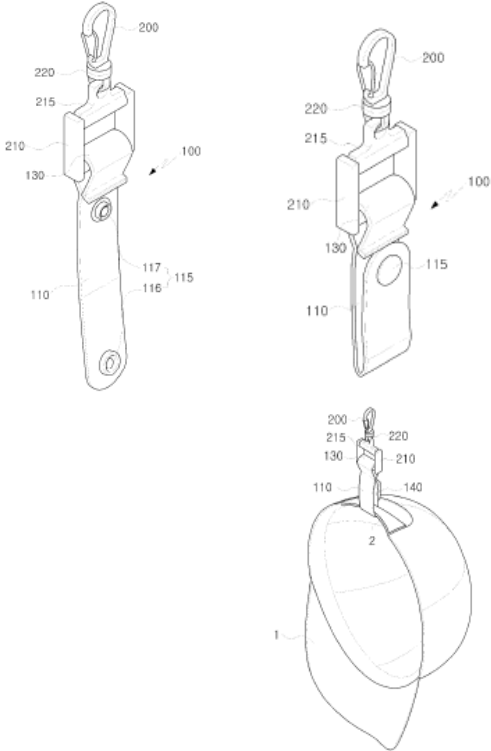
USP 10,413,047 – Claim 1	KR101457458B
A system for holding a hat, the system comprising: the hat;	
a first strap having a first end and a second end;	The first strap is the portion of the hat holder 110 from the center line shown above left and downward to its end. The first end is the end shown with the connector 116, and the second end is the end at the center line.
a second strap having a first end and a second end, the second strap joined to the first strap;	The second strap is the portion of the hat holder 110 from the center line shown above left and upward to the connector 117, and the second end is the end at the center line.
a first ferromagnetic member disposed at the first end of the first strap;	KR '458 describes that the snap shown can alternatively comprise magnets in paragraph [0027].

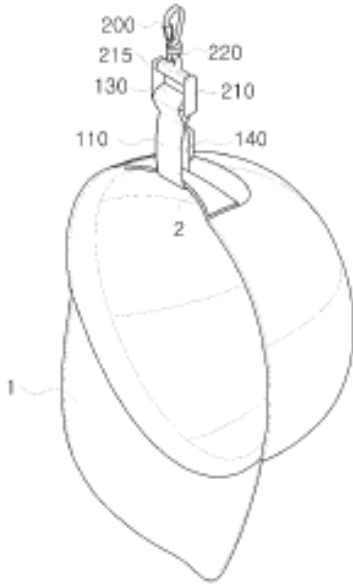
a second ferromagnetic member disposed at the first end of the second strap;	KR '458 describes that the snap shown can alternatively comprise magnets in paragraph [0027].
a hook coupled to the first strap;	A ring 210 and fixing device or hook 200 are coupled to the first strap.
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the first ferromagnetic member and the second ferromagnetic member; and	The magnets serve to join the first and second straps at their respective first ends.
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	The first and second straps are configured to retain a portion of a hat therebetween. See Fig. 4 below. 

Claim 16

Claim 16 defines related subject matter but without the hook coupled to the

first strap. With reference to the claim chart, each and every feature defined in claim 16 is disclosed in KR '458.

USP 10,413,047 – Claim 16	KR101457458B
16. A system for holding a hat, the system comprising: the hat;	
a first strap having a first end and a second end;	The first strap is the portion of the hat holder 110 from the center line shown above left and downward to its end. The first end is the end shown with the connector 116, and the second end is the end at the center line.
a second strap having a first end and a second end, the second strap joined to the first strap at their respective second ends;	The second strap is the portion of the hat holder 110 from the center line shown above left and upward to the connector 117, and the second end is the end at the center line.

a magnet coupled to the first end of the first strap;	KR '458 describes that the snap shown can alternatively comprise magnets in paragraph [0027].
a ferromagnetic member coupled to the first end of the second strap;	KR '458 describes that the snap shown can alternatively comprise magnets in paragraph [0027].
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the magnet and the ferromagnetic member; and	The magnets serve to join the first and second straps at their respective first ends.
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	The first and second straps are configured to retain a portion of a hat therebetween. See Fig. 4 below. 

C. Ground 2: Claims 1 and 16 are anticipated by JP ‘655 [EX. 1009]

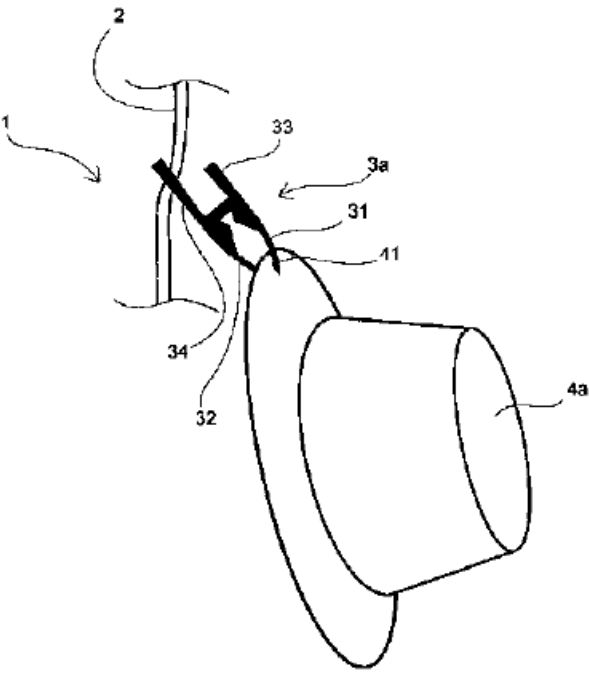
Claim 1

With reference to the claim chart below, JP ‘655 includes each and every feature defined in claims 1 and 16 of the ‘047 patent. JP ‘655 describes a hat holder including the hat as shown in Fig. 9. The first strap is described as a clamping part 32, as shown in Fig. 9. The first end is the distal end engaging the hat, and the second end is the end where the link connects the clamping part 32 with the clamping part 31. The second strap is described as a clamping part 31. The first end is the distal end engaging the hat, and the second end is the end where the link connects the clamping part 31 with the clamping part 32.

JP ‘655 describes that the means for holding the object is not limited to clips or hooks but may alternatively include magnetic attachment means. See Ex. 1009, paragraph [0046].

JP ‘655 includes a holding body 34 coupled to the first draft 32 that corresponds to the claimed hook coupled to the first strap.

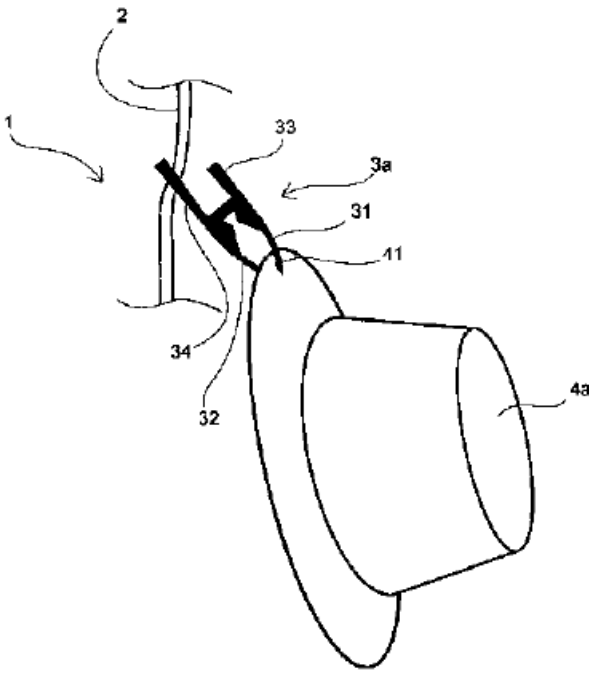
The first strap 32 and the second strap 31 are configured to be separately joined at the respective first ends by a force of magnetic attraction between the first ferromagnetic member and the second ferromagnetic member. As shown in Fig. 9, the first strap 32 and the second strap 31 are configured to retain a portion of the hat 4a therebetween.

USP 10,413,047 – Claim 1	JP2011087655
A system for holding a hat, the system comprising: the hat;	
a first strap having a first end and a second end;	The first strap is described as a clamping part 32, shown above in Fig. 9. The first end is the distal end engaging the hat. The second end is the end where the link connects the clamping part 32 with the clamping part 31.
a second strap having a first end and a second end, the second strap joined to the first strap;	The second strap is described as a clamping part 31. The first end is the distal end engaging the hat. The second end is the end where the link connects the clamping part 31 with the clamping part 32.
a first ferromagnetic member disposed at the first end of the first strap;	JP '655 describes that the means for holding the object is not limited to clips or hooks but may alternatively include magnetic attachment means. See paragraph [0046].

a second ferromagnetic member disposed at the first end of the second strap;	JP '655 describes that the means for holding the object is not limited to clips or hooks but may alternatively include magnetic attachment means. See paragraph [0046].
a hook coupled to the first strap;	A holding body 34 is coupled to the first strap 32.
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the first ferromagnetic member and the second ferromagnetic member; and	The first strap 32 and the second strap 31 are configured to be separably joined at their respective first ends by a force of magnetic attraction between the first ferromagnetic member and the second ferromagnetic member. See [0046].
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	As shown in Fig. 9, the first strap 32 and the second strap 31 are configured to retain a portion of the hat 4a therebetween.

Claim 16

Each and every feature defined in claim 16 is similarly disclosed in JP '655, with reference to the claim chart below.

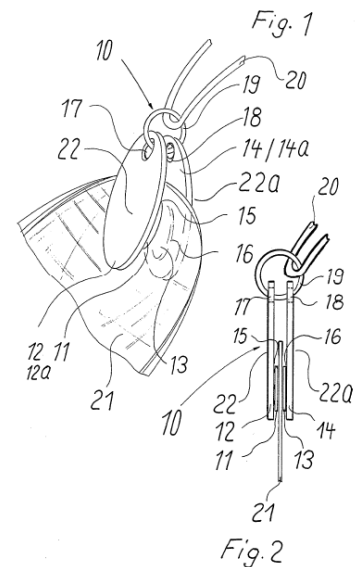
USP 10,413,047 – Claim 16	JP2011087655
16. A system for holding a hat, the system comprising: the hat;	
a first strap having a first end and a second end;	The first strap is described as a clamping part 32, shown above in Fig. 9. The first end is the distal end engaging the hat. The second end is the end where the link connects the clamping part 32 with the clamping part 31.
a second strap having a first end and a second end, the second strap joined to the first strap at their respective second ends;	The second strap is described as a clamping part 31. The first end is the distal end engaging the hat. The second end is the end where the link connects the clamping part 31 with the clamping part 32.
a magnet coupled to the first end of the first strap;	JP '655 describes that the means for holding the object is not limited to clips or hooks but may alternatively include magnetic attachment means. See paragraph [0046].

a ferromagnetic member coupled to the first end of the second strap;	JP '655 describes that the means for holding the object is not limited to clips or hooks but may alternatively include magnetic attachment means. See paragraph [0046].
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the magnet and the ferromagnetic member; and	The first strap 32 and the second strap 31 are configured to be separably joined at their respective first ends by a force of magnetic attraction. See [0046].
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	As shown in Fig. 9, the first strap 32 and the second strap 31 are configured to retain a portion of the hat 4a therebetween.

D. Ground 3: Claims 1 and 16 are anticipated by, or obvious over *DE 29717216* [EX. 1015]

Claim 1

With reference to the claim chart below, the first strap in DE ‘216 is described as a holder 12 made of a plastic or metal strip. The ‘047 patent describes that its straps 110, 120 “can be formed from leather, nylon, plastic, cotton, or other natural or man-made materials (see the ‘47 patent at col. 3, lines 45-47). The first end in DE ‘216 is the distal end of the holder 12, and the second end is the opposite end with hole 17 (shown in Figs. 1 and 2).

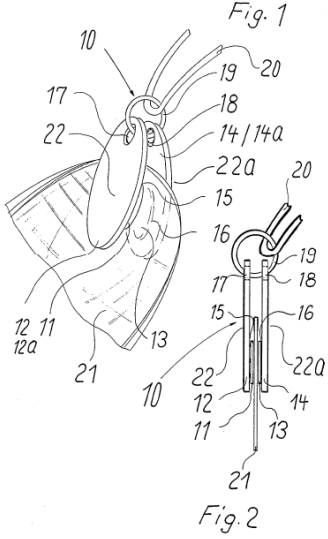


The second strap is described as a counter-holder 14 made of a plastic or metal strip. The first end is the distal end of the counter-holder 14, and the second end is the opposite end with hole 18 (shown above in Figs. 1 and 2). A magnet 11 is disposed at the first end of the holder 12. A magnet 13 is disposed at the first end of the counter-holder 14. A hook described as a retaining ring 19 is coupled to the first strap (holder) 12.

The first strap 12 and the second strap 14 are configured to be separably joined at their respective first ends by a force of magnetic attraction. See [0011].

DE ‘216 describes and illustrates a magnetic fastening device for securing a napkin. The structure is readily capable of retaining a portion of a hat therebetween

for the purpose or securing the hat. Alternatively, it would have been obvious to modify DE '216 to include the hat in view of any one of Woloshen [EX. 1011], Griffith [EX. 1012], Hodge [EX. 1013], Carter [EX. 1014] and others (shown below), which describe the known use of clips for securing hats. These references recognize the problem of securing a hat, and DE '216 provides the expectation of advantageously using ferromagnetic elements to couple straps on opposite sides of a napkin. The beneficial result expected from the combination would have rendered claims 1 and 16 obvious. For example, Woloshen provides that its hat clip is “primarily developed for the purpose of securing a hat [to a belt of a user].” Col. 1, lines 21-25. Griffith recognizes the same problem as addressed in the '047 patent, providing that “[o]nce a hat is taken off a person’s head ..., the hat becomes either a burden or the hat may be displaced.” Col. 1, lines 16-19. Griffith further describes that the attachment clip “may be coupled to a user’s belt 16, a pants pocket, waistband, backpack, purse, or any other desired article of clothing” Col. 4, lines 51-55.

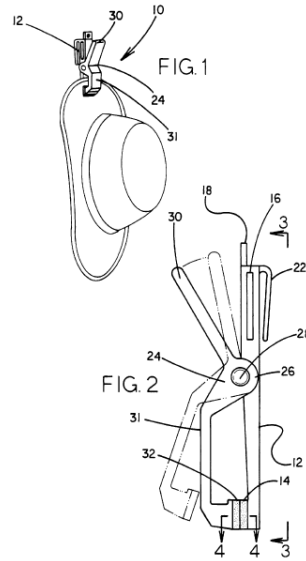
USP 10,413,047 – Claim 1	DE29717216
A system for holding a hat, the system comprising: the hat;	
a first strap having a first end and a second end;	The first strap is described as a holder 12 made of a plastic or metal strip. The first end is the distal end of the holder 12, and the second end is the opposite end with hole 17 (shown above in Figs. 1 and 2).
a second strap having a first end and a second end, the second strap joined to the first strap;	The second strap is described as a counter-holder 14 made of a plastic or metal strip. The first end is the distal end of the counter-holder 14, and the second end is the opposite end with hole 18 (shown above in Figs. 1 and 2).
a first ferromagnetic member disposed at the first end of the first strap;	A magnet 11 is disposed at the first end of the holder 12.
a second ferromagnetic member disposed at the first end of the second strap;	A magnet 13 is disposed at the first end of the counter-holder 14.

a hook coupled to the first strap;	A hook described as a retaining ring 19 is coupled to the first strap (holder) 12.
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the first ferromagnetic member and the second ferromagnetic member; and	The first strap 12 and the second strap 14 are configured to be separably joined at their respective first ends by a force of magnetic attraction. See [0011].
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	DE '216 describes and illustrates a magnetic fastening device for securing a napkin. The structure is readily capable of retaining a portion of a hat therebetween for the purpose or securing the hat.

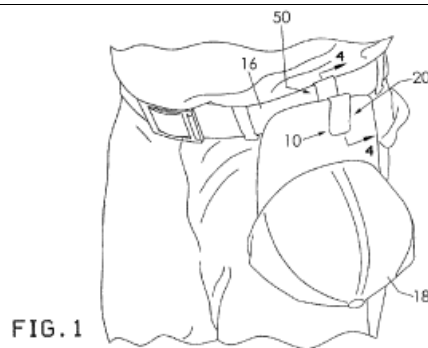
Alternatively, with reference to the discussion above, Woloshen [EX. 1011], Griffith [EX. 1012], Hodge [EX. 1013], Carter [EX. 1014], and others describe the known use of clips for securing hats. As noted, these references recognize the problem of securing a hat, and DE '216 provides the expectation of advantageously using ferromagnetic elements to couple straps on opposite sides of a napkin. The beneficial result expected from the combination would have rendered claim 1 obvious.

U.S. Patent No. 5,890,638 to
Woloshen

U.S. Patent Apr. 6, 1999 Sheet 1 of 2 5,890,638



U.S. Patent No. 9,289,052 to
Griffith



U.S. Patent No. D447,087 to
Hodge

(12) United States Design Patent (10) Patent No.: US D447,087 S
Hodge (15) Date of Patent: Aug. 28, 2001

(54) HAT HOLDER
(70) Inventor: Shirley J. Hodge, 147 S. Washington Ave., Bradley, IL (US) 60915
(**) Term: 14 Years
(21) Appl. No.: 29124/972
(22) Filed: Jan. 15, 2000
(51) LOC. (7) Cl.: 02-07
(52) U.S. Cl.: D01/200
(50) Field of Search: D06/303, 304, 317, D06/320, 411-415; 200/30-32, 21/00-22; D05/11, D05/65, 865, 22/52, 23/7-13; D01/200-226; 20/54, 3/11, 3/12, 3/15, 326

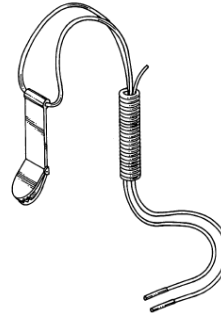
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3,058,183 * 10/1962 Hawse 24/326

5,244,135 * 9/1993 Nelson 24/3,4
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5,893,038 * 6/1999 Nelson 24/3,4
* cited by examiner
Primary Examiner—Lucia S. Zafra
Assistant Examiner—Barbara Wyatt Crawford

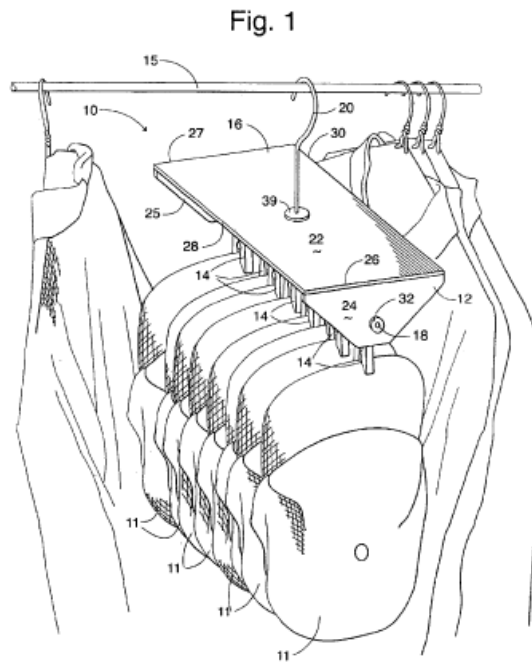
(57) CLAIM
The ornamental design for a hat holder, as shown and described.

DESCRIPTION
FIG. 1 is a perspective view of a hat holder, showing my new design.
FIG. 2 is a left end elevational view thereof, the right end elevational view being a mirror image of this figure;
FIG. 3 is a front elevational view thereof;
FIG. 4 is a rear elevational view thereof;
FIG. 5 is a top plan view thereof; and,
FIG. 6 is a bottom plan view thereof.

1 Claim, 5 Drawing Sheets

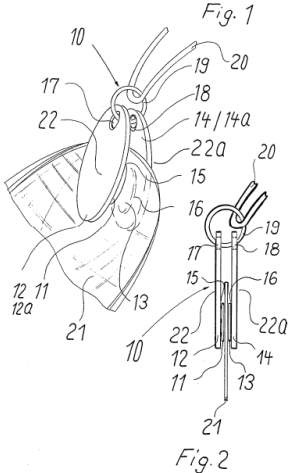


U.S. Patent No. 6,863,196 to
Carter et al.



Claim 16

Each and every feature defined in claim 16 is similarly disclosed in DE '216,
with reference to the claim chart below.

USP 10,413,047 – Claim 16	DE29717216
16. A system for holding a hat, the system comprising: the hat;	
a first strap having a first end and a second end;	The first strap is described as a holder 12 made of a plastic or metal strip. The first end is the distal end of the holder 12, and the second end is the opposite end with hole 17 (shown above in Figs. 1 and 2).
a second strap having a first end and a second end, the second strap joined to the first strap at their respective second ends;	The second strap is described as a counter-holder 14 made of a plastic or metal strip. The first end is the distal end of the counter-holder 14, and the second end is the opposite end with hole 18 (shown above in Figs. 1 and 2).
a magnet coupled to the first end of the first strap;	A magnet 11 is disposed at the first end of the holder 12.

a ferromagnetic member coupled to the first end of the second strap;	A magnet or ferromagnetic member 13 is disposed at the first end of the counter-holder 14.
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the magnet and the ferromagnetic member; and	The first strap 12 and the second strap 14 are configured to be separably joined at their respective first ends by a force of magnetic attraction. See [0011].
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	DE '216 describes and illustrates a magnetic fastening device for securing a napkin. The structure is readily capable of retaining a portion of a hat therebetween for the purpose or securing the hat.

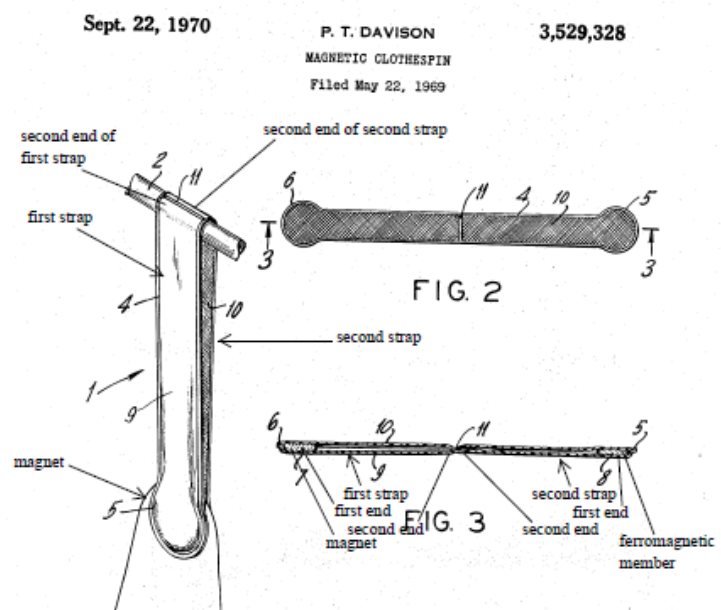
Alternatively, with reference to the discussion above, Woloshen, Griffith, Hodge, Carter, and others describe the known use of clips for securing hats. As noted, these references recognize the problem of securing a hat, and DE '216 provides the expectation of advantageously using ferromagnetic elements to couple straps on opposite sides of a napkin. The beneficial result expected from the combination would have rendered claim 16 obvious.

E. Ground 4: Claim 16 is anticipated by, or obvious over Davison [EX. 1010]

With reference to the claim chart below, Davison describes a magnetic clothes pin that includes each and every feature defined in independent claim 16 with the exception of the hat. Davison, however, describes that the magnetic clothes pin is

intended for retaining a stocking 3 or other relatively light and thin garments therebetween. See Ex. 1010 at col. 2, lines 26-29. A hat can readily fall under the category of “relatively light and thin garments.” Alternatively, it would have been obvious to replace the light or thin garment supported by the magnetic force with a hat. It is known to connect a hat to a clip from various prior art patents including, for example, Woloshen [EX. 1011], Griffith [EX. 1012], Hodge [EX. 1013], Carter [EX. 1014], among others, which describe the known use of clips for securing hats.

With reference to the claim chart below, the first strap is the portion of strap 4 in the foreground of Fig. 1. Its first end is lowermost at enlargement 5, and its second end terminates at the score 11. The second strap is the portion of strap 4 on the opposite side of the shower rod 2 and in the background of Fig. 1. Its first end is lowermost at enlargement 5, and its second end terminates at the score 11. The portion of strap 4 that corresponds to the second strap is joined to the portion of strap 4 that corresponds to the first strap at their respective second ends (i.e., at the score 11). As noted above, the ‘047 patent describes that the rear strap 110 and the front



strap 120 can be formed from a single piece of material that is folded approximately in half where a first half can be the rear strap 110 and the second half can be the front strap 120. In “Patent Owner’s Initial Written Submission” in an Amazon Neutral Evaluation proceeding submitted to Amazon on August 15, 2023, the applicant provided that: “It should be noted that forming the first and second straps from a single piece of material is well within the scope of the claimed invention.” [Ex. 1007, pg. 5, lines 16-18].

A magnet 7 is coupled to the first end of the first strap. See Ex. 1010 at col. 2, lines 52-54. A ferromagnetic member 8 is coupled to the first end of the second strap. *Id.*

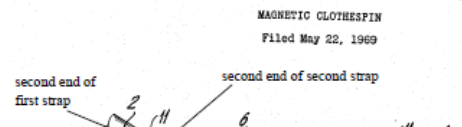
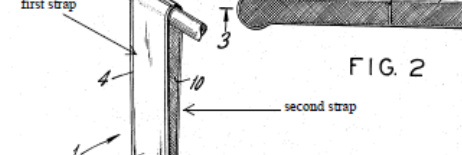
The first strap and the second strap in Davison are configured to be separately joined at their respective first ends by a force of magnetic attraction between the magnet and the ferromagnetic member. See Ex. 1010 at col. 2, lines 26-29.

Davison describes that the magnet 7 will attract the plug 8 with sufficient force to retain a stocking “or other relatively light and thin garments therebetween.” See Ex. 1010 at col. 2, lines 26-29.

A hat is reasonably considered a relatively light and thin garment. Alternatively, it would have been obvious to modify Davison to include the hat in view of any one of Woloshen [EX. 1011], Griffith [EX. 1012], Hodge [EX. 1013], Carter [EX. 1014], and others, as discussed above, which describe the known use of

clips for securing hats. Davison recognizes a need to support light clothing on various supporting means. Davison describes that its structure “provides sufficient support for items of light to medium weight, while providing a nonabrasive and sensitive touch so as not to harm delicate fabrics; it combines in a single item a retaining means and openable loop means by which the retaining means may be attached to a great variety of elements for support” Col. 1, lines 59-65.

Woloshen [EX. 1011], Griffith [EX. 1012], Hodge [EX. 1013], Carter [EX. 1014], and other known references recognize the problem of securing a hat, and Davison provides the expectation of advantageously using ferromagnetic elements to secure a light to medium weight article of clothing. The beneficial result expected from the combination would have rendered claim 16 obvious.

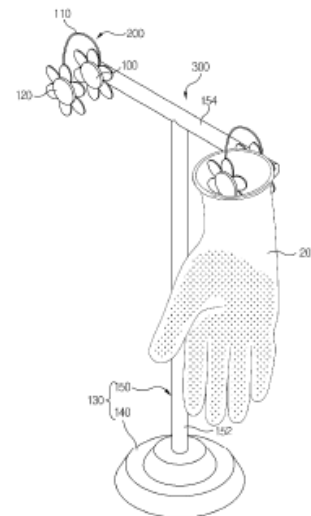
USP 10,413,047 – Claim 16 16. A system for holding a hat, the system comprising: the hat;	USP 3,529,328 Sept. 22, 1970 P. T. DAVISON MAGNETIC CLOTHESPIN Filed May 22, 1969 3,529,328  FIG. 2
a first strap having a first end and a second end;	 FIG. 3
The first strap is the portion of strap 4 in the foreground of Fig. 1 (above left). Its first end is lowermost at enlargement 5,	The first strap is the portion of strap 4 in the foreground of Fig. 1 (above left). Its first end is lowermost at enlargement 5,

	and its second end terminates at the score 11.
a second strap having a first end and a second end, the second strap joined to the first strap at their respective second ends;	The second strap is the portion of strap 4 on the opposite side of the shower rod 2 and in the background of Fig. 1 (above left). Its first end is lowermost at enlargement 5, and its second end terminates at the score 11. The portion of strap 4 that corresponds to the second strap is joined to the portion of strap 4 that corresponds to the first strap at their respective second ends (i.e., at the score 11). As noted above, the applicant argued that the scope of claim 16 includes the first and second straps being made of a single piece of material. In other words, under the applicant's interpretation, the first strap and the second strap are continuous despite reciting "the second strap joined to the first strap at their respective second ends." Under the applicant's interpretation, Davison discloses this aspect.
a magnet coupled to the first end of the first strap;	A magnet 7 is coupled to the first end of the first strap. See, e.g., col. 2, lines 52-54.
a ferromagnetic member coupled to the first end of the second strap;	A ferromagnetic member 8 is coupled to the first end of the second strap. See, e.g., col. 2, lines 52-54.
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction	The first strap and the second strap in Davison are configured to be separably joined at their respective first ends by a force of magnetic attraction between the

between the magnet and the ferromagnetic member; and	magnet and the ferromagnetic member. See, e.g., col. 2, lines 26-29.
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	Davison describes that the magnet 7 [at the end of the strap] will attract the plug 8 [at the end of the strap] with sufficient force to retain a stocking 3 or other relatively light and thin garments therebetween. See, e.g., col. 2, lines 26-29.

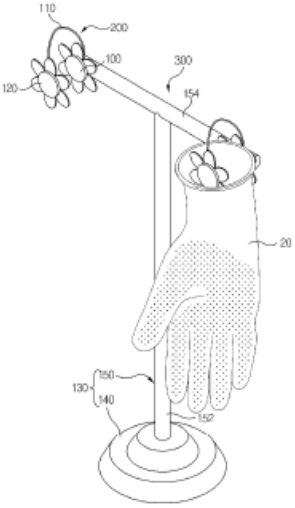
F. Ground 5: Claim 16 is anticipated by, or obvious over KR ‘278 [EX. 1016]

With reference to the claim chart below, KR ‘278 describes a glove holder that includes each and every feature defined in independent claim 16 with the exception of the hat. With reference to the image, the first strap is the portion of the connecting member 110 that extends to a front side of the fixing bar 154 in Fig. 2 (shown). The first end is the distal end, and the second end is at a midpoint of the connecting member 110. The second strap is the portion of the connecting member 110 that extends to the opposite side of the fixing bar in Fig. 2. The first end is the distal end, and the second end is at the midpoint of the connecting member 110. A magnet 120 is coupled to the first end of the first strap. A ferromagnetic member 100 is coupled to the first end of the second strap. The first and second



straps are separably joined at their respective first ends by a force of magnetic attraction between the magnet 120 and the ferromagnetic member 100.

KR '278 describes and illustrates a magnetic fastening device for securing an article of clothing (e.g., gloves) on a fixing bar. The structure is readily capable of retaining a portion of a hat. Woloshen, Griffith, Hodge, Carter, and other known references recognize the problem of securing a hat, and KR '278 provides the expectation of advantageously using ferromagnetic elements to an article of clothing such as rubber gloves. The beneficial result expected from the combination would have rendered claim 16 obvious. As such, it would have been obvious to modify KR '278 to include the hat in view of any one of Woloshen, Griffith, Hodge, Carter, and others, which describe the known use of clips for securing hats.

USP 10,413,047 – Claim 16	KR20130061278
16. A system for holding a hat, the system comprising: the hat;	
a first strap having a first end and a second end;	The first strap is the portion of the connecting member 110 that

	extends to a front side of the fixing bar 154 in Fig. 2 above. The first end is the distal end, and the second end is at a midpoint of the connecting member 110.
a second strap having a first end and a second end, the second strap joined to the first strap at their respective second ends;	The second strap is the portion of the connecting member 110 that extends to the opposite side of the fixing bar in Fig. 2. The first end is the distal end, and the second end is at the midpoint of the connecting member 110.
a magnet coupled to the first end of the first strap;	A magnet 120 is coupled to the first end of the first strap.
a ferromagnetic member coupled to the first end of the second strap;	A ferromagnetic member 100 is coupled to the first end of the second strap.
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the magnet and the ferromagnetic member; and	The first and second straps are separably joined at their respective first ends by a force of magnetic attraction between the magnet 120 and the ferromagnetic member 100.
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	KR '278 describes and illustrates a magnetic fastening device for securing gloves on a fixing bar. The structure is readily capable of retaining a portion of a hat.

G. Ground 6: Claim 16 is anticipated by, or obvious over KR '332 [EX. 1017]

With reference to

the claim chart below, KR

'332 describes a hanger

for rubber gloves

including first and second straps connected at respective

ends and a magnetic fastening device for securing the

rubber gloves. In respect of '047 patent claim 16, the first strap is the top half of the

body 1. The first end is the distal end, and the second end is at a midpoint of the

body 1. The second strap is the bottom half of the body 1. The first end is the distal

end, and the second end is at the midpoint of the body 1. A magnet 2a is coupled to

the first end of the first strap, and a ferromagnetic member 2b is coupled to the first

end of the second strap. The first and second straps are separably joined at their

respective first ends by a force of magnetic attraction between the magnet 2a and the

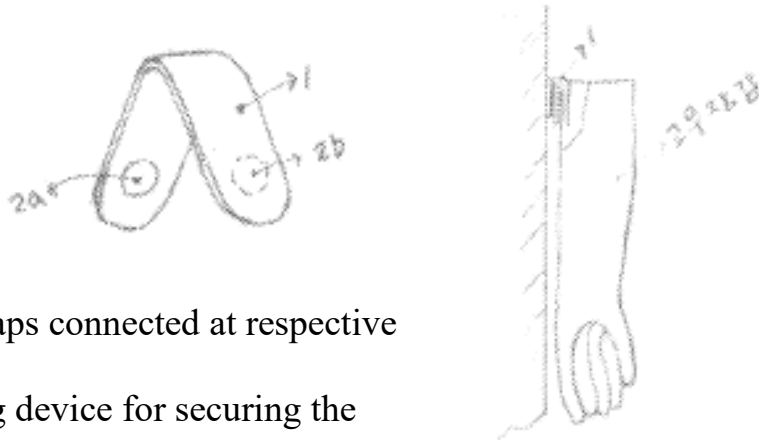
ferromagnetic member 2b. KR '332 describes and illustrates a magnetic fastening

device for securing rubber gloves on a clip. The structure is readily capable of

retaining a portion of a hat. Woloshen [EX. 1011], Griffith [EX. 1012], Hodge [EX.

1013], Carter [EX. 1014], and other known references recognize the problem of

securing a hat, and KR '332 provides the expectation of advantageously using



ferromagnetic elements to an article of clothing such as rubber gloves. The beneficial result expected from the combination would have rendered claim 16 obvious. As such, it would have been obvious to modify KR '332 to include the hat in view of any one of Woloshen, Griffith, Hodge, Carter, and others, which describe the known use of clips for securing hats.

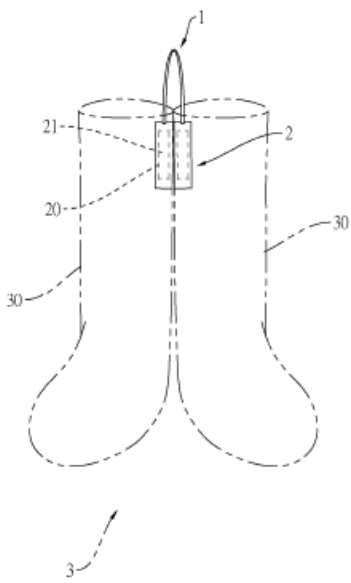
USP 10,413,047 – Claim 16	KR20100009332U
16. A system for holding a hat, the system comprising: the hat;	
a first strap having a first end and a second end;	The first strap is the top half of the body 1 in the uppermost image above (Fig. 2). The first end is the distal end, and the second end is at a midpoint of the body 1.
a second strap having a first end and a second end, the second strap joined to	The second strap is the bottom half of the body 1. The first end is the distal end, and the second

the first strap at their respective second ends;	end is at the midpoint of the body 1.
a magnet coupled to the first end of the first strap;	A magnet 2a is coupled to the first end of the first strap.
a ferromagnetic member coupled to the first end of the second strap;	A ferromagnetic member 2b is coupled to the first end of the second strap.
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the magnet and the ferromagnetic member; and	The first and second straps are separably joined at their respective first ends by a force of magnetic attraction between the magnet 2a and the ferromagnetic member 2b.
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	KR '332 describes and illustrates a magnetic fastening device for securing rubber gloves on a clip. The structure is readily capable of retaining a portion of a hat.

H. Ground 7: Claim 16 is anticipated by, or obvious over Liao [EX. 1018]

With reference to the claim chart below, U.S. Publication 2014/367986 to Liao describes a boot holder including straps connected to each other at one end with magnetic members at opposite ends thereof for securing and carrying a pair of boots. The first strap is the left half of the handle 1 shown in Fig. 2. The first end is the distal end, and the second end is at a midpoint of the handle 1. The second strap is the right half of the handle 1. The first end is the distal end, and the second end is at

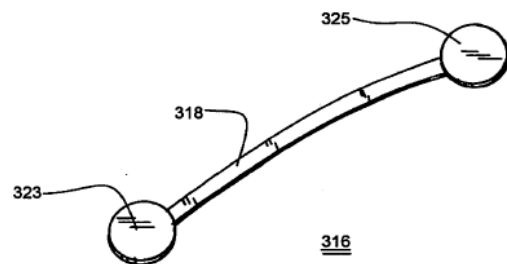
the midpoint of the handle 1. A magnet 21 is coupled to the first end of the first strap, and a ferromagnetic member 21 is coupled to the first end of the second strap. The first and second straps are separably joined at their respective first ends by a force of magnetic attraction between the magnet 21 and the ferromagnetic member 21. Liao describes and illustrates a magnetic fastening device for use as a holder for boots. The structure is readily capable of retaining a portion of a hat. Alternatively, Woloshen [EX. 1011], Griffith [EX. 1012], Hodge [EX. 1013], Carter [EX. 1014], and other known references recognize the problem of securing a hat, and Liao provides the expectation of advantageously using ferromagnetic elements to an article of clothing such as boots. The beneficial result expected from the combination would have rendered claim 16 obvious. As such, it would have been obvious to modify Liao to include the hat in view of any one of Woloshen, Griffith, Hodge, Carter, and others, which describe the known use of clips for securing hats.

USP 10,413,047 – Claim 16	US2014367986
16. A system for holding a hat, the system comprising: the hat;	 Fig.2
a first strap having a first end and a second end;	The first strap is the left half of the handle 1 shown in Fig. 2 above. The first end is the distal end, and the second end is at a midpoint of the handle 1.
a second strap having a first end and a second end, the second strap joined to the first strap at their respective second ends;	The second strap is the right half of the handle 1. The first end is the distal end, and the second end is at the midpoint of the handle 1.
a magnet coupled to the first end of the first strap;	A magnet 21 is coupled to the first end of the first strap.
a ferromagnetic member coupled to the first end of the second strap;	A ferromagnetic member 21 is coupled to the first end of the second strap.

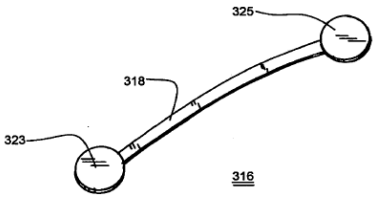
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the magnet and the ferromagnetic member; and	The first and second straps are separably joined at their respective first ends by a force of magnetic attraction between the magnet 21 and the ferromagnetic member 21.
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	US '986 describes and illustrates a magnetic fastening device for use as a holder for boots. The structure is readily capable of retaining a portion of a hat.

I. Ground 8: Claim 16 is anticipated by, or obvious over Lloyd [EX. 1019]

With reference to the claim chart below, Lloyd describes a garment hanging system including straps connected to each other at one end with magnetic members at opposite ends thereof for securing a garment. The first strap is the top half of the strap 318 shown in Fig. 9. The first end is the distal end, and the second end is at a midpoint of the strap 318. The second strap is the bottom half of the strap 318. The first end is the distal end, and the second end is at the midpoint of the strap 318. A magnet 323 is coupled to the first end of the first strap, and a ferromagnetic member 325 is coupled to the first end of the second strap. The first and second straps are separably joined at their respective first ends by a force of magnetic attraction between the magnet 323 and the ferromagnetic member 325. Lloyd describes and



illustrates a magnetic fastening device for use as a garment hanging accessory. The structure is readily capable of retaining a portion of a hat. Alternatively, Woloshen [EX. 1011], Griffith [EX. 1012], Hodge [EX. 1013], Carter [EX. 1014], and other known references recognize the problem of securing a hat, and Lloyd provides the expectation of advantageously using ferromagnetic elements to articles of clothing. The beneficial result expected from the combination would have rendered claim 16 obvious. As such, it would have been obvious to modify Lloyd to include the hat in view of any one of Woloshen, Griffith, Hodge, Carter, and others, which describe the known use of clips for securing hats.

USP 10,413,047 – Claim 16	US2013133160
16. A system for holding a hat, the system comprising: the hat;	 FIG. 9
a first strap having a first end and a second end;	The first strap is the top half of the strap 318 shown in Fig. 9 above. The first end is the distal end, and the second end is at a midpoint of the strap 318.
a second strap having a first end and a second end, the second strap joined to the first strap at their respective second ends;	The second strap is the bottom half of the strap 318. The first end is the distal end, and the second end is at the midpoint of the strap 318.

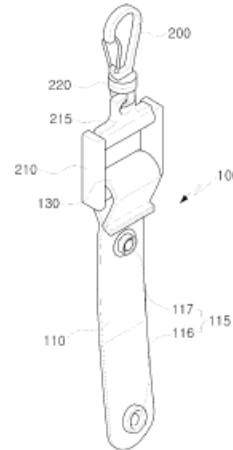
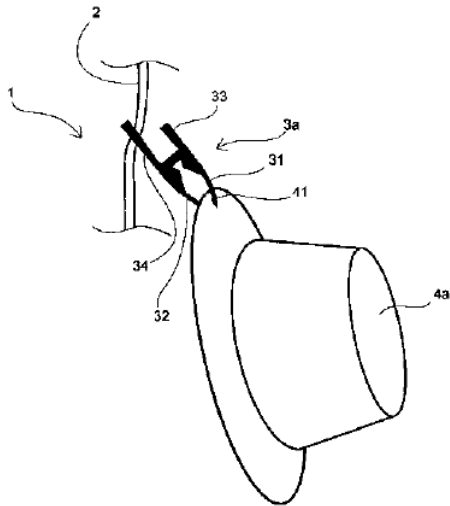
a magnet coupled to the first end of the first strap;	A magnet 323 is coupled to the first end of the first strap.
a ferromagnetic member coupled to the first end of the second strap;	A ferromagnetic member 325 is coupled to the first end of the second strap.
wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the magnet and the ferromagnetic member; and	The first and second straps are separably joined at their respective first ends by a force of magnetic attraction between the magnet 323 and the ferromagnetic member 325.
wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.	Lloyd describes and illustrates a magnetic fastening device for use as a garment hanging accessory. The structure is readily capable of retaining a portion of a hat.

J. Ground 9: Claim 2 is anticipated by KR ‘458 [EX. 1008] and JP ‘655 [EX. 1009]

Claim 2 recites that the hook is disposed at the second end of the first strap.

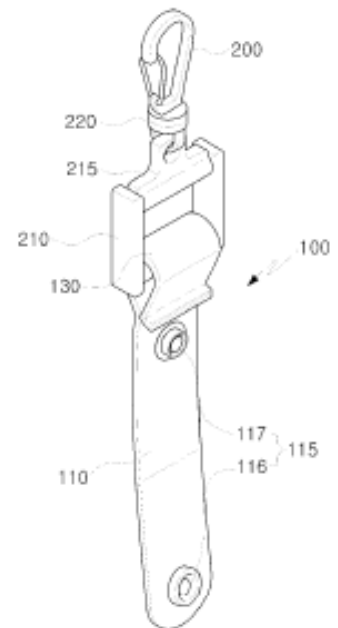
With reference to the image from KR ‘458 below right, the ring 210 and fixing device or hook 200 are coupled to the second end (i.e., the end opposite the magnetic

member) of the first strap. Similarly, with reference the image from JP '655 below left, the holding body 34 is coupled to the second end (i.e., the end opposite the magnetic member) of the first strap 32.



K. Ground 10: Claim 3 is anticipated by KR '458 [EX. 1008]

Claim 3 defines an extension member disposed between the second end of the first strap and the hook. With reference to the figure from KR '458, reference 210 is an extension member, and clip 200 is the hook. As shown, the extension member 210 is disposed between the second end 130 of the first strap and the hook 200.



L. Ground 11: Claim 4 is anticipated by KR '458 [EX. 1008] and JP '655 [EX. 1009]

Claim 4 recites that the second end of the first strap is joined to the second end

of the second strap. The '047 patent describes that the rear strap **110** and the front strap **120** can be “connected” by being formed from a single piece of material that is folded approximately in half where a first half can be the rear strap **110** and a second half can be the front strap **120**. The straps in KR '458 and JP '655 “connect” second ends of the first and second straps in an identical manner.

M. Ground 12: Claims 5-8 and 18 are obvious over KR '458 [EX. 1008] or JP '655 [EX. 1009] in view of Hsu [EX. 1004] and/or Hornik [EX. 1005]

Claim 5 defines a first gripping member at the first end of the first strap.

Claim 6 defines a second gripping member at the first end of the second strap. Claim 18 defines both the first and the second gripping members. During prosecution of the '047 patent, these claims were rejected over Hsu under 35 U.S.C. §102.

According to the examiner, “Hsu discloses a first gripping member (11) at the first end (100) of the first strap (left portion of 10); [and] a second gripping member (11) at the first end (100) of the second strap (right portion of 10).” Hsu describes that the connection members 11 prevent the two tie ends or enlarged ends 100 from being disengaged. The examiner’s characterizations were not questioned by the applicant.

Hornik was also cited during prosecution of the '047 patent. The examiner noted that Hornik “teaches a similar holder having a first gripping member at the first end of the first strap in the form of an abrasive material or a spike,” referring to Fig. 12. This characterization of the Hornik patent was not questioned by the applicant.

It would have been obvious to modify KR '458 or JP '655 to include a first gripping member at the first end of the first strap in view of Hsu or Hornik to better secure the connection. In respect claims 6 and 18, it similarly would have been obvious to modify KR '458 or JP '655 to also include a second gripping member at the first end of the second strap in view of Hsu or Hornik to better secure the connection.

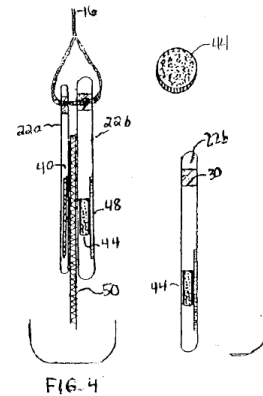
Claim 7 recites that the first gripping member is an abrasive material, and claim 8 recites that the first gripping member is a spike. In this context, the examiner contended that these features were described in Hornik, referring to the jagged edges on the magnets shown in Fig. 12. This characterization was not questioned by the applicant. It would have been obvious to modify KR '458 or JP '655 to include an abrasive material or a spike as the first gripping member in view of Hornik as further connecting structure.

N. Ground 13: Claim 9 is anticipated by KR '458 [EX. 1008]

Claim 9 recites that the hook is a rigid loop having a gate. KR '458 describes a hook 200 in the form of a rigid loop having a gate.

O. Ground 14: Claim 10 is obvious over KR ‘458 [EX. 1008] in view of Glasmire [EX. 1020]

Claim 10 recites that the hook “is flexible strap [sic] having a closure.” Glasmire describes a napkin holder that uses magnetic securing devices. With reference to Fig. 4 in Glasmire, the napkin holder includes a hook 16 in the form of a flexible strap or lanyard. Glasmire describes that the lanyard may be



secured via Velcro to be readily detachable. It would have been obvious to modify the hook 200 in KR ‘458 to be a flexible strap with a closure in view of Glasmire to provide an alternative hook structure.

P. Ground 15: Claim 11 is anticipated by KR ‘458 [EX. 1008] or JP ‘655 [EX. 1009]

Claim 11 recites that the first ferromagnetic “material” [sic] is disposed in the first end of the first strap. Petitioner notes that there is no antecedent basis for “the first ferromagnetic material.” Assuming the applicant intended to refer to the first ferromagnetic “member,” this claim differs from claim 1 only in that claim 1 recites that the first ferromagnetic member is disposed at the first end of the first strap. In both KR ‘458 and JP ‘655, the first ferromagnetic member is disposed at and in the first end of the first strap.

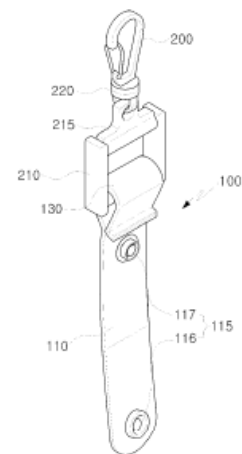
Q. Ground 16: Claim 12 is obvious over either KR ‘458 [EX. 1008] or JP ‘655 [EX. 1009], in view of Smith-Reynolds [EX. 1006]

Claim 12 recites that the first ferromagnetic material is sewn into the first end

of the first strap. Those of ordinary skill in the art would readily contemplate that the magnetic member described in KR '458 or JP '655 could have been secured by being sewn into the first strap. Smith-Reynolds was cited by the examiner during prosecution of the '047 patent as an example of this known application. The examiner's characterizations and conclusions were not questioned by the applicant.

R. Ground 17: Claim 13 is anticipated by KR '458 [EX. 1008]

Claim 13 recites that the first strap and the second strap are formed from a single folded strap. The first strap in KR '458 is the portion of the hat holder 110 from the center line and downward to its end, and the second strap is the portion of the hat holder 110 from the center line and upward to the connector 117. The first strap and the second strap are formed from a single folded strap.



S. Ground 18: Claim 14 is anticipated by KR '458 [EX. 1008]

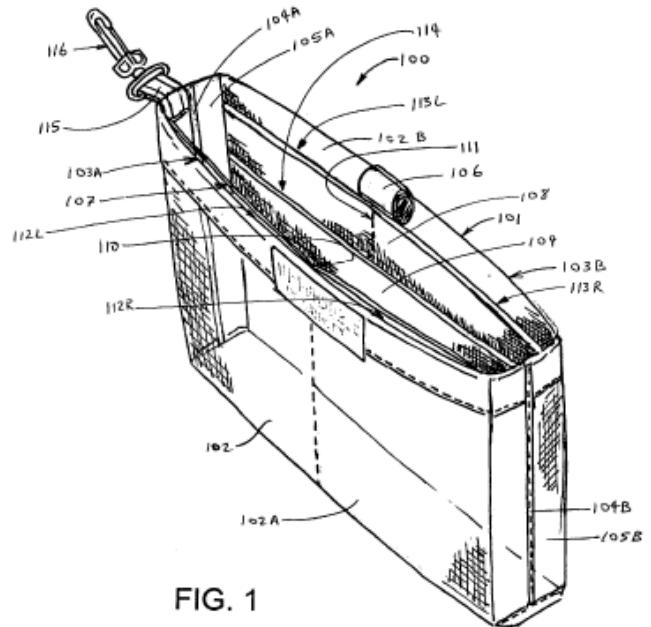
Claim 14 recites that the first ferromagnetic member is a permanent magnet. A “permanent magnet” is understood to be a magnet where the magnetic field is generated by the internal structure of the material itself. See, for example, <https://nationalmaglab.org/about-the-maglab/around-the-lab/maglab-dictionary/permanent-magnet/>. The magnet referenced in KR '458 in paragraph [0027] is described as a permanent magnet.

T. Ground 19: Claim 15 is obvious over either KR ‘458 [EX. 1008] or JP ‘655 [EX. 1009], in view of Liao [EX. 1018]

Claim 15 recites that the first ferromagnetic member is a first permanent magnet having a first magnetic pole and the second ferromagnetic member is a second permanent magnet having a second magnetic pole; wherein the first permanent magnet is positioned on the first strap to face the second permanent magnet on the second strap; and wherein the first magnetic pole is an opposite pole of the second magnetic pole. KR ‘458 describes the use of magnets to secure a hat in the clip. Those of ordinary skill in the art would readily appreciate that the magnets could be permanent magnets of opposite poles to secure the hat. Liao describes a magnetic holding mechanism where a north pole of magnet 21 of one holding assembly 2 faces a south pole of magnet 21 of another holding assembly 2. It would have been obvious to modify KR ‘458 to include oppositely poled permanent magnets in view of Liao.

U. Ground 20: Claim 17 is obvious over either KR ‘458 [EX. 1008] or JP ‘655 [EX. 1009], in view of Smithers [EX. 1021]

Claim 17 recites that the first and second straps are coupled to an interior of a bag. The ‘047 patent describes that ends of the straps “can be sewn into the inside of a purse or travel bag.” Col. 6, lines 48-57. Smithers shows the known use of a strap secured to an interior of a purse or bag. As such, the tether 115 can be tucked



into the bag when not in use. Those of ordinary skill in the art will appreciate that the clip 116 in Smithers could be any type of clip, such as the clip described in KR ‘458. It thus would have been obvious to modify KR ‘458 such that the first and second straps are coupled to an interior of a bag in view of Smithers.

VI. MANDATORY NOTICES

A. Real Party-in-Interest

The real party-in-interest is KLIPSTA PTY LTD.

B. Related Matters

There are no other judicial or administrative matters that would affect, or be affected by, a decision in the proceeding.

C. Lead and Back-Up Counsel, and Service Information

Lead Counsel	Back-Up Counsel
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KLIPSTA consents to electronic service at the email address listed above.

VII. CERTIFICATION UNDER 37 C.F.R. § 42.24(d)

This petition complies with the requirements of 37 C.F.R. § 42.24. As calculated by the word count feature of Microsoft Word, it contains 11,344 words, excluding the words contained in the following:

Table of Contents, List of Exhibits, Mandatory Notices, Certification Under §42.24(d), and Certificate of Service.

VIII. GROUNDS FOR STANDING

KLIPSTA certifies the '047 patent is available for IPR and that KLIPSTA is not barred or estopped from requesting IPR of the '047 patent challenging the claims on the grounds in this petition.

IX. STATEMENT OF PRECISE RELIEF REQUESTED

KLIPSTA requests IPR and cancellation of claims 1-18 because they are unpatentable under 35 U.S.C. §§ 102 and/or 103 based on the foregoing grounds.

Respectfully submitted,

Dated: December 19, 2024

By: /Alan M. Kagen/
Alan M. Kagen
Reg. No. 36,178

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Petition for *Inter Partes* Review, Power of Attorney, and Exhibits [1001]-[1021] were served on counsel for the Patent Owner, via UPS overnight mail, at the following address of record as listed in Patent Center:

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Arlington, VA 22201
(703) 568-4523

Dated: December 19, 2024

By: /Alan M. Kagen/
Alan M. Kagen, Esq.
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