

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

**Before the Honorable Clark S. Cheney
Chief Administrative Law Judge**

In the Matter of

**CERTAIN GLOW FISH TAPE
SYSTEMS, SAFETY HELMET
SYSTEMS, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1442

**RESPONDENT'S FIFTH SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO COMPLAINANT KLEIN TOOLS, INC.'S
FIRST SET OF INTERROGATORIES (NOS. 1-18)**

Respondent Milwaukee Electric Tool Corporation ("Milwaukee" or "Respondent"), pursuant to 19 C.F.R. §§ 210.27 and 210.29, hereby provides its Fifth Supplemental Objections and Responses to Complainant Klein Tools, Inc.'s ("Complainant" or "Klein") First Set of Interrogatories (Nos. 1-18), subject to the General and specific objections set forth below. Discovery is ongoing, and Milwaukee reserves the right to amend, modify, and/or supplement these responses pursuant to 19 C.F.R. § 210.27.

GENERAL OBJECTIONS

Respondent incorporates by reference the General Objections contained in Respondent's Objections and Responses to Complainant Klein Tools, Inc.'s First Set of Interrogatories (Nos. 1-18).

OBJECTIONS AND RESPONSES TO SPECIFIC INTERROGATORIES

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

Interrogatory No. 3. Set Forth the Complete Basis for Your contentions, if any, that any claims of the Asserted Patents are invalid (including under 35 U.S.C. §§ 101, 102, 103, 112) or unenforceable, including all facts that support or refute any such contention.

RESPONSE TO INTERROGATORY NO. 3:

In addition to the foregoing General Objections, Milwaukee specifically objects to this Interrogatory as premature to the extent it seeks the disclosure of expert opinion and testimony, and to the extent it seeks Milwaukee’s legal contentions in advance of the deadlines to be set forth in the forthcoming Procedural Schedule, the relevant Ground Rules, and/or any agreement between the parties. Milwaukee further objects to this Interrogatory to the extent it calls for information that is protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Milwaukee further objects to this Interrogatory to the extent it seeks information that is subject to a confidentiality obligation owed to a Third Party. Milwaukee further objects to this Interrogatory as overly broad and unduly burdensome to the extent it requests “all

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facts that support or refute any such contention” that any claim of the Asserted Patents is invalid or unenforceable.

Subject to the foregoing General and specific objections, Milwaukee responds as follows:

Milwaukee will respond to this Interrogatory, to the extent relevant, non-privileged, and responsive information exists, in accordance with the dates to be set forth in the Procedural Schedule in this Investigation.

Milwaukee’s factual investigation is ongoing, and Milwaukee reserves the right to supplement this response, including its expert opinions and legal contentions, as appropriate, in accordance with the deadlines to be set forth in the Procedural Schedule, and/or in light of further investigation or discovery, including based on Complainant’s responses to Milwaukee’s discovery requests.

First Supplemental Response to Interrogatory No. 3 (May 2, 2025):

Subject to the foregoing General and Specific Objections, Respondent further responds as follows:

Respondent further objects to this Interrogatory as containing multiple subparts.

I. GENERAL STATEMENT AND RESERVATION OF RIGHTS

Complainant asserts Respondent infringes the following claims (the “Asserted Claims”) from the following Asserted Patents:

- Claims 1, 3-7, 8, 10-11, 13-15, 16, and 17 of U.S. Patent No. 11,452,327 (the “327 Patent”);
 - Claims 6, 8-9, 11, and 14-17 of U.S. Patent No. 11,713,209 (the “209 Patent”);
- and

- Claims 1-2, 4, 6-8, 10, and 14-17 of U.S. Patent No. 12,187,573 (the “’573 Patent”).

Complainant also identifies the following Domestic Industry Claims:

- Claims 1-17 of the ’327 Patent;
- Claims 1-18 of the ’209 Patent; and
- Claims 1-18 of the ’573 Patent.

The following response reflects Respondent’s preliminary invalidity contentions with respect to each claim of the Asserted Patents. Respondent reserves the right to revise and/or supplement these responses as fact discovery progresses, including, but not limited to, in view of (i) additional information learned through the course of fact discovery; (ii) supplemental interrogatory responses served by Complainant; (iii) claim construction briefing, as well as any claim construction order issued by the Chief ALJ; (iv) review and analyses by expert witnesses; (v) validity positions asserted by Complainant; and (vi) further investigation and discovery generally. Moreover, because discovery is ongoing, and the final cut-off date for supplements to contention interrogatories on issues for which the responding party bears the burden of proof is not set until July 30, 2025, Respondent reserves the right to further supplement and/or modify these responses, including, but not limited to, identifying other bases for invalidity or unenforceability, as well as identifying additional prior art, and/or including additional arguments.

II. INVALIDITY OF U.S. PATENT NO. 11,452,327

A. Priority Date of the ’327 Patent

The ’327 Patent issued on September 27, 2022. The application leading to the ’327 Patent was filed on January 14, 2019. The ’327 Patent claims priority to Provisional application No.

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62/645,491, which was filed on March 20, 2018 and Provisional application No. 62/622,472, which was filed on January 26, 2018.

For reasons discussed in IPR2025-00724, incorporated herein in its entirety, the priority date of the '327 Patent is no earlier than October 21, 2021. METCO1442_00005310-5411. The '327 Patent is an AIA patent.

B. Each of the Claims of the '327 Patent are Invalid Under 35 U.S.C. § 102 and/or 35 U.S.C. § 103

If the '327 Patent is entitled to a priority date no earlier than October 21, 2021, and the DI Products satisfy the technical prong as Klein contends, then each of the claims of the '327 Patent is invalid under 35 U.S.C. § 102 because the DI Products, and information about the DI products, was described in a printed publication, in public use, on sale, and/or otherwise available to the public before the priority date.

As noted in the Complaint, Klein issued a press release on July 23, 2019 touting the launch of a new generation of hard hats and identifying the products as “patent-pending.” Compl. ¶ 27. In its DI chart for the '327 Patent (Ex. 2) served on April 7, 2025, Klein states that it “contends that U.S. Patent No. 11,452,327 (the '327 Patent) is practiced by the Klein Tools Domestic Industry Products, including the Klein Tools Hard Hat System, literally and/or under the doctrine of equivalents.” Ex. 2 to Interrogatory Response served 4/7/2025. Klein provides a chart mapping each of the claims to what it has asserted are “representative” DI Products.

One of the representative products that Klein maps in the chart, and thus contends satisfies the technical DI prong by including all elements of the claims, is Klein’s hard hat Model Number 60407 with one or two headlamps. *See, e.g.*, Ex. 2 at 2, 4, 20-21, 63. This model number 60407 hard hat along with headlamps was identified in the 2019 press release. METCO1442_00004523-4524. Respondent reserves the right to further supplement and amend this response to rely on

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physical products as anticipatory prior art, such as Model Number 60407 and headlamps, as well as other DI Products that Respondent contends satisfy the technical DI prong, and any printed publications that describe those products. Respondent further incorporates by reference in its entirety its anticipatory Ground 4 in IPR2025-00724.

For reasons discussed in IPR2025-00724, incorporated herein in its entirety, each of the claims of the '327 Patent is also invalid under 35 U.S.C. § 103 based on the following combinations:

- Claims 1-17 are obvious under 35 U.S.C. § 103 in view of Chinese Utility Model App. No. 2011-20014896.0 to Yan (“Yan”) combined with U.S. Patent No. 9,993,043 to Daley (“Daley”);
- Claims 2, 4, 9, and 12 are obvious under 35 U.S.C. § 103 in view of Yan combined with Daley and German Utility Model App. No. 2020-06007009 to Kiessler (“Kiessler”); and
- Claims 1-17 are obvious under 35 U.S.C. § 103 in view of Yan combined with U.S. Patent No. 4,304,009 to Nesbitt (“Nesbitt”).

In addition to the above-stated combinations, Respondent identifies the following prior art references that Respondent may rely on as anticipating one or more claims of the '327 Patent and/or rendering obvious one or more claims either alone or when used in combination with other reference(s).

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
Above-The-Neck Protection Solutions (MSA 2014)		Above The Neck Protection Solutions - Compatible Safety Products to Protect Your Head, Face, Hearing, and Vision	US	December 1, 2014	December 1, 2014
Klein Tools Hard Hat Brochure	METCO1442_00007500	Klein Tools Hard Hat Brochure	US	April 1, 2019	April 1, 2019
ANSI/ISEA X89.1-2014 (R2019)	METCO1442_00007505	American National Standard for Industrial Head Protection	US	January 1, 2014	January 1, 2014
AU2015/264856A1	METCO1442_00007546	Attachment system for frontal helmet extension to a helmet	AU	December 24, 2015	December 2, 2015
April 2016 - ASD - MSA Skullgard Miners Tough Protective Hard Hats		MSA Skullgard Miners Tough Protective Hard Hats	US	April 10, 2016	April 10, 2016
April 2016 - Dynamic Safety International - Head Protection		Dynamic Safety International - Head Protection	US	April 1, 2016	April 1, 2016
BR102013011174	METCO1442_00007574	Multiple Electronic Label Holder	BR	June 30, 2015	May 6, 2013
CN101457893		Dismountable protective helmet lamp	CN	June 17, 2009	December 14, 2007
CN106090687	METCO1442_00007618	A kind of Portable mining LED safety cap lamp	CN	November 9, 2016	August 2, 2016
CN106690630	METCO1442_00007624	Intelligent helmet	CN	May 24, 2017	December 26, 2016

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
CN201377685		Helmet type LED signal lamp	CN	January 6, 2010	February 27, 2009
CN201388583		Safety helmet structure with warning lamp	CN	January 27, 2010	March 18, 2009
CN202026888	METCO1442_00007633	Mine safety helmet	CN	November 9, 2011	January 18, 2011
CN202100949		Mining safety helmet head lamp	CN	January 4, 2012	April 29, 2011
CN202853494		Electrification bullet-proof helmet	CN	April 3, 2013	October 30, 2012
CN202853494	METCO1442_00007640	Electrification bullet-proof helmet	CN	April 3, 2013	October 30, 2012
CN204861390		Night vision function safety helmet has	CN	December 16, 2015	August 23, 2015
CN205353535		From wear -type hand -free night -time vision device of taking infrared and visible light light of components of a whole that can function independently	CN	June 29, 2016	February 20, 2016
CN206791777		A riding helmet	CN	December 26, 2017	March 28, 2017
Certified Translation for CN 202026888	METCO1442_00007653	Mine safety helmet	CN	November 9, 2011	January 18, 2011
Certified Translation for DE202006007009	METCO1442_00007654	Mounting, to attach a lamp to a miner's helmet, has a lamp holder with a	DE	July 27, 2006	May 2, 2006

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
		projecting head to lock into a recessed opening at the helmet holder to stay in place when knocked			
DE102010035097		Hard hat with taillight	DE	February 23, 2012	August 23, 2010
DE202010016237		Hard hat with taillight	DE	February 24, 2011	December 6, 2010
Dec 2015 - BikeRadar - Torch T2 Helmet Review		Torch T2 Helmet Review	US	December 1, 2015	December 1, 2015
EP1832189		Receptacle which can be fixed to a head covering and is intended for attachments for sighting devices	EPO	September 12, 2007	March 10, 2006
EP2473075	METCO1442_00007655	Ballistic and impact protective visor system for military helmet assembly	EPO	July 11, 2012	September 2, 2010
EP2698072		Protective helmet with insert pocket	EPO	February 19, 2014	July 31, 2013
Klein News Release	METCO1442_00007748	Klein Tools New Hard Hats Designed for Pros – Safety, Comfort and Fit	US	July 23, 2019	July 23, 2019
Certified Translation for CN202026888	METCO1442_00007750	Mining safety helmet	CN	November 9, 2011	January 18, 2011
U.S. Pat. No. 9,993,043	METCO1442_00007757	Illuminated safety helmet	US	June 12, 2018	March 24, 2016

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. No. 4,304,009	METCO1442_00007767	Energy absorbing safety helmet	US	December 8, 1981	April 25, 1980
DE202006007009	METCO1442_00007773	Mounting, to attach a lamp to a miner's helmet, has a lamp holder with a projecting head to lock into a recessed opening at the helmet holder to stay in place when knocked	DE	July 27, 2006	May 2, 2006
DE202006007009	METCO1442_00007784	Mounting, to attach a lamp to a miner's helmet, has a lamp holder with a projecting head to lock into a recessed opening at the helmet holder to stay in place when knocked	DE	July 27, 2006	May 2, 2006
OSHA Personal Protective Equipment	METCO1442_00007795	OSHA Personal Protective Equipment	US	January 1, 2004	January 1, 2004
FR3002725		Safety helmet card holder	FR	October 20, 2017	February 28, 2014
Feb 2017 - PIP Safety Products Catalog		PIP Safety Products Catalog	US		
GB2509580		Bracket for affixing lamp to safety	UK	July 9, 2014	October 30, 2013

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
		helmet, using non-metallic fastenings			
Klein Tools Instructions for Hard Hats	METCO1442_00007843	Klein Tools Instructions for Hard Hats	US	May 17, 2019	May 17, 2019
JP1999012841		Helmet	JP	January 19, 1999	June 17, 1997
JP2010168711		Helmet	JP	August 5, 2010	January 26, 2009
July 2017 - Helmets - Petzl Website		Helmets - Petzl Website	US		
KR101414411		Helmet with detachable head lamp module	KR	July 1, 2014	January 23, 2013
KR101817606		Modular protector, control system and method using the modular protector	KR	January 11, 2018	May 30, 2017
KR20140002489		Mounting structure for safety cap laying lantern	KR	April 29, 2014	October 19, 2012
Nakanishi Reference (with Unofficial Translation) - JP3043296	METCO1442_00007847	Helmet	JP	January 19, 1999	June 17, 1997
PL226827	METCO1442_00007858	Adapter for fixing fire accessories on a light fireman's helmet	PL	March 18, 2013	September 12, 2011
RU2574963	METCO1442_00007866	Bracket for attaching lamp to protective helmet	RU	May 20, 2015	November 6, 2013
US Pat. Pub No. 2019/0008228		Integrated Non-Conflicting	US	January 2, 2018	January 10, 2019

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
		Headgear Platform System and Method			
Sept 2016 - Petzl Vertex Best Duo LED 14		Petzl Vertex Best Duo LED 14	US	September 14, 2016	September 14, 2016
US Pat. No. 10,743,599		Support for a lighting element on a safety helmet, adjustable lighting system, and cable retention arrangement	US	September 3, 2015	August 18, 2020
Skullgard Bulletin - Protective Caps and Hats		Skullgard Bulletin - Protective Caps and Hats	US	June 1, 2015	June 1, 2015
US Pat. No. 6,497,493		Illuminated safety helmet	US	May 7, 2001	December 24, 2002
U.S. Pat. No. 10,743,599		Support for a lighting element on a safety helmet, adjustable lighting system, and cable retention arrangement	US	August 18, 2020	September 3, 2015
U.S. Pat. Pub. No. 2006/0126013	METCO1442_00007883	Sports binocular assembly	US	June 15, 2006	March 10, 2000
U.S. Pat. Pub. No. 2006/0126013	METCO1442_00007895	Sports binocular assembly	US	June 15, 2006	March 10, 2000
U.S. Pat. Pub. No. 2007/0022520		Safety helmet with module ring	US	February 1, 2007	May 16, 2006
U.S. Pat. Pub. No. 2007/212930	METCO1442_00007907	Receptacle which can be fixed to a head covering and is	US	September 13, 2007	March 10, 2006

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
		intended for attachments for sighting devices			
U.S. Pat. Pub. No. 2009/077721	METCO1442_00007923	Helmet bracket	US	March 26, 2009	September 21, 2007
U.S. Pat. Pub. No. 2010/0012692		Helmet Attachment Platform	US	January 21, 2010	May 19, 2009
U.S. Pat. Pub. No. 2010/0146684		Helmet stabilization apparatus	US	June 17, 2010	December 11, 2008
U.S. Pat. Pub. No. 2012/0291184		Protective helmet	US	November 22, 2012	January 26, 2011
U.S. Pat. Pub. No. 2013/0086722	METCO1442_00007941	Power Distribution System and Helmet and Method Employing the Same	US	April 11, 2013	October 9, 2012
U.S. Pat. Pub. No. 2014/0000013	METCO1442_00007965	Helmet configured for electronics	US	January 2, 2014	June 28, 2012
U.S. Pat. Pub. No. 2014/0020159	METCO1442_00007978	Helmet edge trim wiring harness	US	January 23, 2014	July 1, 2013
U.S. Pat. Pub. No. 2014/0084120		Method and Apparatus for Mounting a Vision System	US	March 27, 2014	September 21, 2012
U.S. Pat. Pub. No. 2015/0223540		Appliance Mounting Device And System For Head Gear	US	February 28, 2017	February 11, 2014
U.S. Pat. Pub. No. 2015/0245682	METCO1442_00007992	Ballistic and impact protective system for military helmet assembly	US	September 3, 2015	July 11, 2014
U.S. Pat. Pub. No. 2015/0264229	METCO1442_00008088	Modular camera system	US	September 17, 2015	March 13, 2015

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. Pub. No. 2015/0323777	METCO1442_00008108	Modular night vision system	US	November 12, 2015	July 23, 2014
U.S. Pat. Pub. No. 2016/0037854	METCO1442_00008123	Attachment system for frontal helmet extension to a helmet	US	February 11, 2016	October 26, 2015
U.S. Pat. Pub. No. 2016/0088891		Helmet Cover Assembly	US	March 31, 2016	September 23, 2015
U.S. Pat. Pub. No. 2016/0191172		Intrapersonal data communication system	US	July 11, 2017	March 7, 2014
U.S. Pat. Pub. No. 2016/0242488	METCO1442_00008139	In-mold protective helmet having integrated ventilation system	US	January 7, 2020	May 4, 2016
U.S. Pat. Pub. No. 2017/0089554	METCO1442_00008170	Helmet Assembly	US	January 23, 2018	September 28, 2015
U.S. Pat. Pub. No. 2017/0208262	METCO1442_00008187	Digital enhanced vision system	US	July 20, 2017	March 11, 2016
U.S. Pat. Pub. No. 2017/0231311	METCO1442_00008201	Roobuck Cap Lamp Bracket	US	August 17, 2017	August 11, 2015
U.S. Pat. Pub. No. 2017/0303619	METCO1442_00008217	Support for a Lighting Element on a Safety Helmet, Adjustable Lighting System, and Cable Retention Arrangement	US	October 26, 2017	September 3, 2015
U.S. Pat. Pub. No. 2017/0356723	METCO1442_00008229	Ballistic and impact protective military helmet assembly	US	December 14, 2017	April 21, 2017

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. Pub. No. 2017/0360139		Helmet and method for manufacturing thereof	US	December 21, 2017	March 28, 2017
U.S. Pat. Pub. No. 2018/0160759		Bicycle Helmet	US	June 14, 2018	May 16, 2016
U.S. Pat. Pub. No. 2019/0208854		Helmet with integrated sensors	US	July 11, 2019	January 8, 2019
U.S. Pat. Pub. No. 2020/0113265		Accessory mounting system and helmet including same	US	April 16, 2020	December 8, 2017
U.S. Pat. No. 4,227,520	METCO1442_00008301	Safety helmet for miners	US	October 14, 1980	January 8, 1979
U.S. Pat. No. 4,304,009	METCO1442_00008308	Energy absorbing safety helmet	US	December 8, 1981	April 25, 1980
U.S. Pat. No. 5,329,637		Fireman's helmet with integral front and rear lights	US	July 19, 1994	September 14, 1992
U.S. Pat. No. 5,914,661		Helmet mounted, laser detection system	US	June 22, 1999	January 22, 1996
U.S. Pat. No. 6,497,493		Illuminated safety helmet	US	December 24, 2002	May 7, 2001
U.S. Pat. No. 7,849,517	METCO1442_00008314	Mounting system for accessories on a safety helmet	US	December 14, 2010	February 9, 2006
U.S. Pat. No. 8,070,308		Helmet mounted bicycle lights	US	December 6, 2011	April 16, 2010
U.S. Pat. No. 8,117,676		Hardhat with vent strip and lighting configuration	US	February 21, 2012	December 1, 2008
U.S. Pat. No. 9,021,616	METCO1442_00008326	Protective gear	US	May 5, 2015	March 1, 2013

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. No. 9,047,790	METCO1442_00008345	Cardholder for protective headwear	US	June 2, 2015	August 15, 2013
U.S. Pat. No. 9,389,677	METCO1442_00008360	Smart helmet	US	July 12, 2016	October 23, 2012
U.S. Pat. No. 9,507,245	METCO1442_00008389	Detachable camera mount	US	November 29, 2016	May 26, 2016
U.S. Pat. No. 9,631,899		Ballistic and impact protective military helmet assembly	US	April 25, 2017	March 13, 2012
U.S. Pat. No. 9,702,534	METCO1442_00008414	Illumination system for safety helmet	US	July 11, 2017	November 20, 2012
U.S. Pat. No. 9,829,182	METCO1442_00008422	Helmet or head mounted bicycle lights	US	November 28, 2017	May 23, 2014
WO 2012/025463	METCO1442_00008438	Protective helmet having a rear light	PCT	March 1, 2012	August 19, 2011
WO 2016/191789		Safety equipment for the human head, and use support method carried out with said safety equipment	PCT	December 8, 2016	June 3, 2016
SA980451	METCO1442_00008462	Safety Headgear	SA	August 11, 1996	July 30, 1998
skullerz-hard-hat-brochure	METCO1442_00008476	Skullerz Hard Hat Brochure	US	June 18, 2019	June 18, 2019
Skullgard Protective Caps and Hats	METCO1442_00008482	Skullgard Protective Caps and Hats	US	June 1, 2009	June 1, 2009

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Respondent's investigation is ongoing, and Respondent reserves the right to articulate additional grounds under 35 U.S.C. § 102 and/or 35 U.S.C. § 103, as well as grounds under 35 U.S.C. § 112 and unenforceability grounds.

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Second Supplemental Response to Interrogatory No. 3 (May 19, 2025):

Subject to the foregoing General and Specific Objections, Respondent further responds as follows:

Respondent incorporates by reference its General Reservations stated above in its First Supplemental Response to Interrogatory No. 3 as if stated fully herein. Respondent further notes that in addition to the Asserted Claims noted in that First Supplemental Response, Klein also asserts that Respondent infringes claims 1-4 of U.S. Patent No. 12,268,265 (“the ’265 Patent”) and also identifies claims 1-4 of the ’265 Patent as Domestic Industry Claims.

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II. Invalidity of U.S. Patent No. 11,452,327

Respondent further supplements its First Supplemental Response regarding the invalidity of the '327 Patent as follows:

Claims 8-15 and 17 are each invalid under 35 U.S.C. § 112(a) for lack of written description support.

Independent claim 8 recites, in relevant part, “a **front receptacle being integrally molded** with the outer shell and **having an external slot** extending upwardly along the front side on the exterior surface of the outer shell above the brim and a protruding nub.”

The specification and drawings, however, fail to demonstrate the inventors had possession of this invention whereby the front receptacle (including the claimed external slot) is integrally molded with the outer shell. While the specification states that “the outer shell forms or defines **the protruding nub 17 and the brim, which are integrally molded with the outer shell from a common material such as plastic,**” this says nothing about the external slot that also forms part of the claimed front receptacle being integrally molded with the outer shell. '327 Patent at 5:66-6:2.

The specification also describes a safety helmet 100 that has a front tapered receiver slot 5 and a rear tapered receiver slot 11. '327 Patent at 6:30-33. While the specification states that “[a]s shown in FIGS. 12 and 13, the accessory slot(s) 6, the brim 7, the venting holes 8, and the **[rear] receiver slot 11 are unitary features of the outer shell,**” notably, the passage is silent about the **front** tapered receiver slot 5 likewise being unitary with the outer shell. Moreover, neither Figure 12 nor Figure 13 shows the front tapered receiver slot 5 to provide sufficient written description support that it too can be a unitary feature of the outer shell. The specification and drawings are thus wholly devoid of any indication that the inventors possessed such an invention.

Thus, the specification does not describe the full front receptacle including the external slot as being integrally molded as required by independent claim 8. For at least these reasons, each of claim 8 of the '327 Patent (and its dependent claims 9-14) is invalid under 35 U.S.C. § 112(a).

Independent claim 17 recites, in relevant part, “wherein the brim, **the front receptacle**, and the rear receptacle **are a unitary feature** of the outer shell.” Claim 17 recites that the front receptacle has an external slot. For reasons discussed, the specification and drawings, however, fail to describe the external slot of the front receptacle as being a unitary feature of the outer shell.

Thus, the specification does not describe the full front receptacle as being a unitary feature of the outer shell. For at least these reasons, claim 17 of the '327 Patent is invalid under 35 U.S.C. § 112(a).

Third Supplemental Response to Interrogatory No. 3 (June 24, 2025):

Subject to the foregoing General and specific objections, Respondent further responds as follows:

Respondent identifies the following prior art references that Respondent may rely on as anticipating one or more claims of the '327 and '265 Patents and/or rendering obvious one or more claims either alone or when used in combination with other reference(s).

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
Above-The-Neck Protection Solutions (MSA 2014)	METCO1442_00010645	Above The Neck Protection Solutions - Compatible Safety Products to Protect Your Head, Face, Hearing, and Vision	US	December 1, 2014	December 1, 2014
Klein Tools Hard Hat Brochure	METCO1442_00007500	Klein Tools Hard Hat Brochure	US	April 1, 2019	April 1, 2019
ANSI/ISEA X89.1-2014 (R2019)	METCO1442_00007505	American National Standard for Industrial Head Protection	US	January 1, 2014	January 1, 2014
AU2015/264856A1	METCO1442_00007546	Attachment system for frontal helmet extension to a helmet	AU	December 24, 2015	December 2, 2015
April 2016 - ASD - MSA Skullgard Miners Tough Protective Hard Hats	METCO1442_00010690	MSA Skullgard Miners Tough Protective Hard Hats	US	April 10, 2016	April 10, 2016
April 2016 - Dynamic Safety International - Head Protection	METCO1442_00010787	Dynamic Safety International - Head Protection	US	April 1, 2016	April 1, 2016
BR102013011174	METCO1442_00007574	Multiple Electronic Label Holder	BR	June 30, 2015	May 6, 2013
CN101457893	METCO1442_00009393	Dismountable protective helmet lamp	CN	June 17, 2009	December 14, 2007
CN106090687	METCO1442_00007618	A kind of Portable mining LED safety cap lamp	CN	November 9, 2016	August 2, 2016
CN106690630	METCO1442_00007624	Intelligent helmet	CN	May 24, 2017	December 26, 2016

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
CN201377685	METCO1442_00009400	Helmet type LED signal lamp	CN	January 6, 2010	February 27, 2009
CN201388583	METCO1442_00010803	Safety helmet structure with warning lamp	CN	January 27, 2010	March 18, 2009
CN202026888	METCO1442_00007633	Mine safety helmet	CN	November 9, 2011	January 18, 2011
CN202100949	METCO1442_00009406	Mining safety helmet head lamp	CN	January 4, 2012	April 29, 2011
CN202853494	METCO1442_00007640	Electrification bullet-proof helmet	CN	April 3, 2013	October 30, 2012
CN202853494	METCO1442_00007640	Electrification bullet-proof helmet	CN	April 3, 2013	October 30, 2012
CN204861390	METCO1442_00009419	Night vision function safety helmet has	CN	December 16, 2015	August 23, 2015
CN205353535	METCO1442_00009427	From wear -type hand -free night -time vision device of taking infrared and visible light light of components of a whole that can function independently	CN	June 29, 2016	February 20, 2016
CN206791777	METCO1442_00010813	A riding helmet	CN	December 26, 2017	March 28, 2017
Certified Translation for CN 202026888	METCO1442_00007653	Mine safety helmet	CN	November 9, 2011	January 18, 2011
Certified Translation for DE202006007009	METCO1442_00007654	Mounting, to attach a lamp to a miner's helmet, has a lamp holder with a	DE	July 27, 2006	May 2, 2006

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
		projecting head to lock into a recessed opening at the helmet holder to stay in place when knocked			
DE102010035097	METCO1442_00009445	Hard hat with taillight	DE	February 23, 2012	August 23, 2010
DE202010016237	METCO1442_00009469	Hard hat with taillight	DE	February 24, 2011	December 6, 2010
Dec 2015 - BikeRadar - Torch T2 Helmet Review	METCO1442_00010080	Torch T2 Helmet Review	US	December 1, 2015	December 1, 2015
EP1832189	METCO1442_00009504	Receptacle which can be fixed to a head covering and is intended for attachments for sighting devices	EPO	September 12, 2007	March 10, 2006
EP2473075	METCO1442_00007655	Ballistic and impact protective visor system for military helmet assembly	EPO	July 11, 2012	September 2, 2010
EP2698072	METCO1442_00009525	Protective helmet with insert pocket	EPO	February 19, 2014	July 31, 2013
Klein News Release	METCO1442_00007748	Klein Tools New Hard Hats Designed for Pros – Safety, Comfort and Fit	US	July 23, 2019	July 23, 2019
Certified Translation for CN202026888	METCO1442_00007750	Mining safety helmet	CN	November 9, 2011	January 18, 2011
U.S. Pat. No. 9,993,043	METCO1442_00007757	Illuminated safety helmet	US	June 12, 2018	March 24, 2016

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. No. 4,304,009	METCO1442_00007767	Energy absorbing safety helmet	US	December 8, 1981	April 25, 1980
DE202006007009	METCO1442_00007773	Mounting, to attach a lamp to a miner's helmet, has a lamp holder with a projecting head to lock into a recessed opening at the helmet holder to stay in place when knocked	DE	July 27, 2006	May 2, 2006
DE202006007009	METCO1442_00007784	Mounting, to attach a lamp to a miner's helmet, has a lamp holder with a projecting head to lock into a recessed opening at the helmet holder to stay in place when knocked	DE	July 27, 2006	May 2, 2006
OSHA Personal Protective Equipment	METCO1442_00007795	OSHA Personal Protective Equipment	US	January 1, 2004	January 1, 2004
FR3002725	METCO1442_00009629	Safety helmet card holder	FR	October 20, 2017	February 28, 2014
Feb 2017 - PIP Safety Products Catalog	METCO1442_00009663	PIP Safety Products Catalog	US		
GB2509580	METCO1442_00009953	Bracket for affixing lamp to safety	UK	July 9, 2014	October 30, 2013

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
		helmet, using non-metallic fastenings			
Klein Tools Instructions for Hard Hats	METCO1442_00007843	Klein Tools Instructions for Hard Hats	US	May 17, 2019	May 17, 2019
JP1999012841	METCO1442_00010708	Helmet	JP	January 19, 1999	June 17, 1997
JP2010168711	METCO1442_00009997	Helmet	JP	August 5, 2010	January 26, 2009
July 2017 - Helmets - Petzl Website	METCO1442_00010715	Helmets - Petzl Website	US		
KR101414411	METCO1442_00010044	Helmet with detachable head lamp module	KR	July 1, 2014	January 23, 2013
KR101817606	METCO1442_00010054	Modular protector, control system and method using the modular protector	KR	January 11, 2018	May 30, 2017
KR20140002489	METCO1442_00010751	Mounting structure for safety cap laying lantern	KR	April 29, 2014	October 19, 2012
Nakanishi Reference (with Unofficial Translation) - JP3043296	METCO1442_00007847	Helmet	JP	January 19, 1999	June 17, 1997
PL226827	METCO1442_00007858	Adapter for fixing fire accessories on a light fireman's helmet	PL	March 18, 2013	September 12, 2011
RU2574963	METCO1442_00007866	Bracket for attaching lamp to protective helmet	RU	May 20, 2015	November 6, 2013
US Pat. Pub No. 2019/0008228	METCO1442_00010364	Integrated Non-Conflicting	US	January 2, 2018	January 10, 2019

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
		Headgear Platform System and Method			
Sept 2016 - Petzl Vertex Best Duo LED 14	METCO1442_00010718	Petzl Vertex Best Duo LED 14	US	September 14, 2016	September 14, 2016
Skullgard Bulletin - Protective Caps and Hats	METCO1442_00010078	Skullgard Bulletin - Protective Caps and Hats	US	June 1, 2015	June 1, 2015
US Pat. No. 6,497,493	METCO1442_00010489	Illuminated safety helmet	US	May 7, 2001	December 24, 2002
U.S. Pat. No. 10,743,599	METCO1442_00010086	Support for a lighting element on a safety helmet, adjustable lighting system, and cable retention arrangement	US	August 18, 2020	September 3, 2015
U.S. Pat. Pub. No. 2006/0126013	METCO1442_00007883	Sports binocular assembly	US	June 15, 2006	March 10, 2000
U.S. Pat. Pub. No. 2006/0126013	METCO1442_00007895	Sports binocular assembly	US	June 15, 2006	March 10, 2000
U.S. Pat. Pub. No. 2007/0022520	METCO1442_00010127	Safety helmet with module ring	US	February 1, 2007	May 16, 2006
U.S. Pat. Pub. No. 2007/212930	METCO1442_00007907	Receptacle which can be fixed to a head covering and is intended for attachments for sighting devices	US	September 13, 2007	March 10, 2006
U.S. Pat. Pub. No. 2009/077721	METCO1442_00007923	Helmet bracket	US	March 26, 2009	September 21, 2007
U.S. Pat. Pub. No. 2010/0012692	METCO1442_00010163	Helmet Attachment Platform	US	January 21, 2010	May 19, 2009

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. Pub. No. 2010/0146684	METCO1442_00010180	Helmet stabilization apparatus	US	June 17, 2010	December 11, 2008
U.S. Pat. Pub. No. 2012/0291184	METCO1442_00010195	Protective helmet	US	November 22, 2012	January 26, 2011
U.S. Pat. Pub. No. 2013/0086722	METCO1442_00007941	Power Distribution System and Helmet and Method Employing the Same	US	April 11, 2013	October 9, 2012
U.S. Pat. Pub. No. 2014/0000013	METCO1442_00007965	Helmet configured for electronics	US	January 2, 2014	June 28, 2012
U.S. Pat. Pub. No. 2014/0020159	METCO1442_00007978	Helmet edge trim wiring harness	US	January 23, 2014	July 1, 2013
U.S. Pat. Pub. No. 2014/0084120	METCO1442_00010210	Method and Apparatus for Mounting a Vision System	US	March 27, 2014	September 21, 2012
U.S. Pat. Pub. No. 2015/0223540	METCO1442_00010245	Appliance Mounting Device And System For Head Gear	US	February 28, 2017	February 11, 2014
U.S. Pat. Pub. No. 2015/0245682	METCO1442_00007992	Ballistic and impact protective system for military helmet assembly	US	September 3, 2015	July 11, 2014
U.S. Pat. Pub. No. 2015/0264229	METCO1442_00008088	Modular camera system	US	September 17, 2015	March 13, 2015
U.S. Pat. Pub. No. 2015/0323777	METCO1442_00008108	Modular night vision system	US	November 12, 2015	July 23, 2014
U.S. Pat. Pub. No. 2016/0037854	METCO1442_00008123	Attachment system for frontal helmet extension to a helmet	US	February 11, 2016	October 26, 2015

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. Pub. No. 2016/0088891	METCO1442_00010256	Helmet Cover Assembly	US	March 31, 2016	September 23, 2015
U.S. Pat. Pub. No. 2016/0191172	METCO1442_00010276	Intrapersonal data communication system	US	July 11, 2017	March 7, 2014
U.S. Pat. Pub. No. 2016/0242488	METCO1442_00008139	In-mold protective helmet having integrated ventilation system	US	January 7, 2020	May 4, 2016
U.S. Pat. Pub. No. 2017/0089554	METCO1442_00008170	Helmet Assembly	US	January 23, 2018	September 28, 2015
U.S. Pat. Pub. No. 2017/0208262	METCO1442_00008187	Digital enhanced vision system	US	July 20, 2017	March 11, 2016
U.S. Pat. Pub. No. 2017/0231311	METCO1442_00008201	Roobuck Cap Lamp Bracket	US	August 17, 2017	August 11, 2015
U.S. Pat. Pub. No. 2017/0303619	METCO1442_00008217	Support for a Lighting Element on a Safety Helmet, Adjustable Lighting System, and Cable Retention Arrangement	US	October 26, 2017	September 3, 2015
U.S. Pat. Pub. No. 2017/0356723	METCO1442_00008229	Ballistic and impact protective military helmet assembly	US	December 14, 2017	April 21, 2017
U.S. Pat. Pub. No. 2017/0360139	METCO1442_00010335	Helmet and method for manufacturing thereof	US	December 21, 2017	March 28, 2017
U.S. Pat. Pub. No. 2018/0160759	METCO1442_00010346	Bicycle Helmet	US	June 14, 2018	May 16, 2016
U.S. Pat. Pub. No. 2019/0208854	METCO1442_00010393	Helmet with integrated sensors	US	July 11, 2019	January 8, 2019

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. Pub. No. 2020/0113265	METCO1442_00010412	Accessory mounting system and helmet including same	US	April 16, 2020	December 8, 2017
U.S. Pat. No. 4,227,520	METCO1442_00008301	Safety helmet for miners	US	October 14, 1980	January 8, 1979
U.S. Pat. No. 4,304,009	METCO1442_00008308	Energy absorbing safety helmet	US	December 8, 1981	April 25, 1980
U.S. Pat. No. 5,329,637	METCO1442_00010454	Fireman's helmet with integral front and rear lights	US	July 19, 1994	September 14, 1992
U.S. Pat. No. 5,914,661	METCO1442_00010466	Helmet mounted, laser detection system	US	June 22, 1999	January 22, 1996
U.S. Pat. No. 6,497,493	METCO1442_00010489	Illuminated safety helmet	US	December 24, 2002	May 7, 2001
U.S. Pat. No. 7,849,517	METCO1442_00008314	Mounting system for accessories on a safety helmet	US	December 14, 2010	February 9, 2006
U.S. Pat. No. 8,070,308	METCO1442_00010507	Helmet mounted bicycle lights	US	December 6, 2011	April 16, 2010
U.S. Pat. No. 8,117,676	METCO1442_00010520	Hardhat with vent strip and lighting configuration	US	February 21, 2012	December 1, 2008
U.S. Pat. No. 9,021,616	METCO1442_00008326	Protective gear	US	May 5, 2015	March 1, 2013
U.S. Pat. No. 9,047,790	METCO1442_00008345	Cardholder for protective headwear	US	June 2, 2015	August 15, 2013
U.S. Pat. No. 9,389,677	METCO1442_00008360	Smart helmet	US	July 12, 2016	October 23, 2012
U.S. Pat. No. 9,507,245	METCO1442_00008389	Detachable camera mount	US	November 29, 2016	May 26, 2016

Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. No. 9,631,899	METCO1442_00010531	Ballistic and impact protective military helmet assembly	US	April 25, 2017	March 13, 2012
U.S. Pat. No. 9,702,534	METCO1442_00008414	Illumination system for safety helmet	US	July 11, 2017	November 20, 2012
U.S. Pat. No. 9,829,182	METCO1442_00008422	Helmet or head mounted bicycle lights	US	November 28, 2017	May 23, 2014
WO 2012/025463	METCO1442_00008438	Protective helmet having a rear light	PCT	March 1, 2012	August 19, 2011
WO 2016/191789	METCO1442_00010616	Safety equipment for the human head, and use support method carried out with said safety equipment	PCT	December 8, 2016	June 3, 2016
SA980451	METCO1442_00008462	Safety Headgear	SA	August 11, 1996	July 30, 1998
skullerz-hard-hat-brochure	METCO1442_00008476	Skullerz Hard Hat Brochure	US	June 18, 2019	June 18, 2019
Skullgard Protective Caps and Hats	METCO1442_00008482	Skullgard Protective Caps and Hats	US	June 1, 2009	June 1, 2009

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Milwaukee's factual investigation is ongoing, and Milwaukee reserves the right to supplement this response, including its expert opinions and legal contentions, as appropriate, in accordance with the deadlines to be set forth in the Procedural Schedule, and/or in light of further investigation or discovery, including based on Complainant's responses to Milwaukee's discovery requests.

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Interrogatory No. 5. Set Forth the Complete Basis for Your contention, if any, that any Domestic Industry Product does not practice any claim of any Asserted Patent, including all facts that support or refute any such contention.

RESPONSE TO INTERROGATORY NO. 5:

In addition to the foregoing General Objections, Milwaukee specifically objects to this Interrogatory as premature to the extent it seeks the disclosure of expert opinion and testimony, and to the extent it seeks Milwaukee’s legal contentions in advance of the deadlines to be set forth in the forthcoming Procedural Schedule, the relevant Ground Rules, and/or any agreement between the parties. Milwaukee further objects to this Interrogatory to the extent it calls for information

that is protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Milwaukee further objects to this Interrogatory as overly broad and unduly burdensome to the extent it requests “all facts that support or refute any such contention” that any Domestic Industry Product does not practice any claim of any Asserted Patent.

Subject to the foregoing General and specific objections, Milwaukee responds as follows:

Milwaukee will respond to this Interrogatory, to the extent relevant, non-privileged, and responsive information exists, in accordance with the dates to be set forth in the Procedural Schedule in this Investigation.

Respondent’s factual investigation is ongoing, and Milwaukee reserves the right to supplement this response, including its expert opinions and legal contentions, as appropriate, in accordance with the deadlines to be set forth in the Procedural Schedule, and/or in light of further investigation or discovery, including based on Complainant’s responses to Respondent’s discovery requests.

First Supplemental Response to Interrogatory No. 5 (May 2, 2025):

Subject to the foregoing General and Specific Objections, Respondent further responds as follows:

Respondent further objects to this Interrogatory as containing multiple subparts.

The alleged infringement theories in Klein’s Complaint (including accompanying exhibits) and/or Complainant’s technical prong contentions served on April 7, 2025 do not sufficiently set forth the evidentiary bases for Complainant’s technical prong allegations or what scope Complainant attributes to the Asserted Claims. Respondent reserves all right to modify, amend, and/or supplement this response to the extent Complainant modifies any assertion or contention in

[REDACTED]

its complaint, for example in conjunction with any disclosure of technical prong-related contentions and/or in connection with any *Markman* proceedings or determinations.

The CALJ has not yet construed the Asserted Claims. Respondent reserves all rights to modify, amend, and/or supplement its response to this Interrogatory (i) after any claim construction ruling or (ii) upon disclosure, alteration, or clarification by Complainant of any proposed claim constructions. Respondent also reserves all rights to modify, amend, and/or supplement its response to this Interrogatory in response to any evidence Complainant offers in support of any proposed constructions or to contradict any proposed constructions Respondent advances, any report from any expert witness for Complainant regarding claim construction issues, any claim construction briefing filed by Complainant, or any position taken by Complainant concerning claim construction.

Respondent's response to this Interrogatory does not represent its agreement or view as to the meaning of any claim terms. The DI tech prong arguments set forth by Respondent may be based on either or both of the parties' proposed claim constructions. Respondent's response to this Interrogatory is not—and shall not be interpreted as—an adoption or admission as to the accuracy of Complainant's proposed construction or a suggestion of the proper scope of any particular claim or claim limitation. Thus, Respondent's contentions herein are not, and should in no way be seen as, admissions or adoptions as to any particular claim scope or construction, any priority date, any admission that any claims have been properly asserted in this case, or as any admission that any aspect of any Accused Products or systems meets any particular claim element in any particular way. In short, Respondent objects to any attempt to imply claim constructions from its response to this Interrogatory (or any supplemental response).

Likewise, this response is made under a variety of alternatives and does not represent Respondent's agreement or view as to the meaning, definiteness, written description support for, or enablement of any claim or term contained therein.

Complainant has not provided any specific allegations of technical prong under the doctrine of equivalents. Rather, Complainant merely states that limitations are met under the doctrine of equivalents because "any difference is insubstantial."

A. The '327 Patent

As set forth in further detail below, the DI Products do not satisfy at least the following claim elements in the DI Claims of the '327 Patent:

- Claim 1
 - a protruding nub.
- Claim 2
 - the protruding nub comprises a stop.
- Claim 4
 - the protruding nub engages the clip to releasably mount the accessory device in the front receptacle.
- Claim 8
 - a protruding nub.
- Claim 9
 - a stop.
- Claim 12
 - a protruding nub.
- Claim 16

[REDACTED]

- a protruding nub.
- Claim 17
 - a protruding nub.

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Dated: July 1, 2025

Respectfully Submitted,

/s/ Stephanie L. Roberts

Eric. S. Namrow

Stephanie L. Roberts

Kandis C. Gibson

Calvin M. Brien

Emily K. Burge

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2541

Telephone: (202) 739-3000

Facsimile: (202) 739-3001

Jason C. White

Scott D. Sherwin

Maria E. Doukas

Liya Levin

Morgan, Lewis & Bockius LLP

110 N. Wacker Drive

Chicago, IL 60606

Telephone: (312) 324-1000

Facsimile: (312) 324-1001

*Counsel for Milwaukee Electric Tool
Corporation*

CERTIFICATE OF SERVICE

I, Nina Armah, hereby certify that on July 1, 2025, copies of the foregoing
**RESPONDENT'S FIFTH SUPPLEMENTAL OBJECTIONS AND RESPONSES TO
COMPLAINANT KLEIN TOOLS, INC.'S FIRST SET OF INTERROGATORIES (NOS.
1-18)** were served as follows:

The Honorable Lisa R. Barton Secretary to the Commission U.S. International Trade Commission 500 E Street, SW, Room 112 Washington, DC 20436	☐ Via Electronic Filing (EDIS) ☐ Via First Class Mail ☐ Via Hand Delivery ☐ Via Express Delivery ☒ Not Served
Hon. Clark S. Cheney Chief Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W. Washington, D.C. 20436 <i>Cheney1442@usitc.gov</i>	☐ Via EDIS ☐ Via Email/Box Upload ☐ Via Overnight Delivery ☐ First Class Mail ☒ Not Served
<i>Counsel for Complainant Klein Tools, Inc.</i>	
Paul F. Brinkman, P.C. KIRKLAND & ELLIS LLP 1301 Pennsylvania Avenue, N.W. Washington, D.C. 20004 Greg S. Arovas, P.C. Ryan Kane, P.C. Alan Rabinowitz Jae Hyun Kim Robert Endrizzi KIRKLAND & ELLIS LLP 601 Lexington Avenue New York, NY 10022 <i>KleinTools_Litigation@kirkland.com</i>	☒ Via Email ☐ Via Express Delivery ☐ Via First Class Mail ☐ Via Hand Delivery

/s/ Nina Armah
Nina Armah