

From: [Director Discretionary Decision](#)
To: [Stein, Alexander B.](#); [Baker, W. Todd](#); [Director Discretionary Decision](#)
Cc: [327Patent-Metco-Klein-IPR](#); [GlowFish-Metco-Klein-PTAB](#); [#KleinTools IPR](#); [Trials](#)
Subject: RE: Milwaukee Tools v. Klein Tools -- IPR2025-00724, IPR2025-00892, and PGR2025-00048
Date: Wednesday, August 27, 2025 12:04:00 PM

Patent Owner is authorized to file a 5-page reply in IPR2025-00724, -00892, and PGR2025-00048, due no later than Tuesday, September 2, 2025, limited to addressing the arguments raised below. Petitioner is authorized to file a 5-page sur-reply, due no later than Friday, September 5, 2025.

From: Stein, Alexander B. <alexander.stein@morganlewis.com>
Sent: Wednesday, August 27, 2025 9:57 AM
To: Baker, W. Todd <todd.baker@kirkland.com>; [Director_Discretionary_Decision](#) <Director_Discretionary_Decision@uspto.gov>
Cc: [327Patent-Metco-Klein-IPR](#) <327Patent-Metco-Klein-IPR@morganlewis.com>; [GlowFish-Metco-Klein-PTAB](#) <GlowFish-Metco-Klein-PTAB@morganlewis.com>; [#KleinTools_IPR](#) <KleinTools_IPR@kirkland.com>; [Trials](#) <Trials@USPTO.GOV>
Subject: RE: Milwaukee Tools v. Klein Tools -- IPR2025-00724, IPR2025-00892, and PGR2025-00048

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Honorable Director Stewart,

Petitioner objects to the improper argumentative email below. The parties have not had an opportunity to meet-and-confer regarding these requests. To the extent that any reply briefs are authorized, Petitioner requests equal-length sur-replies.

Respectfully submitted,

Alex Stein, Reg. No. 71,397

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From: Baker, W. Todd <todd.baker@kirkland.com>

Sent: Tuesday, August 26, 2025 12:27 PM

To: Director_Discretionary_Decision@USPTO.gov

Cc: 327Patent-Metco-Klein-IPR <327Patent-Metco-Klein-IPR@morganlewis.com>; GlowFish-Metco-Klein-PTAB <GlowFish-Metco-Klein-PTAB@morganlewis.com>; #KleinTools_IPR <KleinTools_IPR@kirkland.com>; trials@uspto.gov

Subject: Milwaukee Tools v. Klein Tools -- IPR2025-00724, IPR2025-00892, and PGR2025-00048

[EXTERNAL EMAIL]

Dear Director Stewart,

Klein Tools respectfully requests leave to file replies to Milwaukee Electric Tool Corporation's ("Milwaukee") oppositions to Klein Tools' requests for discretionary denial in IPR2025-00724, IPR2025-00892, and PGR2025-00048. Klein Tools requested Milwaukee's position on Friday, August 22. The parties have since exchanged communications regarding this request, but Milwaukee has not yet provided its position. In our most recent correspondence, we informed Milwaukee that, in the interest of moving these proceedings forward, Klein Tools would submit this request for leave today regardless of whether we received Milwaukee's position by 2:00 pm Eastern. As of the time of this email, we have not received Milwaukee's position.

Klein Tools seeks leave to file replies in order to address several issues raised in Milwaukee's oppositions, which, in Klein Tools' view, include new factual assertions and characterizations that were not reasonably foreseeable at the time of Klein Tools' initial briefing. Specifically, Klein Tools intends to address the following topics:

- The accuracy of certain statements in Milwaukee's *Fintiv* analysis, including the extent of overlap and the complexity of the co-pending ITC investigation;
- The characterization and relevance of the prosecution history in IPR2025-00724, including the context of amendments to the figures during prosecution and the propriety of raising written description issues in an IPR proceeding;
- The relevance of Milwaukee's stated intent to file a PGR petition challenging another patent in the (safety helmet) '327 patent family;
- Alleged material errors by the Office during prosecution of the patents involved in IPR2025-00724, IPR2025-00892, and PGR2025-00048;
- The application of patent owner estoppel and the implications for pending continuation applications; and
- The timing and propriety of new arguments or evidence presented in Milwaukee's oppositions.

Klein Tools believes that good cause exists for the requested replies because the oppositions raise new and, in some cases, inaccurate factual assertions that could not be anticipated. Klein Tools further submits that replies would assist the Director in clarifying the record and resolving disputed issues, particularly given the number of patents at issue and the existence of parallel proceedings in multiple forums. Klein Tools respectfully requests leave to file replies of up to 10 pages for each proceeding.

Klein Tools appreciates the Director's consideration of this request and is prepared to submit the proposed replies promptly should leave be granted.

Sincerely,

Todd Baker

Counsel for Patent Owner

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