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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

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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

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- 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).

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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

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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

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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

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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

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Helmet Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
		helmet, using non-metallic fastenings			
Klein Tools Insructions for Hard Hats	METCO1442_00007843	Klein Tools Insructions 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

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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

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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

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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

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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

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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.

III. INVALIDITY OF U.S. PATENT NO. 11,713,209

A. The Claims of the '209 Patent are Invalid Under 35 U.S.C. § 102 and/or 35 U.S.C. § 103

For reasons discussed in IPR2025-00892 (METCO1442_00006476-6500), incorporated herein in its entirety, each of the claims of the '209 Patent is invalid under 35 U.S.C. § 103 based on the following combinations:

- Claims 1-4, 6, and 8-18 are obvious under 35 U.S.C. § 103 in view of European Patent No. 1,391,412 to Hartranft ("Hartranft") combined with International Publication No. 1997/41626 to Bruin ("Bruin");
- Claims 5 and 7 are obvious under 35 U.S.C. § 103 in view of Hartranft, Bruin, and U.S. Patent No. 5,505,432 to Noonan ("Noonan"); and
- Claims 1-18 are obvious under 35 U.S.C. § 103 in view of Klein Tools Fish Tape combined with Southwire Glow-in-the-Dark Fish Sticks.

Respondent reserves the right to further supplement and amend this response to rely on physical products as anticipatory prior art, such as Klein Tools Fish Tape models that were described in a printed publication, in public use, on sale, and/or otherwise available to the public before the effective filing date of the claimed invention.

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 '209 Patent and/or rendering obvious one or more claims either alone or when used in combination with other reference(s).

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Fish Tape Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
CN203225481		Wire guide device	CN	October 2, 2013	April 19, 2013
CN209497081		A kind of portable cellular phone data line	CN	October 15, 2019	November 27, 2018
CN2098747U		Wire-leading device of pipeline	CN	March 11, 1992	April 28, 1991
DE2015117713		Roll leash for pets	DE	November 24, 2016	October 17, 2015
DE202012011729		Automatically rolling linen device for guiding animals with self-luminous rope rope	DE	January 30, 2013	December 6, 2012
DE2444807		Cable drum for extendable cables has elongated lateral window - exposing cables windings and graded in watts to indicate max. cable power at various extentions	DE	April 1, 1976	September 19, 1974
EP1391412		Translucent fish tape housing	EPO	February 25, 2004	August 14, 2003
FR2865860		Energy e.g. light energy, transferring method, involves arranging or choosing flexible tape or flat cable in such way that it has permanent magnetization, so that tape is retained by magnetic attraction against sleeve and envelope surfaces	FR	December 23, 2005	February 4, 2004
EP1391412		Translucent fish tape housing	EPO	February 25, 2004	August 14, 2003
JP2001174202		Measuring tape	JP	June 29, 2001	December 16, 1999
JP1991039102		Illuminated Luminous Roll Scale	JP	August 28, 1989	April 16, 1991

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Fish Tape Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
JP2008099582		Light storing device for fishing line	JP	May 1, 2008	October 18, 2006
JP2015215266		Measuring tape	JP	December 3, 2015	May 12, 2014
JP5452945		Phosphorescent	JP	August 19, 2010	February 5, 2009
JP6182410		Magnetic shielding device of stationary induction electric apparatus	JP	April 26, 1986	September 29, 1984
Klein Tools Instructions Flat Steel Fish Tapes and Winder Reels	METCO1442_00007465	Instructions for the proper use and care of Klein flat steel fish tapes and winder reels	US	January 1, 1998	January 1, 1998
Klein Fish and Glow Rods	METCO1442_00007467	Klein Tools Fish and Glow Rods - Pain-Free Wire Pulling	US	January 1, 2013	January 1, 2013
Southwire Glow in the Dark Fish Sticks	METCO1442_00007469	Southwire Glow in the Dark Fish Sticks	US	January 1, 2015	January 1, 2015
Southwire Simpull Fish Tape	METCO1442_00007471	Southwire Simpull Fish Tape	US	January 1, 2018	January 1, 2018
U.S. Pat. No. 11,479,440	METCO1442_00007473	Reel and tip for fish tape	US	October 14, 1980	March 20, 2019
U.S. Pat. Pub. No. 2005/0172914		Illuminated retractable leash	US	August 11, 2005	February 6, 2004
U.S. Pat. Pub. No. 2006/0042111		Illuminated tape measure	US	June 27, 2006	August 30, 2004
U.S. Pat. Pub. No. 2007/0017111		Light reflective and light enhancing tape measure	US	January 25, 2007	July 21, 2005
U.S. Pat. Pub. No. 2008/0086902		Measuring device with fluorescent translucent material	US	July 28, 2009	October 16, 2006
U.S. Pat. Pub. No. 2009/0289139		Cable guide	US	November 26, 2009	July 29, 2008

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Fish Tape Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. Pub. No. 2013/0221297		Powered fish tape	US	April 15, 2014	February 29, 2012
U.S. Pat. Pub. No. 2022/0179146		An illuminated retractable strap	US	June 9, 2022	March 26, 2020
U.S. Pat. No. 3,582,044		Fish tape reel	US	June 1, 1971	June 1, 1969
U.S. Pat. No. 5,505,432	METCO1442_00007491	"Fish tapes" and anti-snagging devices therefor	US	April 9, 1996	December 16, 1993
U.S. Pat. No. 6,257,942		Phosphorescent rescue line throw-bag	US	July 10, 2001	September 18, 2000
U.S. Pat. No. 6,293,519		Luminous snake	US	September 25, 2001	June 2, 1999
U.S. Pat. No. 6,513,791		Fish tape with automatic reeling feature	US	February 4, 2003	June 29, 2000
WO 1997/041626		Cable catcher	PCT	November 6, 1997	April 26, 1996

[redacted]

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.

IV. INVALIDITY OF U.S. PATENT NO. 12,187,573

A. The Claims of the '573 Patent are Invalid Under 35 U.S.C. § 102 and/or 35 U.S.C. § 103

For reasons discussed in PGR2025-00048 (METCO1442_00005455-5519), incorporated herein in its entirety, each of the claims of the '573 Patent is invalid under 35 U.S.C. § 103 based on the following combinations:

- Claims 1-4, 6-12, and 14-18 are obvious under 35 U.S.C. §103 in view of Hartranft combined with Bruin;
- Claims 5 and 13 are obvious under 35 U.S.C. § 103 in view of Hartranft, Bruin, and Noonan; and
- Claims 1-18 are obvious under 35 U.S.C. §103 in view of Klein Tools Fish Tape and Southwire Glow in the Dark Fish Sticks.

Respondent reserves the right to further supplement and amend this response to rely on physical products as anticipatory prior art, such as Klein Tools Fish Tape models that were described in a printed publication, in public use, on sale, and/or otherwise available to the public before the effective filing date of the claimed invention.

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 '573 Patent and/or rendering obvious one or more claims either alone or when used in combination with other reference(s).

[redacted]

Fish Tape Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
CN203225481		Wire guide device	CN	October 2, 2013	April 19, 2013
CN209497081		A kind of portable cellular phone data line	CN	October 15, 2019	November 27, 2018
CN2098747U		Wire-leading device of pipeline	CN	March 11, 1992	April 28, 1991
DE2015117713		Roll leash for pets	DE	November 24, 2016	October 17, 2015
DE202012011729		Automatically rolling linen device for guiding animals with self-luminous rope	DE	January 30, 2013	December 6, 2012
DE2444807		Cable drum for extendable cables has elongated lateral window - exposing cables windings and graded in watts to indicate max. cable power at various extensions	DE	April 1, 1976	September 19, 1974
EP1391412		Translucent fish tape housing	EPO	February 25, 2004	August 14, 2003
FR2865860		Energy e.g. light energy, transferring method, involves arranging or choosing flexible tape or flat cable in such way that it has permanent magnetization, so that tape is retained by magnetic attraction against sleeve and envelope surfaces	FR	December 23, 2005	February 4, 2004
EP1391412		Translucent fish tape housing	EPO	February 25, 2004	August 14, 2003
JP2001174202		Measuring tape	JP	June 29, 2001	December 16, 1999
JP1991039102		Illuminated Luminous Roll Scale	JP	August 28, 1989	April 16, 1991

[redacted]

Fish Tape Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
JP2008099582		Light storing device for fishing line	JP	May 1, 2008	October 18, 2006
JP2015215266		Measuring tape	JP	December 3, 2015	May 12, 2014
JP5452945		Phosphorescent	JP	August 19, 2010	February 5, 2009
JP6182410		Magnetic shielding device of stationary induction electric apparatus	JP	April 26, 1986	September 29, 1984
Klein Tools Instructions Flat Steel Fish Tapes and Winder Reels	METCO1442_00007465	Instructions for the proper use and care of Klein flat steel fish tapes and winder reels	US	January 1, 1998	January 1, 1998
Klein Fish and Glow Rods	METCO1442_00007467	Klein Tools Fish and Glow Rods - Pain-Free Wire Pulling	US	January 1, 2013	January 1, 2013
Southwire Glow in the Dark Fish Sticks	METCO1442_00007469	Southwire Glow in the Dark Fish Sticks	US	January 1, 2015	January 1, 2015
Southwire Simpull Fish Tape	METCO1442_00007471	Southwire Simpull Fish Tape	US	January 1, 2018	January 1, 2018
U.S. Pat. No. 11,479,440	METCO1442_00007473	Reel and tip for fish tape	US	October 14, 1980	March 20, 2019
U.S. Pat. Pub. No. 2005/0172914		Illuminated retractable leash	US	August 11, 2005	February 6, 2004
U.S. Pat. Pub. No. 2006/0042111		Illuminated tape measure	US	June 27, 2006	August 30, 2004
U.S. Pat. Pub. No. 2007/0017111		Light reflective and light enhancing tape measure	US	January 25, 2007	July 21, 2005
U.S. Pat. Pub. No. 2008/0086902		Measuring device with fluorescent translucent material	US	July 28, 2009	October 16, 2006
U.S. Pat. Pub. No. 2009/0289139		Cable guide	US	November 26, 2009	July 29, 2008

[redacted]

Fish Tape Prior Art	Bates Nos.	Title	Origin	Issue/Pub Date.	Priority/Filing
U.S. Pat. Pub. No. 2013/0221297		Powered fish tape	US	April 15, 2014	February 29, 2012
U.S. Pat. Pub. No. 2022/0179146		An illuminated retractable strap	US	June 9, 2022	March 26, 2020
U.S. Pat. No. 3,582,044		Fish tape reel	US	June 1, 1971	June 1, 1969
U.S. Pat. No. 5,505,432	METCO1442_00007491	"Fish tapes" and anti-snagging devices therefor	US	April 9, 1996	December 16, 1993
U.S. Pat. No. 6,257,942		Phosphorescent rescue line throw-bag	US	July 10, 2001	September 18, 2000
U.S. Pat. No. 6,293,519		Luminous snake	US	September 25, 2001	June 2, 1999
U.S. Pat. No. 6,513,791		Fish tape with automatic reeling feature	US	February 4, 2003	June 29, 2000
WO 1997/041626		Cable catcher	PCT	November 6, 1997	April 26, 1996

[redacted]

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 unenforceability grounds.

B. The Claims of the '573 Patent are Invalid Under 35 U.S.C. § 112

For reasons discussed in PGR2025-00048 (METCO1442_00005455-5519), incorporated herein in its entirety, each of the claims of the '573 Patent is also invalid under 35 U.S.C. § 112 for at least the following reasons.

- Each of claims 1-18 lacks written description support under 35 U.S.C. §112(a) because "at least one of the sidewalls of the case is configured to allow the luminescent material to be energized," as recited by Claims 1, 6, and 14, is not supported by the specification.
- Claims 1-13 are indefinite under 35 U.S.C. §112(b) because the scope of Claims 1 and 6 lacks reasonable certainty due to recitation of "a donut shaped case."

Respondent's investigation is ongoing, and Respondent reserves the right to articulate additional grounds under 35 U.S.C. § 112.

V. SECONDARY CONSIDERATIONS

Complainant has not provided any evidence to demonstrate the existence of any secondary considerations of non-obviousness. To the extent that Complainant or its expert(s) attempt to proffer evidence of or opinions regarding secondary considerations of non-obviousness, Respondent reserves its right to amend and supplement this response to address those considerations.

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[redacted]

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.

I. INVALIDITY OF U.S. PATENT NO. 12,268,265

A. Priority Date of the '265 Patent

The '265 Patent was filed on July 1, 2022 as a continuation of the '327 Patent, which was filed on January 14, 2019. The '265 Patent claims priority to Provisional Application No. 62/645,491 ("the '491 Provisional"), filed on March 20, 2018 and Provisional Application No. 62/622,472 ("the '472 Provisional"), filed on January 26, 2018.

For similar reasons as discussed with respect to the '327 Patent, incorporated here, the claims of the '265 Patent are not entitled to a priority date earlier than October 21, 2021. Independent claim 1 of the '265 Patent recites a "safety helmet system, comprising: a safety helmet comprising: . . . a front receptacle having a first pair of external slots and a stop . . . wherein the **stop is integrally molded** with the exterior surface of the outer shell." Dependent claim 2 further recites "wherein the outer shell, the front receptacle, and the rear receptacle are formed from **a common material**."

As filed, none of the '491 Provisional, the '472 Provisional, or the originally filed application leading to the '327 Patent included a description of the stop being integrally molded or the outer shell, front receptacle, and rear receptacle being formed from a common material.

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[redacted]

Instead, as discussed in IPR2025-00724, incorporated here, Patent Owner repeatedly introduced new matter to attempt to overcome the prior art. This includes adding six new drawings and amendments, including new disclosures, to the specification on October 21, 2021 and including further amendments to the specification, claims, and drawings on April 25, 2022.

Thus, for the same reasons as discussed in IPR2025-00724, and because the claims of the '265 Patent require the same "integrally molded" language, at best, the '265 Patent is entitled to a priority date no earlier than October 21, 2021. The '265 Patent is an AIA patent.

B. The Claims of the '265 Patent are Invalid Under 35 U.S.C. § 102 and/or 35 U.S.C. § 103

If the '265 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 '265 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." Am. Compl. ¶ 27. In its DI chart for the '265 Patent (Ex. 8) served on May 9, 2025, Klein states that it "contends that U.S. Patent No. 12,268,265 (the '265 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. 8 to Interrogatory Response served 5/9/2025. Klein provides a chart mapping each of the claims to what it has asserted are "representative" DI Products.

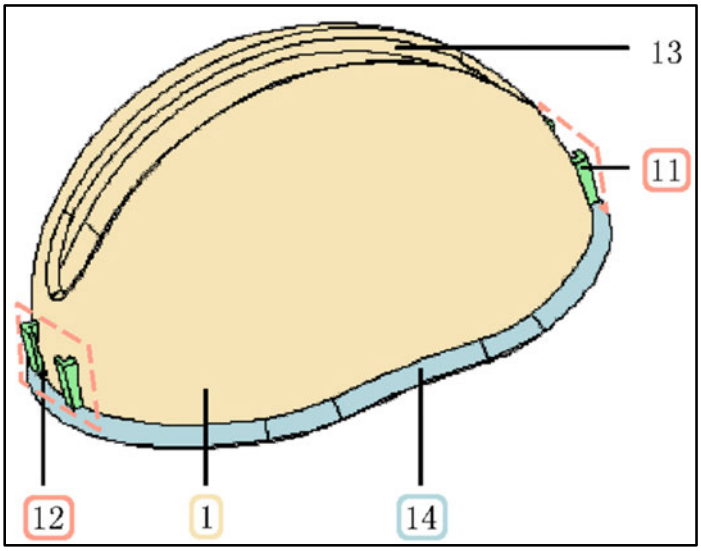
One of the representative products that Klein maps in the chart, and thus contends satisfies the technical DI prong by including all elements of the claims, is Klein's hard hat Model Number 60407 with one or two headlamps. *See, e.g.*, Ex. 8 at 2, 5, 19. This model number 60407 hard hat

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 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 the anticipatory Ground 4 outlined in IPR2025-00724, as well as incorporates by reference the entirety of IPR2025-00724.

Claims 1-4 of the '265 Patent are invalid under 35 U.S.C. § 103 based on at least the following combinations:

1. **Claims 1-4 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").**

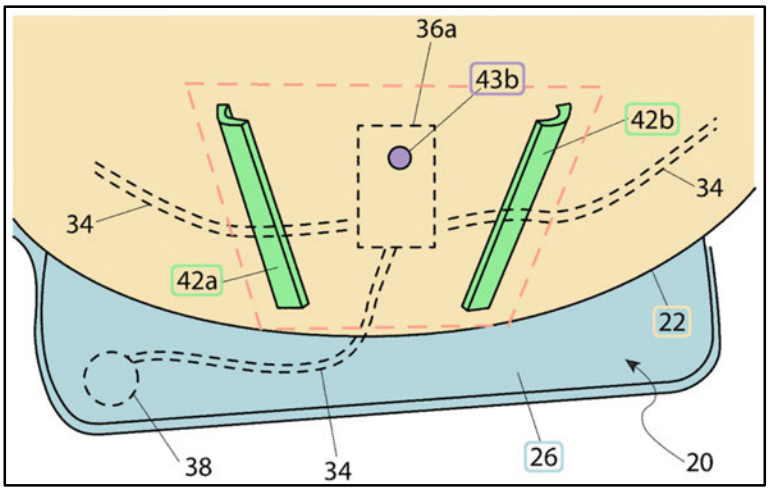
As seen in annotated Figure 2 of Yan, Yan teaches a safety helmet with a helmet body 1, a brim 14, and snap-fit slots 11 and 12, each of which includes a respective pair of symmetrically arranged L-shaped slots. Yan ¶¶ 5, 9.



Yan Fig. 2 (annotated)

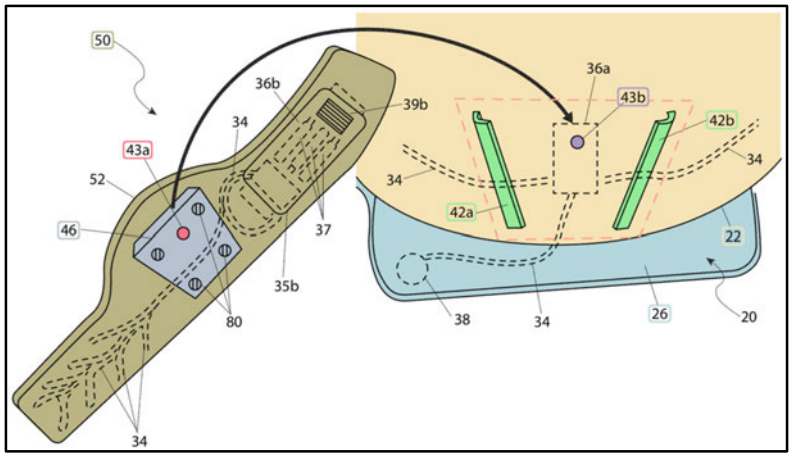
[redacted]

As seen in annotated Figure 3 of Daley, Daley teaches a safety helmet with a shell 22, a brim 26, and a receptacle including a pair of locking ears 42a and 42b with a protrusion 43b therebetween. Daley at 1:57-66.



Daley Fig. 3 (excerpted, annotated)

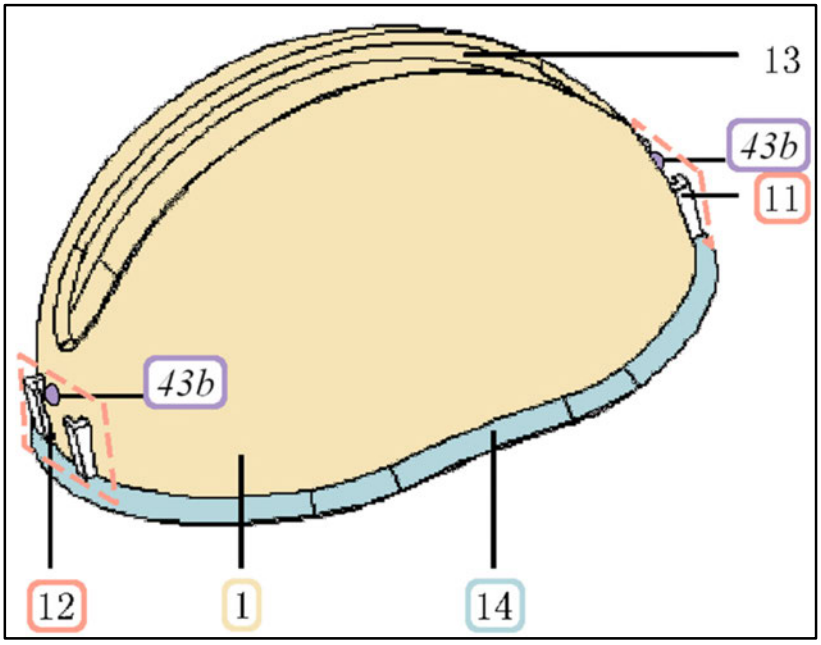
Daley further teaches a headlight assembly 50 including "an interlocking trapezoidal-shaped male bracket 46." Daley at 5:27-31. This bracket 46 includes a recessed detent 43a that "[u]pon complete insertion of male bracket 46 into the locking ears [42a and 42b], the protrusion 43b 'snaps' into the detent 43a, thereby temporarily securing the headlight assembly 50 to the shell 22." *Id*. at 5:39-43.



Daley Fig. 3 (annotated)

[redacted]

A POSITA would have been motivated to combine the teachings of Yan and Daley for the reasons described in IPR2025-00724, incorporated herein in its entirety as if fully stated here. In part, as explained in said IPR, a POSITA would have been motivated to modify each of Yan's snap-fit slot structures to be molded to the helmet body and to include the protrusion (43b) of Daley. A POSITA would have been motivated to incorporate Daley's integral molding techniques, protrusion 43b, and corresponding accessory bracket with Yan's safety helmet. An exemplary depiction of such a combined Yan-Daley helmet is provided below:



a) Claim 1 of the '265 Patent

The Yan-Daley helmet renders claim 1 of the '265 Patent obvious for the reasons described below.

i. 1[pre]: A "safety helmet system, comprising."

To the extent the preamble is limiting, the Yan-Daley helmet provides a safety helmet system.

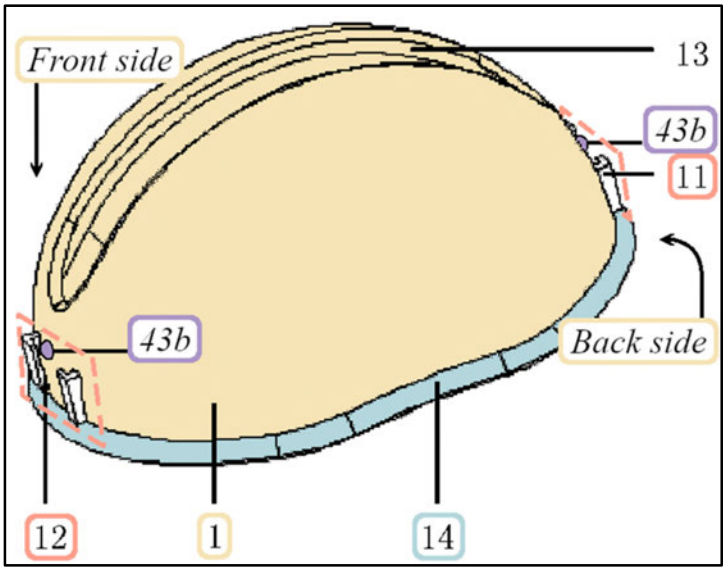
[redacted]

ii. 1[a]: "a safety helmet comprising"

For the reasons discussed in IPR2025-00724 in Section 5.1.4.1, incorporated herein in its entirety, the Yan-Daley helmet teaches this limitation.

iii. 1[b]: "a molded outer shell adapted to be worn by a user, the outer shell having an exterior surface defining a front side, a rear side, and a brim extending forward from the front side."

As discussed in IPR2025-00724, incorporated herein, Yan teaches the safety helmet includes a "helmet body 1" and thus is an outer shell adapted to be worn by a user. Yan ¶ 16. Thus, the Yan-Daley helmet comprises an outer shell adapted to be worn by a user. The Yan-Daley helmet further discloses the outer shell having an exterior surface defining a front side, a rear side (i.e., back side), and a brim extending forward from the front side as illustrated in the below Yan-Daley annotated helmet. *See, e.g.*, Yan ¶¶ 19, 83.



For reasons discussed in the IPR, incorporated herein, the Yan-Daley helmet teaches or suggests the helmet shell being molded from a common material, and a POSITA would have found it obvious to mold Yan's shell using a common material throughout as taught by Daley.

iv. 1[c]: "a front receptacle having a first pair of external slots and a stop, wherein each of the first pair of external slots extends upwardly along the front side of

[redacted]

the outer shell and the stop is disposed between the first pair of external slots, and wherein the stop is integrally molded with the exterior surface of the outer shell."

As discussed in the aforementioned IPR, and incorporated herein by reference, the Yan-Daley helmet teaches a front receptacle (snap-fit slot 11) having a first pair of external slots (Yan's L-shaped slots) and a stop (protrusion 43b), wherein each of the first pair of external slots extends upwardly along the front side of the outer shell and the stop is disposed between the first pair of external slots, and wherein the stop is integrally molded with the exterior surface of the outer shell. *See, e.g.*, IPR2025-00724 Section 5.1.4.5, incorporated herein by reference.

v. 1[d]: "a rear receptacle disposed on the rear side on the exterior surface of the outer shell, the rear receptacle having a second pair of external slots."

Respondent incorporates by reference its discussion in IPR2025-00724, Section 5.1.4.6. As noted, in relevant part, Yan teaches a second snap-fit slot 12 located at the rear of the helmet body and that it has two symmetrically arranged L-shaped slots. Yan ¶¶ 7, 17.

vi. 1[e]: "an accessory device having a mating receptacle formed thereon, at least a portion of the mating receptacle being selectively engageable with the front receptacle or the rear receptacle such that the accessory device is releasably mountable onto each of the front receptacle and the rear receptacle."

Respondent incorporates by reference its discussion in IPR2025-00724, Section 5.1.4.7 in its entirety.

vii. 1[f]: "wherein each of the first pair of external slots of the front receptacle is a receiver slot flanked by raised walls, and the stop comprises a protruding member, wherein the accessory device includes a clip, and wherein the receiver slot aligns the accessory device therein, the raised walls retain the accessory device therebetween, and the protruding member engages the clip to releasably mount the accessory device in the front receptacle."

Respondent incorporates by reference its discussion in IPR2025-00724, Sections 5.1.5 (claim 2) in its entirety.

[redacted]

b) Claim 2: "The safety helmet system of claim 1, wherein the outer shell, the front receptacle, and the rear receptacle are formed from a common material."

Respondent incorporates by reference its discussion in IPR2025-00724, including in Sections 5.1.4.2 and 5.1.4.5. As explained, Daley teaches a safety helmet with a shell 22 that includes "integrally molded portions including . . . protrusion 43b." Daley at 5:37-40. Daley further states that the first locking ear 42a and second locking ear 42b "being integrally-molded into the shell 22." *Id*. at 5:24-27. A POSITA would have found it obvious to mold Yan's outer shell using a common material throughout (as Daley teaches) and would have found it obvious to have the front receptacle and rear receptacle likewise be formed from a common material.

c) Claim 3: "The safety helmet system of claim 2, wherein the common material is plastic."

Respondent incorporates by reference its discussion in IPR2025-00724 Section 5.1.6 (claim 3).

d) Claim 4: "The safety helmet system of claim 1, further including a second accessory device having a second mating receptacle formed thereon, at least a portion of the second accessory device being releasably mountable onto each of the front receptacle or the rear receptacle on the exterior of the outer shell."

Respondent incorporates by reference its discussion in IPR2025-00724 as to claim 8, including Section 5.1.11.3.

2. Claims 1-4 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")

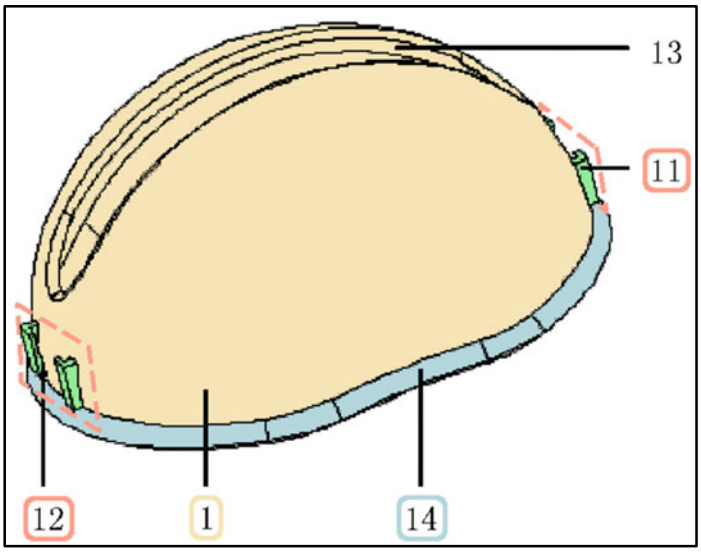
Respondent incorporates by reference its discussion above regarding the combination of Yan and Daley. Respondent further incorporates by reference Ground 2 in IPR2025-00724. Ground 2 in the aforementioned IPR addresses, for example, claims 2, 4, 9, and 12 of the '327 Patent, which each recites similar limitations as required in Claim 1[f] of the '265 Patent. Thus,

[redacted]

for similar reasons as discussed in the IPR, the Yan-Daley-Kiessler helmet would also render claim 1 (and dependent claims 2-4) obvious.

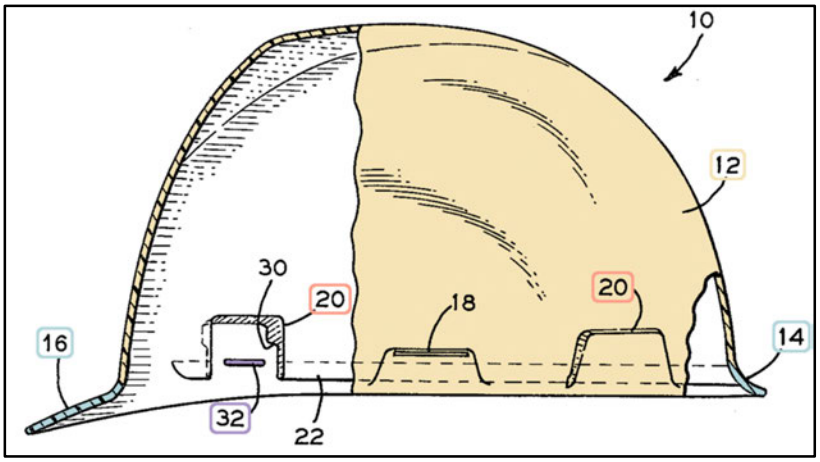
3. Claims 1-4 are obvious under 35 U.S.C. § 103 in view of Chinese Utility Model App. No. 2011-20014896.0 to Yan ("Yan") combined with U.S. Patent No. 4,304,009 to Nesbitt ("Nesbitt").

As seen in annotated Figure 2 of Yan, Yan teaches a safety helmet with a helmet body 1, a brim 14, and snap-fit slots 11 and 12, each of which includes a respective pair of symmetrically arranged L-shaped slots. Yan ¶¶ 5, 9.



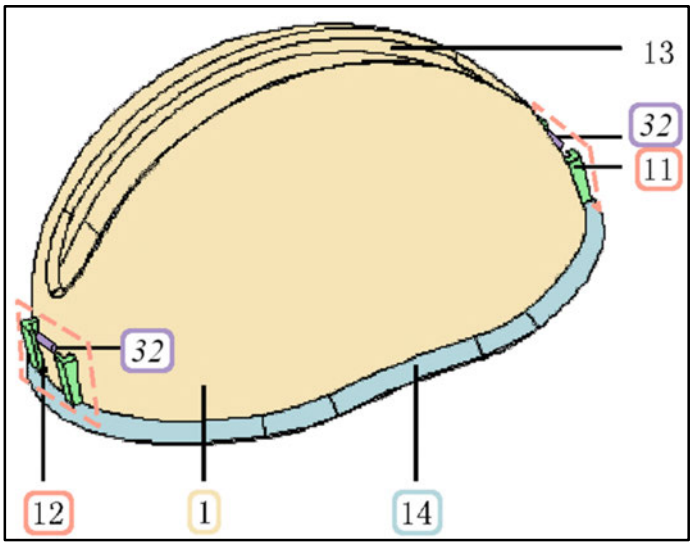
Yan Fig. 2 (annotated)

As seen in annotated Figure 8 of Nesbitt, Nesbitt teaches a safety helmet with a polyethylene shell 12 and brim 14. Nesbitt at 2:56-64. It further teaches that the helmet includes a plurality of sockets 20 that are integrally molded into the shell with each socket having a nub 32. *Id*. at 2:65-67, 3:1-6.



Nesbitt Fig. 8 (annotated).

A POSITA would have been motivated to combine the teachings of Yan and Nesbitt for the reasons described in IPR2025-00724, incorporated herein in its entirety as if fully stated here. In part, as explained in said IPR, a POSITA would have been motivated to incorporate Nesbitt's integrally molded nubs with Yan's safety helmet. An exemplary depiction of such a combined Yan-Nesbitt helmet is provided below:



b) Claim 1 of the '265 Patent

The Yan-Nesbitt helmet renders claim 1 of the '265 Patent obvious for the reasons described below.

[redacted]

ii. 1[pre]: A "safety helmet system, comprising."

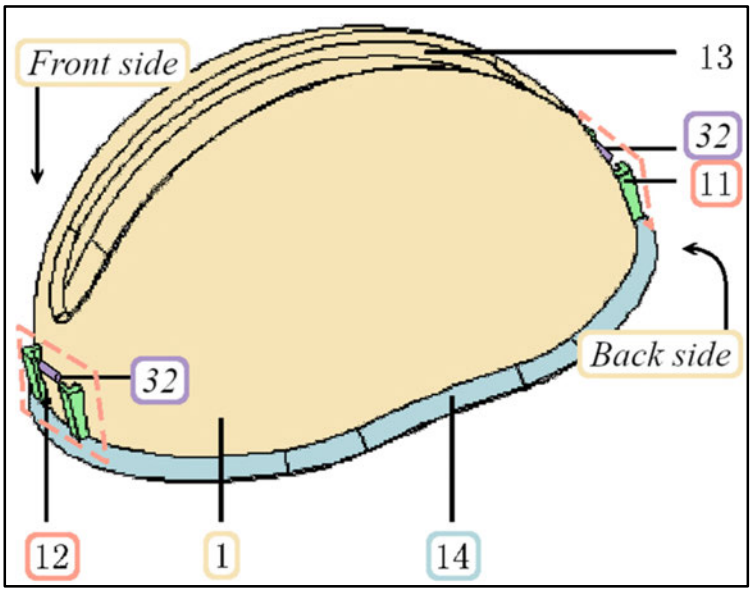
To the extent the preamble is limiting, the Yan-Nesbitt helmet provides a safety helmet system.

iii. 1[a]: "a safety helmet comprising"

For the reasons discussed in IPR2025-00724 in Section 5.3.3.1, incorporated herein in its entirety, the Yan-Nesbitt helmet teaches this limitation.

viii. 1[b]: "a molded outer shell adapted to be worn by a user, the outer shell having an exterior surface defining a front side, a rear side, and a brim extending forward from the front side."

As discussed in IPR2025-00724, incorporated herein, Yan teaches the safety helmet includes a "helmet body 1" and thus is an outer shell adapted to be worn by a user. Yan ¶ 16. Thus, the Yan-Nesbitt helmet comprises an outer shell adapted to be worn by a user. The Yan-Nesbitt helmet further discloses the outer shell having an exterior surface defining a front side, a rear side (i.e., back side), and a brim extending forward from the front side as illustrated in the below Yan-Nesbitt annotated helmet. *See, e.g.*, Yan ¶¶ 19, 83.



[redacted]

For reasons discussed in the IPR, incorporated herein, the Yan-Nesbitt helmet teaches or suggests the helmet shell being molded from a common material, and a POSITA would have found it obvious to mold Yan's shell using a common material throughout as taught by Nesbitt.

ix. 1[c]: "a front receptacle having a first pair of external slots and a stop, wherein each of the first pair of external slots extends upwardly along the front side of the outer shell and the stop is disposed between the first pair of external slots, and wherein the stop is integrally molded with the exterior surface of the outer shell."

As discussed in the aforementioned IPR, and incorporated herein by reference, the Yan-Nesbitt helmet teaches a front receptacle (snap-fit slot 11) having a first pair of external slots (Yan's L-shaped slots) and a stop (nub 32), wherein each of the first pair of external slots extends upwardly along the front side of the outer shell and the stop is disposed between the first pair of external slots, and wherein the stop is integrally molded with the exterior surface of the outer shell. *See, e.g.*, IPR2025-00724 Section 5.3.3.5, incorporated herein by reference.

x. 1[d]: "a rear receptacle disposed on the rear side on the exterior surface of the outer shell, the rear receptacle having a second pair of external slots."

Respondent incorporates by reference its discussion in IPR2025-00724, Section 5.3.3.6. As noted, in relevant part, Yan teaches a second snap-fit slot 12 located at the rear of the helmet body and that it has two symmetrically arranged L-shaped slots. Yan ¶¶ 7, 17.

xi. 1[e]: "an accessory device having a mating receptacle formed thereon, at least a portion of the mating receptacle being selectively engageable with the front receptacle or the rear receptacle such that the accessory device is releasably mountable onto each of the front receptacle and the rear receptacle."

Respondent incorporates by reference its discussion in IPR2025-00724, Section 5.3.3.7 in its entirety.

xii. 1[f]: "wherein each of the first pair of external slots of the front receptacle is a receiver slot flanked by raised walls, and the stop comprises a protruding member, wherein the accessory device includes a clip, and wherein the receiver slot aligns the accessory device therein, the raised walls retain the accessory

[redacted]

device therebetween, and the protruding member engages the clip to releasably mount the accessory device in the front receptacle."

Respondent incorporates by reference its discussion in IPR2025-00724, Sections 5.3.4 (claim 2) in its entirety.

e) Claim 2: "The safety helmet system of claim 1, wherein the outer shell, the front receptacle, and the rear receptacle are formed from a common material."

Respondent incorporates by reference its discussion in IPR2025-00724, including in Sections 5.3.3.2 and 5.3.3.5. As explained, Nesbitt teaches a safety helmet with a shell 12 that includes a "plurality of sockets 20 . . . integrally molded into the shell 12." Nesbitt at 2:65-67. It further teaches "[l]ands 30 bridge the shell 12 with the end surfaces 26 over the recess 28. Nub 32 partially extends into the recess 28." *Id*. at 3:1-7. Thus, the nub 32 is a protruding nub that is integrally molded with the shell from the common material. A POSITA would have found it obvious to mold Yan's outer shell using a common material throughout (as Nesbitt teaches) and would have found it obvious to have the front receptacle and rear receptacle likewise be formed from a common material.

f) Claim 3: "The safety helmet system of claim 2, wherein the common material is plastic."

Respondent incorporates by reference its discussion in IPR2025-00724 Section 5.3.5 (claim 3).

g) Claim 4: "The safety helmet system of claim 1, further including a second accessory device having a second mating receptacle formed thereon, at least a portion of the second accessory device being releasably mountable onto each of the front receptacle or the rear receptacle on the exterior of the outer shell."

Respondent incorporates by reference its discussion in IPR2025-00724 as to claim 8, including Section 5.3.10.

[redacted]

In addition to the above-stated combinations, Respondent identifies the prior art references identified in the First Supplement Response with respect to the '327 Patent as references that Respondent may rely on as anticipating one or more claims of the '265 Patent and/or rendering obvious one or more claims either alone or when used in combination with other reference(s).

C. Claims 2-3 of the '265 Patent are Invalid Under 35 U.S.C. § 112(a) for Lack of Written Description Support

Claims 2-3 of the '265 Patent are also invalid under 35 U.S.C. § 112(a). Claim 2 recites "wherein the outer shell, the front receptacle, and the rear receptacle are formed from a common material."

Claim 1 from which claim 2 depends defines the "front receptacle" as having a **first pair of external slots** and a stop and the "rear receptacle" as having a **second pair of external slots**. Because claim 2 recites that the front and rear receptacle are formed from a common material, this means that these first and second pair of external slots must be formed from a common material. But the specification does not describe such an embodiment to indicate the patent owner had possession of this invention nor do any of the drawings illustrate this to convey possession of the invention.

The only discussion as to a "common material" in the specification states "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**." '265 Patent at 5:66-6:2.

Thus, while the specification describes having the protruding nub 17 portion of the front receptacle be integrally molded with the outer shell from a common material, it does not describe the full front receptacle including the external slots as being formed from a common material. For at least these reasons, each of claim 2 of the '265 Patent (and its dependent claim 3) is invalid under 35 U.S.C. § 112(a).

[redacted]

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.

[redacted]

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).

[redacted]