

THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KLEIN TOOLS, INC.,

Petitioner

v.

MILWAUKEE ELECTRIC TOOL CORPORATION

Patent Owner

Case No. IPR2026-00233

U.S. Patent No. 11,656,067

**PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF RYAN KANE**

IPR2026-00233 (Patent 11,656,067)
Petitioner's Motion for *Pro Hac Vice* Admission

Exhibit No.	Description ¹
1001	Certified U.S. Patent No. 11,656,067
1002	Certified File History for U.S. Patent No. 11,656,067
1003	Declaration of Robert Giachetti
1004	Curriculum Vitae of Robert Giachetti
1005	U.S. Patent No. 7,096,596 (“Hernandez”)
1006	U.S. Patent No. 6,324,769 (“Murray”)
1007	U.S. Patent No. 6,367,161
1008	U.S. Patent No. 6,662,463
1009	U.S. Patent Application Publication No. 2004/0071869 (filed Oct. 10, 2002) (“Gilliam”)
1010	U.S. Patent No. 4,429,462
1011	U.S. Patent No. 6,243,964
1012	U.S. Patent No. 6,282,808
1013	U.S. Patent No. 6,643,947
1014	U.S. Patent No. 6,804,899
1015	Patent Owner's Preliminary Response to Petition, <i>Apex Tool Group LLC v. Milwaukee Electric Tool Corp.</i> , PGR2020-00056, Paper No. 9.

¹ Descriptions are for convenience only and are not admissions or evidence.

IPR2026-00233 (Patent 11,656,067)
Petitioner's Motion for *Pro Hac Vice* Admission

Exhibit No.	Description ¹
1016	Milwaukee Tool Internal May 8, 2017 Presentation, titled “Wider tape standout issue[:] Root cause analysis and Rework”
1017	Milwaukee Tool Internal Standout Procedure Excel Spreadsheet
1018	Kat Eschner, <i>How Hoop Skirts Led to Tape Measures</i> , Smithsonian Magazine (July 14, 2017), https://www.smithsonianmag.com/smart-news/how-hoop-skirts-led-tape-measures-180963995/ (last visited Dec. 5, 2025).
1019	Tape (Chesterman), https://americanhistory.si.edu/collections/object/nmah_761653
1020	U.S. Patent No. 79,965
1021	U.S. Patent No. 1,402,589
1022	Dkt. 28. Report of the Parties’ Planning Meeting in <i>Milwaukee Electric Tools Corporation v. Klein Tools, Inc.</i> , No. 1:25-cv-04689 (N.D. Ill.).
1023	Dkt. 30. Order adopting Parties’ Proposed Case Management Schedule in <i>Milwaukee Electric Tools Corporation v. Klein Tools, Inc.</i> , No. 1:25-cv-04689 (N.D. Ill.).
1024	Dkt. 42. Order granting Joint Motion for Extension of Certain Dates in <i>Milwaukee Electric Tools Corporation v. Klein Tools, Inc.</i> , No. 1:25-cv-04689 (N.D. Ill.).
1025	Dkt. 53. Joint Motion to Extend Certain Deadlines in the Scheduling Order in <i>Milwaukee Electric Tools Corporation v. Klein Tools, Inc.</i> , No. 1:25-cv-04689 (N.D. Ill.).
1026	Declaration of Nathaniel Louis DeLucia in Support of Admission <i>Pro Hac Vice</i>
1027	Declaration of Ryan Kane in Support of Admission <i>Pro Hac Vice</i>

Petitioner Klein Tools, Inc. ("Klein") hereby moves under 37 C.F.R. § 42.10(c) for the admission *pro hac vice* of Ryan Kane in the present *inter partes* review so that he may be appointed back up counsel for Klein Tools, Inc.

I. INTRODUCTION AND BACKGROUND

Authorization for this motion was provided by PTAB in the January 29, 2026 Notice of Filing Date Accorded to Petition (Paper 3). Counsel for Klein Tools, Inc. consulted with Counsel for Patent Owner Milwaukee Electric Tool Corporation ("Milwaukee"), and Milwaukee agreed it does not oppose the present motion for *pro hac vice* admission for Mr. Kane. Therefore, the present motion is proper at this time. As explained further below, Mr. Kane is an experienced litigation attorney with an established familiarity with the subject matter at issue in this *inter partes* review.

"[W]here the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." 37 C.F.R. § 42.10(c). A motion for *pro hac vice* admission must:

- a. Contain a statement of facts showing that there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.

b. Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:

- a. Membership in good standing of the Bar of at least one State or the District of Columbia;
- b. No suspensions or disbarments from practice before any court or administrative body;
- c. No application for admission to practice before any court or administrative body ever denied;
- d. No sanctions or contempt citations imposed by any court or administrative body;
- e. The individual seeking to appear has read and will comply with the Office rules;
- f. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et. seq. and disciplinary jurisdiction under 37 C.F.R. §11.19(a);
- g. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- h. Familiarity with the subject matter at issue in the proceeding.

Unified Patents, Inc. v. Parallel Iron, LLC, Case No. IPR2013-00639, 2013 WL 8700556 (P.T.A.B. Oct. 15, 2013).

II. STATEMENT OF FACTS SHOWING GOOD CASE FOR THE PRESENT MOTION

Based on the following facts, supported by Mr. Kane's declaration, *See* EX1027, Klein Tools requests that Mr. Kane be admitted *pro hac vice* in this proceeding. Klein Tools' lead counsel is a registered practitioner (Paper No. 1 at 2).

a. Mr. Kane Meets the Requirements for Admission *Pro Hac Vice*

Mr. Kane has more than fifteen years of experience as a litigation attorney specializing in patent litigations, representing clients in patent litigation matters in various United States District Courts.

Mr. Kane is very familiar with U.S. Patent No. 11,656,067 due to the underlying litigation: *Milwaukee Electric Tools Corporation v. Klein Tools, Inc.*, No. 1:25-cv-04689 (N.D. Ill.).

Mr. Kane is a member in good standing of the Bar of the State of New York (State Bar No. 4882551).

Mr. Kane has never been suspended or disbarred from practice before any court or administrative body.

Mr. Kane has never had a court or administrative body deny his application for admission to practice.

Mr. Kane has never been sanctioned or cited for contempt by any court or administrative body.

Mr. Kane has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 47 of the 37 C.F.R.

Mr. Kane agrees to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101, *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.199(a).

In the last three years, Mr. Kane applied to appear *pro hac vice* in:

- *Charter Communications Holding Company, LLC, et al. v. Sonus Networks, Inc., et al.*, Docket No. 253,2025 (Del. Jun 12, 2025)
- *Klein Tools, Inc. v. Milwaukee Electric Tool Corporation*, Docket No. 1:25-cv-00143 (D. Del. Feb 04, 2025)
- *Milwaukee Electric Tool Corporation v. Klein Tools, Inc.*, Docket No. 1:25-cv-04689 (N.D. Ill. Apr 29, 2025)
- *Sight Sciences, Inc. v. Ivantis, Inc. et al.*, Docket No. 1:23-cv-03275 (N.D. Ga. Jul 25, 2023)

III. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. KANE IN THIS PROCEEDING

The Board may recognize *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and any other conditions the Board may impose. 37 C.F.R. § 42.10(c). Klein Tools' lead counsel, W. Todd Baker (Reg. No. 45,265), is a registered practitioner before

the Board. Based on the facts contained herein, good cause exists to admit Mr. Kane *pro hac vice*.

Mr. Kane has over 15 years of patent litigation experience. He has represented clients in matters related to energy, medical devices, biosimilars, computer software, wireless communications, batteries, and a variety of mechanical devices, among others, and has significant experience in patent litigation matters. Mr. Kane has been Klein Tools' litigation counsel since before the institution of the co-pending litigation on another litigation between the same parties, and Mr. Kane was, and is, actively involved with the strategy and fact development in the co-pending litigation, including regarding U.S. Patent No. 11,656,067. In view of Mr. Kane's extensive knowledge of the subject matter of this proceeding, and in view of the interrelatedness of this proceeding and the co-pending district court litigation, Klein Tools has a substantial need for Mr. Kane's *pro hac vice* admission and his involvement in the continued prosecution of this proceeding.

IV. CONCLUSION

For all foregoing reasons, there is good cause to admit Mr. Kane on a *pro hac vice* basis to serve as back up counsel for Klein Tools. Therefore, Klein Tools respectfully requests that this Unopposed Motion for *Pro Hac Vice* Admission for Mr. Kane be granted.

IPR2026-00233 (Patent 11,656,067)
Petitioner's Motion for *Pro Hac Vice* Admission

Date: February 23, 2026

Respectfully submitted,

/s/ W. Todd Baker

W. Todd Baker (45,265)
KIRKLAND & ELLIS LLP
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 389-5000
Facsimile: (202) 389-5200
Email: KleinTools_IPR@kirkland.com

*Attorney for Petitioner Klein Tools,
Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document and supporting exhibit was served on February 23, 2026 on counsel of record for the Patent Owner via email to the following addresses:

Dion M. Bregman, USPTO Reg. No. 45,645
Morgan, Lewis & Bockius LLP
1400 Page Mill Road, Palo Alto, CA 94304
Tel.: 650.843.7519 / Fax: 650.843.4001
Email: dion.bregman@morganlewis.com

Jason C. White, USPTO Reg. No. 42,223
Morgan, Lewis & Bockius LLP
110 North Wacker Dr., Ste. 2800, Chicago, IL, 60606-1511
Tel.: 312.324.1775 / Fax: 312.324.1001
Email: jason.white@morganlewis.com

Scott D. Sherwin (pro hac vice forthcoming)
Morgan, Lewis & Bockius LLP
110 North Wacker Dr., Ste. 2800, Chicago, IL, 60606-1511
Tel.: 312.324.1789 / Fax: 312.324.1001
Email: scott.sherwin@morganlewis.com

Email: Metco-067Patent-IPR@morganlewis.com

Date: February 23, 2026

/s/ W. Todd Baker
W. Todd Baker