

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. IPR2026-00246

U.S. Patent No. 11,857,064

**DECLARATION OF ROBERT GIACHETTI, PH.D. IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 11,857,064**

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LIST OF EXHIBITS¹

Exhibit No.	Description²
1001	Certified U.S. Patent No. 11,857,064
1002	File History for U.S. Patent No. 11,857,064
1003	Declaration of Robert Giachetti
1004	Curriculum Vitae of Robert Giachetti
1005	DE9308896U1 (“Albrecht”)
1006	Albrecht Certified Translation
1007	Order Construing Disputed Claims of United States Patent No. 5,584,100 in <i>D&D Group Pty Ltd. et al. v. Nationwide Industries, Inc.</i> , Case No. 08-cv-236-MMA (POR), D.I. 26 (S.D. Cal. Mar. 23, 2009)
1008	U.S. Patent Publication No. 2005/0263552 (“Panosian”)
1009	U.S. Patent No. 8,919,622 (“Gabriel”)
1010	AT388448 (“Glock”)
1011	Glock Certified Translation
1012	U.S. Patent Publication No. 2016/0356304 (“Roberts”)
1013	File History for U.S. Patent No. 11,304,503
1014	U.S. Reissued Patent No. RE47,477

¹ Unless otherwise specified, citations are to the original page, column, and line numbers in exhibits, and all emphasis is added unless otherwise noted.

² Descriptions are for convenience only and are not admissions or evidence.

Exhibit No.	Description ²
1015	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.).
1016	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.).
1017	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.).
1018	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.).
1019	Excerpts from 2019 Merriam-Webster Dictionary

I, Dr. Robert Giachetti, declare as follows:

1. My name is Robert Giachetti. I have been retained by Klein Tools, Inc., (“Petitioner”) as an expert for the above-captioned Petition for *inter partes* review (“IPR”) of U.S. Patent No. 11,857,064 (the “’064 patent”) (Ex-1001). I understand Petitioner is challenging the validity of claims 1-9, 12, 16-20 (the “Challenged Claims”) of the ’064 patent. In this Declaration, I give my opinions as to whether certain references invalidate the Challenged Claims.

2. I have been asked to opine on whether the Challenged Claims are anticipated and/or rendered obvious by the prior art. My opinions are based on my years of education, research, training and experience, as well as my investigation and study of relevant materials. The materials that I studied for this Declaration include all exhibits cited in this Declaration and in the Petition. I may rely upon these materials and/or additional materials to rebut arguments raised by Patent Owner.

3. This Declaration contains statements of my opinions formed to date and the bases and reasons for those opinions. I may offer additional opinions based on further review of materials in this case, including opinions and/or testimony of other expert witnesses. I make this Declaration based upon my own personal knowledge and, if called upon to testify, would testify competently to the matters contained herein.

4. Where my conclusions are based on certain assumptions that I have adopted, I have stated such assumptions in this Declaration.

5. Fusion Engineering, LLC is being compensated at my usual rate of \$525 per hour for my time spent working on issues in this matter. I am also being reimbursed for any reasonable and customary expenses associated with my work and testimony. I have no financial interest in, or affiliation with, the Petitioner, real parties-in-interest, or the Patent Owner. My compensation is not dependent upon the outcome of, or my testimony in, the present IPR or any related litigation proceedings.

I. BACKGROUND AND QUALIFICATIONS

6. My current curriculum vitae, which includes additional detail about my education, experience, and publications, is attached as Ex-1004. Below I highlight some relevant aspects of my education and experience.

7. I currently serve as the Senior Vice President at Fusion Engineering, LLC.

8. I earned a Ph.D. in mechanical engineering in 2008 from the University of Wisconsin-Madison. I earned a Master of Science in mechanical engineering from the University of Illinois at Chicago in 2000. I earned a Bachelor of Science in mechanical engineering, with a minor in physics, from Marquette University in 1997. I also taught undergraduate level courses at all three of these Universities while I was enrolled. I am a licensed mechanical engineer in Illinois, Georgia, and

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Oklahoma. I am also an active member in various committees for both ASTM International, formerly known as: the American Society for Testing and Materials, (ASTM) and the American Society of Mechanical Engineers (ASME) related to consumer products (ASTM), sports equipment (ASTM), and power transmission and gearing (ASME). I have also participated in the National Council of Examiners, Engineers and Surveyors PAKS committee (Professional Activities and Knowledge Study) that selects the types of questions, and proportion thereof, that appear on the examination required to become a licensed engineer.

9. I have more than 25 years of experience in mechanical engineering and machine design, and over 15 years of experience providing consulting services in mechanical engineering and biomechanic practices. These consulting services have ranged from consumer product design review, testing, usage, focus group design, and government product recall; industrial equipment review and failure analysis; and development of instrumented testing. My project experience includes analysis of various collet quick connect couplings, analysis of high pressure quick connect hose couplings, analysis of cam lock couplings, as well as the design of test systems that used latches, quick connect couplings, and cam locks. I am proficient in designing equipment using software and hardware capabilities, or relying on analysis performed with software and hardware capabilities, including, but not limited to, LabVIEW, Matlab, Mathcad, AutoCAD, and 3DSSPP.

10. Additionally, I have worked in industry designing machinery in steel coil processing equipment and I also worked as a designer of industrial lifting equipment. In these positions I routinely implemented analysis of machine elements in regard to their shape, stress, strains, and machine element strength as a function of shape as well as implementation of quick links and analysis of shackles and rings.

II. UNDERSTANDING OF THE LAW

11. I am not an attorney, and I do not offer any legal opinions herein. In order to conduct my analysis, I have been provided by counsel with an understanding of the legal principles relevant to the analysis, which are summarized below.

12. I understand that for a claim of a patent to be found patentable, it must be, among other things, new and not obvious in light of what came before it. Patents and publications which predate the claimed subject matter are generally referred to as “prior art.”

1. Level of Ordinary Skill in the Art

13. I understand that an assessment of claims of the '064 patent are to be construed as they would have been understood by a person of ordinary skill in the art (“POSA”) as of the earliest priority date, which I have assumed is February 12, 2019 for purposes of this Declaration.

14. I understand that several factors may be considered in determining the level of skill in the art, including the education level of the inventor, the education

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level of active workers in the field, the type of problems encountered in the art, prior art solutions to those problems, the speed with which innovations in the art are made, and sophistication of the technology.

15. I have analyzed the '064 patent and, in my opinion, a POSA in the field of the '064 patent in February 2019 (the “relevant time period”) would have had a bachelor’s degree in engineering or at least two years of industry experience in equipment or tool design. Formal education in a relevant field, such as mechanical engineering may compensate for less experience, and vice versa.

16. I have been a POSA since at least 1997. The opinions I am offering are from the perspective of a POSA at the time of the alleged invention, which I understand to be February 12, 2019. For the purposes of my opinions below, I have been asked to assume that the relevant priority date for the Challenged Claims is February 12, 2019, and have applied the understanding of a POSA as of that date.

2. Anticipation

17. I understand that the law of anticipation is governed by the provisions of 35 U.S.C. § 102. I understand that the question of anticipation asks whether the claims cover something that is novel. I have been informed that the concept of anticipation requires that each and every element of a Challenged Claim is present in, or otherwise taught by, a single reference. In other words, I understand that one cannot combine two or more references to assert a finding of anticipation. I

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understand that the content of a patent or other printed publication (a “prior art reference”) should be interpreted the way a POSA would have interpreted the prior art reference as of the effective filing date. I further understand that the prior art reference must enable a POSA to make and use the claimed subject matter.

18. I also understand that a prior art reference does not need to explicitly describe each element because anticipation can occur when a claimed limitation is necessarily inherent in the relevant reference. I understand that claimed subject matter is inherent and in the public domain if it is the natural result flowing from the explicit disclosure of the prior art. Further, I understand that inherent anticipation does not require that a POSA would have recognized the inherent disclosure as of the critical date. I am also informed that, for inherent anticipation, information arising after the critical date may be used to show that the claimed subject matter, as disclosed in a prior art reference, was in fact inherent to the prior art.

3. Obviousness

19. I understand that a claim is unpatentable under 35 U.S.C. § 103 if the claimed subject matter as a whole would have been obvious to a POSA at the relevant time period. I understand that if the claimed invention is not anticipated by the prior art, the claim may still be invalid if the difference between the claimed subject matter and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a POSA. Thus, in

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considering the reason or motivation to combine references, it is essential to avoid using hindsight.

20. I also understand that an obviousness determination includes the consideration of various factors such as (1) the scope and content of the prior art, (2) the differences between the prior art and the asserted claims, (3) the level of ordinary skill in the pertinent art, and (4) the existence of secondary considerations or objective indicia of obviousness or non-obviousness.

21. I understand that the content of a patent or other printed publication (i.e., a reference) should be interpreted the way a POSA would have interpreted the reference as of the effective filing date. In forming my opinions, I have assumed that the person of ordinary skill in the art is a hypothetical person who is presumed to be aware of all of the relevant art at the time of the invention. I also understand that a POSA is not an automaton, and may be able to fit together the teachings of multiple patents employing ordinary creativity and the common sense that familiar items may have obvious uses in another context or beyond their primary purposes.

22. In determining the scope and content of the prior art, I understand that a reference is considered analogous art if it falls within the field of the inventor's endeavor or if it is reasonably pertinent to the particular problem with which the inventor was involved. A reference is reasonably pertinent if it logically would have commended itself to an inventor's attention in considering their problem. If a

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reference relates to the same problem as the claimed invention, that supports use of the reference as prior art in an obviousness analysis.

23. I understand that an obviousness determination can be based on a single prior art reference or a combination of multiple prior art references or the knowledge of one of ordinary skill in the art. I have been informed by counsel that there are several recognized rationales for combining references or modifying a single reference to show obviousness. Some of these rationales include:

- combining prior art elements according to known methods to yield predictable results;
- simple substitution of one known element for another to obtain predictable results;
- use of known technique to improve similar devices (methods, or products) in the same way;
- applying a known technique to a known device (method or product) ready for improvement to yield predictable results;
- “obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives

or other market forces if the variations are predictable to one of ordinary skill in the art; and

- some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

24. I also understand from counsel that an obviousness determination requires a reasonable expectation of success in achieving the claimed invention. I understand that a finding of a reasonable expectation of success does not require absolute predictability of success. I understand that evidence of a reasonable expectation of success, like evidence of a motivation to combine, may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved.

25. I further understand that if an alleged invention is otherwise rendered obvious in view of the prior art, it is not patentable simply because the inventors discover an inherent property or a result that naturally flows from its application or use.

26. I understand that secondary considerations or objective indicia of non-obviousness may include (1) a long felt but unmet need in the prior art that was satisfied by the claimed invention; (2) commercial success or lack of commercial success of processes covered by the patent; (3) unexpected results achieved by the

Declaration of Dr. Giachetti for *Inter Partes* Review of U.S. Patent No. 11,857,064 claimed invention; (4) praise of the claimed invention by others skilled in the art; (5) the taking of licenses under the patent by others; (6) deliberate copying of the claimed invention; (7) teaching away; and (8) the simultaneous invention of the claimed subject matter. I also understand that there must be a relationship between any such secondary considerations and the claimed invention. I further understand that contemporaneous and independent invention by others is a secondary consideration supporting an obviousness determination.

27. I understand that any secondary considerations or objective indicia must bear a nexus to the claimed invention. Where the offered secondary consideration actually results from something other than what is both claimed and novel in the claim, there is no nexus to the merits of the claimed invention. I further understand that the patentee bears the burden of demonstrating that the relevant commercial success is attributable to the claimed invention, as opposed to other economic and commercial factors unrelated to the technical quality of the patented subject matter.

28. In rendering my opinions, I followed these guidelines.

III. Claim Construction

29. I understand the first step in determining whether a patent claim is valid is to properly construe the claims. I further understand that claim terms are generally given their ordinary and customary meaning, which is the meaning that the term

Declaration of Dr. Giachetti for *Inter Partes* Review of U.S. Patent No. 11,857,064 would have to a POSA in question at the relevant time period, taking into account the claim language itself, specification, and prosecution history pertaining to the patent, as well as the relevant extrinsic evidence. I have applied this standard in formulating my opinions, and set forth my understanding of the scope of particular claim terms discussed below.

30. I understand that where a claim term is described in terms of the function it performs rather than the structure of the claim term, it is considered a “means plus function” term under patent law. I understand that such “means plus function” terms often, but not always, take the form of reciting a “means for” performing a function. I further understand that a claim term may be a “means plus function” term even if the terms “means” is not used in connection with the recited function where the term would not be understood by a POSA as describing a sufficiently definite structure or the term recites a function without reciting sufficient structure for performing the function.

31. I also understand that in cases where a claim term is evaluated as a means plus function term, it is construed in a two-step process. First, the function is identified. Then, the structure described in the patent specification that is linked to the function recited in the claim is identified. I understand that “means plus function” terms should be limited to the corresponding structure disclosed in the specification of the patent and its equivalents.

a. “locking mechanism”

32. Claims 1 and 16 recites “locking mechanism.” In my view, and based on my experience, “locking mechanism” would not be generally understood by a POSA to have a specific structural meaning. In my opinion, the claim language is written in functional terms and does not describe the structure of “locking mechanism.” While the claims describe the “locking mechanism” as “protruding past the rear surface of the body” (claim 1) and “protruding from the body” (claim 16), in my opinion, this language does not describe the structure of “locking mechanism.” Instead, the claim language only describes the function performed by the claimed “locking mechanism.” This is consistent with the functional descriptions in the specification where the locking mechanism is stated to be something “that locks the tool attachment devices to the receiver when the locking mechanism is in the locked position. The tool attachment device includes an actuator...causes the locking mechanism to move to an unlocked position.” *Id.* 2:20-26. The only structure described by the specification for the “locking mechanism” is “a locking pin 60 that extends through a pinhole 62 through disk 22.” Ex-1001, 5:1-6:38, Figs. 6-7; *see also id.* at 1:30-40, 2:14-26, 3:29-43. Thus, in my opinion, a POSA would understand that the function of “locking mechanism” as “lock[ing] the tool attachment device to the receiver when the locking mechanism is in a locked

Declaration of Dr. Giachetti for *Inter Partes* Review of U.S. Patent No. 11,857,064 position” and the corresponding structure as a “locking pin.” Ex-1001, 1:31-34; *see also id.* at Abstract, 2:14-26, 5:11-25.

b. “mating structure”

33. Claim 16 recites “mating structure.” In my view, and based on my experience, “mating structure” would not be generally understood by a POSA to have a specific structural meaning. In my opinion, the claim language is written in functional terms and does not describe the structure of “mating structure.” Instead, this claim only recites the function associated with the claimed “mating structure.” Ex-1001, Claim 16 (“a mating structure protruding outward from the body and configured to slidably engage the channel of the receiver”).

34. The specification of the ’064 patent describes the function of “mating structure” as “removably coupl[ing]” the tool attachment device to the receiver. Ex-1001, 3:25-29. The specification of the ’064 patent further describes the structure corresponding to the function of the “mating structure” as the “disk 22.” Ex-1001, 3:26-30, 4:8-10, 1:42-46, 1:62-67, 4:30-33, 5:17-19, 6:27-29, 7:4-8, Figs. 1, 3A, 3B, 3D, 5, 6. Thus, in my opinion, a POSA would understand that the function of “mating structure” is to “slidably engag[ing] the channel of the receiver[,]” and the corresponding structure is a “disk.” Ex-1001, 4:30-38, 1:44-46; *see also id.* at 1:66-67, 3:26-30, 4:8-10, Figs. 3A-D, 5, 6.

IV. TECHNICAL BACKGROUND – STATE OF THE ART

35. Here, I present the knowledge and terminology that would have been generally understood by a POSA in the relevant time period. I also now discuss a brief review of the prior art that existed before February 2019.

36. Prior art publications describe detachable tool holders directed to releasably attaching said holders and various methods achieving such action. *See, e.g.,* Ex-1006, 7:8-17 (“To release the connection between carrying plate 3 and pendulum bar 2, push button 11 must be pressed in as shown in Fig. 6 so that bolt 15 pushes arresting lug 10 out of recess 14 in pendulum bolt 12 against the spring force of the leaf spring 9. Now the pendulum bolt 12 can be pushed upwards out of the pendulum bearing 7 and the retaining flange 13 can be pulled out through the insertion opening 6.”); Ex-1009, 3:57-4:4 (“In order to release the beverage can or other container 16 and sleeve 11 from recess 47, a user simply uses his or her finger or thumb 42 to press inwardly on the lower end portion 36 of locking member 32 in the direction of the arrow 43 as shown in Fig. 11.”); Ex-1011, 3:23-25 (“The weapon part --10-- has an actuating device --11-- from which a push button --15-- is pressed outwards under the action of a spring (not shown) via the guide plate --13--.”).

37. Further, POSAs have known that design choices, including but not limited to, the ease with which a holder releases, the direction of the releasing mechanism, and the location of the release button, affects the usability of the

Declaration of Dr. Giachetti for *Inter Partes* Review of U.S. Patent No. 11,857,064 detachable tool holders. For example, Glock, filed in Austria in 1985, describes an embodiment, wherein “[b]y pressing the push button, the two parts can be easily separated from each other and, thanks to the undercut guide and the shape of the guide plate, they can be easily connected to each other even under difficult conditions. The location of the push button on the side of the holster prevents unauthorized access and makes it difficult for attackers to steal the weapon.” Ex-1011, 2:20-26; *see also* Ex-1009, 3:57-65 (explaining “a user simply uses his or her finger or thumb 42 to press” in order to release).

38. A POSA in February 2019 would have known how to adjust a detachable tool holder’s mechanism and design choices as taught by Albrecht, Gabriel, and Glock.

V. THE ’064 PATENT

1. Overview and Prosecution History of the ’064 Patent

39. I have read the description of the ’064 patent provided in Section VIII of the Petition and agree with it.

40. I understand the prosecution history of a patent can provide insight into how the inventors and the patent examiner understood the claimed invention and the prior art. I have reviewed the prosecution history of the ’064 patent and agree with the summary of that history provided in Section VIII(A) of the Petition.

2. Priority Date

41. I have been asked to assume for the purposes of the present Declaration that the priority date of the '064 patent is February 12, 2019.

3. Challenged Claims

42. I understand that Petitioner is challenging the patentability of claims 1-9, 12, and 16-20 of the '064 patent in the Petition for *Inter Partes* Review to which this Declaration will be attached. Those claims are reproduced below:

Limitation Identifier	Text of Claim
Independent Claim 1	
[1Pre]	A tool attachment system, comprising:
[1A]	a receiver configured to attach to a belt of a user, the receiver comprising a channel and a locking hole;
[1B]	a tool attachment device configured to be releasably coupled to the receiver, the tool attachment device comprising:
[1C]	a body comprising a front surface and a rear surface;
[1D]	a locking mechanism protruding past the rear surface of the body and into the locking hole of the receiver when the locking mechanism is in a locked position; and
[1E]	a disk mating structure protruding outward from the rear surface of the body;
[1F]	wherein the disk mating structure is configured to slidably engage the channel of the receiver;
[1G]	a pouch coupled to the body of the tool attachment device, the pouch configured to support a tool; and
[1H]	an actuator coupled to the tool attachment device;
[1I]	wherein the channel of the receiver is sized to slidably receive the disk mating structure such that the tool attachment device is supported from the receiver;
[1J]	wherein the actuator is configured to move the locking mechanism from the locked position to an unlocked position when a force is

Limitation Identifier	Text of Claim
	applied to the actuator, and wherein, in the unlocked position, the locking mechanism is moved out of the locking hole in the receiver and the tool attachment device is allowed to move relative to the receiver such that the disk mating structure slides upward and out of the channel of the receiver to release the tool attachment device from the receiver.
Dependent Claim 2	
	The tool attachment system of claim 1,
[2A]	wherein the tool attachment device is pivotally coupled to the receiver via the engagement between the disk mating structure and the channel such that the tool attachment device pivots relative to the receiver about an axis that is perpendicular to a front face of the channel of the receiver when the locking mechanism is in the locked position.
Dependent Claim 3	
	The tool attachment system of claim 1,
[3A]	wherein the actuator is located below the disk mating structure and above the pouch.
Dependent Claim 4	
	The tool attachment system of claim 3,
[4A]	wherein a lower end of the actuator is located below the disk mating structure and above the pouch.
Dependent Claim 5	
	The tool attachment system of claim 1,
[5A]	wherein the actuator moves upward relative to the pouch when the force is applied the actuator to move the locking mechanism to the unlocked position.
Dependent Claim 6	
	The tool attachment system of claim 5,
[6A]	wherein the locking mechanism includes a pin protruding outward from the rear surface of the body, wherein the locking hole of the receiver receives the pin when the locking mechanism is in the locked position.

Limitation Identifier	Text of Claim
Dependent Claim 7	
	The tool attachment system of claim 6,
[7A]	wherein the force applied to the actuator causes both the pin to be drawn out of the locking hole of the receiver and the disk mating structure to slide upward and out of the channel of the receiver to release the tool attachment device from the receiver.
Dependent Claim 8	
	The tool attachment system of claim 1,
[8A]	wherein the actuator moves in a direction parallel to the channel when the force is applied to move the actuator to the unlocked position.
Dependent Claim 9	
	The tool attachment system of claim 8,
[9A]	wherein the force is an upward force applied to the actuator.
Dependent Claim 12	
	The tool attachment system of claim 1,
[12A]	wherein the pouch is coupled to the tool attachment device through a plurality of attachment points.
Independent Claim 16	
[16Pre]	A tool attachment system, comprising:
[16A]	a receiver configured to attach to a belt of a user, the receiver comprising a channel;
[16B]	a tool attachment device configured to be releasably coupled to the receiver, the tool attachment device comprising:
[16C]	a body;
[16D]	a locking mechanism protruding from the body, the locking mechanism locking the tool attachment device against separation from the receiver when the locking mechanism is in a locked position; and
[16E]	a mating structure protruding outward from the body and configured to slidably engage the channel of the receiver;
[16F]	an actuator coupled to the tool attachment device; and

Limitation Identifier	Text of Claim
[16G]	a pouch coupled below the body of the tool attachment device, the pouch configured to support a tool;
[16H]	wherein the channel of the receiver is sized to slidably receive the mating structure such that the tool attachment device is supported from the receiver;
[16I]	wherein the actuator is configured to move the locking mechanism to an unlocked position when a force is applied to the actuator, and wherein, when the locking mechanism in the unlocked position, the tool attachment device is slidable relative to the receiver such that the mating structure can move upward and out of the channel of the receiver to release the tool attachment device from the receiver;
[16J]	wherein a lower end of the actuator is located below the mating structure and above the pouch.
Dependent Claim 17	
	The tool attachment system of claim 16,
[17A]	wherein the tool attachment device is pivotally coupled to the receiver via the engagement between the mating structure and the channel such that the tool attachment device pivots relative to the receiver about an axis that is perpendicular to a front, face of the channel of the receiver when the locking mechanism is in the locked position.
Dependent Claim 18	
	The tool attachment system of claim 17,
[18A]	wherein the mating structure is disk shaped.
Dependent Claim 19	
	The tool attachment system of claim 16,
[19A]	wherein the actuator moves upward when the force is applied to move the actuator to the unlocked position.
Dependent Claim 20	
	The tool attachment system of claim 16,
[20A]	wherein the locking mechanism includes a pin protruding outward from the body, wherein the receiver includes a hole that receives the pin when the locking mechanism is in the locked position.

VI. ASSERTED PRIOR ART

43. There are a number of patents and published patent applications that constitute prior art to the '064 patent. I understand that Albrecht, Gabriel, and Glock are the asserted prior art for purposes of the Petition.

44. I have reviewed and considered the prior art discussed in this section, as well as the other Exhibits cited in this Declaration. I have also read and agree with the characterization of the asserted prior art in the Petition.

45. In reviewing the prior art references, I note that the '064 patent, Albrecht, Gabriel, and Glock all relate to detachable tool holders. Albrecht and Glock relate to a tool pouch that detachably connects to a user's belt via a disk and pin system. Ex-1006, 1:5-6, 5:26-6:16, Figs. 1-4; Ex-1011, 4:4-11, 6:14-16. Similarly, Gabriel relates to detachably connecting a "beverage carrier" to a user's belt via a disk and actuator system. Ex-1009, Abstract, 1:28-40, 3:38-56, Fig. 1. Likewise, the '064 patent relates to a tool pouch that detachably connects to a user's belt via a disk and pin system. Ex-1001, Abstract, 1:43-48, 4:8-10, 5:10-25, 5:1-3, Figs. 2, 3A-6.

46. A POSA reading the '064 patent, Albrecht, Gabriel, and Glock references would recognize that these references all relate to releasably attaching a tool holder for holding accessories to a user's belt. A POSA would have known that "tool" may include, for example, screwdrivers and pliers, guns, phones, and knives.

A POSA would have understood that while Albrecht, Gabriel, and Glock may relate to different tools, they all are directed to how to releasably attach a container for holding items to a user's belt. *E.g.*, Ex-1001, Abstract ("present invention relates specifically to a system for removably attaching items to a belt"); Ex-1009, Abstract, 1:28-40 ("present invention relates to an improved beverage carrier ... that is mounted on the user's belt"), 3:38-56; Ex-1011, 2:1-20 ("a holster that is lightweight and comfortable to wear," and "is detachably attached to the belt part"), Figs. 1-4.

VII. UNPATENTABILITY

1. Summary of Opinions

47. I have reviewed and agree with the analysis in the Petition for IPR of the '064 patent. While I have been asked to provide opinions only on certain limitations, as discussed further in this Declaration, it is my opinion that each and every Challenged Claim would be anticipated by the prior art or obvious to a POSA at the relevant time period in view of the prior art applied in the Petition and knowledge and understanding of a POSA as further explained in this Declaration.

Ground	Claims	Basis
1A	1, 2, 12	Unpatentable pursuant to 35 U.S.C. § 102 over Albrecht
1B	3-9 and 16-20	Unpatentable pursuant to 35 U.S.C. § 103 over Albrecht in combination with Gabriel

Ground	Claims	Basis
2	1-9, 12, and 16-20	Unpatentable pursuant to 35 U.S.C. § 103 over Albrecht in combination with Glock and Gabriel

2. Ground 1A: Claims 1, 2, 12 of the '064 Patent are Anticipated in View of Albrecht

48. In my opinion, Albrecht alone anticipates every limitation of Claims 1, 2, and 12. While I have been asked to provide opinions only on certain limitations, as discussed further in this Declaration, I have reviewed the Petition's mapping of Albrecht to Claims 1, 2, and 12 and agree with it. To the extent that any limitation is not disclosed or inherently disclosed by Albrecht, it is my opinion that the limitation is nevertheless obvious.

3. Ground 1B: Claims 3-9 and 16-20 of the '064 Patent are Obvious in View of Albrecht in Combination with Gabriel

49. In my opinion, Albrecht in combination with Gabriel renders Claims 3-9 and 16-20 obvious. While I have been asked to provide opinions only on certain limitations, I have reviewed the Petition's mapping of Albrecht alone, and in combination with Gabriel, to Claims 3-9 and 16-20 and agree with it. To the extent that any limitation is not disclosed or inherently disclosed by Albrecht, it is my opinion that the limitation is nevertheless obvious as discussed below. Unless noted otherwise, it is my opinion that Claims 3-9 and 16-20 are each obvious in view of Albrecht in combination with Gabriel.

a. Claim 3

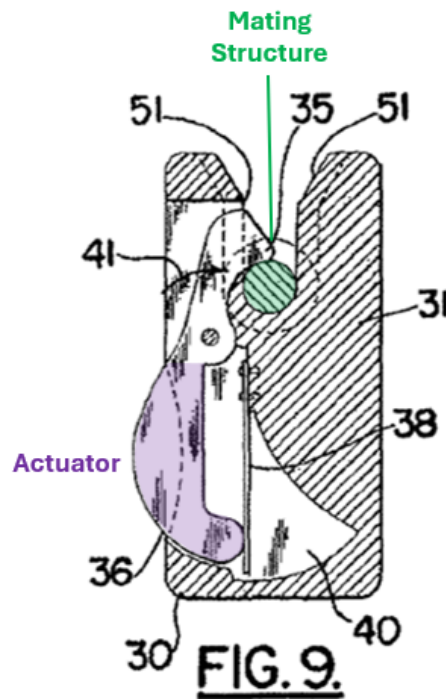
(1) “wherein the actuator is located below the disk mating structure and above the pouch when the force is applied the actuator to move the locking mechanism to the unlocked position.” limitation [3A]

50. In my opinion, Albrecht in combination with Gabriel renders limitation [3A] obvious.

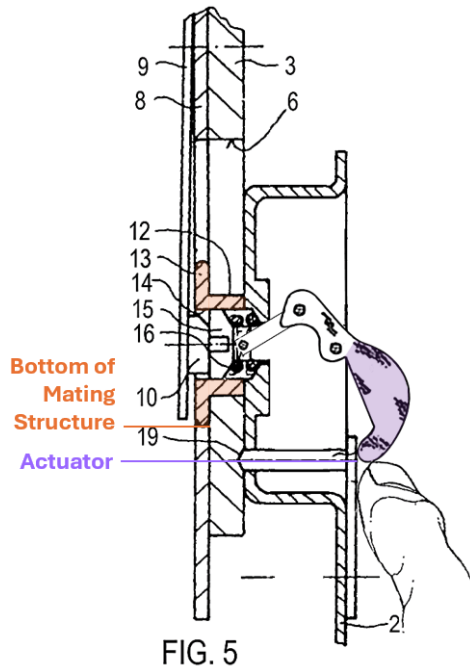
51. Albrecht discloses an actuator (“push button 11”) that is coupled to the tool attachment device (“pendulum bar 2”). Ex-1006, 7:8-18, Fig. 3; *see also id.* at 1:5-15, 6:1-3, Figs. 4-6. Albrecht further discloses that the tool attachment device (“pendulum bar 2”) has attachment points (“rivet holes”) “for fastening the weapon pouch 1[.]” Ex-1006, 6:1-3; *see also id.* at 5:19-21, 1:5-21, Fig. 1.

52. Gabriel discloses a “carrier that enables a user to support a drink product (canned, bottled, etc.) at a position next to the user’s waist or hip area such as upon a belt.” Ex-1009, 1:28-54, Fig. 1. Gabriel further discloses the use of a “locking member 32” that comprises an actuator (“lower end portion 36”) and “projection 35” that secures the beverage “sleeve 11” (and thus, beverage) to the “receptacle 30” in place when “disk or projecting member 23” is slid “into recess 47 via its open top 48.” Ex-1009, 3:38-4:5, Figs. 6-9. Gabriel also discloses that “to release the beverage can or other container 16 and sleeve 11 from recess 47, a user simply uses his or her finger or thumb 42 to press inwardly on the lower end portion 36 of locking member 32 in the direction of arrow 43 as shown in in FIG. 11.” *Id.*

Gabriel explains that this action causes the “projecting portion 35 of locking member 32” to withdraw “from recess 47 as shown in FIGS. 9-11.” *Id.* Thus, Gabriel teaches an actuator (“lower end portion 36” of “locking member 32”) with a “lower end ... below the mating structure.” This is illustrated, for example, in the annotated Figure 9 in Section XII.B.1.b of the Petition, which I agree with:



53. In my opinion, it would have been obvious to a POSA to modify the push button of Albrecht in light of Gabriel’s teachings. A POSA would have modified Albrecht’s push button so that the actuator is “below the disk mating structure,” as Gabriel expressly teaches. Ex-1009, 3:38-4:5. This is illustrated, for example, by annotated Figure 5 of Albrecht in the Petition in Section XII.B.1, which I agree with:



54. At the same time, it would have been obvious to a POSA that such an actuator would be “located ... above the pouch.” Namely, Albrecht discloses that the attachment points (“rivet holes”) for the pouch are below the actuator (“push button 11”) and disk mating structure (“retaining flange 13”). Ex-1006, Figs. 3-4, 6:1-3; *see also id.* at 5:19-21, 1:5-21, Fig. 1. This is illustrated in annotated Figure 3 in Section XII.B.1 of the Petition, which I agree with:

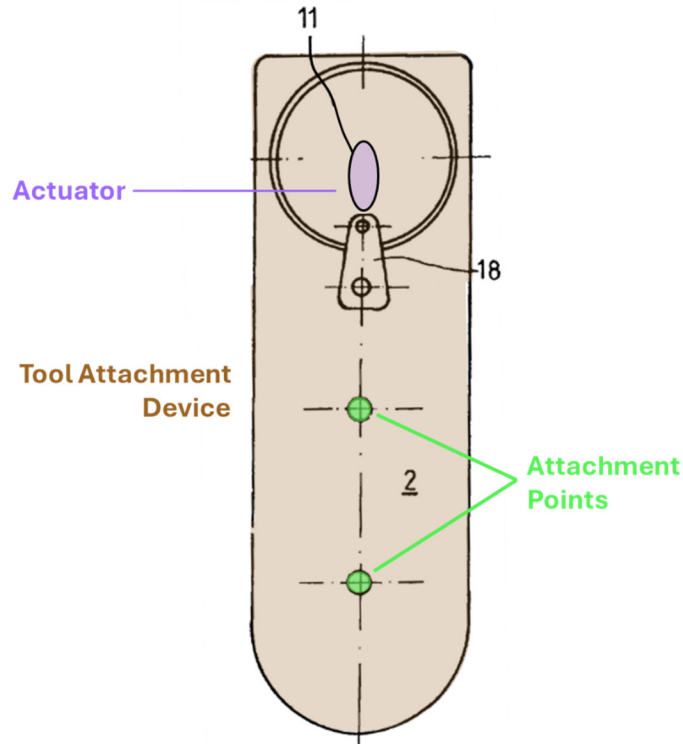
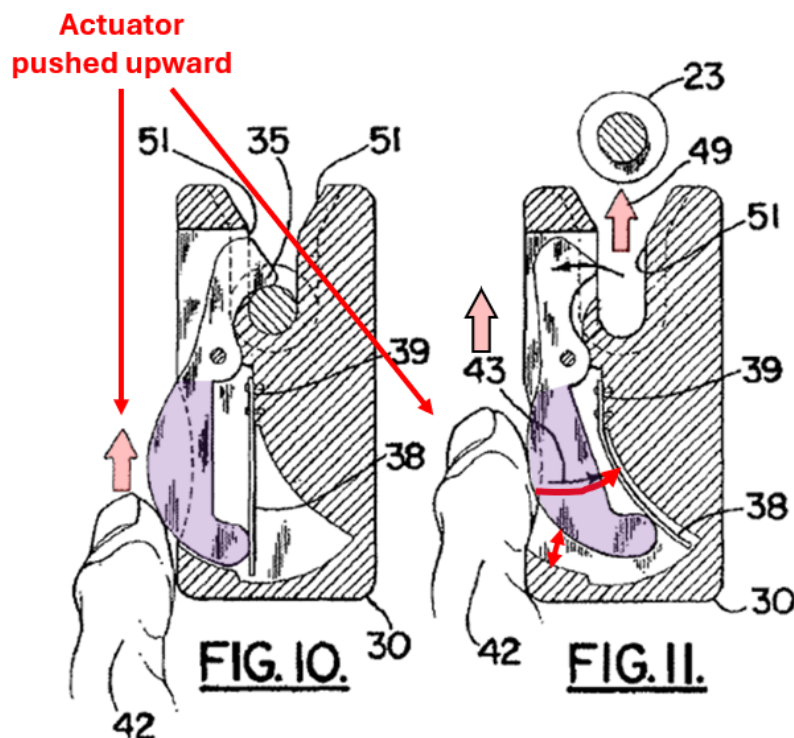


FIG. 3

55. A POSA would have been motivated to incorporate the teachings of Garbiel into Albrecht's system to make it easier for a user to unlock and decouple the pendulum bar and pouch from the carrying plate with a single motion, particularly with only one hand. Ex-1008 at [0006] (describing a disadvantage of the prior art as "mak[ing] it difficult, if not impossible, to detach the pouch, especially if one has to do this with one hand while the other hand is occupied."), [0011]-[0014] (describing one advantage of the invention as "allowing the user to quickly and easily release a pouch or receptacle with the fingers of the user for lifting the same off of the tool belt."); Ex-1012 at [0005] (describing how having to use two hands, one to push the push button, the other to remove the tool holder "may be

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unsatisfactory” and further describing an object of its invention to “make accessory attachment or detachment easy to perform even with gloves or with one hand.”). For example, Gabriel teaches that “to release the beverage can or other container 16 and sleeve 11 from recess 47, a user simply uses his or her finger or thumb 42 to press inwardly on the lower end portion 36 of locking member 32 in the direction of arrow 43 as shown in FIG. 11,” which causes “projecting portion 35 of locking member 32” to withdraw “from recess 47[.]” Ex-1009, 3:38-4:5, Figs. 6-11. A POSA would have understood that while Gabriel describes the actuator (“lower end portion 36”) as moving “inwardly,” this movement is also upward. *Id.* This is illustrated, for example, by annotated Gabriel Figures 10 and 11 in Section XII.B.1 in the Petition, which I agree with:

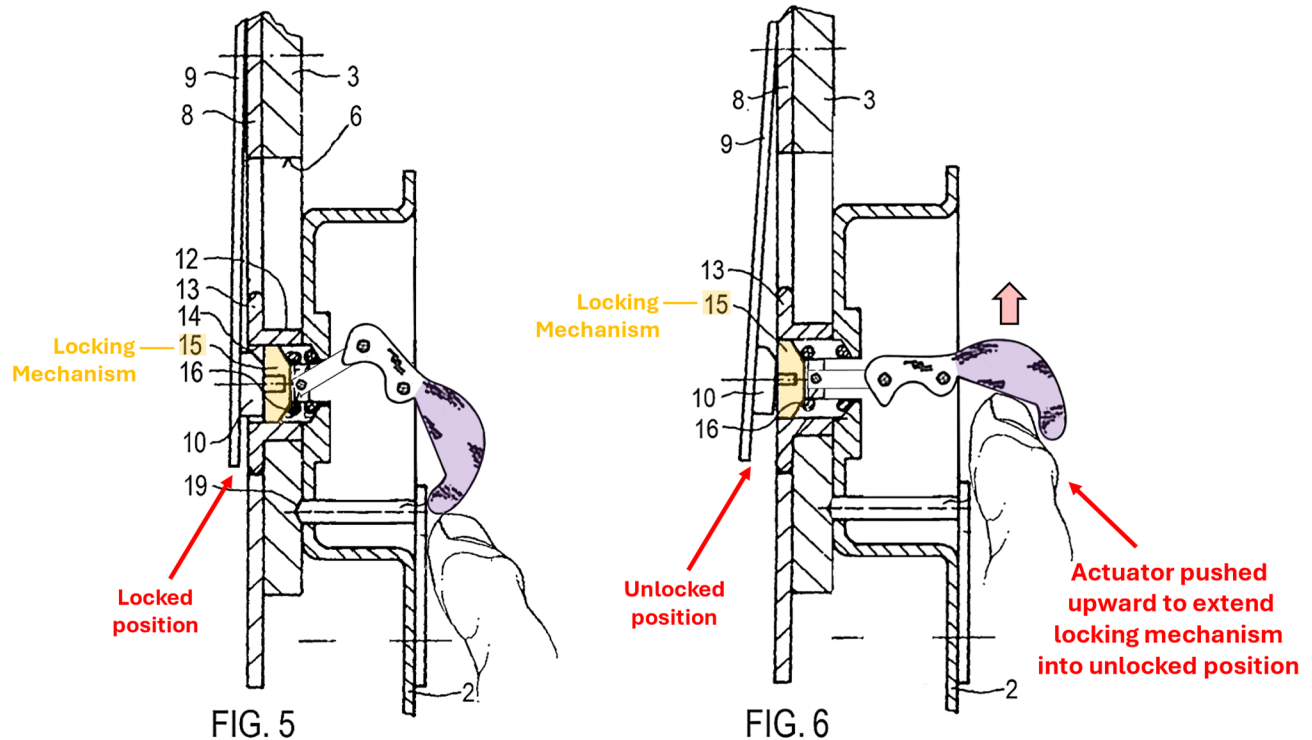


56. A POSA would be motivated to modify Albrecht's detachable attachment system for containers in light of Gabriel's teachings by their desire to increase usability and, in particular, more easily releasably detach a detachable tool holder to a user's belt with only one hand. And a POSA would look to Gabriel to modify Albrecht because, at a minimum, both Albrecht and Gabriel relate to the same purpose of how to releasably attach their respective holders to a user's belt.

57. In my opinion, a POSA would also expect to have a reasonable expectation of success. Both Albrecht and Gabriel relate to detachable attachments for containers. In addition, a POSA would have known that the direction in which the actuator was articulated was a design choice. For example, a POSA would have known that whether the actuator was articulated in a clockwise or counterclockwise direction relative to the pouch was a design choice. Indeed, a POSA would have known that the actuator actuated in a clockwise or counterclockwise direction relative to the pouch would both result in lateral and upward movement.

58. For at least the reasons above, it would have been well within the abilities of a POSA to make such a routine modification, and a POSA would have had a high expectation of success in doing so. For example, these are the types of basic mechanisms and elementary principles that are taught during a POSA's undergraduate education, namely in undergraduate engineering course(s), and thus, a POSA would have learned and known how to make such modifications. For

example, a POSA would have found obvious and understood that Gabriel's push-based actuator embodiment would also function as a pull-based actuator utilizing the design of rotation around a pin as taught by Gabriel. This is illustrated, for example, in annotated Figures 5 and 6 in Section XII.B.1 in the Petition, which I agree with:



59. In addition, any work to connect Gabriel's actuator to Albrecht's device, for example, using a linkage to connect Gabriel's actuator to Albrecht's locking mechanism or increasing the size of the space surrounding the actuator to provide sufficient room to rotate, would be a routine modification well within the skills of a POSA. For example, these are the types of simple mechanisms and elementary principles that are taught during a POSA's undergraduate education,

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namely in undergraduate engineering course(s), and thus, a POSA would have
learned and known how to make such modifications.

b. Claim 4

**(1) “wherein a lower end of the actuator is located
below the disk mating structure and above the pouch.”
limitation [4A]**

60. In my opinion, Albrecht in combination with Gabriel renders limitation
[4A] obvious for the reasons I explain in Section VII.3.a(1), above. Specifically, a
POSA would have understood that a “lower end” of Albrecht’s actuator as modified
would be “below the mating structure,” similar to Gabriel’s teachings. A POSA
would have further understood that such modified actuator would also have a “lower
end of the actuator” “located ... above the pouch,” for the reasons discussed above.
Supra § VII.3.a; Ex-1006 Figs. 3-4, 6:1-3; *see also id.* at Fig. 1.

c. Claim 5

**(1) “wherein the actuator moves upward relative to
the pouch when the force is applied the actuator to move the
locking mechanism to the unlocked position.” limitation
[5A]**

61. In my opinion, Albrecht in combination with Gabriel renders limitation
[5A] obvious for the reasons I explain in Sections VII.3.a(1), VII.3.b(1), above.
Specifically, Gabriel discloses that the actuator (“lower end portion 36”) moves “in
the direction of arrow 43 as shown in FIG. 11[.]” Ex-1009, 3:38-4:5, Figs. 6-11. A

POSA would have understood that while the direction is described as “inwardly,” the direction is also upward. *Id.*

62. A POSA would have known that Albrecht’s detachable attachment system could be modified, and such modifications would affect the direction in which the actuator actuates. For example, a POSA would have understood that Albrecht, as modified in light of Gabriel, would have an actuator that moves upward relative to the pouch when the force is applied to move the locking mechanism to the unlocked position.

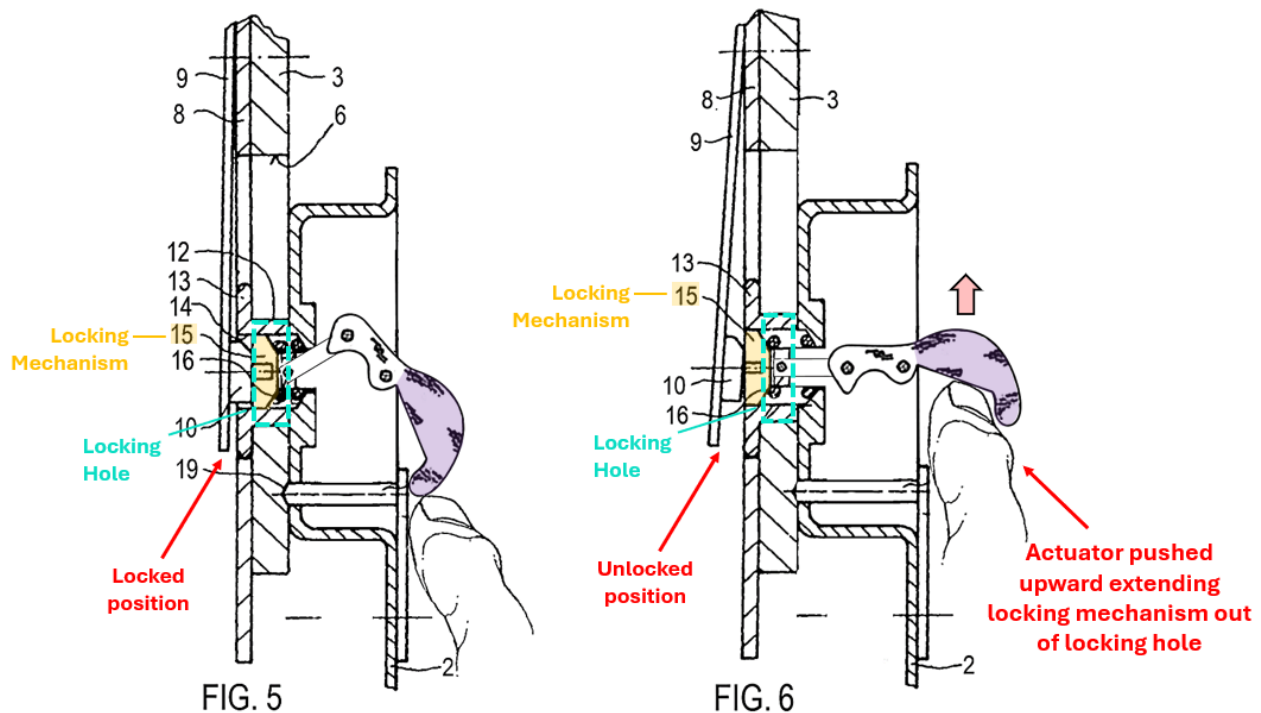
63. In my view, a POSA would have been motivated to modify Albrecht’s detachable attachment system for containers in light of Gabriel’s teachings, and would have had a reasonable expectation of success in doing so for the reasons discussed above. *Supra* §§ VII.3.a, VII.3.b; *see also infra* § VII.3.g.

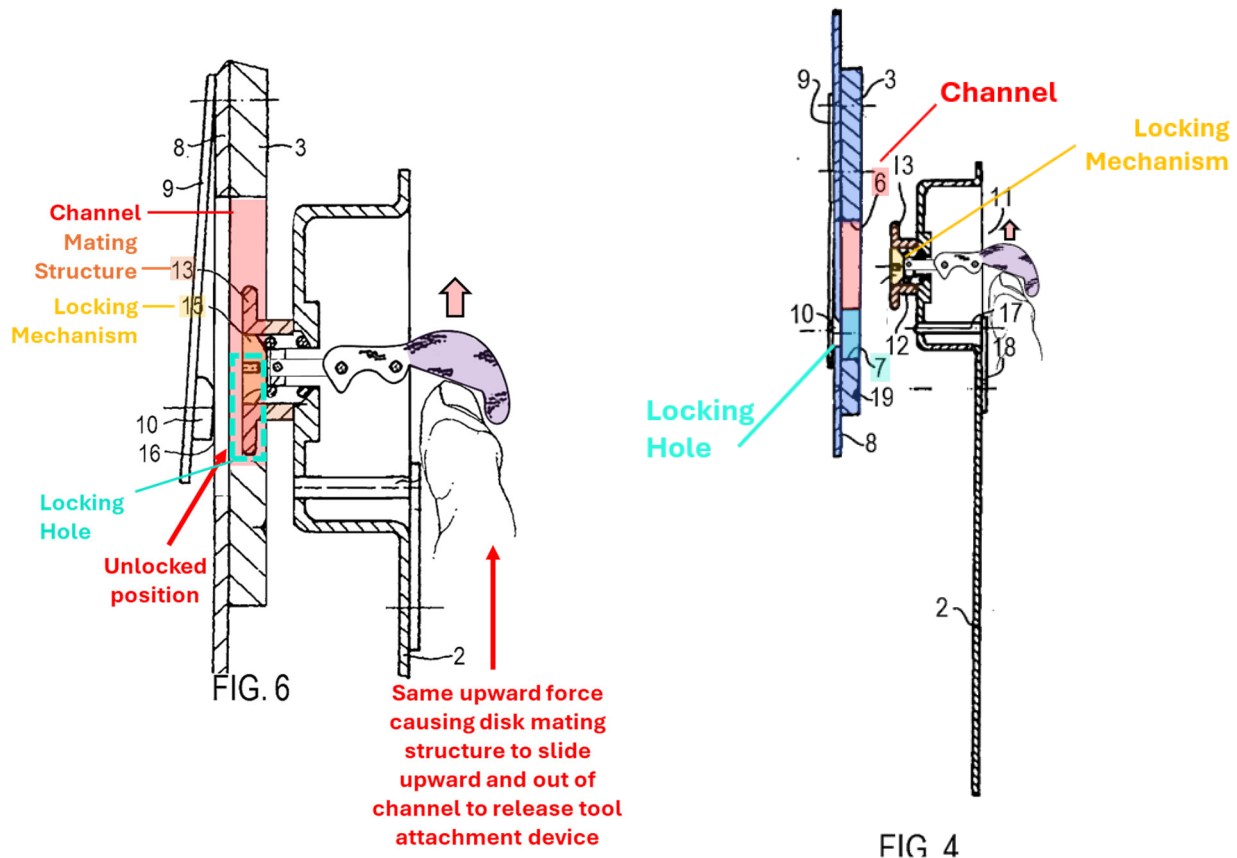
d. Claim 7

(1) “wherein the force applied to the actuator causes both the pin to be drawn out of the locking hole of the receiver and the disk mating structure to slide upward and out of the channel of the receiver to release the tool attachment device from the receiver.” limitation [7A]

64. In my opinion, Albrecht in combination with Gabriel renders limitation [7A] obvious for the reasons I explain in Sections VII.3.a(1)-VII.3.c(1), above. Specifically, it would have been obvious to a POSA to modify the actuator (“push button 11”) of Albrecht so that the actuator would be pushed with an upward force,

Declaration of Dr. Giachetti for *Inter Partes* Review of U.S. Patent No. 11,857,064 as taught by Gabriel. Indeed, a POSA would have known that when the actuator is pushed with an upward force, the locking mechanism would be pushed out of the hole. Specifically, a POSA would have known that the pin would be drawn out of the locking hole of the receiver. At the same time, a POSA would have understood that when a user applies force to the modified actuator, it would also cause the disk mating structure to slide upward and out of the channel of the receiver, as the force applied to the actuator is also upward. *E.g.*, Ex-1006, 7:8-18 (describing how Albrecht's disk mating structure slides up and out of its channel when unlocked). This is illustrated by the annotated figures in Section XII.B.5 in the Petition, which I agree with:

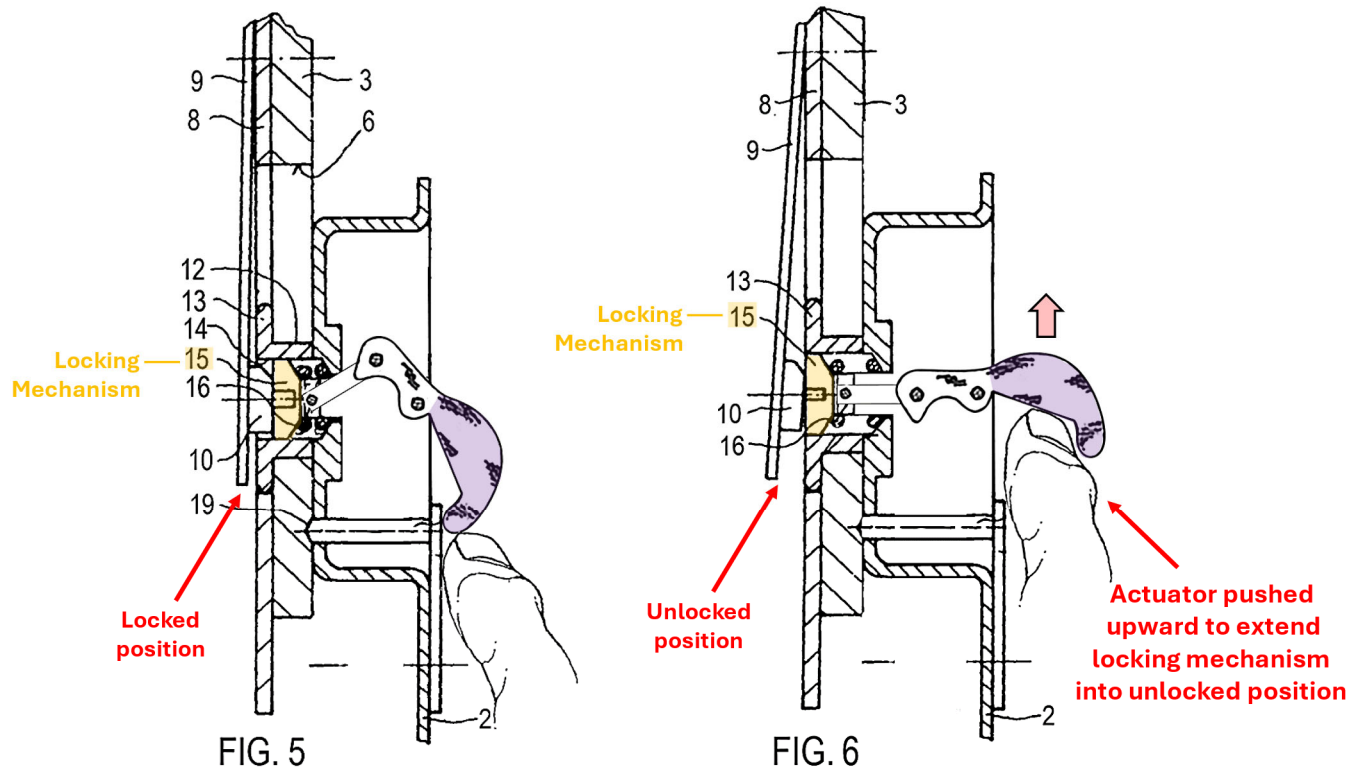




e. **Claim 9**

(1) “wherein the force is an upward force applied to the actuator.” limitation [9A]

65. In my opinion, Albrecht in combination with Gabriel renders limitation [9A] obvious for the reasons I explain in Sections VII.3.a(1)-VII.3.c(1), above. Namely, Gabriel discloses that the actuator (“lower end portion 36”) is pushed with an “upward[]” force. *Supra* §§ VII.3.a-VII.3.c; Ex-1009, 3:38-4:5, Figs. 6-11. This is illustrated by the annotated figures in Section XII.B.7 in the Petition, which I agree with:



f. Claim 16

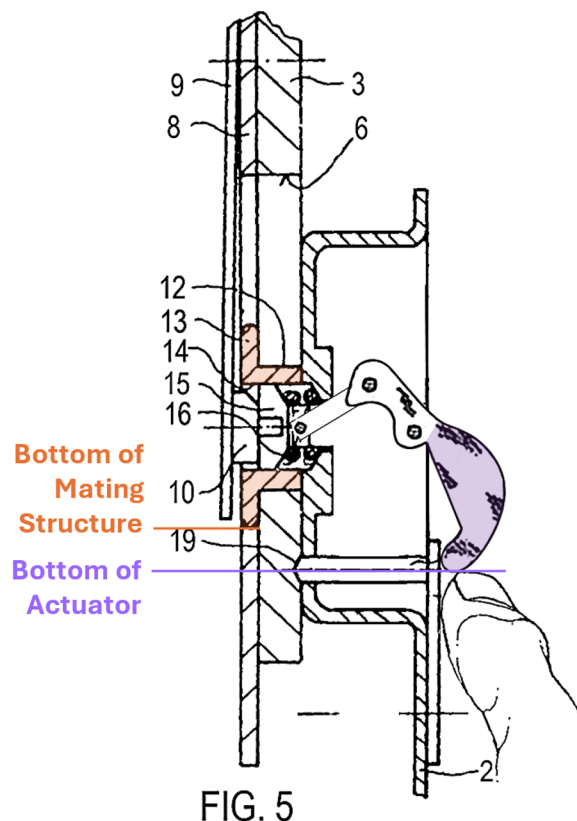
**(1) “wherein a lower end of the actuator is located below the mating structure and above the pouch.”
limitation [16J]**

66. In my opinion, Albrecht in combination with Gabriel renders limitation [16J] obvious.

67. Albrecht discloses an actuator (“push button 11”) that is located above “pouch 1.” Albrecht discloses “a pouch 1 for receiving a handgun, which is fastened to a pendulum bar 2.” Ex-1006, 5:19-21; *see also id.* at Fig. 1, 1:5-21, 6:1-3. Albrecht further discloses that the actuator “push button 11” is coupled to tool attachment device (“pendulum bar 2”). Ex-1006, 7:8-18; *see also id.* at 1:5-15, 6:1-3, Figs. 3, 4-6; *supra* §§ VII.3.a, VII.3.b.

68. Further, as discussed in Sections VII.3.a(1), VII.3.b(1), and VII.3.c(1), Gabriel teaches an actuator (“a lower end portion 36” of “locking member 32”) with “a lower end ... located below the mating structure.”

69. In my opinion, a POSA would have been motivated to modify Albrecht’s actuator (“push button 11”) so that the “lower end” is “below the mating structure,” in light of Gabriel’s teachings. *Supra* §§ VII.3.a-VII.3.c. This is illustrated by the annotated Figure 5 in Section XII.B.8.k of the Petition, which I agree with:



70. A POSA would have understood that such an actuator would also have “a lower end of the actuator” “located ... above the pouch[,]” as Albrecht expressly

Declaration of Dr. Giachetti for *Inter Partes* Review of U.S. Patent No. 11,857,064 discloses. *Id.* For example, Albrecht discloses that the attachment points (“rivet holes”) for the pouch are below the actuator and mating structure. Ex-1006, Figs. 3-4, 6:1-3; *see also id.* at Fig. 1; *supra* §§ VII.3.a-VII.3.c. This is illustrated, for example, by annotated Figure 3 in Section XII.B.8.k in the Petition, which I agree with:

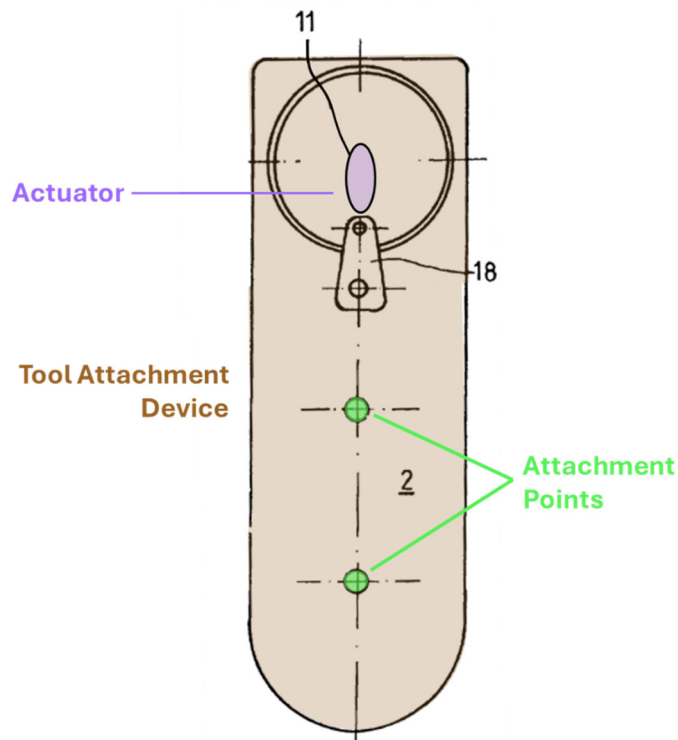


FIG. 3

71. A POSA would have been motivated to make such a modification. A POSA would have understood that such a modification would make it easier for a user to unlock and decouple the pendulum bar and pouch from the carrying plate with a single motion, especially with only one hand. *See, e.g.*, Ex-1008 at [0006], [0011]-[0014]; Ex-1012 at [0005]; *supra* § VII.3.a. Similarly, a POSA would have

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also been motivated to make sure the “lower end” of the actuator was “located ... above the pouch[,]” to allow the user easy access to the actuator which would allow the user to swiftly and easily unlock and decouple the pendulum bar and pouch from the carrying plate with a single, convenient motion. *Id.*

72. In my opinion, a POSA would also expect to have a reasonable expectation of success in making such a modification. First, both Albrecht and Gabriel relate to detachable attachment systems for containers. In addition, as I discussed above, a POSA would have known that the direction in which the actuator moves was a design choice. For example, a POSA would have known that whether the actuator moves in a clockwise or counterclockwise direction relative to the pouch was a design choice. A POSA would have known that the actuator movement in a clockwise or counterclockwise direction relative to the pouch would both result in lateral and upward movement. It therefore would have been well within the abilities of a POSA to make such an elementary or routine modification, and a POSA would have had a high expectation of success in doing so for the reasons I explained above. *Supra* § VII.3.a. For example, these are the types of basic mechanisms and elementary principles that are taught during a POSA’s undergraduate education, namely in undergraduate engineering course(s), and thus, a POSA would have learned and known how to make such modifications.

**g. Motivation to Combine and Expectation of Success
Combining Albrecht and Gabriel**

73. In my opinion, a POSA would have been motivated to combine Albrecht and Gabriel, for at least the reasons I describe above. Namely, a POSA would have been motivated to combine Gabriel's rotational actuator with Albrecht's system in order to make it easier for a user to unlock and decouple the pendulum bar and pouch from the carrying plate with a single motion, particularly with only one hand. For example, it was well known to a POSA well before February 2019 that it was desirable to allow the user to operate such mechanism with one hand. *See, e.g.*, Ex-1008 at [0006] (describing a disadvantage of the prior art as "mak[ing] it difficult, if not impossible, to detach the pouch, especially if one has to do this with one hand while the other hand is occupied."), [0011]-[0014] (describing one advantage of the invention as "allowing the user to quickly and easily release a pouch or receptacle with the fingers of the user for lifting the same off of the tool belt."); Ex-1012 at [0005] (describing how having to use two hands, one to push the push button, the other to remove the tool holder "may be unsatisfactory" and further describing an object of its invention to "make accessory attachment or detachment easy to perform even with gloves or with one hand.").

74. A POSA would have had a high expectation of success as Albrecht and Gabriel both relate to detachable tool holders, and specifically to solving the problem of how to releasably attach a container for holding items to a user's belt, and these

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modifications would simply amount to combining prior art elements according to known methods to yield predictable results. A POSA would have understood that combining Gabriel's teachings with Albrecht merely takes Albrecht's system and combines it with Gabriel's known actuator, with all parts performing how a POSA would expect. Any work to connect Gabriel's actuator to Albrecht's device would be a routine modification well within the skills of a POSA. Indeed, these are the types of basic mechanisms and elementary principles that are taught during a POSA's undergraduate education, namely in undergraduate engineering course(s). For example, a POSA would have been taught and therefore would have known how to use linkages in mechanical devices and how to modify the sizes of parts in a simple mechanical device such as these for clearance.

4. Ground 2: Claims 1-9, 12, and 16-20 of the '064 is Obvious in Light of Albrecht in Combination with Glock and Gabriel

75. For Claims 1, 2, and 12 of the '064 patent, Albrecht alone discloses every limitation of the Challenged Claims. *Supra* § VII.1. The remaining Challenged Claims are obvious over Albrecht in light of Gabriel. *Supra* § VII.3. To the extent Albrecht alone, or in light of Gabriel does not render obvious the remaining Challenged Claims, I provide these opinions further discussing that Albrecht in combination with Glock and Gabriel nevertheless render obvious all Challenged Claims. While I have been asked to provide opinions only on certain limitations, I have reviewed the Petition's mapping of Albrecht in combination with Glock and

Gabriel to the Challenged Claims and agree with it. To the extent Albrecht alone, or in light of Gabriel, does not render the Challenged Claims, Albrecht in combination Glock and Gabriel render these limitations obvious.

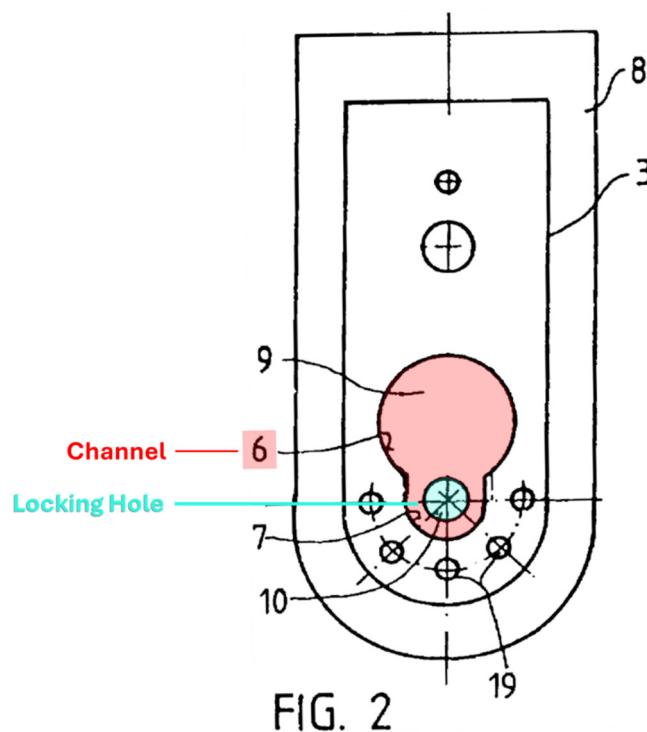
a. Claim 1

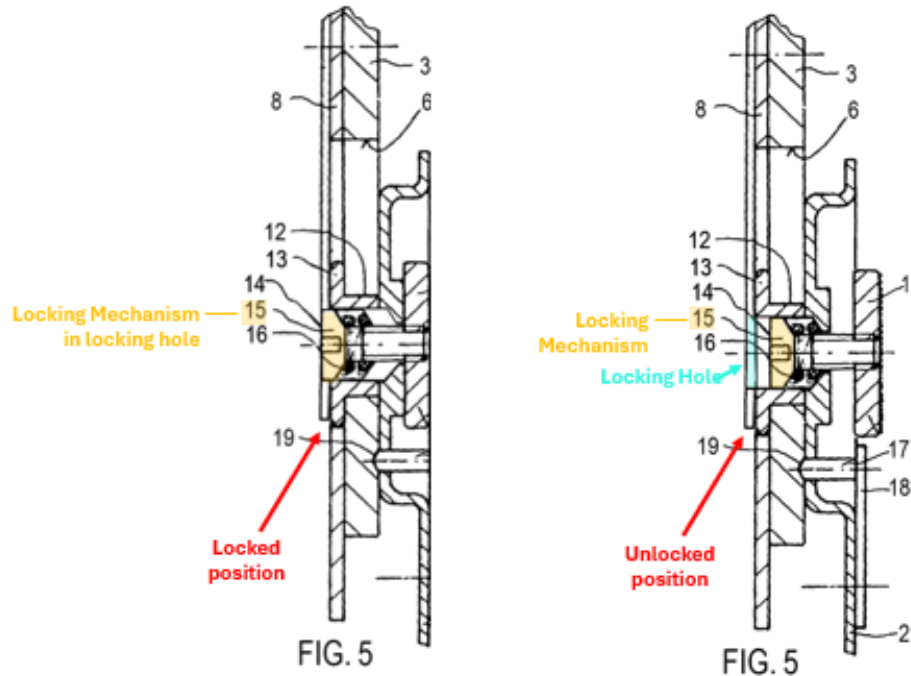
**(1) “a locking mechanism protruding past the rear surface of the body and into the locking hole of the receiver when the locking mechanism is in a locked position;”
limitation [1D]**

76. Albrecht discloses limitation [1D]. To the extent Albrecht alone, does not render limitation [1D] obvious, in my opinion, Albrecht in combination with Glock renders limitation [1D] obvious.

77. Albrecht discloses a “locking mechanism” that includes a “locking pin” (“bolt 15”). Ex-1006, 6:5-16, Figs. 4-5. Albrecht discloses that this locking mechanism protrudes past the rear surface of the body and into the locking hole (“pendulum bearing 7”) of the receiver when the locking mechanism is in the locked position. Ex-1006, 6:5-7:17. Albrecht further discloses that when the “pendulum pin 12,” and thus the locking mechanism including a “locking pin” (“bolt 15”), which is inside of “pendulum pin 12,” is pushed into the locking hole (“pendulum bearing 7”), “the arresting lug 10 of the leaf spring 9 engages in the recess 14 of the pendulum pin 12 and arrests it rotatably in the pendulum bearing 7.” *Id.* at 7:9-18; *see also id.* at 1:5-10, Figs. 4-5.

Declaration of Dr. Giachetti for *Inter Partes* Review of U.S. Patent No. 11,857,064 into and out of hole 5. It would have been obvious to a POSA to replace “leaf spring 9” and “arresting lug 10” with a simple wall with a hole behind “pendulum bearing 7” such that “bolt 15” protrudes into the locking hole (the hole in the wall that replaces “leaf spring 9”) when in the locked position. When making this modification, a POSA would have known to remove the leaf spring and fill the back of the “carrying plate 3,” while leaving a hole behind “pendulum bearing 7” to allow for a space for the “bolt 15” to slide in. This modification would be similar to Glock’s teaching such that “bolt 15” would protrude through a hole in the newly formed wall when in the locked position. As modified, Albrecht’s receiver would therefore have a “locking hole” at its rear. This is illustrated by annotated Figures 2 and 5 in Section XII.C.1.e of the Petition, which I agree with:





80. In my opinion, a POSA would have been motivated to make such a modification to remove the leaf spring. A POSA would have known and understood that the size of the leaf spring affects the distance between the accessory attachment and accessory, and that they could increase usability of the device by modifying or removing the size of the leaf spring. For example, Albrecht discloses that “[d]ue to the necessary length of the leaf spring, the distance between the fastening of the carrying device and the weapon is relatively large.” Ex-1006, 2:1-22. Albrecht further discloses that “[t]his large distance” results in the holster “to perform disruptive swinging and pendulum movements when walking.” *Id.* Albrecht explains that one objective of its invention is to “shorten[] the leaf spring and the carrying plate, [such that] the overall distance between the weapon pouch and the fastening of the carrying plate to the belt is reduced, so that the pendulum length between the

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belt fastening and the weapon is also reduced and the weapon performs significantly less disruptive swinging and pendulum movements when the weapon carrier moves.” *Id.* As a result, a POSA would have been motivated to modify Albrecht’s locking mechanism in light of Glock to remove the need for a leaf spring entirely.

81. A POSA would have known that whether the pendulum bar and carrying plate were secured by an “arresting lug” from the leaf spring or by “bolt 15” passing through a hole in the back of the receiver is a design choice. For example, Albrecht teaches that “coil spring 16” can be connected to “bolt 15” that “presses the bolt against the arresting lug[,]” or hole as modified, “in the arrested position.” Ex-1006, 3:9-19. A POSA would have understood that Albrecht’s teachings are similar to Glock’s teachings wherein a “push button --15-- is pressed outwards under the action of a spring” and “protrudes into the hole --5-- due to the force of the spring[,]” and would include such a spring in this modification. Ex-1011, 3:23-30.

82. In my opinion, a POSA would expect to have a reasonable expectation of success in making such a modification. At a minimum, both Albrecht and Glock relate to detachable attachments for pouches, and more specifically, gun holsters. Further, a POSA would have known that whether the pendulum bar and carrying plate are secured by an “arresting lug” from the leaf spring or by “bolt 15” passing through a hole in the back of the receiver is a design choice. For example, Albrecht

Declaration of Dr. Giachetti for *Inter Partes* Review of U.S. Patent No. 11,857,064 teaches that “coil spring 16” can be connected to “bolt 15” that “presses the bolt against the arresting lug,” or hole as modified, “in the arrested position.” Ex-1006, 3:9-19. In my view, it would have been within the abilities of a POSA to make such a routine modification, and a POSA would have had a high expectation of success in doing so. For example, these are the types of basic mechanisms and elementary principles that are taught during a POSA’s undergraduate education, namely in undergraduate engineering course(s), and thus, a POSA would have learned and known how to make such modifications.

(2) “wherein the actuator is configured to move the locking mechanism from the locked position to an unlocked position when a force is applied to the actuator, and wherein, in the unlocked position, the locking mechanism is moved out of the locking hole in the receiver and the tool attachment device is allowed to move relative to the receiver such that the disk mating structure slides upward and out of the channel of the receiver to release the tool attachment device from the receiver” limitation [1J]

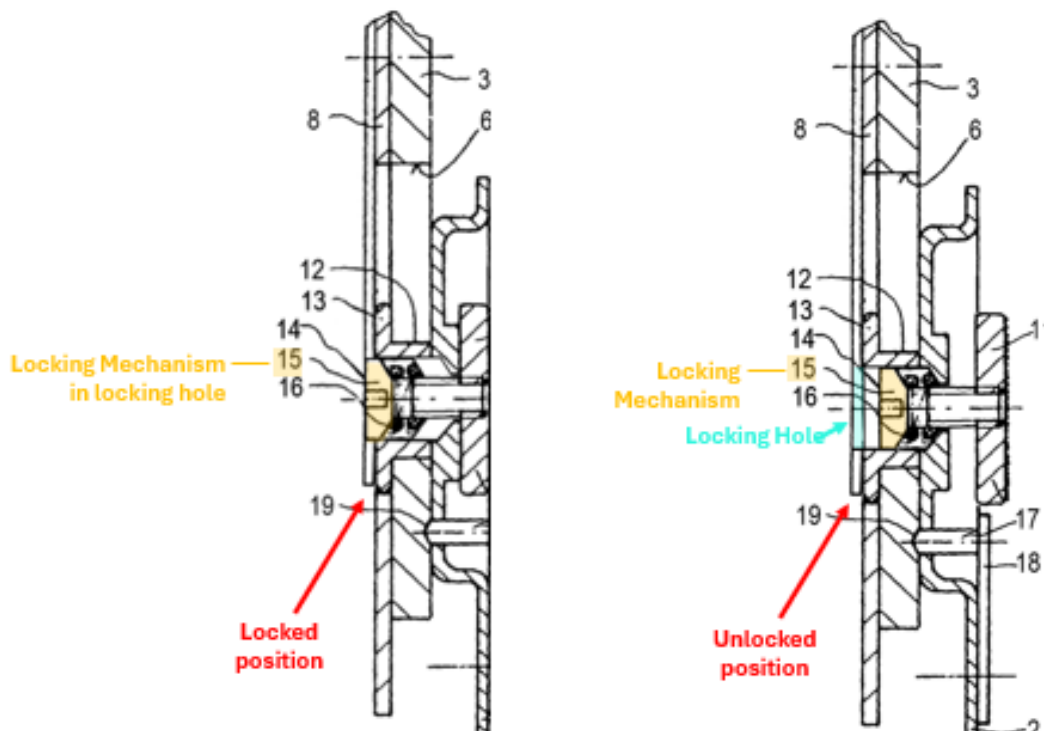
83. Albrecht discloses limitation [1J]. To the extent Albrecht alone, does not render limitation [1J] obvious, in my opinion, Albrecht in combination with Glock renders this limitation obvious for the same reasons I explained above for the “locking mechanism,” and as further explained below. *Supra* § VII.4.a.1.

84. Albrecht discloses that the actuator (“push button 11”) is configured to move the locking mechanism (“bolt 15”) from the locked to unlocked position when “push button 11 [is] pressed.” Ex-1006, 7:8-18. Namely, Albrecht discloses that

“[t]o release the connection between carrying plate 3 and pendulum bar 2, push button 11 must be pressed in as shown in Fig. 6 so that bolt 15 pushes arresting lug 10 out of recess 14 in pendulum bolt 12 against the spring force of leaf spring 9.”

Id.; see also *id.* at Figs. 5 and 6.

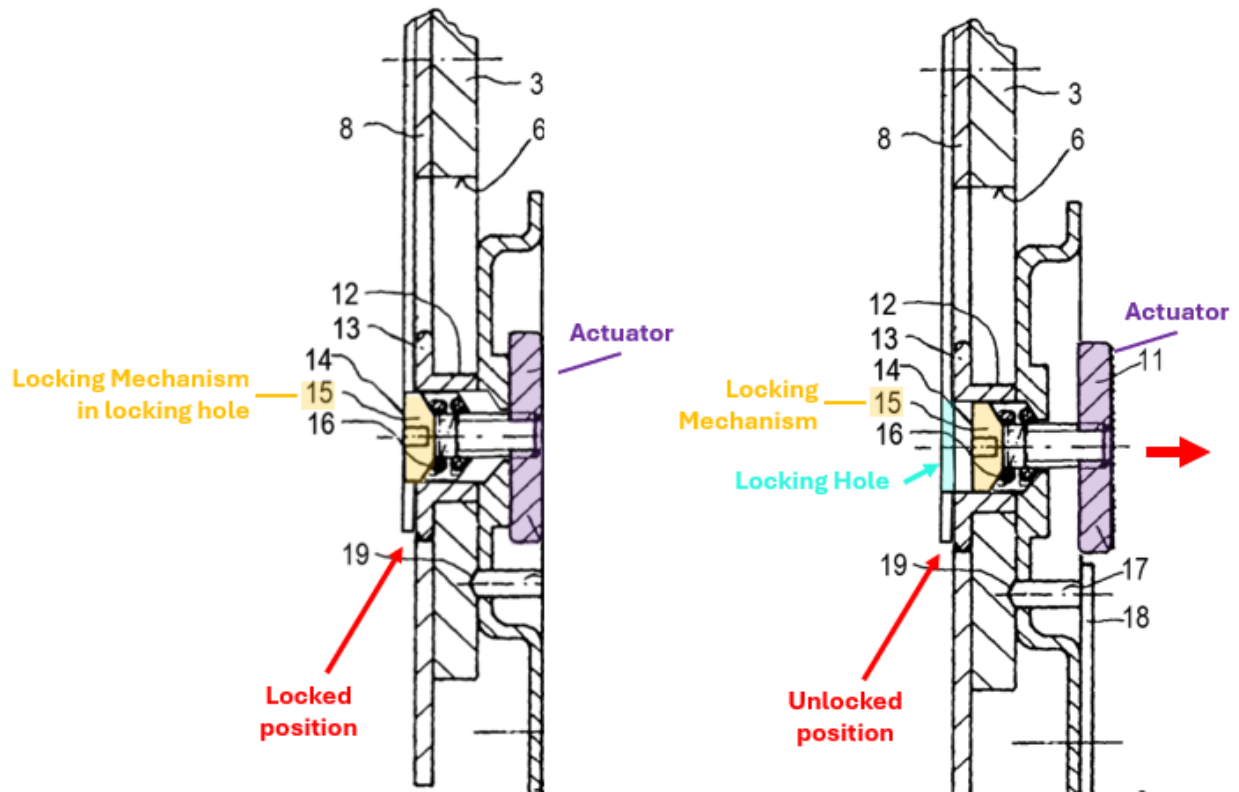
85. As I discussed above, it would have been obvious to a POSA to modify Albrecht’s locking mechanism (“bolt 15”) such that it protrudes into a hole in the back of the receiver when in the locked position, and out of that hole when in the unlocked position in light of Glock’s disclosure of button 15 protruding into and out of hole 5. *Supra* § VII.4.a.1. This is illustrated by annotated Figures in Section XII.C.1.k of the Petition, which I agree with:



86. Further, a POSA would have known that the that whether the pendulum bar and carrying plate were secured by an “arresting lug” from the leaf spring or by “bolt 15” passing through a hole in the back of the receiver is a design choice. Albrecht discloses that “bolt 15” can be connected to a “coil spring 16” that “presses the bolt against the arresting lug,” or locking hole as modified, “in the arrested position.” Ex-1006, 3:9-19. Similarly, Glock discloses that “push button --15-- is pressed outwards under the action of a spring” and “protrudes into the hole --5-- due to the force of the spring.” Ex-1011, 3:23-30. A POSA would have understood Albrecht’s disclosure to be similar to Glock’s disclosure, and would have included such a coil spring in such modification.

87. A POSA would also have understood that to move the modified locking mechanism from the locked position to the unlocked position, a POSA would pull “push button 15” out of the locking hole. For example, Glock discloses that “[t]o disconnect,” a user “press[es] the button out of the hole --5-- with one finger while applying light pressure toward the U-shaped legs, causing the guide plate to slide out of the guide.” Ex-1011, 4:4-11. A POSA would have understood that in Glock one “press[es] the button” out of the hole because Glock does not teach Albrecht’s actuator and to move Glock’s button from the locked position (in the hole) to the unlocked position (out of the hole) a user would need to physically push the button back through the hole. Here a POSA would understand that Albrecht’s “push button

11” could be easily modified to instead be a “pull button” that a user would pull to unlock the modified locking mechanism. This is illustrated in the annotated figures in Section XII.C.1.k of the Petition, which I agree with:



88. In my opinion, a POSA would expect to have a reasonable expectation of success in making such a modification. *Supra* § VII.4.a.1. In my view, it would have been within the abilities of a POSA to make such a routine modification, and a POSA would have had a high expectation of success in doing so. *Id.* Indeed, these are the types of basic mechanisms and elementary principles that are taught during a POSA’s undergraduate education, namely in undergraduate engineering course(s), and thus, a POSA would have learned and known how to make such modifications.

In addition to my discussion above regarding the locking mechanism modification, a POSA would have understood that whether Albrecht's actuator is a "push" button or a "pull" button is a design choice and that a "pull" button would be an easy modification that works in a predictable way with the modified locking mechanism (pulling the locking mechanism out of the hole).

89. A POSA would also have been motivated to make such a modification for the same reason I explained above regarding why they would have been motivated to modify Albrecht's locking mechanism, namely, to remove the leaf spring. §VII.4.a.1. Indeed, a POSA would have been motivated to make this modification as a convenient way to unlock Albrecht's modified locking mechanism.

90. Finally, Albrecht also discloses that in the unlocked position, "the pendulum bolt 12 can be pushed upwards out of the pendulum bearing 7 and the retaining 13 can be pulled out through the insertion opening 6." Ex-1006, 7:13-18, Fig. 6. Albrecht also teaches that in the unlocked position, the tool attachment device ("pendulum bar 2") "is allowed to move relative to the receiver such that the disk mating structure slides upward and out of the channel of the receiver to release the tool attachment device from the receiver," for example, by pulling the disk mating structure ("retaining flange 13") up and "out through the" channel ("insertion opening 6"). *Id.*

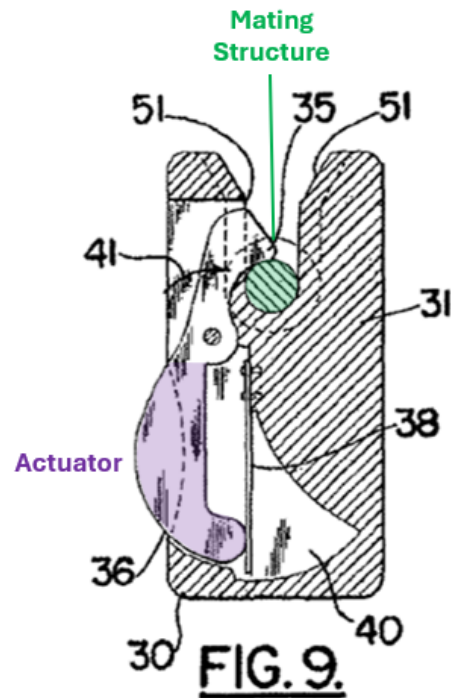
b. Claim 3

(1) “wherein the actuator is located below the disk mating structure and above the pouch.” limitation [3A]

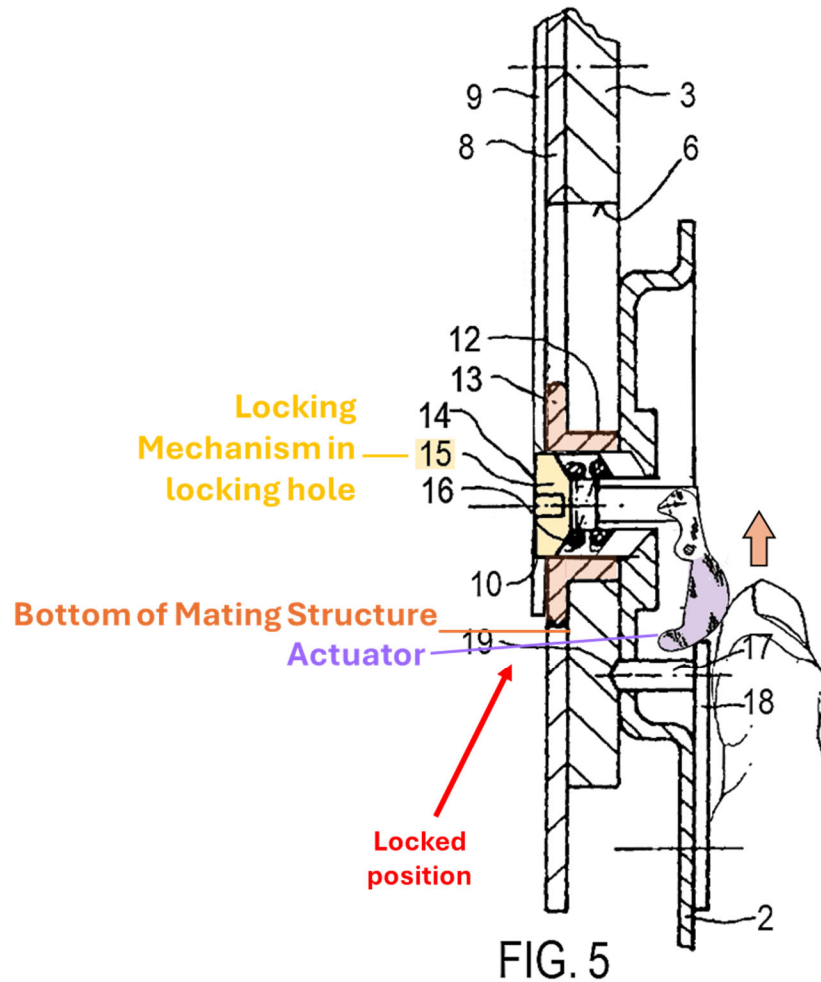
91. As I explain above, it would have been obvious to modify the locking mechanism of Albrecht in light of Glock. *Supra* §VI.4.a. I also explain above, with respect to claim 3 in Ground 1B, why Albrecht in light of Gabriel renders limitation [3A] obvious. *Supra* §VI.3.a. Albrecht in combination with Glock also renders this limitation obvious in light of Gabriel for at least the same reasons. *Supra* §VI.3.a.

92. For example, Gabriel discloses a “carrier that enables a user to support a drink product (canned, bottled, etc.) at a position next to the user’s waist or hip area such as upon a belt.” Ex-1009, 1:28-54, Fig. 1. Gabriel further discloses the use of a “locking member 32” that comprises an actuator (“lower end portion 36”) and “projection 35” that secures the beverage “sleeve 11” (and thus, beverage) to the “receptacle 30” in place when “disk or projecting member 23” is slid “into recess 47 via its open top 48.” Ex-1009, 3:38-4:5, Figs. 6-9. Gabriel also discloses that “to release the beverage can or other container 16 and sleeve 11 from recess 47, a user simply uses his or her finger or thumb 42 to press inwardly on the lower end portion 36 of locking member 32 in the direction of arrow 43 as shown in in FIG. 11.” *Id.* Gabriel explains that this action causes the “projecting portion 35 of locking member 32” to withdraw “from recess 47 as shown in FIGS. 9-11.” *Id.* Thus, Gabriel teaches an actuator (“lower end portion 36” of “locking member 32”) with a “lower end ...

below the mating structure.” This is illustrated in the annotated Figure 9 in Section XII.C.3 of the Petition, which I agree with:



93. In my opinion, it would have been obvious to a POSA to modify the actuator of Albrecht in light of Gabriel’s teachings. A POSA would have modified Albrecht’s button so that the actuator is “below the disk mating structure,” as Gabriel expressly teaches. Ex-1009, 3:38-4:5. This is illustrated by annotated Figure 5 in Section XII.C.3 in the Petition, which I agree with:



94. It also would have been obvious to a POSA that such an actuator would be “located ... above the pouch.” Namely, Albrecht discloses that the attachment points (“rivet holes”) for the pouch are below the actuator (“push button 11”) and disk mating structure (“retaining flange 13”). Ex-1006, Figs. 3-4, 6:1-3; *see also id.* at 5:19-21, 1:5-21, Fig. 1. This is illustrated by annotated Figure 3 in Section XII.C.3 in the Petition, which I agree with:

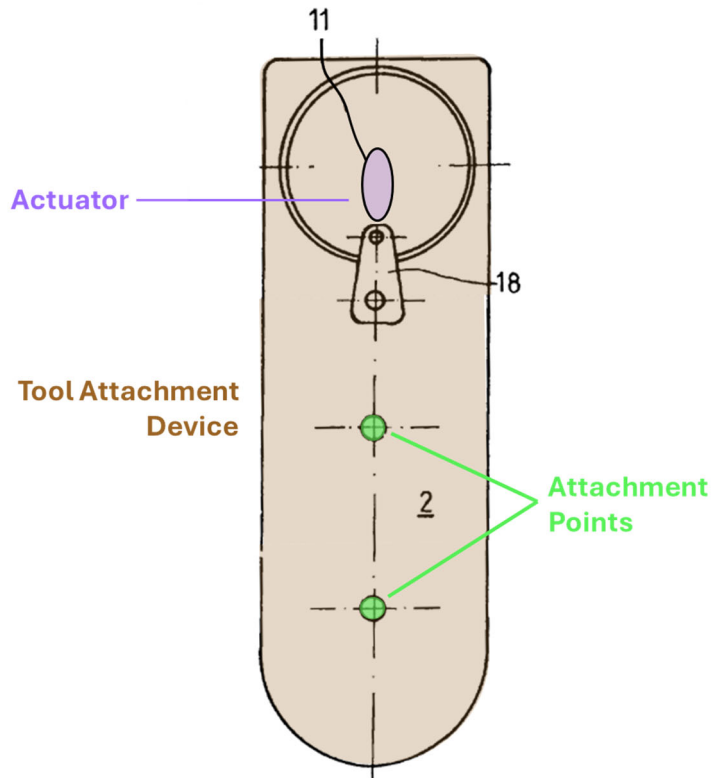
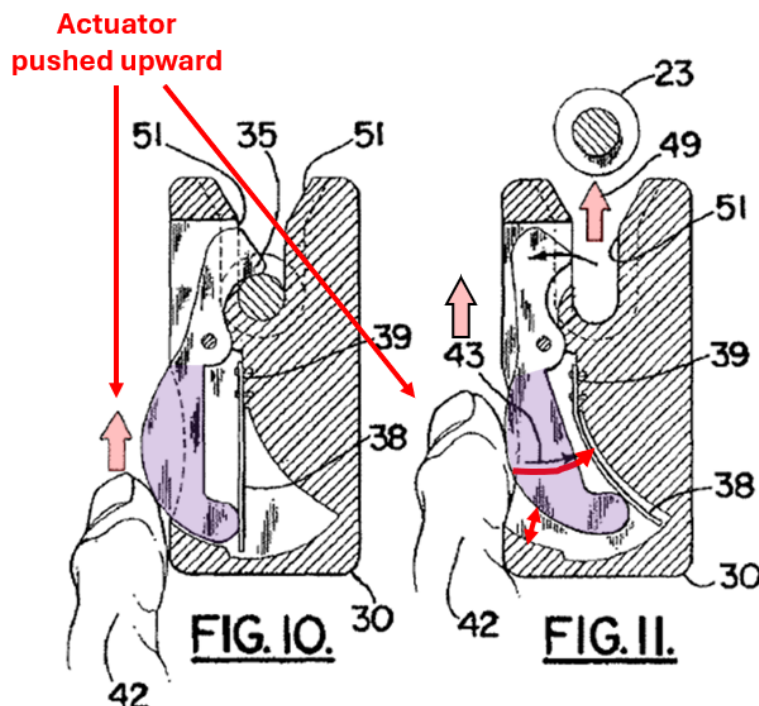


FIG. 3

95. As I discuss above in Sections VII.3.a. and VII.3.g, POSA would have been motivated to incorporate the teachings of Garbiel into Albrecht's system to make it easier for a user to unlock and decouple the pendulum bar and pouch from the carrying plate with a single motion, particularly with only one hand. Ex-1008 at [0006] (describing a disadvantage of the prior art as "mak[ing] it difficult, if not impossible, to detach the pouch, especially if one has to do this with one hand while the other hand is occupied."), [0011]-[0014] (describing one advantage of the invention as "allowing the user to quickly and easily release a pouch or receptacle with the fingers of the user for lifting the same off of the tool belt."); Ex-1012 at [0005] (describing how having to use two hands, one to push the push button, the

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other to remove the tool holder “may be unsatisfactory” and further describing an object of its invention to “make accessory attachment or detachment easy to perform even with gloves or with one hand.”). For example, Gabriel teaches that “to release the beverage can or other container 16 and sleeve 11 from recess 47, a user simply uses his or her finger or thumb 42 to press inwardly on the lower end portion 36 of locking member 32 in the direction of arrow 43 as shown in FIG. 11,” which causes “projecting portion 35 of locking member 32” to withdraw “from recess 47[.]” Ex-1009, 3:38-4:5, Figs. 6-11. A POSA would have understood that while Gabriel describes the actuator (“lower end portion 36”) as moving “inwardly,” this movement is also upward. *Id.* This is illustrated by annotated Figures 10 and 11 of Gabriel in Section XII.C.3 in the Petition, which I agree with:



96. A POSA would be motivated to modify Albrecht's detachable attachment system for containers in light of Gabriel's teachings by their desire to increase usability and, in particular, more easily releasably detach a detachable tool holder to a user's belt with only one hand. And a POSA would look to Gabriel to modify Albrecht because, at a minimum, both Albrecht and Gabriel relate to the same purpose of how to releasably attach their respective holders to a user's belt.

97. In my opinion, a POSA would also expect to have a reasonable expectation of success. Both Albrecht and Gabriel relate to detachable attachments for containers and the combination is nothing more than a combination of known parts (Gabriel's actuator and Albrecht's system) performing their known functions. In addition, as I discussed above, a POSA would have known that whether the actuator was pushed or pulled horizontally, or upward relative to the pouch was a design choice.

98. For at least the reasons above, it would have been well within the abilities of a POSA to make such a routine modification, and a POSA would have had a high expectation of success in doing so. For example, these are the types of simple mechanisms and elementary principles that are taught during a POSA's undergraduate education, namely in undergraduate engineering course(s), and thus, a POSA would have learned and known how to make such modifications.

c. Claim 4

(1) “wherein a lower end of the actuator is located below the disk mating structure and above the pouch.” limitation [4A]

99. In my opinion, Albrecht in light of Glock and Gabriel renders limitation [4A] obvious for the reasons discussed above. *Supra* § VII.4.b. Specifically, it would have been obvious to a POSA that the “lower end” of Albrecht’s modified actuator is “below the mating structure,” similar to the actuator disclosed by Gabriel. *Id.* A POSA would have also understood that such modified actuator would have “a lower end of the actuator” “located ... above the pouch[.]” *Id.*; Ex-1006, Figs. 3-4, 6:1-3; *see also id.* at Fig. 1. Namely, Albrecht discloses that the attachment points (“rivet holes”) for the pouch are below the actuator and disk mating structure. Ex-1006, Figs. 3-4, 6:1-3; *see also id.* at 5:19-21, 1:5-21, Fig. 1.

d. Claim 5

(1) “wherein the actuator moves upward relative to the pouch when the force is applied the actuator to move the locking mechanism to the unlocked position.” limitation [5A]

100. In my opinion, Albrecht in light of Glock and Gabriel renders limitation [4A] obvious for the reasons discussed above with respect to claims 3 and 4. *Supra* §§ VII.4.b, VII.4.c. Gabriel discloses that the actuator (“lower end portion 36”) moves “in the direction of arrow 43 as shown in FIG. 11[.]” Ex-1009, 3:38-4:5, Figs. 6-11. A POSA would have understood that while Gabriel describes the direction as

“inwardly,” to also be “upward.” *Id.* Thus, a POSA would have understood that modifying Albrecht in light Gabriel and Glock would result in an actuator that moves upward relative to the pouch when force is applied to the actuator to move the locking mechanism to the unlocked position, as Gabriel expressly teaches.

101. In my opinion, a POSA would expect to have a reasonable expectation of success in making such a modification. In my view, it would have been within the abilities of a POSA to make such a routine modification, and a POSA would have had a high expectation of success in doing so, for the reasons I explain in connection with claims 3 and 4. *Supra* §§ VII.4.b, VII.4.c. Indeed, these are the types of mechanisms and elementary principles that are taught during a POSA’s undergraduate education, namely in undergraduate engineering course(s), and thus, a POSA would have learned and known how to make such modifications.

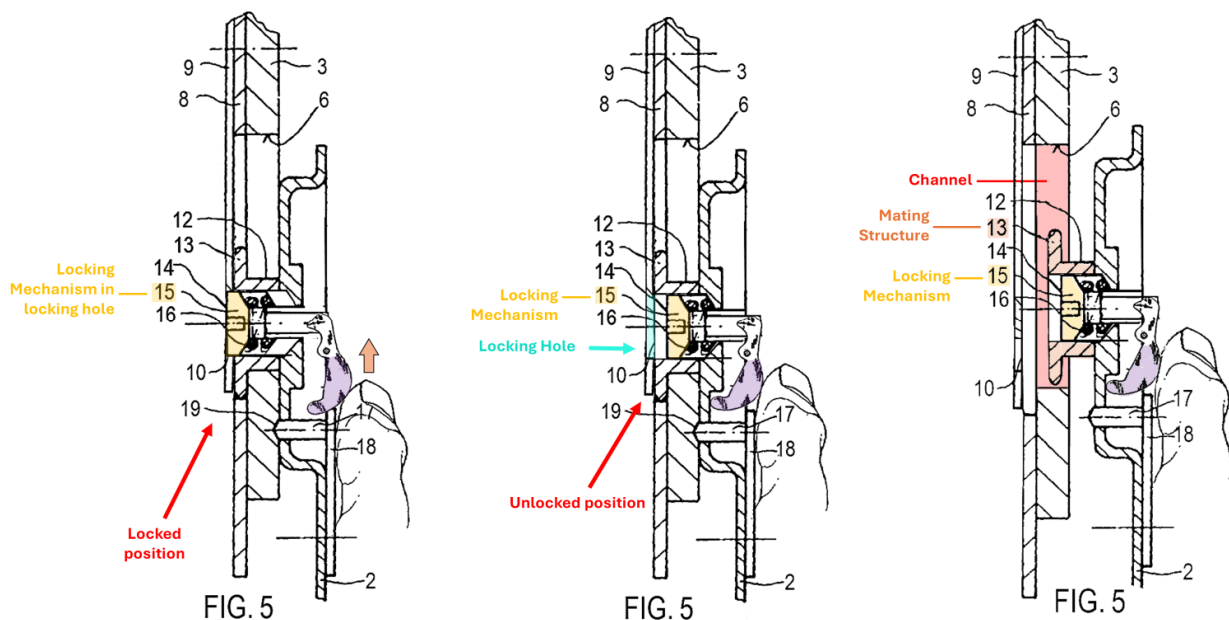
e. Claim 7

(1) “wherein the force applied to the actuator causes both the pin to be drawn out of the locking hole of the receiver and the disk mating structure to slide upward and out of the channel of the receiver to release the tool attachment device from the receiver.” limitation [7A]

102. In my opinion, Albrecht in combination with Glock and Gabriel renders limitation [7A] obvious for the reasons I explain in Sections VI.4.a and VI.4.b, above. Namely, Albrecht in combination with Glock discloses a locking mechanism and disk mating structure. And it would have been obvious to a POSA to modify the

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actuator (“push button 11”) of Albrecht so that the actuator would be pushed with an upward force, as taught by Gabriel. Indeed, a POSA would have known that when the actuator is pushed with an upward force, the locking mechanism would be pushed out of the hole. Specifically, a POSA would have known that the pin would be drawn out of the locking hole of the receiver. At the same time, a POSA would have understood that when a user applies force to the modified actuator, it would also cause the disk mating structure to slide upward and out of the channel of the receiver, as the force applied to the actuator is also upward. *E.g.*, Ex-1006, 7:8-18 (describing how Albrecht’s disk mating structure slides up and out of its channel when unlocked). This is illustrated by the annotated figures in Section XII.C.7 in the Petition, which I agree with:

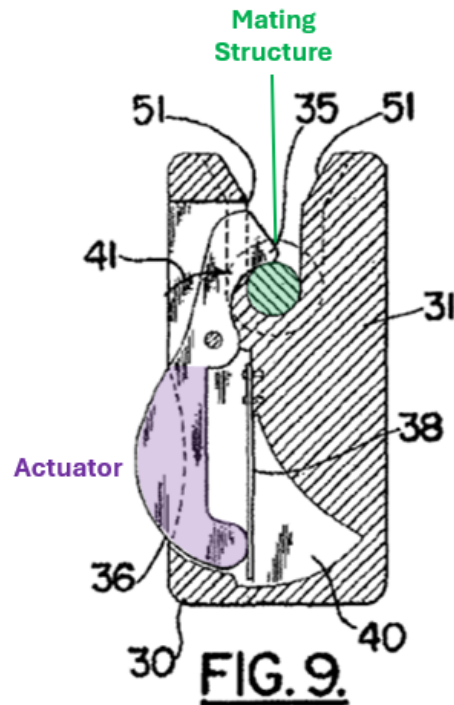


g. Claim 16

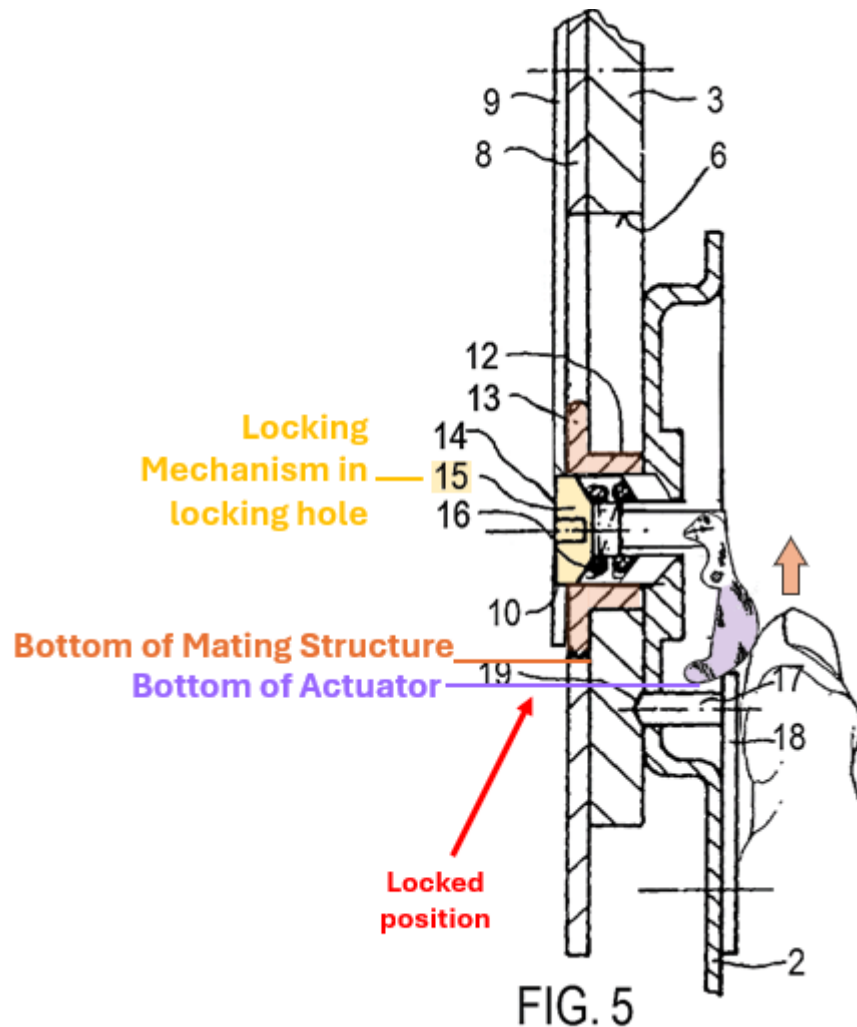
**(1) “wherein a lower end of the actuator is located below the mating structure and above the pouch.”
limitation [16J]**

104. Albrecht in combination with Glock and Gabriel renders obvious limitation [16J]. *Supra* §§ VII.4.b, VII.4.c. Albrecht discloses an actuator (“push button 11”) that is located above “pouch 1.” Albrecht discloses “a pouch 1 for receiving a handgun, which is fastened to a pendulum bar 2.” Ex-1006, 5:19-21; *see also id.* at Fig. 1, 1:5-21, 6:1-3. Albrecht further discloses that the actuator “push button 11” is coupled to tool attachment device (“pendulum bar 2”). Ex-1006, 7:8-18; *see also id.* at 1:5-15, 6:1-3, Figs. 3, 4-6; *supra* §§ VII.4.b, VII.4.c.

105. Separately, Gabriel teaches an actuator (“a lower end portion 36” of “locking member 32”) with “a lower end ... located below the mating structure.” *Supra* §§ VII.4.b, VII.4.c; Gabriel 3:38-56, Figs. 6-11. This is illustrated in annotated Figure 9 in Section XII.C.11.k in the Petition, which I agree with:



106. In my opinion, a POSA would have been motivated to modify Albrecht's actuator ("push button 11") so that the "lower end" is "below the mating structure," in light of Gabriel's teachings. *Supra* §§ VII.4.b, VII.4.c. This is illustrated in annotated Figure 5 in Section XII.C.11.k in the Petition, which I agree with:



107. At the same time, a POSA would have understood that such an actuator would also have “a lower end of the actuator” “located ... above the pouch[,]” as Albrecht expressly discloses. *Id.* For example, Albrecht discloses that the attachment points (“rivet holes”) for the pouch are below the actuator and mating structure. Ex-1006, Figs. 3-4, 6:1-3; *see also id.* at Fig. 1. This is illustrated in annotated Figure 3 in Section XII.C.11.k in the Petition, which I agree with:

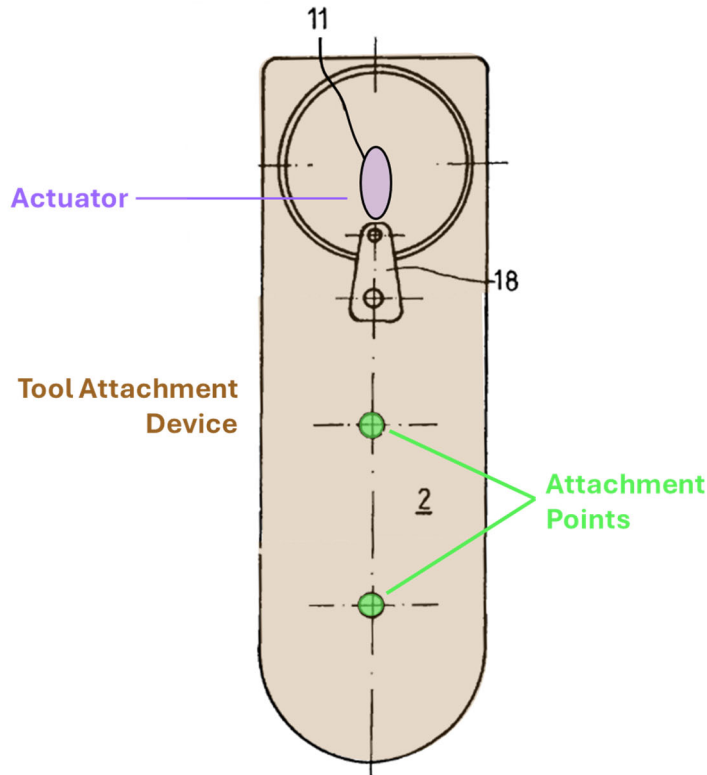


FIG. 3

108. A POSA would have been motivated to make such a modification to make it easier for a user to unlock and decouple the pendulum bar and pouch from the carrying plate with a single motion, particularly with only one hand. *See* Ex-1008 at [0006], [0011]-[0014] (prior art describing why this is advantageous); Ex-1012 at [0005] (same). Similarly, a POSA would have been motivated to make sure the “lower end” of the actuator was “located ... above the pouch” to make sure a user had easy access to the actuator which would allow the user to swiftly and easily unlock and decouple the pendulum bar and pouch from the carrying plate with a single motion.

109. In my opinion, a POSA would also expect to have a reasonable expectation of success in making such a modification, as it involves little more than combining known components to perform their known functions. First, both Albrecht and Gabriel relate to detachable attachment systems for containers. Second, a POSA would have known about the common mechanisms used in those pieces of prior art, and known that using one versus the other was a design choice. For example, a POSA would have known that an actuator designed like Gabriel's actuator was a design choice. It therefore would have been well within the abilities of a POSA to make such a routine modification, and a POSA would have had a high expectation of success in doing so. *Supra* § VII.4.b. For example, these are the types of basic mechanisms and elementary principles that are taught during a POSA's undergraduate education, namely in undergraduate engineering course(s), and thus, a POSA would have learned and known how to make such modifications.

h. Motivation to Combine and Expectation of Success of Combining Albrecht in combination with Glock and Gabriel

110. As explained above in Section VII.3.g, a POSA would have been motivated to combine Albrecht in light of Gabriel and would have had a reasonable expectation of success in doing so.

111. Further, in my opinion, a POSA would have been motivated to combine Albrecht in light of Glock and would have had a reasonable expectation of success in doing as well. Namely, a POSA would have understood that modifying Albrecht's

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locking mechanism in light of Glock would advantageously remove the need for a leaf spring. *See, e.g.*, Ex-1006, 2:1-22. Albrecht discloses that one objective of its invention is to “shorten[] the leaf spring and the carrying plate, [such that] the overall distance between the weapon pouch and the fastening of the carrying plate to the belt is reduced, so that the pendulum length between the belt fastening and the weapon is also reduced and the weapon performs significantly less disruptive swinging and pendulum movements when the weapon carrier moves.” *Id.* A POSA would therefore have been motivated by Albrecht’s desire to reduce the size of the leaf spring to remove it completely and modify Albrecht’s locking mechanism in light of Glock.

112. In my opinion, a POSA would have had a high expectation of success as these modifications would simply amount to combining known mechanisms to perform their known functions. Albrecht and Glock both relate to detachable attachment systems for gun holsters. A POSA would have known that the specific mechanism by which Albrecht’s pendulum bar and carrying plate are secured is a design choice. And a POSA would have understood that combining Glock’s teaching with Albrecht merely takes Albrecht’s system and combines it with the known pin and hole system taught by Glock, with all parts performing as expected. For example, Albrecht teaches that “coil spring 16” can be connected to “bolt 15” that “presses the bolt against the arresting lug,” or hole as modified, “in the arrested

Declaration of Dr. Giachetti for *Inter Partes* Review of U.S. Patent No. 11,857,064 position.” Ex-1006, 3:9-19. A POSA would understand that this is similar to Glock’s disclosure of how “button 15” “is pressed outwards under the action of a spring” and “protrudes into the hole --5-- due to the force of the spring.” In my opinion it would have been well within the abilities of a POSA to make such a routine modification, and a POSA would have had a high expectation of success in doing so. Indeed, these are the types of basic mechanisms and elementary principles that are taught during a POSA’s undergraduate education, namely in undergraduate engineering course(s), and thus, a POSA would have learned and known how to make such modifications.

VIII. NO SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS

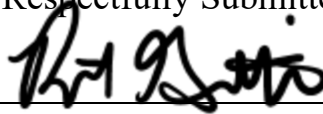
113. As noted above, I understand that certain objective factors called “secondary considerations” should also be considered when determining whether a claimed invention is non-obvious. I am not aware of any secondary considerations here that would show that the Challenged Claims of the ’064 patent are non-obvious. To the extent Patent Owner identifies any additional secondary considerations, I reserve the right to respond to them.

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I, Robert Giachetti, declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

January 30, 2026

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. Giachetti', is written over a horizontal line.

Robert Giachetti, Ph.D.