

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 IPR2026-00246
U.S. Patent No. 11,857,064

PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. THE '064 PATENT	4
III. SUMMARY OF THE PRIOR ART	5
A. Albrecht (Ex. 1005, 1006).....	5
B. Gabriel (Ex. 1009).....	6
C. Glock (Ex. 1010, 1011)	8
IV. PERSON OF ORDINARY SKILL IN THE ART	9
V. CLAIM CONSTRUCTION IS A THRESHOLD DEFECT THAT INDEPENDENTLY WARRANTS DENIAL.....	10
VI. CLAIM CONSTRUCTION	14
A. Petitioner Fails to Explain Why It Presents a Different Construction for “Locking Mechanism” Here Than in District Court.....	14
1. The Terms “locking mechanism” and “mating structure” are Not Subject to 35 U.S.C. § 112(f).....	16
a. The Term “locking mechanism” Should be Given its Plain and Ordinary Meaning.....	16
b. The Term “mating structure” Should be Given its Plain and Ordinary Meaning.....	19
VII. THE PETITION FAILS TO SHOW THAT THE HOLSTER REFERENCES ARE ANALOGOUS ART	21
VIII. GROUND 1A: CLAIMS 1, 2, AND 12 ARE NOT ANTICIPATED BY ALBRECHT.....	22
A. Albrecht Fails to Disclose the claimed “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” [1D].....	22

TABLE OF CONTENTS
(continued)

	Page
B. Albrecht Fails to Disclose the claimed “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” [1J]	27
IX. GROUND 1B: CLAIMS 3-9 AND 16-20 ARE NOT OBVIOUS IN VIEW OF ALBRECHT IN COMBINATION WITH GABRIEL	27
A. Claims 3-9 are Not Obvious.....	27
B. Claims 16-20 are Not Obvious.....	28
1. Petitioner Fails to Address the Fundamental Differences that Exist Between Albrecht and Gabriel	30
2. Petitioner Fails to Provide Sufficient Motivation to Modify Albrecht in View of Gabriel	35
X. GROUND 2: CLAIMS 1-9, 12, AND 16-20 ARE NOT OBVIOUS IN VIEW OF ALBRECHT IN COMBINATION WITH GLOCK AND GABRIEL	39
A. Claims 1-9 and 12 are Not Obvious.....	39
B. Claims 16-20 are Not Obvious.....	44
XI. SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS	44
XII. CONCLUSION.....	44

TABLE OF EXHIBITS

Exhibit No.	Description
2001	RESERVED
2002	RESERVED
2003	Counterclaims in <i>Milwaukee Electric Tool Corp. v. Klein Tools, Inc.</i> , No. 1:25-cv-04689 (N.D. Ill.), Dkt. 56, filed January 22, 2026 (excerpted)
2004	Klein Tool's Local Patent Rule 2.3 Initial Non-Infringement, Unenforceability, and Invalidity Contentions in <i>Milwaukee Electric Tool Corp. v. Klein Tools, Inc.</i> , No. 1:25-cv-04689 (N.D. Ill.), served Aug. 19, 2025 (excerpted)
2005	Interim Processes for PTAB Workload Management Memorandum, dated March 26, 2025
2006	March 11, 2026 Memorandum, Additional Discretionary Institution Considerations - U.S. Manufacturing and Small Business Use of AIA Proceedings
2007	US 2022/0211165

I. INTRODUCTION

Patent Owner Milwaukee Electric Tool Corporation (“Milwaukee” or “Patent Owner”) respectfully requests that the Board deny institution of the Petition for *inter partes* review filed by Klein Tools, Inc. (“Petitioner” or “Klein”) challenging claims 1-9, 12, and 16-20 of U.S. Patent No. 11,857,064 (“the ’064 Patent”).

The Petition fails for reasons that are both basic and dispositive. Its threshold defect is claim scope. In the related district-court litigation, Petitioner proposed narrow, specification-bound readings of the same limitations at issue here to support its non-infringement assertions. It argued that the claims require a distinct actuator, a locking pin, a disk mating structure, and an open-cavity channel. Ex. 2004 at 29-33. In its Petition, Petitioner takes a broader and more elastic approach, applying those same limitations to handgun-holster components in Albrecht and Glock. Claim meaning does not change with the forum, the target, or the relief sought. That inconsistency is a threshold defect in the Petition.

The Petition also rests on an overbroad view of the relevant art. The challenged claims are directed to a ***tool*** attachment system for a pouch or holder coupled to a receiver. Petitioner’s principal reference is a ***handgun***-holster reference. The fact that a handgun is handheld does not make it a “tool” in the sense relevant to the ’064 Patent. A coffee mug or a smartphone may be held and used by hand, but that does not make their holders analogous to a tool-pouch attachment

system. The Petition still must show that the references are from the same field of endeavor or reasonably pertinent to the problem addressed by the '064 patent. It does neither.

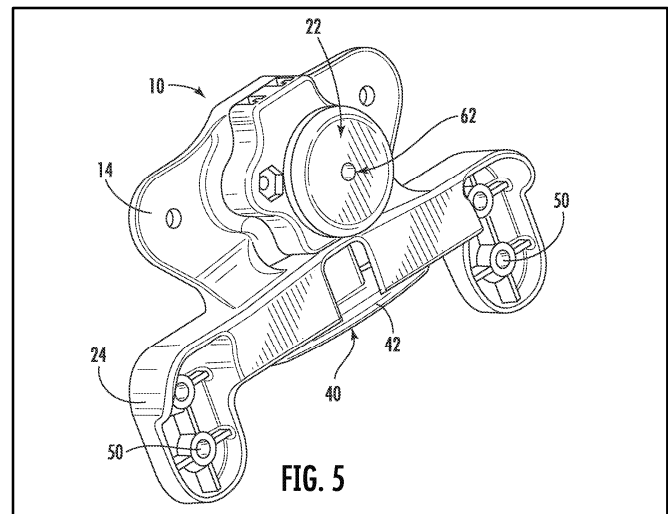
Further, Ground 1A fails because Albrecht does not disclose every element of independent claim 1. The problem is straightforward. Claim 1 requires the locking mechanism on the holder-side component to protrude into a locking hole on the belt-side receiver. Petitioner maps Albrecht's bolt 15 to the locking mechanism and pendulum bearing 7 to the locking hole. But that is not how Albrecht locks. Bolt 15 does not protrude into pendulum bearing 7 to hold the parts together. Instead, Albrecht locks when arresting lug 10, located on the belt-side carrying plate 3, engages recess 14 in pendulum bolt 12, located on the holder-side pendulum bar 2. Petitioner's mapping therefore assigns the claimed locking function to the wrong structure. Ground 1A fails for that reason alone.

Ground 1B fares no better. Petitioner uses Gabriel to supply claim limitations that Albrecht lacks, most notably the actuator-location limitations. But Gabriel's design is materially different from Albrecht's, as Gabriel and Albrecht place the release structure on opposite sides of the belt/holder interface. Gabriel's release structure is on receptacle 30, the belt-side component, while its holder-side component is beverage holder sleeve 11. Albrecht does the reverse: push button 11 is on pendulum bar 2, the holder-side component, while carrying plate 3 is the belt-

side component. Petitioner therefore is not proposing a simple repositioning. It is importing a belt-side release mechanism from Gabriel into the holder-side component of Albrecht. Gabriel also uses a pivoting release member to disengage the components while Albrecht uses a lateral push button to disengage. Petitioner offers attorney argument where evidence is required, and it never explains why a POSITA would have reworked Albrecht into Gabriel's different architecture.

Ground 2 relies on impermissible hindsight reconstruction. Petitioner proposes replacing Albrecht's leaf spring 9 and arresting lug 10 with a wall and hole inspired by Glock. That is not a simple substitution. It changes how Albrecht locks and unlocks, including the direction in which push button 11 must move. In Albrecht, push button 11 must be pressed inwards so that bolt 15 pushes arresting lug 10 out of recess 14 in pendulum bolt 12 against the spring force of leaf spring 9. This allows pendulum bolt 12 to be pushed upwards and out to disconnect the components. But Petitioner's redesign would require push button 11 to move in the *opposite* direction than designed to unlock the components. At minimum, Petitioner was required to explain why the redesigned mechanism would still lock securely, release reliably, and permit pendulum bolt 12 to be moved to disconnect the components as Albrecht requires. It did not. That failure defeats both motivation to combine and reasonable expectation of success.

II. THE '064 PATENT

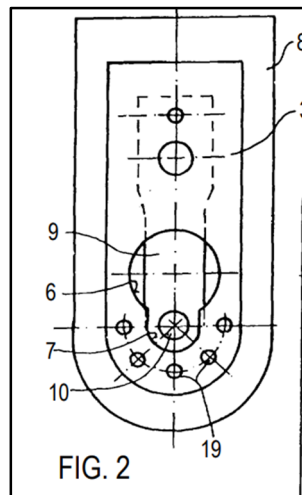


The receiver 12 can include a “coupling structure or body 30, shown as channel 32, that is sized to reversibly, non-permanently engage with disk 22” on tool attachment device 10. *Id.* at 4:30-32. An actuator 40 can be coupled to tool attachment device 10 “to release disk 22 from receiver 12.” *Id.* at 4:48-50.

III. SUMMARY OF THE PRIOR ART

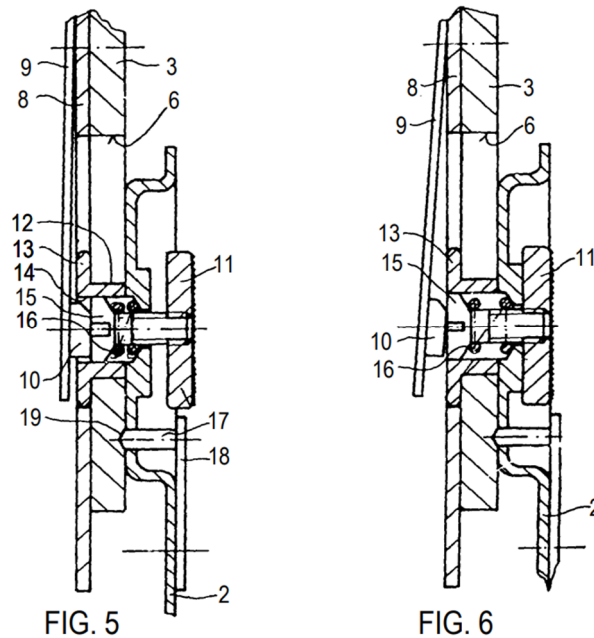
A. Albrecht (Ex. 1005, 1006)

Albrecht describes a device for carrying handguns. Ex. 1006 at 1:5. It includes a carrying plate 3 that can be fastened to a belt and has an insertion opening 6. Ex. 1006 at 6:9-10, Fig. 2. The carrying plate 3 is also “fastened to a spring steel sheet 8” with a “leaf spring 9” arranged “behind the spring steel sheet 8” and an “arresting lug 10 fastened to the leaf spring 9.” *Id.* at 5:27-34, Fig. 2.



Ex. 1006 at Fig. 2.

Albrecht also discloses a pendulum bar 2 that connects to carrying plate 3. Ex. 1006 at Fig. 4. The pendulum bar 2 has a pendulum bolt 12 closed off at its free end by a retaining flange 13 that can be pushed through the insertion opening 6 of the carrying plate 3. *Id.* at 6:5-9.

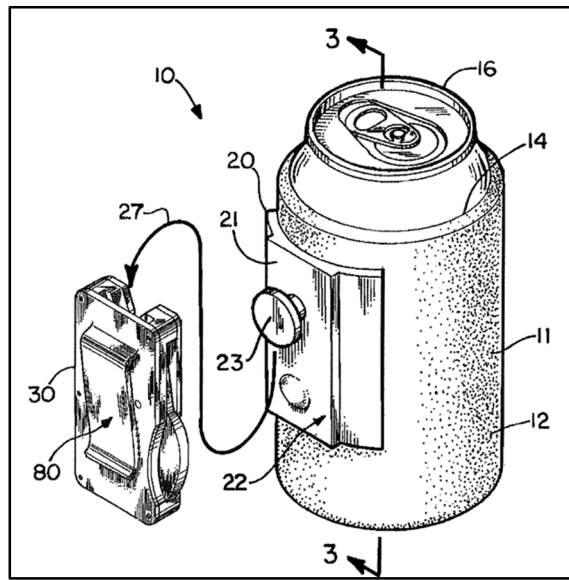


Ex. 1006 at Fig. 5-6.

To release the connection between carrying plate 3 and pendulum bar 2, Albrecht explains that a push button 11 must be pressed in so that bolt 15 pushes arresting lug 10 out of recess 14 in pendulum bolt 12 against the spring force of leaf spring 9. Then 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. 1006 at 7:12-17.

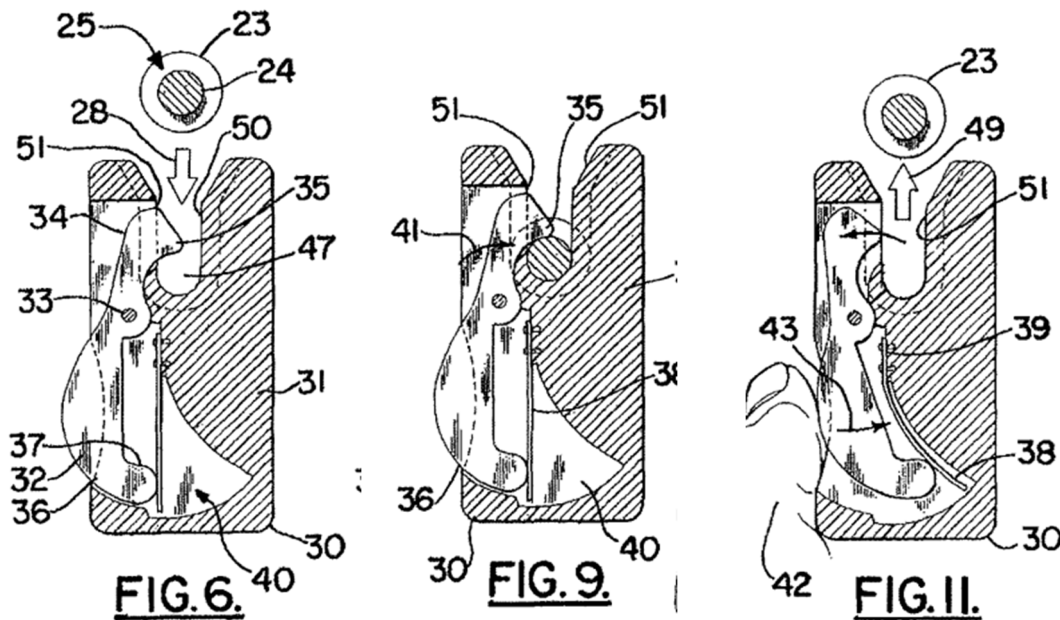
B. Gabriel (Ex. 1009)

Gabriel describes a “beverage carriage” to attach to a user’s waist. Ex. 1009 at Abstract. Gabriel describes a beverage holder sleeve 11 that has a disk 23 that is placed into a receptacle 30. Ex. 1009 at 3:38-39, Figs. 1, 6-9.



Ex. 1009 at Fig. 1.

Receptacle 30 has a housing 31 with a locking member 32 mounted in the housing. *Id.* at 3:40-42. “Locking member 32 has an upper end portion 34 with a projection 35” and has a “lower end portion 36 with a cam 37” with a “spring 38 [] provided for urging the locking member 32 into the locking position of FIGS. 6 and 9 (see arrow 41).” *Id.* at 3:43-48, Figs. 6, 9.



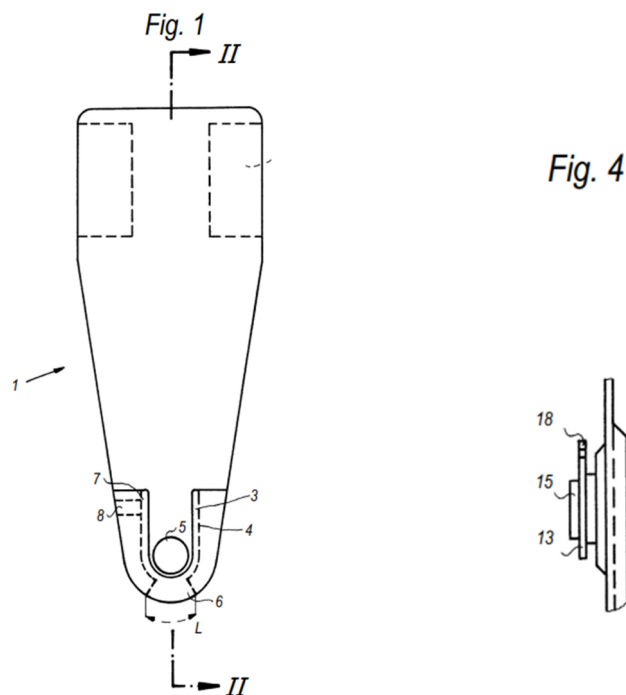
Ex. 1009 at Figs. 6, 9, 11.

As seen in Figure 9 above, the disk 23 of the sleeve 11 therefore is retained within receptacle 30 via interaction between projection 35 of the locking member 32 and the disk 23. To release the disk 23, a user presses inwardly on the lower end portion 36 of the locking member 32 in the direction of arrow 43 (Fig. 11) to allow the locking member 32 to rotate about pivot 33 and withdraw projecting portion 35 so that a user can lift the disk 23 upwardly. *Id.* at 3:58-4:4, Figs. 10-11.

C. Glock (Ex. 1010, 1011)

Glock describes a two-piece handgun-holster mount. Ex. 1011 at Abstract. Belt part 1 includes a U-shaped undercut guide 3 and hole 5. Weapon part 10 includes guide plate 13 and spring-loaded button 15. To connect the parts, the user

places weapon part 10 against the U-shaped guide and presses the parts together, depressing button 15 until it is flush with guide plate 13. The guide plate then moves into the lower part of the U-shaped guide, where button 15 springs into hole 5 and secures the parts together. To disconnect the parts, the user presses button 15 out of hole 5 and pulls the guide plate 13 upward out of the guide. *Id.* at 4:4-10.



IV. PERSON OF ORDINARY SKILL IN THE ART

Petitioner proposes the following definition of a person of ordinary skill in the art (“POSA”):

A POSA at the relevant time 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.

Pet. at 17.

Solely for the purposes of this Preliminary Response, Patent Owner does not dispute Petitioner's proposed definition. Patent Owner, however, reserves the right to present a different definition in the unlikely event that the Board grants institution.

V. CLAIM CONSTRUCTION IS A THRESHOLD DEFECT THAT INDEPENDENTLY WARRANTS DENIAL

The Petition should be denied at the threshold because Petitioner does not present a coherent claim-construction position. In district court, Petitioner argued that several limitations central to the challenged claims require specific structures disclosed in the specification to support its non-infringement arguments. Here, Petitioner applies those same limitations more broadly to unrelated firearm-holster components in the prior art. That is not a harmless shift in emphasis. It reflects an inconsistent claim construction, and the Petition does not justify the inconsistency.

While Petitioner recognizes the inconsistency, it offers no cogent answer to it. The Petition admits that Petitioner took different litigation positions concerning "actuator" and "locking mechanism," but then attempts to cabin those positions as problems arising only from Patent Owner's application of the claims to accused products. Pet. at 25-26. That distinction fails because claim construction is not target-dependent. The same claim language cannot require specific structures when applied to the accused products and require a looser reading when Petitioner maps

that language to prior art. Petitioner's explanation therefore does not cure the inconsistency. It confirms it.

The inconsistency is both documented and material:

Claim term	Klein's district-court position	Klein's Petition position	Material inconsistency
"actuator"	Klein argued that the specification consistently describes an actuator distinct from the locking mechanism and discloses an actuator including button 42 and actuator post 44. Ex. 2004 at 29-31.	Klein applies plain and ordinary meaning and maps the limitation broadly to prior-art structures. Pet. at 25-26.	Direct inconsistency. Klein narrows "actuator" in district court to try to avoid infringement but uses a broader application for invalidity.
"locking mechanism"	Klein argued that the locking mechanism must be distinct from the actuator and that the specification describes locking	Klein argues the term invokes Section 112(f) and identifies the corresponding structure as a	The formal construction is similar, but Klein invokes a pin-based construction, then maps the limitation to Albrecht's bolt 15 even though

Claim term	Klein's district-court position	Klein's Petition position	Material inconsistency
	pin 60 extending through pinhole 62 and disk 22. Ex. 2004 at 29-31.	locking pin. Pet. at 19-22.	Albrecht's actual locking is performed by arresting lug 10 engaging recess 14.
"mating structure"	Klein argued that the specification describes the mating structure as disk 22, not as a non-disk hook or projection. Ex. 2004 at 31.	Klein argues "mating structure" in claim 16 invokes Section 112(f) and identifies the corresponding structure as a disk. Pet. at 22-25.	The formal construction is similar, but Klein's own position forecloses treating any convenient prior-art projection or guide feature as the claimed mating structure. The Petition must show a disk or equivalent structure that performs the claimed sliding engagement with the receiver channel.

Claim term	Klein's district-court position	Klein's Petition position	Material inconsistency
"channel"	Klein argued that the specification describes the channel as an open cavity capable of coupling with the mating structure, and that a dual-rail design does not satisfy the term. Ex. 2004 at 31-32.	Klein does not seek a limiting construction and maps "channel" broadly to firearm-holster openings, recesses, and guides.	Direct inconsistency. Klein narrows "channel" in district court, then broadens it in the IPR.

Petitioner cannot avoid these inconsistencies by invoking the preliminary nature of its district-court contentions. The preliminary label does not change what Petitioner argued. Petitioner did more than reserve rights. It affirmatively advanced Section 112 and non-infringement positions based on the same claim language it now applies to the prior art. Ex. 2004 at 29-33. A reservation of rights does not permit Petitioner to apply the claims narrowly in district court and more broadly before the Board.

Recent Board guidance rejects this maneuver. When a petitioner advances different positions before the Board and a district court, it must explain why those

different positions are warranted. *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 at 3 (PTAB Nov. 5, 2025) (informative); *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 3-5 (Director Nov. 3, 2025) (precedential). Petitioner's argument only underscores the inconsistency. It asks the Board to treat claim construction as if it depends on whether the claims are being applied to accused products or prior art. Claim construction does not work that way.

Patent Owner does not need the Board to resolve every claim construction dispute at institution. The Petition fails under either party's approach. If Petitioner's narrow, structure-bound positions apply, the prior-art mappings fail. If plain and ordinary meaning applies, Petitioner still has not shown the claimed arrangement in the asserted references. Either way, the Petition fails to satisfy 37 C.F.R. Section 42.104(b)(3).

VI. CLAIM CONSTRUCTION

A. Petitioner Fails to Explain Why It Presents a Different Construction for "Locking Mechanism" Here Than in District Court

Petitioner's inconsistency is not limited to how it applies the claims. It also offered a different means-plus-function construction for "locking mechanism" as part of its initial non-infringement arguments in district court than it advances here. Notably, Petitioner fails to mention this in its Petition.

Here Petitioner identifies the corresponding structure as “a locking pin.” Pet. at 22. In district court, it identified a narrower structure that includes more than “a locking pin” as part of its initial non-infringement arguments. It identified a locking pin that goes through a pinhole and also through a disk.

Additionally, while here, Petitioner does not ask the Board to construe “locking mechanism” to have distinct functions for claim 1 and claim 16, Pet. at 22, in its initial non-infringement arguments in district court, Petitioner noted different functions defined by claim 1 as compared to claim 16.

Petitioner does not explain why that different construction is warranted here. That omission is significant. *Revvo* holds that “when a petitioner takes alternative positions before the Board and a district court, that petitioner should, at a minimum, explain why alternative positions are warranted.” *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 3-4 (Director Nov. 3, 2025) (precedential). *Tesla* applies the same principle. *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 at 3 (PTAB Nov. 5, 2025) (informative).

This problem goes directly towards the sufficiency of the Petition. A petition must identify “[h]ow the challenged claim is to be construed.” 37 C.F.R. § 42.104(b)(3). Petitioner did not merely omit a preferred refinement. It presented one construction in district court and another here, without explaining why the same

claim language should be construed differently in the two proceedings. The Petition therefore fails at the threshold. *See Revvo*, Paper 20 at 5

1. The Terms “locking mechanism” and “mating structure” are Not Subject to 35 U.S.C. § 112(f)

The Petition contends the terms “locking mechanism” and “mating structure” are subject to 35 U.S.C. § 112(f) and “should be construed as means-plus-function terms.” Pet. at 18. As neither term recites “means,” a presumption exists that neither term invokes 35 U.S.C. § 112(f). *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1348 (Fed. Cir. 2015). To overcome this presumption, Petitioner must establish “that the claim term fails to ‘recite[] sufficiently definite structure’ or else recites ‘function without reciting sufficient structure for performing that function.’” *Id.* Petitioner fails to make this showing. Thus, neither term should be construed as means-plus-function terms and instead should be afforded their plain and ordinary meaning.¹

a. The Term “locking mechanism” Should be Given its Plain and Ordinary Meaning

¹ If the Board institutes, Patent Owner reserves the right to present additional claim construction arguments, including why these terms should not be construed as means-plus-function terms and, if so construed, arguments regarding the appropriate corresponding function and structure.

Petitioner improperly attempts to limit the term “locking mechanism” to embodiments disclosed in the specification by invoking 35 U.S.C. § 112(f). Contrary to Petitioner’s assertion, “locking mechanism” is ***not*** a means-plus-function term. The term itself, including its use in the claims, clearly denotes sufficiently definite structure.

First, contrary to Petitioner’s assertion that “‘locking mechanism’ is not a term of art with a generally understood meaning to a POSA,” Pet. at 20, numerous courts have found otherwise. *See, e.g., Traveler Innovations Ltd. v. Evenflo Co., Inc.*, No. CV 24-1204-RGA, 2026 WL 161354, at *15 (D. Del. Jan. 21, 2026) (“‘Locking mechanism’ is a ***term for a mechanical structure well understood in the art.***”); *Integrity Worldwide, LLC v. Rapid-EPS LTD.*, No. 3:17-CV-0055-K, 2018 WL 3609430, at *5 (N.D. Tex. May 29, 2018) (stating “‘***locking mechanism***’ ***conveys sufficient structure*** to a person of ordinary skill in the art and that because of this the phrase is not a means plus function claim element”); *Unverferth Mfg. Co. v. Meridian Mfg., Inc.*, No. C19-4005-LTS, 2020 WL 1919922, at *16 (N.D. Iowa Apr. 20, 2020) (“I find that ‘locking mechanism’ is similar to ‘detent mechanism’ in that the term ‘***locking***’ ***sufficiently modifies the word ‘mechanism’ to give the term ‘locking mechanism’ sufficiently definite meaning***, even if it does not identify a single well-defined structure.”).

Second, that the term includes the word “mechanism” does not convert the entire term “locking mechanism” into a nonce word with no structural meaning. *See* Pet. at 19. As the Federal Circuit has recognized, “[m]any devices take their names from the functions they perform” with examples being “innumerable” and ***including “lock”*** as one of many examples. *Id.* (quoting *Greenberg v. Ethicon Endo-Surgery, Inc.*, 91 F.3d 1580, 1583 (Fed. Cir. 1996)). What is important is whether “the term, as the name for structure, has a reasonably well understood meaning in the art.” *Greenberg*, 91 F.3d at 1583. It does. Those skilled in the art would understand that the term “locking mechanism” refers to a category of well-known structures. *See also Skky, Inc. v. MindGeek, s.a.r.l.*, 859 F.3d 1014, 1019 (Fed. Cir. 2017) (stating “it is sufficient if the claim term is used in common parlance or by persons of skill in the pertinent art to designate structure, even if the term covers a broad class of structures and even if the term identifies the structures by their function”).

Third, the claims themselves confirm that “locking mechanism” has sufficiently definite structure. Claim 1 describes the “locking mechanism,” as ***“protruding past the rear surface of the body.”*** Ex. 1001 at cl. 1. Claim 16 recites similar structural elements, describing the “locking mechanism” as ***“protruding from the body.”*** *Id.* at cl. 16.

Given this, “locking mechanism” is not a means-plus-function term and should not be construed narrowly as Petitioner contends but instead afforded its plain and ordinary meaning.

b. The Term “mating structure” Should be Given its Plain and Ordinary Meaning

The term “mating structure” appears in independent claims 1 and 16. Ex. 1001 at cls. 1, 16. Petitioner does not appear to argue that it should be construed as a means-plus-function term in claim 1, noting the inclusion of the word “disk mating structure” in that claim. Pet. at 22. While independent claim 16 may not include the word “disk” before “mating structure,” this does not transform the term into a means-plus-function term as Petitioner contends. The intrinsic record clearly denotes sufficiently definite structure for the term.

Claim 16 recites “a mating structure *protruding outward from the body* and configured to slidably engage the channel of the receiver.” Ex. 1001 at cl. 16. It further requires “wherein the channel of the receiver is sized to *slidably receive the mating structure.*” *Id.* This provides structural content for the term “mating structure” that support it not being construed as a means-plus-function term. The mating structure must protrude outward from the body and slidably engage the receiver channel. It is not an abstract function divorced from structure. Nor does the word “structure” become a nonce term merely because it is modified by the word

“mating.” The phrase identifies a class of physical structures that mechanically mate with another component.

The specification likewise confirms that the term “mating structure” refers to a structural element. It states that “[t]ool attachment device 10 *includes a mating structure*, shown as disk 22, that *extends outward from the upper wall 20.*” *Id.* at 4:8-9. The disclosed embodiment uses disk 22 as the mating structure that engages channel 32 of receiver 12. *Id.* at 4:30-32, Figs. 5, 8A. That disclosure may inform the claim, but it does not justify Petitioner’s attempt to convert “mating structure” into a means-plus-function limitation while simultaneously applying the term broadly to prior-art holster features.

Given this, “mating structure” is not a means-plus-function term and should not be construed narrowly as Petitioner contends but instead afforded its plain and ordinary meaning.

At minimum, if the Board adopts Petitioner’s Section 112(f) position, Petitioner must be held to the corresponding disk structure it identifies. The Petition cannot invoke a disk-based construction and then map the claim to any projection, flange, guide, or holster component that happens to engage another part.

VII. THE PETITION FAILS TO SHOW THAT THE HOLSTER REFERENCES ARE ANALOGOUS ART

The Petition also fails because it treats *handgun-holster* references as if they were *tool-pouch* attachment references. The record does not support that premise. To rely on a reference as analogous art, Petitioner must show that the reference is from the same field of endeavor or reasonably pertinent to the particular problem addressed by the inventor. *See Donner Tech., LLC v. Pro Stage Gear, LLC*, 979 F.3d 1353, 1359 (Fed. Cir. 2020) (internal quotations omitted). Petitioner does neither.

The '064 Patent is directed to a *tool* attachment system for releasably securing a pouch or holder to a receiver. Ex. 1001 at Abstract. Petitioner's district court contentions describe the relevant field in the same terms: "tool attachment systems to releasably couple connecting tools or holders and pouches for tools at a fixed point such as the belt of a user." Ex. 2004 at 24. That description is telling. It does not describe or include handgun holsters.

Petitioner's contrary theory rests on semantic sleight of hand. It treats a handgun as a "tool" and then treats handgun-holster art as tool-pouch attachment art. That argument cannot be reconciled with the claim language. The analogous-art inquiry is not satisfied by stretching a dictionary definition until the field becomes boundless. Many handheld objects can be used to accomplish a task, including a

smartphone or a coffee mug, but nobody would say that these are tools. A reference directed to firearm retention, draw, safety, and weapon orientation does not become reasonably pertinent to a tool-pouch receiver system merely because both may be worn on a belt or because the retained object can be described at a high level of abstraction as something used by hand.

This defect matters to every ground. Ground 1A depends on Albrecht. Ground 1B depends on Albrecht and Gabriel. Ground 2 depends on Albrecht, Glock, and Gabriel. Because Petitioner has not met its burden to show that the handgun-holster references are analogous art, the Petition fails for this independent reason.

VIII. GROUND 1A: CLAIMS 1, 2, AND 12 ARE NOT ANTICIPATED BY ALBRECHT

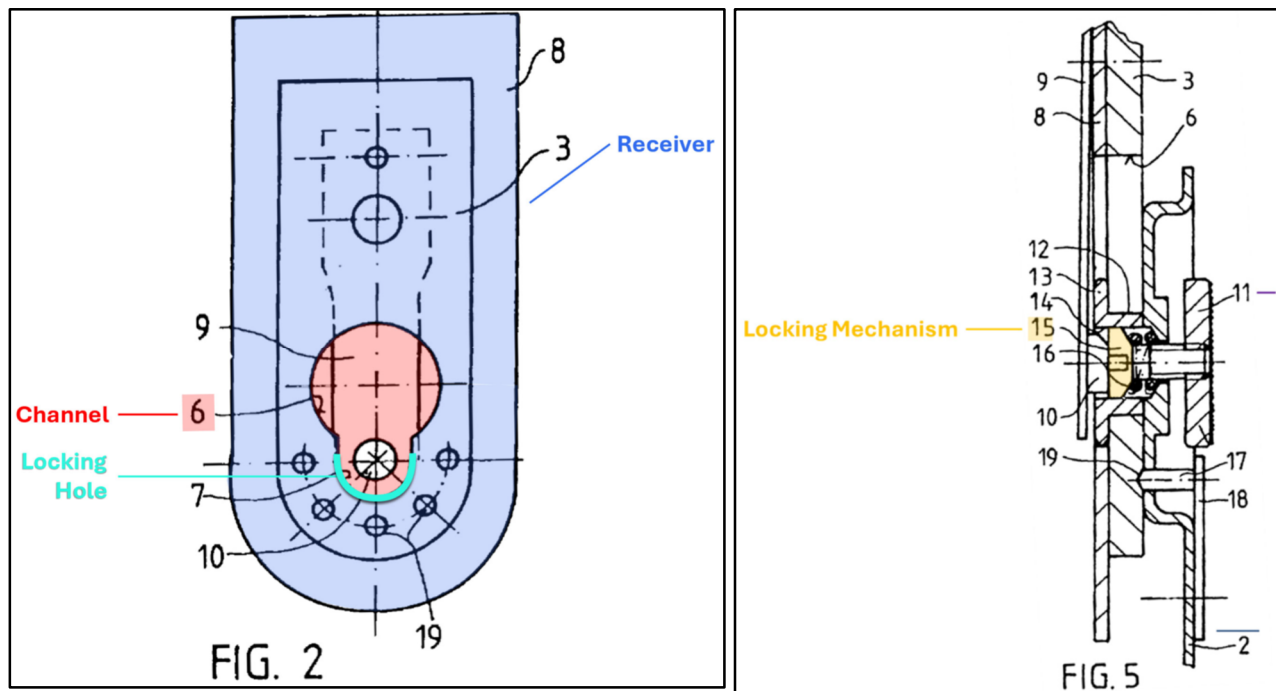
In addition to the arguments above, Albrecht does not disclose each element of independent claim 1. That alone is fatal to Petitioner's asserted Ground 1A. *Microsoft Corp. v. Biscotti, Inc.*, 878 F.3d 1052, 1068 (Fed. Cir. 2017).

A. Albrecht Fails to Disclose the claimed “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” [1D]

Ground 1A fails for a simple reason: Albrecht does not lock the way claim 1 requires. Petitioner identifies one part as the claimed lock, but that part actually helps release Albrecht. Petitioner identifies another part as the claimed locking hole,

but Albrecht does not use it that way. Because Petitioner maps the claim to the wrong structures, Albrecht does not anticipate.

Independent claim 1 requires “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.” Ex. 1001 at cl. 1[D]. Petitioner identifies “pendulum bearing 7” as the claimed “locking hole” and “bolt 15” as the claimed “locking mechanism” and provides annotated Figures 2 and 5, as reproduced below. Pet. at 28, 31.



Petitioner asserts that Albrecht discloses the locking mechanism (*i.e.*, bolt 15) “protrudes past the rear surface of the body and *into the locking hole (‘pendulum bearing 7’)* of the receiver when in the locked position,” citing to 6:5-7:17 of

Albrecht. Pet. at 31. But Petitioner's argument ignores how Albrecht operates and fails to explain how bolt 15 is the claimed locking mechanism.

In Albrecht, the carrying plate 3 has an insertion opening 6 that "is connected downwards to the pendulum bearing 7." Ex. 1006 at 6:9-10, Fig. 2. The carrying plate 3 is also "fastened to a spring steel sheet 8" with a "leaf spring 9" arranged "behind the spring steel sheet 8" and an "arresting lug 10 fastened to the leaf spring 9." *Id.* at 5:27-34, Fig. 2.

To connect the pendulum bar 2 (Fig. 4) to the carrying plate 3, Albrecht explains that pendulum bolt 12 can be pushed into insertion opening 6. *Id.* at 6:9-12, Fig. 5. As Albrecht further explains, "pendulum bolt 12 is provided with a recess 14 into which the arresting lug 10 of the leaf spring engages when the ***pendulum bolt 12 slides into the pendulum bearing 7*** of the carrying plate 3." *Id.* at 6:14-16. Albrecht further explains that "the pendulum pin 12 is pushed into the pendulum bearing 7, and 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 7:8-11, Figs. 5-6.

In other words, to connect the carrying plate 3 and the pendulum bar 2, the pendulum bolt 12 must be pushed into the pendulum bearing 7 such that the arresting lug 10 of the leaf spring 9 engages in the recess 14 of the pendulum bolt 12. Albrecht

says nothing about the bolt 15 interacting with pendulum bearing 7 to position the components in a locked position as required by the claim.

This is further confirmed by Albrecht's discussion of how to release the connection between carrying plate 3 and pendulum bar 2:

“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 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. 1006 at 7:12-17.

While bolt 15 assists in unlocking the components, the key to releasing the connection is the movement of arresting lug 10 out of recess 14. Thus, given Petitioner's assertion that bolt 15 is the claimed “locking mechanism” and pendulum bearing 7 is the claimed “locking hole,” Albrecht fails to disclose “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” as required by claim 1[D].

Albrecht also fails for another basic structural reason. Claim 1 requires the locking mechanism to be on the tool attachment device and to protrude into the locking hole of the receiver when locked. Albrecht's actual locking engagement is

different. Arresting lug 10 engages recess 14, but arresting lug 10 is on carrying plate 3, which Petitioner maps to the receiver, while recess 14 is on pendulum bolt 12 of pendulum bar 2, which Petitioner maps to the tool attachment device. That is the opposite of the claim. Claim 1 requires the locking mechanism on the tool-attachment-device side to protrude into a locking hole on the receiver side. Albrecht's actual lock has the protruding lug on the receiver side and the recess on the attachment-device side.

Petitioner's mapping avoids that problem only by creating another one. Petitioner identifies bolt 15 as the claimed locking mechanism and pendulum bearing 7 as the claimed locking hole. But bolt 15 is not what locks Albrecht. Bolt 15 is part of the release path. It pushes arresting lug 10 out of recess 14 so pendulum bolt 12 can be removed from pendulum bearing 7. Petitioner's theory therefore conflates a release component with the locking mechanism and calls the result anticipation. It is not.

Nor does pendulum bearing 7 solve the problem. Pendulum bearing 7 receives pendulum bolt 12. It is not a locking hole into which bolt 15 protrudes to lock the system. Petitioner's mapping therefore lacks the essential requirement of the limitation: a locking mechanism on the tool attachment device protruding into a locking hole of the receiver in the locked position.

B. Albrecht Fails to Disclose the claimed “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” [1J]

The same flaw undermines Petitioner's actuator mapping. Claim 1 requires an actuator configured to move the locking mechanism from the locked position to an unlocked position. But on Petitioner's own mapping, push button 11 does not move bolt 15 out of pendulum bearing 7 from a locked position to an unlocked position. Rather, push button 11 drives bolt 15 into arresting lug 10 to push the lug out of recess 14. The Petition assigns the claimed locking and unlocking functions to the wrong structure. That is not anticipation.

Accordingly, claim 1 is not anticipated by Albrecht as Petitioner contends. Because claims 2 and 12 depend from claim 1, they also are not anticipated for at least the same reasons.

IX. GROUND 1B: CLAIMS 3-9 AND 16-20 ARE NOT OBVIOUS IN VIEW OF ALBRECHT IN COMBINATION WITH GABRIEL

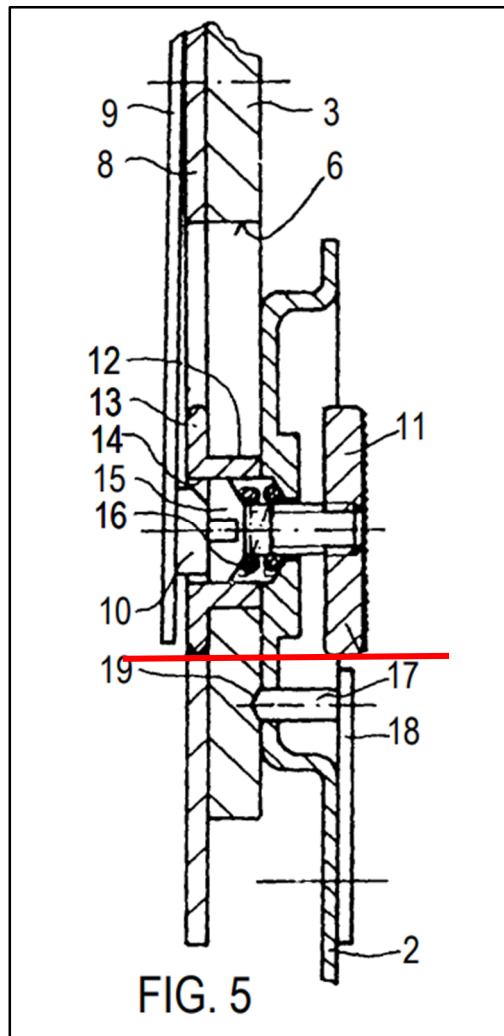
A. Claims 3-9 are Not Obvious

Claims 3-9 depend from claim 1. For at least the same reasons discussed in Section VIII, Albrecht does not disclose all of the limitations of claim 1. Because Petitioner relies solely on Albrecht for teaching claim 1, it cannot demonstrate that dependent claims 3-9 are obvious in view of Albrecht and Gabriel. Pet. at 42-59. Ground 1B therefore fails for claims 3-9 at the threshold.

The dependent limitations independently confirm the defect. Claims 3 and 4 require the actuator, or its lower end, to be positioned below the disk mating structure and above the pouch. Claims 5, 8, and 9 require particular upward and parallel actuator movement. Claims 6 and 7 require the pin and locking-hole relationship and the coordinated release that allows the disk mating structure to slide upward and out of the channel. Petitioner's Albrecht/Gabriel theory does not show those limitations in the claimed system. It instead uses Gabriel as a hindsight template to reposition and recharacterize Albrecht's release components.

B. Claims 16-20 are Not Obvious

Claim 16 requires "wherein a lower end of the actuator is located below the mating structure and above the pouch." Ex. 1001 at cl. 16[J]. Petitioner identifies the mating structure of Albrecht as "retaining flange 13" and the actuator as "push button 11." Pet. at 60, 62. Petitioner concedes, however, that Albrecht fails to disclose "wherein a lower end of the actuator is located below the mating structure." Pet. at 62-66. Indeed, as seen in Figure 5 of Albrecht, the lower end of the actuator, as identified by Petitioner, is placed evenly with the mating structure.



Ex. 1006 at Fig. 5 (annotated)

To resolve this deficiency, Petitioner points to Gabriel and argues it “would have been obvious to a POSA to modify the push button of Albrecht so that a ‘lower end’ is ‘below the mating structure,’ similar to the actuator taught by Gabriel.” Pet. at 63. Petitioner’s argument fails on numerous fronts.

First, Petitioner fails to address the fundamental differences that exist between Albrecht's and Gabriel's actuators, which is central to the motivation to combine inquiry.

Second, Petitioner's motivation to combine analysis fails to sufficiently explain why a POSITA *would* have been motivated to modify Albrecht in view of Gabriel, particularly given the fundamental differences in design.

The omission is important because claim 16 places the actuator on the tool attachment device, while Gabriel's lower end portion 36 is part of the receptacle structure. Petitioner never explains how moving that architecture into Albrecht would preserve the claimed relationship among the mating structure, actuator, locking mechanism, receiver, and pouch.

1. Petitioner Fails to Address the Fundamental Differences that Exist Between Albrecht and Gabriel

"Fundamental differences between the references are *central* to this motivation to combine inquiry." *See Adidas AG v. Nike, Inc.*, 963 F.3d 1355, 1359 (Fed. Cir. 2020). Despite the criticality of explaining fundamental differences between references to support the existence of a motivation to combine, Petitioner glosses over this requirement, offering no explanation as to why a POSITA would have been motivated to combine Gabriel's fundamentally different design with Albrecht's system.

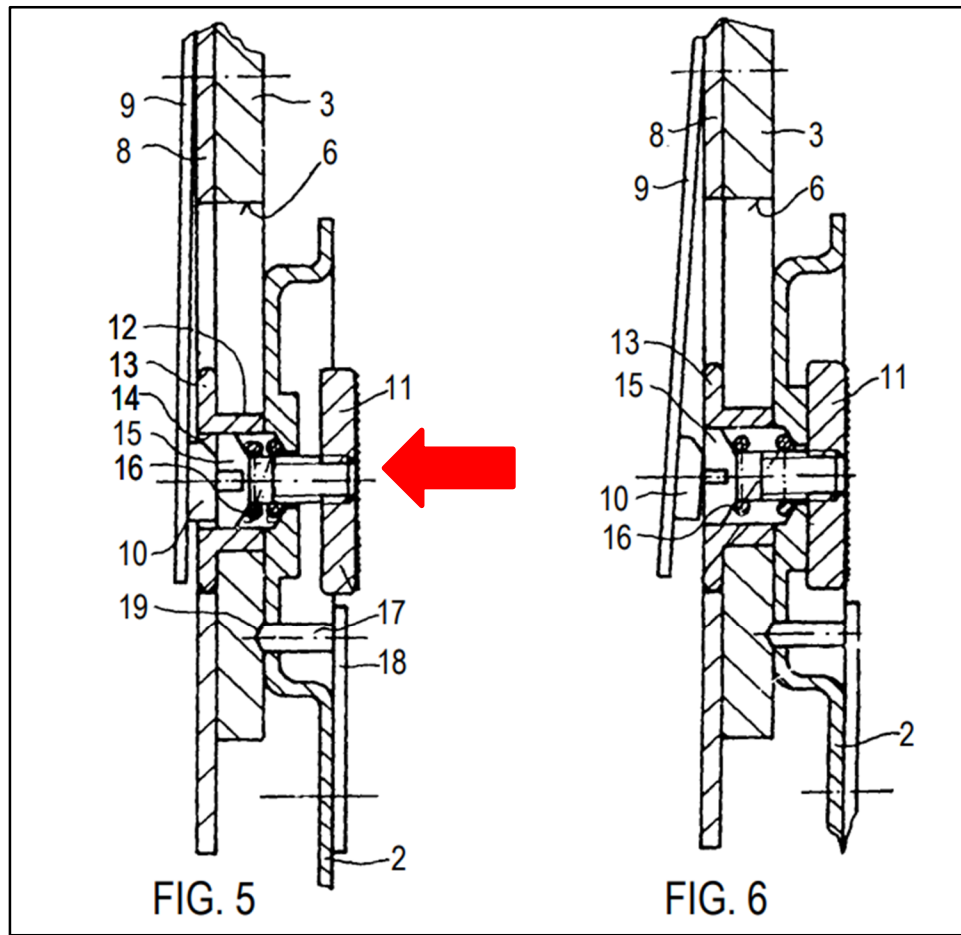
First, in Albrecht, the actuator (push button 11) is part of the pendulum bar 2, which is not the portion that directly attaches to the user's belt. Ex. 1006 at Fig. 3-6, 5:19-22, 6:1-3. Gabriel has a fundamentally different design whereby the actuator, as Petitioner defines it, (lower end portion 36) **is part** of the portion of the device that directly attaches to the user's belt. Ex. 1009 at Figs. 1, 6, 3:38-4:5.

Second, not only does Albrecht have a fundamentally different design than Gabriel, but the way Albrecht's actuator (push button 11) operates to release the components is fundamentally different than how Gabriel's operates. In Albrecht, the actuator (push button 11), as Petitioner defines it, operates as follows to release the connection between the carrying plate 3 and pendulum bar 2:

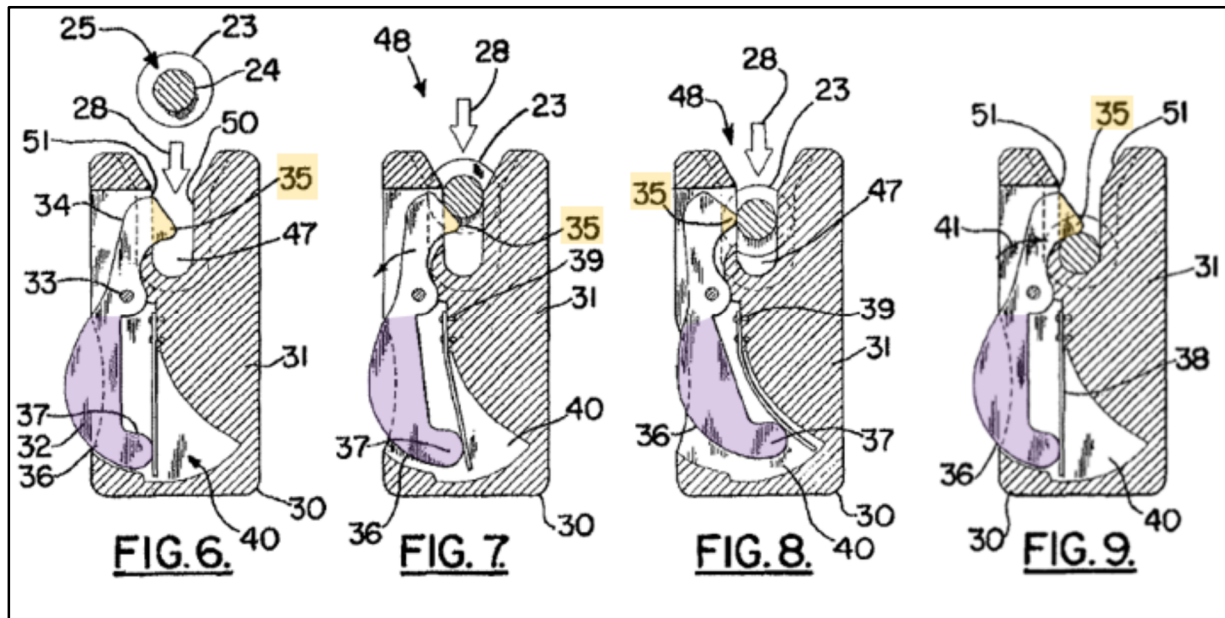
"To *release the connection* between carrying plate 3 and pendulum bar 2, *push button 11 must be pressed in as shown in Fig. 6* so that bolt 15 pushes arresting lug 10 out of recess 14 in pendulum bolt 12 against the spring force of leaf spring 9. Now the pendulum bolt 12 can be pushed upwards out of the pendulum bearing 7 and the retaining flange 13 can be pulled out through the insertion opening 6."

Ex. 1006 at 7:12-17.

In other words, in Albrecht, the push button 11 moves laterally (as depicted by red arrow below in Fig. 5) to allow the arresting lug 10 to move out of the recess 14 in pendulum bolt 12 (Fig. 6 below).

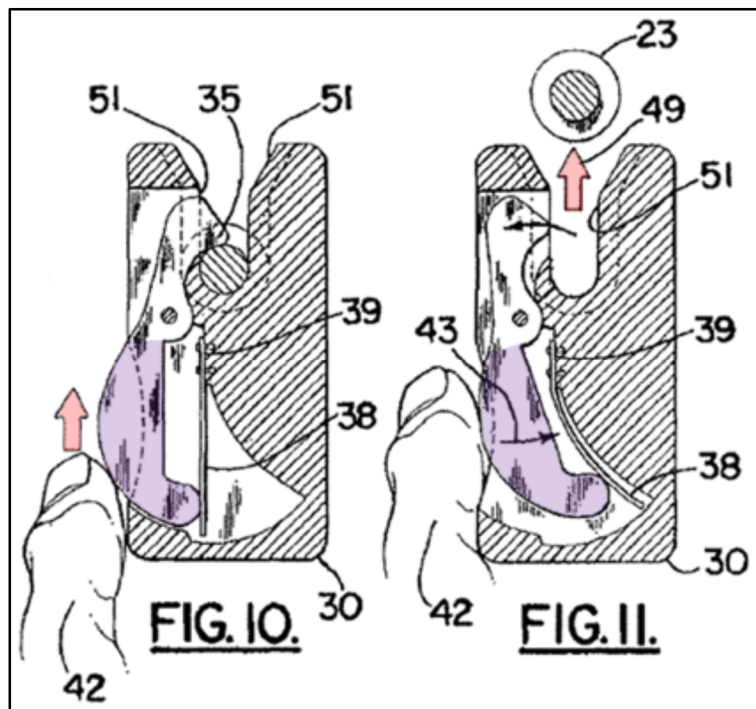


Gabriel employs a fundamentally different approach. Specifically, in Gabriel, the beverage holder sleeve 11 has a disk 23 that is placed into receptacle 30. Ex. 1009 at 3:38-39, Figs. 1, 6-9. Receptacle 30 has a housing 31 with a locking member 32 mounted in the housing. *Id.* at 3:40-42. “Locking member 32 has an upper end portion 34 with a projection 35” and has a “lower end portion 36 with a cam 37” with a “spring 38 [] provided for urging the locking member 32 into the locking position of FIGS. 6 and 9 (see arrow 41).” *Id.* at 3:43-48, Figs. 6-9.



Pet. at 44 (citing Ex. 1009 at Figs. 6-9 (annotated)).

As seen in Figure 9 above, the disk 23 of the sleeve 11 therefore is retained within receptacle 30 via interaction between projection 35 of the locking member 32 and the disk 23. To release the disk 23, a user presses inwardly on the lower end portion 36 of the locking member 32 in the direction of arrow 43 (Fig. 11) to allow the locking member 32 to *rotate about pivot 33* and withdraw projecting portion 35 so that a user can lift the disk 23 upwardly. *Id.* at 3:58-4:4, Figs. 10-11.



Pet. at 45 (citing Ex. 1009 at Figs. 10-11 (annotated)).

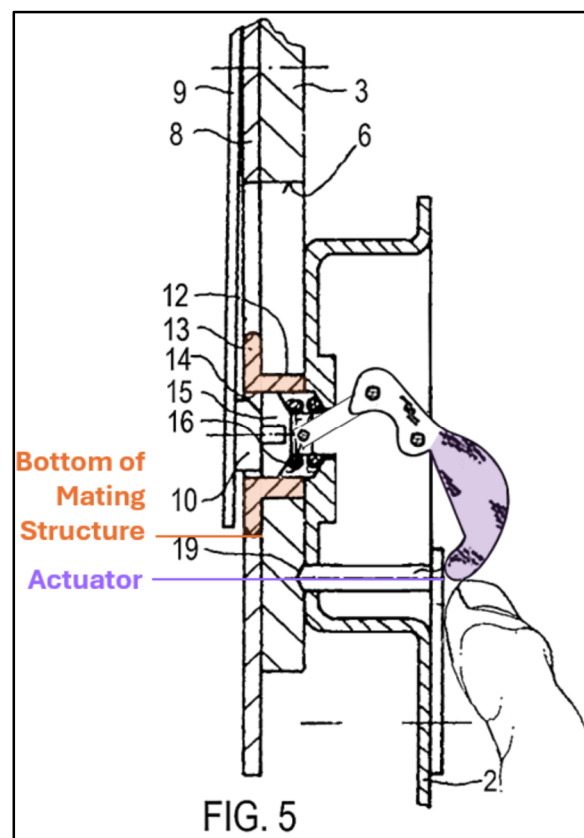
Gabriel thus uses a fundamentally different mechanism than Albrecht to release the connection. While Albrecht relies on lateral movement of the push button 11 (defined actuator) to release the components, Gabriel utilizes a pivoting mechanism that rotates about a *set pivot 33* to move projection 35 away from contact with the disk 23.

The Petition does not address the fundamental design differences that exist between Albrecht and Gabriel despite this being central to the motivation to combine inquiry. *See Adidas*, 963 F.3d at 1359. For this reason alone, Petitioner's obviousness analysis fails.

2. Petitioner Fails to Provide Sufficient Motivation to Modify Albrecht in View of Gabriel

The obviousness inquiry does not merely ask whether a skilled artisan *could* combine the references but instead asks whether “‘they *would* have been motivated to do so.’” *InTouch Techs., Inc. v. VGO Commc'ns, Inc.*, 751 F.3d 1327, 1352 (Fed. Cir. 2014). Petitioner’s obviousness analysis fails to address this requirement.

Petitioner first summarily concludes that it “would have been obvious to a POSA to modify the push button of Albrecht so that the actuator is ‘below the disk mating structure,’ similar to the actuator taught by Gabriel,” and then provides an illustrative example of this redesign (reproduced below). Pet. at 46, 63.



Pet. at 46.

But this does not explain why a POSITA *would* have been motivated to look at Gabriel in the first place, let alone make this modification, particularly given the fundamental differences in design employed by Albrecht and Gabriel (Section IX.B.1). Indeed, Petitioner does not explain why a POSITA reviewing Albrecht's actuator (push button 11) design that employs lateral movement to disengage components would have been motivated to even look to Gabriel's fundamentally different design that employs a pivoting motion about a fixed pivot point.

This lack of motivation to combine is further compounded by the inverted orientation of the actuator on Albrecht and Gabriel. As discussed in Section IX.B.1, Albrecht places its actuator (push button 11) on the pendulum bar 2, which is not the portion attached to a user's belt. Gabriel reverses this, placing the actuator (lower end portion 36 as defined by Petitioner) on the receptacle 30 that clips to the user's belt.

A POSITA simply would not have been motivated to look to Gabriel's actuator when seeking to redesign Albrecht, let alone been motivated to fundamentally change the operation of the actuator to go from the lateral movement in Albrecht to the pivoting movement required by Gabriel.

Petitioner's stated motivation that 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*,” Pet. at 47, 65, likewise fails.

Specifically, Petitioner fails to explain how using a pivoting actuator, as in Gabriel, would result in a “single motion, particularly with only one hand,” that is not also present in Albrecht’s original design. As discussed, Albrecht explains that to release the connection between the carrying plate 3 and pendulum bar 2, “push button 11 must be pressed in as shown in Fig. 6” and then “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.” Ex. 1006 at 7:12-17. Nothing in Albrecht states that pressing push button 11 requires more than a “single [lateral] motion” or that it could not be done “with only one hand.”

While Albrecht’s design requires another motion of pushing pendulum bolt 12 upward out of the pendulum bearing 7 and then pulling retaining flange 13 out of the insertion opening to fully decouple the carrying plate 3 and pendulum bar 2, this would still be required even if Gabriel’s actuator design is incorporated as Petitioner suggests. Indeed, Petitioner’s stated redesign (reproduced below) uses a pivoting motion instead of a lateral motion to move arresting lug 10 out of recess 14, but this movement alone does not decouple the two components. The user would still need to push pendulum bolt 12 upward and then pull retaining flange 13 out of the insertion opening. See Pet. at 49 (Petitioner’s modified Fig. 6 showing pendulum

FIG. 5 shows the locking mechanism in the locked position. The actuator (2) is in a retracted state, and the locking mechanism (15) is engaged, preventing the extension of the device. The locking mechanism (15) is shown in a yellow-shaded state, indicating it is locked. The actuator (2) is shown in a purple-shaded state. The locking mechanism (15) is engaged with the device (10) and the locking mechanism (16). The locking mechanism (15) is shown in a yellow-shaded state, indicating it is locked. The actuator (2) is shown in a purple-shaded state. The locking mechanism (15) is engaged with the device (10) and the locking mechanism (16). The locking mechanism (15) is shown in a yellow-shaded state, indicating it is locked. The actuator (2) is shown in a purple-shaded state.

FIG. 6 shows the locking mechanism in the unlocked position. The actuator (2) is pushed upward, extending the locking mechanism (15) into the unlocked position. The locking mechanism (15) is shown in a yellow-shaded state, indicating it is unlocked. The actuator (2) is shown in a purple-shaded state. The locking mechanism (15) is engaged with the device (10) and the locking mechanism (16). The locking mechanism (15) is shown in a yellow-shaded state, indicating it is unlocked. The actuator (2) is shown in a purple-shaded state.

The only difference that exists between Albrecht's original design and using a pivoting actuator as described in Gabriel is the movement needed (lateral vs. pivot) to disengage the arresting lug 10 from the recess 14. Petitioner thus fails to explain why a POSITA *would* have been motivated to modify Albrecht to replace the actuator's lateral movement with an entirely different pivoting movement to arrive at the claimed invention. Its motivation argument is nothing more than hindsight-driven using the claims as a roadmap.

For at least these reasons, Petitioner has failed to demonstrate that independent claim 16 is obvious in view of Albrecht and Gabriel. The Petition identifies a desired claim arrangement and then works backward to assemble it. That is hindsight, not a reasoned obviousness analysis. Because claims 17-20 depend from claim 16, they likewise fail for at least the same reasons.

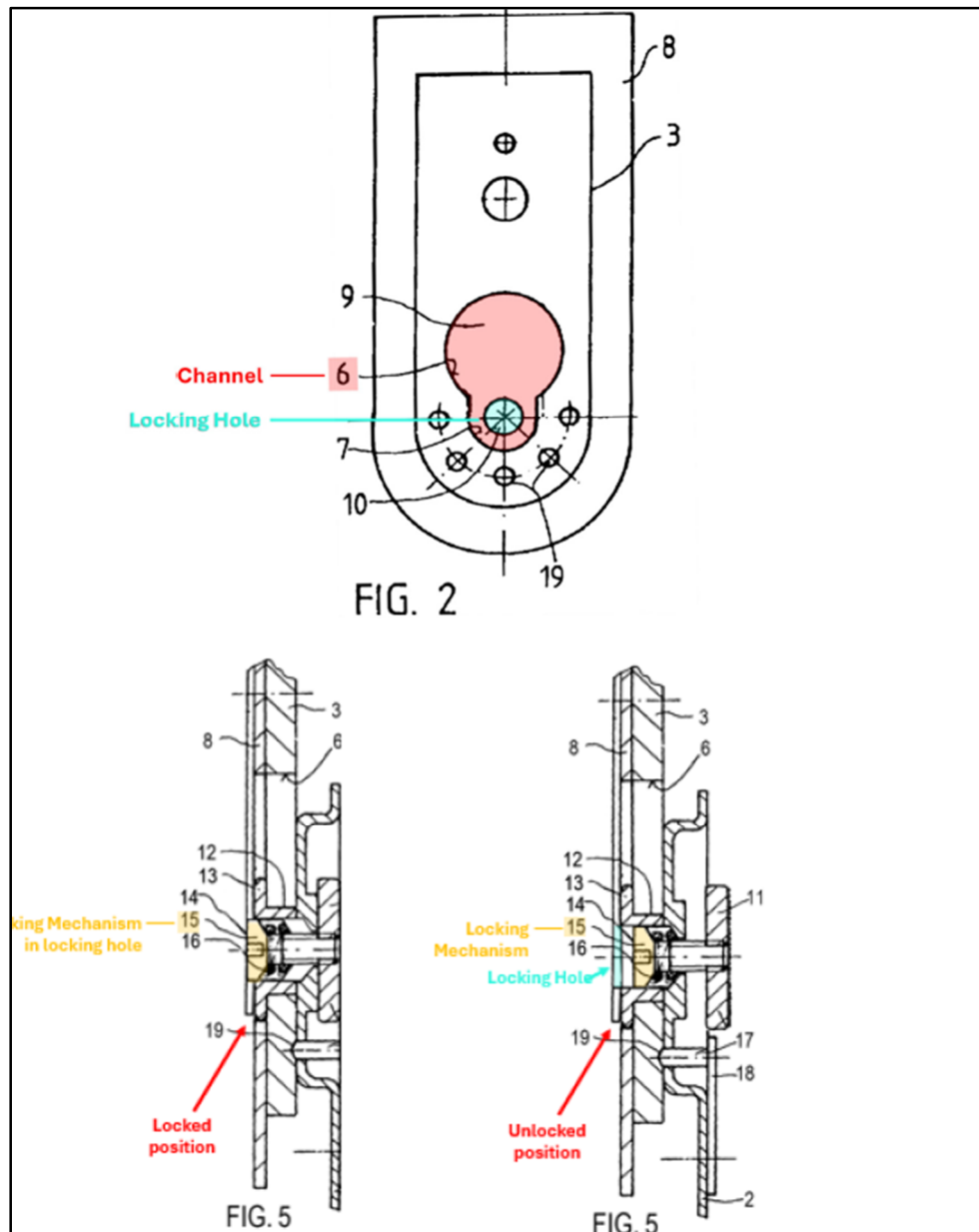
X. GROUND 2: CLAIMS 1-9, 12, AND 16-20 ARE NOT OBVIOUS IN VIEW OF ALBRECHT IN COMBINATION WITH GLOCK AND GABRIEL

A. Claims 1-9 and 12 are Not Obvious

As discussed in Section VIII, Albrecht fails to disclose limitation [1D], requiring “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.” To remedy this deficiency, Petitioner asserts that “Albrecht in combination with Glock discloses this limitation.” Pet. at 72. Not so.

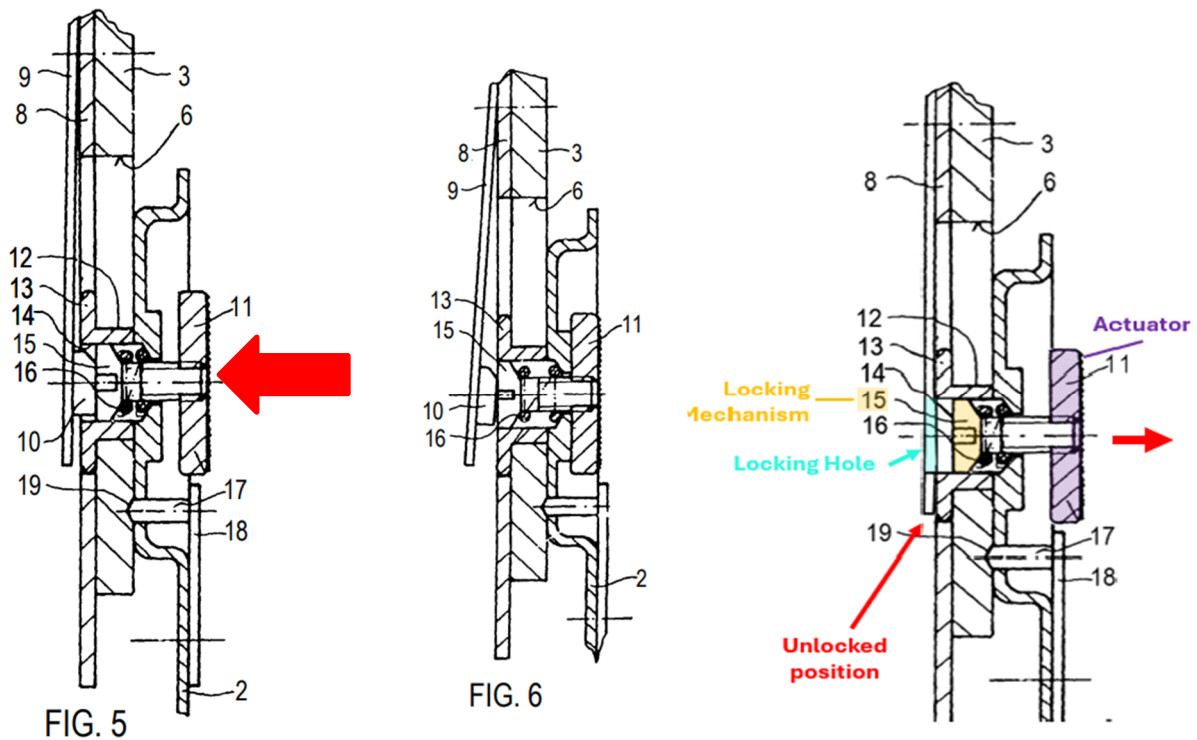
Specifically, Petitioner asserts that it “would have been obvious to a POSA to modify Albrecht so that ‘bolt 15’ protrudes into a hole in the back of Albrecht’s receiver, similar to Glock’s disclosure of button 15 protruding into hole 5.” Pet. at 73. To do this, Petitioner asserts that “it would have been obvious to a POSA to replace Albrecht’s ‘leaf spring 9’ and ‘arresting lug 10’ with a simple wall with a hole bending ‘pendulum bearing 7’ similar to Glock such that ‘bolt 15’ protrudes

through a hole in that wall when in a locked position” and provides the below annotated figures. *Id.*



As Petitioner explains, replacing Albrecht's leaf spring 9 and arresting lug 10 with a wall with a hole that bolt 15 can protrude through in the locked position means that to move the system into the unlocked position, the push button 11 would need

to be pulled outwards (right figure below) instead of its normal operation of being pushed inwards (left figure below).



(Left Figure): Ex. 1006 at Fig. 5 (annotated) (depicting movement of push button 11 to unlock the components); (Middle Figure): Ex. 1006 at Fig. 6 (depicting unlocked position); (Right Figure): Pet. at 79 (depicting direction push button 11 must be moved to unlock the components in redesign).

Thus, Petitioner's stated combination incorporating Glock's design into Albrecht's would fundamentally change the way Albrecht operates. Notably, Petitioner fails to address whether such a fundamental modification would allow the Albrecht system to operate as intended. As seen above, Figure 6 (middle) shows the positioning of Albrecht's components when the push button has been moved

laterally left to allow the carrying plate 3 and pendulum bar 2 to be separated. As Albrecht explains, once push button 11 is pressed as in Figure 6, “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.” Ex. 1006 at 7:12-17.

That is fatal. Petitioner's proposed modification is not a routine design choice or a simple substitution of known equivalents. It removes Albrecht's actual locking structure—the leaf spring 9 and arresting lug 10—and replaces it with a new wall-and-hole arrangement. It also changes the direction and mechanics of release. The Petition offers no evidence that a POSITA would have made that redesign, and no evidence that the resulting system would lock, unlock, and release upward in the manner claim 1 requires.

Petitioner's argument is notable for what it omits. It does not explain why a POSITA would abandon Albrecht's working arresting-lug design. It does not explain how the redesigned bolt 15 would reliably lock the pendulum bar. It does not explain how the modified button would be actuated in use. And it does not explain why the modified system would still allow the pendulum bolt 12 and retaining flange 13 to be removed through Albrecht's insertion opening as intended. Those omissions are not details. They are the required motivation-to-combine and reasonable-expectation-of-success analysis.

Petitioner's redesign also changes the positioning such that its "unlocked position" design (right figure above) mirrors how Albrecht looks in Figure 5 before the components are in position to separate them, not Figure 6 when Albrecht says the pendulum bolt 12 and retaining flange 13 can be removed from carrying plate 3. For example, in Petitioner's "unlocked position" configuration (right figure above), the push button 11 is pulled outward and pin 15 is in the center of recess 14 instead of positioned to the left as in Albrecht's Figure 6 (center figure above).

But Albrecht ties the positioning of push button 11 in Fig. 6 to then being able to push the pendulum bolt 12 upward and out of the pendulum bearing 7, as well as being able to pull the retaining flange out of the insertion opening. Ex. 1006 at 7:12-17. Petitioner does not address whether its proposed modification would allow Albrecht to continue to operate as intended, and thus a conclusion of obviousness cannot be supported.

Thus, claim 1 is not obvious in view of Albrecht in combination with Glock and Gabriel. Petitioner's proposed modification changes Albrecht's operating principle and leaves an evidentiary void where motivation and reasonable expectation of success are required. Because claims 2-9 and 12 depend from claim 1, they likewise are not obvious for at least the same reasons.

B. Claims 16-20 are Not Obvious

For claims 16-20, Petitioner relies on the same combination of Albrecht and Gabriel to argue limitation [16J], requiring “wherein a lower end of the actuator is located below the mating structure and above the pouch,” is obvious. Pet. at 99-103. For the same reasons as discussed in Section IX.B, this limitation is not obvious and thus Petitioner cannot demonstrate independent claim 16 is obvious. As claims 17-20 depend from claim 16, Petitioner likewise fails to demonstrate those claims are obvious for at least the same reasons.

XI. SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS

Patent Owner reserves the right to present evidence of secondary considerations of non-obviousness should the Board grant institution.

XII. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests the Board deny institution.

Dated: May 11, 2026

Respectfully Submitted,

/ Dion M. Bregman /
Dion M. Bregman, Reg. No. 45,645

CERTIFICATION OF LENGTH (37 C.F.R. § 42.24(D))

The undersigned hereby certifies that this document is limited to 14,000 words and thus complies with the applicable word limit.

Dated: May 11, 2026

Respectfully Submitted,

/ Dion M. Bregman /
Dion M. Bregman, Reg. No. 45,645

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. Section 42.6(e)(4), lead counsel for Patent Owner hereby certifies that on May 11, 2026 a copy of this Patent Owner's Preliminary Response to Petition was served on Petitioner's counsel of record at the email correspondence address of record:

W. Todd Baker
todd.baker@kirkland.com

Ryan Kane, P.C.
ryan.kane@kirkland.com

Nathaniel L. DeLucia
nathaniel.delucia@kirkland.com

Service email
KleinTools_IPR@kirkland.com

Dated: May 11, 2026

Respectfully Submitted,

/ Dion M. Bregman /
Dion M. Bregman, Reg. No. 45,645