

APPENDIX B-2

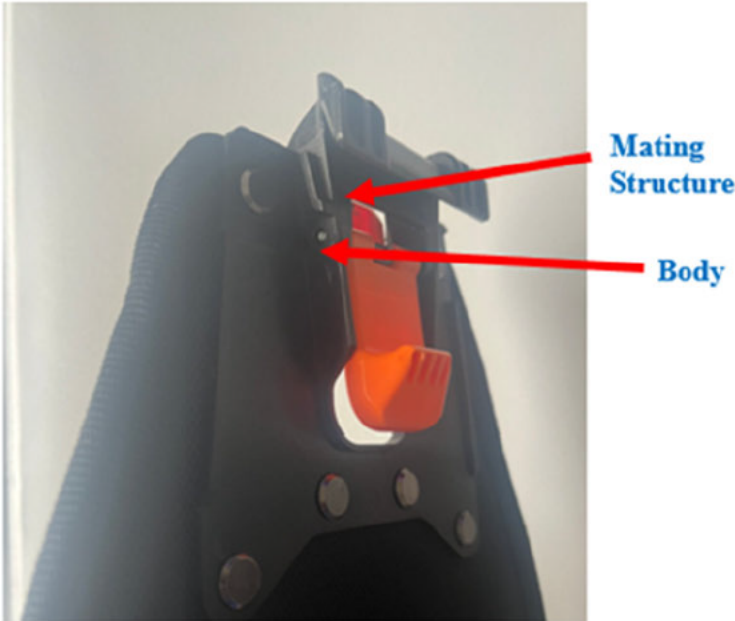
Non-Infringement of U.S. Patent No. 11,857,064

Milwaukee served its initial infringement contentions on July 30, 2025, contending that the Accused MODbox™ Pouches¹ infringed claim 16 of the '064 patent. *See* Appendix B-2. As an initial matter, Milwaukee's statement that "Milwaukee expressly reserves the right to rely on additional evidence of infringement and revise these contentions in light of evidence discovered, learned, or otherwise made available ... with insufficient time in advance of serving these contentions for meaningful review and incorporation," is unfounded. It is undisputed that Klein Tools met its obligations under the Local Patent Rules to produce documents "sufficient to show the operation and construction of all aspects or elements of each accused apparatus, product, device, component, process, method or other instrumentality identified with specificity in the pleading of the party asserting patent infringement," producing well over a thousand documents with its initial disclosures. LPR 2.1(b)(1). Moreover, Milwaukee took an extra *five days* to draft and serve its initial infringement contentions beyond the time allowed under the Local Patent Rules and Scheduling Order, increasing its time to "review and incorporate[e]" any evidence by over a third. Despite this, Milwaukee does not cite *a single document produced by Klein Tools*. Any failure to "meaningful[ly] review and incorporate[e]" any evidence is therefore entirely of Milwaukee's own making and not good cause to amend its infringement contentions.

The Accused MODbox™ Pouches do not infringe claim 16 of the '064 patent for at least the following reasons. Klein Tools reserves the right to amend or supplement this claim chart at a later date, as permitted under the Federal and Local Rules.

¹ Milwaukee's Appendix B-2 appears to use the term "Accused Pouch Products" and "Accused MODbox™ Pouches" interchangeably, however, only the six products identified as Accused MODbox™ Pouches are alleged to infringe claim 16 in Milwaukee's Initial Infringement Contentions. *See* July 30, 2025 Milwaukee Initial Infringement Contentions at 6–7.

Claims	Milwaukee's Position	Klein Tools' Position
	 <i>Id.</i>	described in the '064 patent. The Accused MODbox™ Pouches also do not meet this limitation because they contain a lock arm that is separately attached to the body as a distinct component. Because the lock arm is not part of the body of the Accused MODbox™ Pouches, it cannot serve as a “locking mechanism <i>protruding from the body</i>.” Thus, to the extent that Milwaukee contends that the lock arm is the locking mechanism rather than the actuator, the Accused MODbox™ Pouches do not meet this limitation because the lock arm does not “protrude from the body.” Alternatively, the Accused MODbox™ Pouches do not meet this limitation because “locking mechanism” is a means-plus-function element. Limitation 16.d defines the function of the “locking mechanism” as “locking the tool attachment device against separation from the receiver when the locking mechanism is in a locked position.” The specification of the '064 patent generally describes the “locking mechanism” as a means for “unlock[ing] the tool attachment device from the receiver allowing the pouch and the tool attachment device to be released from the receiver.” '064 patent, 3:29–33. In addition, the only structural disclosure of the “locking mechanism” requires “a locking pin 60 that extends through a pinhole 62 through disk 22.” <i>Id.</i> at 1:40–2:26, 5:1–6:38; <i>see also id.</i> at Figures 6 & 7.

Claims	Milwaukee's Position	Klein Tools' Position
	knowledge of both the existence of the '064 Patent and that its actions described above would contribute to the direct infringement of the patent.	
[16.e]: a mating structure protruding outward from the body and configured to slidably engage the channel of the receiver;	The Accused Pouch Products meet this limitation because the tool attachment device comprises a mating structure protruding outward from the body and configured to slidably engage the channel of the receiver. For example:  MODbox™ 6 Pocket Tool Pouch, model 55830MB:	The Accused MODbox™ Pouches do not meet this limitation at least because they do not have the claimed “channel” for the reasons explained above. <i>See</i> 16.a. The Accused MODbox™ Pouches therefore also lack a “mating structure” that is “configured to slidably engage the channel.” Alternatively, the Accused MODbox™ Pouches also do not meet this limitation because “mating structure” is a means-plus-function element. Limitation 16.e defines the function of the “mating structure” as being “configured to slidably engage the channel of the receiver.” The specification of the '064 patent generally describes the “mating structure” as a means for “removably coupl[ing]” with the channel of the receiver. '064 patent, 3:26–29. In addition, the only structural disclosure of the “mating structure” is that of a “disk 22.” <i>Id.</i> at 4:8–10; <i>see also id.</i> at Figure 1.