

APPENDIX B-1

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

Milwaukee served its initial infringement contentions on July 30, 2025, contending that the Accused Tradesman Pro™ Pouches infringed claim 1 of the '064 patent. *See* Appendix B-1. 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 Tradesman Pro™ Pouches do not infringe claim 1 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.

Claims	Milwaukee's Position	Klein Tool's Position
	and use the Accused Tradesman Pro™ Pouches, including through promotional materials, advertising, and marketing. <i>See</i> https://data.kleintools.com/sites/all/product_assets/documents/brochures/klein/82875_TP_ModularToolPouchSystem_WR.pdf. Klein also sells and offers for sale the Accused Tradesman Pro™ Pouches knowing that the end-users will directly infringe. <i>See</i> https://www.kleintools.com/catalog/nylon-polyester-tool-pouches/tradesman-pro-modular-piping-tool-pouch-belt-clip (providing “Buy Now” and “Find Retailer” options); https://www.kleintools.com/catalog/vests-and-pouches/modbox-open-tool-pouch (same); https://www.kleintools.com/catalog/nylon-polyester-tool-pouches/tradesman-pro-modular-parts-pouch-belt-clip (same); https://www.kleintools.com/catalog/nylon-polyester-tool-pouches/tradesman-pro-modular-trimming-pouch-belt-clip (same); https://www.kleintools.com/catalog/nylon-polyester-tool-pouches/tradesman-pro-modular-drill-pouch-belt-clip (same). For example, when bought and used as encouraged and promoted by Klein, end-users use these products and directly infringe this limitation for the same reasons discussed above in connection with direct infringement. In addition, Klein has contributed and continues to contribute to infringement by providing the Accused Tradesman Pro™ Products that embody a material part of the claimed invention of the '064 Patent, that are known by Klein to be specially made or adapted for use in an infringing manner, and are not staple articles with substantial non-infringing uses. The Accused Tradesman Pro™ Pouches are specially designed to infringe this claim including each of its limitations and their accused components have no substantial non-infringing uses. Klein had and continues to have knowledge of both the existence of the	The specification further describes that the movement of the locking pin to an unlocked position occurs when force is applied to the button component of the actuator, which causes the pin to move out of the pinhole of the receiver. <i>See id.</i> at 5:33–61. In contrast, the Accused Tradesman Pro™ Pouches engage and disengage the receiver based on upward force being applied to the front face of the handle directly. Thus, the Accused Tradesman Pro™ Pouches do not meet this limitation because they do not enter the “locked position” described in the '064 patent. Additionally, even under Milwaukee's incorrect position identifying the hook portion of the handle as the “locking mechanism,” the Accused Tradesman Pro™ Pouches do not meet this limitation because the hook portion does not have a “locked position.” Indeed, the hook portion never changes position relative to the handle. Alternatively, the Accused Tradesman Pro™ Pouches do not meet this limitation because “locking mechanism” is a means-plus-function element. The claim defines the function of the “locking mechanism” as “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 “mov[ing] out of the locking hole in the receiver” when “in the unlocked 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>E.g.</i>, '064 patent, Figures 6 & 7; <i>id.</i> at 1:40–2:26, 5:1–6:38.