UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MILWAUKEE ELECTRIC TOOL CORPORATION,
Petitioner,

v.

Klein Tools, Inc.,
Patent Owner.

Case No. PGR2025-00080

Patent No. 12,268,265

VOLUNTARY SEARCH DISCLOSURE DECLARATION

I. INTRODUCTION

Petitioner respectfully submits this Voluntary Search Disclosure Declaration, pursuant to the November 17, 2025 memorandum from the Office. The below sections detail how Petitioner's team was able to locate five new references (Yan, Daley, Nesbitt, Kiessler, and Klein News Release) that had not been considered nor cited during prosecution of the application that led to U.S. Patent No. 12,268,265 ("the '265 Patent.").

II. SEARCH STRATEGIES

A. Notes on Examiner's Searches During Prosecution of the Application that led to '265 Patent

During prosecution of the '265 Patent, the Examiner submitted Search Notes which indicated that they conducted prior-art searches within CPC classifications A42B3/0446, A42B3/044, A42B3/0406, A42B3/042, all corresponding to Helmets and Helmet covers. Ex. 1020 at 110, 173. The Examiner also noted that AI Similarity Search and PE2E Word Search tools were used. *Id.*

Given the Examiner's search notes detailed repeated searches in the helmet and helmet cover specific CPC classifications and the Examiner's use of both AI-based similarity tools and PE2E keyword searching, Petitioner's team directed its search efforts towards unique CPC classifications and alternate search and filtering methods. Specifically, Petitioner's team searched CPC classifications that covered adjacent and potentially overlooked technical areas of helmet and helmet accessory

technology and also focused on visual and image-based searching rather than just word or similarity-based text searching. These broader techniques led to identifying many new and relevant references, including the primary Yan reference, which is in Chinese and does not have associated CPC information. The details of these additional searches are provided below.

B. Yan (Chinese Utility Model App. No. 2011-20014896.0, published November 9, 2011) and Kiessler (German Utility Model App. No. 2020-06007009, published August 31, 2006)

Yan was located through a combination of classification-based searching and manual review of Chinese-language references, including utility-model publications. Because preliminary search results showed that a substantial portion of mining-helmet innovation originated in China, the search was directed toward Chinese filings, specifically looking at Chinese references published by the Chinese National Intellectual Property Administration (CNIPA). In this search, keywords played a limited role as most Chinese references lacked English counterparts, and general English search terms did not reliably unearth the most relevant references.

Classification searching was used as one primary filter, using the following CPC classifications: A42B 1/10 (Miner's cap), A42B 1/242 (Means for mounting detecting, signaling, or lighting devices), A42B 1/244 (Means for mounting lamps, A42B 3/0406 (Accessories for helmets), A42B 3/0433 (Detecting, signaling or

lighting devices), A42B 3/044 (Lighting devices, e.g. helmets with lamps), A42B 3/0446 (Intended to light the way ahead). Manual inspection of the figures and machine translations of the results was also used to help narrow the results.

Notably, as mentioned above, Yan did not appear in CPC-based search results because the reference predates the CPC system and instead carries IPC classifications. Petitioner's team found it though backward-citation searching of another Chinese filing that did appear within CPC class A42B1/244, combined with manual figure review coupled with review of machine-translated descriptive text.

Kiessler was located using similar methods and CPC classifications. Petitioner's team again relied on classification searching paired with visual inspection of figures to locate references containing clip and protrusion engagement features relevant to certain dependent claims. The reference fell within CPC class A42B3/044, which made it identifiable through CPC classification-filtered searches using both backward and forward citation analysis.

C. Daley (U.S. Patent No. 9,993,043, issued June 12, 2018) and Nesbitt (U.S. Patent No. 4,304,009, issued December 8, 1981)

Daley and Nesbitt were located by conducting a comprehensive search across both patent and non-patent literature. Petitioner's team used tools including NLPatent and PatSnap for reviewing patent literature, and also used IEEE Xplore, PatSnap's NPL platform, Elicit, and Google scholar search databases for reviewing

non-patent literature. Petitioner's team applied a multifaceted search methodology including forward and backward citation analysis, keyword and Boolean querying, and semantic-similarity searching.

The search results were further refined by filtering out everything after the priority date cutoff of January 26, 2018. Petitioner's team also used the following targeted CPC classifications: A42B1/244 (mounting means for lights), A42B3/044, A42B3/0446, A42B3/04, A42B3/0406 (helmet lighting devices, accessories, and related structural features), F41H1/04 (protective helmets), and G02C3/02 (arrangements supported by headgear). Petitioner's team also used keywords to further refine the search efforts, including: 'safety', 'helmet', 'hard hat', 'headgear', 'outer shell', 'worn', 'user', 'molded', 'common material', 'exterior', 'surface', 'front', 'rear', 'side', 'brim', 'shield', 'sunlight', 'falling', 'debris', 'reversible', 'face', 'first', 'receptacle', 'external', 'slot', 'pocket', 'recess', 'socket', 'channel', 'upward', 'protruding', 'nub', 'protrusion', 'bulge', 'knob', 'lump', 'dimple', 'protuberance', 'raised', 'projection', 'integrally', 'second', 'located', 'identical', 'construction', 'engageable', 'releasably', 'mountable', 'flanked', 'raised walls', 'stop', 'accessory', 'device', 'clip', 'align', 'retain', 'engage', 'mount', 'plastic', 'sidewall', 'bracket', 'retained.'

D. Klein News Release: "Klein Tools'® New Hard Hats Designed for Pros—Safety, Comfort and Fit" published July 23, 2019.

Klein News Release was located through a broad, visually driven search,

rather than traditional patent-literature and non-patent literature search tools. Before conducting the search, Petitioner's team carefully reviewed the prosecution history of the '265 Patent to assess whether the priority date claimed by Patent Owner was properly supported. After a determination that the asserted priority date lacked proper support, Petitioner's team then used a later effective filing date as the cutoff date for all subsequent prior art searches. *See* Paper 2 at 8-10, 80-87. Petitioner's team then conducted a Google Image Search for "safety helmet," using the visual results to identify potentially relevant publications depicting structural features of interest. Once candidate publications were identified, Petitioner's team then used the Internet Archive's Wayback Machine to confirm publication dates and to verify the historical availability of the publications.

III. CONCLUSION

Petitioner submits this Voluntary Search Disclosure Declaration in the hopes that it may be helpful in helping to educate the Office regarding new or underutilized pathways for finding relevant prior art to help improve examination quality. Petitioner also hopes that this submission will be viewed as a favorable discretionary factor supporting institution. *See* USPTO Director Squires Memo (Nov. 17, 2025) at 2 ("voluntary submission of an SDD will be considered as a non-exclusive, non-dispositive **favorable discretionary factor** supporting institution").

Dated: November 26, 2025

Respectfully Submitted,

/ Alexander B. Stein /
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), it is hereby certified that on November 26, 2025 an electronic copy of this PETITIONER'S VOLUNTARY SEARCH DISCLOSURE DECLARATION was served via email on Patent Owner's counsel of record in this proceeding:

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