

From: [Director Discretionary Decision](#)
To: [Baker, W. Todd](#); [Director Discretionary Decision](#)
Cc: [265Patent-Metco-Klein-PGR](#); [#KleinTools_IPR](#); [Trials](#)
Subject: RE: Milwaukee Tool v. Klein Tools, PGR2025-00080 -- Request for Leave to File a Reply
Date: Wednesday, January 14, 2026 3:39:04 PM

Patent Owner is authorized to file a 2-page reply in PGR2025-00080, due no later than Friday, January 16, 2026, limited to addressing the arguments raised below. Petitioner is authorized a 2-page sur-reply, due no later than Tuesday, January 20, 2026.

The parties may include exhibits.

From: Baker, W. Todd <todd.baker@kirkland.com>
Sent: Wednesday, January 14, 2026 3:06 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: 265Patent-Metco-Klein-PGR <265Patent-Metco-Klein-PGR@morganlewis.com>; #KleinTools_IPR <KleinTools_IPR@kirkland.com>; Trials <Trials@USPTO.GOV>
Subject: Milwaukee Tool v. Klein Tools, PGR2025-00080 -- Request for Leave to File a Reply

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Dear Director Squires,

Patent Owner respectfully request leave to file a reply brief directed to two specific topics raised in Petitioner's discretionary denial opposition brief:

1. Petitioner has raised arguments regarding the current procedural status of the parallel ITC proceeding, as well as speculation about the potential for further government shutdowns and related funding uncertainties. Petitioner contends that such speculation may impact the *Fintiv* analysis. Patent Owner intends to address these points directly and will submit new exhibits evidencing the low likelihood for further government shutdowns and associated funding uncertainties.
2. Petitioner has also challenged the sufficiency of Patent Owner's evidence and the applicable legal standard for RPI identification. Patent Owner seeks to clarify the record and respond to Petitioner's arguments on this issue.

Both parties have conferred and agree that Patent Owner may file a two-page reply brief, and Petitioner may file a two-page sur-reply brief. However, Petitioner opposes the entry of new exhibits. Patent Owner believes that new exhibits are necessary to fully address the issues raised regarding government shutdowns and funding uncertainties, as well as the RPI issue. Patent Owner will not use exhibits to circumvent the page limit.

Accordingly, Patent Owner respectfully requests leave to file a two-page reply brief addressing the

above topics and to submit new exhibits related thereto. We also request that Petitioner be permitted to file a two-page sur-reply brief, consistent with the parties' agreement.

Petitioner's position is as follows:

Given that the briefs would be limited to two pages each, submission of exhibits could be used to circumvent that short page limit. As such and given that the parties have already each had an opportunity to be heard on the discretionary issues, we oppose an unbounded proposal to submit more exhibits under these circumstances. We continue to feel that more briefing is unnecessary but would agree to your side having a 2-page reply brief and our side having a 2-page sur-reply brief provided that no exhibits are submitted (as was previously indicated).

Thank you for your consideration of this request. Please let me know if any further information is required.

Respectfully,

Todd Baker
Counsel for Patent Owner

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