

EXHIBIT 3001

From: [Trials](#)
To: [Stein, Alexander B.](#); [Trials](#)
Cc: [Nate D Louwagie](#); [apex617pgr](#); [White, Jason C.](#); [Gillen, Stephen](#); [Metco-617Patent-PGR](#)
Subject: RE: PGR2020-00056: Apex Tool Group, LLC v. Milwaukee Electric Tool Corporation
Date: Friday, July 31, 2020 2:43:08 PM

Counsel,

Counsel: The Board has considered Petitioner's email request to file a Reply to Patent Owner's Preliminary Response, as well as Patent Owner's email opposing that request. The Board finds that additional briefing, strictly limited to the issue raised in Petitioner's email (specifically, Patent Owner's challenge to the prior art status of "the 'conventional tape measure blade design' identified as 'Prior Art 2' in the patent's specification"), may be helpful to the Board. Accordingly, Petitioner is authorized to file a five page Reply, strictly limited to responding to that issue, as raised in the Preliminary Response, within five business days of this email. Patent Owner is authorized to file a five page Sur-Reply, limited to addressing issues raised in the Reply, within five business days of the filing of the Reply. No new evidence may be filed with either brief. An Order memorializing this authorization shall issue in due course; however, the time for filing the Reply shall run from the date of this email. We caution the parties to refrain from presenting extensive legal arguments in email correspondence with the Board.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571)272-7822

From: Stein, Alexander B. <alexander.stein@morganlewis.com>
Sent: Friday, July 31, 2020 9:57 AM
To: Trials <Trials@USPTO.GOV>
Cc: Nate D Louwagie <NLouwagie@carlsoncaspers.com>; apex617pgr <apex617pgr@carlsoncaspers.com>; White, Jason C. <jason.white@morganlewis.com>; Gillen, Stephen <stephen.gillen@morganlewis.com>; Metco-617Patent-PGR <Metco-617Patent-PGR@morganlewis.com>
Subject: RE: PGR2020-00056: Apex Tool Group, LLC v. Milwaukee Electric Tool Corporation

Dear Board,

I represent Patent Owner in this proceeding and write to voice Patent Owner's objection to the inclusion of unauthorized argument in Petitioner's email below. To the extent the Board would like to hear Patent Owner's responsive argument via email, I will provide that only if authorized to do so. Regardless, I will be prepared to explain why there is no good cause for Petitioner's request on the conference call.

Respectfully submitted,

Alex Stein

EXHIBIT 3001

Reg. No. 71,397

Counsel for Patent Owner Milwaukee Electric Tool Corporation

Alexander B. Stein

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From: Nate D Louwagie <NLouwagie@carlsoncaspers.com>

Sent: Thursday, July 30, 2020 6:17 PM

To: trials@uspto.gov

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617Patent-PGR <Metco-617Patent-PGR@morganlewis.com>; Stein, Alexander B.

<alexander.stein@morganlewis.com>

Subject: PGR2020-00056: Apex Tool Group, LLC v. Milwaukee Electric Tool Corporation

[EXTERNAL EMAIL]

Dear Board,

I represent Petitioner in the above captioned action and write to respectfully request a conference call. Specifically, Petitioner requests a conference call to make a request to file a five-page reply to address the Patent Owner's argument that the "conventional tape measure blade design" identified as "Prior Art 2" in the patent's specification is not prior art. Paper 9 at 27-32. Petitioner submits good cause exists to file this reply because the Patent Owner's preliminary response argues that Prior Art 2 is not prior art because it is Patent Owner's own prototype, but the intrinsic record of the patent did not identify Prior Art 2 as the Patent Owner's prototype design. Therefore, Petitioner submits it should have the opportunity to respond to Patent Owner's argument.

Petitioner conferred with Patent Owner. It opposes this request.

The parties are both available during the following dates and times for a call with the Board (all in Eastern Time):

Tuesday, August 4: 10 am-11:30am or after 1:30 pm

Wednesday, August 5: 10 am-4:30 pm

Thursday, August 6: 10 am-1 pm

Respectfully submitted,

Nate Louwagie

Nate D Louwagie
Carlson Caspers

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