

APPENDIX 4
DTX 11R

From: XU, Yongsheng
Sent: Friday, March 23, 2012 12:26 PM
To: Broadway, Eric
Subject: RE: Preliminary Analysis of Gripping Wrench (Brown) Patents (4499-964) - Privileged and Confidential
Attachments: image001.jpg; image002.jpg; image003.jpg

Thank you! ! !

From: Broadway, Eric
Sent: Friday, March 23, 2012 8:25 PM
To: XU, Yongsheng; Li, Peng
Cc: Constantine, John; Fu, Zhihong; Yang, Cheng; Zhu, Fengping
Subject: RE: Preliminary Analysis of Gripping Wrench (Brown) Patents (4499-964) - Privileged and Confidential

No – I had reviewed this idea with him... Once we complete all the changes and have a design that Craftsman accepts – I will forward that to him again for final confirmation.

Thanks, Eric

Eric Broadway • 443.791.3570
eric.broadaway@apextoolgroup.com

From: XU, Yongsheng
Sent: Friday, March 23, 2012 7:30 AM
To: Broadway, Eric; Li, Peng
Cc: Constantine, John; Fu, Zhihong; Yang, Cheng; Zhu, Fengping
Subject: RE: Preliminary Analysis of Gripping Wrench (Brown) Patents (4499-964) - Privileged and Confidential

Eric,

Please see below picture, I design the moving jaw like it. Do you think this jaw design has any patent issue with Brown's patents.



Thanks,
Xu, Yongsheng
Tel: 8621-64976638
Fax: 8621-54406740

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LoggerHead Tools, LLC
v. Sears Holdings Corp.
and Apex Tool Group
Case No. 12-cv-09033

DTX 11-R



Highly Confidential -- Attorneys' Eyes Only

APEX0016764

From: XU, Yongsheng
Sent: Friday, March 23, 2012 11:36 AM
To: Broadaway, Eric; Li, Peng
Cc: Constantine, John; Fu, Zhihong
Subject: RE: Preliminary Analysis of Gripping Wrench (Brown) Patents (4499-964) - Privileged and Confidential

Yes, all of John Owen's assumptions are correct to the design; but now we are thinking about a new different lock mechanism to this design.

Thanks,
Xu, Yongsheng
Tel: 8621-64976638
Fax: 8621-54406740

From: Broadaway, Eric
Sent: Friday, March 23, 2012 4:23 AM
To: Li, Peng
Cc: Constantine, John; Fu, Zhihong; XU, Yongsheng
Subject: FW: Preliminary Analysis of Gripping Wrench (Brown) Patents (4499-964) - Privileged and Confidential

FYI – just need to confirm with Yongsheng that all of John Owen's assumptions are correct about the design details – but I know they should be.

Eric Broadaway • 443.791.3570
eric.broadaway@apextoolgroup.com

From: John R. Owen [<mailto:jowen@coatsandbennett.com>]
Sent: Thursday, March 22, 2012 3:55 PM
To: Broadaway, Eric
Cc: Munn, Michael
Subject: Preliminary Analysis of Gripping Wrench (Brown) Patents (4499-964) - Privileged and Confidential

Eric:

Thank you for the updated design information. Based on my review of the PDF file, the proposed design fits within my earlier analysis. Thus, this revised design should not be found to infringe the issued Brown patents.

Notes:

1. I am assuming that the curved slots are curving on a constant curvature. That appears to be correct, but I do not have the tools to confirm with the PDF file.
2. The addition of the ratchet lock mechanism (red below) should not create a problem with Brown's patents.
3. The use of a two-piece "right handle" (on the LEFT below) is different than Buchanan, but should not create a problem with Brown's patents.
4. The use of slots integrated directly into the "left handle," rather than on "cam plates" as in Buchanan, should not create a problem with Brown's patents.

Please let me know if you have any further questions or if I can be of further assistance.

Regards,
John R. Owen

From: Broadaway, Eric [<mailto:Eric.Broadaway@apextoolgroup.com>]
Sent: Monday, March 19, 2012 11:28 AM
To: John R. Owen
Cc: Fu, Zhihong; XU, Yongsheng; Li, Peng; Munn, Michael
Subject: RE: Preliminary Analysis of Gripping Wrench (Brown) Patents (4499-964) - Privileged and Confidential

John, attached is our current design. This is approaching a near final state. You should use this to confirm if we have any infringement issues with this design.

Thanks, Eric

Eric Broadaway • 443.791.3570
eric.broadaway@apextoolgroup.com

