

**EXHIBIT B - U.S. PATENT NO. 6,338,431 - CLAIM CONSTRUCTION AND EXTRINSIC EVIDENCE**

<p><b>U.S. Patent No. 6,338,431</b></p>	<p><b>Claim Terms to be Construed</b></p>	<p><b>Kershaw's Claim Construction, Intrinsic and Extrinsic Evidence</b></p>	<p><b>Buck's Claim Construction, Intrinsic and Extrinsic Evidence</b></p>
<p>27. A pocket knife having a blade and a handle into which the blade pivots for storage, comprising: an opening in the handle extending from an elongate blade-receiving channel extending across a majority of the handle and then through a back of the handle, the back of the handle opposing the blade-receiving channel; an oversized tang portion of the blade that is sized to extend through the opening in the handle when the blade is stored in the handle so that the oversized tang portion is exposed for manipulation from the back of the handle; and</p>	<p>an oversized tang portion of the blade that is sized to extend through the opening in the handle when the blade is stored in the handle so that the oversized tang portion is exposed for manipulation from the back of the handle</p>	<p>The oversized tang portion has a size such that, when the blade is closed, the oversized tang portion extends only out of the back of the handle opposite the side of the blade receiving opening. This permits a user's finger to press on the oversized tang portion to move the blade from the closed position. The oversized tang portion does not extend out of the pivot end of the handle opposite the blade tip end when the blade is in the closed position.</p> <p><b>Intrinsic evidence</b></p> <p>"[As shown in Figure 3,] blade 40 has an oversized tang portion 40a that is dimensioned to extend through the handle's blade receiving channel and out an opening in handle back 16f when the blade is closed. When thus exposed out the back opening, oversized tang portion 40a can be pushed back into the handle to pivot blade 40 toward the open position." Specification col. 3:51-59; Figure 3, blade 40, oversized tang portion 40a, handle 16, back of handle 16f; also note indication of equilibrium point of blade at E, also shown in Figure 8.</p> <p>"[T]he oversized tang extends out of the backside of the handle opposite the side of the blade receiving channel when the knife is in the closed position. The oversized</p>	<p><b>At this time, Buck proposes that this term does not need construction.</b> Buck reserves the right to propose an alternate construction for this term in response to Kershaw's claim construction briefing.</p> <p><b>Intrinsic Evidence:</b></p> <p>'431 Patent at Figs. 8-9; col. 3:51-60; and '431 Patent Application Amendment dated June 6, 2001, p. 9.</p> <p><b>Extrinsic Evidence:</b> Expert testimony and potential testimony from the inventor(s) and prosecuting attorney(s).</p>

<p>U.S. Patent No. 6,338,431</p>	<p>Claim Terms to be Construed</p>	<p><b>Kershaw's Claim Construction, Intrinsic and Extrinsic Evidence</b></p> <p>tang of ... claim 27 is distinct from the oversized tang in Collins ... because the Collins oversized tang extends out of the pivot end of the handle opposite the blade tip end when the blade is in the closed position, not out of the backside of the handle opposite the side of the blade receiving channel." Amendment filed October 9, 2001, pages 6 and 7.</p> <p><b>Extrinsic Evidence</b></p> <p>Expert testimony and potential testimony from the inventor.</p>	<p><b>Buck's Claim Construction, Intrinsic and Extrinsic Evidence</b></p>
<p>a spring operatively connected between the blade and the handle to force the blade to pivot toward an open position when the oversized tang portion of the blade is pushed into the handle until the blade reaches an equilibrium point.</p>	<p>a spring operatively connected between the blade and the handle to force the blade to pivot toward an open position when the oversized tang portion of the blade is pushed into the handle until the blade reaches an equilibrium point</p>	<p>The spring, handle, and blade are arranged such that the spring operates to assist in opening the blade.</p> <p>The spring operates to force the blade toward an open position when the oversized tang portion of the blade is pushed sufficiently far into the handle. Some of the oversized tang portion of the blade must enter the handle before the spring operates to provide an opening force.</p> <p>It is the blade, not the spring, which passes an equilibrium point to cause the spring to assist in opening the blade.</p> <p><b>Intrinsic evidence</b></p> <p>"The folding knife of FIG. 3 may further be provided with an actuating spring 72 ... that operatively interconnects blade 40 and handle 16... [W]hen the blade is rotationally between the equilibrium position [E] and the open position, the</p>	<p><b>Proposed Construction:</b></p> <p>a spring connected between the blade and the handle which, in operation, imparts a rotational force onto the blade to rotate it to an open position when the oversized tang portion of the blade is pushed into the handle until the blade reaches a point at which the forces acting on the blade are balanced.</p> <p><b>Intrinsic Evidence:</b></p> <p>"An actuating spring may also be provided to operatively connect the blade and handle, such that the actuating spring urges the blade into the open position once the blade is rotated open beyond an equilibrium point. . . ." (431 Patent at cols. 1:65-2:6.)</p> <p>"The folding knife of FIG. 3 may further be provided with an actuating spring 72, to be described in more detail with respect to FIG. 8, that operatively</p>

U.S. Patent No. 6,338,431	Claim Terms to be Construed	Kershaw's Claim Construction, Intrinsic and Extrinsic Evidence	Buck's Claim Construction, Intrinsic and Extrinsic Evidence
		<p>spring urges the blade toward the open position.</p> <p>Oversized tang portion 40a and the actuating spring 72 may be adapted so that the blade may quickly and easily be rotated into the open position. Specifically, and as shown in FIG. 3, oversized tang portion 40a may be sized so that fully pushing the oversized tang portion 40a into the opening in handle back 16f causes blade 40 to pivot open beyond equilibrium position E. At that point, the actuating spring 72 exerts an opening force to pivot blade 40 the rest of the way open."</p> <p>Specification col. 3:61 et seq.; Figures 3 and 8, oversized tang portion 40a, handle 16, spring 72, and equilibrium point of blade at E.</p> <p>Office Action of July 9, 2001, page 2.</p> <p>Amendment submitted October 9, 2001, page 5.</p> <p><b>Extrinsic Evidence</b></p> <p>"[O]peratively connected ... is a general descriptive term frequently used in patent drafting to reflect a functional relationship between claimed components."</p> <p><u>Innova/Pure Water, Inc. v. Safari Water Filtration Systems, Inc.</u>, 381 F.3d 1111, 1118 (2004).</p> <p>"A trigger button [92] is reciprocally carried in said central bore and operatively connected to said coil spring [6] to release said coil spring from said cocked condition</p>	<p>interconnects blade 40 and handle 16. Handle 16 and blade 40 cause the actuating spring 72 to be compressed as they pivot relative to one another, such that the actuating spring exerts a closing or opening force on blade 40, depending on the relative position of the blade and handle. ... when blade 40 is positioned rotationally to either side of equilibrium position E, the actuating spring 72 causes the blade to pivot away from the equilibrium position. Thus, when blade 40 is between equilibrium position E and the closed position, the actuating spring urges the blade into the closed position. Similarly, when the blade is rotationally between the equilibrium position and the open position, the spring urges the blade toward the open position. ... " (431 Patent at cols. 3:61-4:27.)</p> <p>See also '431 Patent at Figs. 8-9; and other intrinsic evidence cited above for claim 27.</p> <p><b>Extrinsic Evidence:</b> Expert testimony and potential testimony from the inventor(s) and prosecuting attorney(s). <b>equilibrium</b> – "1. A condition in which all acting influences are canceled by others, resulting in a stable, balanced, or unchanging system. 3. <i>Physics</i>. The state of a body or physical system at rest or in unaccelerated motion in which the resultant of all forces acting on it is</p>

U.S. Patent No. 6,338,431	Claim Terms to be Construed	Kershaw's Claim Construction, Intrinsic and Extrinsic Evidence	Buck's Claim Construction, Intrinsic and Extrinsic Evidence
		<p>upon depression thereof." U.S. Pat. No. 6,085,423, col. 2:35-38; see also Figures 2 and 6.</p> <p>"The scissors according to the invention are characterized in that they comprise a cutting assembly and a grip assembly, and an operative connection, preferably a lever connection, between said two assemblies...." U.S. Pat. No.5,502,897, col. 2:52; see also detailed explanation beginning at col. 5:9, with referenced figures.</p> <p>"[T]he pieces 32 and their opening and closing operation levers 28, though separate from each other, are operably connected to each other." U.S. Pat. No. 4,502,220, col. 4:9-12.</p> <p>"<b>operative 1</b> : producing an appropriate or designed effect ... <b>2</b> : having the power of acting : exerting force or influence." Webster's Third New International Dictionary (1966)</p> <p>Expert testimony and potential testimony from the inventor.</p>	<p>zero and the sum of all torques about any axis is zero." The American Heritage® Dictionary of the English Language, Fourth Edition (2000).</p> <p><b>equilibrium</b> – "1. a state of balance or equality between opposing forces." Webster's New World Dictionary, 3rd ed. (1994).</p>

702295v2