



Microtech has been invited to comment on the social media commentary surrounding the release of the Matrix from Kershaw Knives. Obviously there is a history to the story. And to set the story straight, here's what we have to say about it –

The feud between KAI USA Ltd. and Microtech Knives / Anthony L. “Tony” Marfione dates back to a challenge issued to Mr. Marfione at Blade Show 2011 - the same year KAI presented a *prototype* of what eventually emerged as the ZT “triple 7”.

Members of the KAI team approached the Microtech booth during the 2011 event and proceeded to tell Tony Marfione that KAI would be able to create an OTF in the image of the celebrated Microtech SCARAB, even going so far as to use the same parts and inevitably remove Microtech from the OTF knife market. They provocatively stated that Tony would never be able to build a knife of equal or superior quality to the prototype displayed at the KAI booth.

Tony responded.

Microtech and Anthony Marfione have always respected Intellectual Property rights and promoted a level of comity within the knife community. In kind, Anthony Marfione respects a challenge and doesn't take to it lightly.

Responding to the challenge, Marfione pioneered the realization of the knife and named it the Matrix, bringing it to market almost overnight, and delivering at an incredibly higher standard than the competition. It has been in the Microtech / Marfione Custom line-up ever since.

It is, however, important to note that the original version of the Matrix used a separate lock-bar system, a design Anthony Marfione and many other knife makers had been using since 1997. In fact Anthony Marfione was issued a U.S. patent (5,819,414) in October 1998 for another knife model also using a separated lock-bar. (The separate lock bar was an incidental feature rather than the object of the Patent Application.) In any event, the 5,819,414 Patent issued to Tony does show a drawing of a separate lock bar in use by Microtech, and in the public record, at least 3 years *prior* to the “triple 7” See the attached drawings where the separate lock bar appears in Figures 9 and 10 on Sheet 2 of 5 and Figures 52 and 53 on Sheet 5 of 5.

Four years later, in September of 2015, KAI USA Ltd. was issued a utility patent for a Locking Folding Knife (U.S. 9,120,234). Unless one follows the Federal Register in their weekly reading, the issuance of a patent typically goes un-noticed. Moreover, there



was no reason to expect anyone would be seeking a patent on a separate lock bar. As such, and without notice from KAI to Anthony Marfione, he had no reason to do things any differently from the way he had been doing them for the previous seven or eight years.

KAI was well aware of the Matrix and other Microtech / Marfione Custom designs, yet made no mention of the patent to Microtech upon receiving it in early September 2015. Calculated to arrive at Microtech on Friday May 27, 2016, only three working days before Blade Show 2016 (and nearly 9 months after its issuance), Microtech was served its first notice of the patent in the form of a cease and desist letter.

That letter claimed that the Matrix and other knives infringed on the KAI patent issued 9 months earlier in September 2015. Obviously, the timing was intended to maximize impact. Nothing prevented KAI from sending a cease and desist in September of 2015.

Microtech respected the cease and desist order, immediately discontinued selling knives using the allegedly patented lock-bar system and, almost overnight, was able to engineer an alternative integrated lock-bar.

A portion of the letter sent by Microtech's lawyer to counsel for KAI dated July 25, 2016 explains:

"The claim chart provided with your May 25th letter was very useful in identifying the accused knives and understanding the meanings for most of the claim limitations recited in U.S. Patent 9,120,234. **However, I respectfully disagree with the conclusion that *any* accused knife includes each limitation recited in claim 1.**"

"The claim chart does not address how the head portion also extends from the pocket, as *required* by claim 1. If the tail portion fills the pocket, then the head portion *cannot* be both distal from the tail portion and also extend from the pocket. Stated differently, the "distal" and "extend from" limitations recited in claim 1 seem to be mutually exclusive. **Therefore, I do not see how any accused knife can infringe claim 1 of the '234 Patent.**"

A day later, KAI's counsel notified Microtech that the matter was resolved provided Microtech would not resume production of the *accused* design infringement.



Microtech agreed. Within a single day of being notified by Microtech's Patent Lawyer that the KAI Patent was dubious, KAI dropped all claims and the matter was resolved.

The release of the Natrix appears to be what is known in Football as a late hit. Unfortunately, what the Natrix clearly **isn't**, is an attempt to create the best possible product for the consumer.

When made aware that any sort of legal infraction or infringement on intellectual property has occurred, Mr. Marfione respectfully complies with such notice. When challenged, Anthony Marfione will rise to the challenge and deliver on his word, above expectation.

For over 20 years, Anthony Marfione and Microtech have sought to do only one thing – create the best possible products for their customers. We design, manufacture, sharpen and assemble every component of our knives in-house, in the United States, from the highest quality materials using the most advanced technology available. For decades, Anthony Marfione has delivered innovative product solutions, advancing the industry by pushing boundaries and exceeding all expectations of craftsmanship and quality standards. Microtech and Anthony Marfione are committed to creating the best possible products and delivering an impeccable standard of quality. It's why we're able to guarantee our product with a lifetime warranty and proudly say that each product is American-Made.

Unfortunately not everyone pursues (and demands) the highest quality or impeccable standards of craftsmanship, nor are they capable of reaching them. As a result, their efforts are focused elsewhere, rather than towards innovating and delivering exceptional product.

But hey, everyone likes a good cover band.



