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To Distributors of SLP-TRK®:

We are aware that Mr. Oines, counsel for Metal-Lite, has recently sent a letter to the industry claiming that Brady Innovations and Dietrich cannot mark their patent number on their slotted track. Such a claim is completely meritless. A court recently held that only one of the eleven patent claims in the slotted track patent is invalid— a decision that is currently on appeal. Mr. Oines asserts that because ONE claimed method in the patent for installing the slotted track was invalidated, Brady and Dietrich are now not allowed to give the public notice of their rights under the other TEN valid patent claims by placing the patent number on the product. He cites to no case whatsoever for the idea that once ONE claim has been invalidated, the patent number must be removed from the product. He cites to no case law because no court has ever reached such an illogical conclusion.

In fact, even after ALL claims have expired at the end of the life of a patent, the Courts still permit patent owners to continue to place the patent number on the product. As one court explained, marking the patent number on the product is worthwhile even after the patent has expired “to inform the public of where to acquire the informational and teaching *quid pro quo* that underlies the granting of patent protection.” FMC Corp. v. Control Solutions, Inc., 369 F.Supp.2d 539, 584 (E.D.Pa. 2005). Therefore, since it is lawful for Brady and Dietrich to mark the patent number on the slotted track even after ALL the claims expire, it is clearly lawful to mark the patent number on the product when 10 of the original 11 claims are still in force. Thus, Mr. Oines' argument is without any legal foundation. Therefore, there is nothing unlawful when a distributor or installer sells or installs slotted track with the valid patent number on it.

Very truly yours,

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By



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