UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Klein Tools, Inc.
Petitioner

v.

Milwaukee Electric Tool Corporation
Keter Home and Garden Products Ltd.
Patent Owners

IPR2025-01018
Patent 11,952,167

PETITION FOR *INTER PARTES* REVIEW

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LIST OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 11,952,167
1002	File history for U.S. Patent No. 11,952,167
1003	Declaration of John M. Collins, Ph.D.
1004	U.S. Patent No. 10,750,833 ("Burchia")
1005	U.S. Patent App. Pub. No. 2003/0139080 A1 ("Lafragette")
1006	German Patent No. 20 2014 103 695 U1 ("Metabowerke")
1007	U.S. Patent No. 9,375,835 ("Lin")
1008	U.S. Patent App. Pub. No. 2013/0127129 A1 ("Bensman")
1009	*Curriculum vitae* of John M. Collins, Ph.D.
1010	U.S. Patent No. 3,424,334
1011	U.K. Patent App. Pub. No. 2,211,486 A
1012	U.S. Patent No. 5,890,613 ("Williams")
1013	U.S. Patent No. 6,983,946
1014	European Patent No. 2,338,650 B1 ("Horiyama")
1015	U.S. Patent No. 8,740,010 ("Page")
1016	IPR2021-00373, Paper 2 (PTAB Jan. 5, 2021)
1017	IPR2021-00373, Paper 19 (PTAB Jan. 5, 2021)
1018	Burchia priority application
1019	Burchia certified English translation of priority application
1020	Metabowerke certified English translation
1021	File history excerpt for U.S. Patent No. 10,583,962
1022	File history excerpt for U.S. Patent No. 11,365,026
1023	U.S. Patent App. Pub. No. US 2007/0138041 A1 ("Welsh")
1024	U.S. Patent App. Pub. No. US 2014/0265440 A1 ("Chen")
1025	European Patent App. Pub. No. 1,724,069 A2 ("Duvigneau")
1026	European Patent No. 2,537,641 B1 ("Shitrit")
1027	U.S. Patent App. Pub. No. US 2011/0260588 A1 ("Lin 588")
1028	PCT Int'l Pub. No. WO 2014/125484 A1 ("Brunner")
1030	File history excerpts from Burchia
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1032	Exhibit 91 to Patent Owner's complaint (Claim Chart for Claims 1 and 15 of the '167 Patent)
1033	File history for U.S. Patent No. 11,794,952

LIST OF CHALLENGED CLAIMS

Claim	U.S. Patent No. 11,952,167
1[pre]	A container assembly comprising:
1[a]	a first container comprising: a first lid pivotally attached to the first container;
1[b]	a first female coupler at a top face of the first lid;
1[c]	a first front face, a first side face, a second side face opposite the first side face, the first front face, the first side face, and the second side face collectively partially defining a storage compartment;
1[d]	a first corner extending between the first front face and the first side face, and a second corner extending between the first front face and the second side face;
1[e]	a first corner bumper extending outward from the first corner; and
1[f]	a second corner bumper extending outward from the second corner;
1[g]	wherein the first corner bumper defines an outer surface that extends past and faces away from each of the first front face and the first side face, and wherein the second corner bumper defines an outer surface that extends past and faces away from each of the first front face and the second side face; and
1[h]	a first locking latch arresting location; and
1[i]	a second container comprising: a male coupler extending from a bottom face of the second container, the male coupler configured to slidingly engage with the first female coupler of the first container, wherein the first female coupler and male coupler engage each other when the first and second containers are slid with respect to each other;
1[j]	a second lid pivotally attached to the second container; and
1[k]	a locking latch positionable in a locked position engaging the first locking latch arresting location thereby limiting sliding displacement of the first container with respect to the second container;
1[l]	wherein the first female coupler comprises two sidewalls, a back wall, and a first rib, the back wall located between the two sidewalls, the two sidewalls and the back wall projecting above a depressed surface of the top face of the first lid, and the first rib

	extending away from the back wall in a first direction towards the first front face of the first container;
1[m]	wherein the second container comprises a second female coupler at a top face of the second lid, the second female coupler comprising two sidewalls, a back wall, and a second rib, the back wall located between the two sidewalls, the two sidewalls and the back wall projecting above a depressed surface of the top face of the second lid, and the second rib extending away from the back wall towards a front face of the second container and the first front face of the first container; and
1[n]	wherein the first container defines a width axis parallel to the first front face of the first container and the second container defines a width axis parallel to the first front face of the first container, wherein the width axis of the second container is approximately one-half the width axis of the first container.
[2]	The container assembly of claim 1, the first container comprising: [a] a first rear wall opposite the first front face; [b] a pair of rear wheels extending past the first rear wall; and a telescoping handle extending upwards from the first rear wall of the first container.
[3]	The container assembly of claim 2, wherein the first female coupler of the first container and the male coupler of the second container engage each other when the first and second containers are slid with respect to each other along a sliding path defined by the first female coupler and the male coupler.
[4]	The container assembly of claim 3, wherein the sliding path is perpendicular to the first front face and the first rear wall.
[5]	The container assembly of claim 1, the second container comprising: a second front face, a third side face, and a fourth side face opposite the third side face; a third corner extending between the second front face and the third side face; a fourth corner extending between the second front face and the fourth side face;

	a third corner bumper extending outward from the third corner, wherein the third corner bumper defines an outer surface that extends past and faces away from each of the second front face and the third side face; and a fourth corner bumper extending outward from the fourth corner, wherein the fourth corner bumper defines an outer surface that extends past and faces away from each of the second front face and the fourth side face.
[6]	The container assembly of claim 1, wherein the first locking latch arresting location is defined by the first lid of the first container, and wherein the first locking latch arresting location defines a primary longitudinal axis that extends parallel to the first front face of the first container.
[7]	The container assembly of claim 1, the first container comprising a plurality of female couplers including the first female coupler, each of the plurality of female couplers at the top face of the first lid, wherein the plurality of female couplers comprise four female couplers comprising a front row of at least two female couplers aligned with each other in a direction parallel to the first front face of the first container and a rear row of at least two female couplers aligned with each other in the direction parallel to the first front face of the first container.
[8]	The container assembly of claim 1, the first container comprising a first toggle locking latch configured to latch the first lid of the first container in a closed position, and a second toggle locking latch configured to latch the first lid of the first container in a closed position, and the second container comprising a third toggle locking latch configured to latch the second lid of the second container in a closed position, and a fourth toggle locking latch configured to latch the second lid of the second container in a closed position.
[9]	The container assembly of claim 8, wherein the locking latch is coupled to the second container between the second toggle locking latch and the fourth toggle locking latch.

[10]	The container assembly of claim 1, wherein the first locking latch arresting location is defined by the first lid of the first container, and wherein the first locking latch arresting location defines a primary longitudinal axis that extends parallel to the first front face of the first container.
[11]	The container assembly of claim 1, wherein the locking latch is spring biased to engage with the first locking latch arresting location.
[12]	The container assembly of claim 1, the first container comprising a first tiltable carrying handle coupled to the first side face, and the second container comprising a second tiltable carrying handle coupled to a side face of the second container.
[13]	The container assembly of claim 1, wherein the first locking latch arresting location is a recess defined in an upward facing surface of the top face of the first lid.
[14]	The container assembly of claim 13, wherein the recess comprises a front wall, a rear wall and a bottom wall extending between the front wall and the rear wall, wherein a lower face of the locking latch faces the bottom wall of the recess when the locking latch is in the locked position.
15[pre]	A container assembly comprising:
15[a]	a first container comprising: a first lid pivotally attached to the first container;
15[b]	a first female coupler at a top face of the first lid;
15[c]	a first front face, a first side face, an second side face opposite the first side face, the first front face, the first side face, and the second side face collectively partially defining a storage compartment;
15[d]	a first corner extending between the first front face and the second side face, and a second corner extending between the first front face and the second side face;
15[e]	a first corner bumper extending outward from the first corner; and

15[f]	a second corner bumper extending outward from the second corner;
15[g]	wherein the first corner bumper defines an outer surface that extends past and faces away from each of the first front face and the first side face, and wherein the second corner bumper defines an outer surface that extends past and faces away from each of the first front face and the second side face; and
15[h]	a first locking latch arresting location; and
15[i]	a second container comprising: a male coupler extending from a bottom face of the second container, the male coupler configured to slidingly engage with the first female coupler of the first container, wherein the first female coupler and male coupler engage each other when the first and second containers are slide with respect to each other;
15[j]	a second lid pivotally attached to the second container; and
15[k]	a locking latch positionable in a locked position engaging the first locking latch arresting location thereby limiting sliding displacement of the first container with respect to the second container;
15[l]	the first container comprising a plurality of female couplers including the first female coupler, the plurality of female couplers at the top face of the first lid, the first container comprising a second locking latch arresting location; and
15[m]	the container assembly comprising a third container comprising: a second male coupler extending from a bottom face of the third container, the second male coupler configured to slidingly engage with one of the plurality of female couplers of the first container, wherein the second male coupler and the at least one of the plurality of female couplers engage each other when the first and second containers are slide with respect to each other;
15[n]	a third lid pivotally attached to the third container;
15[o]	a third female coupler at a top face of the third lid, the third female coupler comprising two sidewalls, a back wall, and a first rib, the back wall located between the two sidewalls, the two sidewalls and the back wall projecting above a depressed surface of the top face of the third lid, and the first rib extending away from the back wall towards a front face of the third container and the front face of the third container and the front face of the first container; and

15[p]	a second locking latch positionable in a locked position engaging the second locking latch arresting location thereby limiting sliding displacement of the third container with respect to the first container.
[16]	The container assembly of claim 15, wherein the first container defines a width axis parallel to the first front face of the first container, the second container defines a width axis parallel to the first front face of the first container, and the third container defines a width axis parallel to the first front face of the first container, wherein the width axis of the second container is approximately one-half the width axis of the first container, and the width axis of the third container is approximately one-half the width axis of the first container.

I. INTRODUCTION

Klein Tools, Inc. ("Petitioner") respectfully requests *inter partes review* of claims 1-16 of U.S. Patent No. 11,952,167.

The '167 patent is directed to a simple "container assembly" having a "coupling mechanism" that detachably connects two or more containers to each other. But such detachably connected containers were well-known in the art. Indeed, detachably connectable container assemblies were known for decades before the priority date.

Burchia, a patent representing work on stackable containers from Rothenberger AG, discloses a container assembly, just as claimed by the '167 patent, comprising two containers that are detachably connected via coupling of a male coupler having a tongue sliding into a female coupler comprising a **depressed surface** having a **back wall**, **sidewalls** and a **rib**, with a **spring-biased locking latch** locking the containers in place from its **arresting location**, as shown in Figs. 1 and 5:

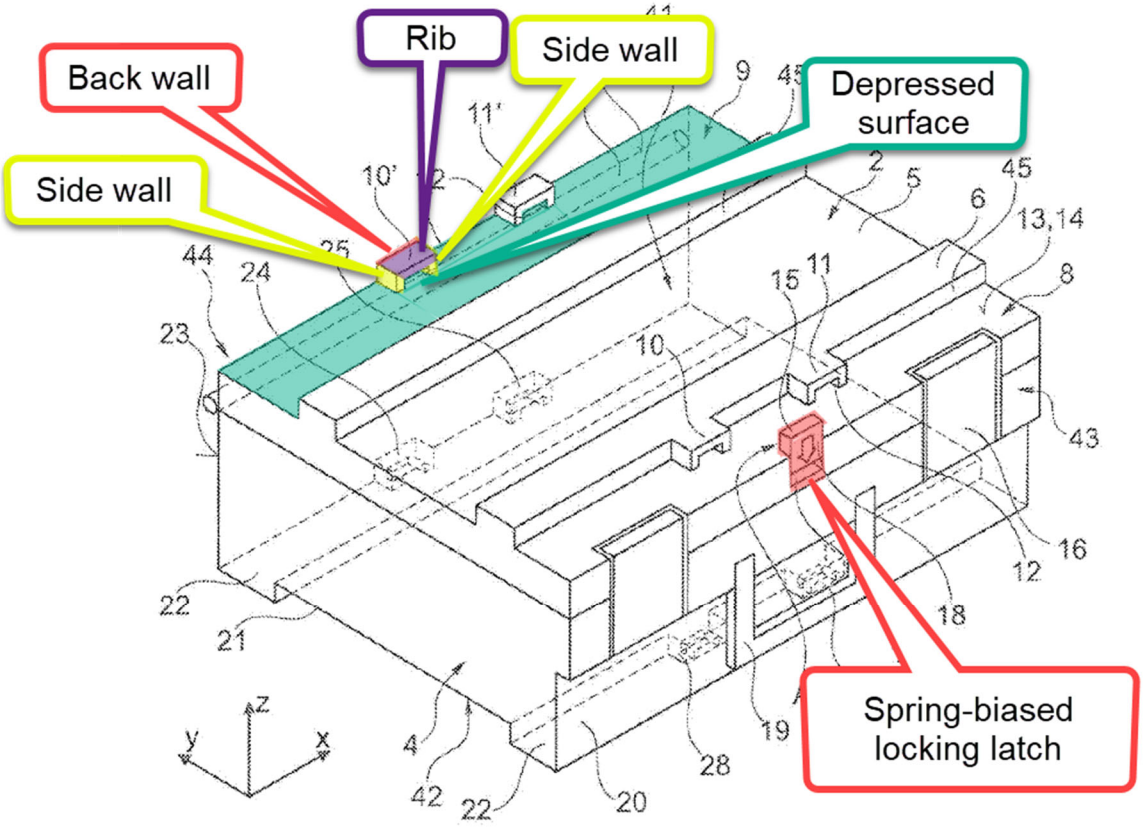

Back wall
Rib
Side wall
Depressed surface
Side wall
Spring-biased locking latch
41
9
45
11'
10'
2
5
6
13,14
44
24
25
15
11
8
23
10
43
16
12
22
21
18
z
y
x
4
19
28
42
22
20

Fig. 1

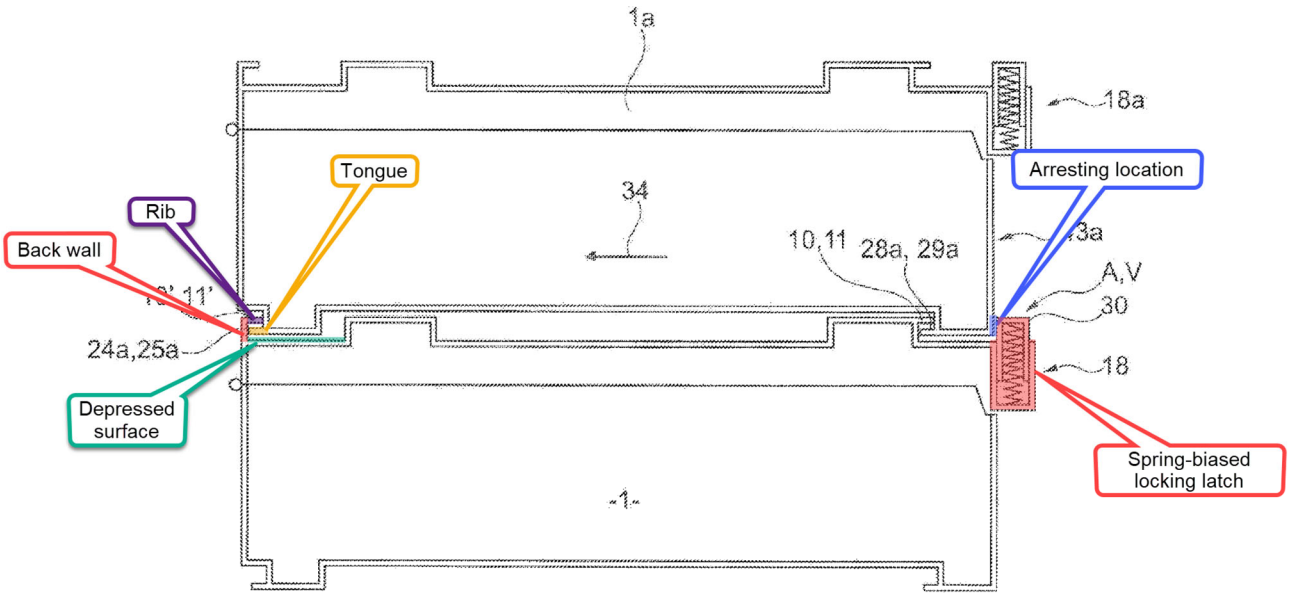
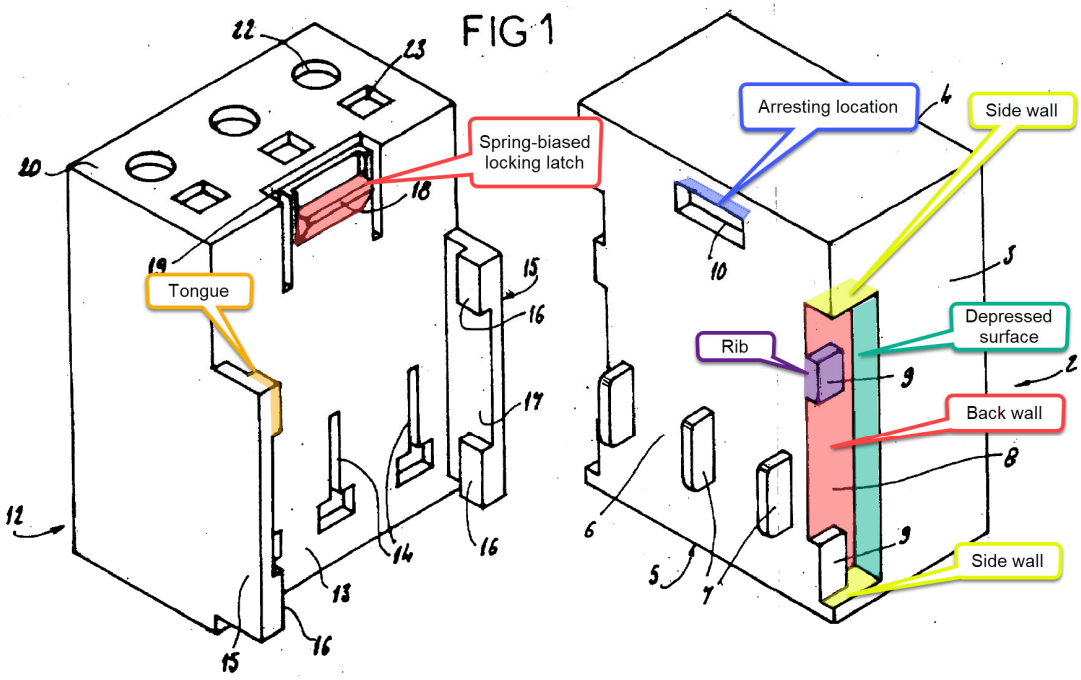


Fig. 5

Lafragette, a patent describing work from Oliff & Berridge, published in 2003, similarly discloses a container assembly, in the form of a module that is detachably connected to an electrical box. It likewise discloses a male coupler having a tongue sliding into a female coupler comprising a **depressed surface** having a **back wall**, **sidewalls** and a **rib**, with a **spring-biased locking latch** locking the containers in place from its **arresting location**, shown in Fig. 1:



Metabowerke, a German patent application publication, discloses stackable containers that are detachably connected when slid backwards so that a male coupler having a tongue engages a female coupler comprising a **depressed surface** having a **back wall**, **sidewalls** and a **rib**:

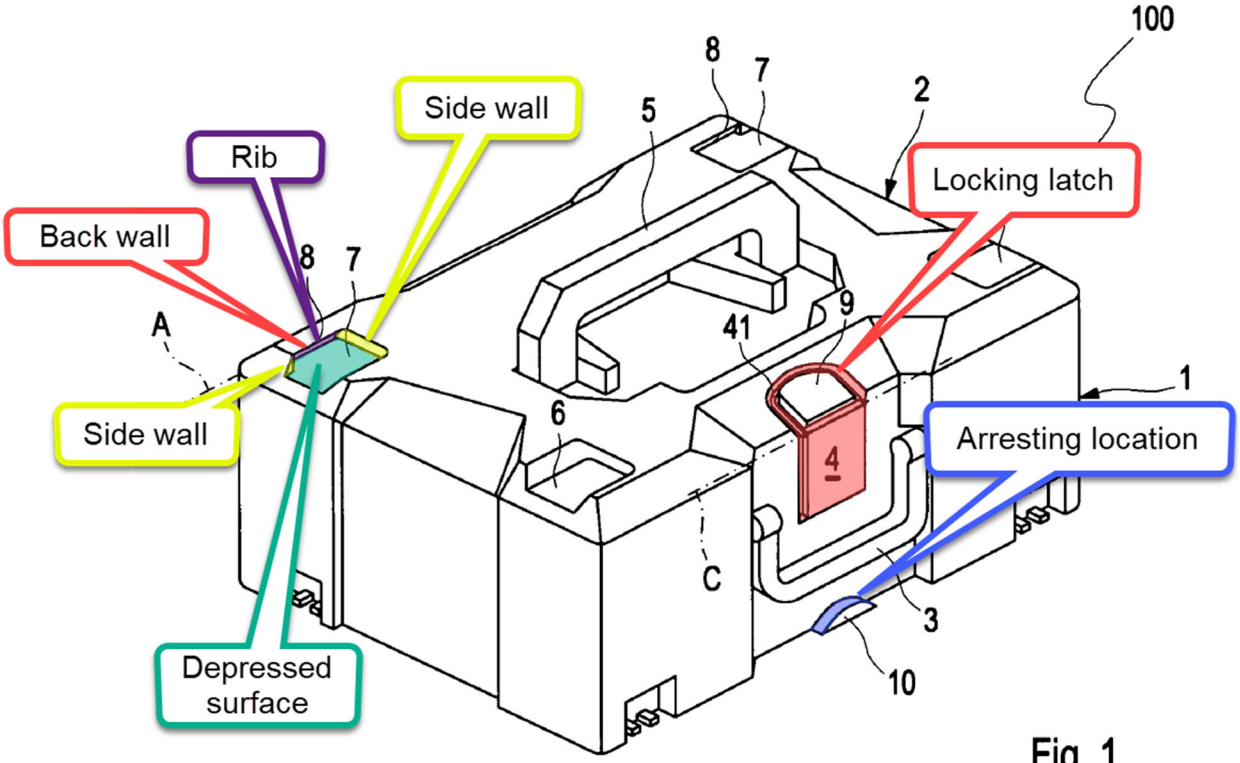


Fig. 1

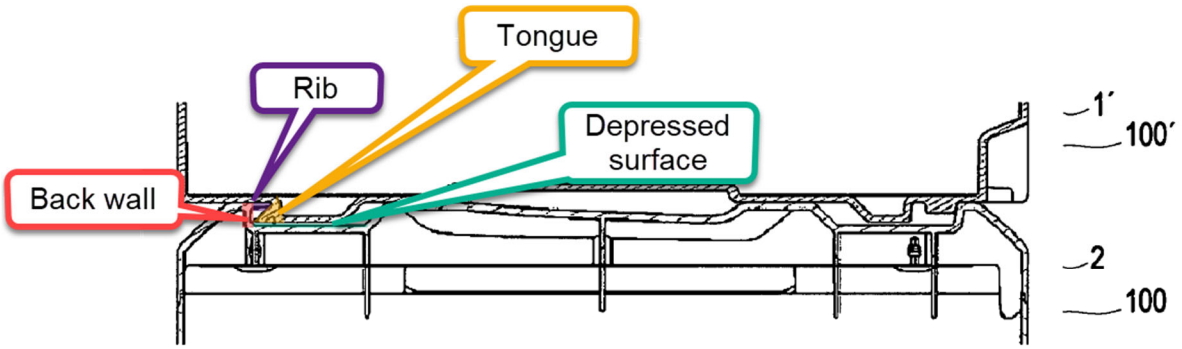


Fig. 4

In summary, there is simply nothing new about the connectable containers claimed in the ’167 patent.

II. MANDATORY DISCLOSURES

Pursuant 37 C.F.R. § 42.8(a)(1), the following mandatory notices are provided as part of this Petition.

A. Grounds for Standing

Petitioner respectfully requests *inter partes* review ("IPR") of Claims 1-16 ("Challenged Claims").

Petitioner certifies that the '167 patent is available for *inter partes* review and Petitioner is not barred or estopped from requesting review of the Challenged Claims on the grounds identified in this Petition.

B. Real Party in Interest

The real party-in-interest is Klein Tools, Inc.

C. Related Matters

The '167 patent has been asserted against Petitioner Klein Tools, Inc. in separate complaints filed June 13, 2024, in the United States District Court for the Northern District of Illinois and the International Trade Commission ("ITC"):

- *Milwaukee Electric Tool Corporation et al v. Klein Tools, Inc.*, 1:24-cv-04928 (N.D. Ill.); and
- *Milwaukee Electric Tool Corporation et al v. Klein Tools, Inc.*, 337-TA-1409.

Patent owners previously filed but withdrew the following actions:

- *Milwaukee Electric Tool Corporation et al v. Klein Tools, Inc.*, 1:24-cv-04284 (N.D. Ill.) (dismissed);
- *Milwaukee Electric Tool Corporation et al v. Klein Tools, Inc.*, 337-TA-3749 (dismissed).

The Board instituted IPRs involving related patents:

- IPR2024-01400, Paper 17.
- IPR2024-01401, Paper 16.

D. Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3)) and Service Information (37 C.F.R. § 42.8(b)(3)-(4))

Petitioner provides the following counsel and service information. Pursuant to 37 C.F.R. § 42.10(b), a Power of Attorney accompanies this Petition. Petitioner agrees to accept electronic service at the email addresses listed below.

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E. Payment of Fees (37 C.F.R. § 42.15(a))

The undersigned authorizes the Office to charge the fee required for this Petition for *Inter Partes* Review to Deposit Account No. 50-5708. Any additional fees that might be due are also authorized.

III. IDENTIFICATION OF GROUNDS

Petitioner requests cancellation of the challenged claims on the following grounds:

Ground	Reference(s)	Basis	Claims
1	Burchia, Metabowerke, Welsh (or Chen), Lin, and Williams	§103	1, 5-7, 10-16

2	Burchia, Metabowerke, Lafragette, Welsh (or Chen), Lin, and Williams	§103	1, 5-7, 10-16
3	Burchia, Metabowerke, Welsh (or Chen), Lin, and Bensman	§103	2-4, 8-9
4	Burchia, Metabowerke, Lafragette, Welsh (or Chen), Lin, and Bensman	§103	2-4, 8-9
5	Metabowerke, Burchia, Welsh (or Chen), Lin, and Williams	§103	1, 5-7, 10-16
6	Metabowerke, Burchia, Lafragette, Welsh (or Chen), Lin, and Williams	§103	1, 5-7, 10-16
7	Metabowerke, Burchia, Welsh (or Chen), Lin and Bensman	§103	2-4, 8-9
8	Metabowerke, Burchia, Lafragette, Welsh (or Chen), Lin and Bensman	§103	2-4, 8-9

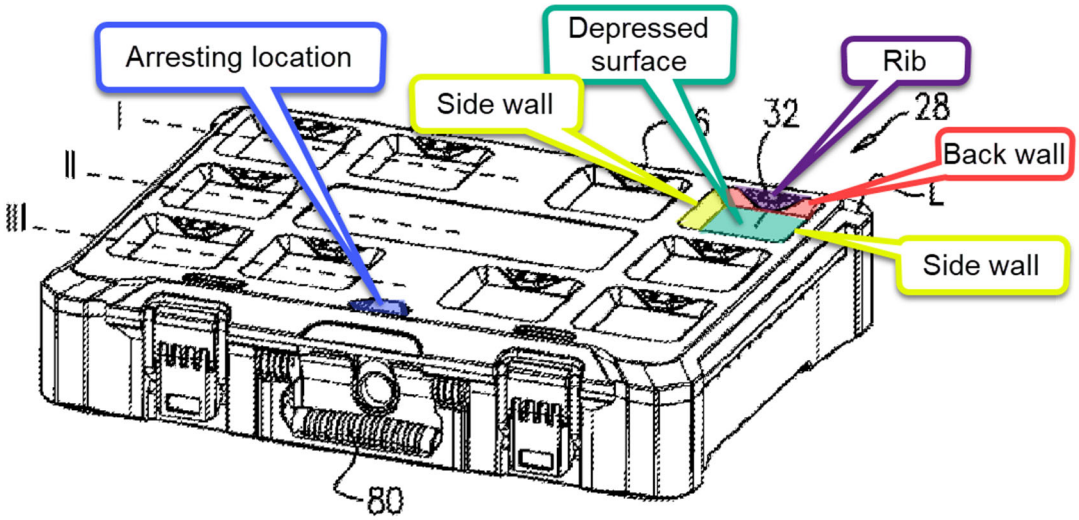
IV. LEVEL OF SKILL IN THE ART

A person of ordinary skill in the field of the ’167 patent would have had (1) a bachelor’s degree in mechanical engineering or a related discipline and at least two years of experience in the mechanical design of consumer products, or (2) five years or more of experience in the mechanical design of consumer products. EX1003, ¶19. Petitioner’s expert met this definition as of the earliest priority date. *Id.*, ¶20.

V. OVERVIEW OF THE '167 PATENT

The challenged patent "is directed to a container assembly and more specifically to a utility assembly comprising two or more detachably attachable utility modules." EX1001, 1:27-29; EX1003, ¶33.

Figure 1B below illustrates the top face of a first container. Each top face includes one or more **depressed surfaces** having a **back wall**, **sidewalls** and a **rib** extending from the **back wall** of the **depressed surface**. *Id.*, Figs. 1A-1B; 16:28-36; EX1003, ¶34. The top face also includes a locking latch **arresting location** in the form of a recess in the top face of the container. *Id.*, 16:42-46.



As shown in Fig. 1C below, the bottom face of each container includes several projecting portions laterally projecting rearwards. EX1001, 16:47-58; EX1003, ¶35. The bottom face also includes a **locking latch** disposed at a

front portion of each container and in register with a recess serving as an **arresting location** in the other container. *Id.*, 16:64-17:2.

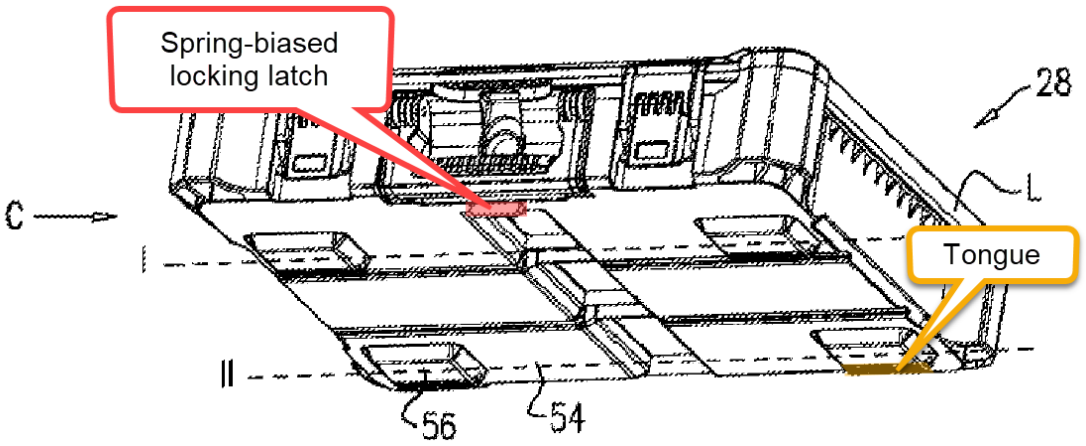


Figure 3A below shows a **tongue** coming into the **depressed surface** having a **back wall** and **rib**, as described in 17:22-28 (EX1003, ¶36).

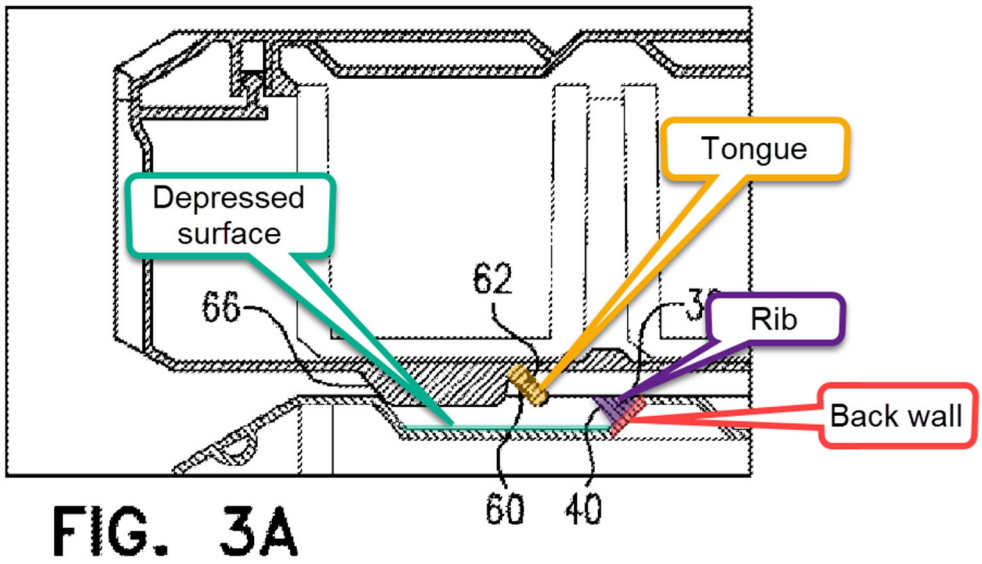


FIG. 3A

A. Prosecution History

The ’167 patent is a continuation in a chain claiming priority to provisional applications filed May 2, 2016, and February 15, 2017. The claims were allowed after a Terminal Disclaimer overcame a double patenting rejection based on the related ’952 patent (IPR2024-01401). EX1002 at 18-23, 132-33.

VI. CLAIM CONSTRUCTION

The parties submitted proposed constructions in the ITC. EX1031. Patent Owner has asserted that the claims should be given their ordinary meaning, while Petitioner proposed constructions for three terms. Any differences between these positions need not be resolved, as the prior art renders the claims unpatentable under both interpretations—including the plain meanings applied by Patent Owner in its infringement contentions. For all other terms, no express construction is necessary, and they should be given their plain and ordinary meaning. EX1003, ¶38.

VII. OVERVIEW OF THE PRIOR ART

All the below references relate to connectable containers. EX1003, ¶53. Thus, all the references would be obvious sources a POSITA would have considered when seeking to improve upon a connectable container assembly. *Id.*

A. Burchia (EX1004)

Burchia is a U.S. patent that qualifies as prior art under §§102(a)(2) and (d)(2), because it issued from a national stage application of a PCT claiming foreign priority to a German application filed August 18, 2015—before the earliest effective priority date of May 2, 2016. *See Penumbra, Inc. v. RapidPulse, Inc.*, IPR2021-01466, Paper 42 at 29-35 (PTAB Mar. 10, 2023) (precedential). EX1030 confirms the timely priority claim.

Petitioner provides the following chart showing support in the Burchia priority application (EX1018) and English translation (EX1019) for the citations herein (EX1003, ¶¶54-56):

Burchia patent (EX1004)	Burchia priority (EX1018, EX1019)
Fig. 1	Fig. 1
Fig. 2	Fig. 5
Fig. 3	Fig. 2
Fig. 4	Fig. 3
Fig. 5	Fig. 4
2:15-19	[0012]
6:42-47	[0012], [0060], [0065], [0068]
6:48-50, 6:50-53	[0018], [0073]
7:37-52	(54) Title, (57) Main claim, [0045], [0046]
7:38-40; 9:4-12	[0047]
9:34-41, 10:35-43	[0009], [0021], [0022], [0051]-[0057], [0065], [0070]
10:13-15	[0058]
10:34-38	Fig. 1, Fig. 4
11:34-36	[0012], [0059], [0067]

12:53-58	[0059]
12:61-67	[0012], [0060], [0065]
13:4-16	[0012]-[0013]

Burchia discloses stackable containers joined by a male coupler sliding into a female coupler comprising a **depressed surface** having a **back wall**, **sidewalls** and a **rib**—secured by a **spring-biased locking latch** in an **arresting location.** See Figs. 1, 4-5, EX1003, ¶54:

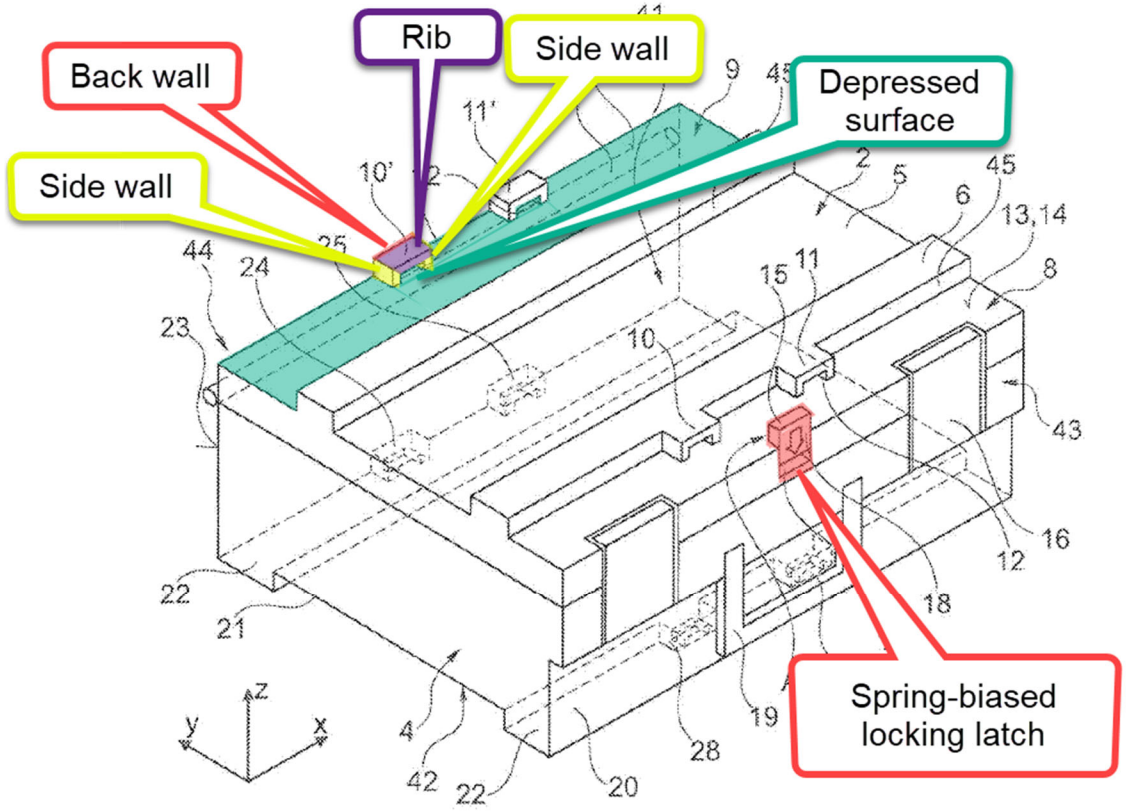


Fig. 1

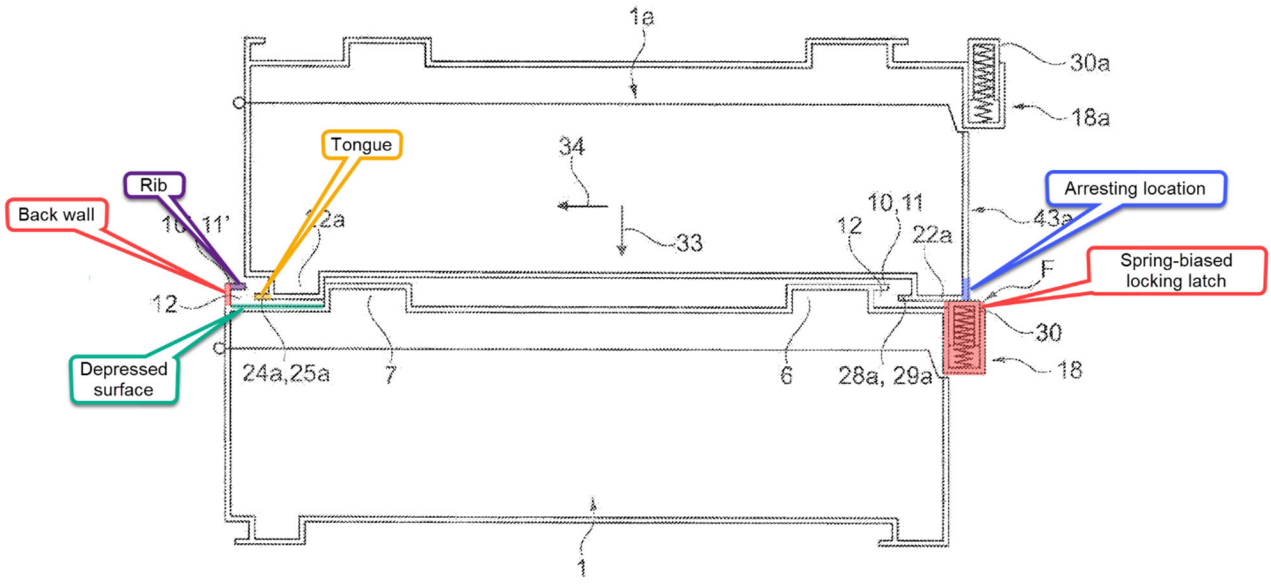


Fig. 4

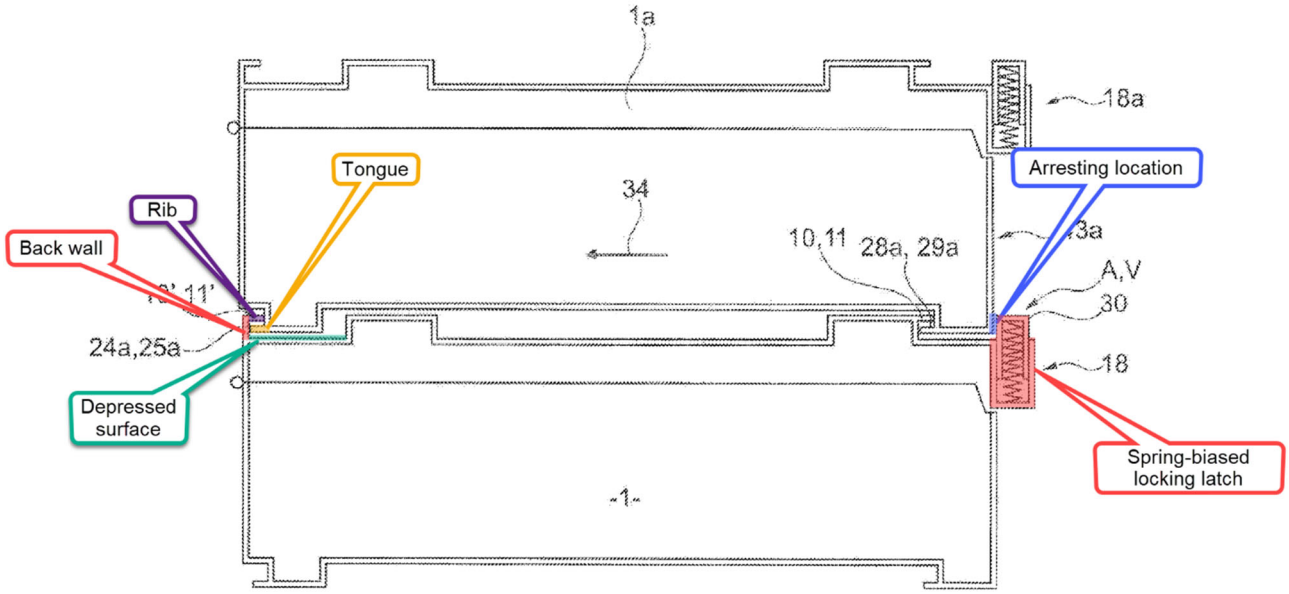
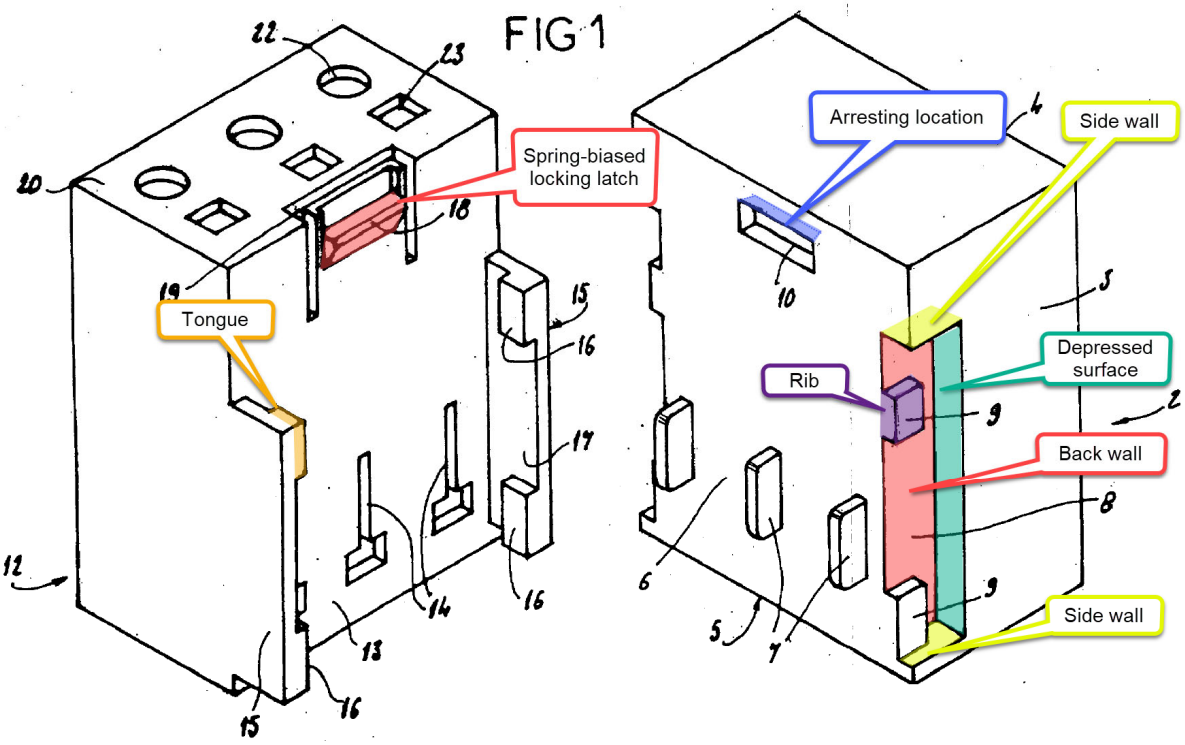


Fig. 5

B. Lafragette (EX1005)

Lafragette discloses a connection module (first container) mated with an electrical box (second container) via a male coupler sliding into a female

coupler comprising a **depressed surface** with a **rib**—secured by a **spring-biased locking latch** in an **arresting location**. See Fig. 1, EX1003, ¶57:



C. Metabowerke GmbH (EX1006, EX1020 (translation))

Metabowerke[1] discloses stackable containers detachably connected via feet on the bottom of one container sliding into a **depressed surface** with a **back wall**, **sidewalls** and a **rib**—secured by a **locking latch** in its **arresting location.** EX1003, ¶58.

[1] EX1020 is a certified English translation of the German pub. (EX1006).

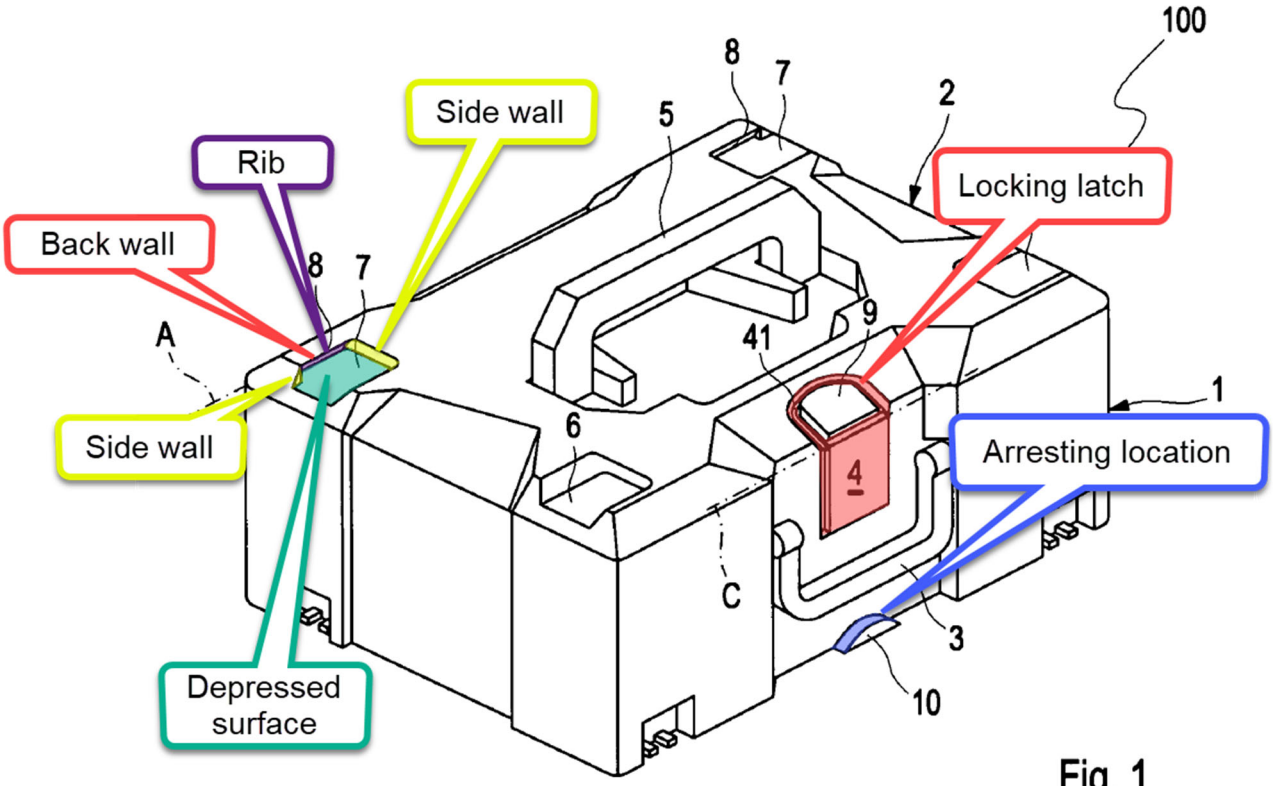


Fig. 1

VIII. GROUND 1: BURCHIA, METABOWERKE, WELSH (OR CHEN), AND LIN RENDER OBVIOUS CLAIMS 1, 5-7, 10-16

Ground 1 relies primarily on Burchia as disclosing all claim limitations. To the extent Patent Owner argues that Burchia fails to disclose a "depressed surface" having a "back wall," "sidewalls," and a "rib," it would have been obvious to incorporate such a depressed surface from Metabowerke, as set forth below. EX1003, ¶60.

A. Motivation to Combine

A POSITA would have been motivated to combine Burchia and Metabowerke because both disclose releasably stackable containers, such as

toolboxes, with connectors on the lid of one container engaging the base of another. *Id.*, ¶61. Specifically, a POSITA would prefer Metabowerke's connector, which uses a smaller female coupler (a depressed surface on the lid) rather than Burchia's larger depressed surface that spans the entire lid. *Id.* Metabowerke's design reduces the risk of coupler damage and preserves interior space, as its coupling rib sits flush with the lid surface, while Burchia's rib protrudes. *Id.* A flush connector is less prone to damage during sliding engagement. *Id.* The Metabowerke coupler creates additional contiguous space to hold items because the outside of the side walls are below the local surface of the lid making the coupling rib flush with most of the surface of the lid. In contrast, in Burchia, the outside of the side walls are locally surrounded by the depressed surface of the lid, making the coupling rib protrude from the local surface of the lid. *Id.*

A POSITA would have had a reasonable expectation of success in substituting Metabowerke's coupler into Burchia's container. Both use couplers with ribs engaged by male components on the base of a container above. *Id.*, ¶62. Thus, one could modify Burchia's lid to include a smaller depressed surface like Metabowerke's and size the male couplers accordingly with no change to male couplers. *Id.* As both references and the '167 patent relate to releasably, stackable containers, they are analogous art. *Id.*

A POSITA also would have been motivated to combine Burchia with the various toolbox features described in Chen (bumpers), Welsh (bumpers), Williams (handles), and Lin (modular half-size boxes). *Id.,* ¶63. Each of these references is in the field of toolboxes, and Lin discloses an analogous stackable container. *Id.*

B. Claim 1

1. 1[pre]: A container assembly comprising:

To the extent the preamble is limiting, Burchia discloses a container assembly comprising two containers. EX1004, 7:37-52[2]; EX1003, ¶64. The **first** and **second containers**—and the **container assembly**—are shown, for example, in Fig. 3. EX1003, ¶64:

[2] Petitioner also relies on parallel citations to the certified translation of Burchia's priority application (EX1019), as shown in the chart in Section VII.A, and cited in Dr. Collins' declaration (EX1003).

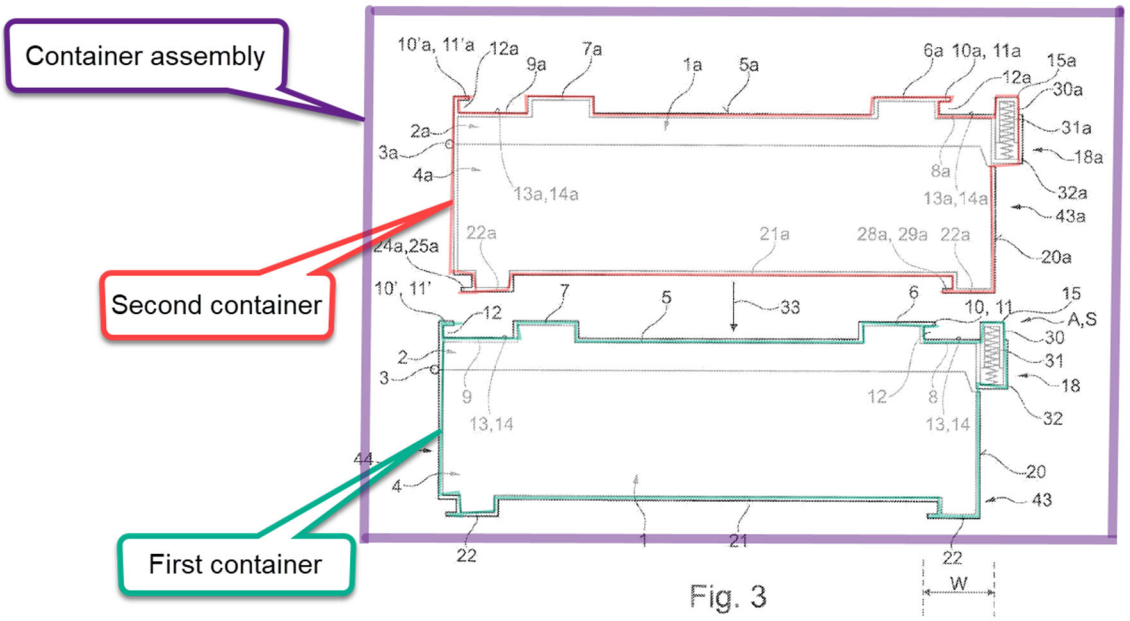


Fig. 3

2. 1[a]: a first container comprising: a first lid pivotally attached to the first container;

Burchia discloses containers "closed on all sides and ***provided with a lid***." EX1004, 7:38-39; 9:4-8; EX1003, ¶65. Figure 1 depicts a **lid** and hinge axle, illustrating a **first lid pivotally attached** to the first container. EX1003, ¶65.

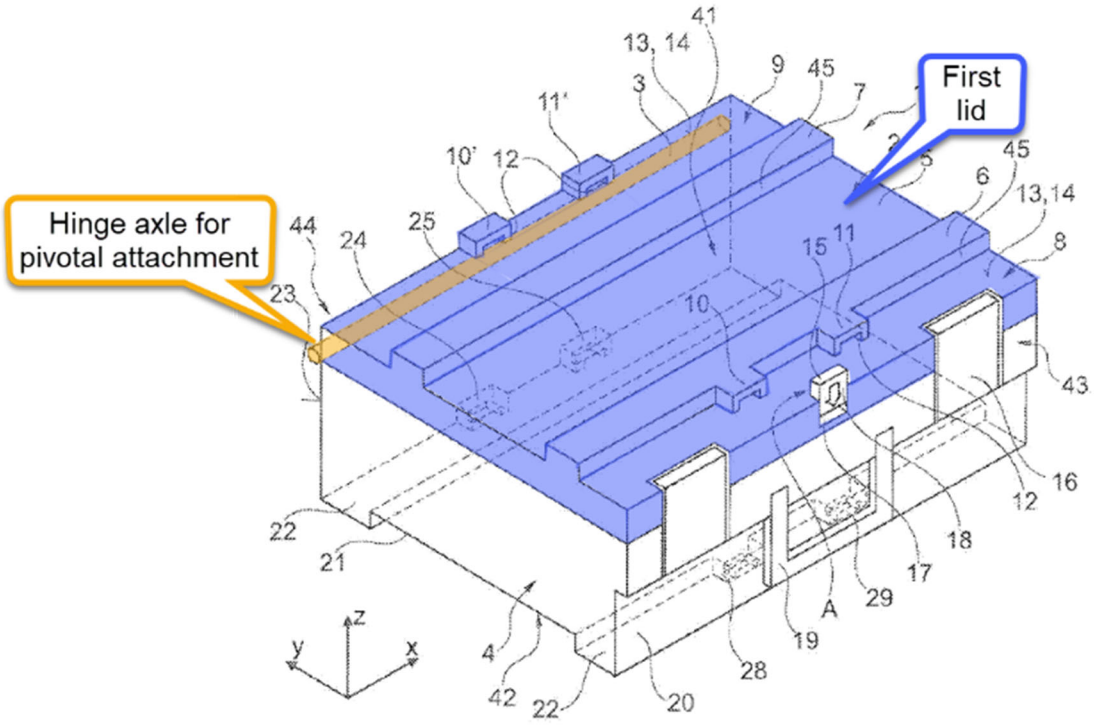


Fig. 1

3. 1[b]: a first female coupler at a top face of the first lid;

As shown in the annotated figures below, Burchia discloses a **first female coupler** at a **top face of the first lid**. EX1004, Figs. 1, 3; EX1003, ¶66.

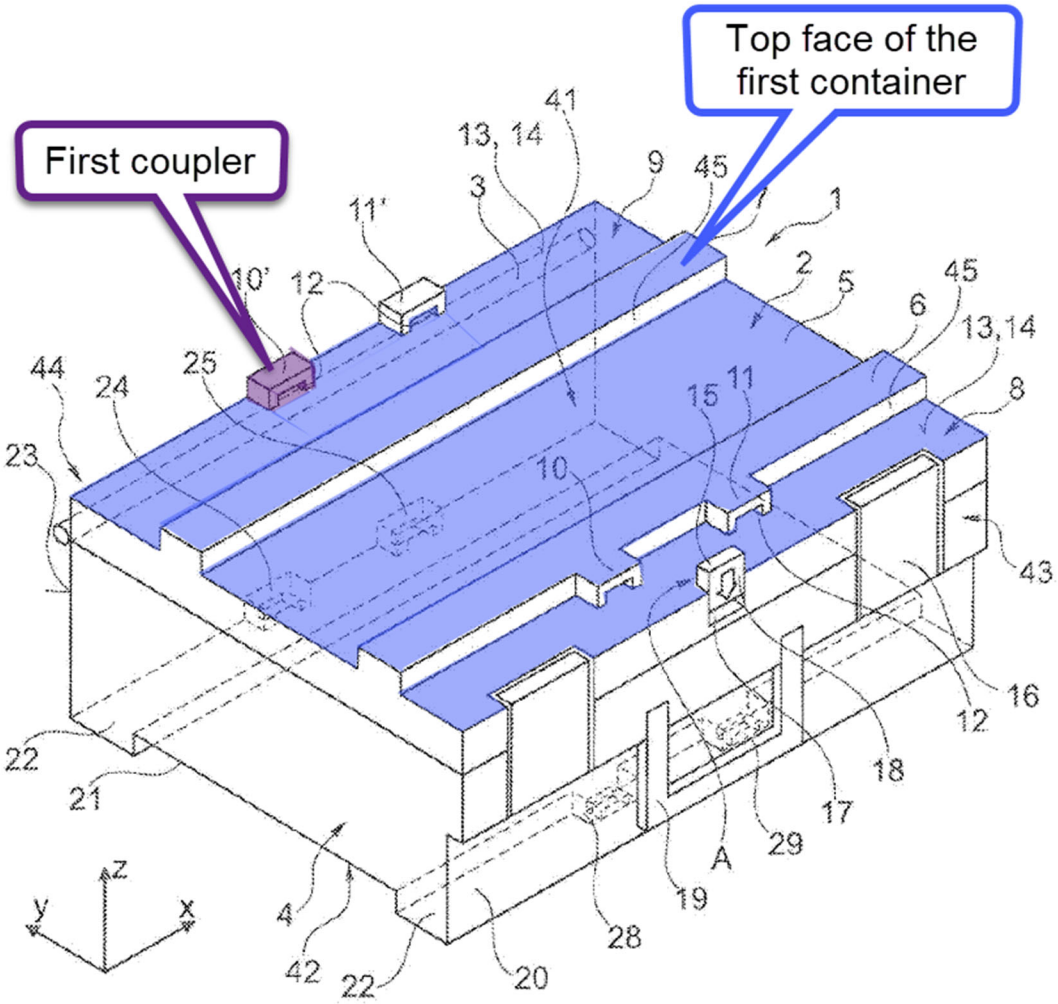

First coupler
Top face of the first container
41
13, 14
9
45
3
11'
1
10'
12
2
5
45
6
13,14
44
24
25
15
11
8
23
10
43
16
12
22
21
18
17
29
A
19
28
4
42
22
20
z
y
x

Fig. 1

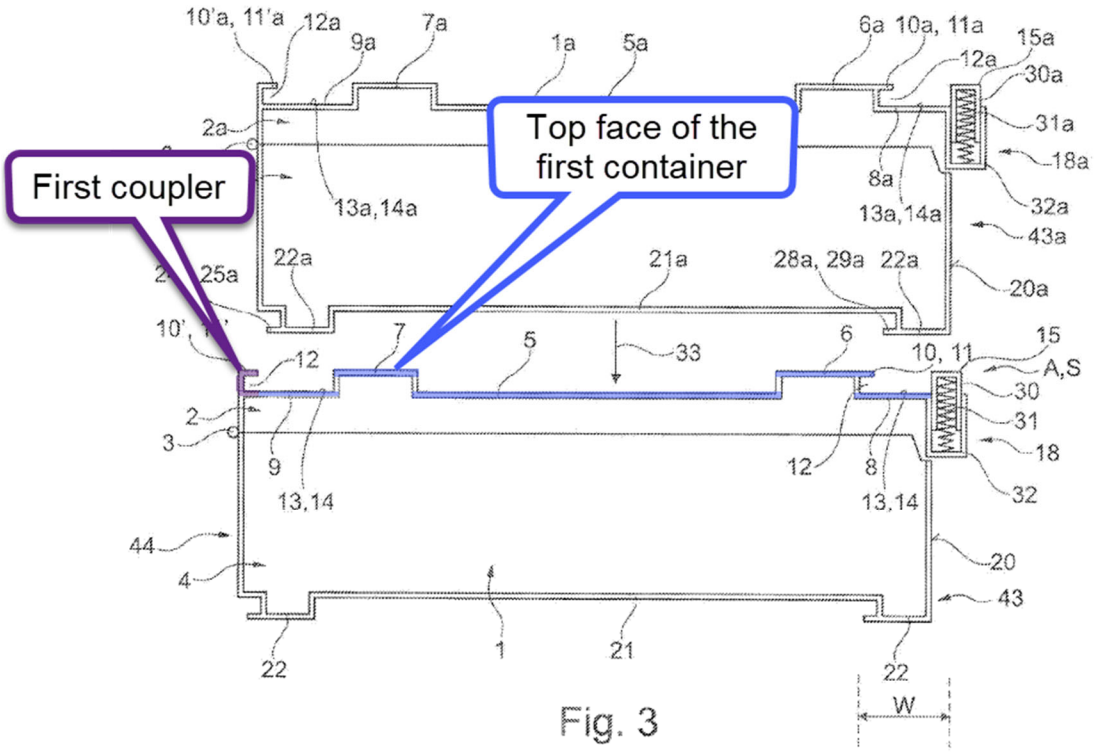


Fig. 3

Burchia explains that element 10' is a "coupling part[]… which can be brought together with a related counter-coupling part of the further suitcase," forming a "plug-in connection." EX1004, 9:34-36, 9:40-41. These coupling parts are "assigned to the top side 41," which is the "top face of the first lid." EX1004, 10:13-15; EX1003, ¶67.

4. 1[c]: a first front face, a first side face, an second side face opposite the first side face, the first front face, the first side face, and the second side face collectively partially defining a storage compartment,

As shown in the annotated figure below, Burchia discloses a container comprising: **a first front face**, **a first side face**, **[a] second side face opposite**

the first side face, the first front face, the first side face, and the second side face collectively partially defining **a storage compartment**. EX1003, ¶68.

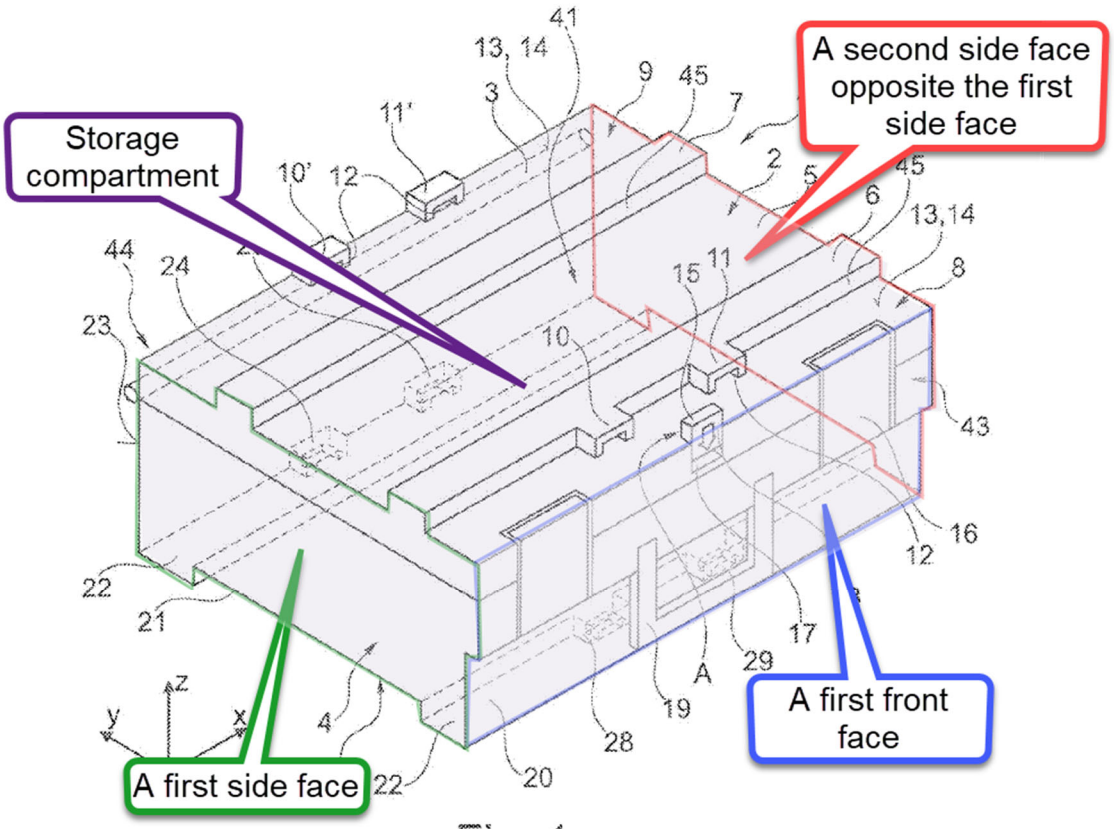


Fig. 1

5. 1[d]: a first corner extending between the first front face and the first side face, and a second corner extending between the first front face and the second side face,

As shown in the annotated figure below, Burchia discloses a container comprising: a **first corner** extending between the first front face and the first side face, and a **second corner** extending between the first front face and the second side face. *Id.*, ¶69.

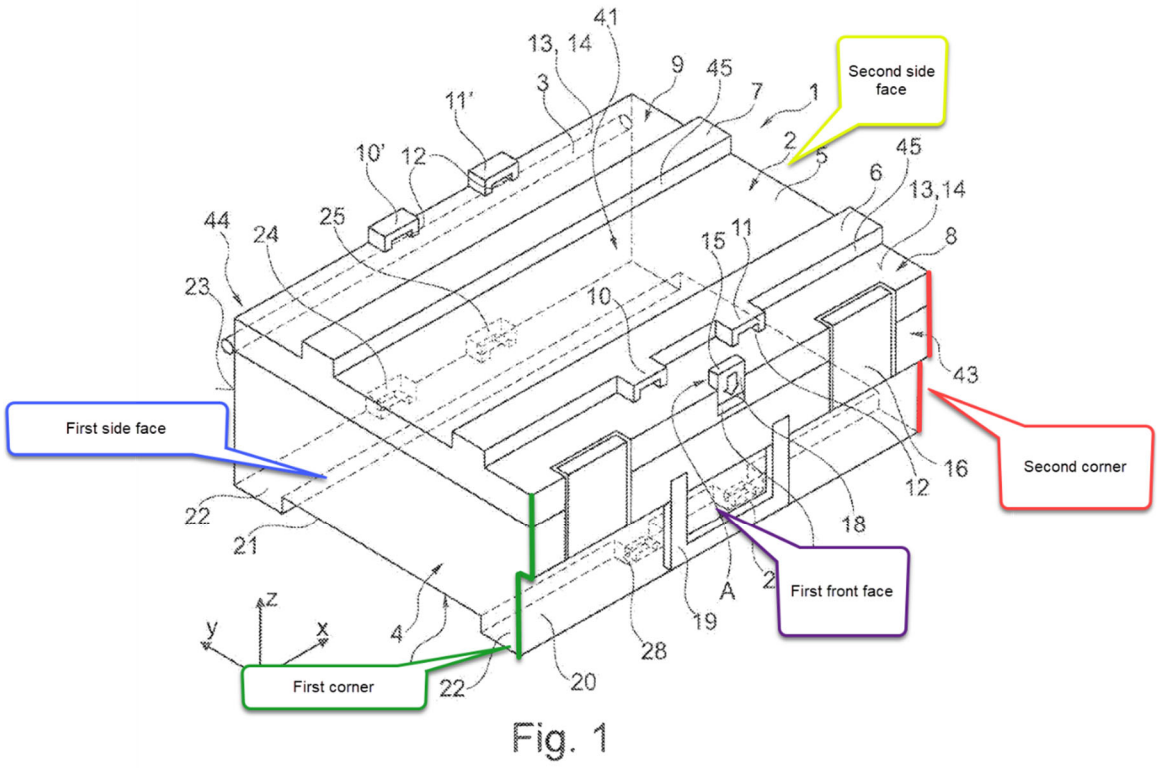


Fig. 1

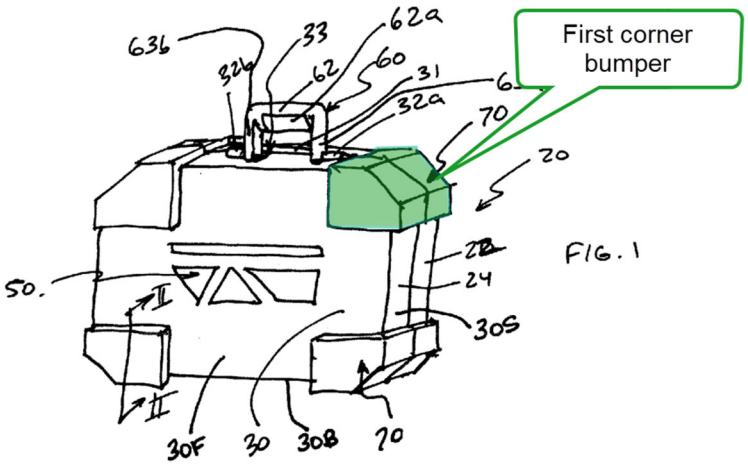
6. 1[e]: a first corner bumper extending outward from the first corner; and

While Burchia does not disclose a corner bumper, it would have been obvious to a POSITA to include one to protect the container's corners—an obvious design option. EX1003, ¶¶70-73.

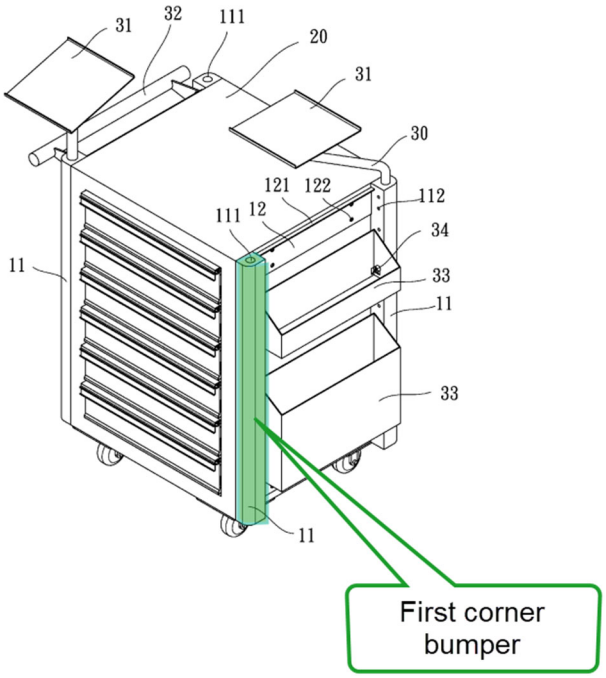
Indeed, the Examiner stated it would have been obvious to modify a stackable container (Madsen) with Welsh's corner bumpers "to cushion an impact load exerted on the case if the case is dropped on a hard surface." EX1002 at 156, ¶13. The same Examiner stated, in connection with the related '952 patent (IPR2024-01401), that it would have been obvious to modify the

container of '026 patent [IPR2024-01400] with Welsh's corner bumpers for the same reason. EX1033 at 281, ¶21.

As shown in the annotated figure below, Welsh discloses a **first corner bumper** extending outward from the first corner. EX1003, ¶72.



Thus, it would have been obvious to a POSITA to combine Burchia with Welsh. *Id.*, ¶73. Additional references (EX1025-1028) likewise show the obviousness of adding corner bumpers to modular toolboxes. For example, Chen discloses such bumpers, as shown below. *Id.* It also would have been obvious to a POSITA to combine Burchia with Chen. *Id.*

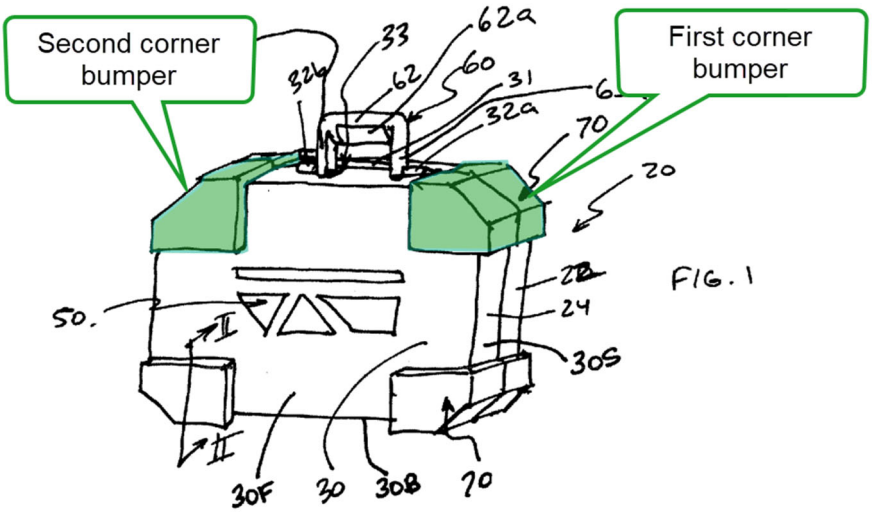


A POSITA would have reasonably expected success given the straightforward mechanical technology and predictable protective effect of the bumpers. *Id.*, ¶74.

7. 1[f]: a second corner bumper extending outward from the second corner; and

This limitation would have been obvious for the same reasons and based on the same prior art as limitation 1[e]. EX1003, ¶75.

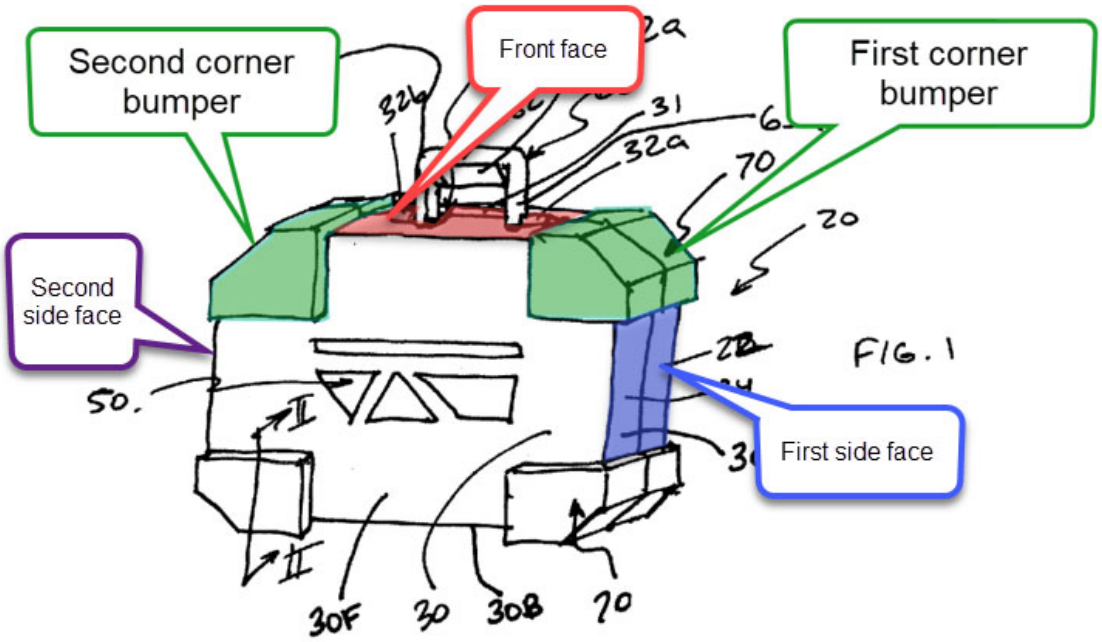
As shown in the annotated figure below, Welsh discloses a **second corner bumper** extending outward from the second corner. *Id.*, ¶76.



8. 1[g]: wherein the first corner bumper defines an outer surface that extends past and faces away from each of the first front face and the first side face, and wherein the second corner bumper defines an outer surface that extends past and faces away from each of the first front face and the second side face; and

This limitation would have been obvious for the same reasons and based on the same prior art as limitations 1[e] and [f]. EX1003, ¶¶77-79.

As shown in the annotated figure below, Welsh discloses a **first corner bumper** that extends past and faces away from the first front and first side faces; and a **second corner bumper** that extends past and faces away from the first front and second side faces. *Id.*, ¶78.



It would have been obvious to a POSITA to design the bumpers to extend past and face away from the adjacent faces, so the bumpers—not the container—absorb impact. *Id.*, ¶79.

9. 1[h]: a first locking latch arresting location; and

Burchia discloses a **first locking latch arresting location**. EX1003, ¶¶80-84. It describes a "locking element for securing the plug-in connection to prevent release." EX1004, 11:34-36; EX1003, ¶80. This locking element is a **locking latch**, shown in Figure 4 along with its **arresting location** on the lower front face of the second container. EX1003, ¶80.

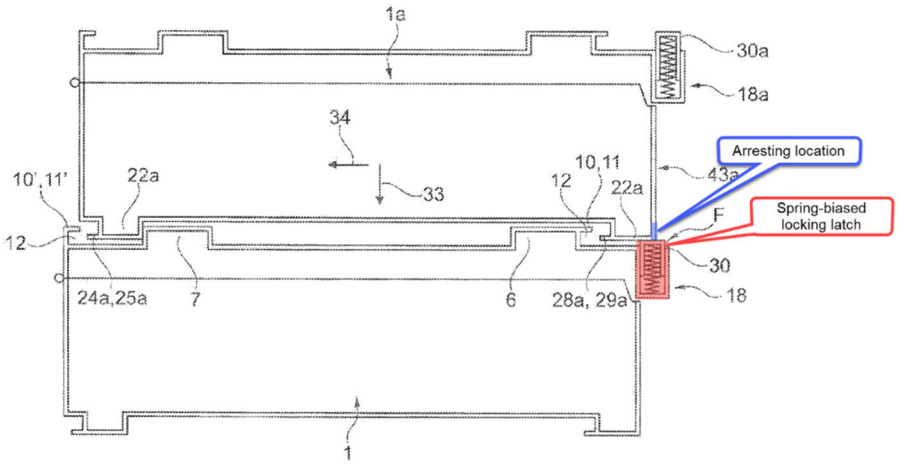


Fig. 4

In the locking position (Fig. 5), the latch "serves as a stop" preventing displacement of one container from the other. EX1004, 12:61-67; EX1003, ¶81. The stop position on the lower front face of the second container is the **locking latch arresting location**. *Id.*

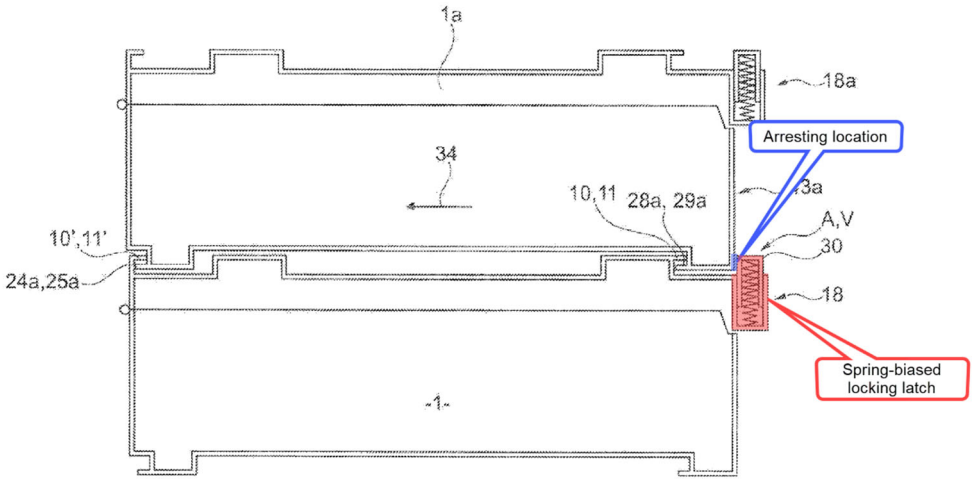


Fig. 5

Burchia also states that the "stop surface" contacts the locking element to hold it in place. EX1004, 6:42-47; EX1003, ¶82. This surface may be on the face of the container—e.g., element 20a in Figure 3. *Id.*

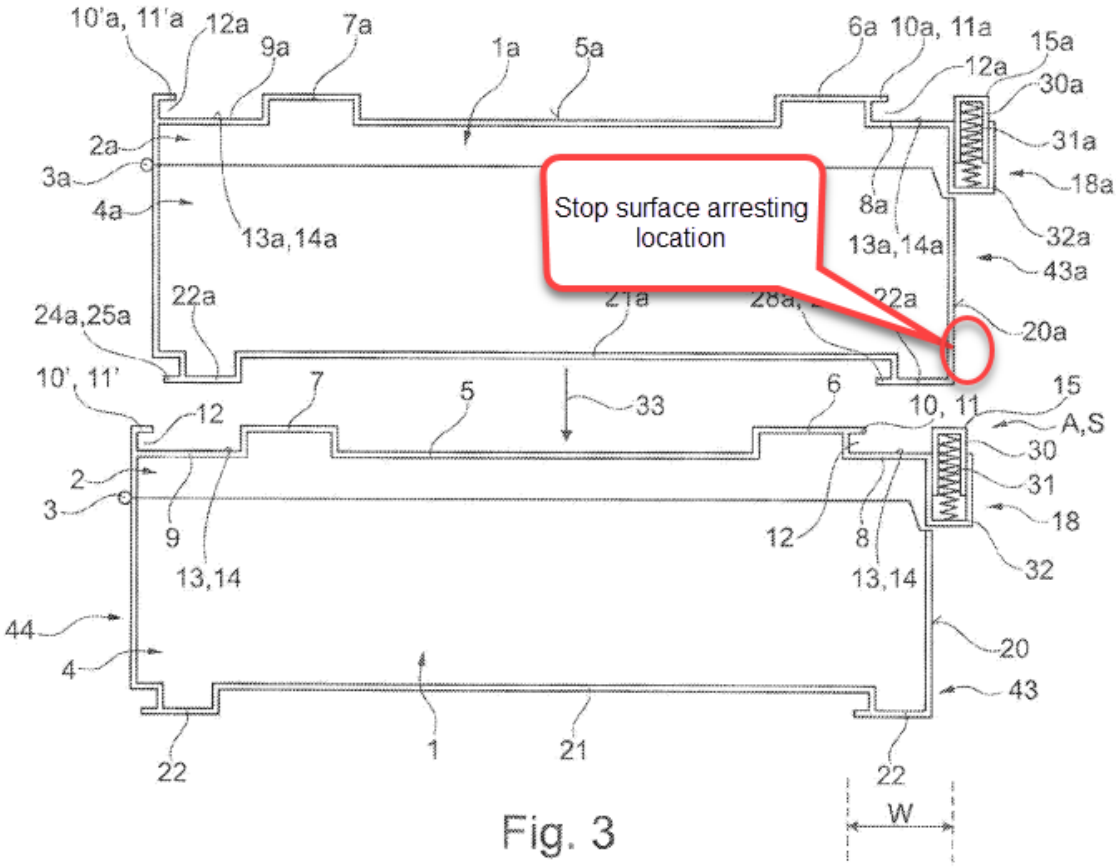


Fig. 3

The "stop surface" need not be at the end of the container, it may be formed in a "setback surface" or as a "foot strip or the like." Ex. 1004, 6:48-50, 13:29-32; EX1003, ¶83. In addition, the recess may have an "introduction bevel." *Id.* As Burchia explains, this allows "an additional pre-tension of the locking element towards the plug-in connection or engagement connection

between the stacked [containers].” Ex. 1004, 6:50-53. Burchia explains that this can also be achieved with a stop configured in “wedge shape.” Ex. 1004, 6:63-7:3 and 13:18-27. In other words, having the bevel or wedge shape “stop surface” connects the two containers snuggly, rather than allowing forward/back “play” of, for example, 1 to 2 mm. EX1003, ¶83. A POSITA would further understand that using a setback surface or recess would shield the locking mechanism, making it more robust in transportation and minimizing the chances of a user from unintentionally unlatching the lock. *Id.*

A POSITA would understand that such a recessed stop surface protects the latch during transport and reduces accidental release. *Id.*, ¶84. Figure 5 (annotated below) illustrates a version where the latch locks into a setback surface on the bottom of the top container. *Id.* A slot can be provided in the front face of the locking latch to allow a user to depress the spring to release the latch and disengage the containers. *Id.*

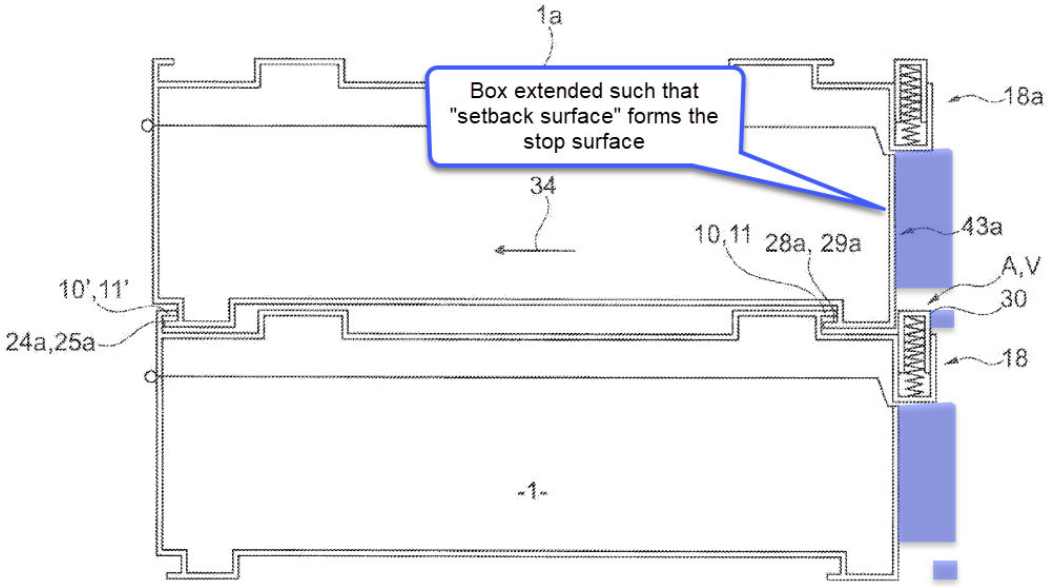


Fig. 5

10. 1[i]: a second container comprising: a male coupler extending from a bottom face of the second container, the male coupler configured to slidingly engage with the first female coupler of the first container, wherein the first female coupler and male coupler engage each other when the first and second containers are slid with respect to each other;

Burchia discloses this limitation. As shown in the annotated figures below, Burchia discloses a second container comprising **a male coupler** extending from its bottom face. EX1004, Figs. 2, 3; EX1003, ¶¶85-90.

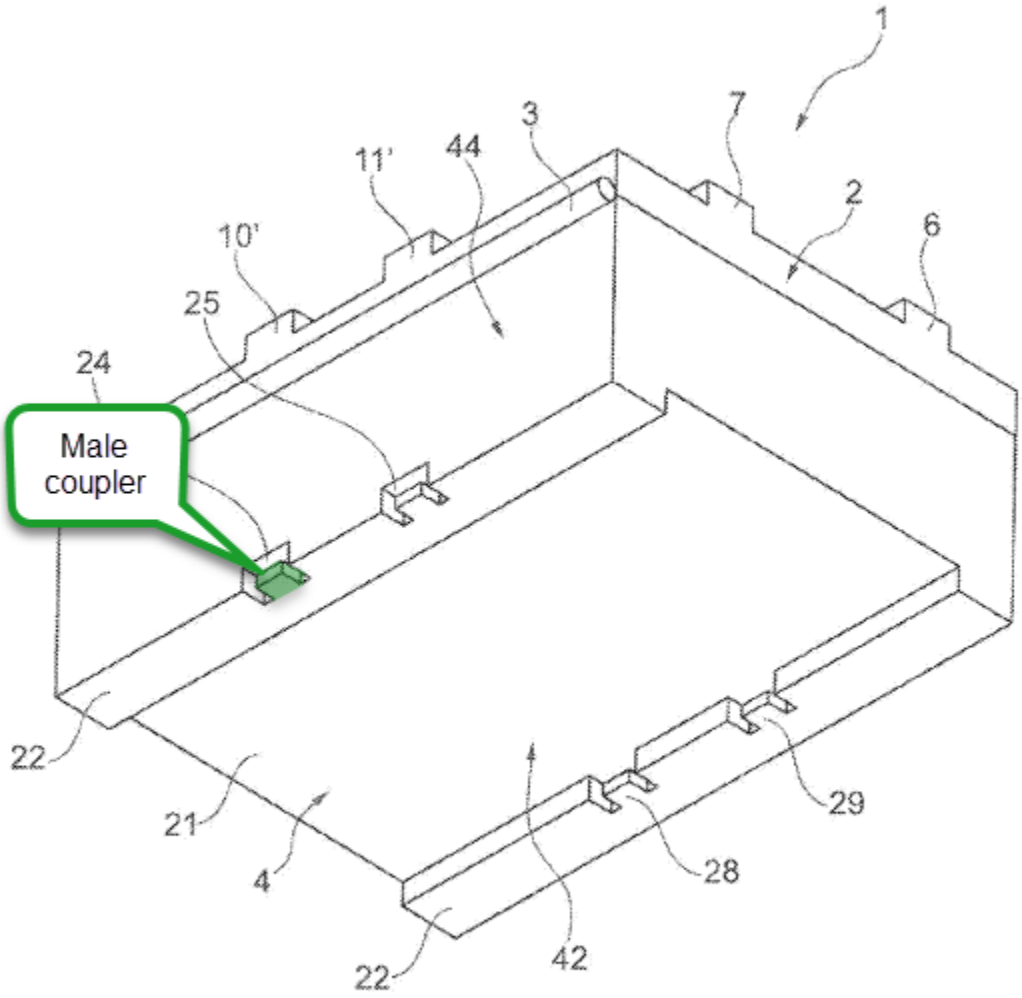


Fig. 2

Burchia explains that protruding elements 24, 25, 28, and 29 (Fig. 2) are "counter-coupling parts . . . which can be brought together with the coupling part[s]" of the first container to form "a plug-in connection." EX1004, 9:38-41, 10:36-43; EX1003, ¶86.

The sectional view below shows the **male coupler** extending from the bottom face of the second container. EX1003, ¶87.

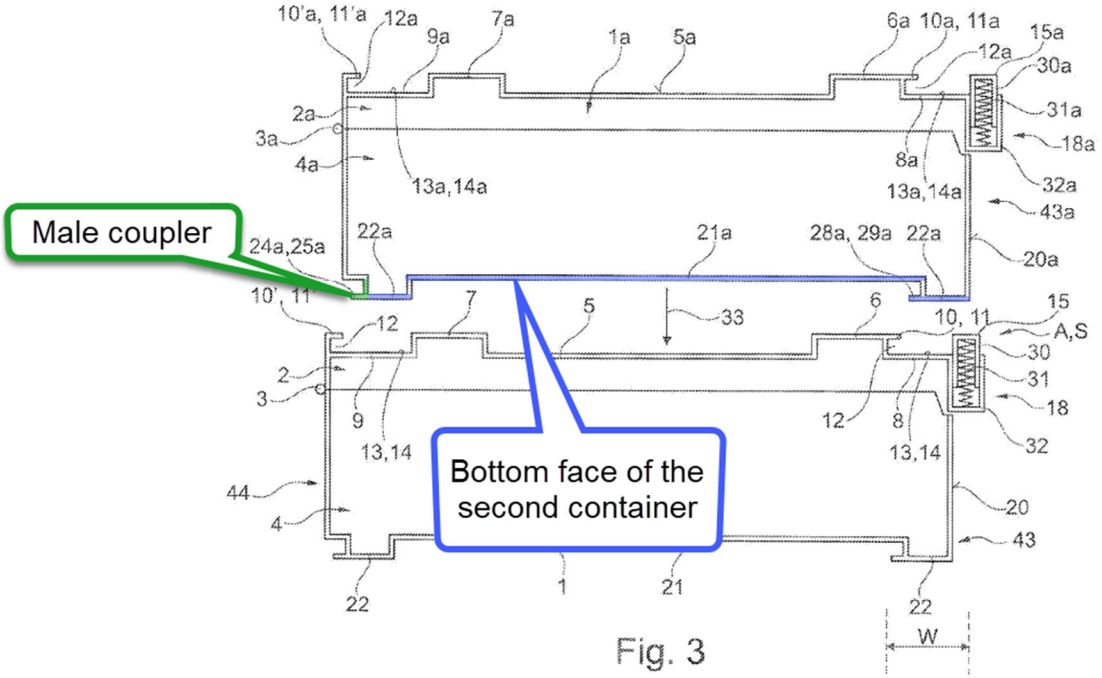


Fig. 3

Alternatively, to the extent Patent Owner argues Burchia fails to disclose male and female couplers, it would have been obvious to modify Burchia using Metabowerke's couplers. *Id.*, ¶88. Metabowerke's **male coupler** (the "rear standing foot 13") also extends from the bottom face of the second container, as shown below. *Id.*

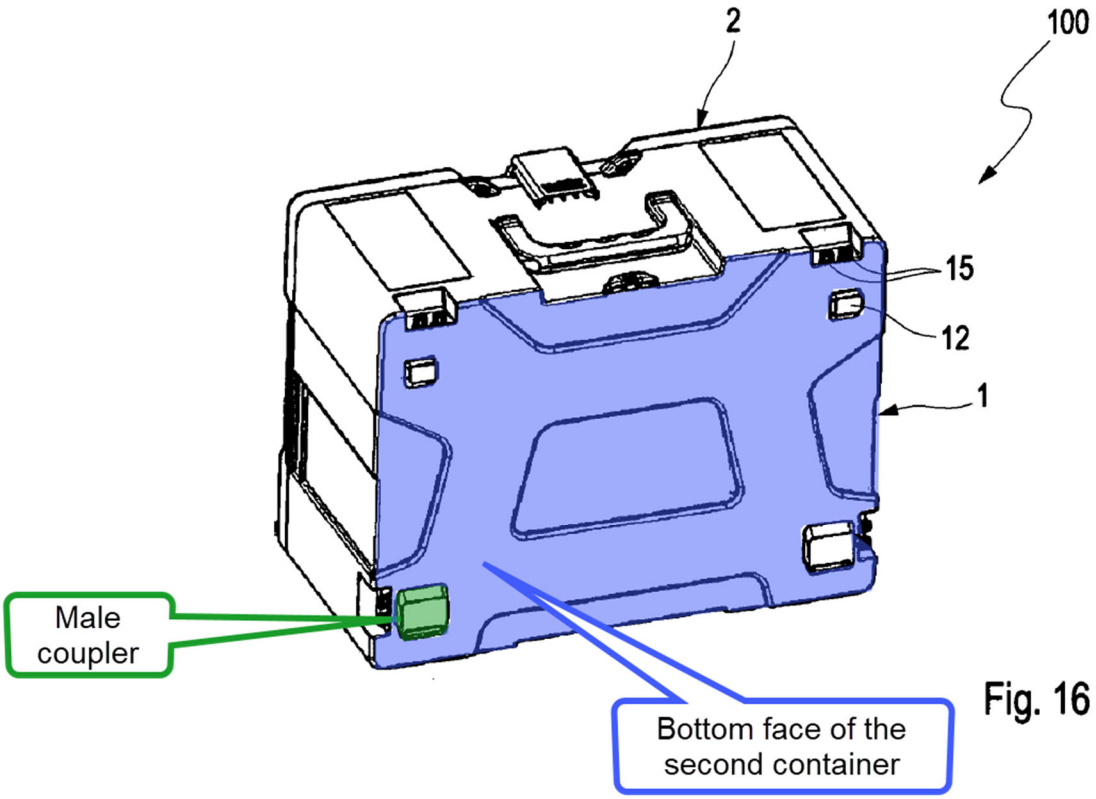

2
100
15
12
1
Male coupler
Bottom face of the second container

Fig. 16

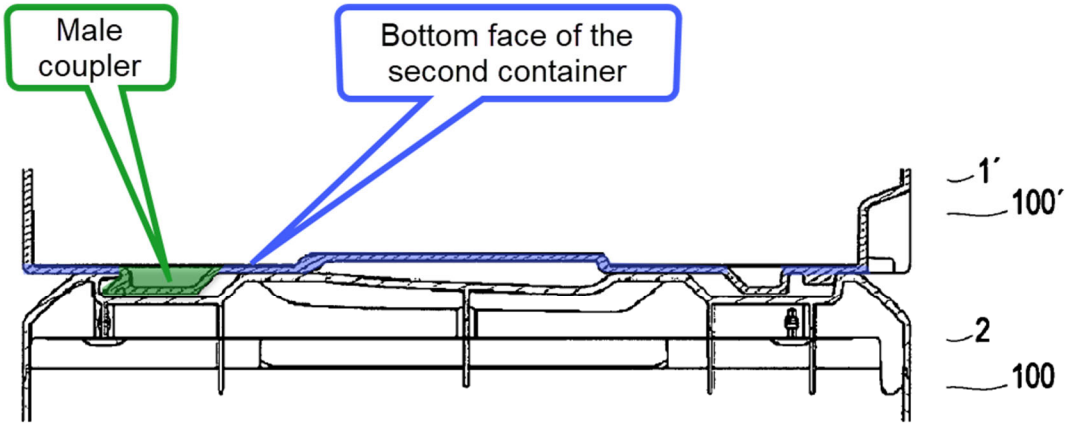

Male coupler
Bottom face of the second container
1´
100´
2
100

Fig. 4

As further shown in the annotated progression of Figures 4 and 5, Burchia discloses that the male coupler is configured to slidingly engage with the first female coupler, and that the couplers engage when the containers are slid with respect to each other. *Id.*, ¶89.

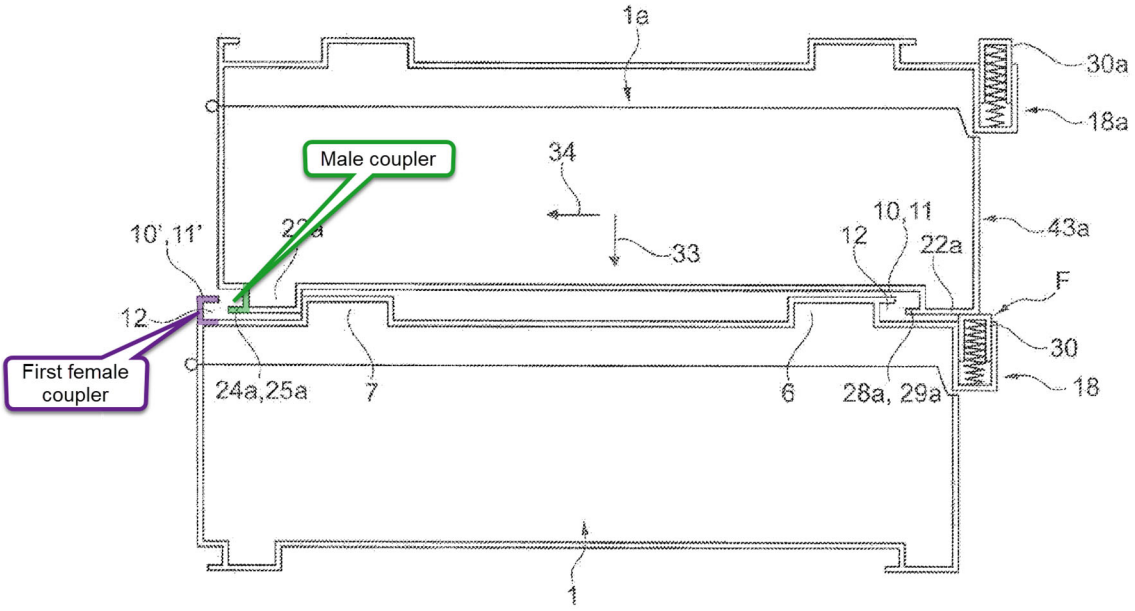


Fig. 4

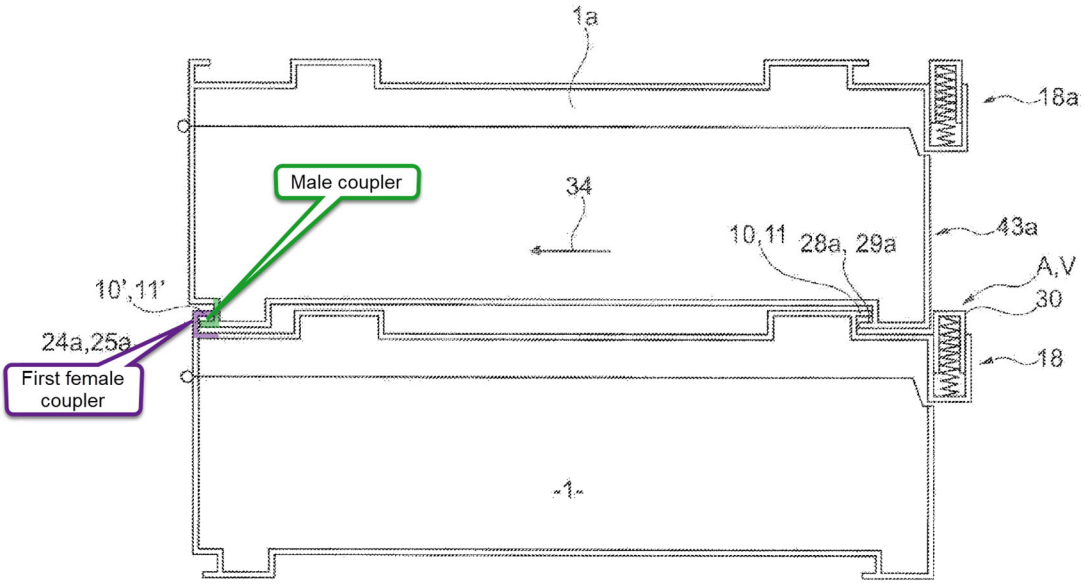


Fig. 5

As noted above, if Patent Owner argues Burchia fails to disclose the female coupler, it would have been obvious to include one using Metabowerke's teachings. *Id.*, ¶90. Metabowerke discloses a female coupler engageable with a male coupler, as shown below. *Id.*

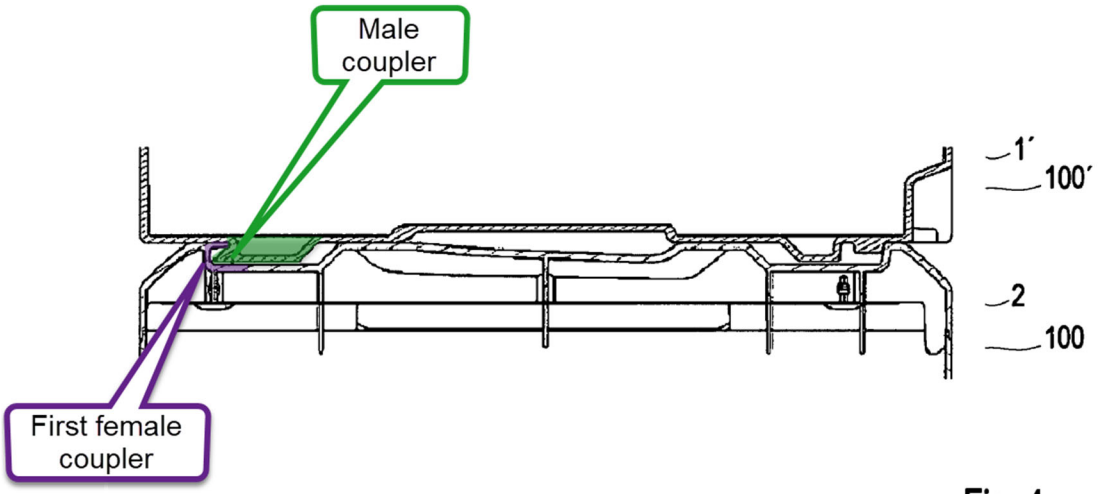


Fig. 4

11. 1[j]: a second lid pivotally attached to the second container; and

As discussed above with respect to limitation 1[a], Burchia discloses a container with a **pivotally attached** **lid**. Figure 1 depicts the **lid** and hinge axle. EX1003, ¶91.

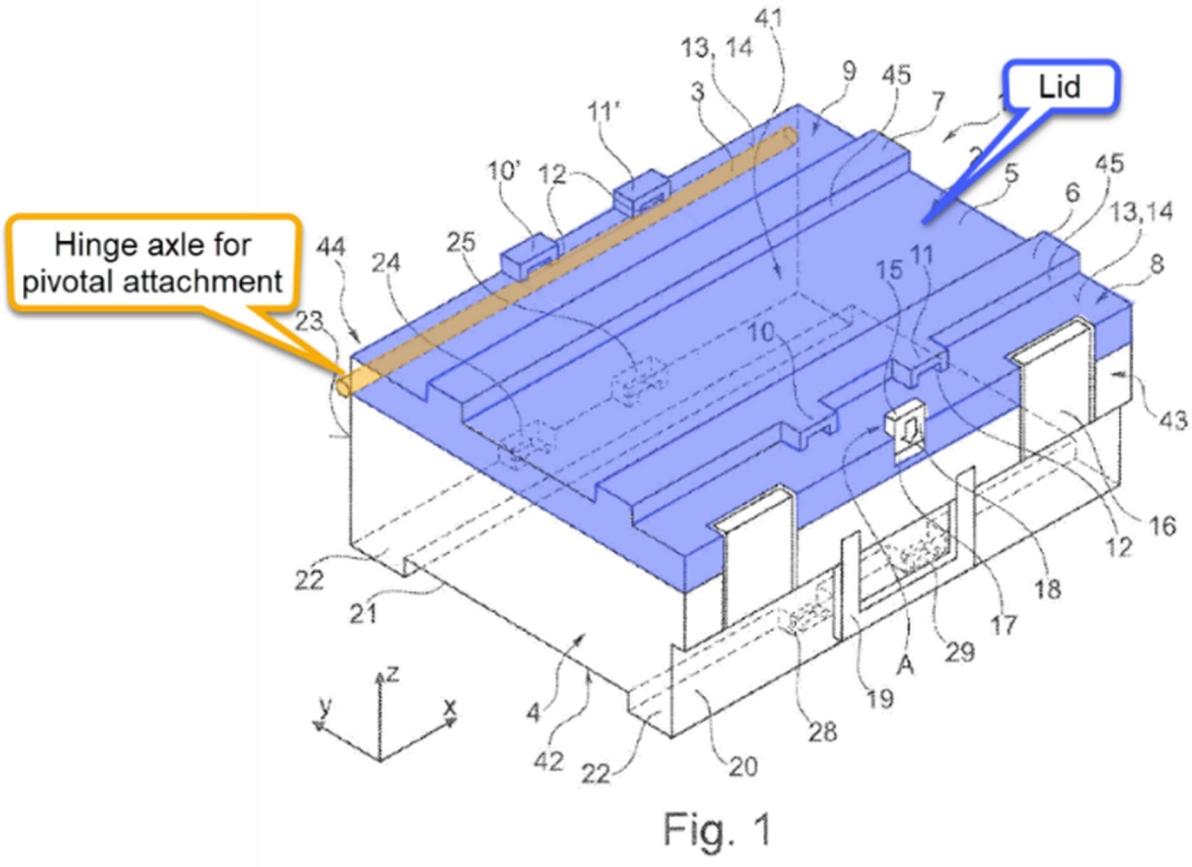


Fig. 1

Figure 3 confirms that the second container includes a **second lid** with a hinge axle for **pivotal attachment**. *Id.*, ¶92.

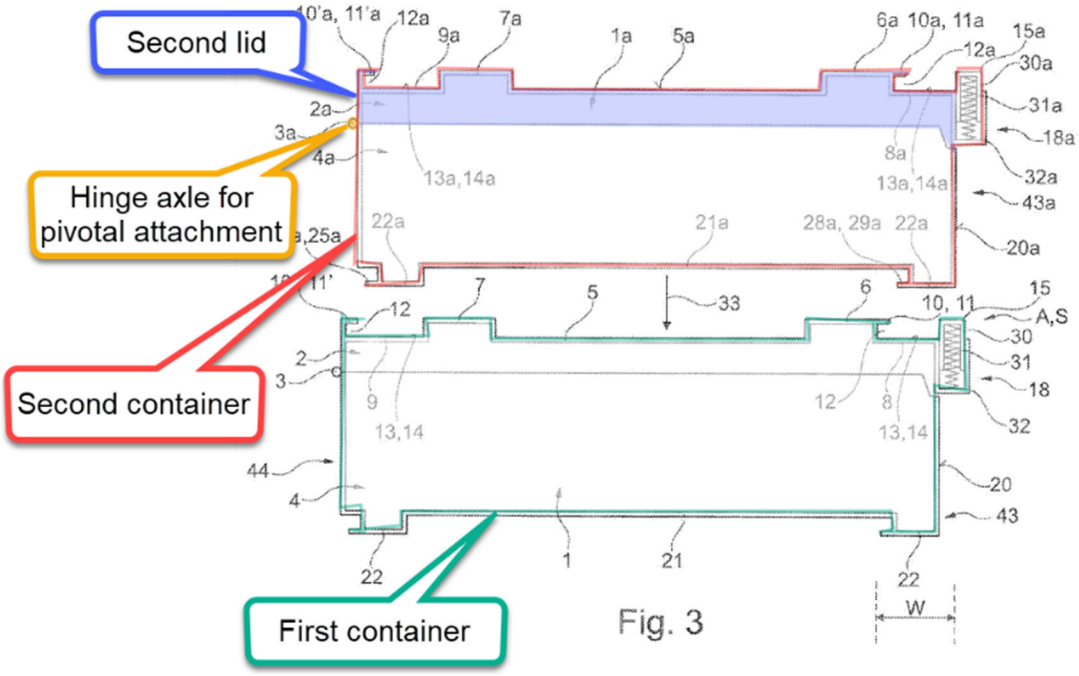


Fig. 3

12. 1[k]: a locking latch positionable in a locked position engaging the first locking latch arresting location thereby limiting sliding displacement of the first container with respect to the second container;

Burchia discloses a locking latch on the top face of the first container and an arresting location on the front face (or a setback surface) of the second container. The latch limits relative sliding between the containers. EX1003, ¶¶93-103.

Annotated Figure 5 (below) shows Burchia's **locking latch**. *Id.*, ¶94.

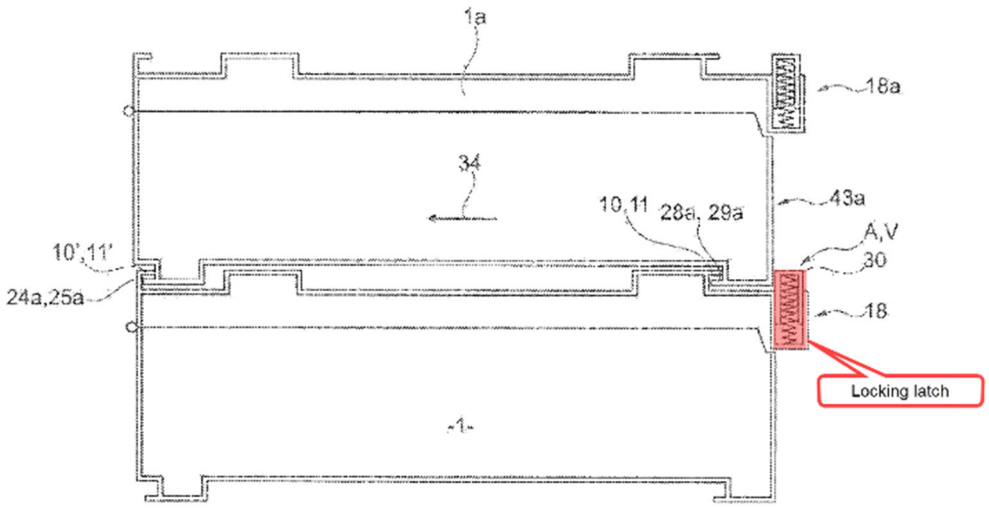


Fig. 5

Figures 4 and 5 illustrate it being positioned in the **arresting location**. *Id.*, ¶95. In Figure 4, the **latch** is depressed to allow coupling. EX1004, 12:53-58; EX1003, ¶95. Figure 4 shows the **locking latch** being depressed downward to allow the sliding displacement of the first container with respect to the second container to couple the two. Ex. 1004, 12:53-58; Ex. 1003, ¶95.

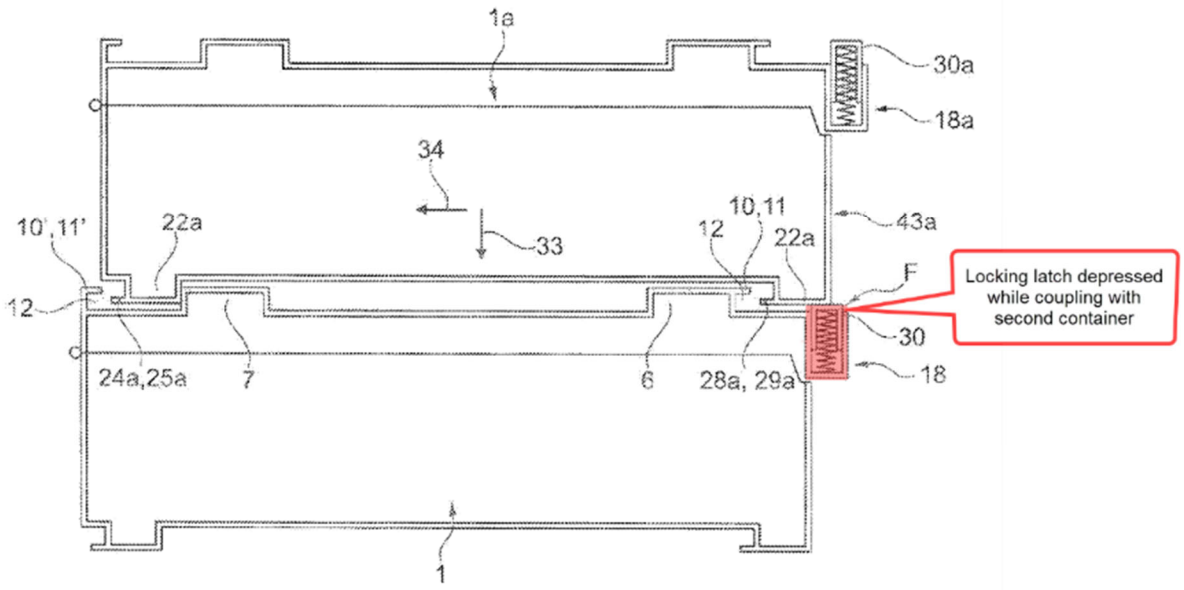


Fig. 4

In Figure 5, the **latch** enters the **arresting location**, thereby preventing the sliding displacement of the first container with respect to the second container and locking the containers together. EX1003, ¶96.

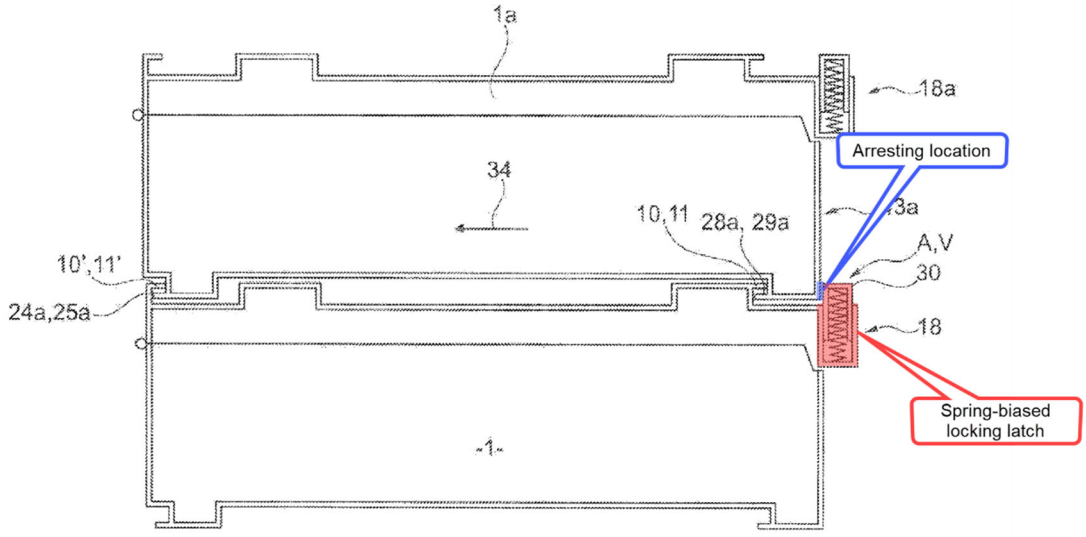


Fig. 5

As explained in element 1[h], Burchia teaches that the arresting location can be a recess or "setback surface." *Id.*, ¶97. To the extent Patent Owner argues that a recess is required, Burchia's setback surface satisfies that limitation. *Id.*

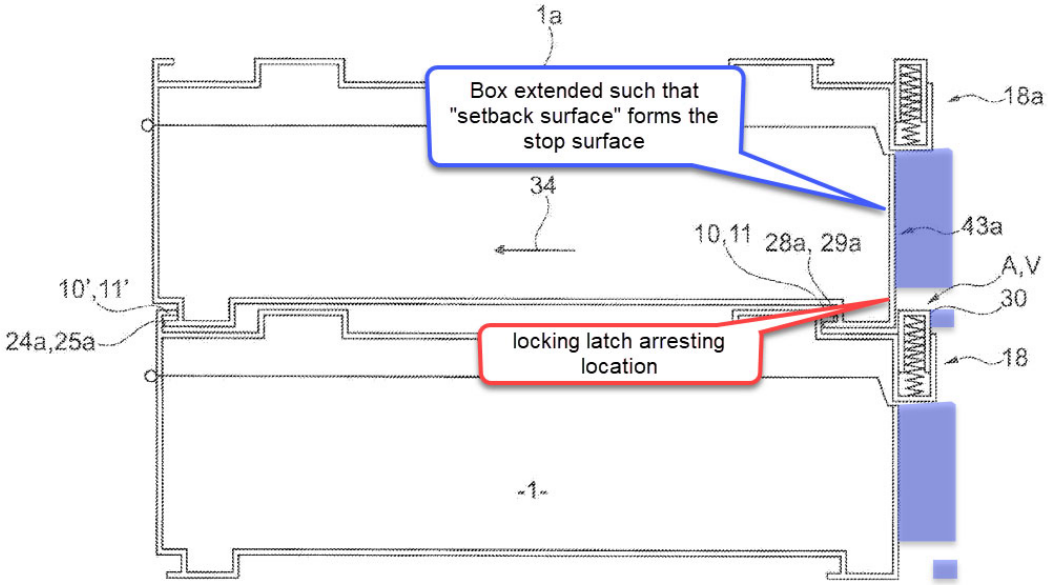


Fig. 5

The latch limits sliding displacement between the containers. *Id.*, ¶98. As shown below, second container 1a cannot move forward (rightward in the illustration) relative to the first container due to engagement with the latch. *Id.*

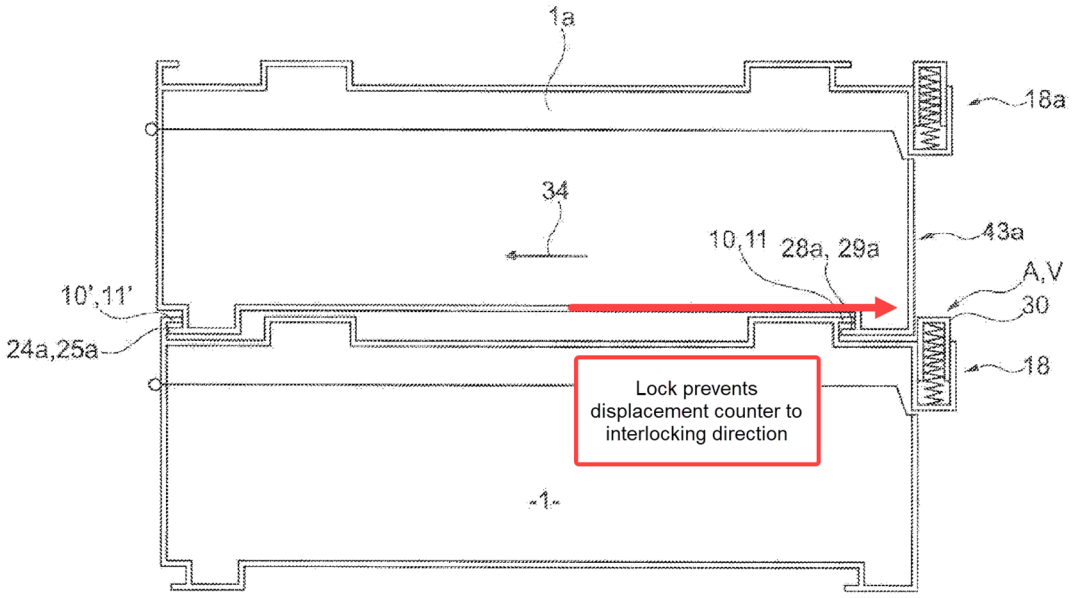


Fig. 5

Burchia further explains that displacement is prevented until the user "manually press[es] the sliding part 30 downward . . ." EX1004, 13:9-16; EX1003, ¶99.

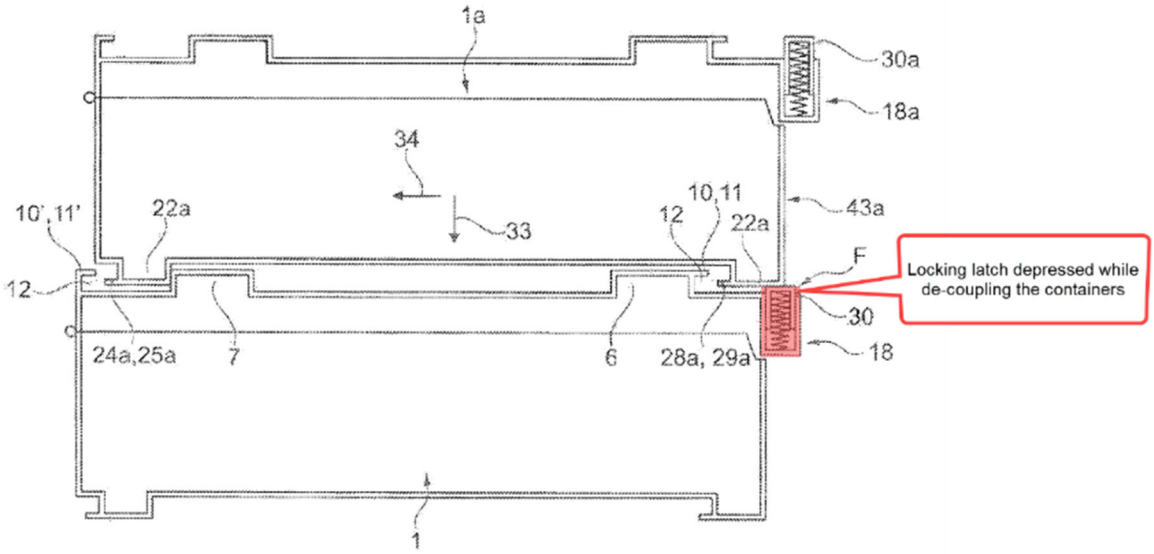


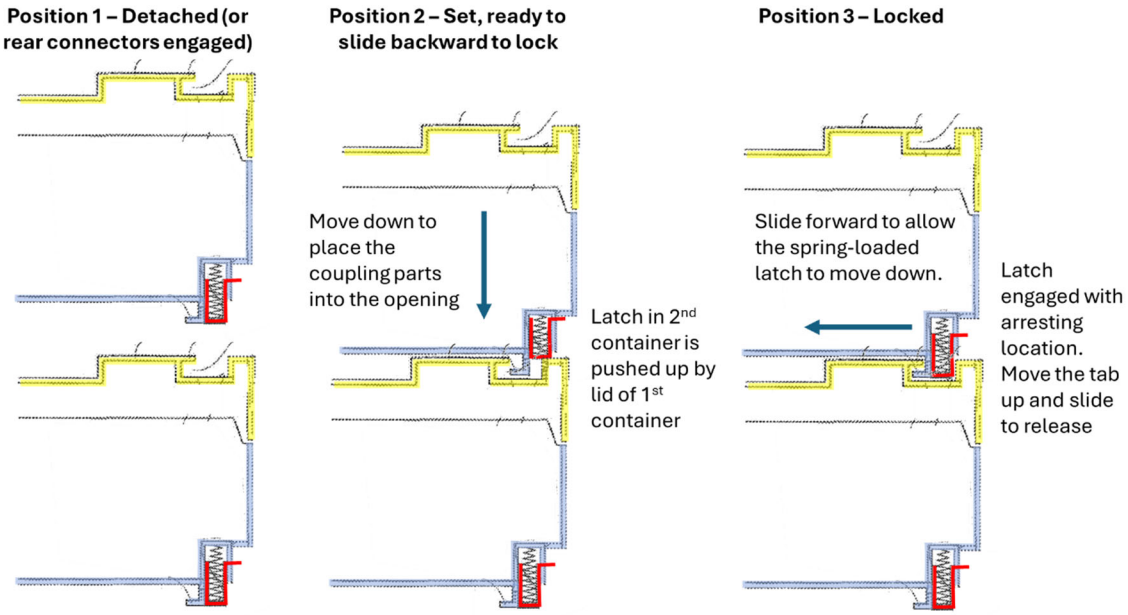
Fig. 4

Because 1[k] requires the latch to limit sliding displacement of the first container with respect to the second, we address the obvious modification of swapping Burchia's latch and arresting location to meet that requirement. *Id.*, ¶¶100-103.

A POSITA would recognize that the latch and arresting location could be swapped between the containers without affecting function. *Id.*, ¶101. For example, the latch could extend from the second container and engage a recess in the first, as in claim 1[l]—a predictable variation using known elements. *See*, *e.g.*, *Ex parte Spangler*, Appeal No. 2018-003800, at 5–8 (PTAB Feb. 20, 2019) (Informative) (holding that differences in the locations and sizes of locking elements that did not affect function or solve a stated problem were an obvious matter of design choice).

A POSITA would be motivated to move the latch to the bottom of the second container to: (i) maintain a flat top surface, (ii) reduce visual clutter, (iii) avoid damaging protrusions during stacking or use, and (iv) reduce the potential for dirt or debris from infiltrating the latch mechanism and hindering its movement. EX1003, ¶102.

As illustrated by Dr. Collins' annotated figures below, it would be a straightforward, obvious modification to a POSITA to place the spring-loaded latch on the bottom of the container. *Id.,* ¶103.



13. 1[l]: wherein the first female coupler comprises two sidewalls, a back wall, and a first rib, the back wall located between the two sidewalls, the two sidewalls and the back wall projecting above a depressed surface of the top face of the first lid, and the first rib extending away from the back wall in a first direction towards the first front face of the first container;

Burchia discloses this limitation. EX1003, ¶¶103-112. As shown in the annotated figures below, Burchia's first female coupler comprises **two sidewalls**, **a back wall** located between them, and a **rib**. EX1004, Figs. 1, 3; EX1003, ¶104.

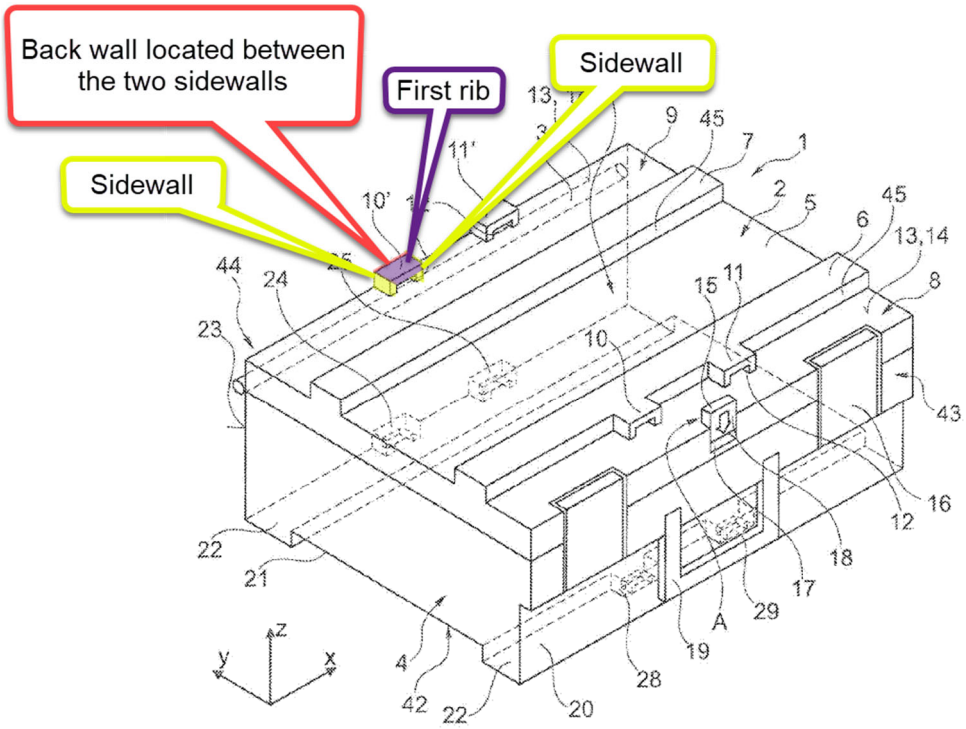


Fig. 1

Although the outer surfaces are visible in the above image and highlighted, the inner portions of the sidewalls and back wall could also be viewed as the claimed structures. EX1003, ¶105.

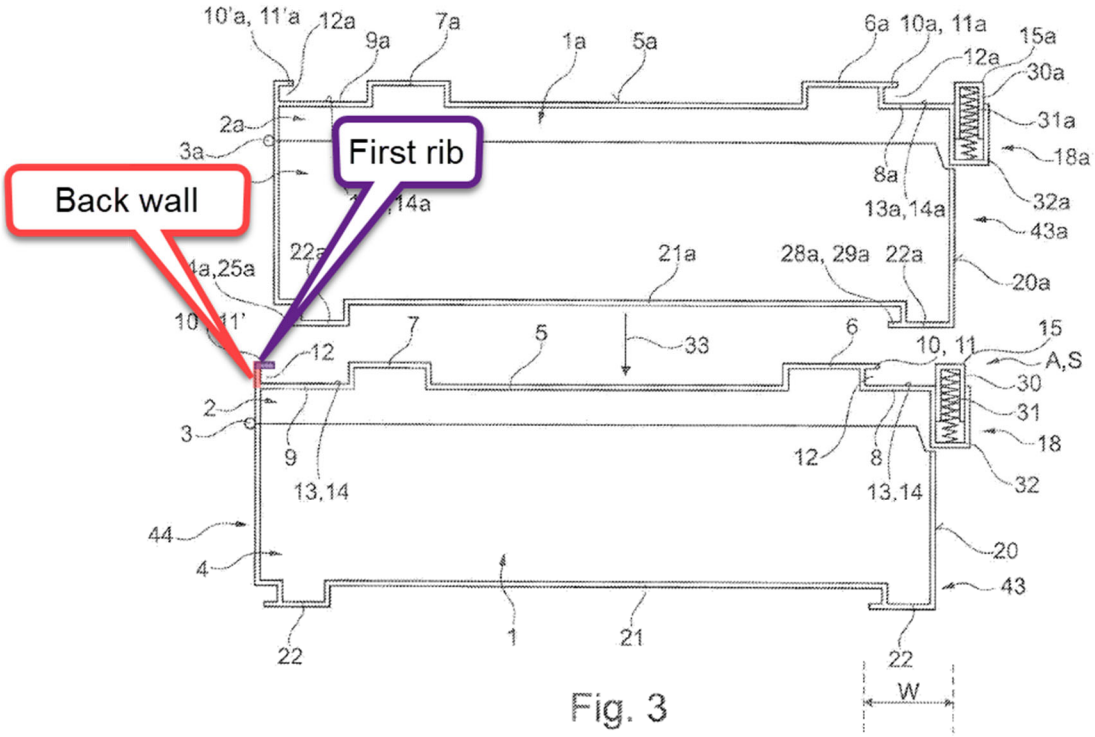


Fig. 3

A POSITA would understand the structure highlighted is a **rib**. EX1003, ¶106. As Dr. Collin explains, ribs are typically thin wall protrusions that extend perpendicularly from a wall or plane. *Id.*

Burchia also discloses the **sidewalls** and **back wall** projecting above a **depressed surface** of the **top face of the first lid.** EX1004, Figs 1, 3; EX1003, ¶107. Where a depressed surface of the top face of the first lid is below the upper most surface of the top face. *Id.*

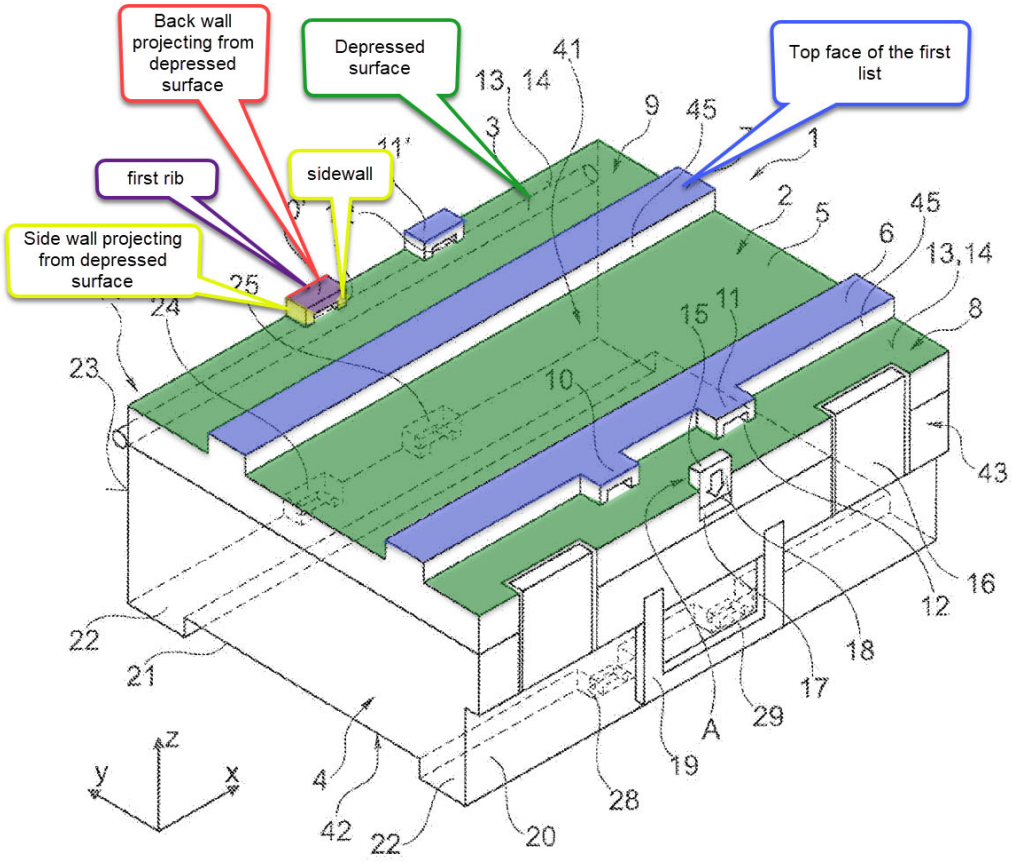

Back wall projecting from depressed surface
Depressed surface
Top face of the first list
first rib
sidewall
Side wall projecting from depressed surface
41
13, 14
9
45
1
3
2
5
6
45
13,14
8
25
24
23
15
11
10
43
16
12
18
17
29
A
19
28
22
21
4
42
22
20
z
y
x

Fig. 1

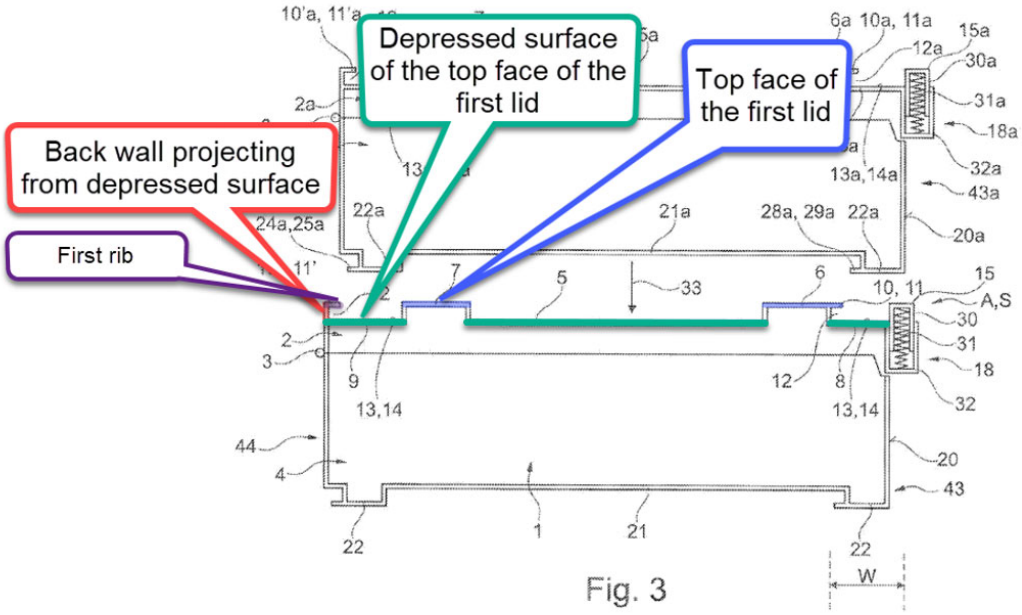


Fig. 3

Patent Owner may argue the coupler projects from the lid's top face rather than being a depressed surface. *Id.*, ¶108. This is incorrect, as shown. *Id.* The figure below shows that side walls project from a depressed surface of the top face. *Id.* Dr. Collins explains that direction is understood from ones frame of reference: "When describing a direction, it is understood to be described from a frame of reference. For example, if one were standing at the bottom of a well, one would say that the walls are projecting up. However, if one were standing at the top of the well looking down, one would say that that walls are projecting down into a depression. Both are correct as the frame of reference does not change the physical relationship between parts. The figure below shows that side walls project from a depressed surface of the top face

up to the top surface of the top face." *Id.* Even if the Patent Owners interpretation were correct, which it is not, the side walls of the female coupler near the front of the container could have been used to illustrate the claimed configuration as illustrated below:

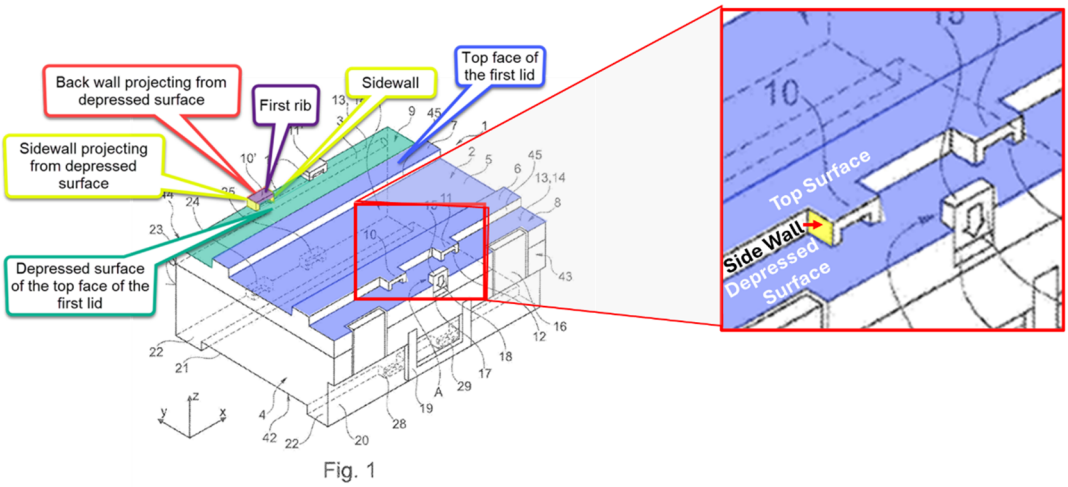


Fig. 1

Nevertheless, a POSITA would have found it obvious to use Metabowerke's depressed surface coupler on Burchia's lid for the reasons discussed above. *Id.*, ¶109.

As shown below, Metabowerke discloses a **depressed surface** on the **top face of the first lid** with **two sidewalls**, a **back wall**, and a **rib**. EX1006, Figs 1, 4; EX1003, ¶110.

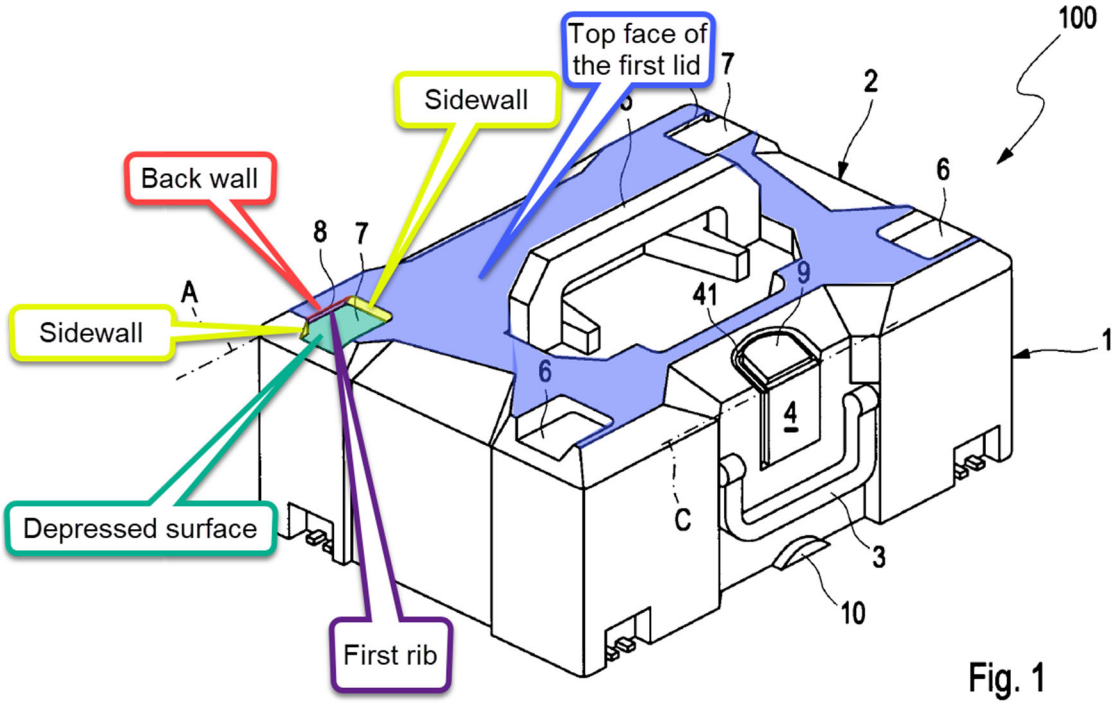

Top face of the first lid
Sidewall
Back wall
Sidewall
Depressed surface
First rib
100
2
6
7
8
A
41
9
1
4
C
3
10

Fig. 1

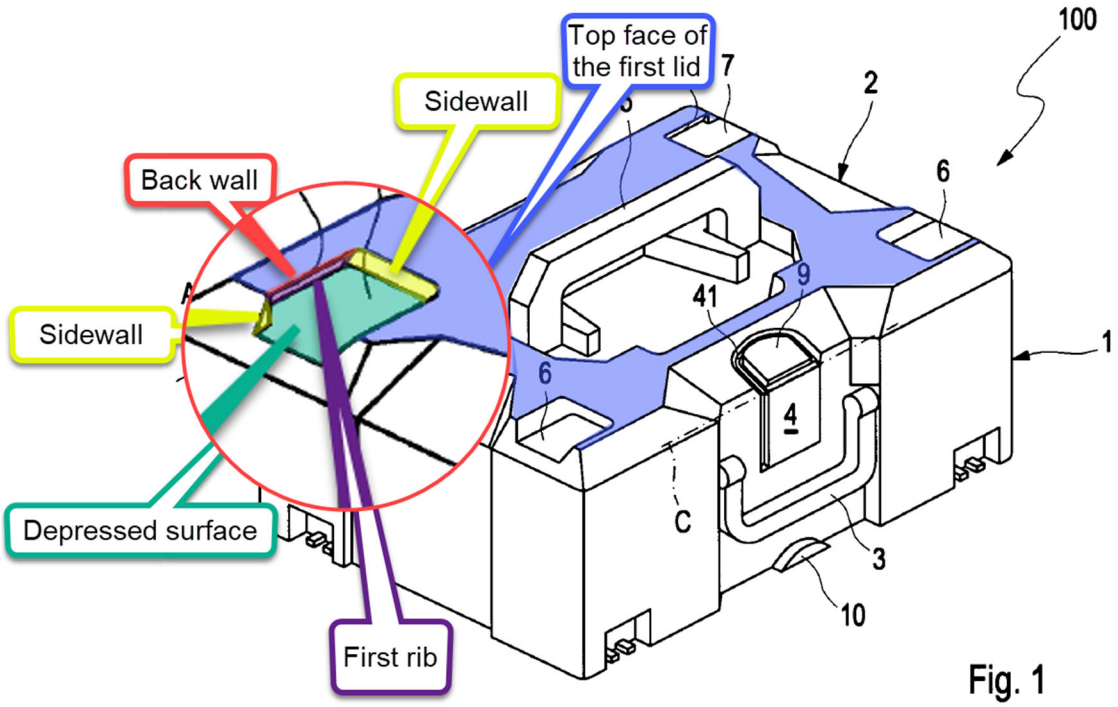

Top face of the first lid
Sidewall
Back wall
Sidewall
Depressed surface
First rib
100
2
6
7
A
41
9
1
4
C
3
10

Fig. 1

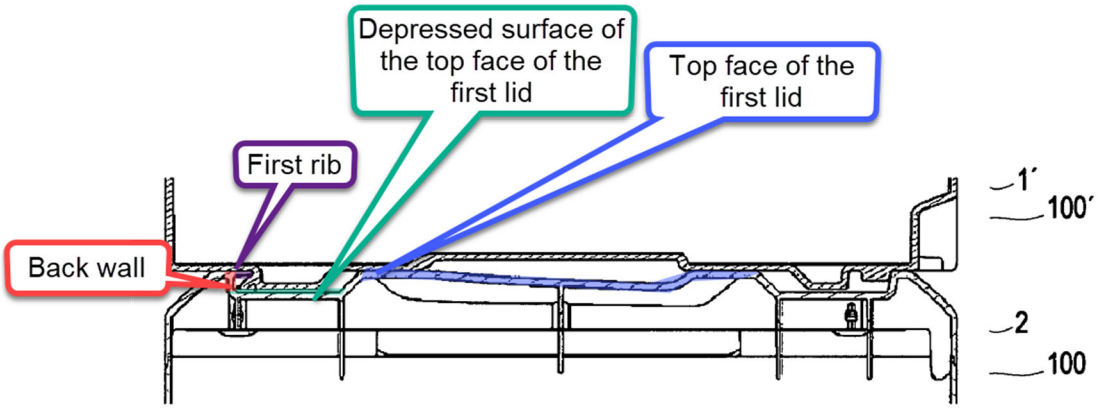


Fig. 4

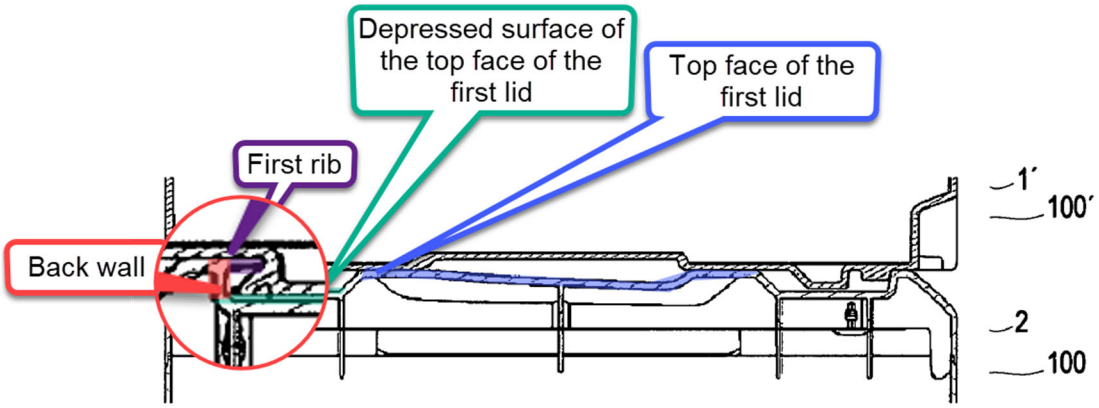


Fig. 4

"the first rib extending away from the back wall in a first direction towards the first front face of the first container." As shown below, Burchia also discloses the **first rib** extending away from the **back wall** in a **first direction** towards the first front face of the first container. EX1004, Figs 1, 3;

EX1003, ¶111. The rib also extends from the inner back wall in a first direction. *Id.*

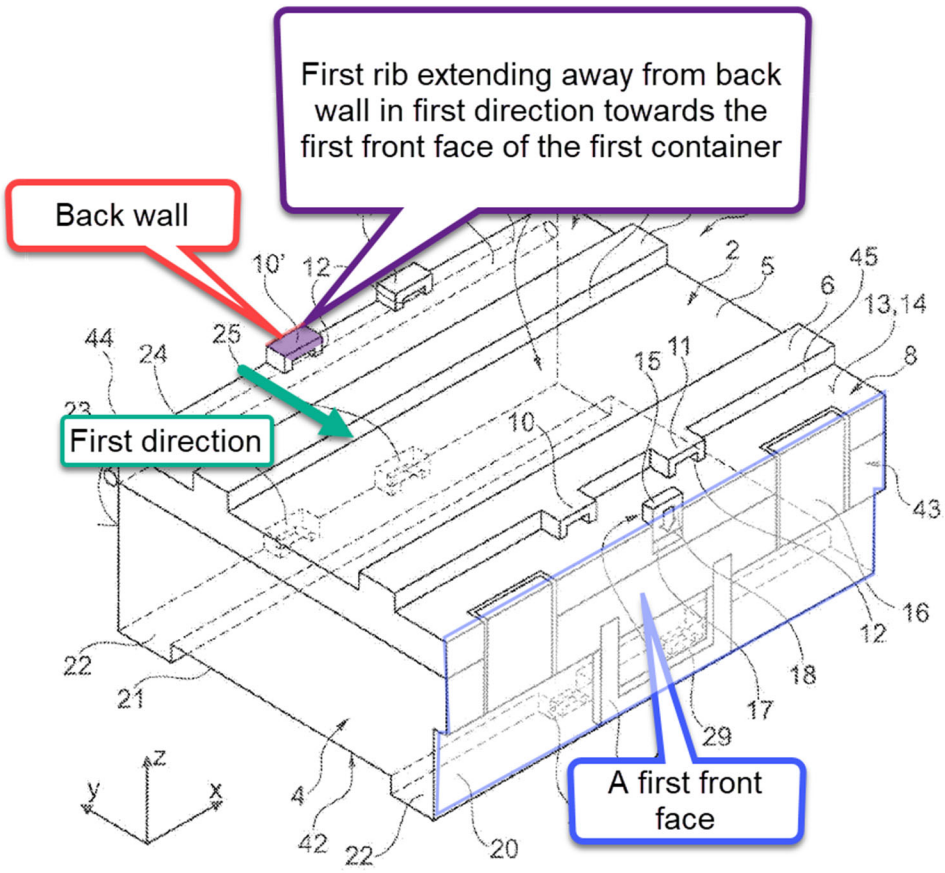
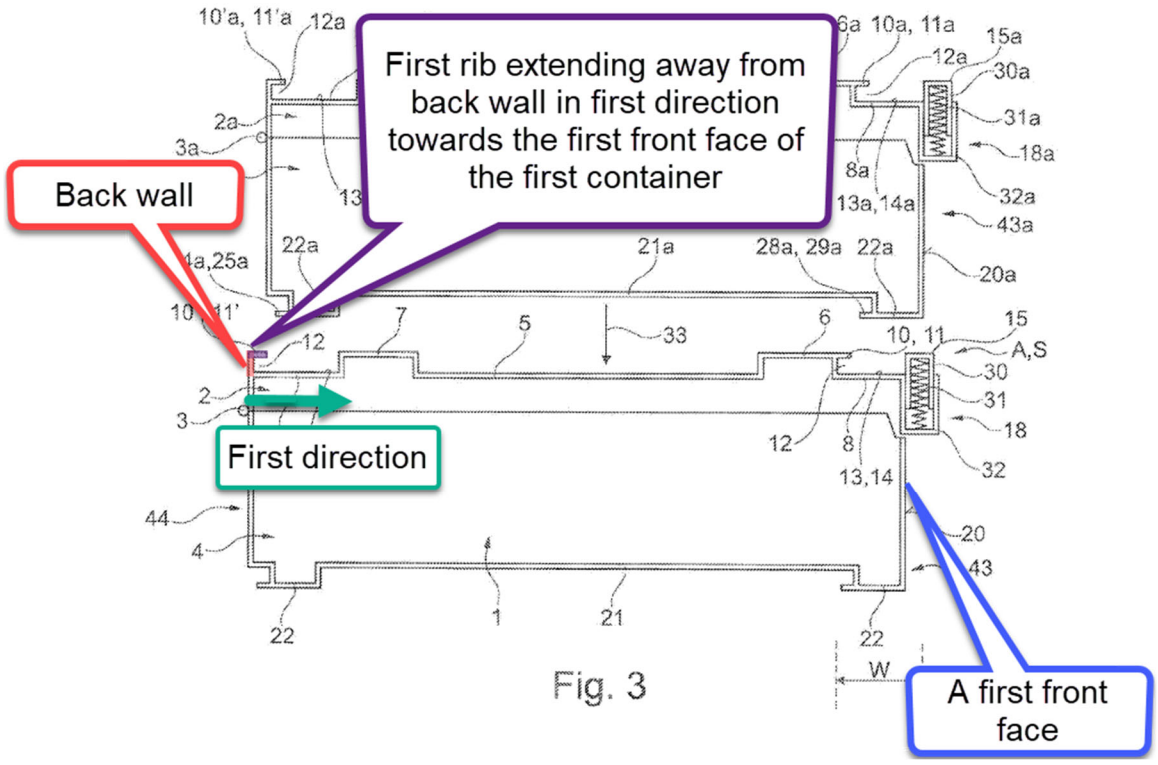


Fig. 1



Similarly, Metabowerke's rib extends from the back wall in a first direction towards the first front face of the first container. *Id.*, ¶112.

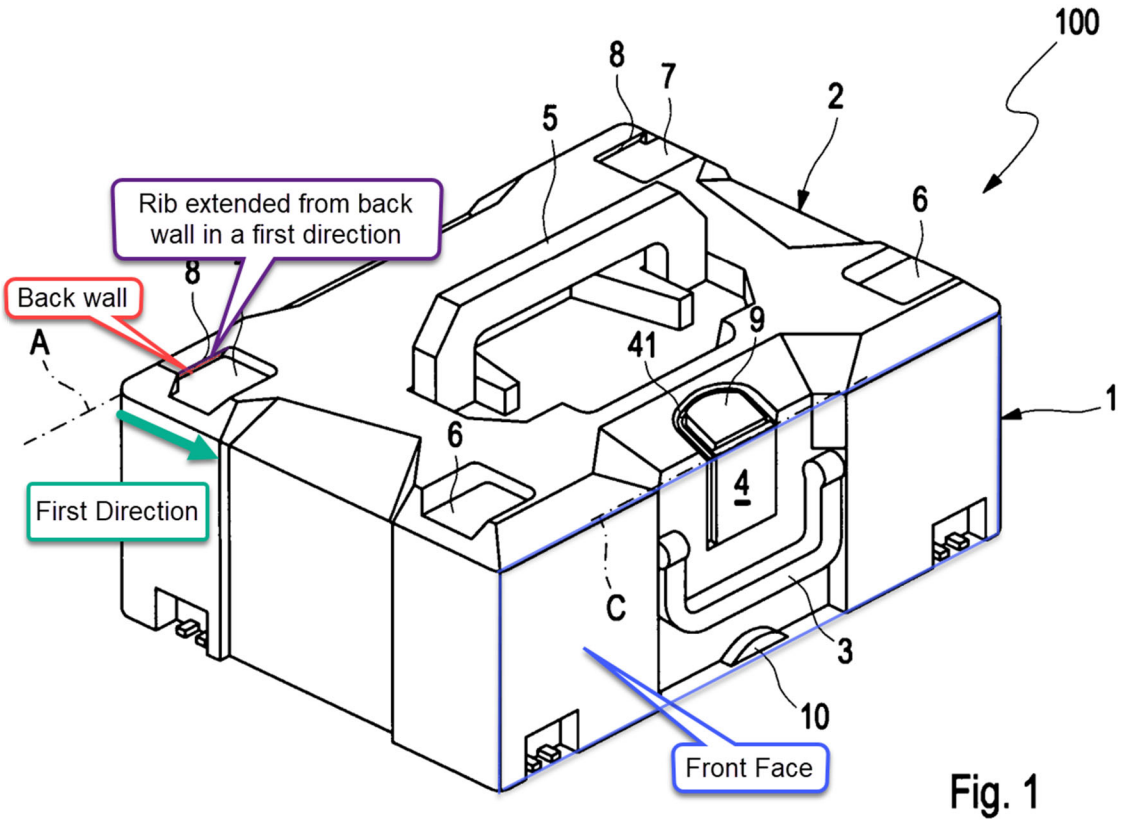


Fig. 1

14. 1[m]: wherein the second container comprises a second female coupler at a top face of the second lid, the second female coupler comprising two sidewalls, a back wall, and a second rib, the back wall located between the two sidewalls, the two sidewalls and the back wall projecting above a depressed surface of the top face of the second lid, and the second rib extending away from the back wall towards a front face of the second container and the first front face of the first container; and

Burchia, alone or in combination with Metabowerke, discloses this limitation for the same reasons discussed with respect to 1[l]. EX1003, ¶113. The second container comprises a second female coupler on the top face of its lid, comprising the same structural features as the first. *Id.*

15. 1[n]: wherein the first container defines a width axis parallel to the first front face of the first container and the second container defines a width axis parallel to the first front face of the first container, wherein the width axis of the second container is approximately one-half the width axis of the first container.

Burchia, in combination with Lin, renders this limitation obvious. EX1003, ¶¶114-118. Burchia's first and second containers define **width axes parallel to the first front face**, as shown in annotated Figure 1. *Id.*, ¶114.

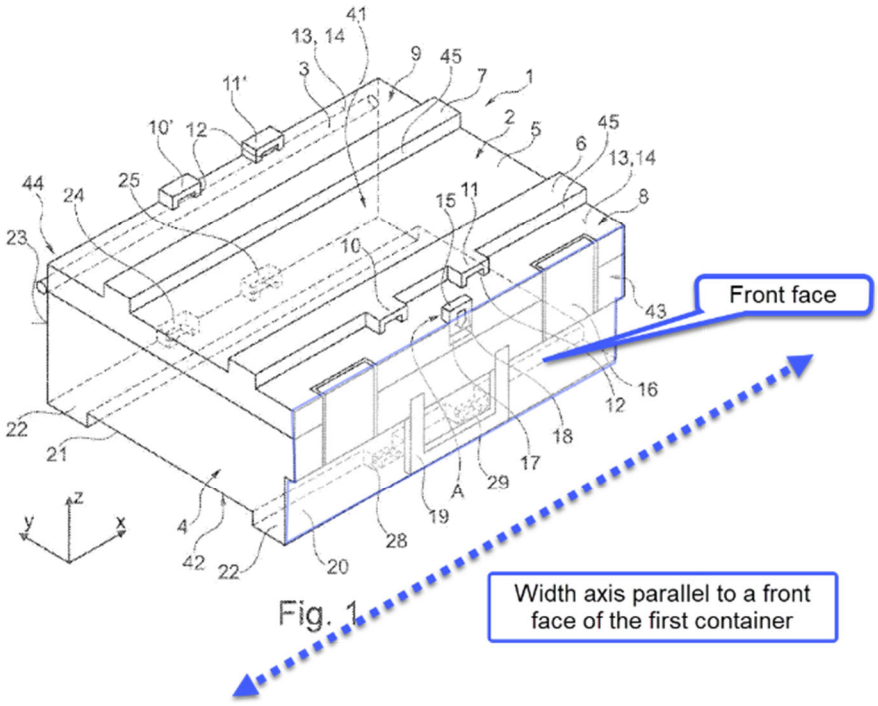


Fig. 1

However, both containers are the same size, and Burchia does not disclose a second container that is half the width of the first. *Id.*, ¶115.

Lin discloses stackable containers of different sizes, including a third container approximately half the width of the first. *Id.*, ¶116.

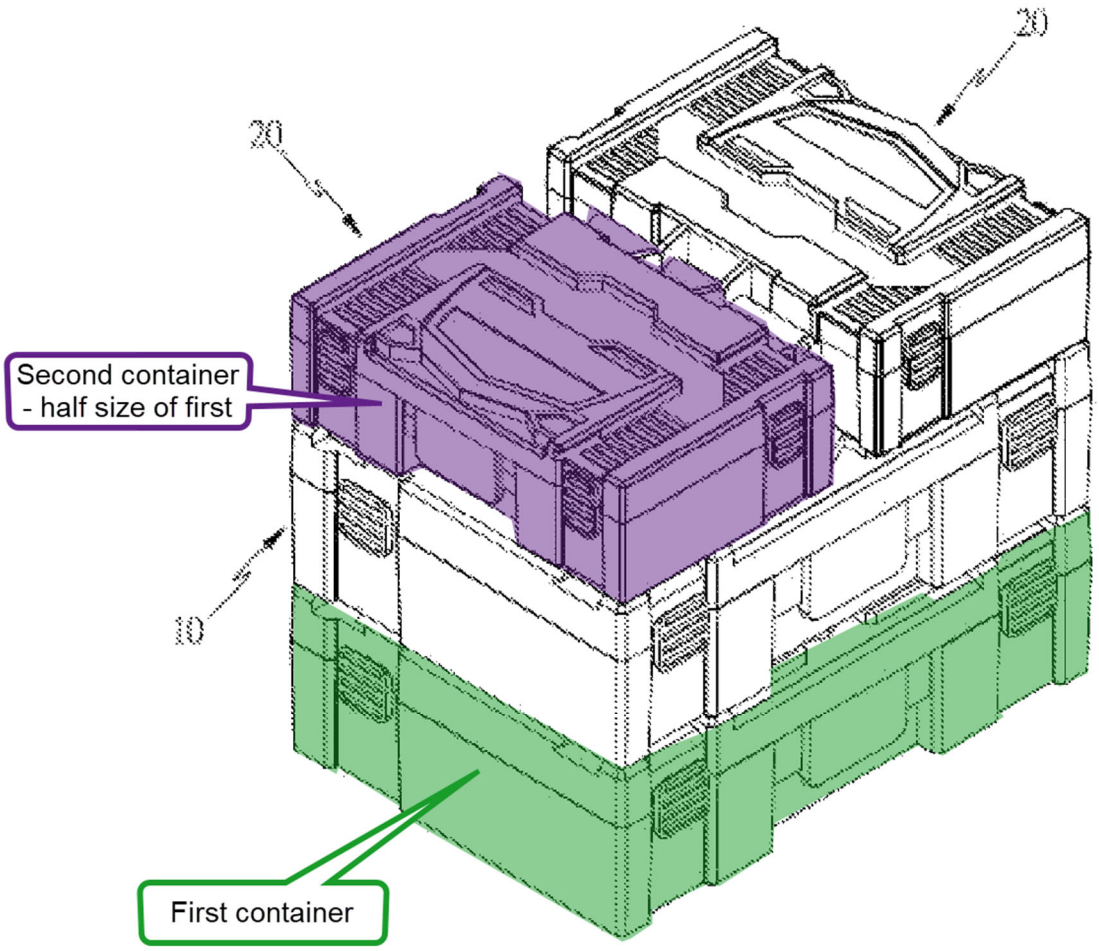


FIG.10

It would have been an obvious design choice to adopt half-width containers for modular compatibility and to hold smaller tools. *Id.,* ¶117. The '167 patent itself concedes that a POSITA would have "appreciated that the utility modules can be of any type, shape or size." EX1001, 15:67–16:2; EX1003, ¶117.

Lin, Burchia, Metabowerke, Lafragette, and the '167 patent all fall within the field of connectable containers. EX1003, ¶118. A POSITA would know that making different container sizes that are integer fractions (or multiples) would maximize interchangeability and stacking efficiency. For example, having a container that is ½ the size of another would allow two containers to be stacked or a full-size container using the same connector layout. *Id.* A POSITA would have been motivated to combine Lin's half-width containers with the stackable designs of Burchia or Metabowerke and would have reasonably expected success, as the couplers could be scaled predictably. *Id.*

C. Claim 5 (second container with corner bumpers)

(Claim language omitted for brevity; full text in List of Challenged Claims)

Burchia discloses the limitations of claim 5 for the same reasons discussed above with respect to limitations 1[c] through 1[g]. EX1003, ¶119. The second container has the same structure as the first, and adding corner bumpers from Welsh and/or Chen would have been obvious for the reasons already discussed. *Id.*

D. Claim 6: The container assembly of claim 1, wherein the first locking latch arresting location is defined by the first lid of the first container, and wherein the first locking latch arresting location defines a primary longitudinal axis that extends parallel to the first front face of the first container.

Burchia discloses an arresting location defined by the lower front face of the second container—or a recess in a setback surface on its bottom face—and aligned along a longitudinal axis parallel to the front faces of both containers, as shown in the annotated figure below. *Id.*, ¶¶120-124.

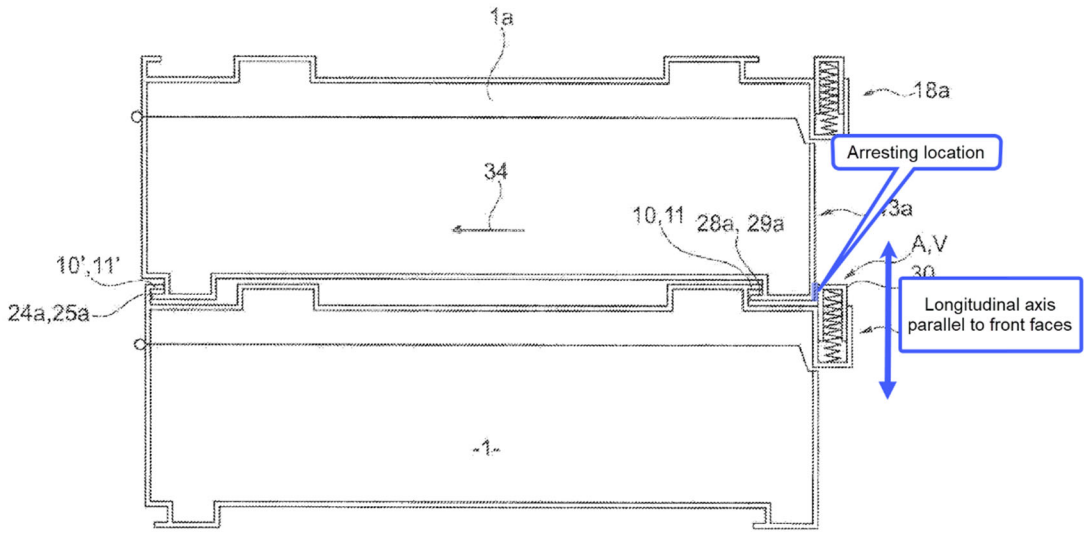


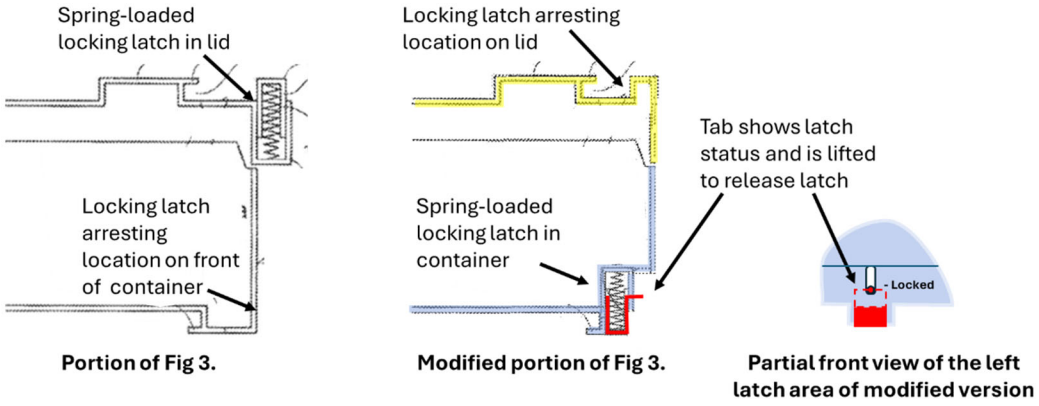
Fig. 5

It would have been obvious to a POSITA to swap the locations of Burchia's latch and arresting location such that the arresting location is defined by the first lid of the first container and extends parallel to the front face. *Id.*, ¶121. A POSITA would recognize that the latch and arresting location can be swapped without affecting function—e.g., the latch may

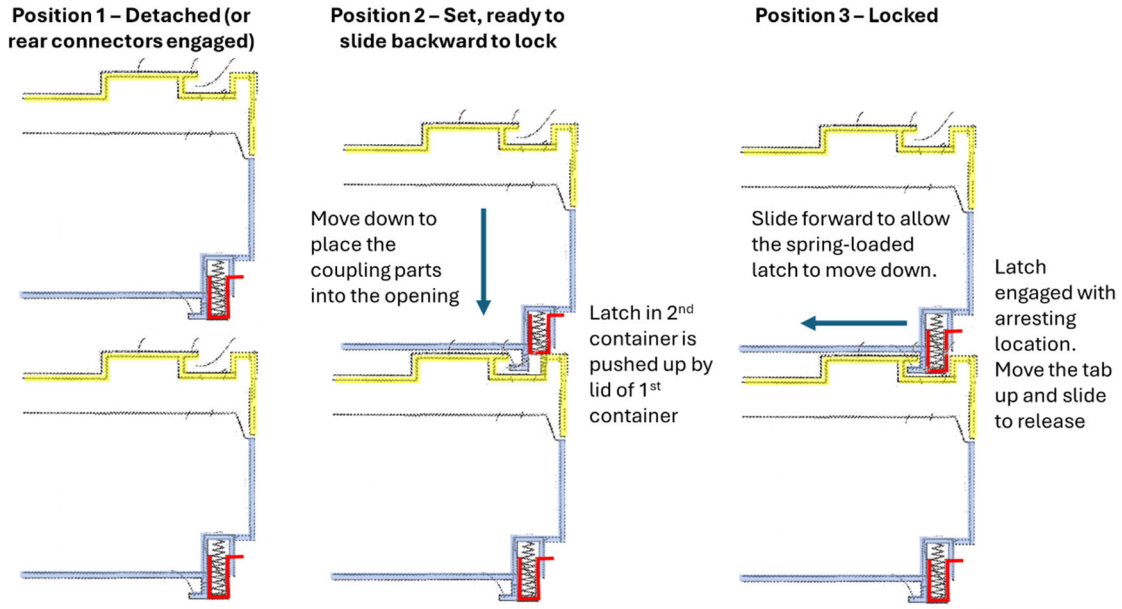
extend from the second container and engage a recess in the lid of the first. *Id.* This is a predictable design choice using known elements in a known configuration to achieve the same function. *Id.; see, e.g., Ex parte Spangler*, Appeal No. 2018-003800, at 5–8 (PTAB Feb. 20, 2019) (Informative).

A POSITA would be motivated to place the latch on the bottom face of the second container to: (i) remove a projection at the front of the container, (ii) reduce visual clutter, (iii) protect protrusions during stacking or use—just as with male couplers, and (iv) to minimize the collection of dirt or debris that could accumulate in and around the moving latch and prevent it from working properly. EX1003, ¶122.

A portion of Fig. 3 and the proposed modification are shown below and in Dr. Collins declaration. *Id.*, ¶123. As can be seen in the comparison, the obvious proposed modification simply moves the spring-loaded latch to the base of the container next to and protected by the "foot" and the arresting location to the lid. *Id.*



The sequence of assembly is shown below (*id.*, ¶124):



Position 1: The two containers are detached, or the rear couplers could be engaged

Position 2: Container 2 is moved (or pivoted) down so that all of container 2's feet and projections are in the recessed areas

of container 1's lid. The spring loaded locking latch of the container 2 is pushed up by the lid of container 1.

Position 3: The two containers are slid together which engages the front and rear couplers and allows the spring-loaded latch to move down and engage the arresting location, locking the two containers together. A user can lift the tab of the spring-loaded latch to disengage the spring-loaded latch and arresting location to reverse the steps and detach the two containers.

Id., ¶124.

E. Claim 7: The container assembly of claim 1, the first container comprising a plurality of female couplers including the first female coupler, each of the plurality of female couplers at the top face of the first lid, wherein the plurality of female couplers comprise four female couplers comprising a front row of at least two female couplers aligned with each other in a direction parallel to the first front face of the first container and a rear row of at least two female couplers aligned with each other in the direction parallel to the first front face of the first container.

Burchia discloses this limitation. *Id.*, ¶125. As shown below, the first container includes four female couplers—two in front and two in back—aligned parallel to the front face. *Id.*

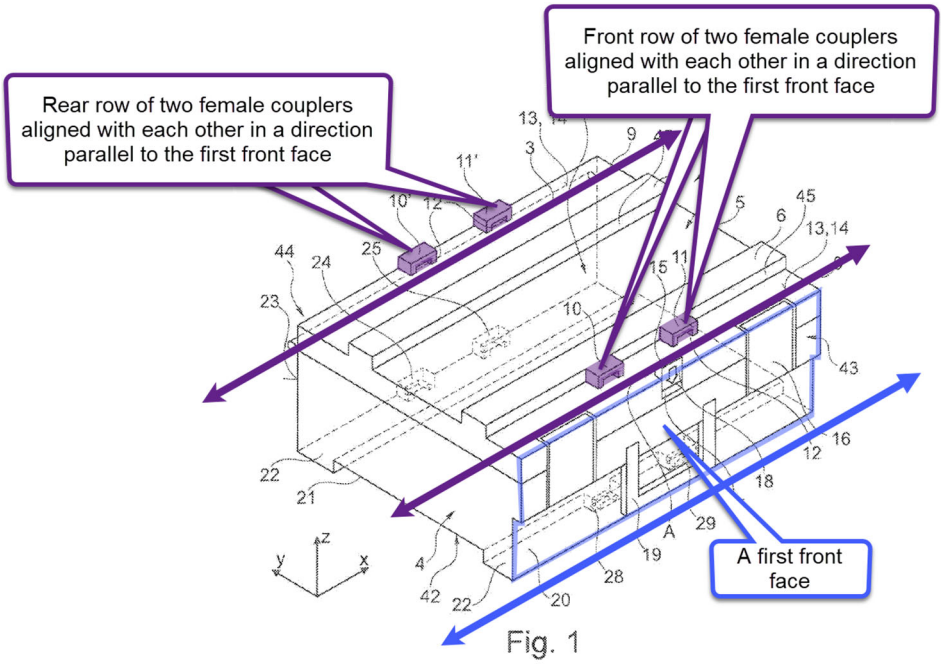


Fig. 1

F. Claim 10

Claim 10 is identical to claim 6 and is therefore obvious for the same reasons and prior art discussed above. *Id.,* ¶126.

G. Claim 11: The container assembly of claim 1, wherein the locking latch is spring biased to engage with the first locking latch arresting location.

As shown in annotated Figure 3, Burchia discloses a spring-biased locking latch that extends above the depressed face of the top of the second container. *Id.*, ¶¶127-130. The movement in the green line reflects how far it extends in its default, biased position. *Id.*, ¶127.

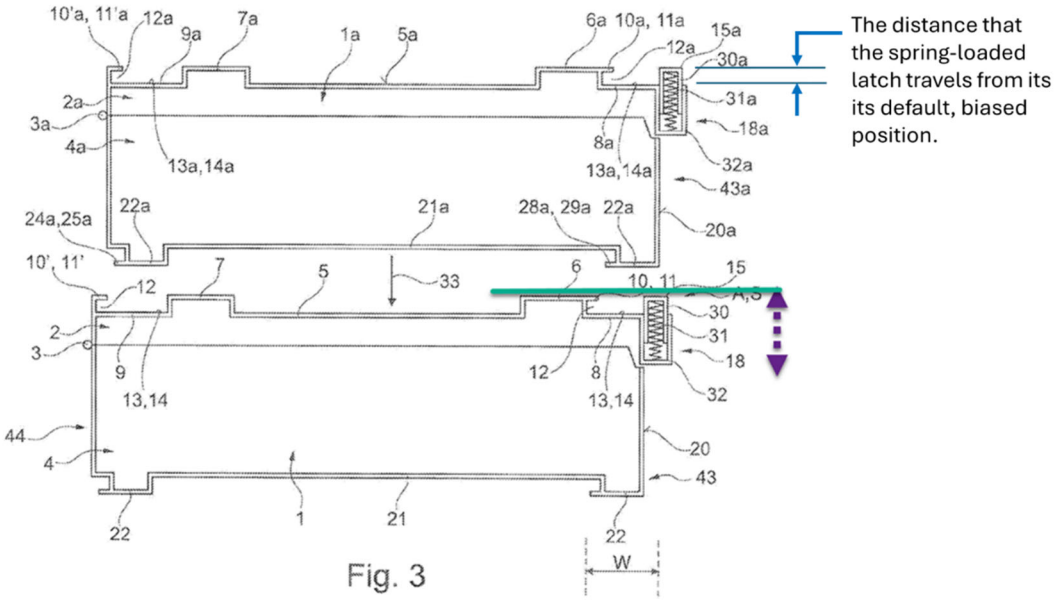


Fig. 3

In Figure 4, the spring is compressed, and the latch sits near the level of the depressed surface to allow coupling. *Id.*, ¶128.

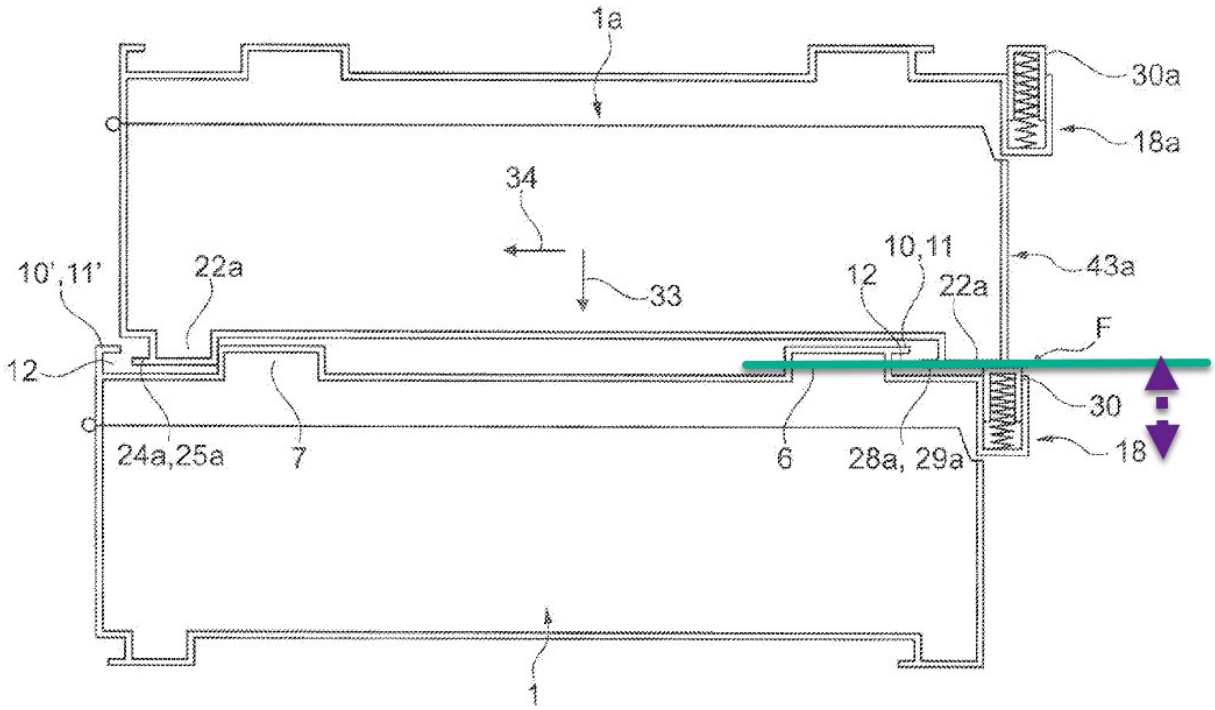


Fig. 4

In Figure 5, the latch enters the arresting location, and the spring returns to its extended position, locking the containers together. *Id.,* ¶129.

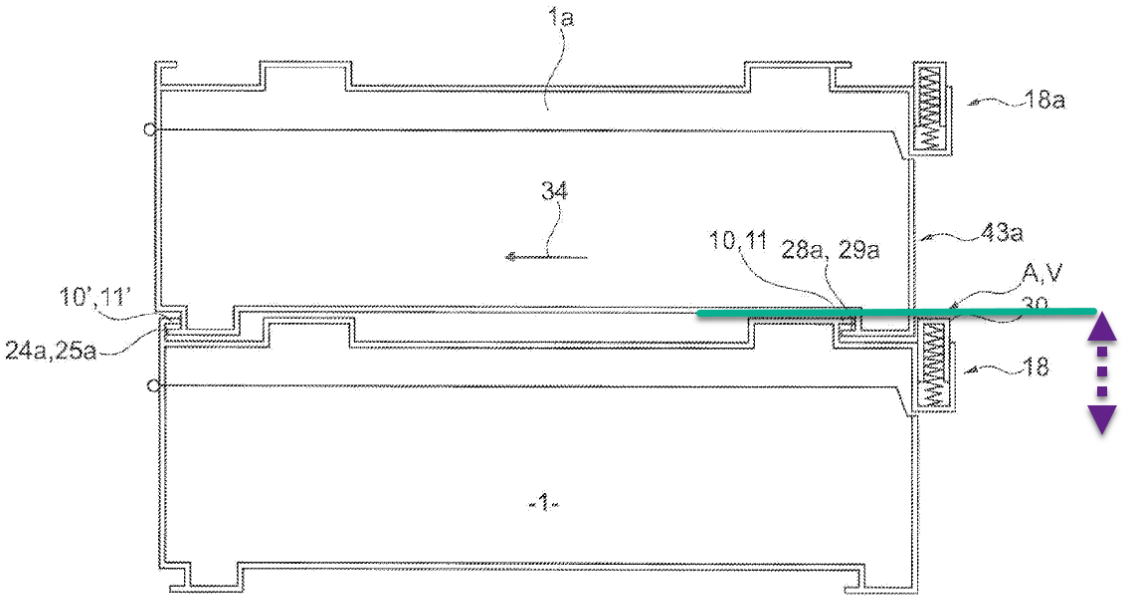


Fig. 5

As discussed with respect to claim 6, a POSITA would have recognized that the latch and arresting location could be swapped between the containers without altering function and would have found it obvious to place the spring-biased latch on the bottom face of the second container to engage an arresting location on the first lid. See Claim 6 discussion. EX1003, ¶130. This configuration would have achieved the same locking function using known elements and offered design advantages including a flatter top surface and reduced component exposure. *Id.*

H. Claim 12: The container assembly of claim 1, the first container comprising a first tiltable carrying handle coupled to the first side face, and the second container comprising a second tiltable carrying handle coupled to a side face of the second container.

Burchia discloses a pivotally connected (i.e., tiltable) handle coupled to the front face of its containers, between closure latches, as shown below. EX1003, ¶131.

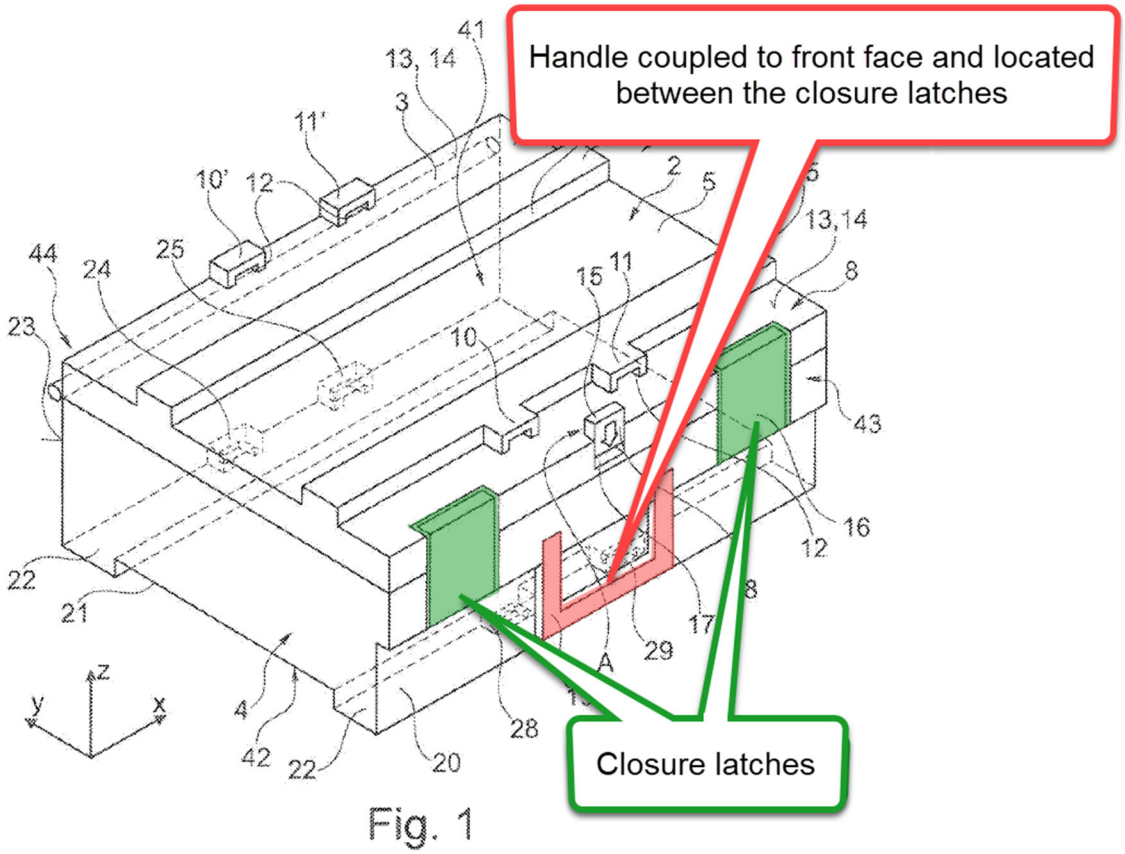


Fig. 1

It would have been obvious to a POSITA to also (or instead) include tiltable handles on the side faces of such containers based on common sense and design choice with predictable results. *Id.*, ¶132. For example, Burchia

could be combined with Williams (U.S. Patent No. 5,890,613), which discloses pivoted (*i.e.*, tiltable) side handles on modular containers. EX1012, 3:23-25 ("pivoted handclasps 46"); EX1003, ¶131. Williams notes that "containers having hinged lids and carrying handles have been employed for scores of years," confirming that such features were well-known in the art. EX1012, 1:14-16; EX1003, ¶131.

Adding a side tiltable handle to Burchia's container would have been a predictable variation to aid lifting, especially for heavier or imbalanced loads requiring two hands. EX1003, ¶132. The '167 patent offers no novel structure or function for its side handles, which are common in modular containers and serve routine ergonomic purposes. *Id.* Both references are directed to modular containers designed to carry contents and be lifted and transported by users. A POSITA would have viewed the use and placement of carrying handles as an obvious design choice, depending on size, weight, and use case, with a reasonable expectation of success in combining known elements from analogous art. *Id.*

I. Claim 13: The container assembly of claim 1, wherein the first locking latch arresting location is a recess defined in an upward facing surface of the top face of the first lid.

Burchia discloses a container assembly wherein the locking latch arresting location is either the lower front face of the second container or a

recess in a setback surface on its bottom. EX1003, ¶134. As discussed above with respect to claims 6 and 11, it would have been obvious to a POSITA to swap the locations of the latch and arresting location, such that the arresting location is a recess in the top face of the first lid. *Id.*

A POSITA would have recognized that this swap would not alter the locking function and would have been a predictable design choice using known elements to achieve the same function. *See, Spangler* (Informative), at 5–8 (holding that changing the location and size of locking components was an obvious design choice); *see also* EX1003, ¶135.

A POSITA would also have been motivated to relocate the latch to the bottom face of the second container to maintain a flatter top surface, minimize visual clutter, reduce risk of damage to protruding components, and minimizing the risk of dirt or debris from affecting the latch motion. EX1003, ¶136.

J. Claim 14: The container assembly of claim 13, wherein the recess comprises a front wall, a rear wall and a bottom wall extending between the front wall and the rear wall, wherein a lower face of the locking latch faces the bottom wall of the recess when the locking latch is in the locked position.

As discussed above with respect to claims 6, 11, and 13, it would have been obvious to a POSITA to reverse the locations of Burchia's latch and

arresting location, placing the arresting recess in the lid of the first container. *Id.*, ¶137.

Claim 14 merely describes the shape of the recess (with front, rear, and bottom walls) and the expected position of a latch within it. *Id.,* ¶138. The '167 patent does not identify anything novel or non-obvious about such a configuration. *Id.*

A POSITA would have found it obvious to use a recess with these basic structural features—walls to receive the latch and a surface it faces when locked—as disclosed in Burchia itself and/or in Lafragette, as discussed below. *Id.,* ¶139.

K. Claim 15

Claim 15 mirrors the limitations of claim 1 through 1[k]. The chart below cross-references the corresponding limitations, and the rationale and prior art cited for claim 1 apply equally to claim 15. EX1003, ¶140.

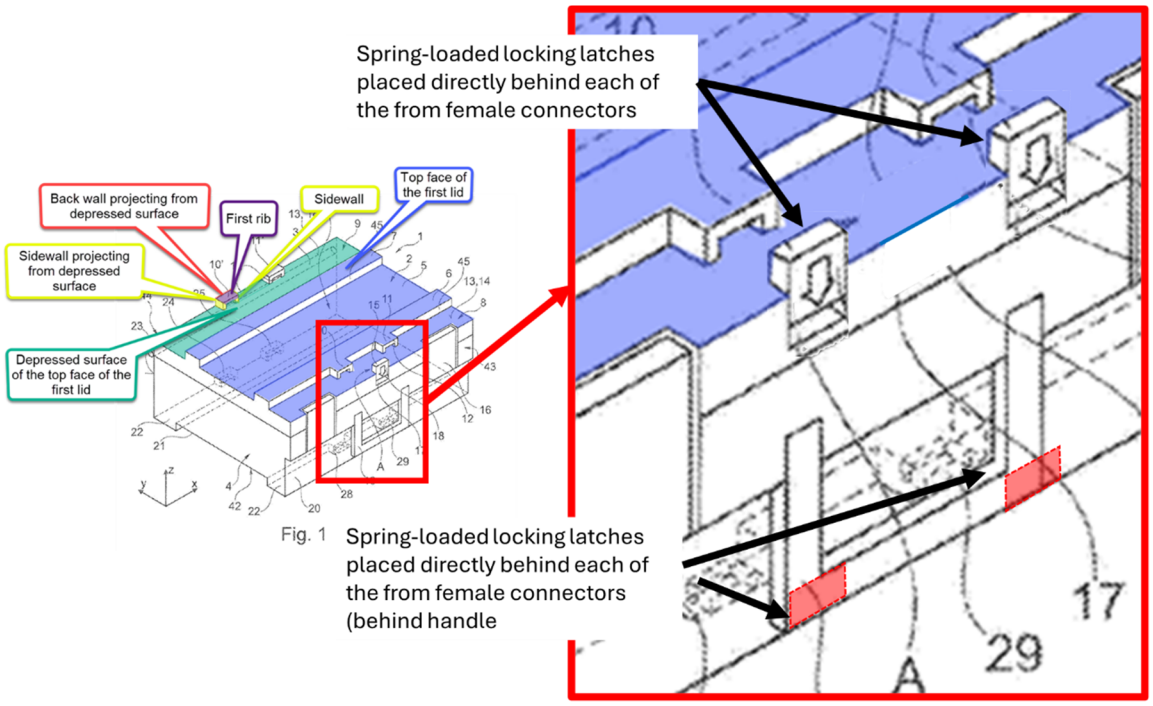
Claim 15 limitations	**Corresponding claim 1 limitations**
15[pre]	1[pre]
15[a]	1[a]
15[b]	1[b]
15[c]	1[c]
15[d]	1[d]
15[e]	1[e]
15[f]	1[f]
15[g]	1[g]
15[h]	1[h]

15[i]	1[i]
15[j]	1[j]
15[k]	1[k]

1. 15[l]: the first container comprising a plurality of female couplers including the first female coupler, the plurality of female couplers at the top face of the first lid, the first container comprising a second locking latch arresting location; and

Burchia alone or in combination with Lin renders this limitation obvious. As discussed with respect to claim 7, Burchia discloses a plurality of female couplers at the top face of the first lid. EX1003, ¶141.

Claim 15[l] adds only a second locking latch arresting location. As discussed with respect to claims 6 and 13, it would have been obvious to a POSITA to position arresting locations on the first lid. Further, as shown in Dr. Collins' modified version of Burchia below, it would have been obvious to a POSITA to position spring loaded latches directly in front of each of the two front female couplers—along with a corresponding pair of arresting locations. EX1003, ¶142. A POSITA would be motivated to make this change as it would be stronger, prevent torquing of the latch and container when being transported, and reduce the chances of inadvertent release. *Id.*



In addition, Lin confirms that doing so allows for multiple smaller containers to stack securely. *Id.*, ¶143.

2. 15[m]: the container assembly comprising a third container comprising: a second male coupler extending from a bottom face of the third container, the second male coupler configured to slidingly engage with one of the plurality of female couplers of the first container, wherein the second male coupler and the at least one of the plurality of female couplers engage each other when the first and second containers are slid with respect to each other;

Burchia in combination with Lin renders this limitation obvious. EX1003, ¶144. As discussed above with respect to claim 15[l] and 1[n], Lin discloses half-width containers stacked on a larger base container. *Id.* A POSITA would have found it obvious for the third container to use the same

couplers as the others—*i.e.,* a male coupler extending from its bottom face to slidingly engage one of the female couplers on the first container. *Id.*

3. 15[n]: a third lid pivotally attached to the third container;

Burchia in combination with Lin renders this limitation obvious. *Id.,* ¶145. As discussed above, Lin teaches containers of varying sizes, including smaller containers stacked on a larger base. *Id.* A POSITA would have found it obvious for such a third container to include the same type of pivotally attached lid as the others. *Id.*

4. 15[o]: a third female coupler at a top face of the third lid, the third female coupler comprising two sidewalls, a back wall, and a first rib, the back wall located between the two sidewalls, the two sidewalls and the back wall projecting above a depressed surface of the top face of the third lid, and the first rib extending away from the back wall towards a front face of the third container and the front face of the third container and the front face of the first container; and

Burchia in combination with Lin renders this limitation obvious. *Id.*, ¶146. As with prior limitations, including similar female couplers on a smaller container, as in Lin, would have been obvious. *Id.*

5. 15[p]: a second locking latch positionable in a locked position engaging the second locking latch arresting location thereby limiting sliding displacement of the third container with respect to the first container.

Burchia in combination with Lin renders this limitation obvious. *Id.,* ¶147. As discussed with respect to limitation 15[l], Lin discloses multiple smaller containers stacked on a larger container. *Id.* A POSITA would have found it obvious to use an additional locking latch and arresting location with the same function as in the other containers. *Id.*

L. Claim 16: The container assembly of claim 15, wherein the first container defines a width axis parallel to the first front face of the first container, the second container defines a width axis parallel to the first front face of the first container, and the third container defines a width axis parallel to the first front face of the first container, wherein the width axis of the second container is approximately one-half the width axis of the first container, and the width axis of the third container is approximately one-half the width axis of the first container.

Burchia in combination with Lin renders this limitation obvious for the same reasons discussed with respect to limitation 1[n]. *Id.*, ¶¶148-151.

As shown below, Lin discloses second and third containers that are each approximately half the width of a first container. *Id.,* ¶149.

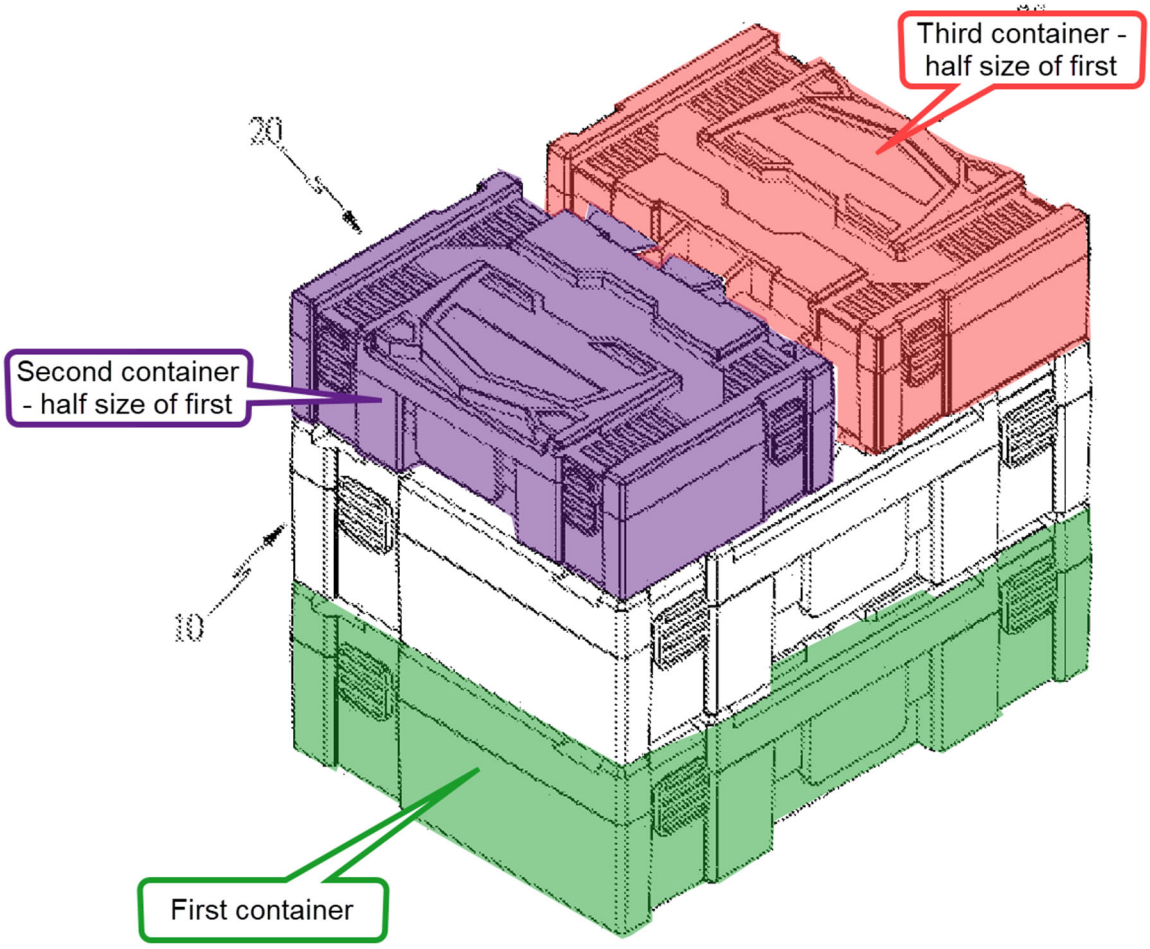


FIG.10

A POSITA would have found it obvious to design containers in multiple sizes—*e.g.*, half-width containers for smaller tools—using the same coupling mechanisms. *Id.*, ¶150. The '167 patent itself concedes that a POSITA would have "appreciated that the utility modules can be of any type, shape or size . . . ." EX1001, 15:67–16:2; EX1003, ¶150.

Lin, Burchia, Metabowerke, Lafragette, and the '167 patent are all in the same field of connectable containers. EX1003, ¶151. A POSITA would

have reasonably expected success adapting Burchia or Metabowerke to the half-size formats disclosed in Lin. *Id.*

IX. GROUND 2: BURCHIA, METABOWERKE, LAFRAGETTE, BENSMAN, WELSH AND LIN RENDER OBVIOUS CLAIMS 1, 5-7, 10-16

If Patent Owner argues Burchia lacks an "arresting location," it would have been obvious to modify it in view of Lafragette to include a recess serving that function. EX1003, ¶152.

A. Motivation to Combine Burchia with Lafragette's Teachings

As discussed above, Burchia discloses multiple embodiments that include an arresting location for its locking latch. But even assuming it does not, a POSITA would have found it obvious to incorporate Lafragette's recess, which serves as an arresting location for its spring-biased latch. *Id.*, ¶153.

Including a recess as taught in Lafragette would have provided additional protection for the latch (*e.g.*, preventing inadvertent disassembly and contamination). *Id.*, ¶154. As discussed, it would also have been obvious to swap the locations of the latch and arresting location, placing the arresting recess in the lid of the first container. *Id.*

Burchia and Lafragette both teach container assemblies with similar coupling mechanisms: a male coupler sliding into the depressed surface of a

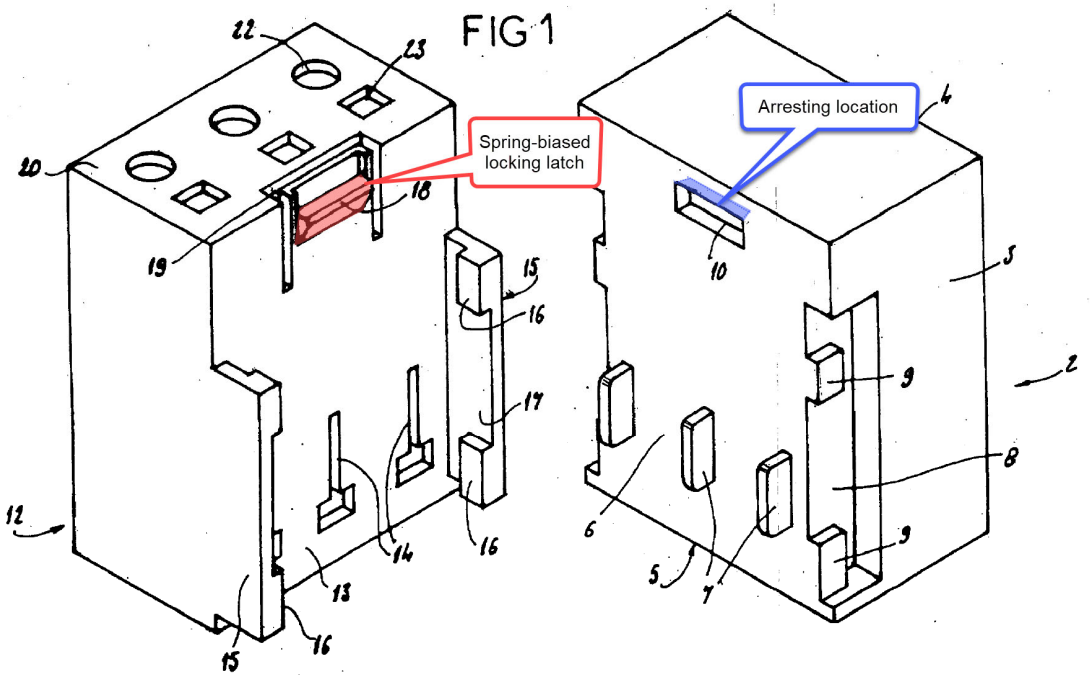
female coupler, engaging a rib, and held by a spring-biased latch. *Id.,* ¶155. A POSITA could have opted for an arresting location on the container's front face (as in Burchia), in a recess on the bottom face (also Burchia), or in a recess as in Lafragette—depending on design preference. *Id.*

Incorporating Lafragette's recessed arresting location would have been a predictable design improvement well within the common sense and knowledge of a POSITA. *Id.,* ¶156. A POSITA would have reasonably expected success, particularly given Burchia's own contemplation of a setback surface. *Id.* Even absent that, a recessed surface is simple structural option providing obvious benefits. *Id.* A slot in the latch face could allow a user to depress the spring and disengage the containers. *Id.*

B. Limitations 1[i], 1[l], 6, 11, 13, 14, 15[h], 15[k], 15[l], 15[p] ("Locking Latch Arresting Location")

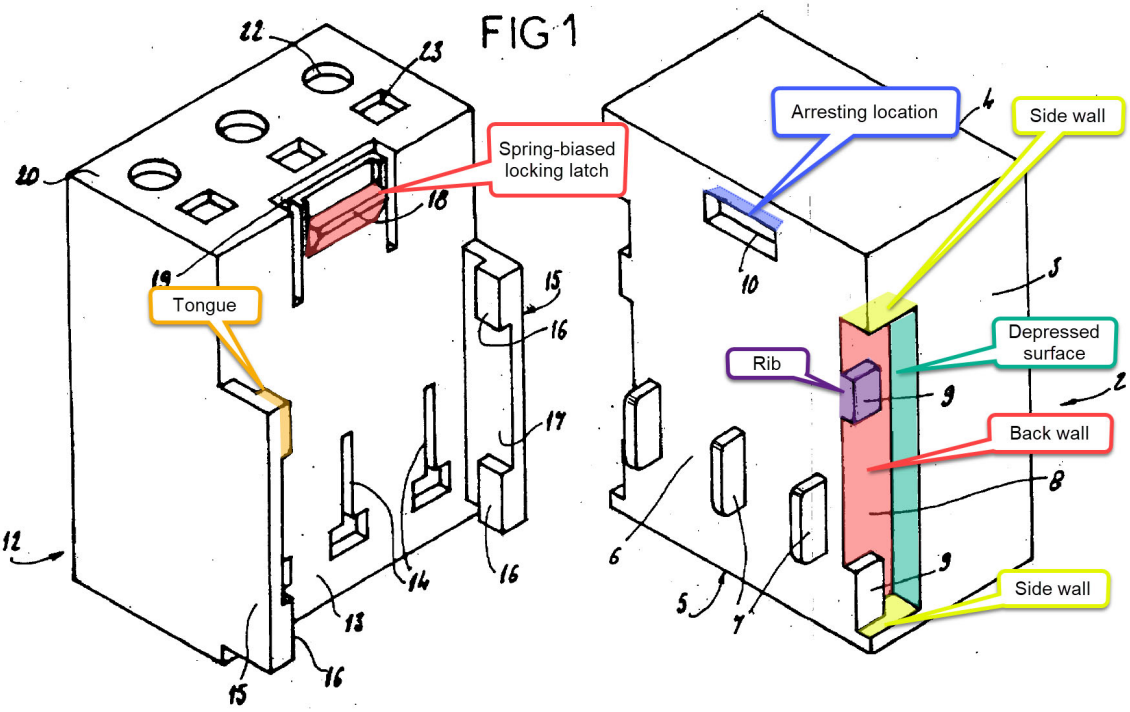
Lafragette expressly discloses a **locking latch arresting location** defined as a wall of the recess in its second container. EX1003, ¶157.

It teaches a resilient "tab" (a spring-biased locking latch) on the first container that penetrates a "recess" on the second container at the end of the longitudinal movement used to couple the containers. EX1005, ¶¶32-33; EX1003, ¶158. These are shown in Figure 1, annotated below with dashed blue lines to reflect the inner top surface of the recess:

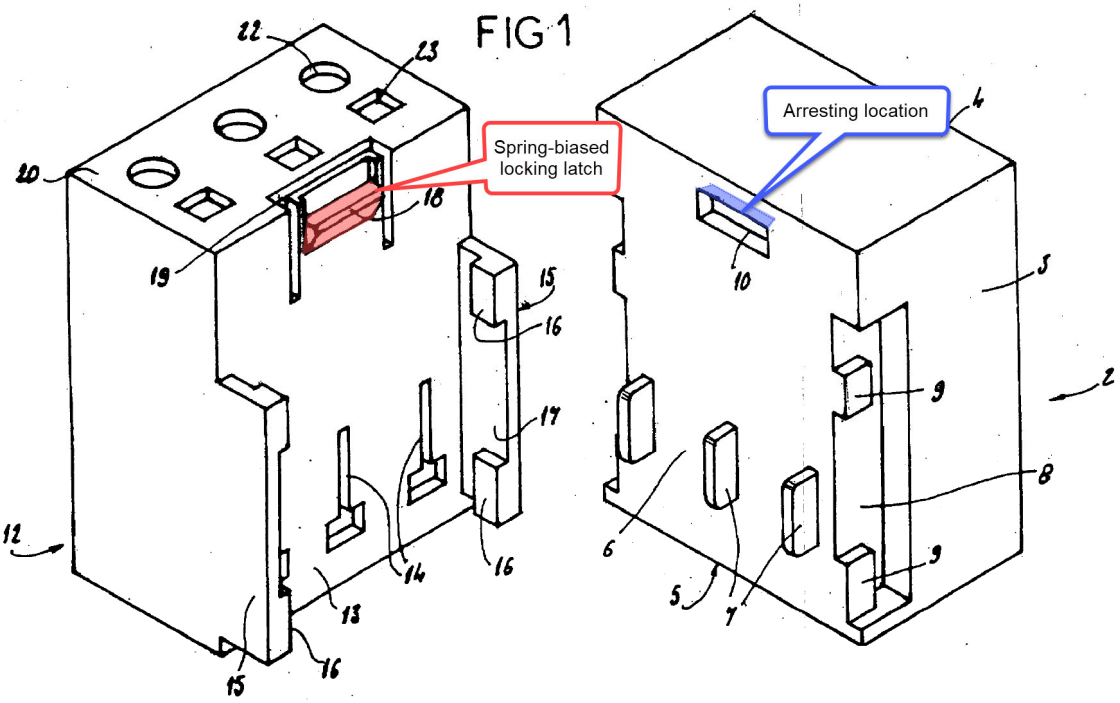


EX1003, ¶158.

Both Lafragette and Burchia describe sliding a male coupler into a female coupler comprising a **depressed surface** having a **back wall**, **sidewalls**, and a **rib**, where a **spring-biased locking latch** secures the containers once it reaches its **arresting location**. *Id.*, ¶159.



A POSITA would have been motivated to use Lafragette's recess in Burchia's container to protect the latch. *Id.*, ¶160. Figure 1 shows Lafragette's "resilient tab 18" engaging the recess to limit displacement of the containers—i.e., a **spring-biased locking latch** engaging a **locking latch arresting location**. *Id.*



X. GROUND 3: BURCHIA, METABOWERKE, WELSH (OR CHEN), LIN, AND BENSMAN RENDER OBVIOUS CLAIMS 2-4 AND 8-9

A. Claim 2: The container assembly of claim 1, the first container comprising: a first rear wall opposite the first front face; a pair of rear wheels extending past the first rear wall; and a telescoping handle extending upwards from the first rear wall of the first container.

As described above, Burchia alone or in combination with Metabowerke makes obvious claim 1. EX1003, ¶161. Although Burchia does not disclose rear wheels or a telescoping handle, it would have been an obvious design choice for a POSITA to include such features to improve mobility. *Id.* Metabowerke likewise notes that "assemblies of similar

containers can be formed which can be easily transported together and stored stacked." EX1020, ¶[0001]. Wheels are the most obvious way to assist with moving stacked, heavy containers. EX1003, ¶161.

Bensman discloses a container system with rear wheels and a telescoping handle extending from the rear wall of the bottom container. EX1008, Fig. 13 ("FIG. 13 shows yet another embodiment . . . having a first container 12 with an extendible, telescopic apparatus handle 38."); EX1003, ¶162.

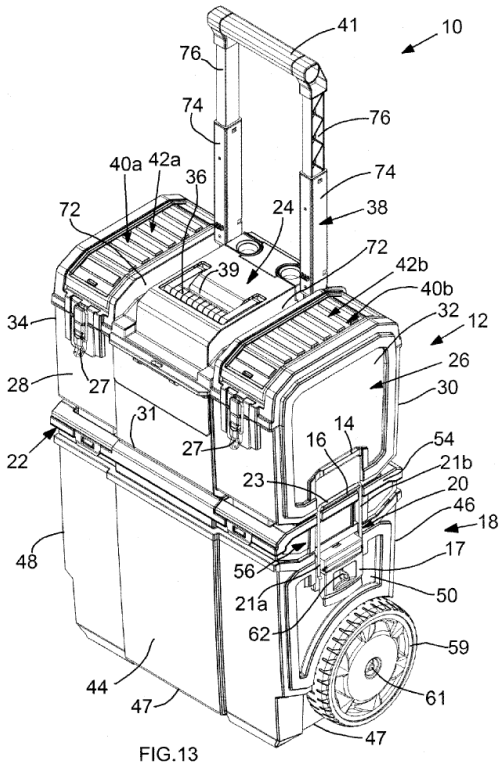


FIG.13

The addition of a telescoping handle on the rear wall of the first (bottom) container for mobility was not only an obvious design choice for a POSITA but represents a default one most likely selected by a POSITA. EX1003, ¶163.

1. Motivation to Combine

A POSITA would have been motivated to add the wheels and handle of Bensman to Burchia or Metabowerke to facilitate mobility. EX1003, ¶¶164-165. Tools are heavy, especially when filling multiple stacked containers. *Id.*, ¶154. Given the simple mechanical nature of containers, a POSITA would have reasonably expected success. *Id.* The wheels would naturally go on the ground-contacting container, with the telescoping handle mounted to either container depending on design choice. *Id.*

Bensman, Burchia, Metabowerke, Lafragette and the '167 patent all related to connectable container assemblies. *Id.,* ¶165. Adding Lafragette's recess would not alter how Bensman integrates with Burchia or Metabowerke. *Id.*

B. Claim 3: The container assembly of claim 2, wherein the first female coupler of the first container and the male coupler of the second container engage each other when the first and second containers are slid with respect to each other along a sliding path defined by the first female coupler and the male coupler.

As described above, Burchia alone or in combination with Metabowerke, and if necessary Lafragette, with Bensman makes obvious claim 2. *Id.*, ¶166. Burchia, alone or in combination with Metabowerke, discloses this limitation. Burchia shows the second container sliding along the contact surface (arrow 34) such that the male coupler's tongue engages the female coupler's rib in Fig. 5. *Id.*

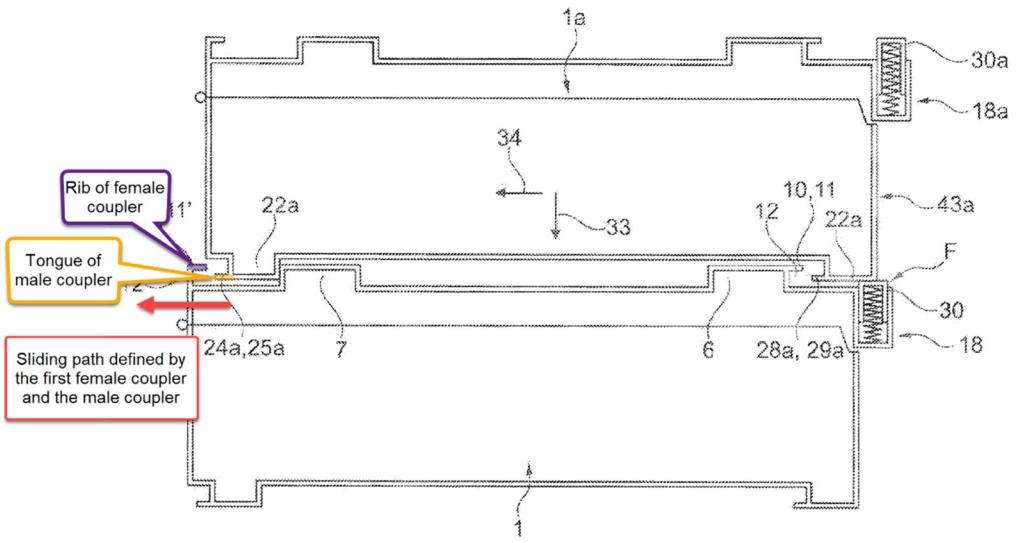


Fig. 4

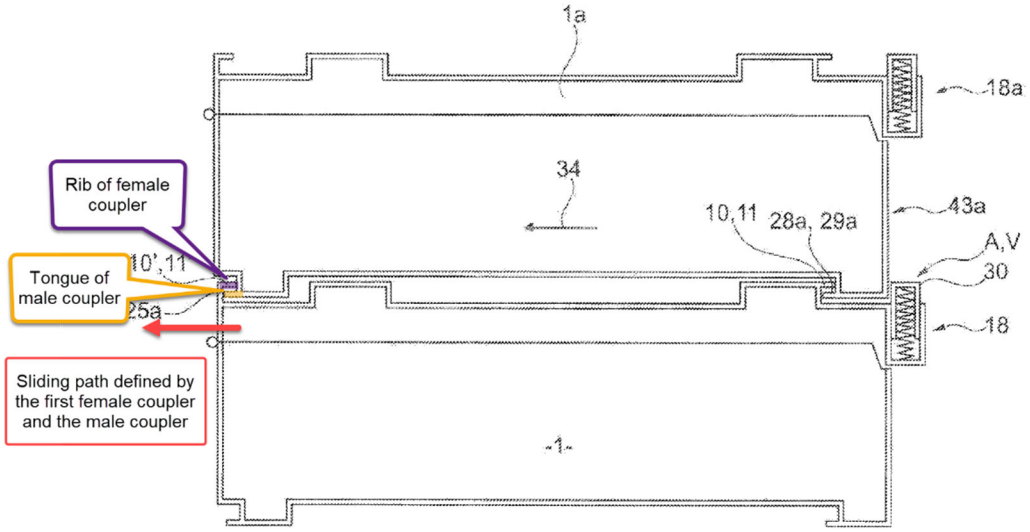


Fig. 5

To the extent Burchia is argued not to disclose a depressed surface having a back wall, sidewalls and a rib, Metabowerke teaches these features, with the rib and tongue defining the sliding path. *Id.*, ¶167.

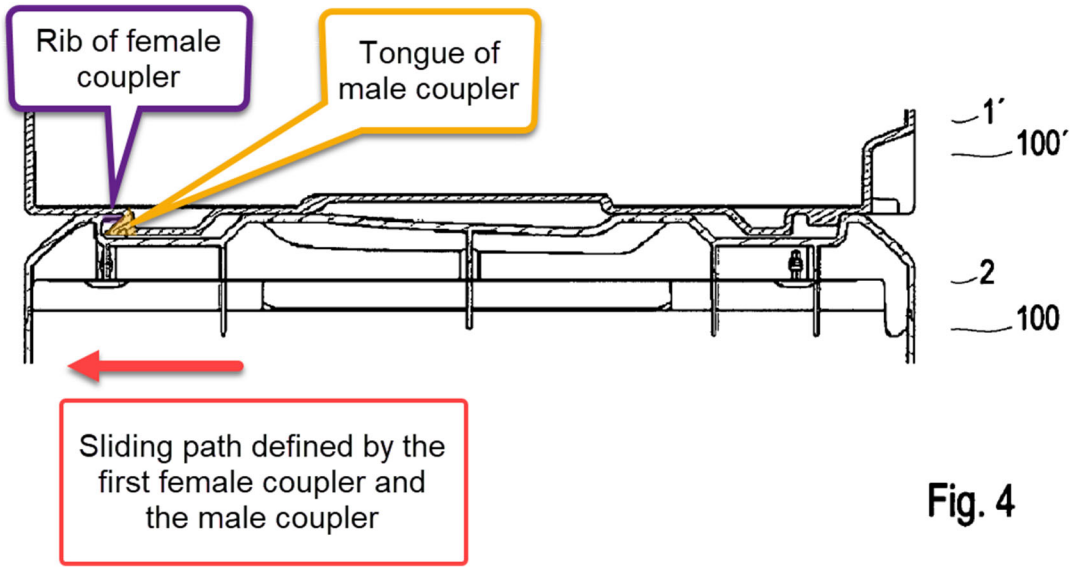


Fig. 4

C. Claim 4: The container assembly of claim 3, wherein the sliding path is perpendicular to the first front face and the first rear wall.

As described above, Burchia alone or in combination with Metabowerke, and if needed Lafragette, makes obvious claim 3. *Id.*, ¶168. Burchia discloses this additional limitation. As shown below, the **sliding path** 34 (green arrow) is perpendicular to the **first front face** and the **first rear wall**. *Id.*

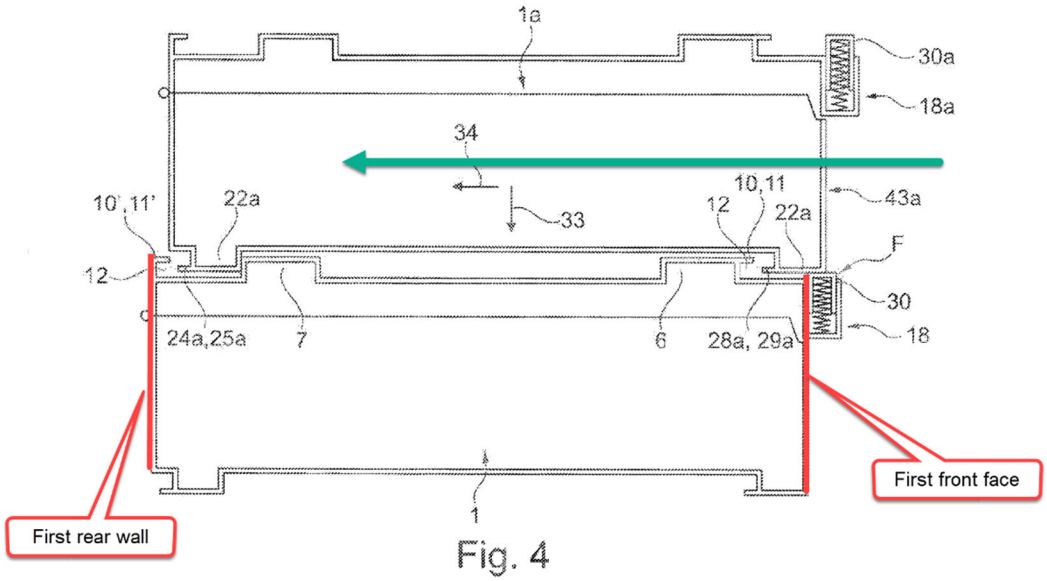


Fig. 4

D. Claim 8: The container assembly of claim 1, the first container comprising a first toggle locking latch configured to latch the first lid of the first container in a closed position, and a second toggle locking latch configured to latch the first lid of the first container in a closed position, and the second container comprising a third toggle locking latch configured to latch the second lid of the second container in a closed position, and a fourth toggle locking latch configured to latch the second lid of the second container in a closed position.

As described above, Burchia alone or in combination with Metabowerke, and if necessary Lafragette, makes obvious claim 1. EX1003, ¶169. Burchia, alone or with Bensman, discloses this limitation. *Id.* Burchia teaches that the **first lid** is secured using "closure elements **16**, such as closure latches." EX1004, 10:13-15; EX1003, ¶169. A POSITA would understand that "**closure latches**" are a broader category which includes "**toggle-locking latches**." EX1003, ¶169. Toggle latches are those latches wherein a lever or handle is stable in two positions, "toggling" between locked and unlocked positions. *Id*. Such latches are called "toggle locking" because they toggle between two positions such as the movement of a toggle light switch. *Id.*

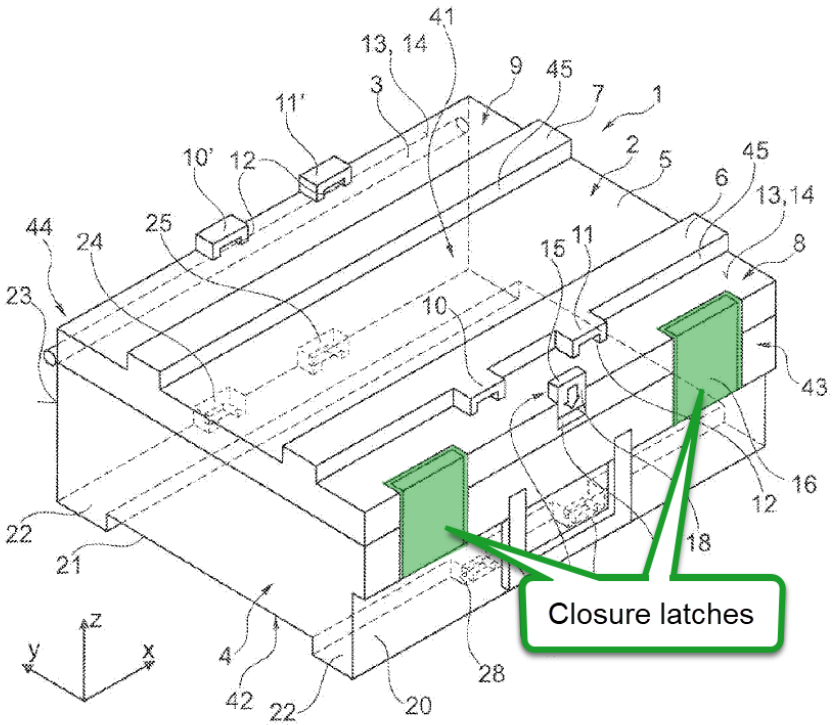


Fig. 1

Dr. Collins' identifies the four toggle locking latches of Burchia in the annotated and modified (to show stacking) Figure 1 below (*id.*):

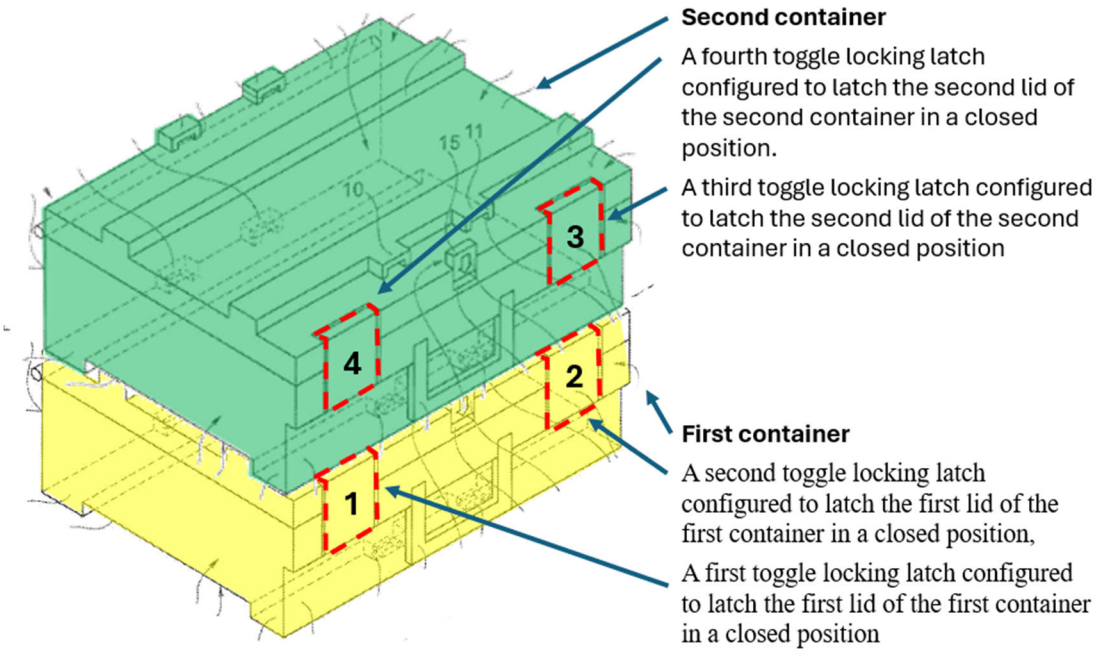


Fig. 1

Moreover, toggle locking latches are an obvious way to lock a toolbox lid.[3] *Id.,* ¶170. To the extent patent owner argues Burchia's closure latches are not the claimed "toggle locking latches," it would have been obvious to a POSITA to use the toggle locking latches of Bensman. *Id.* A POSITA would understand that they are the same (*id.*), and even the examiner (the same examiner of the '167 patent) during prosecution of the related '026 patent (IPR2024-01400) stated a toggle latch was an "obvious variation" to the claimed container assembly. EX1022 at 35 ("Reasons for Allowance . . . . The

[3] Toggle locking latches on toolboxes were ubiquitous in the prior art. EX1003, ¶¶49-53, 170, n.6 (EX1014, 1015).

claims incorporate the allowable subject matter of US 10583962 but ***further incorporate a toggle latch*** to close the pivoting lid. ***This represents an obvious variation*** to the previous patent and is overcome by the terminal disclaimer.") (Emphasis added).

The examiner pointed to Element 27, described at Paragraph 35 and shown in the below annotated Fig. 1 of U.S. Patent Publication No. 2013/0127129 A1 to Bensman et al. ("Bensman"), finding it would have been "obvious for one having ordinary skill in the art to include toggle locking latches in similar stacking container systems to keep a stacked container lid in a closed position." EX1022 at 122-23; EX1003, ¶171.

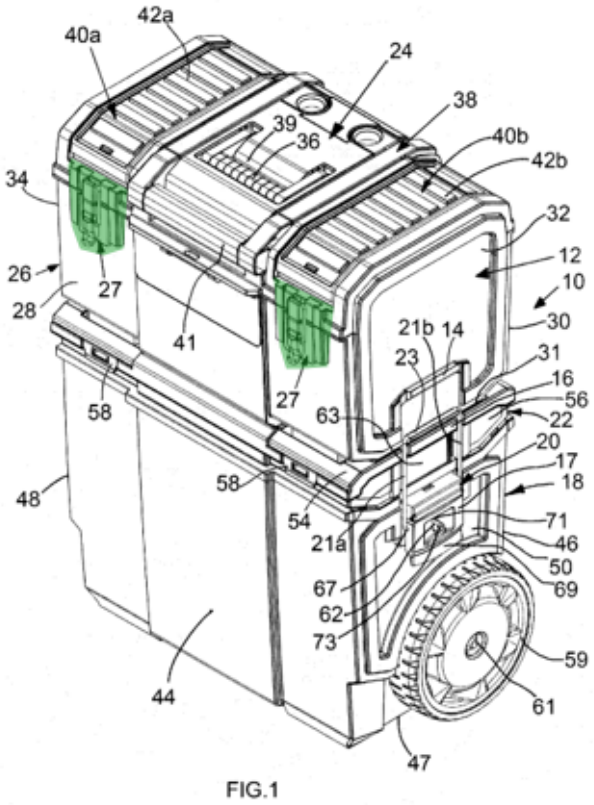


FIG.1

Thus, even if Burchia's closure latches are not considered toggle locking latches, it would have been obvious to use toggle locking latches, such as those disclosed in Bensman, to close the lid of a toolbox, as even the examiner recognized. EX1003, ¶172.

A POSITA would have been motivated to include Bensman's toggle locking latches to enable the user to secure the lid in a closed position and easily open the lid by toggling the latch. *Id.,* ¶173. Toggle locking latches were ubiquitous and therefore an obvious design choice that would yield the predictable result of releasably securing the lid with a reasonable expectation of success. *Id.*

Thus, Burchia alone or in combination with Bensman discloses a first container comprising a first toggle locking latch configured to latch the first lid of the first container in a closed position, and a second toggle locking latch configured to latch the first lid of the first container in a closed position. *Id.,* ¶174. The first and second containers of Burchia have the same structure. *Id.* Therefore, Burchia alone or in combination with Bensman also disclose the second container comprising a third toggle locking latch configured to latch the second lid of the second container in a closed position, and a fourth toggle locking latch configured to latch the second lid of the second container in a closed position. *Id.*

E. Claim 9: The container assembly of claim 8, wherein the locking latch is coupled to the second container between the second toggle locking latch and the fourth toggle locking latch.

As described above, Burchia alone or in combination with Metabowerke, and if necessary Lafragette or Bensman, renders claim 8 obvious. *Id.,* ¶175. Burchia discloses a locking latch coupled to the second container, which as shown in Dr. Collins' annotated figures below, no matter how the toggle locking latches are numbered, the latch may be between the second toggle latch (of the first container) and the fourth toggle latch (of the second container). *Id.*

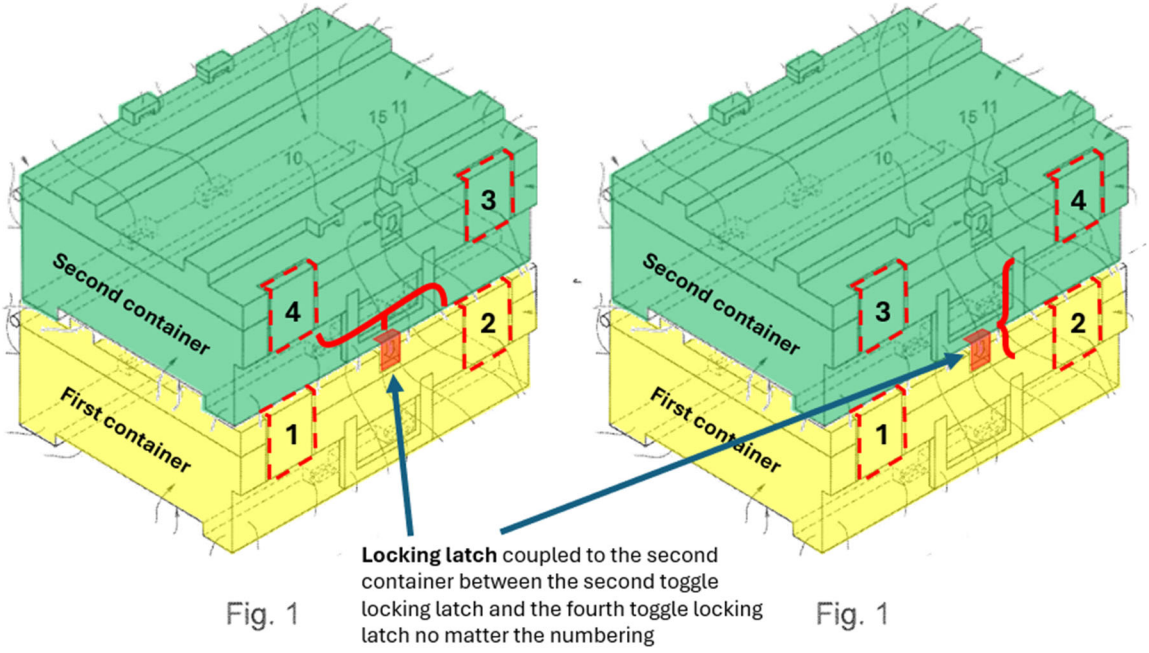


Fig. 1 Fig. 1

As with claim 8, to the extent Patent Owner argues Burchia's closure latches are not the claimed "toggle locking latches," it would have been obvious to a POSITA to use the toggle locking latches of Bensman. *Id.,* ¶176. Further, to the extent this limitation is directed to a second container of half-width size, it would have been obvious to a POSITA to use half-width size containers as disclosed in Lin. *Id.*

XI. GROUND 4: BURCHIA, METABOWERKE, LAFRAGETTE, WELSH (OR CHEN), LIN AND BENSMAN RENDER OBVIOUS CLAIMS 2-4 AND 8-9

The combination of Burchia, Metabowerke, Lafragette, Welsh (or Chen), Bensman, and Lin disclose the elements of claims 2-4 and 8-9 for the reasons discussed above in Grounds 2 and 3. EX1003, ¶177.

XII. GROUND 5: METABOWERKE, BURCHIA, WELSH (OR CHEN), AND LIN RENDER OBVIOUS CLAIMS 1, 5-7, 10-16

A. Motivation to Combine

Metabowerke discloses detachably connectable containers that interlock as a male coupler on the base of one container slides into a female coupler on the top of the other container. EX1003, ¶178. The female coupler comprising a depressed surface having sidewalls and a rib projecting from a back wall. *Id.* The containers are held in place by a locking latch arrested on a tab on the front face of the other container. *Id.*

While Metabowerke does not expressly disclose a spring-biased locking latch, it would have been obvious to a POSITA to modify it using Burchia's spring-biased latch to enable automatic locking upon stacking and to eliminate the need to unlatch (and later re-latch) a lid to connect two containers. *Id.*, ¶179. Both references relate to stackable containers using similar couplers—male coupler sliding into depressed surface of female coupler, engaging rib, and held by a latch—so a POSITA would have reasonably expected success substituting one for the other. *Id.*

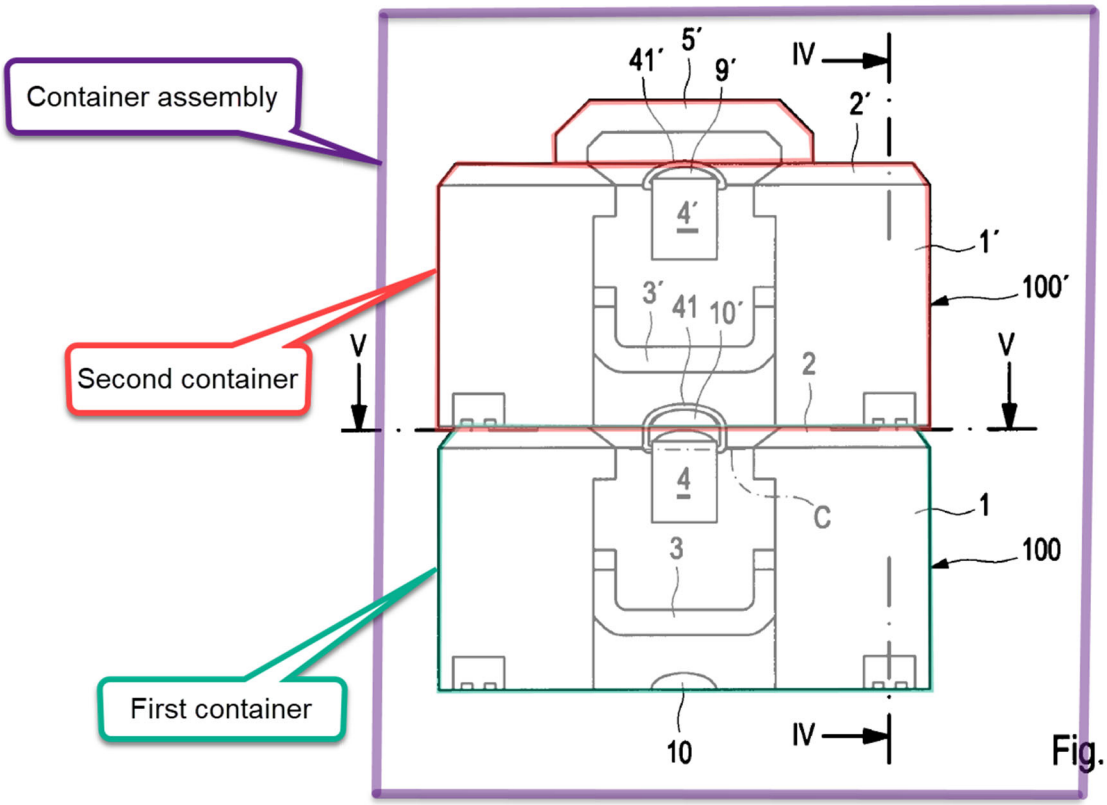
For the locking latch, a POSITA could have opted for a manual latch arrested on a tab protruding from the face of the other container, as in Metabowerke, or a spring-biased locking latch as in Burchia. *Id.*, ¶180. Therefore, depending upon the designer's preference (mere design choice), the arresting location of the locking latch could be in different locations (e.g., on a tab protruding from the front face of the container; on the face of the other container itself; or in a recess in the other container), and given these are conventional latching mechanisms, a POSITA would have a reasonable expectation of success in making the substitution. *Id.*

B. Claim 1

1. 1[pre]

To the extent the preamble is limiting, Metabowerke discloses a container assembly comprising two containers. EX1020, ¶[0001] ("The invention relates to a ***stackable container . . . . In this way, assemblies of similar containers can be formed which can be easily transported together and stored stacked.***"); EX1003, ¶181.

The **first (bottom) container** and **second (top) container** and the **container assembly** are shown, for example, in Fig. 2 (EX1003, ¶182):



2. 1[a]

Metabowerke discloses containers with a pivotally attached lid, referred to as "cover 2." EX1020, ¶[0041] ("Fig. 1 shows a perspective view of a container 100 according to the invention. The container shows a trough-shaped base part 1 as well as a cover 2 arranged pivotably about the axis A in the region of the rear side thereof."); EX1003, ¶183.

In the below annotated Fig. 1, the **first lid** is **pivotally attached** to the first container along the pivot axis "A." EX1003, ¶184.

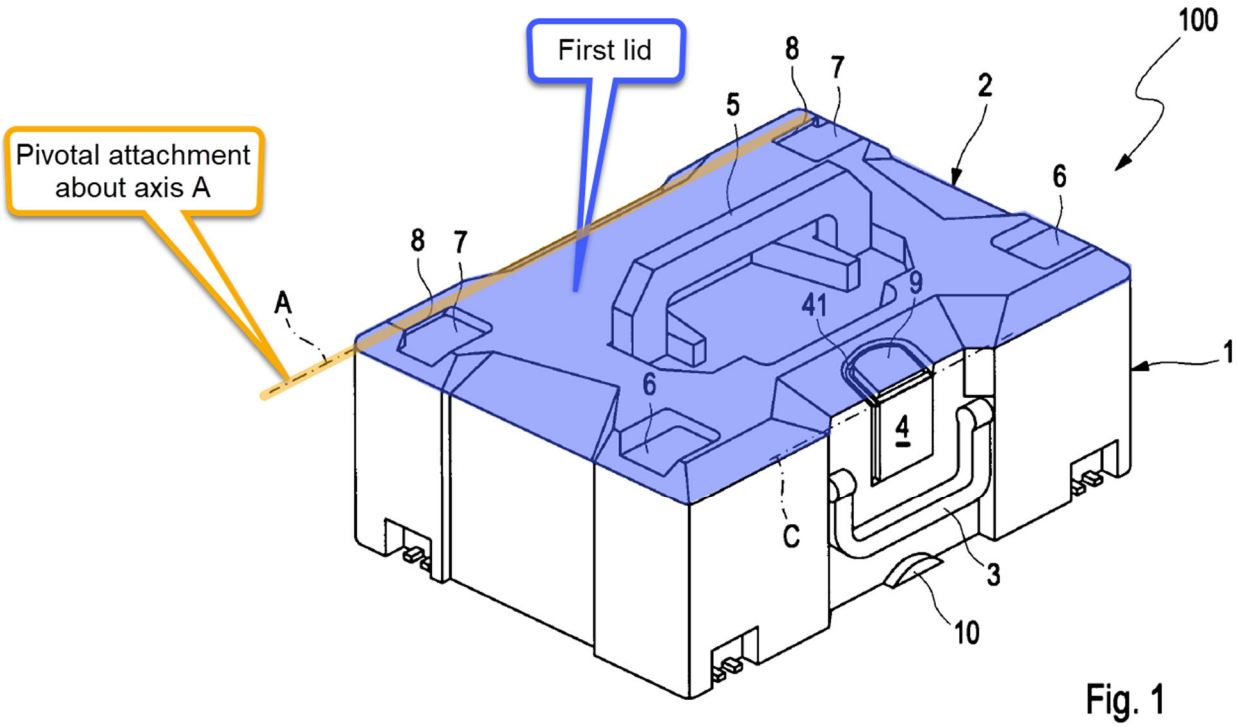


Fig. 1

3. 1[b]

As shown in the annotated figures below, Metabowerke discloses a **first female coupler** at a **top face of the first lid**. EX1003, ¶185.

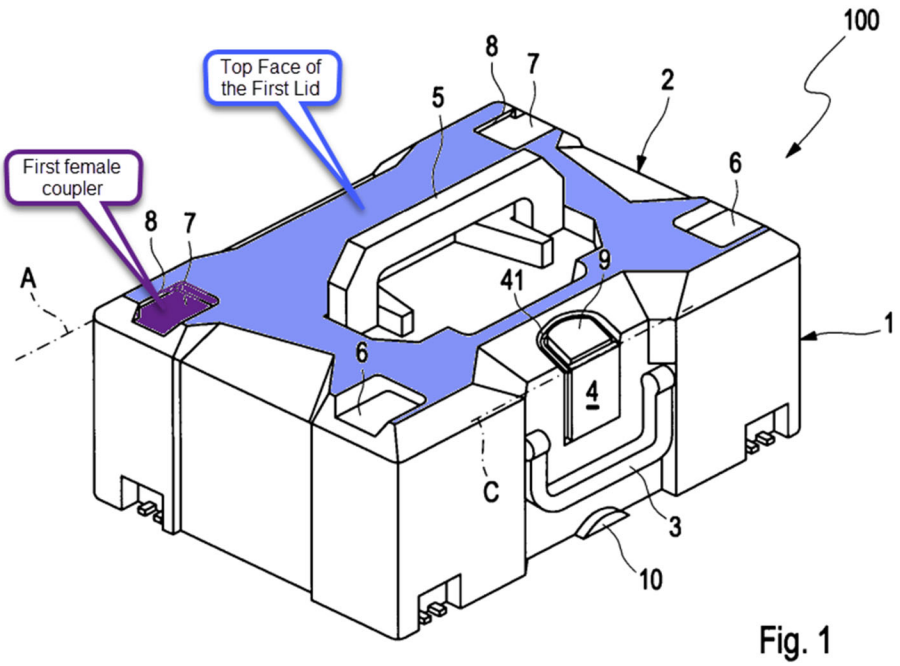


Fig. 1

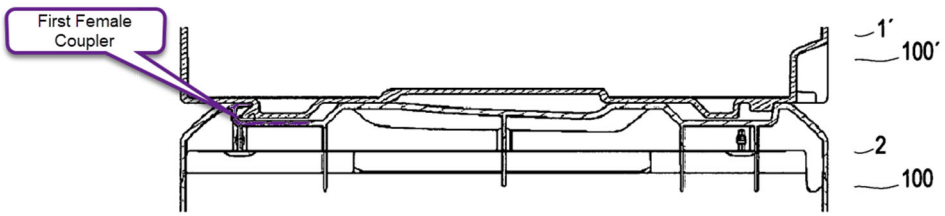


Fig. 4

4. 1[c]

As shown in the annotated figure below, Metabowerke discloses a container comprising: **a first front face**, **a first side face**, **[a] second side face**

opposite the first side face, the first front face, the first side face, and the second side face collectively partially defining **a storage compartment**. *Id.*, ¶186.

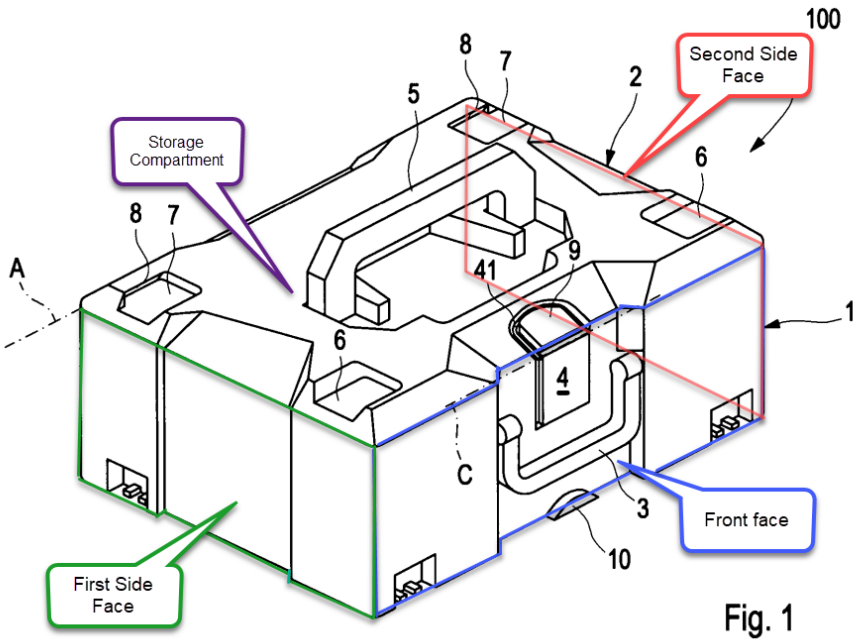


Fig. 1

5. 1[d]

As shown in the annotated figure below, Metabowerke discloses a container comprising: a **first corner** extending between the first front face and the first side face, and a **second corner** extending between the first front face and the second side face. *Id.*, ¶187.

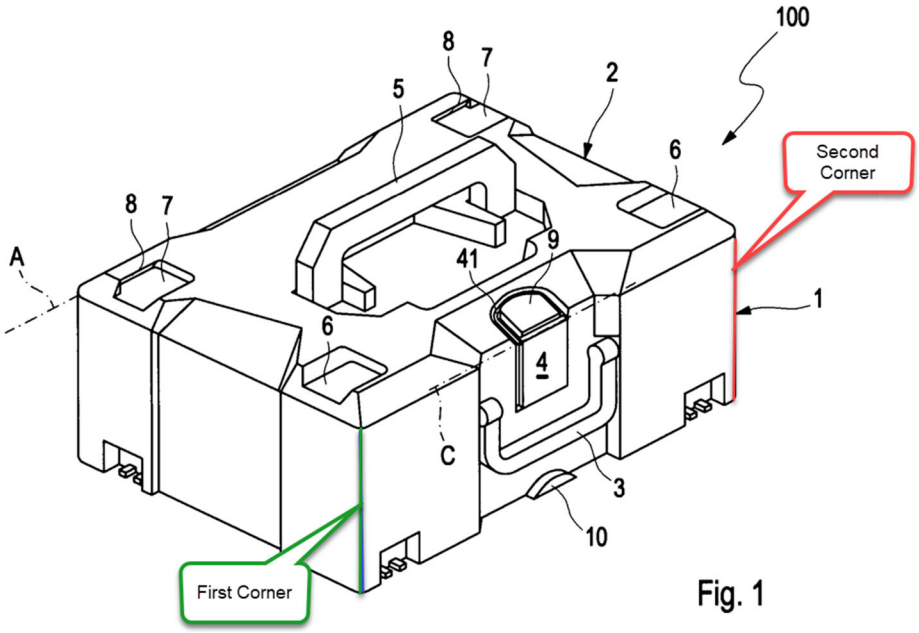


Fig. 1

6. 1[e]

As discussed above in connection with Ground 1, claim 1[e], it would have been obvious to include the corner bumpers of Welsh and/or Chen in a modular container assembly. *Id.* ¶188.

7. 1[f]

This limitation would have been obvious for the same reasons and based on the same prior art as limitation 1[e] and Ground 1 limitation 1[f]. *Id.* ¶189.

8. 1[g]

As discussed above in connection with Ground 1, claim 1[g], it would have been obvious for a POSITA to include corner bumpers in the matter described in element 1[g]. *Id.* ¶190.

9. 1[h]

Metabowerke discloses a **locking latch arresting location** defined by the lower front face of the second container. EX1003, ¶191. Metabowerke describes a "coupling tab 10 in the lower region of the base part 1" which "serves to lock two stacked containers 100, 100' against each other, as shown in Fig. 2. In Fig. 2, it can be seen how the clip 41 grips around the coupling tab 10 of a second container 100' arranged on a first container 100 according to the invention and in this way secures the second container 100' against the first container 100 or couples the two containers 100, 100' together." EX1020, ¶[0042]; EX1003, ¶191.

The **locking latch** and is shown below in annotated Figures 1 and 2 along with its ultimate **arresting location** on the lower front face of the second container, as shown in Figure 2 below. EX1003, ¶192.

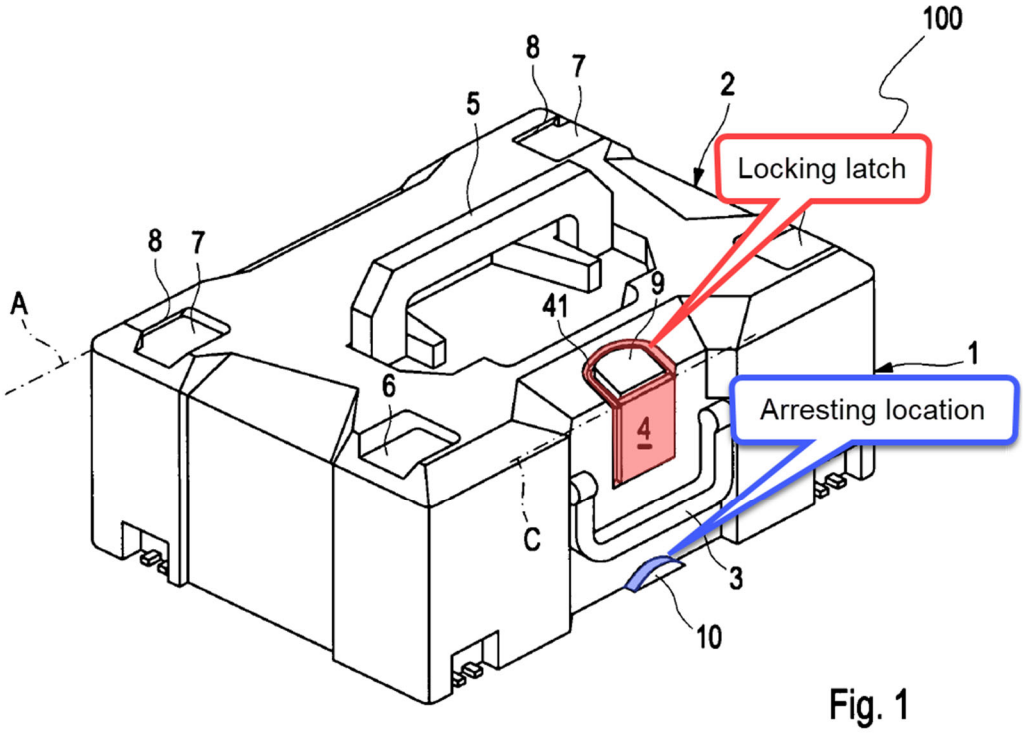

100
8
7
5
2
Locking latch
8
7
A
41
9
1
6
4
Arresting location
C
3
10

Fig. 1

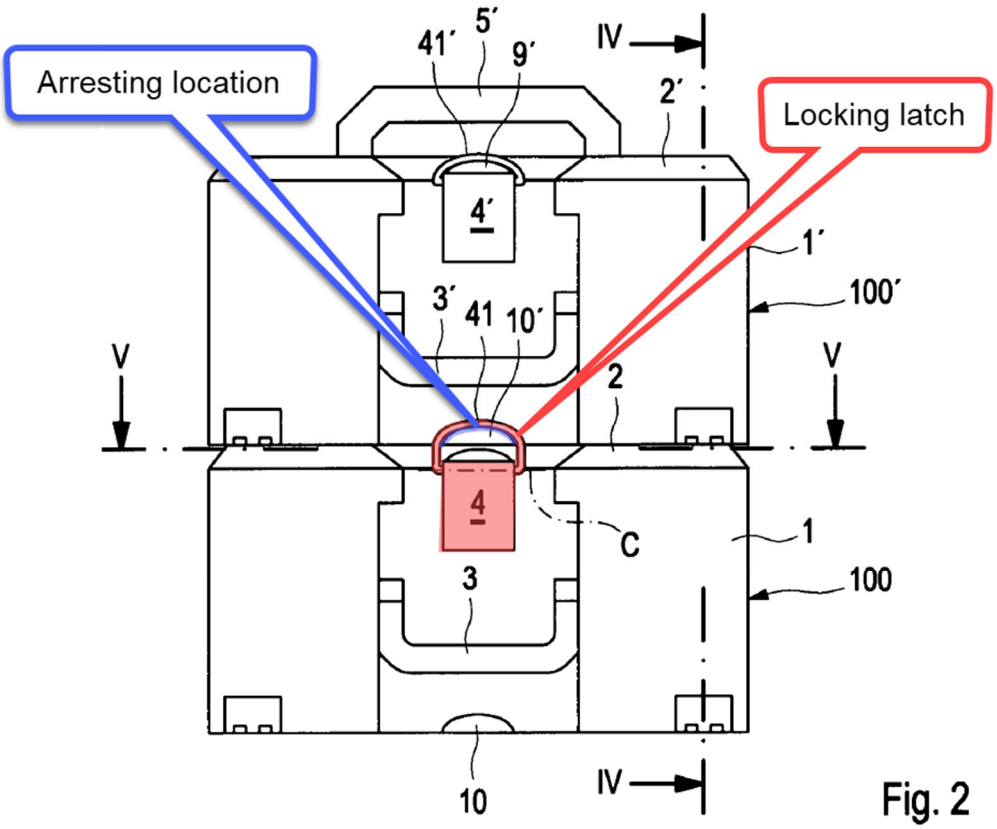

Arresting location
41′
5′
9′
IV
2′
Locking latch
4′
1′
100′
3′
41
10′
V
V
2
4
C
1
3
100
10
IV

Fig. 2

Patent owner may argue that Metabowerke does not disclose the claimed arresting location. This would be incorrect as shown above. Nevertheless, Petitioners also present Metabowerke in combination with Burchia. *Id.* ¶193.

As discussed above in connection with Ground 1, Burchia expressly discloses a recessed arresting location. *Id.*, ¶194. A POSITA would have been motivated to modify Metabowerke to include Burchia's setback recess at least because a recess would provide additional protection for the latch itself (e.g., to prevent inadvertent disassembly) and provide additional lateral force opposing lateral movement of the containers. *Id.* A POSITA would have had a reasonable expectation of success given the straightforward mechanical technologies (all of the art is in the field of connectable containers). *Id.*

10. 1[i]

As shown in the below annotated figures, Metabowerke discloses a second container comprising a **male coupler** extending from a **bottom face** of the second container. *Id.*, ¶¶195-197.

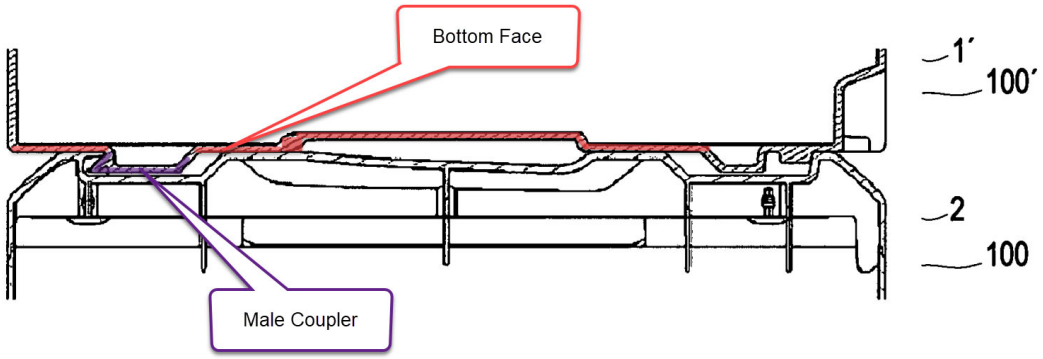


Fig. 4

Metabowerke explains that its second (top) container has a male coupler (rear standing foot) which is slidingly engaged with the first female coupler (rear recess) of the bottom container:

> ***[T]he second container 100' is*** first lifted slightly upwards in its front region, i.e. in the region in which the lateral carrying handle and the buckle with the clip are arranged, and placed on the first container 100 and then ***pushed backwards until the rear standing feet of the top container 100' engage with the rear recesses 7 of the bottom container 100, in particular with the undercuts 8***." EX1020, ¶[0041] (emphasis added).

EX1003, ¶196.

As shows in the below annotated figures, the **first female coupler** and **male coupler** engage each other when the first and second containers are slid with respect to one another. *Id.*, ¶197.

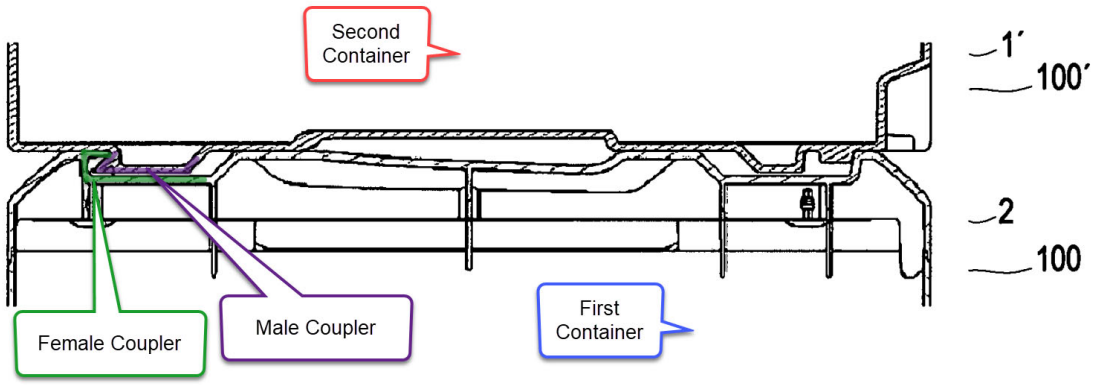


Fig. 4

11. 1[j]

As discussed above with respect to limitation 1[a], Metabowerke discloses a container having a **pivotally attached lid**. *Id.*, ¶198.

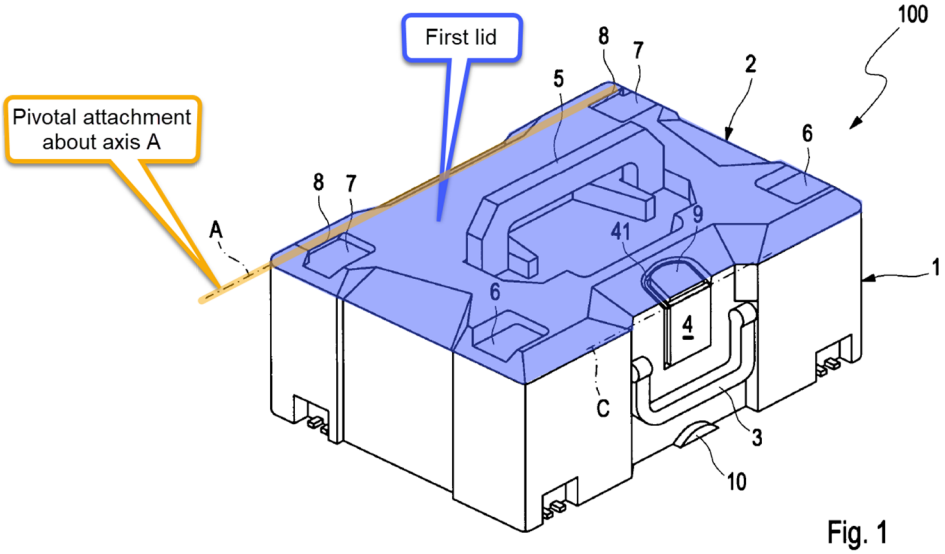


Fig. 1

12. 1[k]

Metabowerke's **locking latch** is shown in annotated Figures 1 and 2 below. *Id.*, ¶¶199-203.

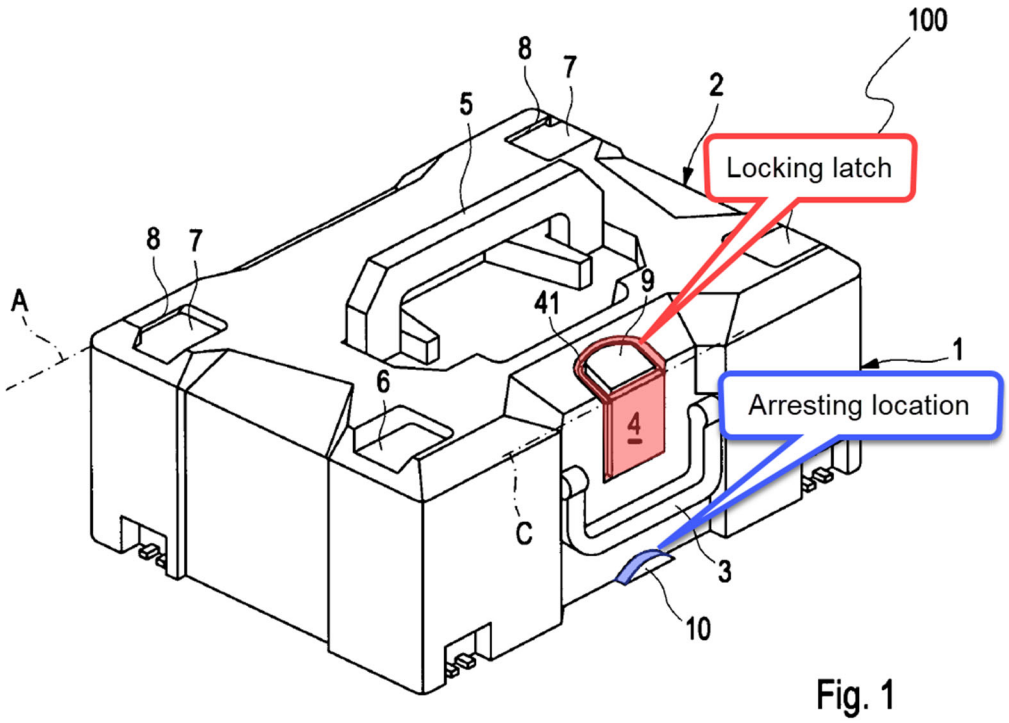


Fig. 1

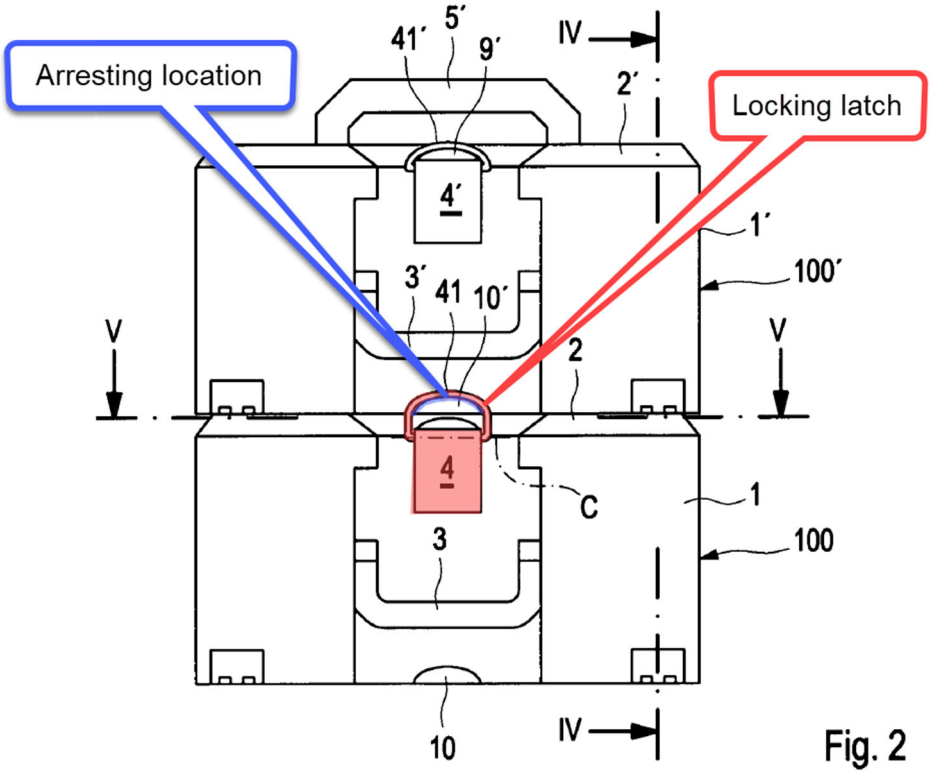


Fig. 2

The **locking latch** is positionable in a locked position by engaging the tab in the **locking latch arresting location**. *Id.*, ¶200.

The locking latch limits sliding displacement of the first container with respect to the second container. *Id.*, ¶201. Metabowerke explains that "the coupling tab 10 in the lower region of the base part 1 . . . serves to lock two stacked containers 100, 100' against each other, as shown in Fig. 2. In Fig. 2, it can be seen how the clip 41 grips around the coupling tab 10 of a second container 100' arranged on a first container 100 according to the invention and in this way secures the second container 100' against the first container 100 or

couples the two containers 100, 100' together." EX1020, ¶[0042]; EX1003, ¶201.

A POSITA would understand that the locking latch of the second container could be reversed such that the locking latch of the upper container would latch to an arresting location on the first container to limit displacement of the of the first container with respect to the second container. EX1003, ¶202. *See, e.g.*, *Ex Parte Spangler*, Appeal No. 2018-003800, at 5-8 (PTAB Feb. 20, 2019).

If Patent Owner argues Metabowerke does not disclose this element, Petitioners also present Metabowerke in combination with Burchia. EX1003, ¶203. As discussed above in connection with Ground 1 and element 1[[h], Burchia discloses recesses as arresting locations. *Id.* As discussed in Ground 1, it would have been obvious to swap the arresting locations between containers without affecting function. *Id.*

13. 1[l]

As shown in the annotated Figures below, Metabowerke discloses the **two sidewalls** and the **back wall** projecting from a **depressed surface** of the **top face** of the first lid. EX1020, Figs 1, 4; EX1003, ¶¶204-207. The back wall is between the two sidewalls. EX1003, ¶204. The female coupler is comprised of the back wall, rib, and sidewalls. *Id.*

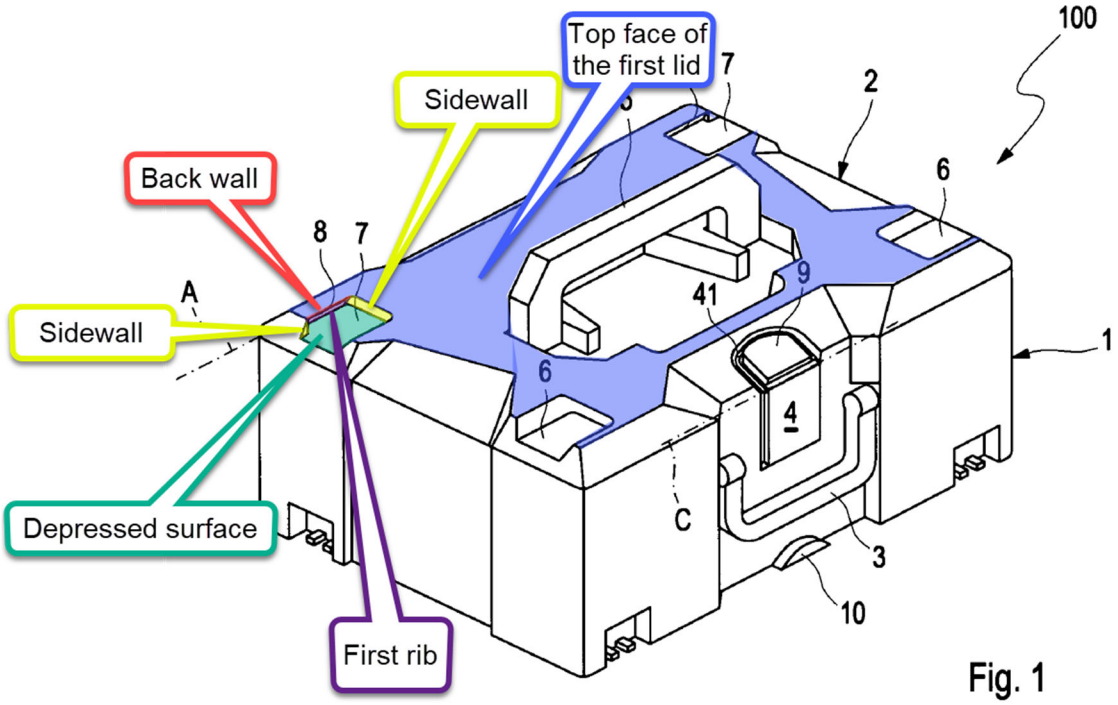


Fig. 1

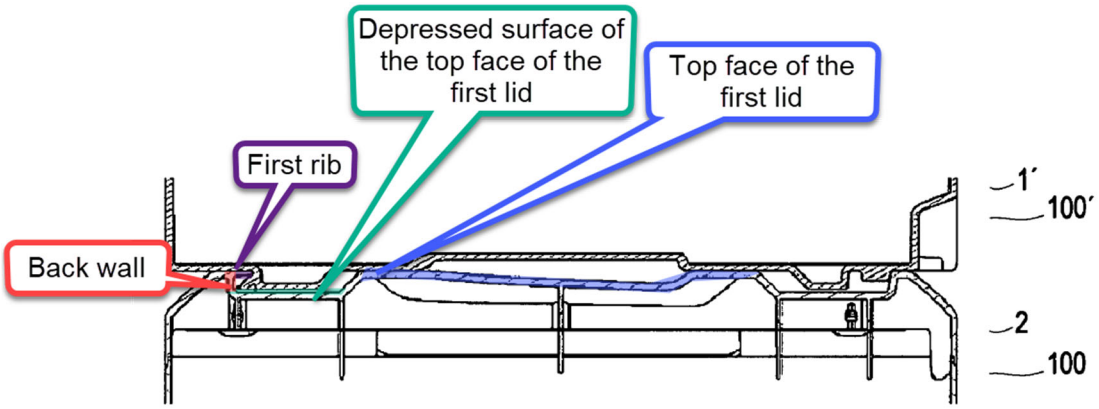


Fig. 4

And below are magnified versions showing the **depressed surface**, **back wall,** sidewalls and **rib** (*id.*, ¶205):

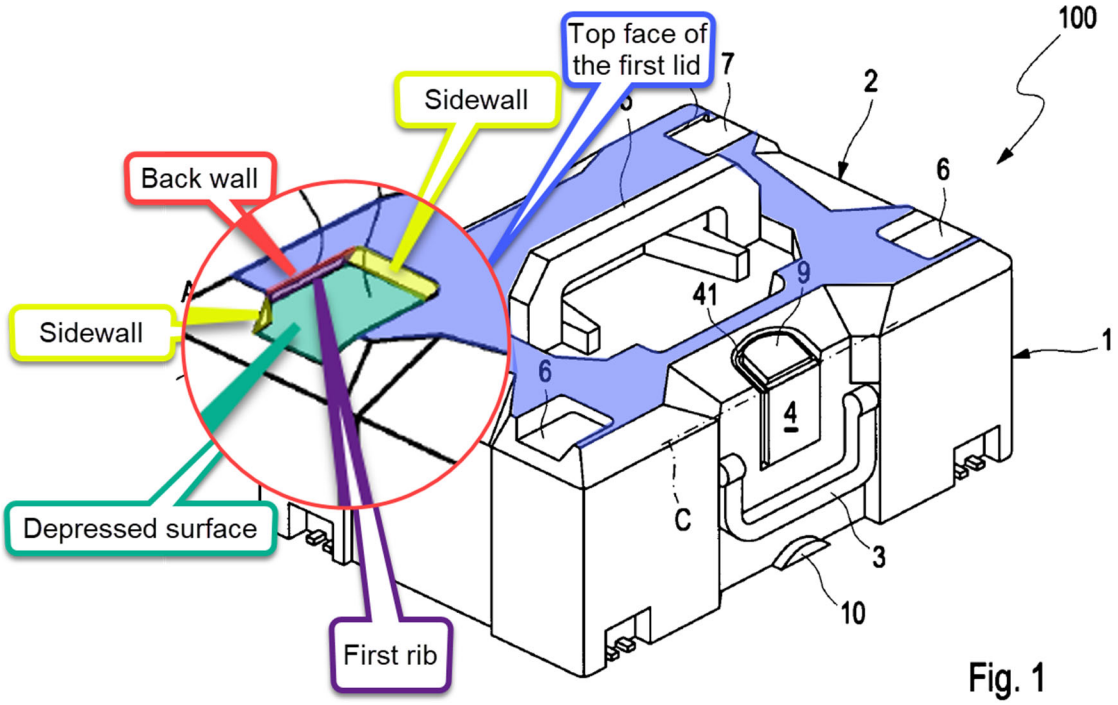

Top face of the first lid
Sidewall
Back wall
Sidewall
Depressed surface
First rib
100
2
6
7
41
9
1
4
C
3
10

Fig. 1

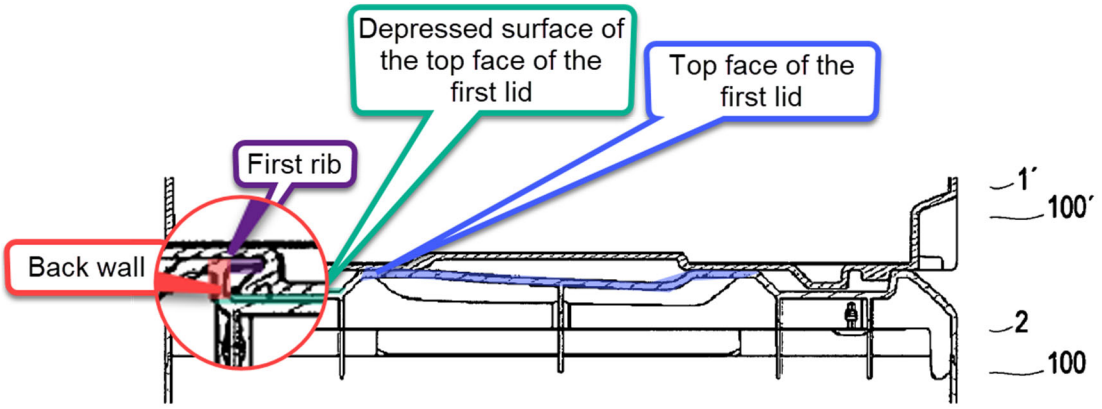

Depressed surface of the top face of the first lid
Top face of the first lid
First rib
Back wall
1´
100´
2
100

Fig. 4

As shown in the annotated figure below, Metabowerke discloses the **rib** extending from the **back wall** in a **first direction** towards the **first front face** of the first container. EX1020, Figs 1, 4; EX1003, ¶206.

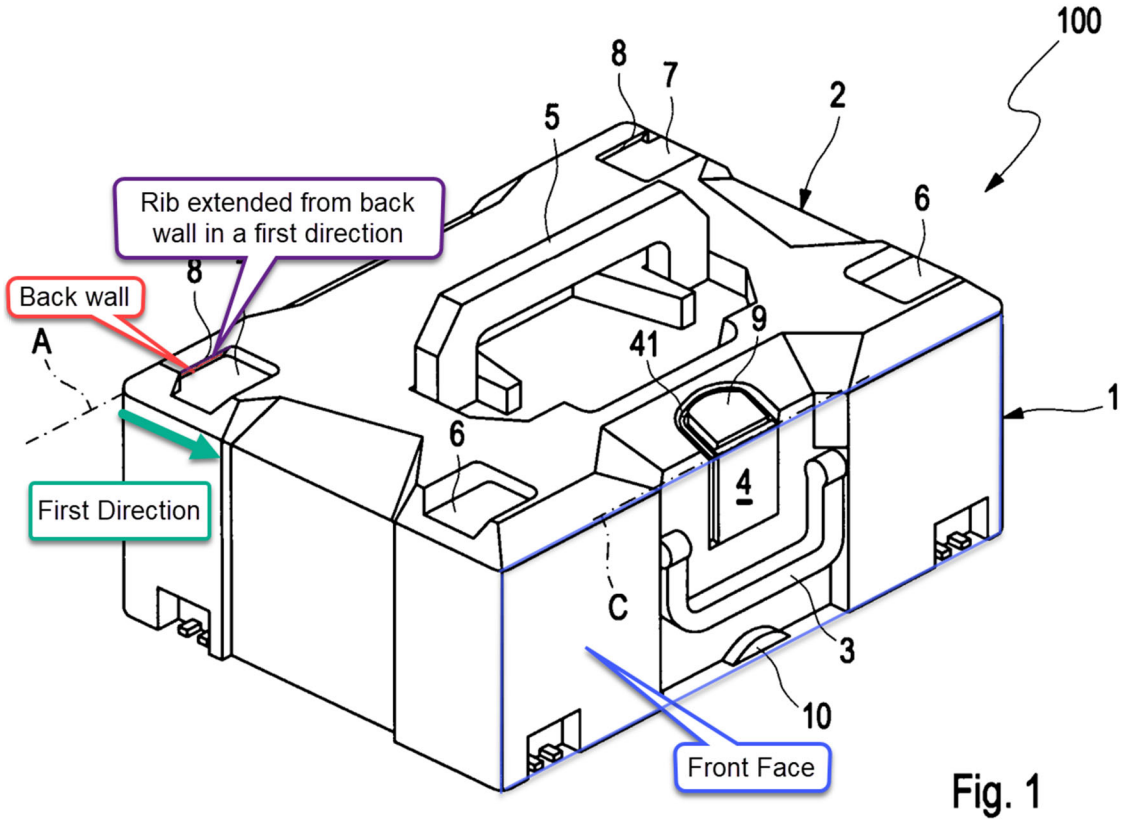


Fig. 1

Should the Patent Owner argue that Metabowerke does not have the claimed second sidewall they would be incorrect. EX2003, ¶207. As noted by the Board in IPR2024-01400 and -01401, a second sidewall can be clearly seen in the second depressed surface. *Id.* Below is an illustration (*id.*):

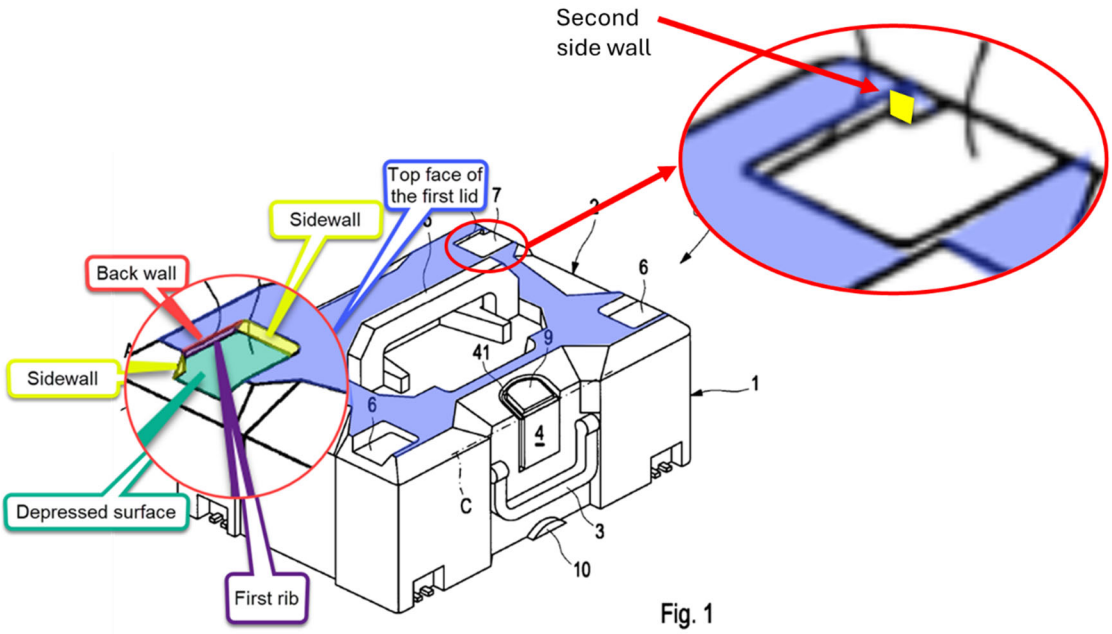


Fig. 1

14. 1[m]

Metabowerke discloses this limitation for the same reasons discussed above with respect to limitation 1[l]. *Id.,* ¶208. The second container contains the same female coupler as the first container. *Id.*

15. 1[n]

Metabowerke in combination with Lin renders this limitation obvious. *Id.*, ¶209. Metabowerke's container define **width axes parallel to the first front face**, as shown in the annotated Figure below. *Id.*

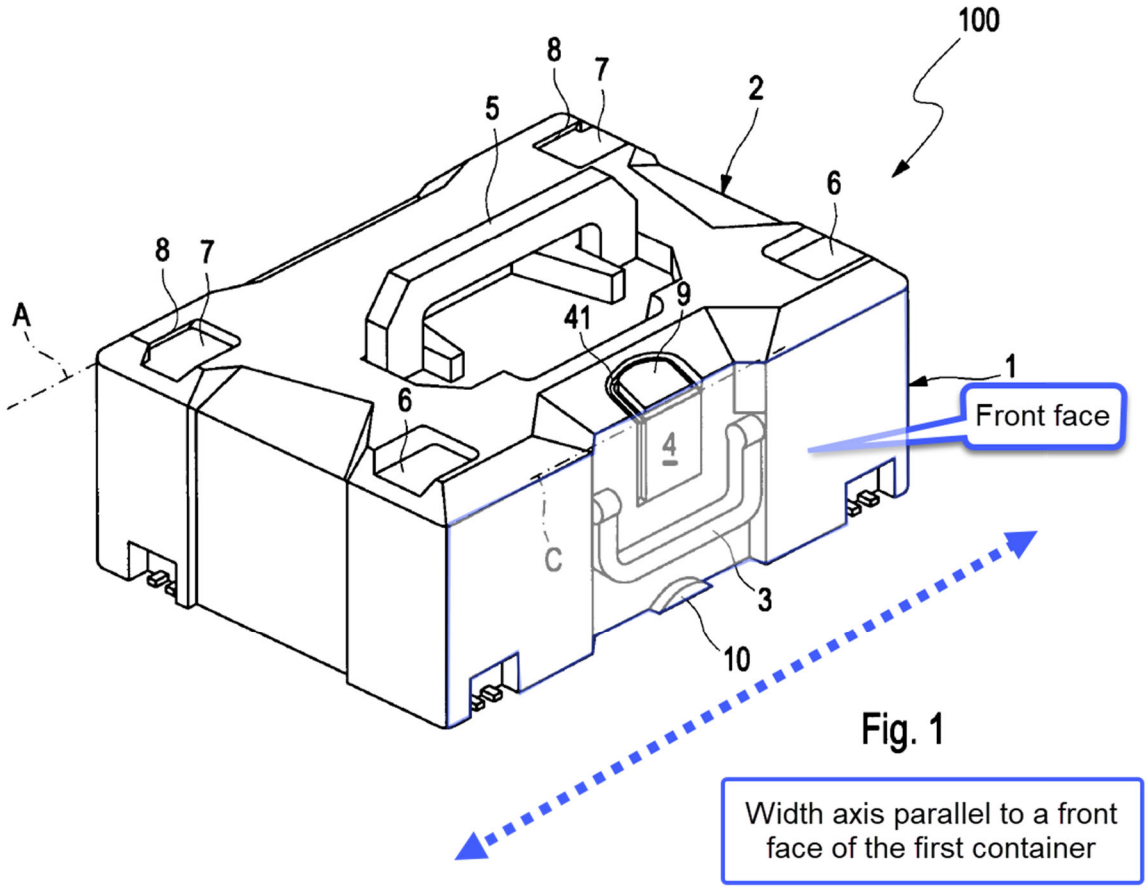


Fig. 1

However, both containers are the same size, and Metabowerke does not disclose a second container that is half the width of the first. *Id.,* ¶210.

Lin discloses stackable, interconnected containers and illustrates the use of containers of different sizes for the reasons discussed in Ground 1. *Id.,* ¶211. A POSITA would have been motivated by the option to offer different size containers to hold different size tools and equipment to combine the containers of Metabowerke with the half size containers of Lin for the reasons discussed with respect to Ground 1. *Id.*

C. Claim 5

Metabowerke discloses the limitations of claim 5 for the same reasons discussed above with respect to limitations 1[c] through 1[g]. *Id.,* ¶212. The second container has the same structure as the first, and it would have been obvious to add corner bumpers from, for example, Welsh and/or Chen, for the reasons already discussed. *Id.*

D. Claim 6

Metabowerke discloses a container assembly wherein the locking latch arresting location is defined by a protrusion on the front face of the container and wherein the first **locking latch arresting location** defines a primary **longitudinal axis** that extends parallel to the front faces of both the first and second containers, as illustrated in the below annotated figure. *Id.*, ¶¶213-218.

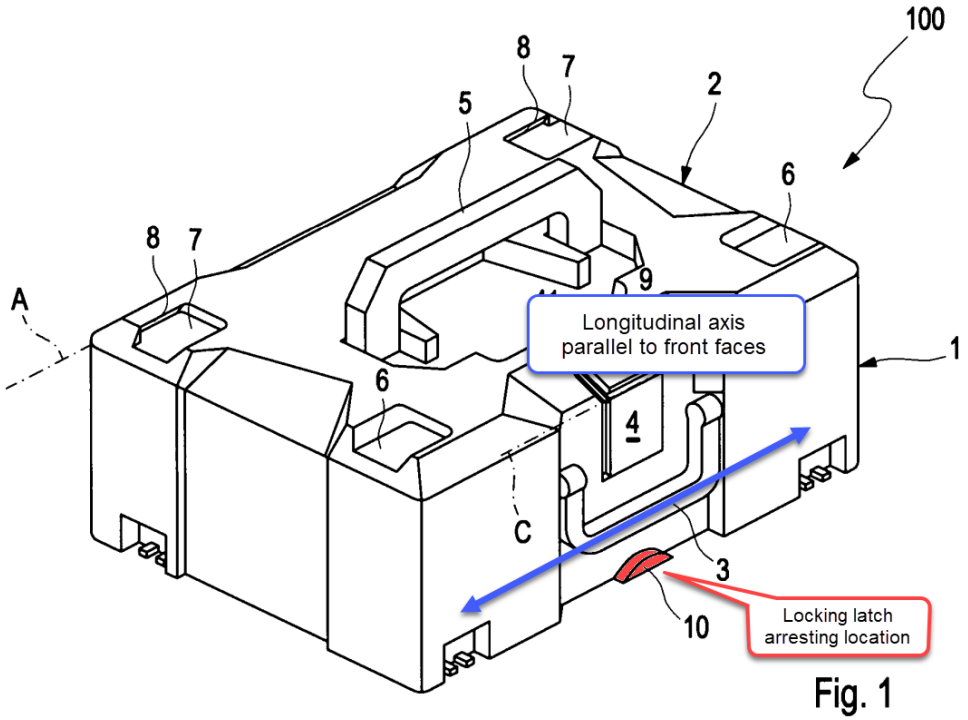


Fig. 1

It would have been obvious to a POSITA to swap the locations of Metabowerke's locking latch and its arresting location, such that the first locking latch arresting location is defined by the first lid of the first container for the reasons explained in Ground 1 claim 6. *Id.,* ¶214.

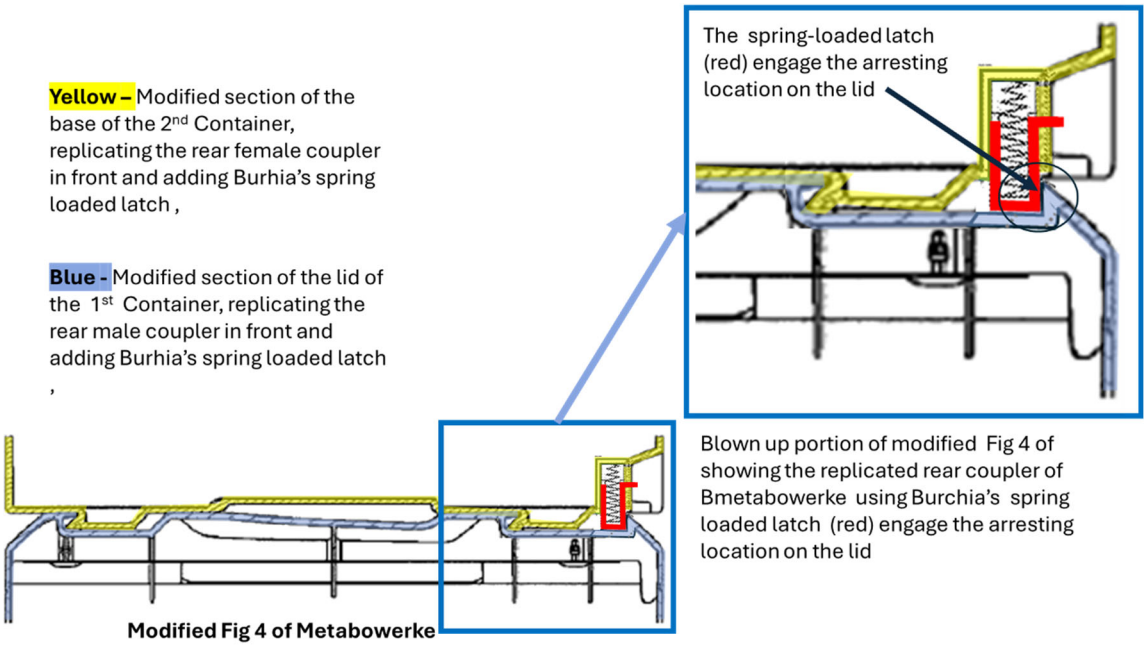
It also would have been obvious to a POSITA to combine Metabowerke to include the locking latch arresting location of Burchia to create a first locking latch arresting location defined by the first lid of the first container. *Id.,* ¶215. A POSITA would have been motivated to modify Metabowerke to include Burchia's locking latch arresting location on the lid of the first container at least because: 1) it automatically locks the two containers together when assembled; 2) it does not require the user to manually couple the two

together; 3) it does not require the user to unlatch the container from its lid when coupled to another container and; 4) it does not require the user to re-latch the container and lid after two containers are decoupled. So, it is a significant improvement in convenience. *Id.*

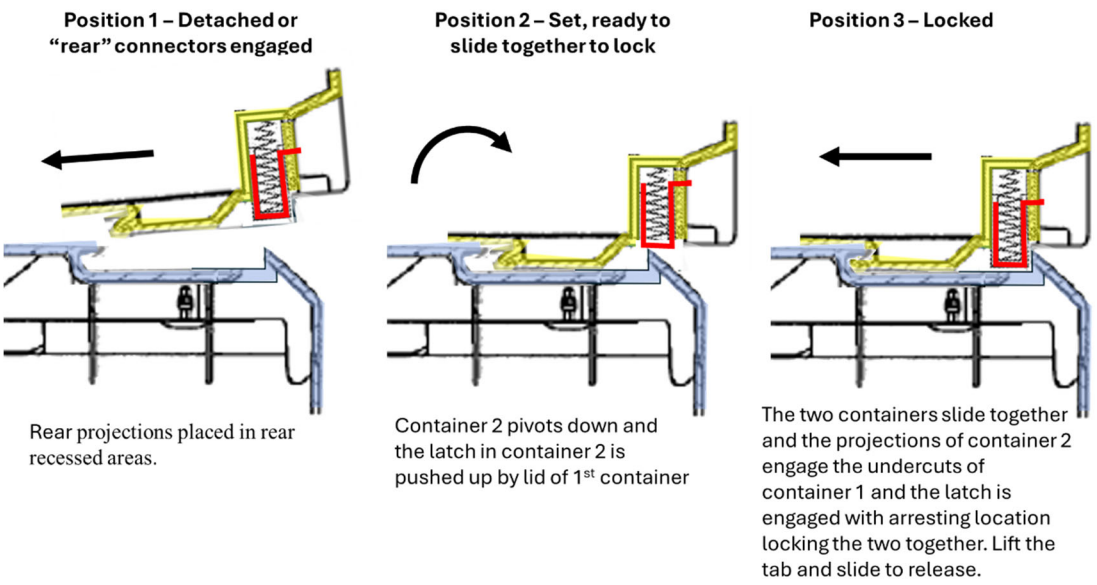
Below is an example created by Dr. Collins using elements of Burchia and Metabowerke's embodiments. *Id.,* ¶¶216-218. Metabowerke's front recesses 6 of the lid are replaced with the configuration of the rear recesses 7 with its rearward-facing undercut 8. *Id.* However, the front recesses retain the front-most wall which acts as an arresting location that prevents the forward motion of container 2 with respect to container 1 when the two are coupled. *Id.* At the bottom of the container, the front standing feet are replaced with Metabowerke's configuration of the rear standing feet 13 that has projection 14' which engages with the undercut 8. *Id.* All of which is taught by Metabowerke. *Id.*

In addition, as taught by Burchia, a spring-loaded locking latch is added to the bottom of the container such that it engages with the arresting location on the lid when the two containers are brought together. *Id.* When engaged, the front and rear projections and undercuts (e.g. "tongue and grooves") prevent the two containers from lifting apart. *Id.* The engagement of the

spring-loaded latch with the arresting location keeps the front and rear projections and undercuts from disengaging, locking the two together. *Id.*



Below is an illustration that shows the sequence of assembly steps (*id.*, ¶218):



Position 1: The two containers are brought together with the rear projections of container 2 placed in the rear recessed areas on the lid of container 1.

Position 2: Container 2 is pivoted down so that all of container 2's feet and projections are in the recessed areas of container 1's lid. The spring loaded locking latch of the container 2 is pushed up by the lid of container 1.

Position 3: The two containers are slid together which engages the front and rear projections and undercuts and allows the spring-loaded latch to move down and engage the arresting location, locking the two containers together. A user can lift the tab of the spring-loaded latch to disengage the spring-loaded latch and arresting location to reverse the steps and detach the two containers.

E. Claim 7

Metabowerke in combination with Burchia renders this claim obvious. *Id.,* ¶219. As illustrated in the annotated figure below, Metabowerke, as modified in claim 6, shows a first container comprising four female couplers: a front row of two female couplers aligned with each other in a direction parallel to the first front face of the first container and a rear row of two female

couplers aligned with each other in the direction parallel to the first front face of the first container. *Id.*

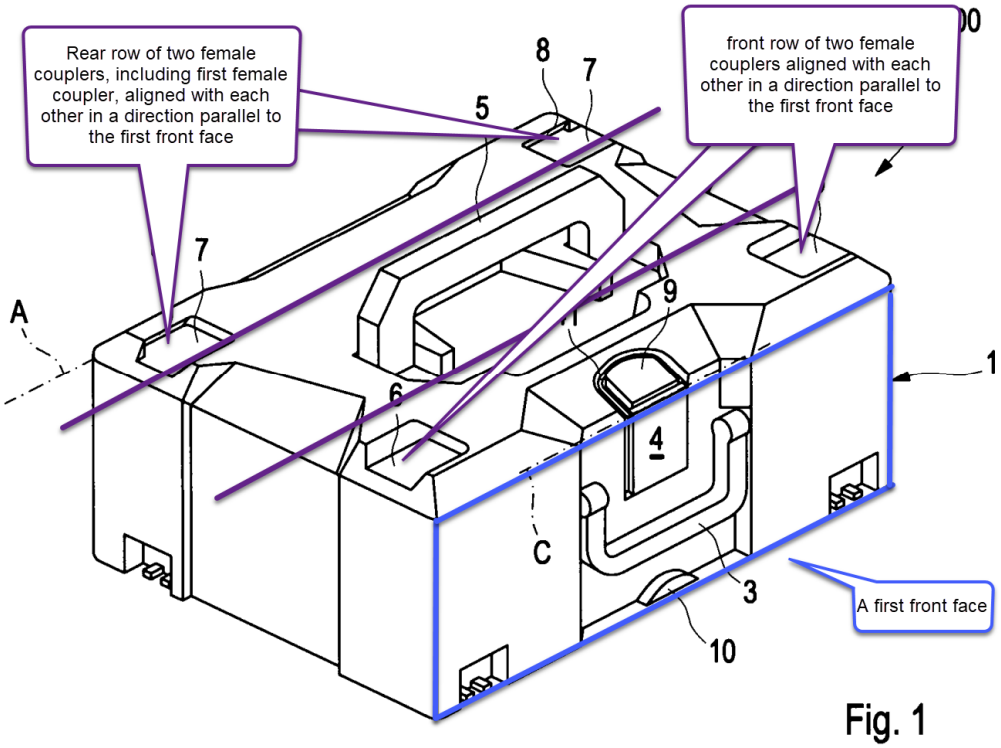


Fig. 1

F. Claim 10

Claim 10 is identical to claim 6 and is obvious for the same reasons. *Id.*, ¶220.

G. Claim 11

Metabowerke alone or in combination with Burchia renders this claim obvious. *Id.*, ¶221. Metabowerke's locking latch is a toggle locking latch in which a clip from the bottom container engages a tab on the bottom face of the top container. *Id.* Metabowerke does not expressly disclose a spring-biased locking latch. *Id.*

Burchia discloses a spring-biased locking latch for reasons discussed in Ground 1. *Id.,* ¶222. It would have been obvious to use Burchia's spring-biased locking latches in the containers of Metabowerke to provide for a quicker snap-in engagement, without the manual step of a user toggling the clip onto the tab. *Id.*

H. Claim 12

Metabowerke alone or in combination with Burchia renders this claim obvious. *Id.,* ¶223. Metabowerke discloses that each container has a tiltable carrying handle as shown below. *Id.*

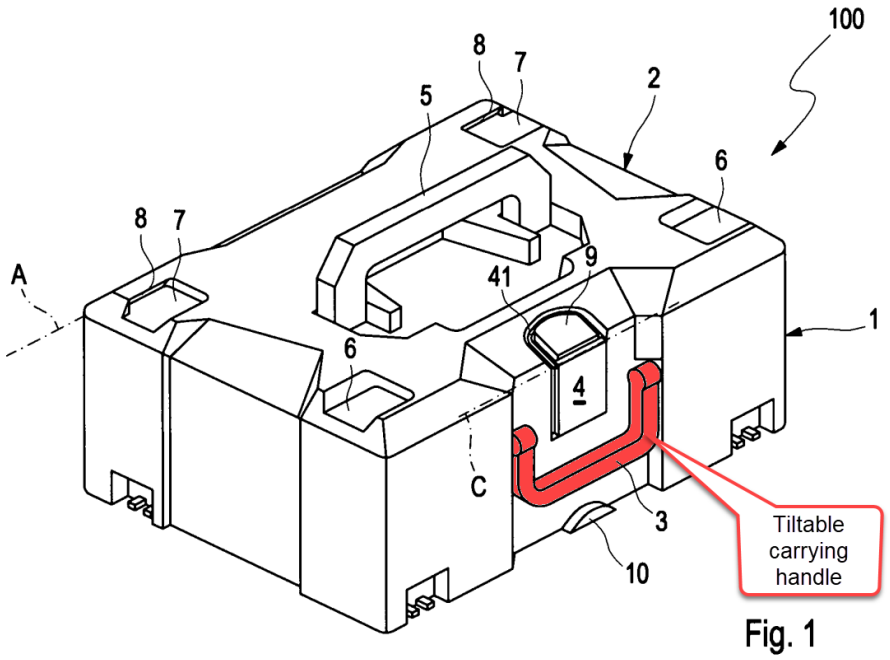


Fig. 1

It also would have been obvious to a POSITA to also (or alternatively) include tiltable carrying handles on the sides of a toolbox container (including

the tiltable carrier handles of Williams) for the reasons discussed with respect to Ground 1, claim 12. *Id.*, ¶224.

I. Claim 13

It would have been obvious to a POSITA combining Metabowerke with Burchia to include the first locking latch arresting location as a recess defined in an upward facing surface of the top face of the first lid. *Id.*, ¶225. A POSITA would have been motivated to modify Metabowerke to include locking latch arresting locations on the lid of the first container at least because an additional locking latch and recess would provide additional protection for the latch itself (e.g., to prevent inadvertent disassembly). *Id.* As described above with respect to claim 6, and Ground 1, claim 13, it would have been obvious to modify the Metabowerke/Burchia combination to swap the location of the arresting location from the top container to the bottom container. *Id.*

J. Claim 14

A POSITA would be motivated to combine Metabowerke with the locking latch of Burchia as described with respect to claim 13. *Id.,* ¶226. As described with respect to Ground 1, claim 14, Burchia discloses a recess comprising a front wall, a rear wall and a bottom wall extending between the front wall and the rear wall, wherein a lower face of the locking latch faces the bottom wall of the recess when the locking latch is in locked position. *Id.*

K. Claim 15

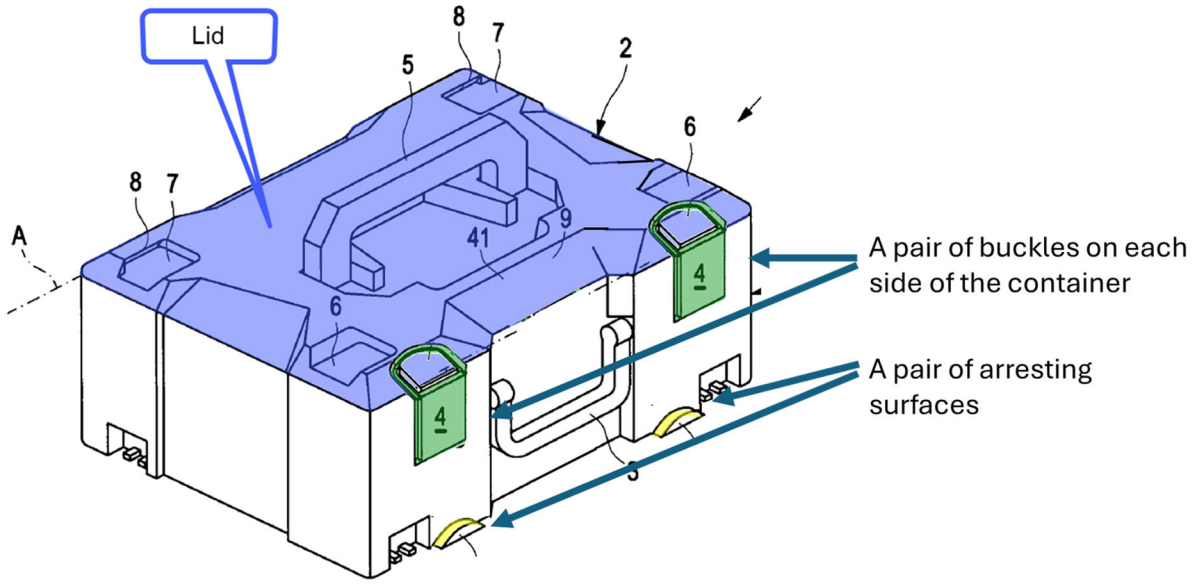
Claim 15 mirrors claim 1's limitations through 15[k]. The following chart cross references the limitations of claim 15 to claim 1; the rationale and prior art disclosures applied to the claim 1 limitations likewise apply to the corresponding claim 15 limitations. EX1003, ¶227.

Claim 15 limitations	Corresponding claim 1 limitations
15[pre]	1[pre]
15[a]	1[a]
15[b]	1[b]
15[c]	1[c]
15[d]	1[d]
15[e]	1[e]
15[f]	1[f]
15[g]	1[g]
15[h]	1[h]
15[i]	1[i]
15[j]	1[j]
15[k]	1[k]

1. 15[l]:

Metabowerke alone or in combination with Lin renders this limitation obvious. *Id.,* ¶228. As discussed with respect to claim 7, Metabowerke discloses a plurality of female couplers at the top face of the first lid. Claim 15[l] adds only the first container further "comprising a second locking latch arresting location." *Id.* As discussed with respect to claims 6 and 13, it would have been obvious to a POSITA to position arresting locations on the first lid.

Further, as Dr. Collins' explains and illustrates with the modified version of Fig 1 below, an obvious modification is to use two buckles, one on each side of the face rather than using one. *Id.,* ¶228. A POSITA would be motivated to make this change to improve the strength and reduce the risk of the buckle accidentally releasing. *Id.*



Further, as described above, the examiner found that it would have been "obvious for one having ordinary skill in the art to include toggle locking latches in similar stacking container systems to keep a stacked container lid in a closed position." EX1022 at 122-23. As shown below, Bensman uses two such latches.

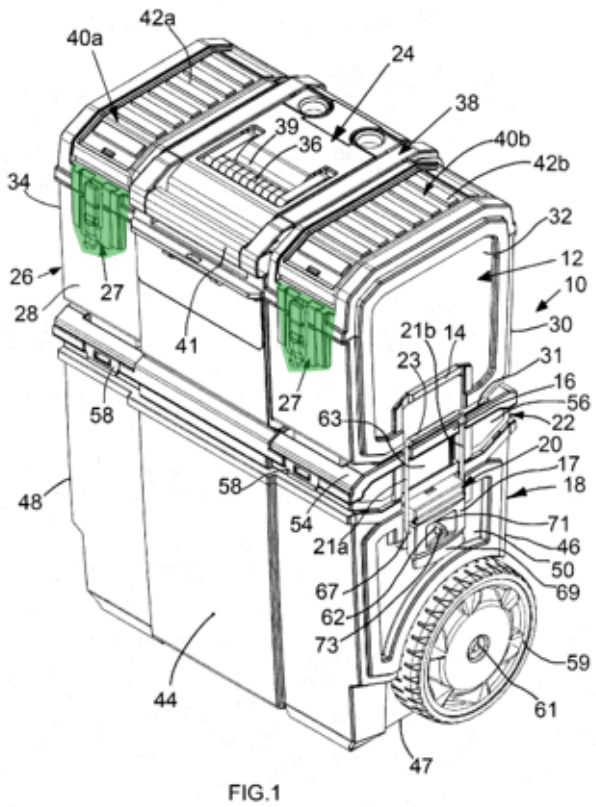


FIG.1

It would also be obvious to combine Metabowerke with Lin, which would allow for multiple smaller containers to stack securely. *Id.,* ¶230.

2. 15[m]

Metabowerke in combination with Lin renders this limitation obvious. *Id.*, ¶231. As discussed above with respect to claim 15[l] and 1[n], Lin discloses half-width containers stacked on a larger base container. *Id.* A POSITA would have found it obvious for the third container to use the same couplers as the others—*i.e.,* a male coupler extending from its bottom face to slidingly engage one of the female couplers on the first container. *Id.*

3. 15[n]

Metabowerke in combination with Lin renders this limitation obvious. *Id.,* ¶232. As discussed above, Lin teaches containers of varying sizes, including smaller containers stacked on a larger base. *Id.* A POSITA would have found it obvious for such a third container to include the same type of pivotally attached lid as the others. *Id.*

4. 15[o]

Metabowerke in combination with Lin renders this limitation obvious. *Id.,* ¶233. As with prior limitations, it would have been obvious to include female couplers of the same structure on the lid of a smaller third container, as disclosed in Lin. *Id.*

5. 15[p]

Metabowerke in combination with Lin renders this limitation obvious. *Id.,* ¶234. As discussed with respect to limitation 15[l], Lin discloses multiple smaller containers stacked on a larger container. *Id.* A POSITA would have found it obvious to use an additional locking latch and arresting location with the same function as in the other containers. *Id.*

L. Claim 16

Metabowerke in combination with Lin renders this limitation obvious for the same reasons discussed above with respect to limitation 1[n]. *Id.,* ¶235.

Lin discloses the use of half-size containers, and it would have been an obvious design choice to make different size containers for the reasons described above with respect to Ground 1. *Id.*

XIII. GROUND 6: METABOWERKE, BURCHIA, LAFRAGETTE, WELSH, AND LIN RENDER OBVIOUS CLAIMS 1, 5-7, 10-16

To the extent patent owner argues that the combination of Burchia and Lafragette lacks an "arresting location," it would have been obvious to modify Metabowerke according to Lafragette's teaching to include a recess as an arresting location. *Id.*, ¶¶236-242.

A. Motivation to Combine Burchia with Lafragette's Teachings

To the extent Patent Owner argues Metabowerke fails to disclose the claimed arresting location, it would have been obvious for a POSITA to have modified Metabowerke according to the teachings of Burchia and/or Lafragette to include one. *Id.*, ¶237. Both Lafragette and Burchia disclose a recess in one of its containers that serves as an arresting location for its locking latch as described in ground 2 and 3. *Id.* And it would have been obvious to POSITA to include a recess, as taught in Lafragette and Burchia, in the bottom face of Metabowerke's top container as an arresting location for Metabowerke's locking latch, because a recess would provide additional protection for the latch itself (e.g., to prevent inadvertent disassembly) and

provide additional lateral force opposing lateral movement of the containers. *Id.* As discussed in Grounds 1 and 5, it would also have been obvious to swap the latch and arresting location, placing the arresting location in a recess on the lid of the first container. *Id.*

Metabowerke, Burchia, and Lafragette are each directed to container assemblies that are detachably connectable using the same or similar mechanism, a tongue sliding into a depressed surface and engaging a rib and being held in place by a spring-biased locking latch. *Id.,* ¶238. A POSITA could have opted for a toggle-locking latch as taught by Metabowerke, spring-biased locking latch arrested on the front face of the other container or set back in a recess in the bottom face of the container, as taught by Burchia, or a resilient tab (also a spring-biased locking latch) and recess, as in Lafragette. *Id.* Therefore, depending upon the designer's preference, the arresting location of the locking latch could be in different locations (e.g., on the front face of the other container or in a recess in the bottom of the other container; or in a recess in the top lid if the latch and arresting location were swapped). *Id.* Even assuming Metabowerke does not disclose a recess as an arresting location (it does), its locking latch arrested on the front face of the other container serves the same function in that it is designed to hold the containers together until it is released. *Id.*

Moreover, a POSITA would have been motivated to use the recess of Lafragette and/or Burchia in the container assembly of Metabowerke, for example, to provide additional protection and support to a spring-biased locking latch. *Id.*, ¶239. These are obvious design choices within the common knowledge and common sense of a POSITA at the time of the claimed invention. *Id.* The different design choices would provide predictable functionality to a POSITA. *Id.*

A POSITA would have had a reasonable expectation of success in substituting Lafragette's and/or Burchia's recess, because the simple mechanical technology at issue (a recessed surface) would predictably provide further protection for Metabowerke's locking latch. *Id.*, ¶240. A slot in the face of the latch could provide a place for a user to depress the latch to release the containers. *Id.*

B. Limitations 1[i], 1[l], 6, 11, 13, 14, 15[h], 15[k], 15[l], 15[p] ("Locking Latch Arresting Location")

Lafragette expressly discloses a locking latch arresting location as a surface in a recess in its second container as described in Ground 2. *Id.*, ¶241.

A POSITA would have been motivated to modify Metabowerke, to the extent not already expressly disclosed, to include Lafragette's arresting location at least because a recess would provide additional protection for the

latch itself (e.g., to prevent inadvertent disassembly) and provide additional lateral force opposing lateral movement of the containers. *Id.*, ¶242.

XIV. GROUND 7: METABOWERKE, BURCHIA, WELSH, BENSMAN, AND LIN RENDER OBVIOUS CLAIMS 2-4 AND 8-9

A. Motivation to Combine

Bensman, Welsh, Lin, Burchia, Metabowerke, and the '167 patent, are in the analogous field of modular toolboxes or connectable containers. *Id.*, ¶243.

A POSITA would have been motivated to add the pair of rear wheels and a telescoping handle of Bensman to the container assembly of Metabowerke (including any combination with Burchia) for the reasons described in Ground 3. *Id.*, ¶244.

It also would have been obvious to a POSITA to combine Metabowerke with the toggle locking latches of Bensman for the reasons discussed with respect to ground 1, claim 8. *Id.*, ¶245.

B. Claim 2

Metabowerke discloses a first container comprising a **first rear wall** opposite the **first front face**. *Id.*, ¶246.

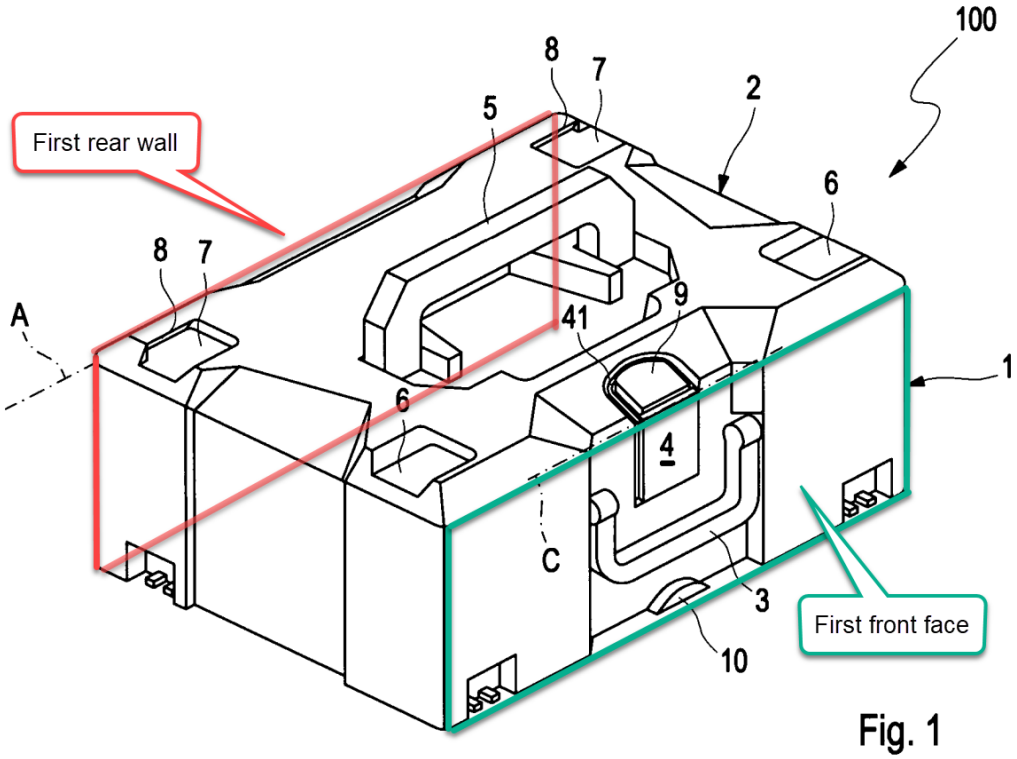


Fig. 1

Although Metabowerke does not disclose a first container comprising a pair of rear wheels and a telescoping handle, a POSITA would have been motivated to add the pair of rear wheels and a telescoping handle of Bensman to the container assembly of Metabowerke (including any combination with Burchia or Lafragette) for the reasons described in Ground 3. *Id.*, ¶247.

C. Claim 3

Metabowerke discloses a sliding path defined by the rib of the first female coupler and tongue of the male coupler. *Id.*, ¶248.

Metabowerke explains that its second (top) container is slid backwards until the second coupler (rear standing foot) engages with the first coupler (rear recess) of the bottom container:

> ***[T]he second container 100' is*** first lifted slightly upwards in its front region, i.e. in the region in which the lateral carrying handle and the buckle with the clip are arranged, and placed on the first container 100 and then ***pushed backwards until the rear standing feet of the top container 100' engage with the rear recesses 7 of the bottom container 100, in particular with the undercuts 8***." EX1020, ¶[0041] (emphasis added).

EX1003, ¶249.

Metabowerke explains that the second container is "pushed backwards" until the **tongue** engages the **rib**. *Id.*, ¶250.

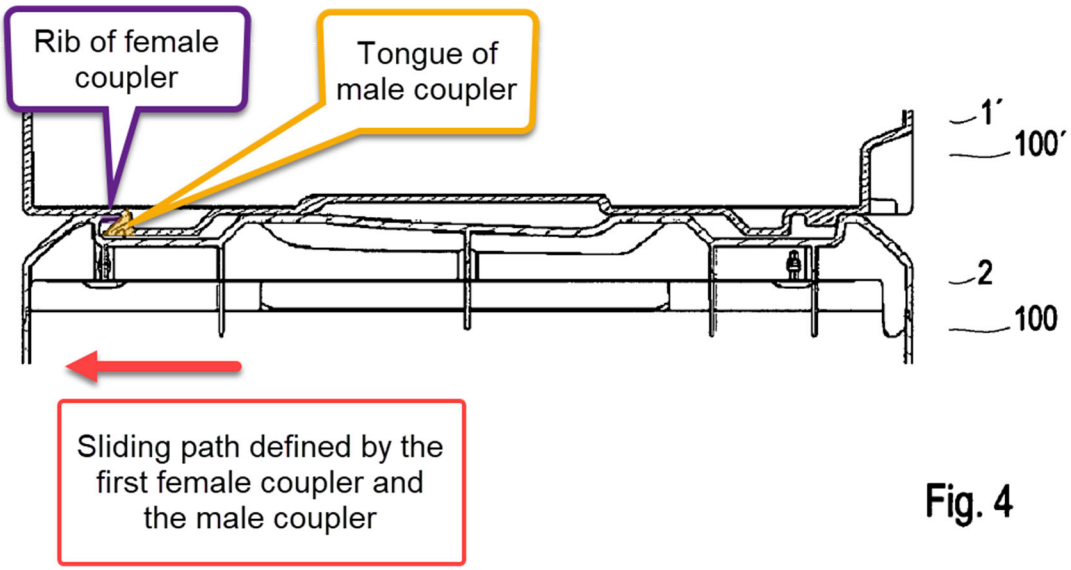


Fig. 4

D. Claim 4

As shown in the annotated figure below Metabowerke's **sliding path** is perpendicular to the first **front face** and the **first rear wall**. *Id.*, ¶251.

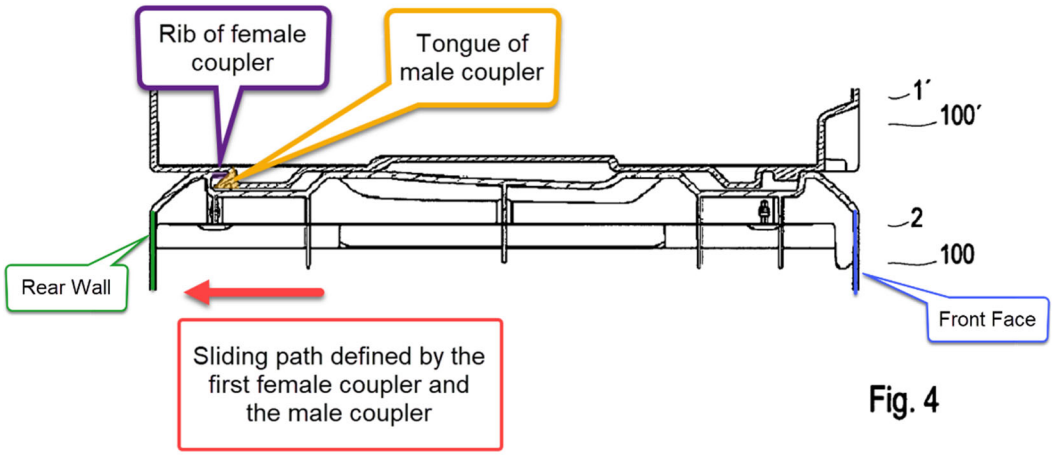


Fig. 4

E. Claim 8

In the below annotated Figure, Metabowerke discloses a **toggle locking latch** configured to latch the **first lid** of the first container in a closed position. *Id.*, ¶252.

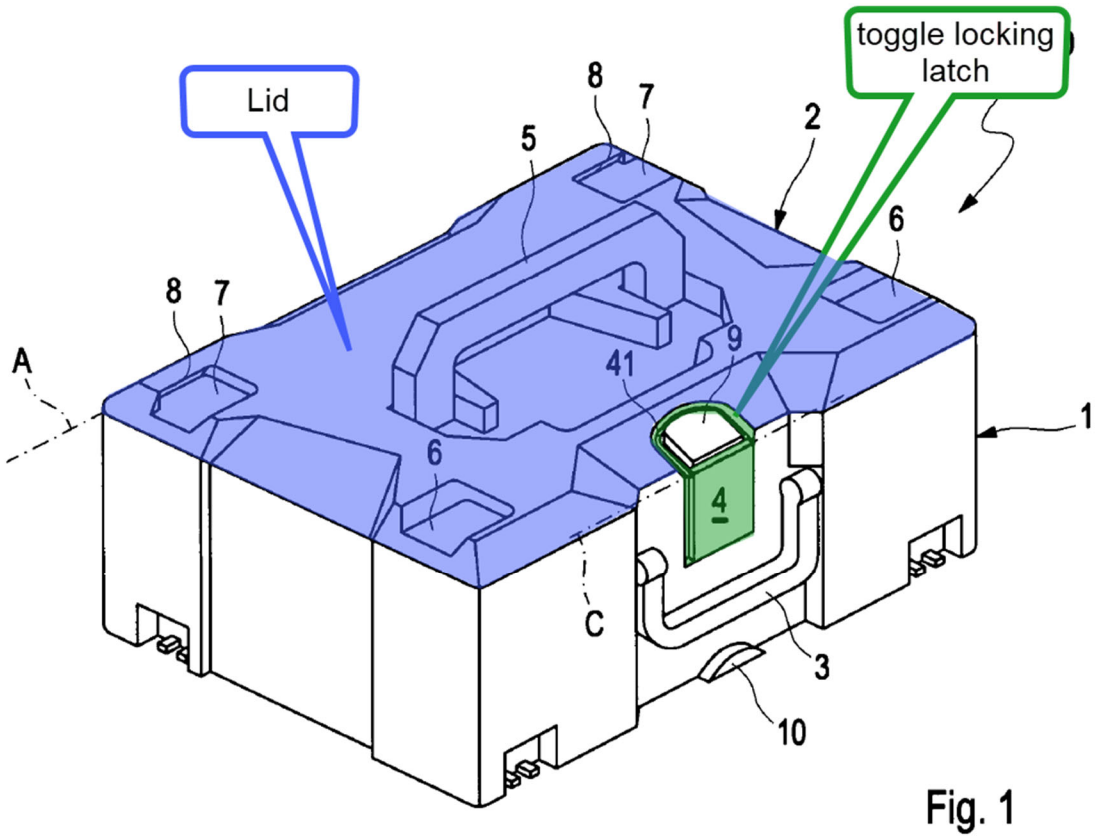


Fig. 1

Metabowerke describes the **toggle locking latch** mechanism as follows: "In the front region of the container **100**, it is shown how the buckle **4** with its associated clip **41** engage in a closure tab **9** in the cover **2** of the container **100** and in this way tightens the cover **2** against the base part **1**, whereby the container **100** is reliably closed, in particular due to the pretention thereby achieved." EX1020, ¶[0042]; EX1003, ¶253. Metabowerke also contemplates that each container include a toggle locking latch, such that the second container would include a third toggle locking latch. EX1020, ¶[0009]; EX1003, ¶253.

Even if Metabowerke did not disclose a toggle-locking latch, toggle-locking latches were an obvious way to lock a toolbox lid, as discussed above in connection with Ground 3, Claim 8. EX1003, ¶254.

While Metabowerke does not disclose a second or fourth toggle-locking latch configured to latch the lids of the containers in a closed position, it would have been obvious to a POSITA to combine Metabowerke with the toggle locking latches of Bensman to include two toggle locking latches on each container for the reasons discussed with respect to Ground 1, claim 8. *Id.*, ¶255.

Patent Owner may argue that the "locking latch" must be a different structure from the toggle-locking latches. Even if Patent Owner were correct, a POSITA would be motivated to include the toggle-locking latches of Bensman in addition to the locking-latch mechanism of Burchia as these are all conventional latching mechanisms, a POSITA would have a reasonable expectation of success in making the substitution, and would be motivated to separate the locking latch from the toggle latch in order to enable the user to disconnect the first and second containers without unlatching the lid. *Id.*, ¶256.

F. Claim 9

While Metabowerke does not disclose a second or fourth toggle-locking latch configured to latch the lids of the containers in a closed position,

it would have been obvious to a POSITA to combine Metabowerke with the toggle locking latches of Bensman to include two toggle locking latches on each container for the reasons discussed with respect to claim 8. *Id.*, ¶257. If locking latches were placed on the left and right of the Metabowerke box, the locking latch would be between the second and fourth toggle-locking latches. *Id.*

Further, to the extent this limitation is directed to a second container of half-width size, it would have been obvious to a POSITA to use half-width size containers as disclosed in Lin. *Id.*, ¶258.

XV. GROUND 8: METABOWERKE, BURCHIA, LAFRAGRETTE WELSH, BENSMAN, AND LIN RENDER OBVIOUS CLAIMS 2-4 AND 8-9

The combination of Metabowerke, Burchia, Lafragrette, Welsh, Bensman, and Lin disclose the elements of claims 2-4 and 8-9 for the reasons described in Grounds 6 and 7. *Id.*, ¶259. A POSITA would have been motivated to include the toggle-locking latches, wheels, and telescoping handle of Bensman on the container of Ground 6 for the reasons discussed in Ground 7. *Id.*

XVI. CONCLUSION

Petitioner respectfully requests institution.

Date: May 22, 2025

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CERTIFICATE OF LENGTH (37 C.F.R. §§ 42.24(D))

The undersigned hereby certifies that, according to the word-processing system used to prepare the foregoing document, this document has 13,963 words and thus complies with the applicable word limit.

Date: May 22, 2025

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CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(E), 42.105(A))

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