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
U.S. Patent No. 11,952,167

DECLARATION OF JOHN M. COLLINS, Ph.D. IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW

1. I have been retained on behalf of Klein Tools, Inc. ("Petitioner") in connection with the above-captioned *inter partes* review (IPR). I have been retained to provide my opinions in support of Petitioner's IPR Petition. I am being compensated for my time at my standard rate of $450 per hour. I have no interest in the outcome of this proceeding.

2. In preparing this declaration, I have reviewed and am familiar with U.S. Patent No. 11,952,167 ("the '167 patent"), its file history, all other materials cited and discussed in the Petition, and cited and discussed in this Declaration.

3. The statements made herein are based upon my own knowledge and opinion. This Declaration represents only the opinions I have formed to date. I may consider additional documents as they become available or other documents that are necessary to form my opinions. I reserve the right to revise, supplement, or amend my opinions based on new information and on my continuing analysis.

I. QUALIFICATIONS

4. I have been employed since 2008 at the Consortia for Improving Medicine with Innovation and Technology ("CIMIT") and am currently the Director of Innovation Platforms. CIMIT is a non-profit consortium of Boston's leading teaching hospitals and universities along with a growing network of national and international affiliates. CIMIT is an operating unit within Massachusetts General Hospital where I have a faculty appointment.

5. Much of my responsibility at CIMIT is to facilitate collaboration among scientists, engineers, clinicians, and entrepreneurs to speed the discovery, development, and implementation of medical innovations into practice. I focus on assisting investigators in moving technologies from the lab into products and services that improve patient care. My focus has been on developing and implementing CIMIT's CoLab and GAITS platforms as well as the CRAASH program and using them to support teams in advancing healthcare innovations into practice.

6. By way of example of CIMIT's work, it was recently responsible for the National Institute of Biomedical Imaging and Bioengineering (NIBIB) sponsored RADx Tech program. The program has committed more than $1.5 Bn to develop and accelerate the commercialization of innovative point of care SARS-CoV-2 (COVID) tests into practice. That program supported more than 100 organizations and resulted in 55 FDA authorized tests, including the first over-the-counter test for home use, and the production of over 7 billion tests[1].

7. Also since 2008, I have been employed as the Chief Technology and Innovation Officer for Reed Collins, LLC. At Reed Collins, I provide consulting to

[1] *See* NIH Website, accessed 2/28.2024: https://www.nibib.nih.gov/covid-19/radx-tech-program.

non-profits as well as start-ups. Non-profit clients include Oxford University in the UK and Howard University in the U.S.

8. I received a Ph.D. (1988) and M.S. (1982) in mechanical engineering from the Massachusetts Institute of Technology ("MIT"), as well as a B.S. (1980) in mechanical engineering, with a minor in economics, from Rensselaer Polytechnic Institute ("RPI"). At MIT, I worked in the Fluids Lab under the direction of Professors Asher Shapiro and Roger Kamm. My academic work focused on mechanical engineering with a concentration on fluid dynamics and heat/mass transfer, with my Ph.D. and M.S. theses applying these principles to pulmonary dynamics. My M.S. thesis was on high frequency ventilation: at the time a novel way to ventilate babies without over-pressurization of the lung, avoiding damage to the lung during ventilator assist. My Ph.D. thesis was on experimental, analytical and numerical modeling of forced exhalation from the lung. The results were a computational model of the lung that allowed for more sophisticated diagnostics based on the results of the simple Forced Expiration Pulmonary Function ("FEPF") test.

9. I now have over 40 years of product design, development, and consulting experience covering a wide range of industries and products. Over that time, I have had a consistent focus on medical devices and related technologies, which includes my particular expertise in design, fluid mechanics and heat/mass

transfer. In addition to doing engineering work, my responsibilities have included assembling and managing teams to develop new consumer, industrial, and medical products.

10. I also have experience as an innovator and inventor. I am a named inventor on more than twenty U.S. patents, with foreign counterparts in addition, on new products and manufacturing processes. My CV is attached as Exhibit 1009 and contains a list of my U.S. Patents and all the publications that I have authored over the last 10 years.

11. Prior to my time at CIMIT and Reed Collins LLC in 2008, I held various leadership positions at technology and product development companies. From 1982-1986, I worked at Booz, Allen & Hamilton ("Booz Allen"), where I developed a number of consumer and industrial products. After taking time to return to MIT and complete my Ph.D., I was then employed by Arthur D. Little ("ADL") until 1988. I then joined ADL as a design engineer and helped form its medical products business. I progressed to being responsible for the Technology and Innovation ("T&I") Directorate, with more than 250 staff as Sr Vice President until 2002.

12. From 2002-2008, I worked in close collaboration with CEO and owner, Dr. Kenan Sahin, to form TIAX LLC from the resources of the ADL T&I Directorate. TIAX is and was a privately held technology transformation

organization focused on advancing and developing technologies for commercialization in several core technology areas, including clean energy and materials, health and wellness, appliances and HVAC systems, and enhanced security. During my tenure at TIAX, part of which I served as president, the World Economic Forum recognized TIAX as a Technology Pioneer in 2002 and as a New Champion in 2007. For a full list of my employment history, see my CV, attached as Exhibit 1009 to this report.

13. My experiences cover a broad technology base across a diverse set of industries, including in the areas of medical devices, energy, consumer products, emission technology for automobiles, and alternative smoking products.

14. By way of example, while at Booz Allen, I helped develop products such as the Regina Rug Scrubber, Rubbermaid Computer Terminal Stand, and GE Undercounter (slide-in) Coffee Maker. These products were made for consumers and used manufacturing techniques consistent with high production volumes. They were assemblies of metal parts (stamped, cast, machined, etc.), injection molded parts and actuators such as motors as well as electronic controls. They had sub-assemblies that a consumer would fit together, for example sliding the coffee maker into frame that had a spring-loaded latch attached under a counter to hold the coffee maker in place. The Regina Rug Scrubber had a combined fresh and wastewater

container that would be placed and pivot into the device and was held in place with a spring-loaded latch.

15. By way of further example, while at ADL I led the teams that developed several products for Johnson & Johnson. They include a surgical ligate and divide instrument for open abdominal surgery that utilized the client's proprietary dissolvable clips. I also led the development of a series of minimally invasive surgical instruments, including surgical clip appliers and trocars (including 12, 18, and 33 mm trocars) which provide surgical access. I also led a team that developed a high-performance blood/fluid warmer for Baxter Healthcare. The device is used in surgical applications in which a sterile consumable was snapped into the heating device. I also worked on the development of a microsurgical fluid delivery system for Bausch & Lomb. The system allowed surgeons to control the flow or pressure of irrigation fluid during eye surgery. It used a disposable fluid path that had a proprietary scroll pump unit that snapped into engagement with the control console. All of these products used conventional high production volume manufacturing techniques such as injection molding and forming metal parts by machining, stamping, etc.

16. I have also performed services in numerous patent disputes as an independent technical expert and consultant and as an expert witness. I have consulted as an expert in matters involving the design of a variety of devices. See

Exhibit 1009 for a list of matters in which I have offered expert opinions or testified in court in the last 4 years.

II. LEGAL UNDERSTANDING

A. The Person of Ordinary Skill in the Art ("POSITA")

17. I understand that a person of ordinary skill in the relevant art at the time of the invention (also referred to herein as "ordinary artisan") is presumed to be aware of all pertinent art, thinks along conventional wisdom in the art, and is a person of ordinary creativity—not an automaton.

18. I have been asked to consider the level of ordinary skill in the field that someone would have had at the time the claimed invention was made. In deciding the level of ordinary skill, I considered the following:

- the levels of education and experience of persons working in the field;
- the types of problems encountered in the field; and
- the sophistication of the technology.

19. A person of ordinary skill in the art relevant to the '167 patent at the time of the invention would either have a B.S. in mechanical engineering, or an equivalent degree in a related discipline, and at least two years of experience in the mechanical design of consumer products, or five years or more of experience in the mechanical design of consumer products if they lack a bachelor's degree.

20. I am well-qualified to determine the level of ordinary skill in the art and am personally familiar with the technology of the ’167 patent. I was a person of at least ordinary skill in the art at the time of the priority date of the ’167 patent. Regardless if I do not explicitly state that my statements below are based on this timeframe, all of my statements are to be understood as an ordinary artisan would have understood something as of the priority date of the ’167 patent.

B. Legal Principles

21. I am not a lawyer and will not provide any legal opinions. Though I am not a lawyer, I have been advised that certain legal standards are to be applied by technical experts in forming opinions regarding the meaning and validity of patent claims.

1. Anticipation

22. I understand that to obtain a patent, a claimed invention must have, as of the priority date, been novel. I understand that to prove that a prior art reference anticipates a patent, the four corners of the prior art reference must describe each element of the claimed invention, either expressly or inherently. I also understand that the prior art reference must describe the elements arranged as in the claim and that it is improper to combine disparate embodiments to establish anticipation unless a POSITA when reading the reference could at once envisage such a combination.

2. Obviousness

23. I understand that to obtain a patent, a claimed invention must also have, as of the priority date, been nonobvious in view of prior art in the field. I understand that an invention is obvious when the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art.

24. I understand that to prove that prior art, or a combination of prior art, renders a patent obvious, it is necessary to: (1) identify the particular references that singly, or in combination, make the patent obvious; (2) specifically identify which elements of the patent claim appear in each of the asserted references; and (3) explain how the prior art references could have been combined to create the inventions claimed in the asserted claim.

25. I understand that a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art, and that obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention.

26. I also understand that a reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from

following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. Even if a reference is not found to teach away, I understand its statements regarding preferences are relevant to a finding regarding whether a skilled artisan would be motivated to combine that reference with another reference.

3. My Understanding of Claim Construction Law

27. I have been informed that patent claims are construed from the viewpoint of a person of an ordinary artisan and that patent claims generally should be understood consistent with their ordinary and customary meaning at the time of the invention. A review of the patent claim language, the patent specification, and its prosecution history are also necessary to determine the proper meaning and scope of the term at issue.

28. I have further been informed that in the specification and prosecution history the patentee may define a claim term in a way that differs from the ordinary and customary meaning. I understand that during prosecution of the patent before the U.S. Patent and Trademark Office, the Applicant may make representations or provide definitions of terms that may affect the scope of the patent claims. In particular, the Applicant may, during the course of prosecution, limit the scope of the claims to overcome prior art and/or disavow claim coverage by making clear and unambiguous statements to that effect.

29. I have been informed that an ordinary artisan may, among other things, consider dictionaries, publications, other patents, and treatises (*i.e.*, "extrinsic evidence"). I understand that extrinsic evidence may generally not be relied on if it contradicts the meaning of claim language provided by the intrinsic evidence, such as express definitions given for terms in the specification.

4. Secondary Considerations of Non-Obviousness

30. I understand that one of the factual inquiries when determining the obviousness of a patent is to consider objective evidence related to the issue of obviousness, sometimes called "secondary considerations of non-obviousness" or "objective indicia of non-obviousness." I understand that such evidence can often be probative of the issues of obviousness.

31. I understand that examples of objective evidence include (1) commercial success, (2) copying, (3) industry praise, (4) skepticism, (5) long-felt but unsolved need, and (6) failure of others.

32. I understand that there must be a nexus between the patented invention and the evidence of secondary considerations. I further understand that there is a presumption of such a nexus if the claims of the patent are coextensive with a product or products that are the subject of the secondary considerations evidence. I further understand that in order for a claim to be coextensive with a product, one must look at the claims as a whole and not just the new claimed feature. In addition, the

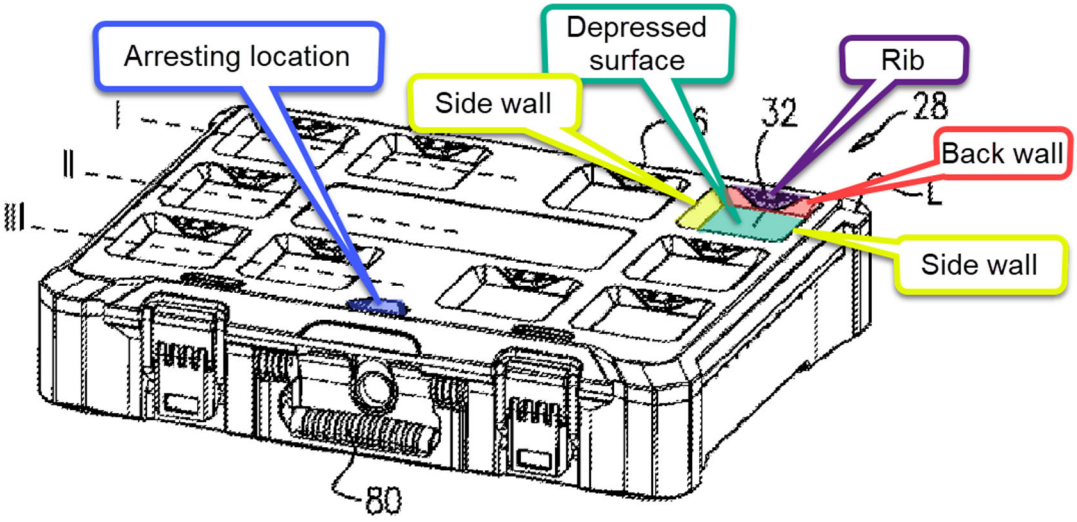
claimed invention should not be merely a subcomponent of the products sold but should encompass the entire apparatus.

III. OVERVIEW OF THE '167 PATENT

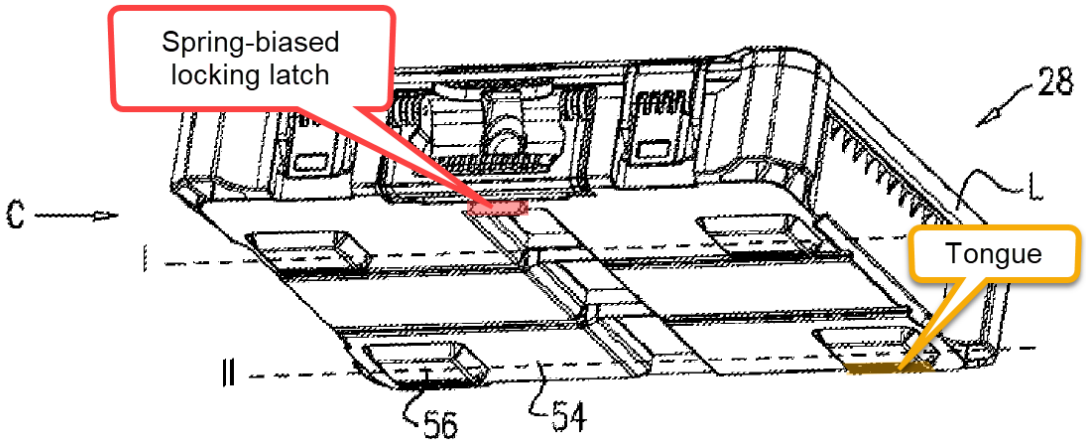
A. Overview

33. The '167 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. The patent explains that the term 'utility module' is a broad term and covers a wide variety of articles such as, storage containers, travel luggage, tool boxes, organizers, compacted work benches, etc., of any shape and size where any utility module is detachably attached to any other utility module. EX1001, 1:32-40.

34. 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. 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.



35. As shown in Fig. 1C below, the bottom face of each container includes several projecting portions laterally projecting rearwards. *Id.*, 16:47-58. 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.



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

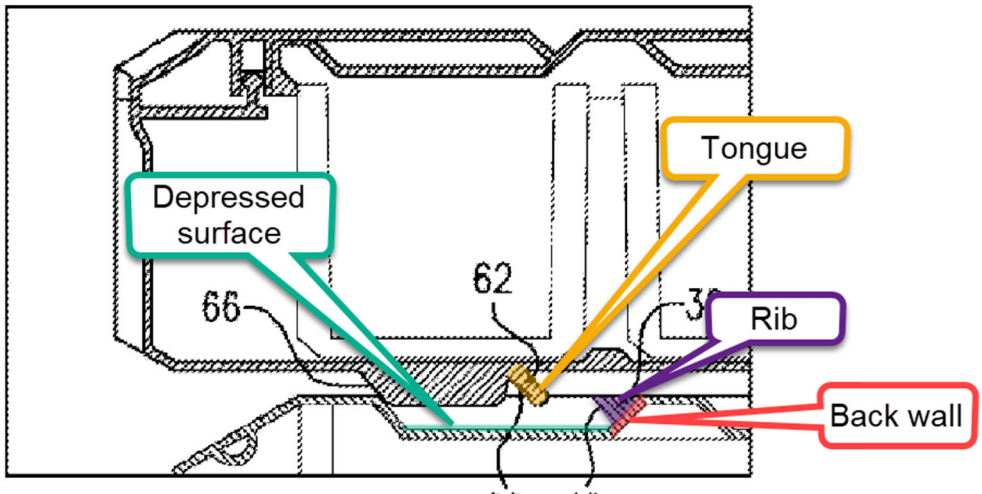


FIG. 3A

B. Prosecution History

37. 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.

IV. CLAIM CONSTRUCTION

38. I understand that 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. However, as I explain below, the prior art renders the claims unpatentable under both parties’ interpretations—including the plain meanings applied by Patent Owner in its

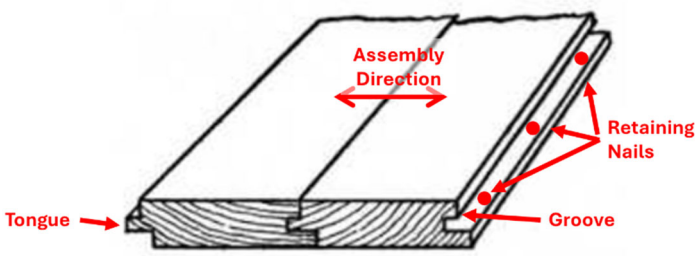
infringement contentions. For all other terms, it is my opinion that they should be given their plain and ordinary meaning.

V. THE PRIOR ART

A. Technology Background

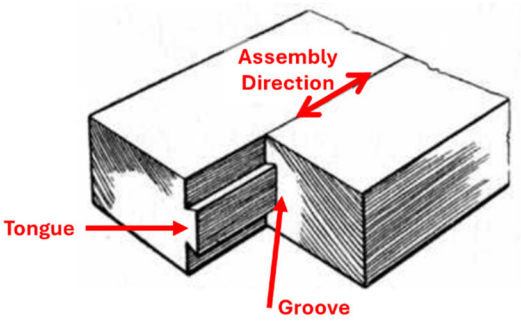
1. Tongue and Groove Releasably Coupled Containers:

39. There are many well-known examples of parts being held together with tongue and groove type connectors, with many being age-old woodworking examples such as for furniture and floors. Below is an example[2] of how floors are made with tongues and grooves engaging adjacent boards and configured such that the joint covers the nails (as annotated in red). Planks are placed and moved together engaging the tongue of one board within the groove of the other. Nails are then driven into the groove holding boards in place until the next board is placed and hides the nail.



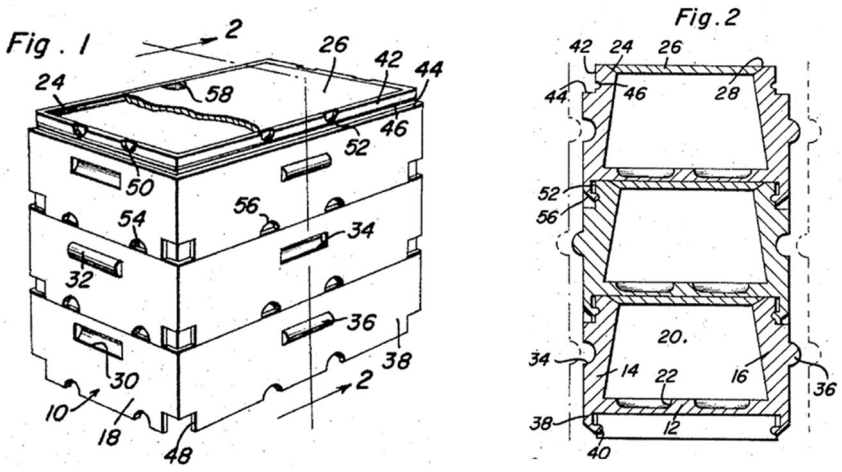
[2]Image from https://sawdustmaking.com/woodjoints/tongueandgroove.htm, accessed on 8/6/2024.

40. Another well-known example is a dovetailed tongue and groove connection as shown in the annotated image below (*id*.). Here, the tongue is wider at its tip than at the base, with a matching profile in the groove. This limits all relative motion of the two parts to just that along the assembly direction.

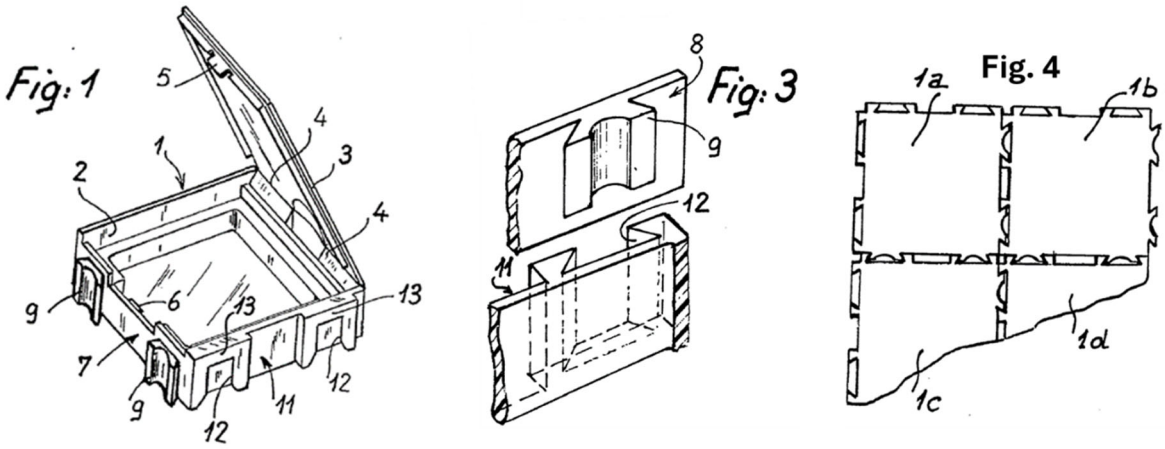


41. Tongue and groove coupling mechanisms have long been known to be used in the art for detachably attaching two modules or containers for many years and well before the effective date of the '167 patent, as illustrated by numerous prior-art patents.

42. For example, U.S. Patent No. 3,424,334, entitled "Stacking Box Construction with Interlock" which issued in October 1964 to Goltz ("Goltz") Ex. 1010. It describes interlocking engagement between vertically stacked boxes. Tongues and grooves on the side walls lock adjacent boxes together by preventing relative vertical and translatory movement. *Id.* at 1:13-19. Fig. 1, reproduced below, shows a stack of detachably connected boxes. Fig. 2, shows a cross section in which the tongue (projecting lip or nipple 40) engages the slot or groove (46) to detachably attach two adjacent containers.



43. Another example is U.K. Patent Application 2,211,486 entitled "Boxes," which was published in July 1989 to Vola ("Vola"). Ex. 1011. It describes interlocking containers with sides that have male and female assembly guides of dovetail cross-section that detachably interlock with vertical movement. *Id*. at 1:24-2:11. As shown in Figures 1, 3 and 4 below, each individual container (1a, 1b, 1c, etc. in Fig. 4) is coupled to an adjacent container with a vertical sliding bevel type tongue (9) and groove (12) coupling as shown in Fig. 3.



44. Another example is U.S. Patent No. 5,890,613, entitled "Modular Cooler Construction," which issued in April 1999 to Williams ("Williams") Ex. 1012. The patent summarizes the invention as a series of interlocking containers. The interlocking features are enabled by a beveled tongue and groove connection as seen in the blow-up section in Fig 1A below, with the tongue (slide rails 37) and groove (receiving slot 34). It also describes providing detents to releasably interlock the containers in a desired configuration. *Id.* at 1:32-39. Also, as shown in Fig 1 below, the patent teaches that the containers can be different sizes.

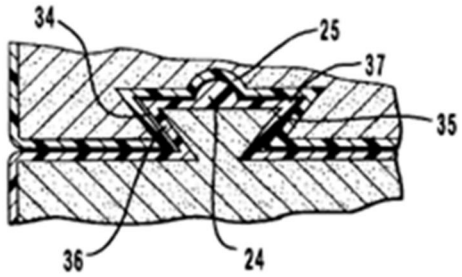
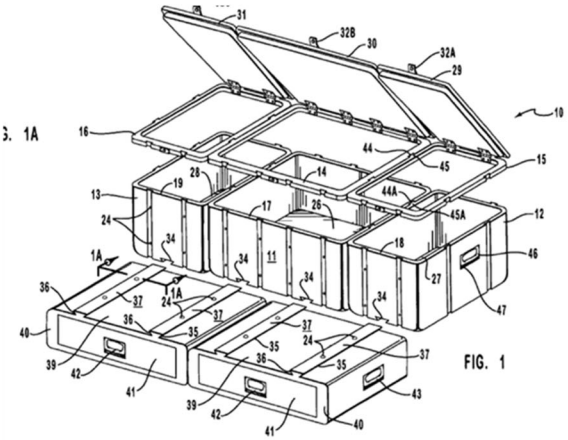
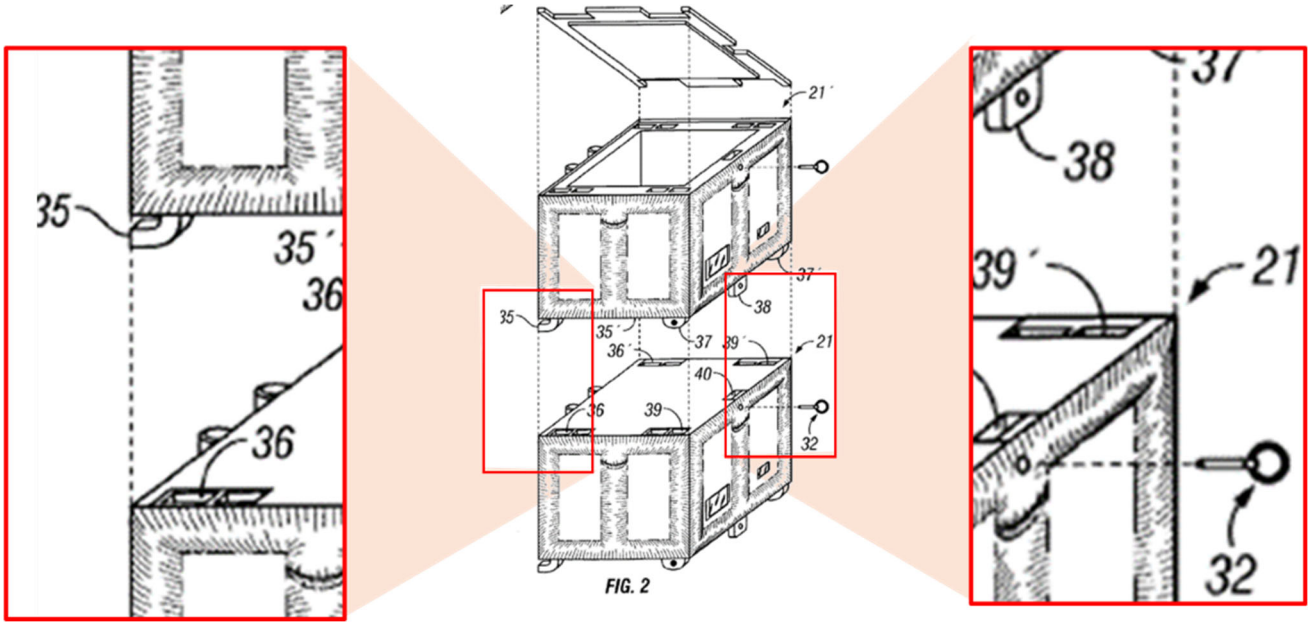


FIG. 1A

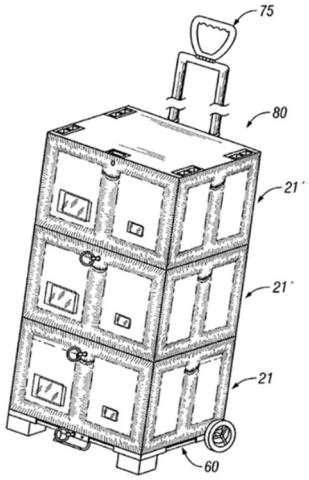

FIG. 1

45. And still another example is U.S. Patent No. 6,983,946, entitled "Transportable Containers Apparatus and Method," which issued in January 2006 to Sullivan, et. al. ("Sullivan"). Ex. 1013. The invention is described as stackable, interlockable, and fully enclosed storage containers with attachable and interlockable wheeled base as well as other accessories such as an attachable pulling handle. *Id.* at 3:61-68. Containers can be locked together by a locking means (32). *Id*. at 6:29-31. Figure 2 below shows the coupling as tongues (curved

members 35 and 35") projecting downward from the bottom of one container to engage with grooves (rectangular slots 36 and 36') in another container. The two containers are locked together by inserting pin 32 through matching holes in the two containers.



46. Figure 11 below shows a fully assembled set of containers on wheels. with a pull handle.



47. A more recent example is U.S. Patent No. 9,375,835, entitled "Tool Box Assembly", which issued in June 2016 to Lin ("Lin") based on an application filed in July of 2015. Ex. 1007. As shown below in Fig. 9, the tool box assembly includes modules of different sizes with lockable and pivoting lids that are releasably interlocked with other boxes through tongue and groove couplings that can be locked. *Id.* at 1:27-43.

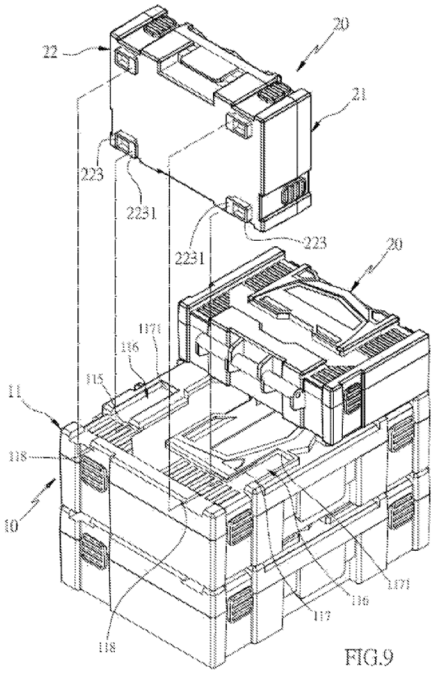


FIG.9

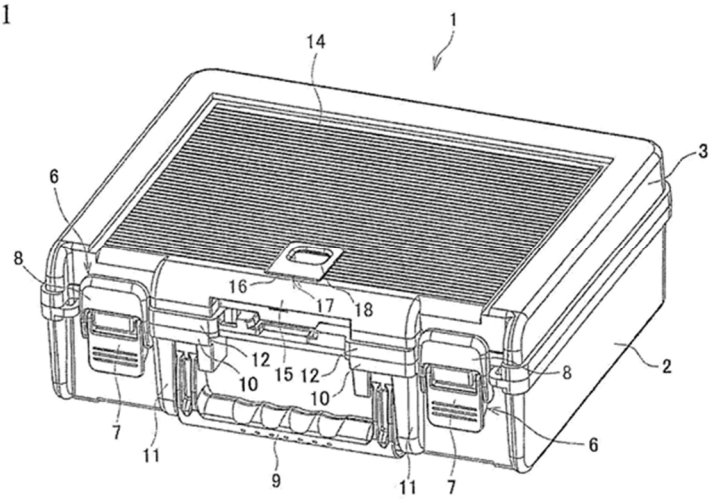
48. As such, interlocking modules of different sizes and configurations involve simple and well-established technology that would have been well known to a POSITA. Many configurations of tongue and groove type connecting elements and variations were well known to a POSITA well before May 2016.

2. Toggle Latches

49. Toggle latches are a subset of closure latches. Toggle latches are those latches wherein a lever or handle is stable in two positions, "toggling" between locked and unlocked positions. Toggle latches on containers and toolboxes were ubiquitous in the prior art and even used on a toolbox I have owned since I was in high school a half century ago. Below are just two of many examples.

50. One example is EP2338650B1, entitled "Power tool storage case" which issued in October of 2016 to Horiyama, et al. ("Horiyama ") Ex. 1014. As shown below in Figure 1, it teaches a pair of right and left latches 6 to hold the lid of a toolbox closed. It also teaches that the "latch 6 is a so-called toggle latch or flip-over latch, in which an upper end of a lever plate 7 is rotatably connected at an edge of the opening of the main body casing 2, and a hook plate 8 is rotatably connected at its lower end to an intermediate portion of the lever plate 7." *Id.*, ¶[0024]

FIG.1



51. Another example is US Patent 8740010B1, entitled "Cooler with locking capabilities" which issued in June of 2014 to Page ("Page") Ex. 1015. As shown below in the front view of Figure 1 and side view of Figure 3, it teaches that the lid 23 is attached to the shell 21 a hinge connection 30 and held closed by a pair of over-center latch assemblies 41. *Id.*, 4:31-34

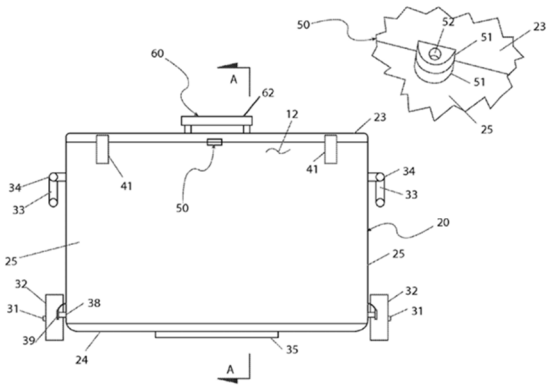


Fig. 1

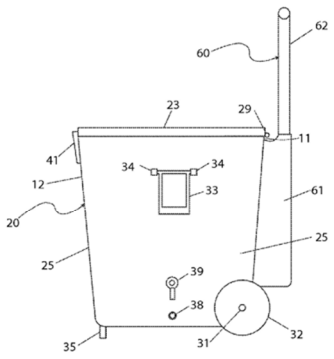


Fig. 3

52. Specifically, it teaches that toggle latches are one of many that would be known to a POSITA. It teaches that the "latch assemblies 41 could be

comprised of any other suitable cooler latching mechanism, such as hasp type latches, toggle latches, cam latches, or the like without violating the form of this embodiment." *Id.*, 4:36-39

53. All of the above references and the additional ones below relate to connectable containers. It is therefore my opinion that all of these references would be obvious sources a POSITA would have considered when seeking to improve upon a connectable container assembly.

B. Burchia (Ex. 1004 – US Patent 10,750,833)

54. Burchia[3] 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.

[3] Ex. 1004 is the U.S. patent to Burchia. Also included is the German priority application, Ex. 1018, and the certified English translation of the German priority application, Ex. 1019, with a certification that the translation is true and correct, Ex. 1019 at 19.

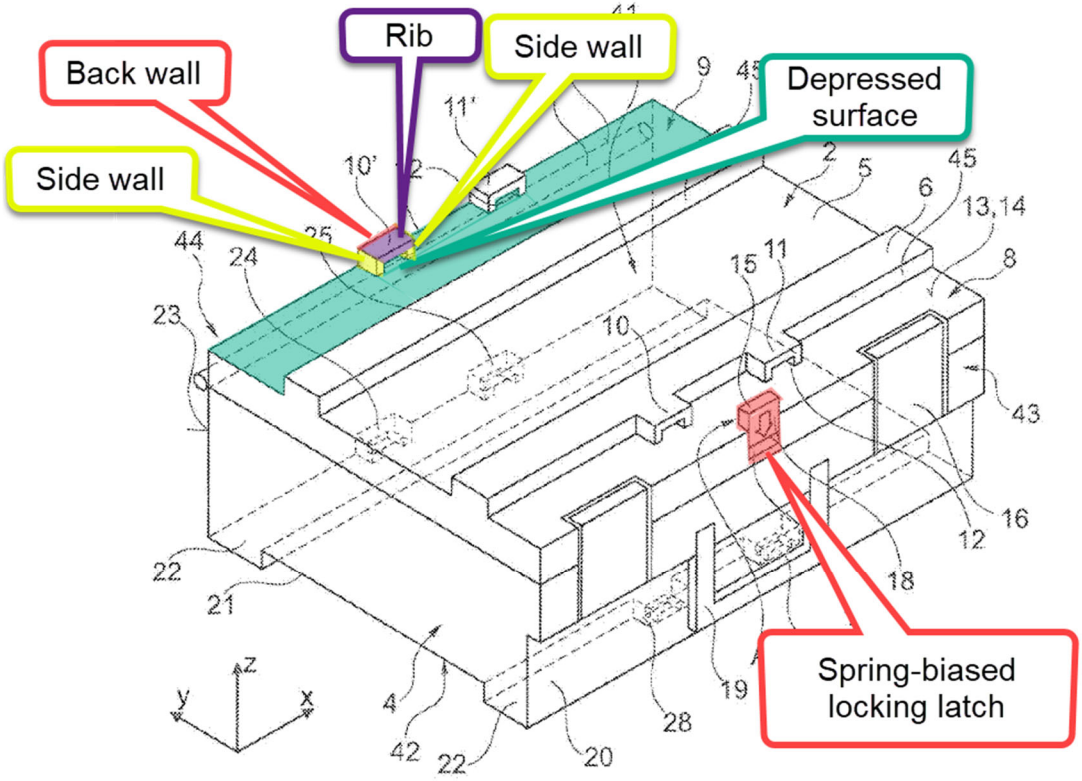


Fig. 1

55. Annotated Figures 4 and 5 below show the progression of connecting two containers by first sliding the tongue of the male coupler of the top container into the groove of the bottom container and then securing them from sliding apart with the **spring-loaded latch**. This is like the tongue and groove wood floor planks described above, but with a **spring-loaded latch** securing them in place rather than a nail.

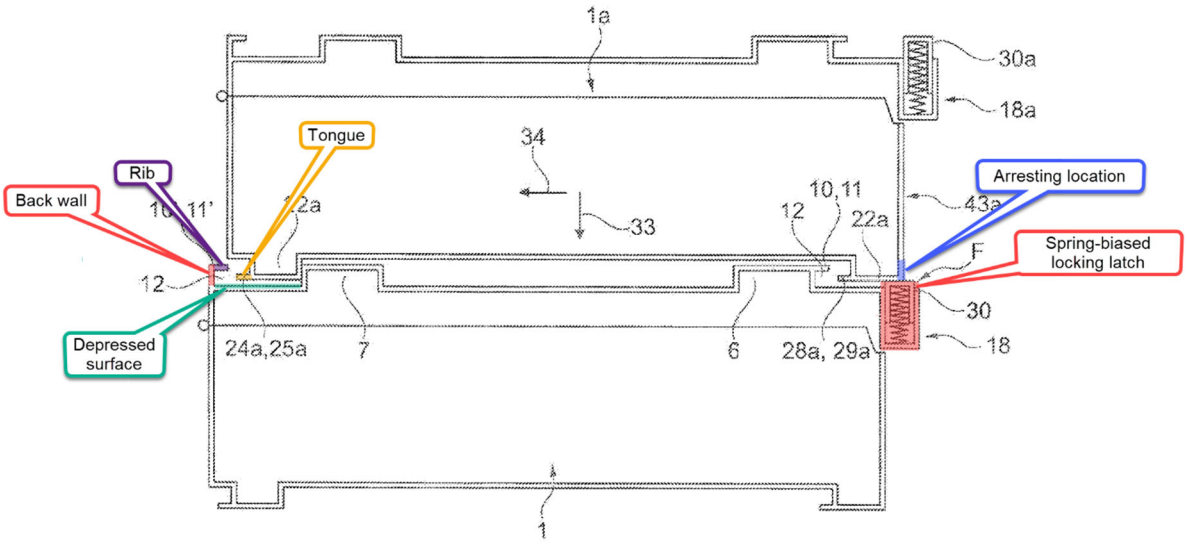


Fig. 4

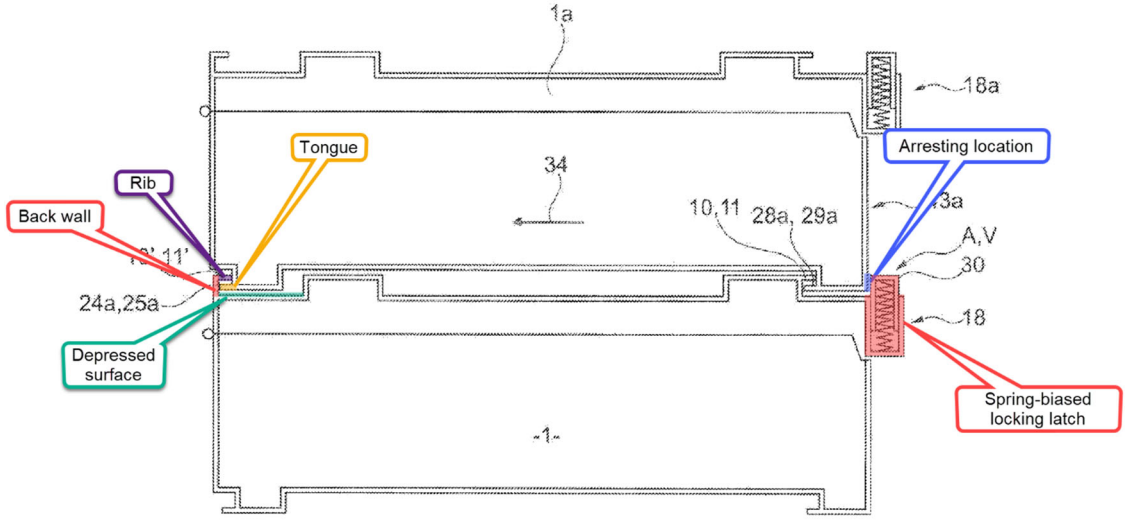


Fig. 5

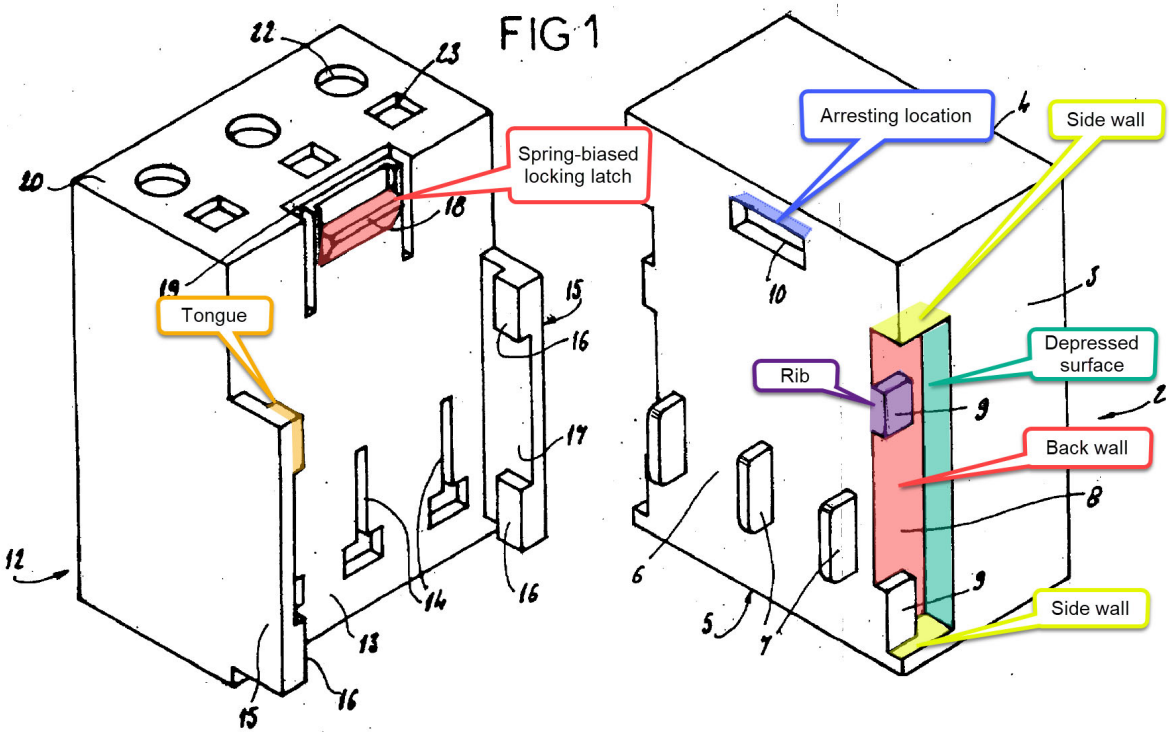
56. I rely on disclosures in the patent and priority application, as set forth below:

Burchia patent (Ex. 1004)	Burchia priority (Ex. 1018, 1019)
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]

C. Lafragette (Ex. 1005 - US Application 2003/0139080)

57. Lafragette discloses a connection module (a first container) that is mated with an electrical box (a 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.



D. Metabowerke (Ex. 1006 – German patent 20 2014 103 695, and Ex. 1020 (certified translation))

58. Metabowerke[4] 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**.

[4] Ex. 1020 is a certified translation of the German language publication of Metabowerke, Ex. 1006, and includes a certification that the translation is true and correct, Ex. 1020 at 18.

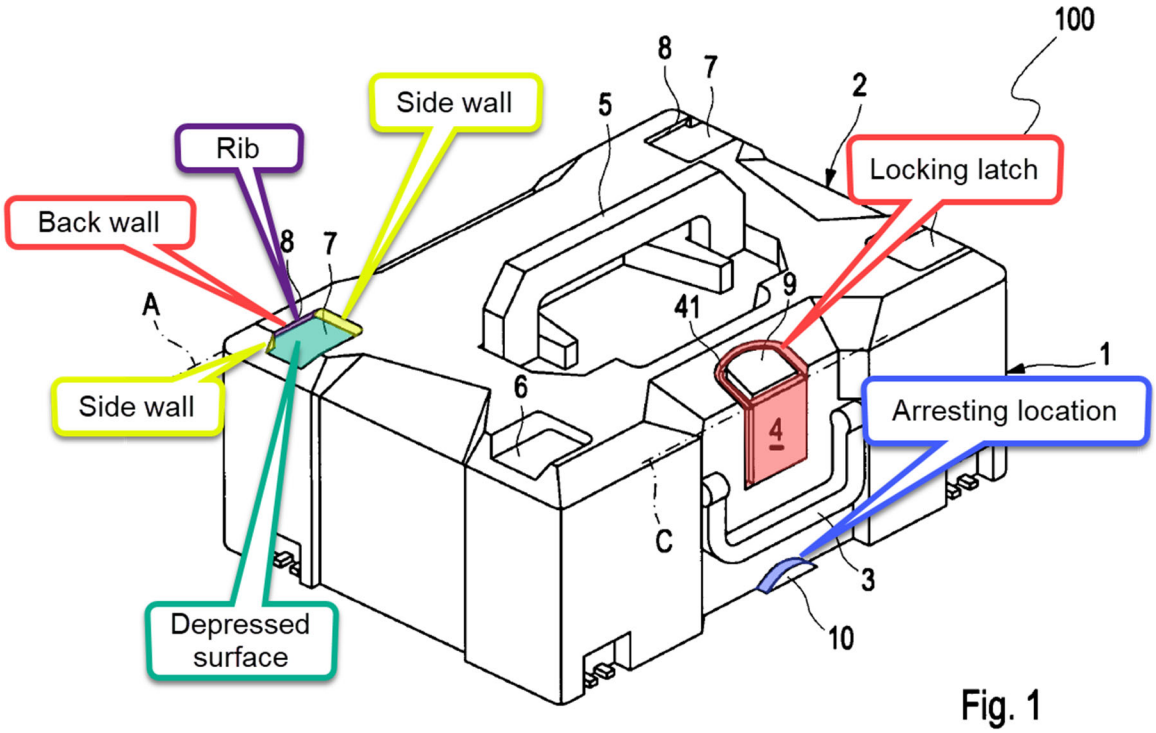


Fig. 1

E. Lin (Ex. 1007 - US Patent 9,375,835)

59. Lin discloses stackable containers that are releasably held together with a tongue and groove configuration and illustrates the use of containers of different sizes, such as a **third container** half the size of the **first container**, as shown in Figure 10:

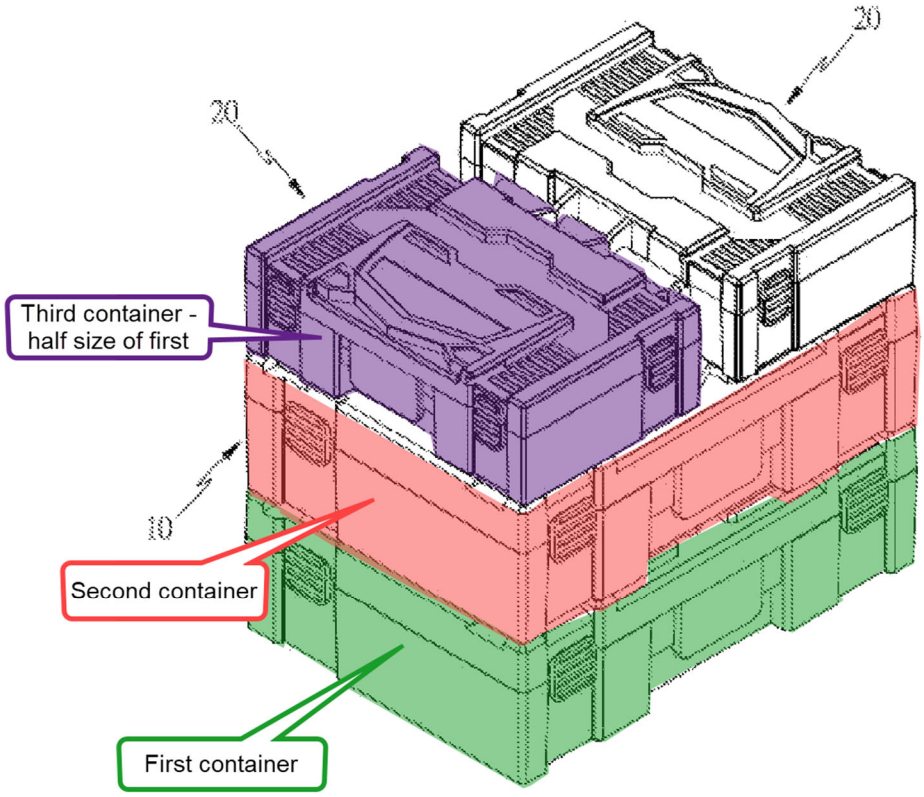


FIG.10

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

60. 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," which it does, it would have been obvious to incorporate such a depressed surface from Metabowerke, as set forth below.

A. Motivation to Combine

61. 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. 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. Metabowerke's design reduces the risk of coupler damage and preserves interior space, as tops of its coupling ribs are flush with the directly surrounding top lid surface and offer protection from damage. In contrast, Burchia's back ribs are not protected by surrounding material and the front ribs are partially protected by surrounding material. A connector protected by surrounding material is less prone to damage during handling and sliding engagement. The Metabowerke coupler also creates additional contiguous space within the container 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.

62. A POSITA would have had a clear expectation of success in substituting Metabowerke's coupler into Burchia's container. Both use similarly configured couplers with ribs engaged by male components on the base of a container above. 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. As both references and the '167 patent relate to releasably, stackable containers, they are analogous art.

63. 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). Each of these references is in the field of toolboxes, and Lin discloses an analogous stackable container.

B. Claim 1

3. 1[pre]: A container assembly comprising:

64. To the extent the preamble is limiting, Burchia discloses a container assembly comprising two containers. EX1004, 7:37-52.[5] The **first** and **second containers**—and the **container assembly**—are shown, for example, in Fig. 3:

[5] 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 herein.

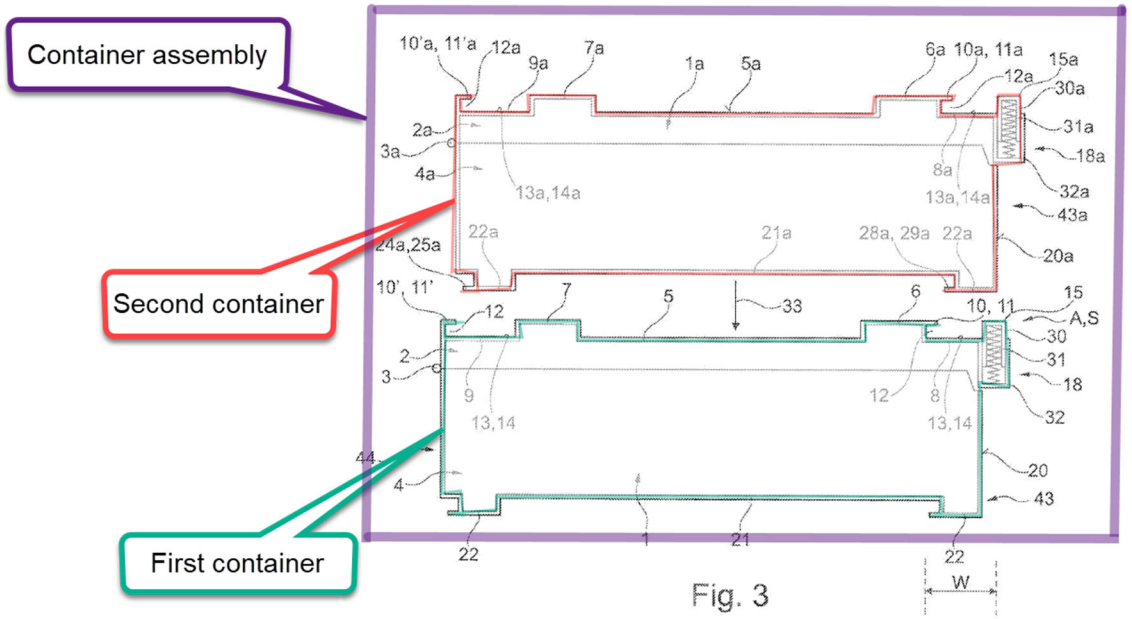


Fig. 3

4. 1[a]: a first container comprising: a first lid pivotally attached to the first container;

65. Burchia discloses containers "closed on all sides and ***provided with a lid***." EX1004, 7:38-39; 9:4-8. It also discloses that the "lid part 2 can be connected with the lower part 2 so as to pivot, for example can be mounted on the lower part 4, so as to pivot, by way of a hinge axle 3, particularly a horizontal axle" . EX1004, 7:38-39; 9:8-12. Figure 1 depicts a **lid** and hinge axle, illustrating a **first lid pivotally attached** to the first container.

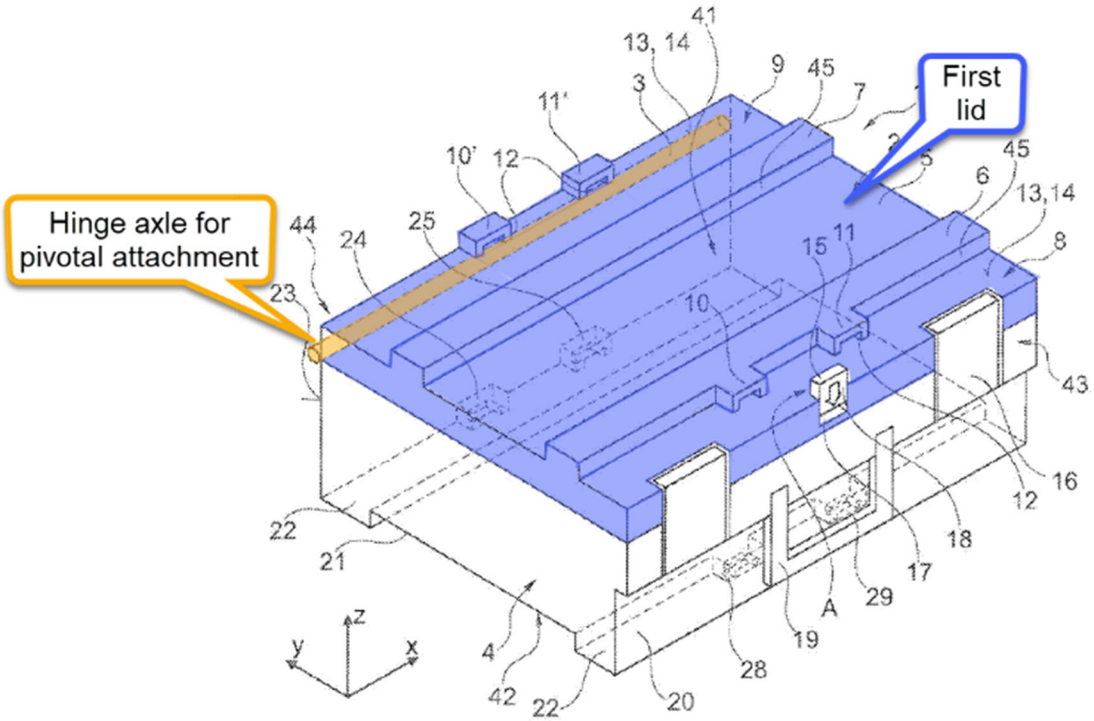


Fig. 1

5. 1[b]: a first female coupler at a top face of the first lid;

66. 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.

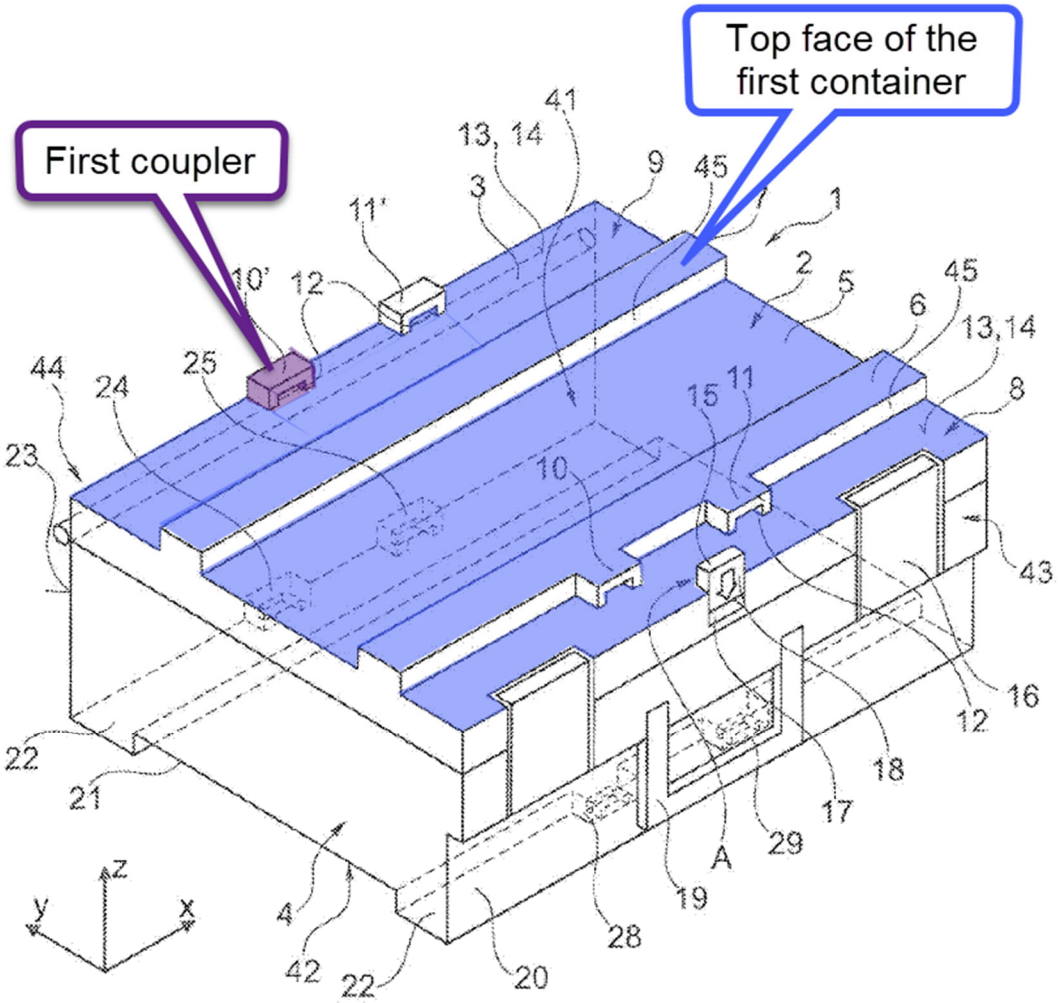

Top face of the first container
First coupler
41
13, 14
9
45
1
3
11'
10'
12
2
5
45
6
13,14
8
44
24
25
15
11
23
10
43
16
12
22
21
18
17
29
A
19
28
4
42
22
20
z
y
x

Fig. 1

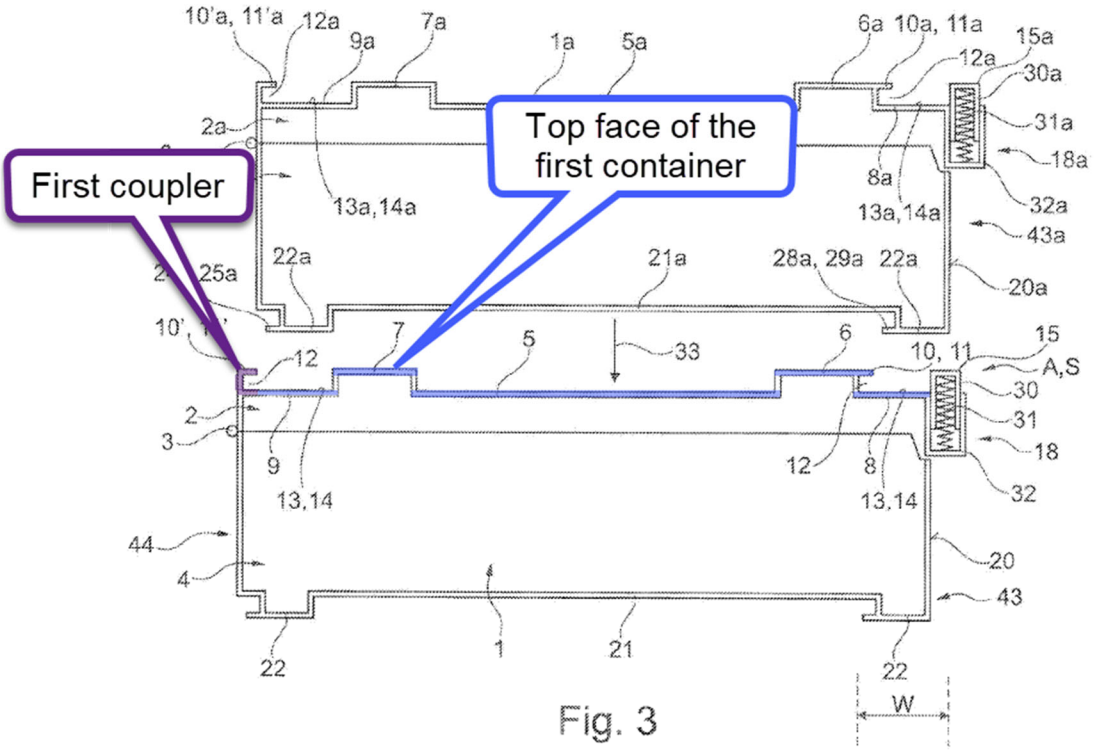


Fig. 3

67. 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.

6. 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,

68. 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**.

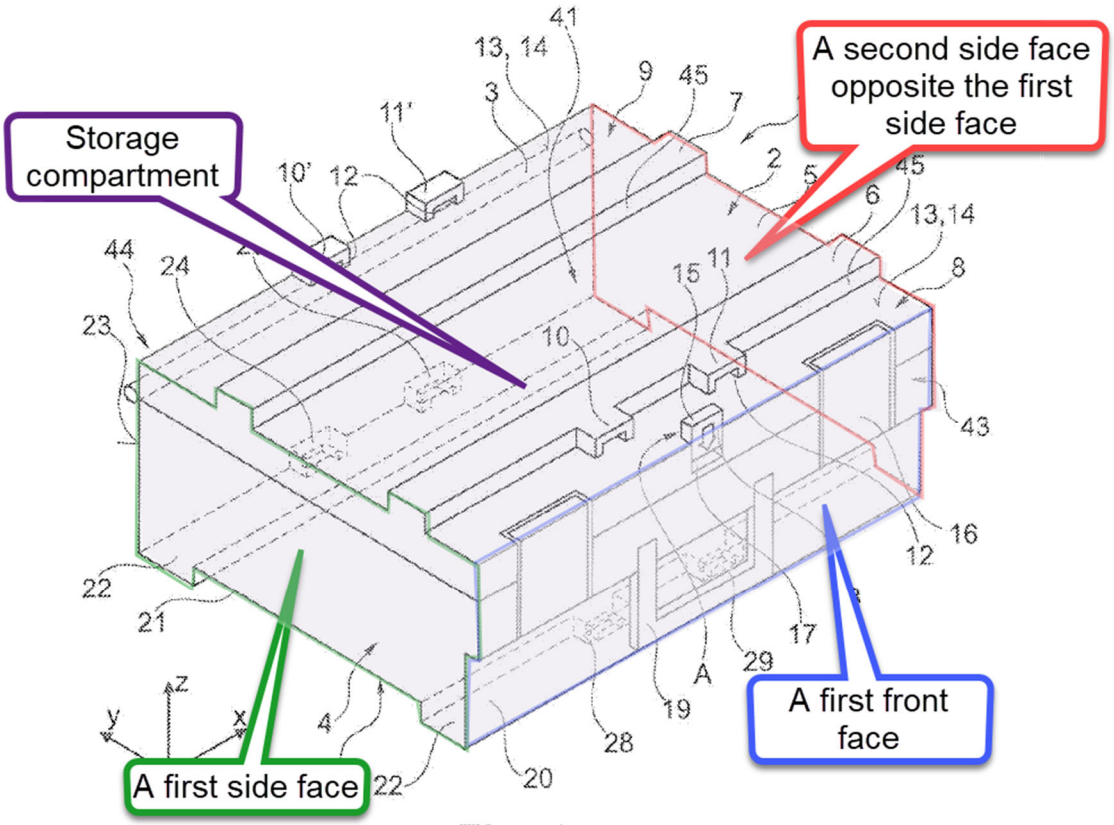


Fig. 1

7. 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,

69. 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.

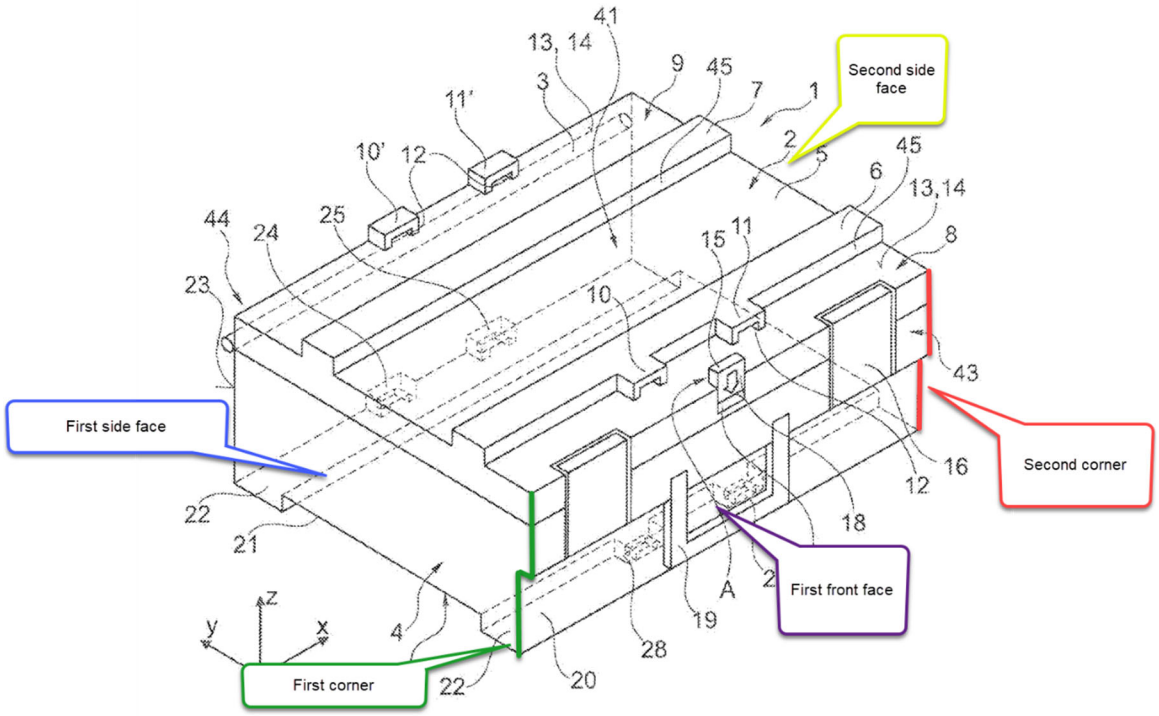


Fig. 1

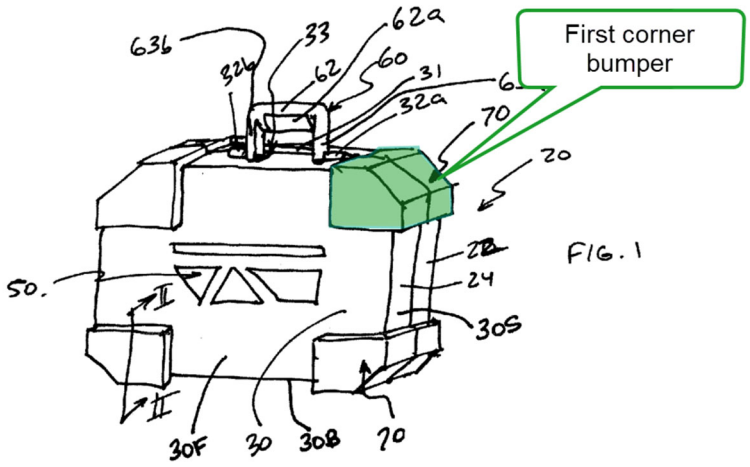
8. 1[e]: a first corner bumper extending outward from the first corner; and

70. 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.

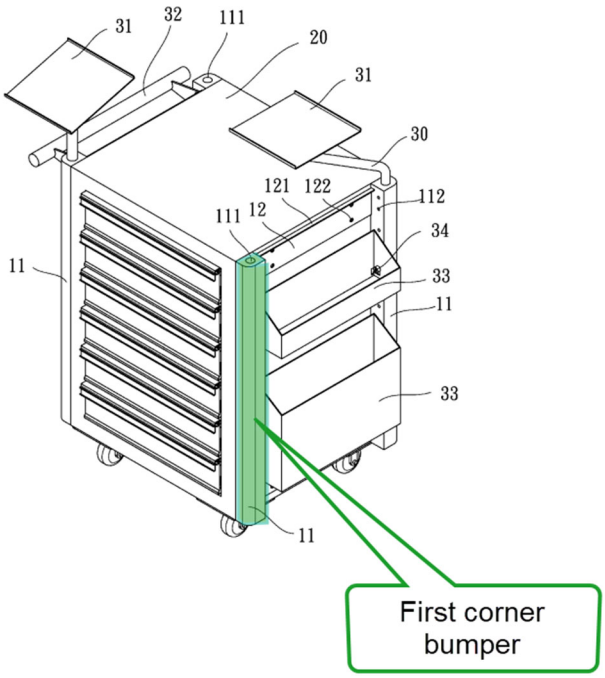
71. Indeed, the Examiner stated it would have been obvious to modify a stackable container (Madsen) with Welsh's corner bumpers "to cushion an impact load exerted on the case if the case is dropped on a hard surface." EX1002 at 156, ¶13. The same Examiner stated, in connection with the related '952 patent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

72. As shown in the annotated figure below, Welsh discloses a **first corner bumper** extending outward from a first corner between a front face and a side face.



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



74. A POSITA would have more than reasonably expected success given the straightforward structural design and predictable protective effect of the bumpers.

9. 1[f]: a second corner bumper extending outward from the second corner; and

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

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

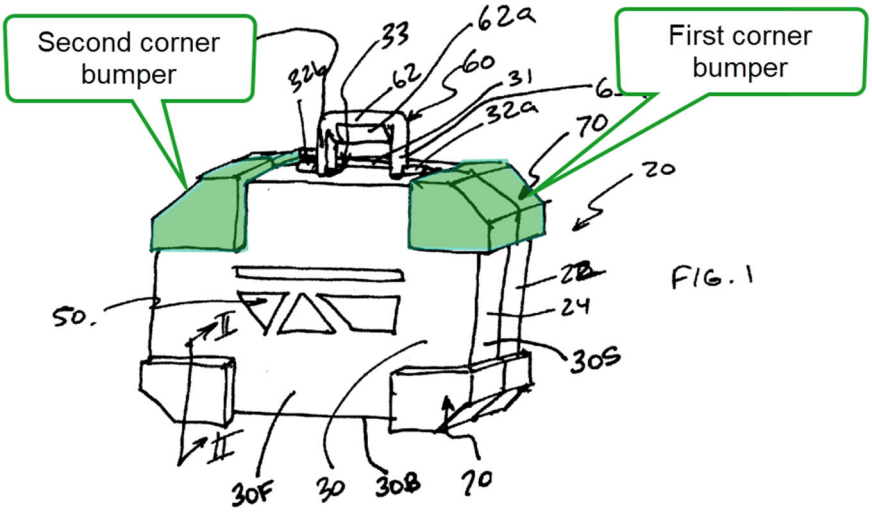
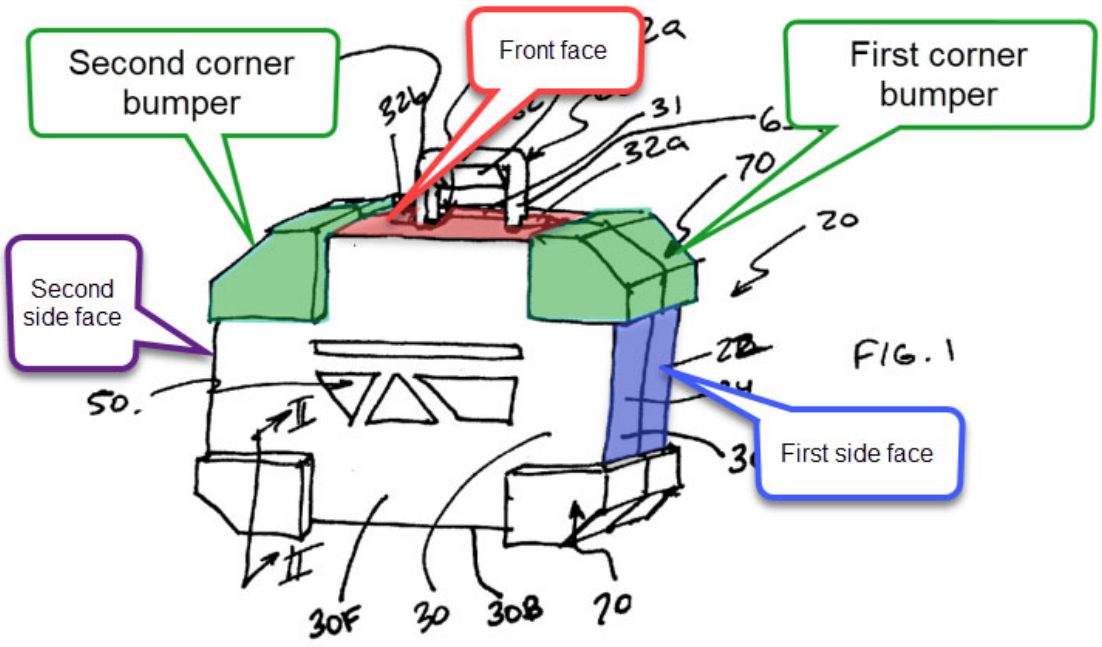


FIG. 1

10. 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

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

78. 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.



79. 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.

11. 1[h]: a first locking latch arresting location; and

80. Burchia discloses a **first locking latch arresting location**. It describes a "locking element for securing the plug-in connection to prevent release." EX1004, 11:34-36. 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.

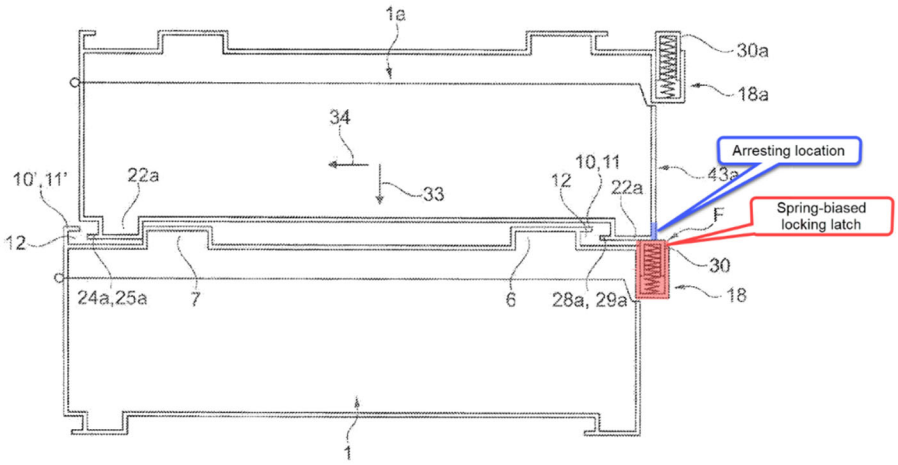


Fig. 4

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

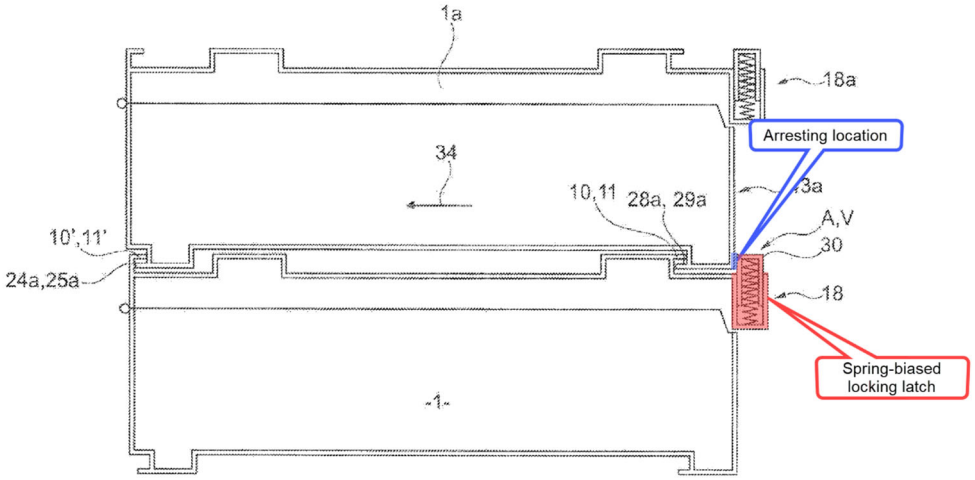


Fig. 5

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

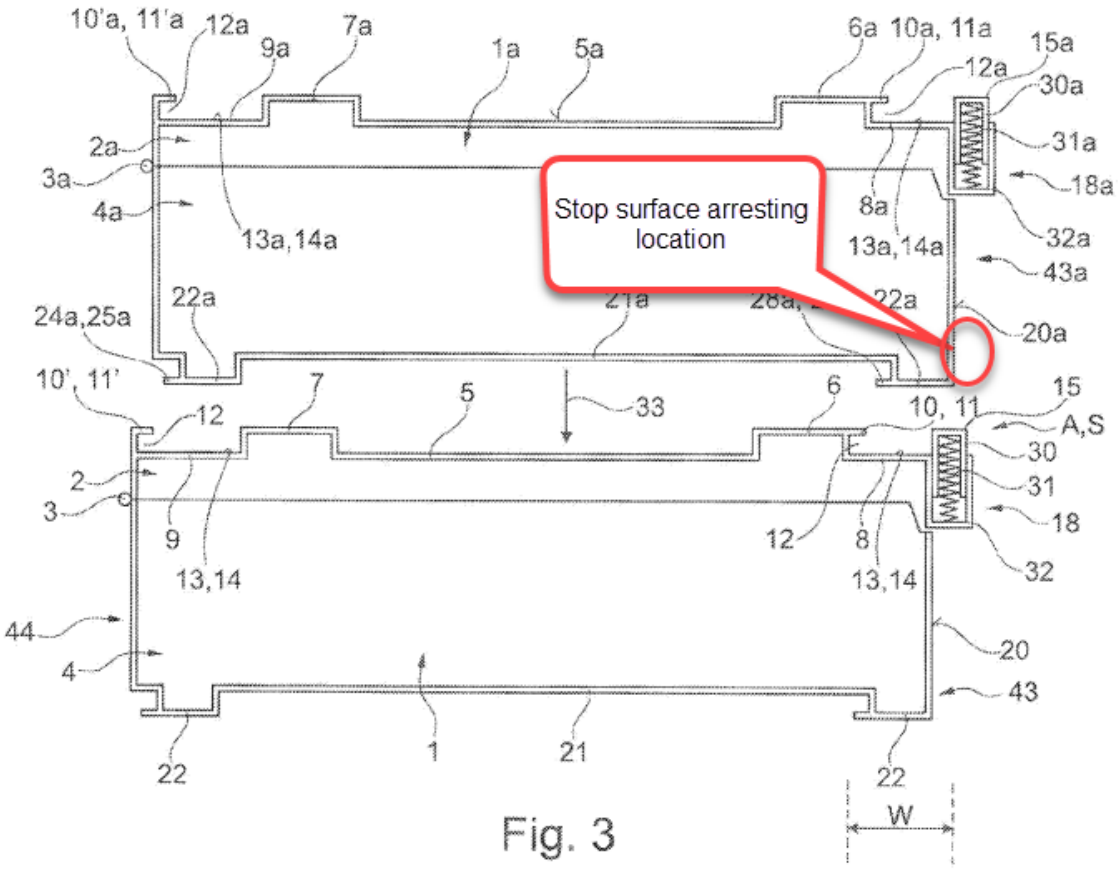


Fig. 3

83. 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. 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. A POSITA would 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.

84. A POSITA would understand that such a recessed stop surface protects the latch during transport and reduces accidental release. Figure 5 (annotated below) illustrates a version where the latch locks into a setback surface on the bottom of the top container. 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.

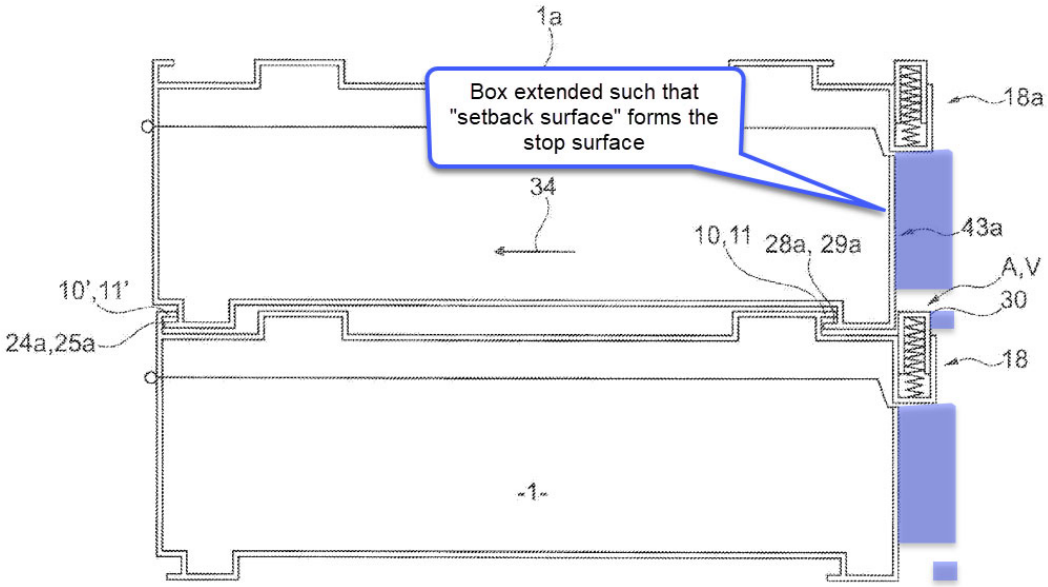


Fig. 5

12. 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;

85. 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.

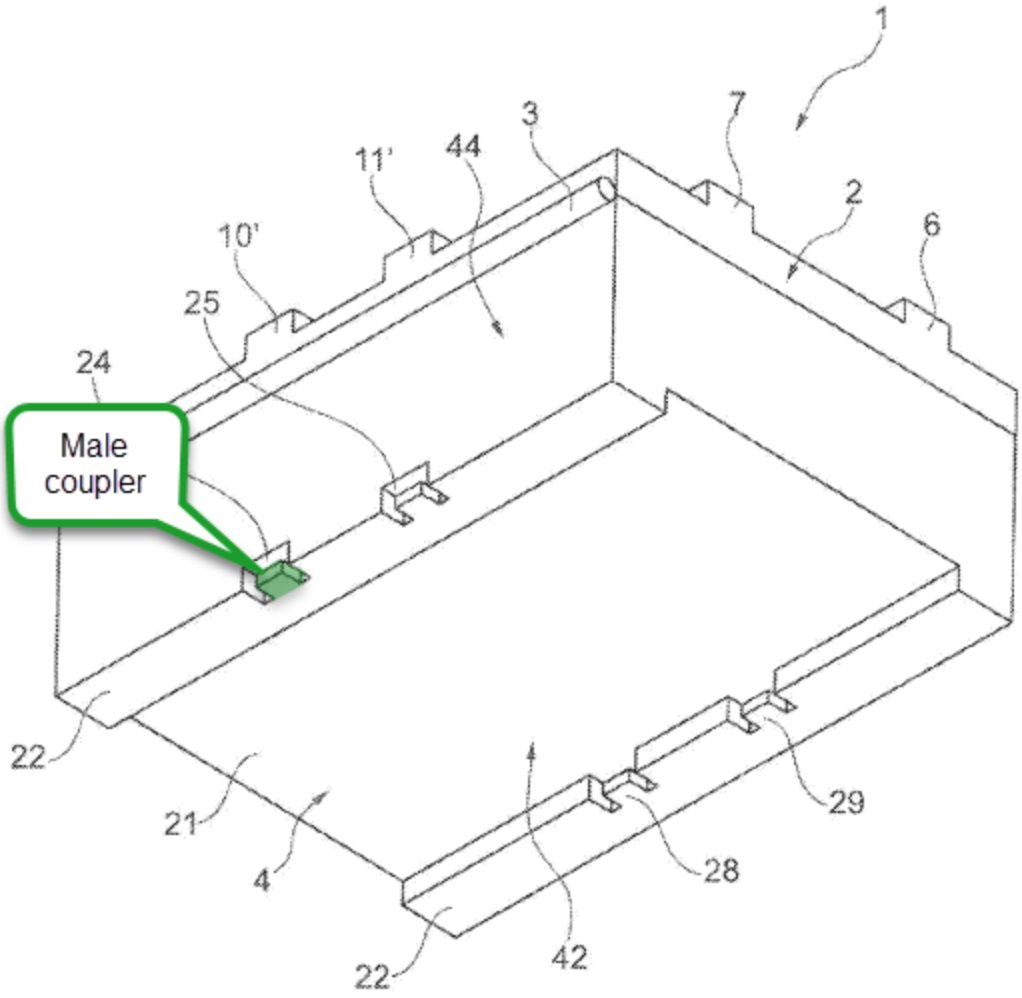


Fig. 2

86. 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.

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

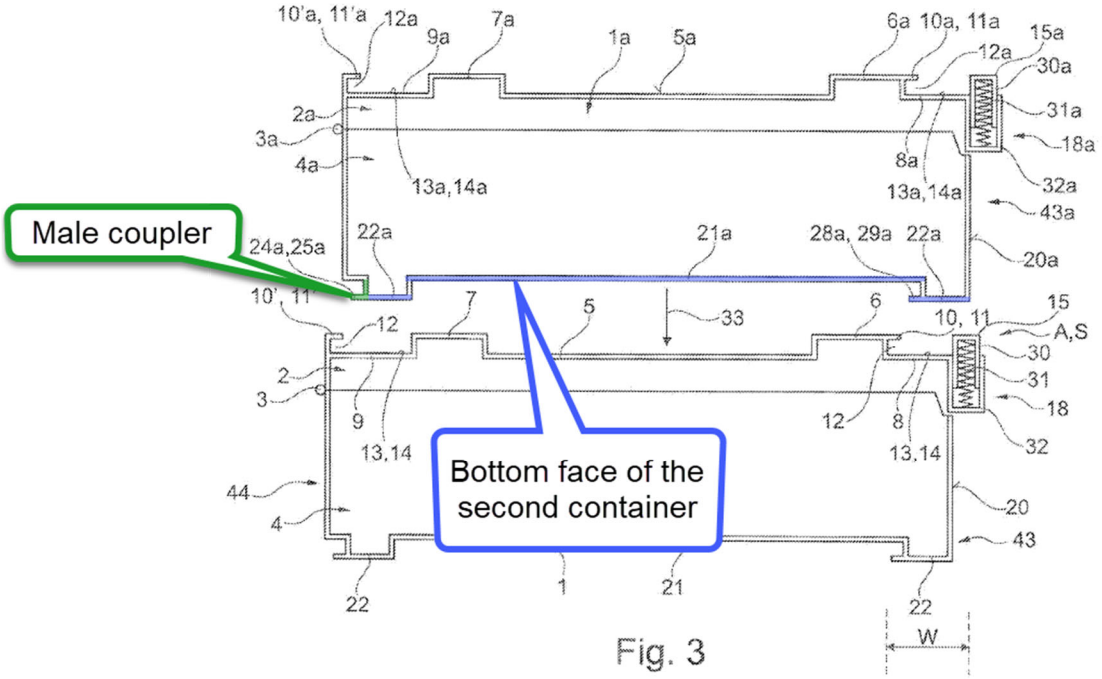


Fig. 3

88. 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. Metabowerke's **male coupler** (the "rear standing foot 13") also extends from the bottom face of the second container, as shown below.

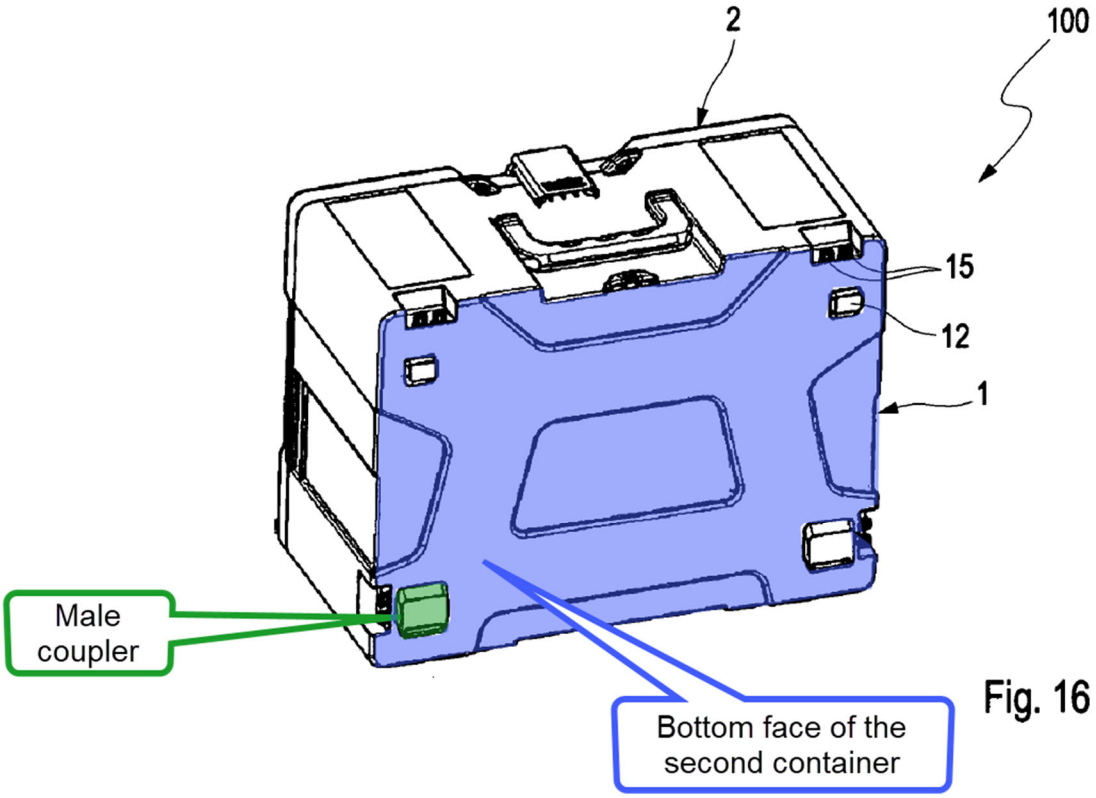

2
100
15
12
1
Male coupler
Bottom face of the second container

Fig. 16

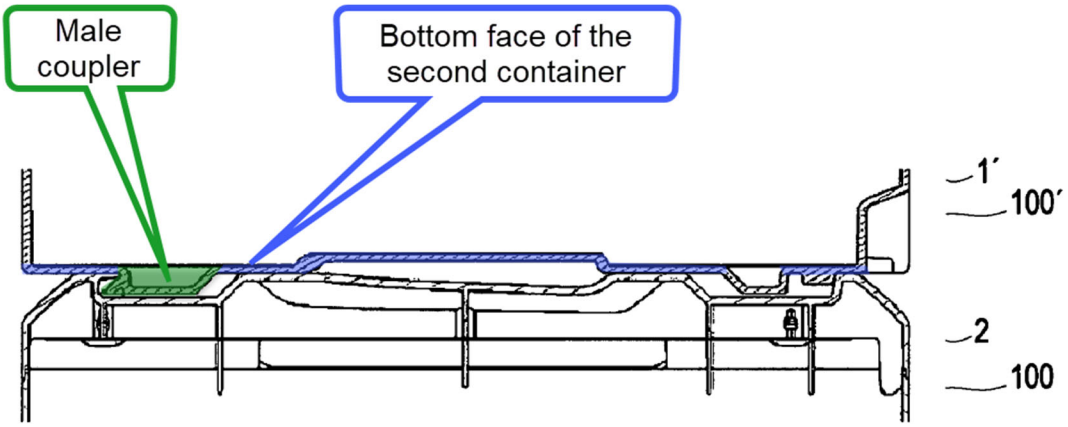

Male coupler
Bottom face of the second container
1´
100´
2
100

Fig. 4

89. As further shown in the annotated progression of Figure 4 to Figure 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 first moved vertically (top container moves relative to the bottom container in direction 33) and the slid with respect to each other (top container moves relative to the bottom container in direction 34).

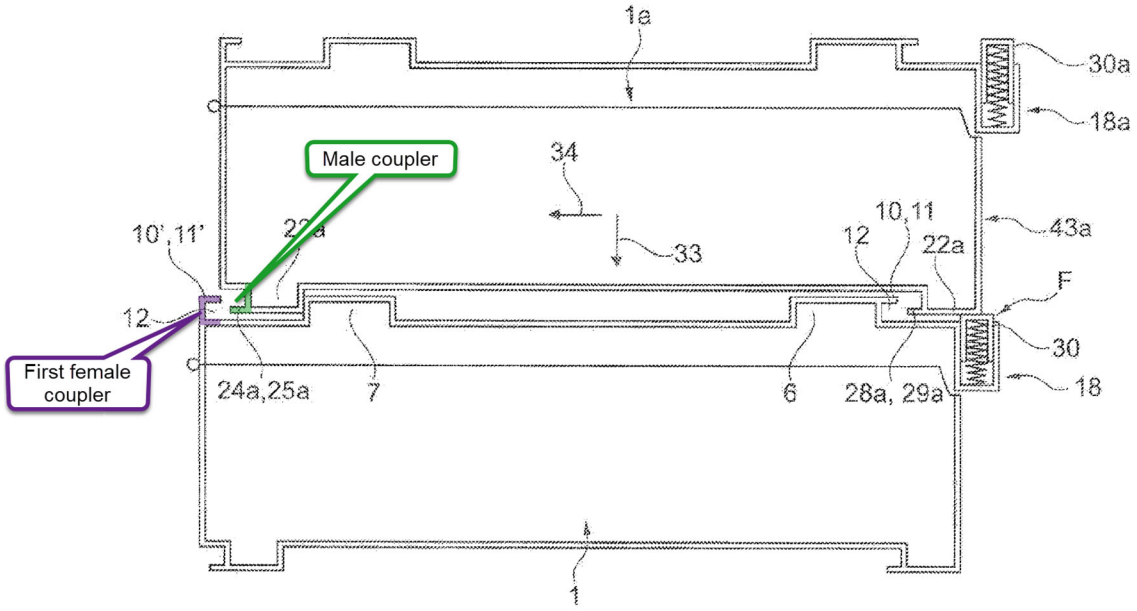


Fig. 4

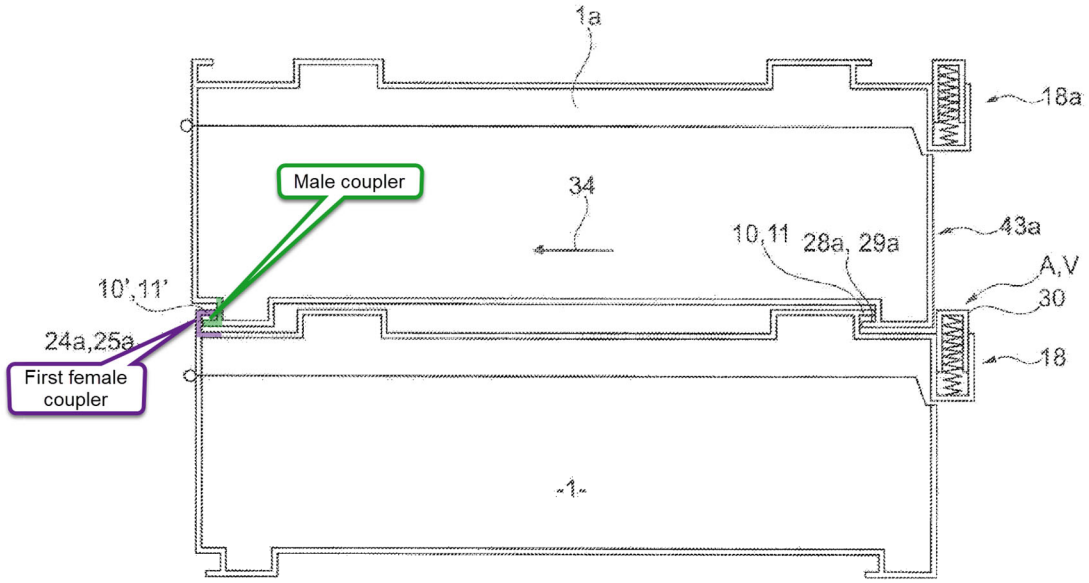


Fig. 5

90. 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. Metabowerke discloses a female coupler engageable with a male coupler, as shown below.

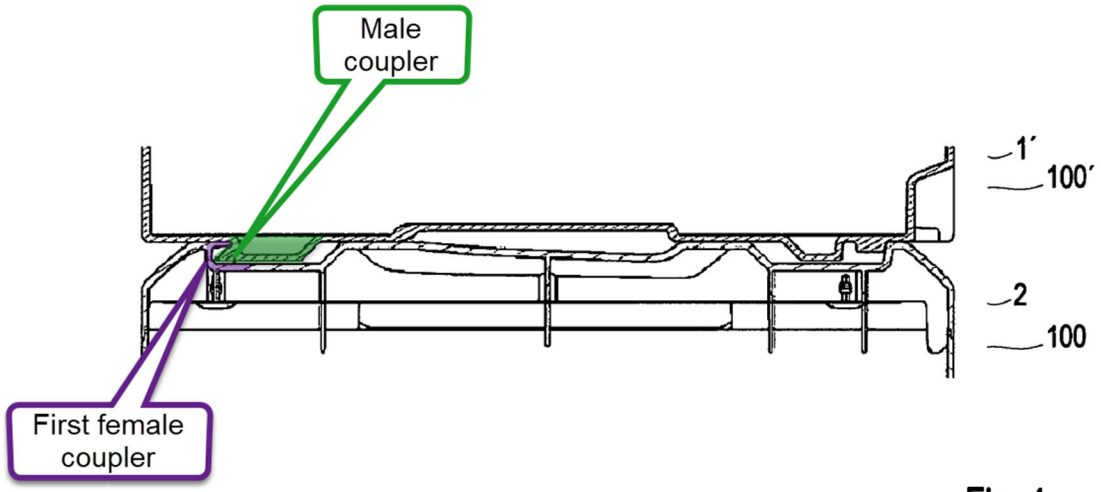


Fig. 4

13. 1[j]: a second lid pivotally attached to the second container; and

91. 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.

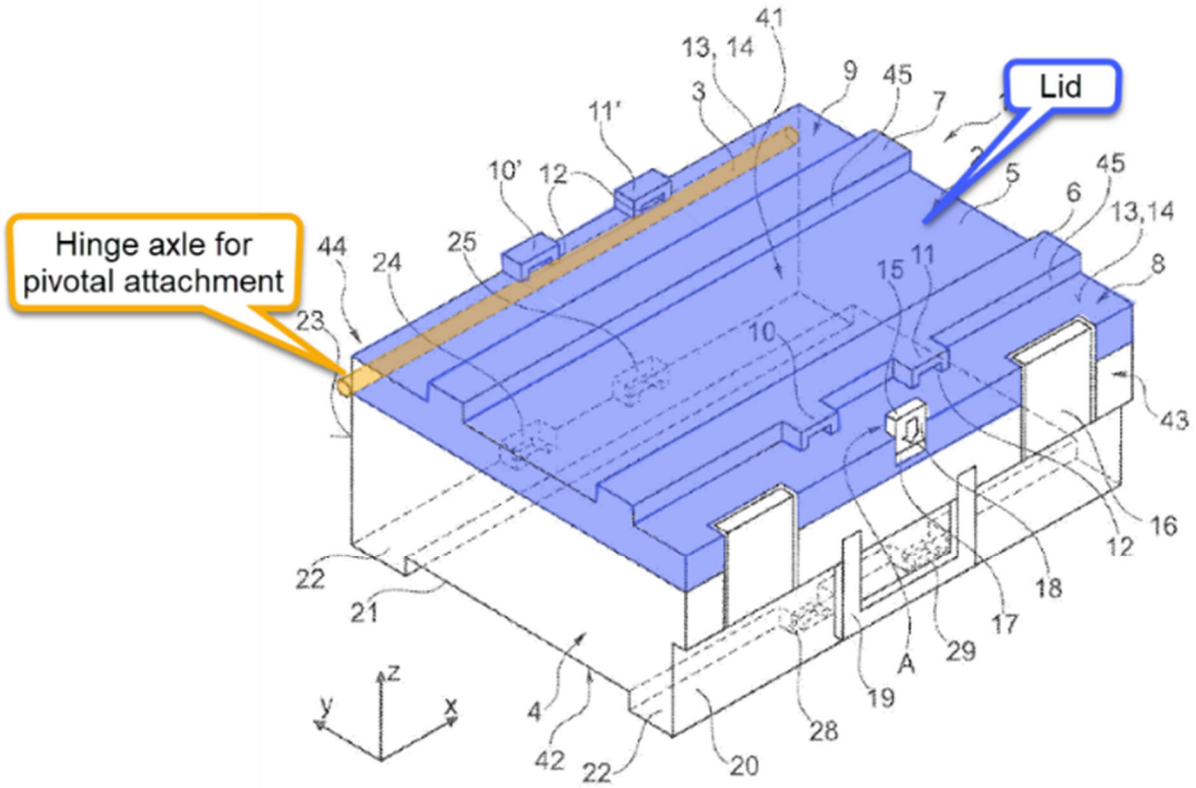


Fig. 1

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

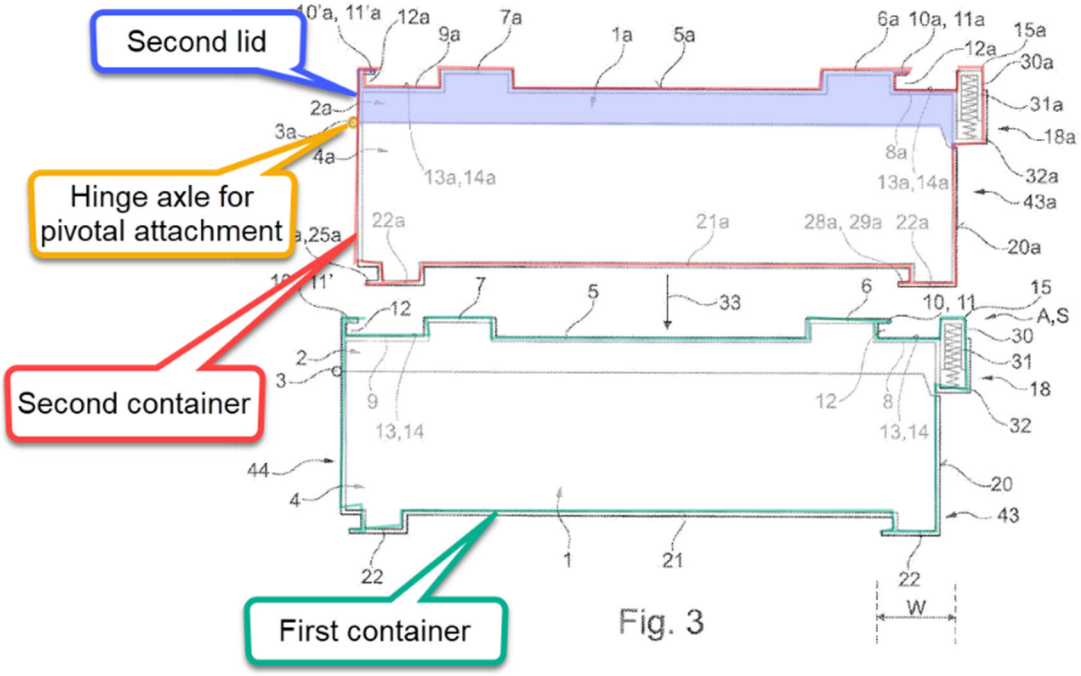


Fig. 3

14. 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;

93. 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.

94. Annotated Figure 5 (below) shows Burchia's **locking latch** in a latched position holding the two containers together.

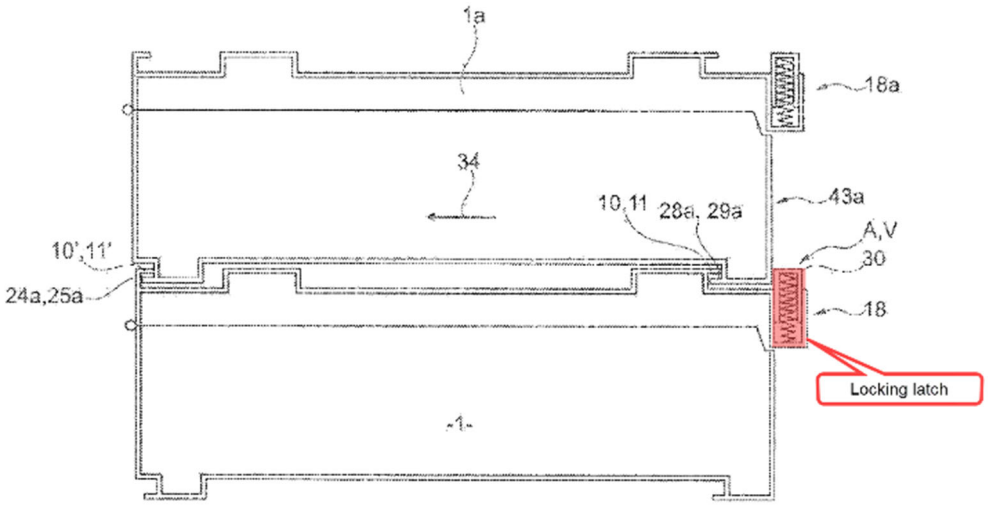


Fig. 5

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

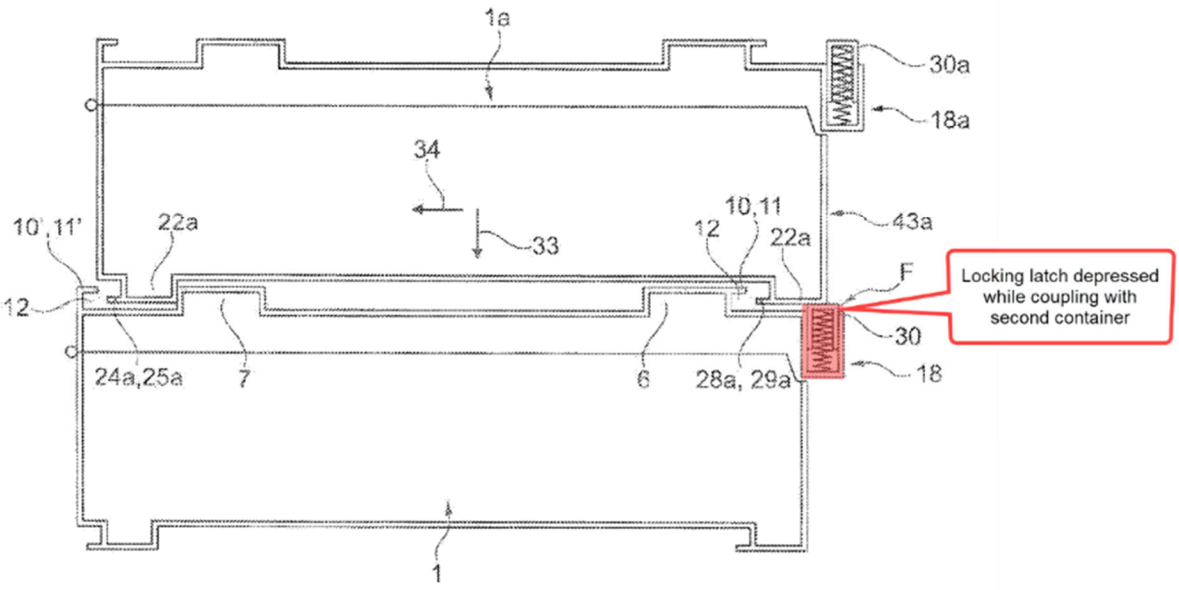


Fig. 4

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

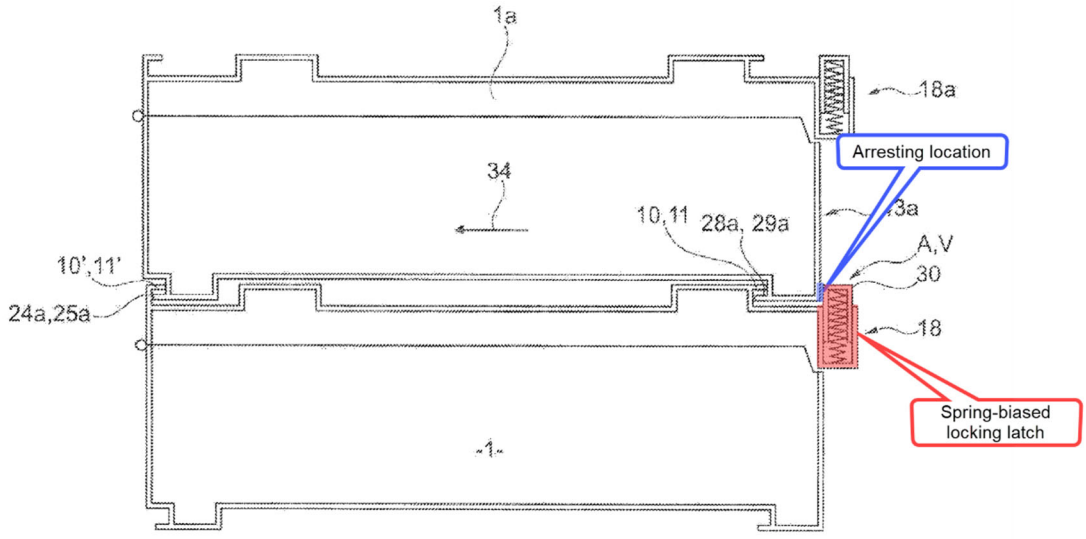


Fig. 5

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

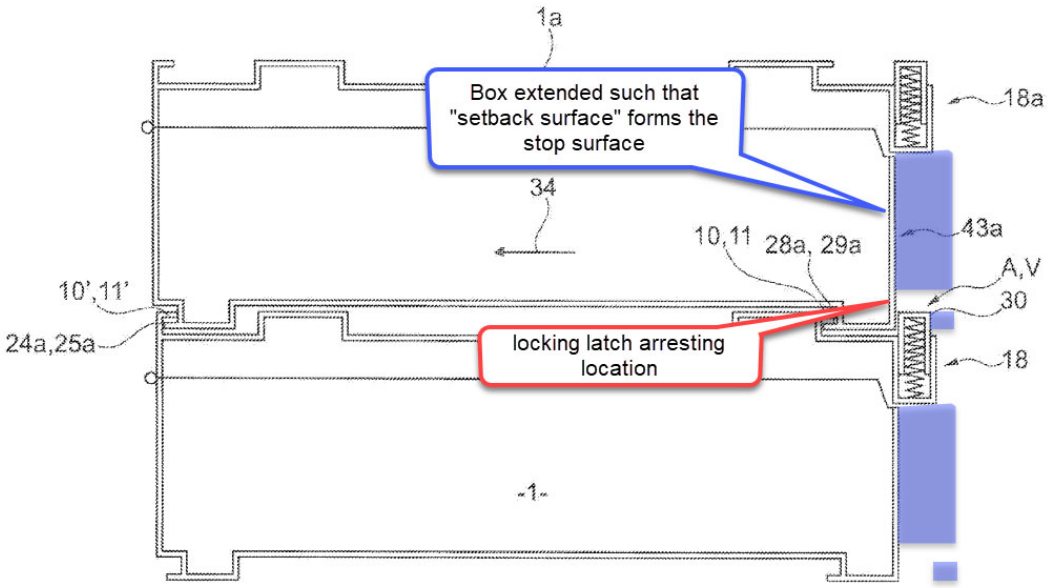


Fig. 5

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

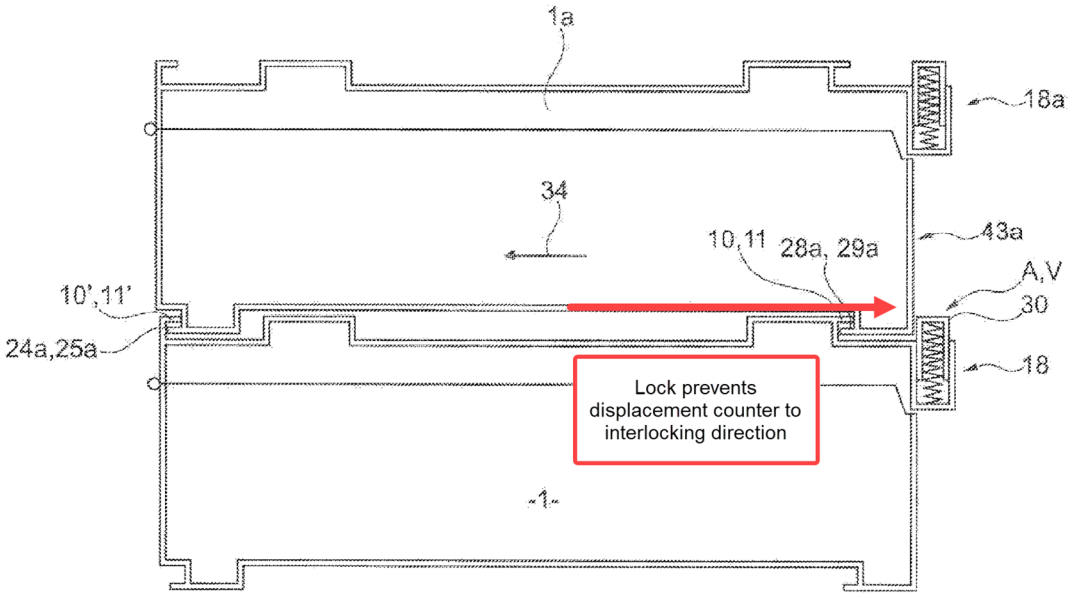


Fig. 5

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

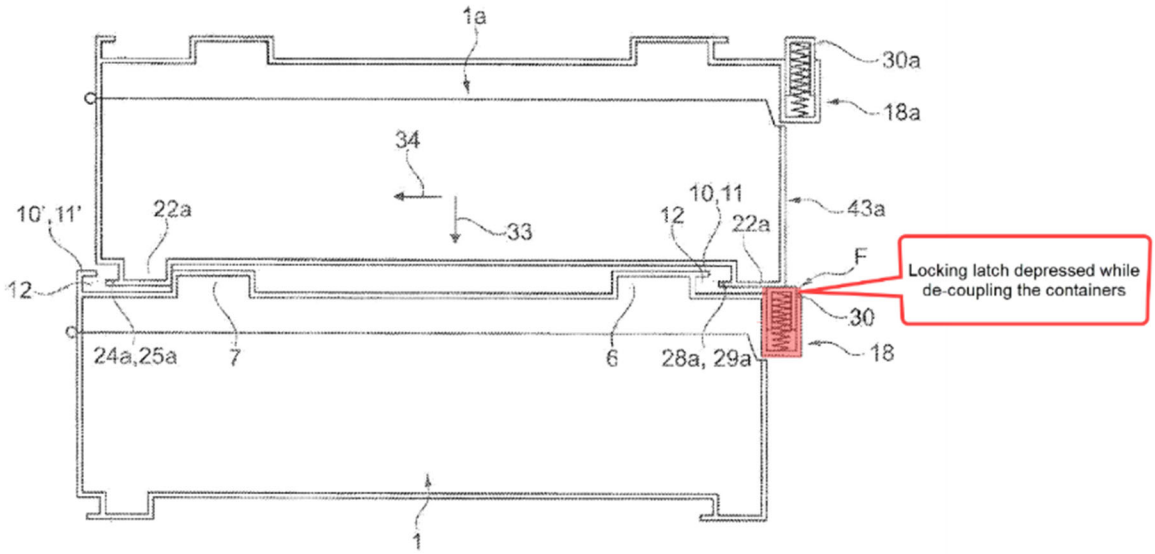


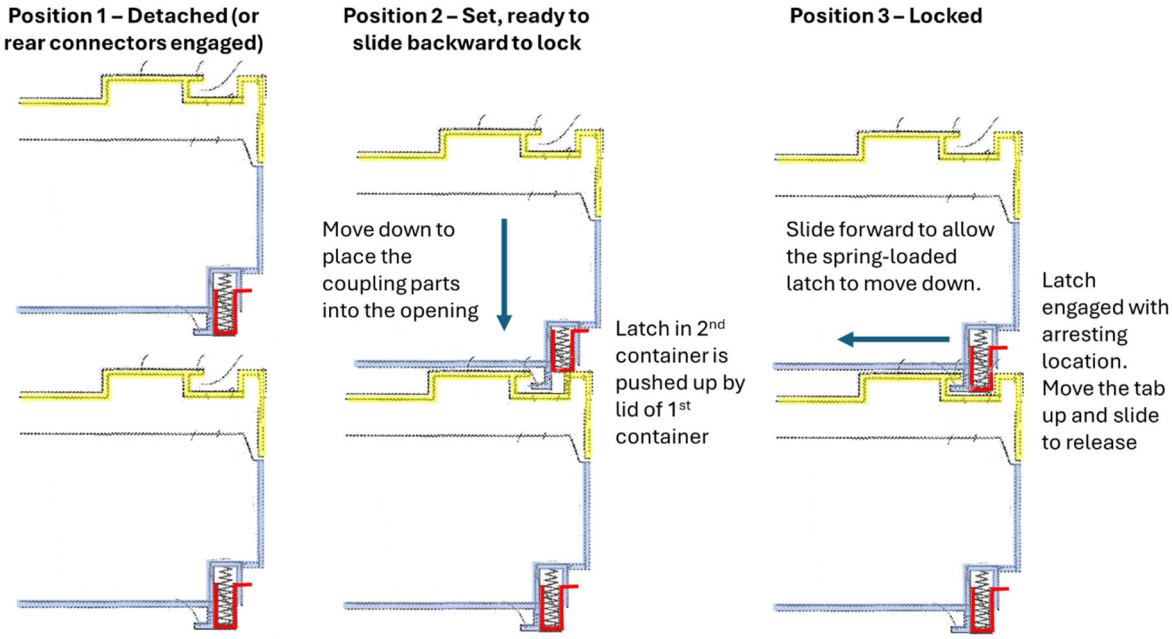
Fig. 4

100. The limitation 1[k] specifically requires the latch to limit sliding displacement of the first container with respect to the second container. This limitation just recites a relative movement of one container with respect to the other. However, if the Patent Owner argues that this is interpreted to mean that the latch must be on the first container, to which I disagree, I address below the obvious modification of swapping the locations of Burchia's latch and arresting location to meet that requirement.

101. A POSITA would recognize that the latch and arresting location could be swapped between the containers without affecting function. For example, the latch could extend from the second container and engage an arresting location in the first, as in claim 1[l]—a predictable variation using known elements.

102. 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.

103. In my opinion, as discussed in more detail below regarding Claim 6, it would be a straightforward, obvious modification to a POSITA to place the spring-loaded latch on the bottom of the container as show below in modified Figs 3, 4, and 5 showing the assembly sequence.



15. 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;

104. Burchia discloses this limitation. 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.

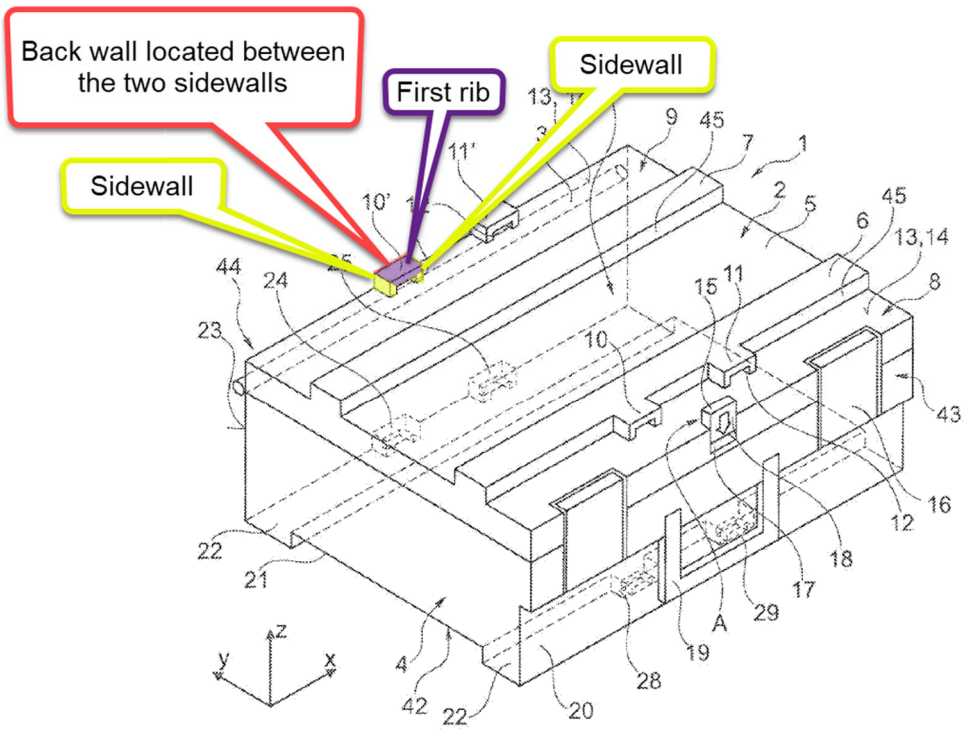


Fig. 1

105. 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.

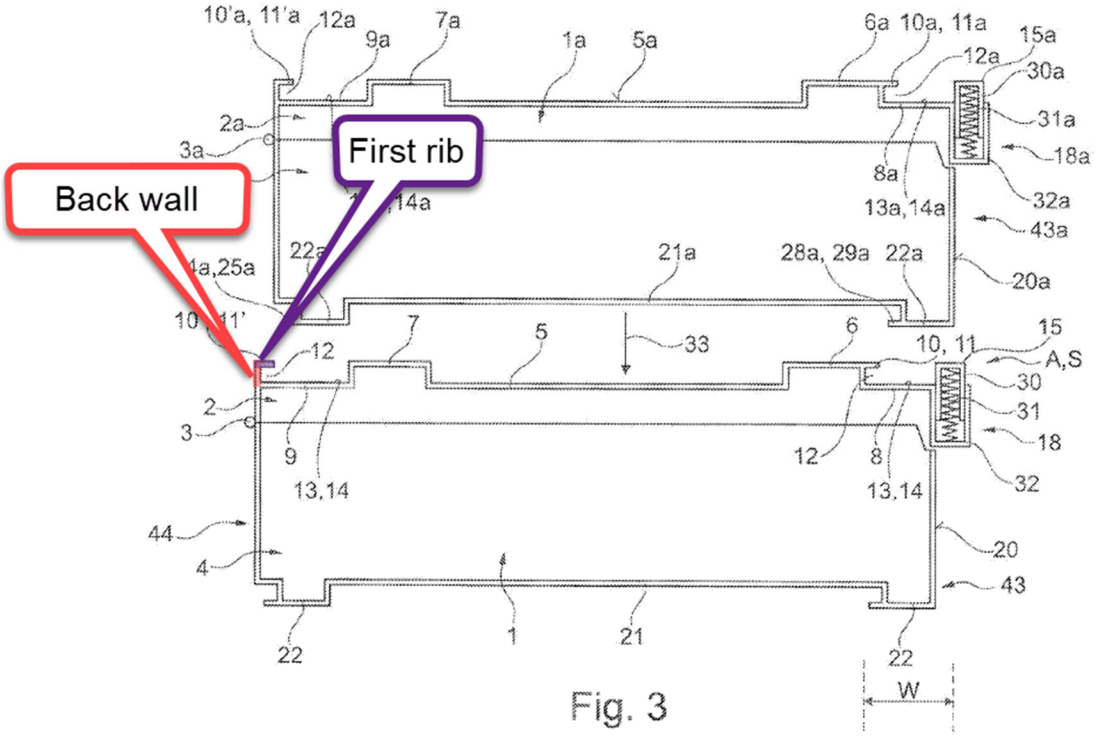


Fig. 3

106. A POSITA would understand that the highlighted projection from the back wall is a **rib**. Ribs are typically thin wall protrusions that extend perpendicularly from a wall or plane.

107. 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. Where a depressed surface of the top face of the first lid is below the upper most surface of the top face.

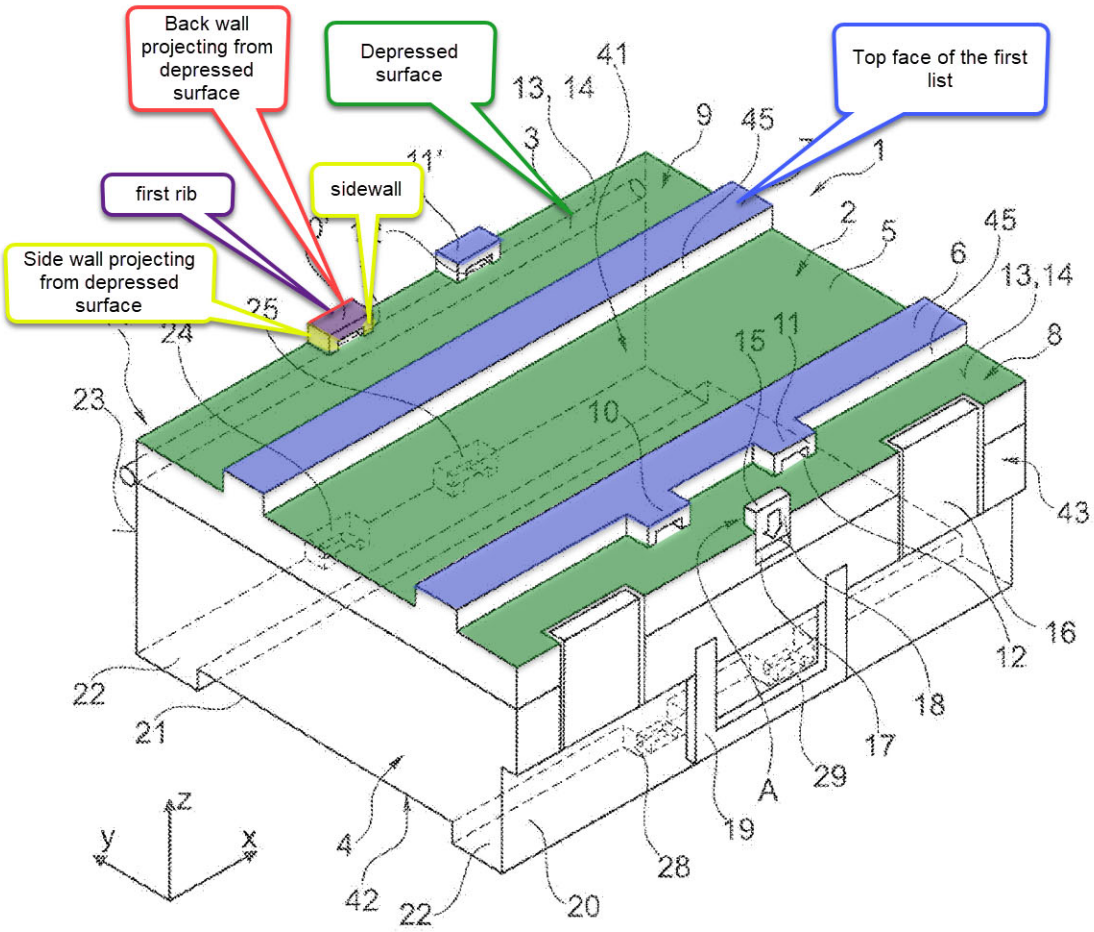

Back wall projecting from depressed surface
Depressed surface
Top face of the first list
first rib
sidewall
Side wall projecting from depressed surface
41
13, 14
9
45
3
1
2
5
6
45
13,14
8
25
24
23
15
11
10
43
16
12
18
17
29
A
19
28
22
21
4
42
22
20
z
y
x

Fig. 1

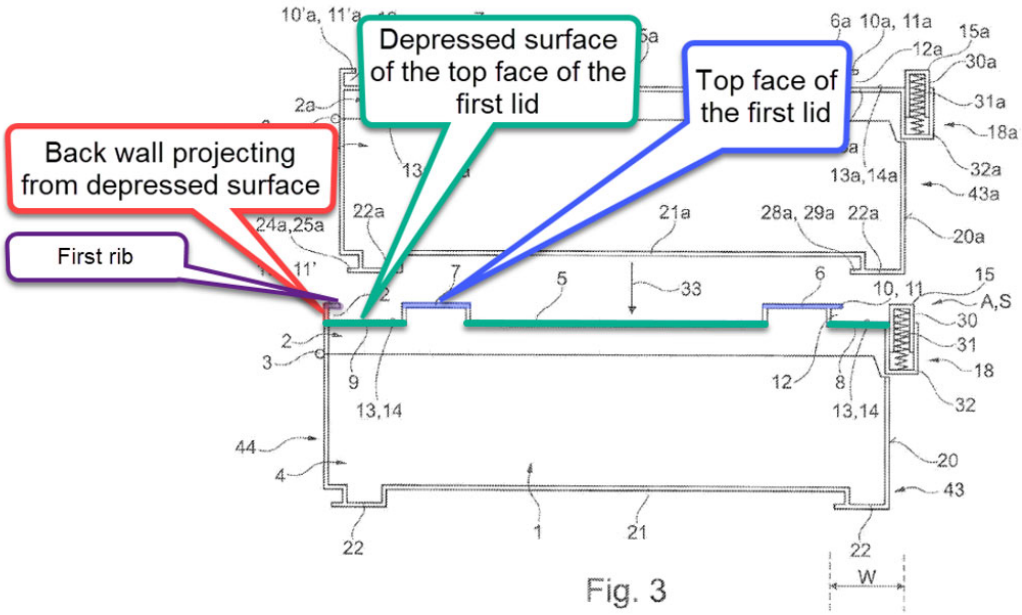


Fig. 3

108. Patent Owner may argue the coupler projects up from the lid's top face rather than being a depressed surface. This is incorrect, as shown below and POSITA would reject that argument as being inconsistent with basic engineering principles. 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. 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. It clearly shows the side walls projecting down from the top surface to a depressed surface:

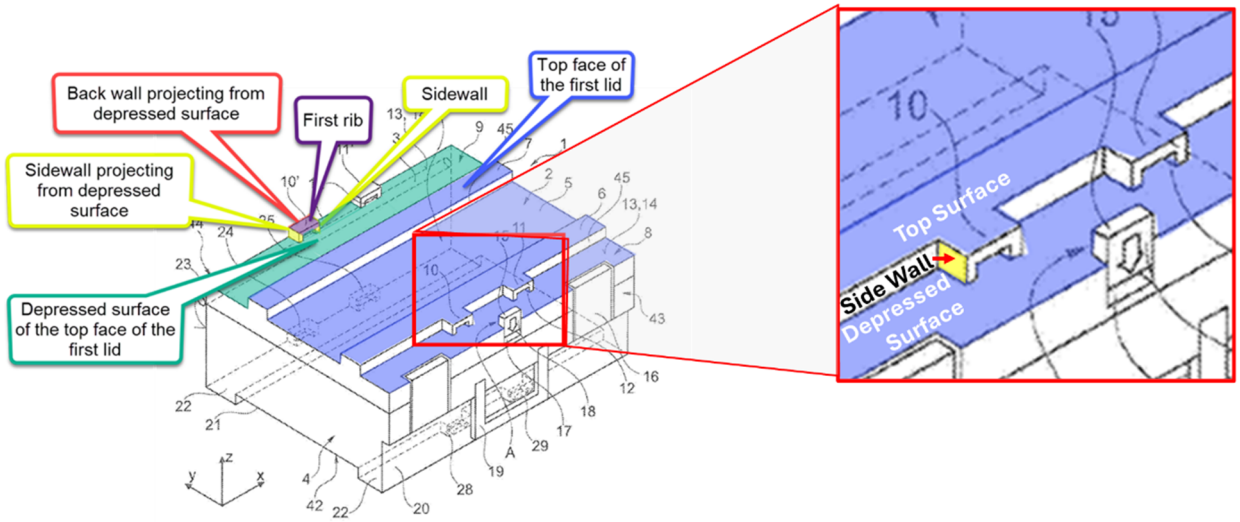


Fig. 1

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

110. 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.

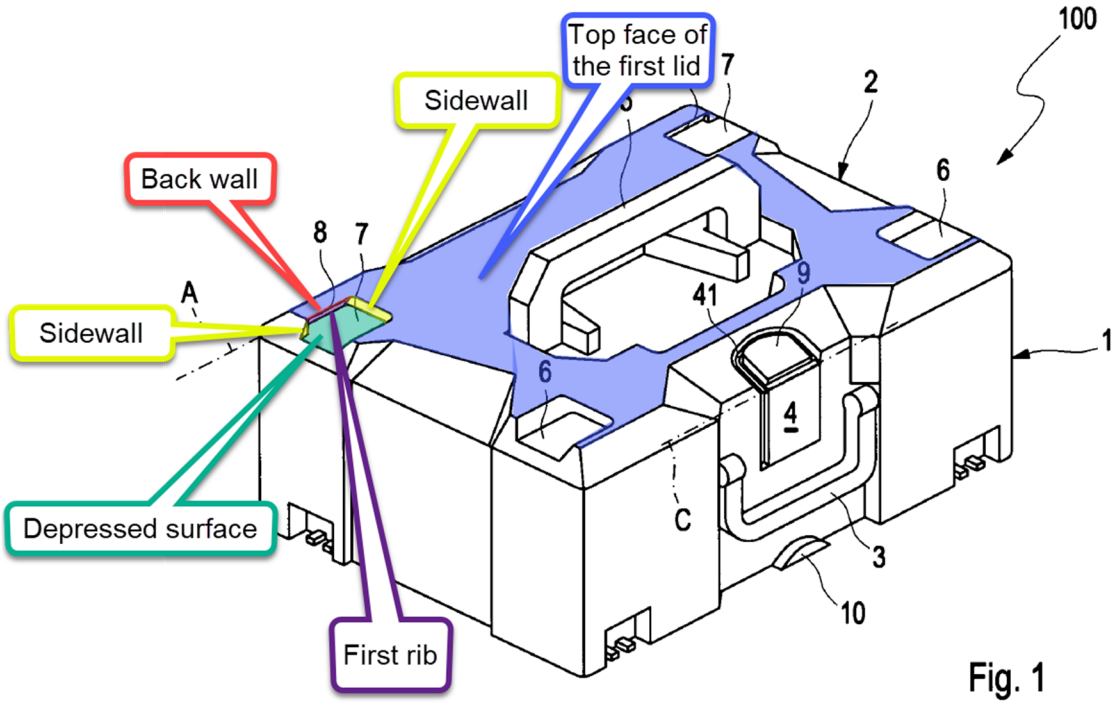

Top face of the first lid
Sidewall
Back wall
Sidewall
Depressed surface
First rib
100
2
6
7
8
A
41
9
1
4
C
3
10

Fig. 1

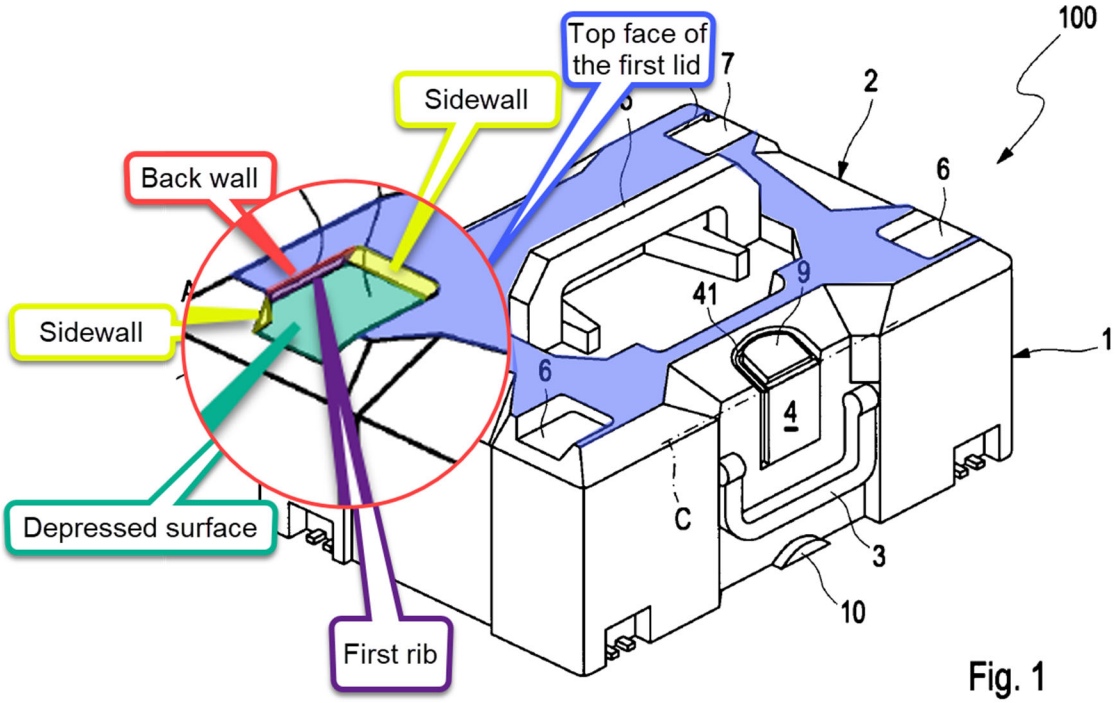

Top face of the first lid
Sidewall
Back wall
Sidewall
Depressed surface
First rib
100
2
6
7
A
41
9
1
4
C
3
10

Fig. 1

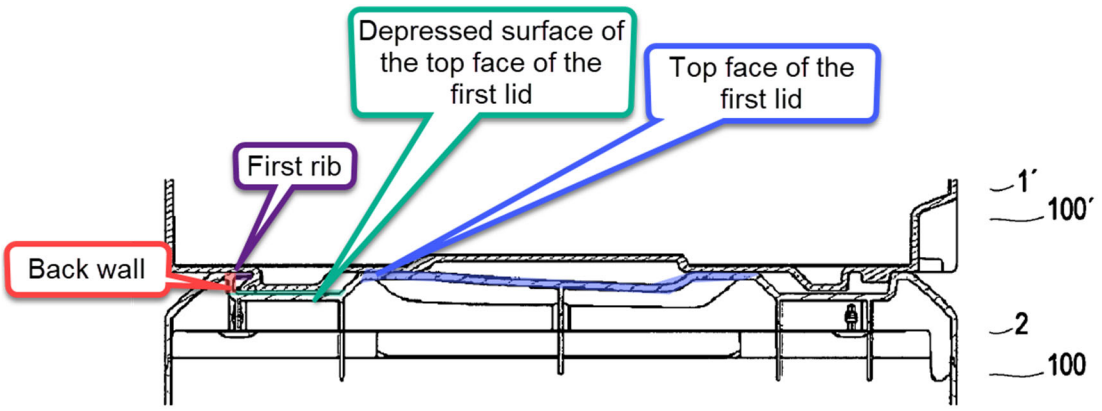


Fig. 4

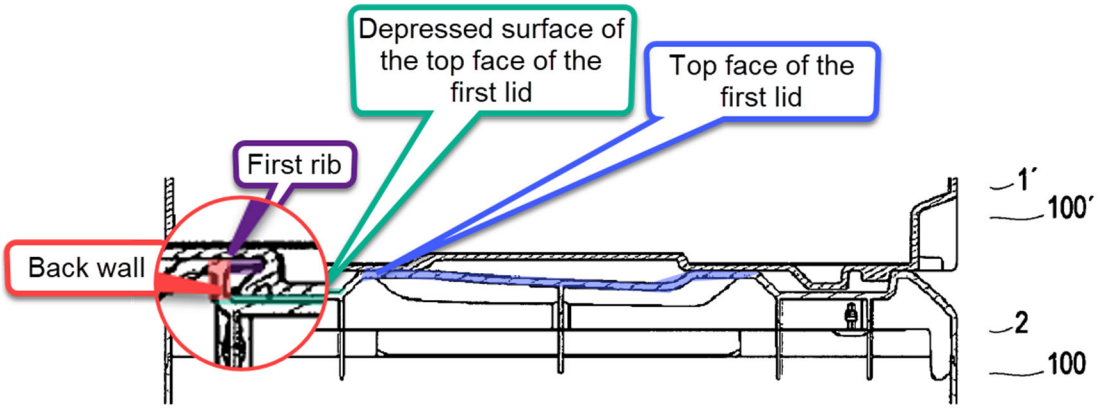


Fig. 4

111. ***"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. The rib also extends from the inner back wall in a first direction.

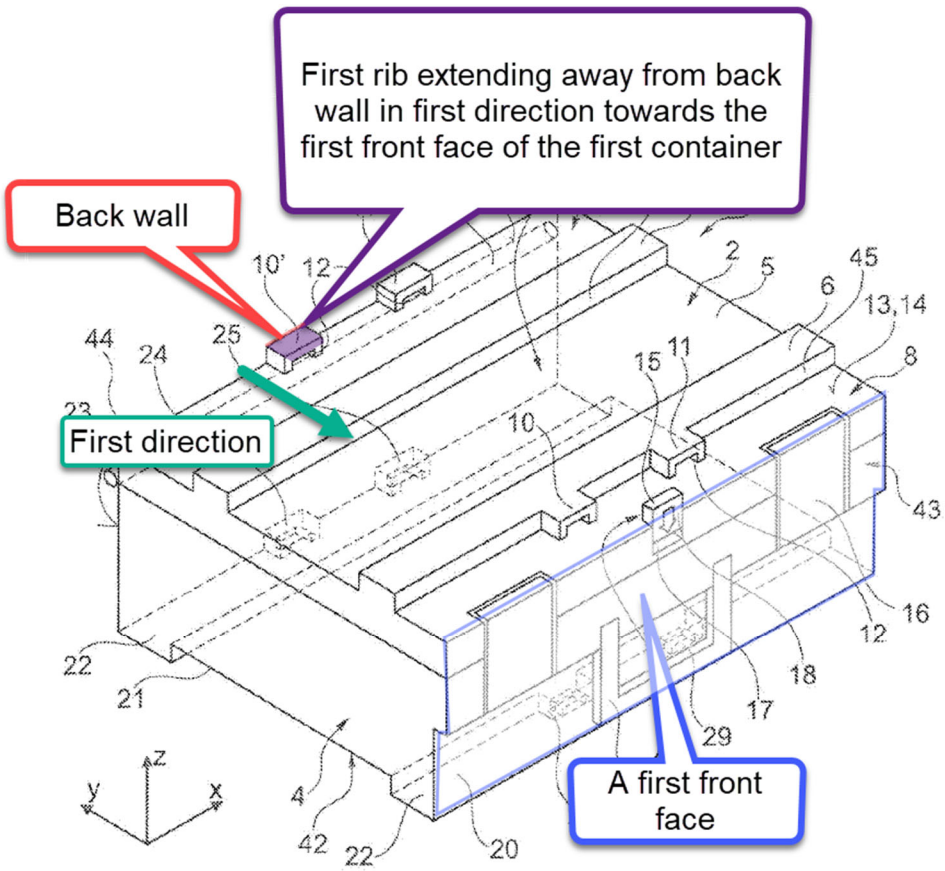

First rib extending away from back wall in first direction towards the first front face of the first container
Back wall
First direction
A first front face
10'
12
2
5
6
45
13,14
8
44
24
25
15
11
10
43
16
12
18
17
29
22
21
4
42
22
20
z
y
x

Fig. 1

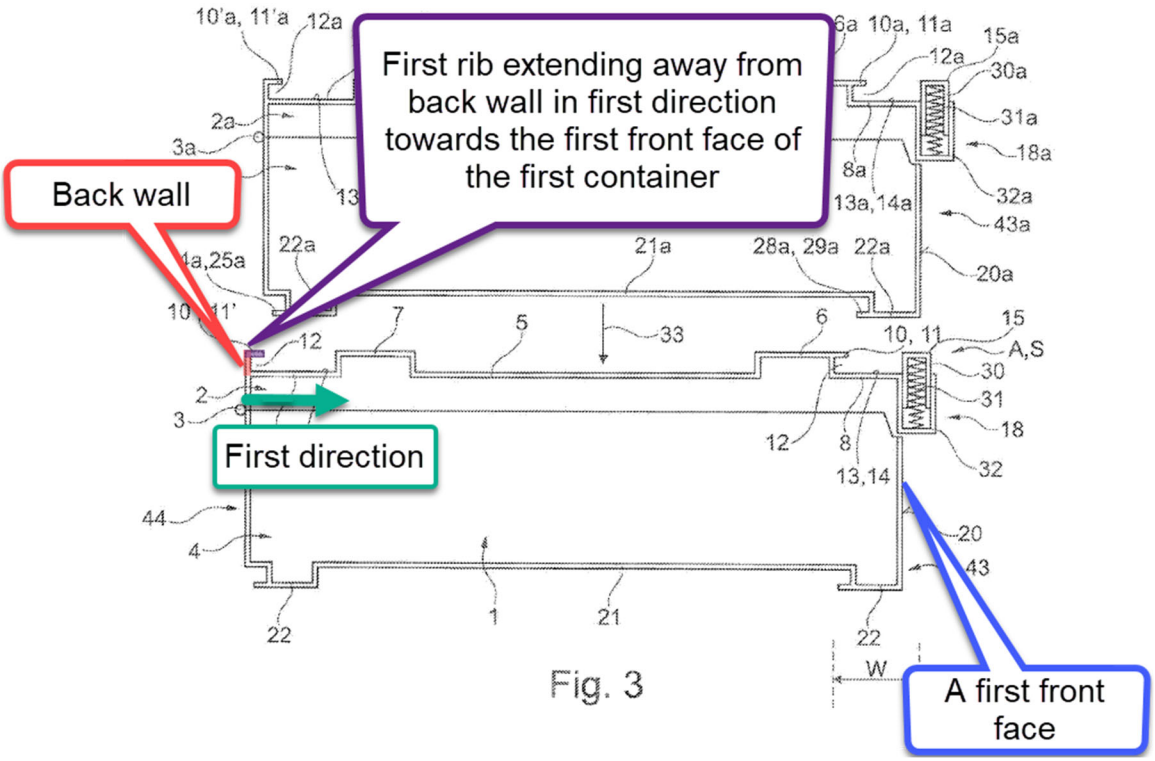


Fig. 3

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

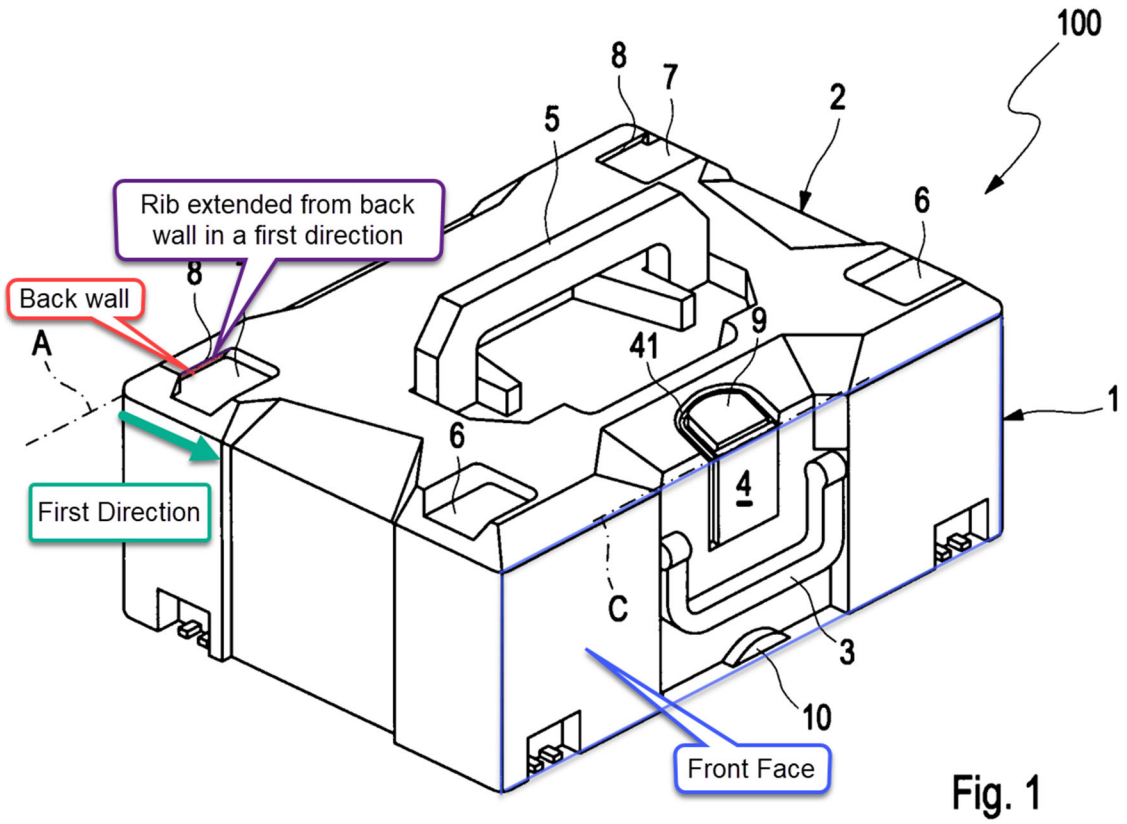


Fig. 1

16. 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

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

17. 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.

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

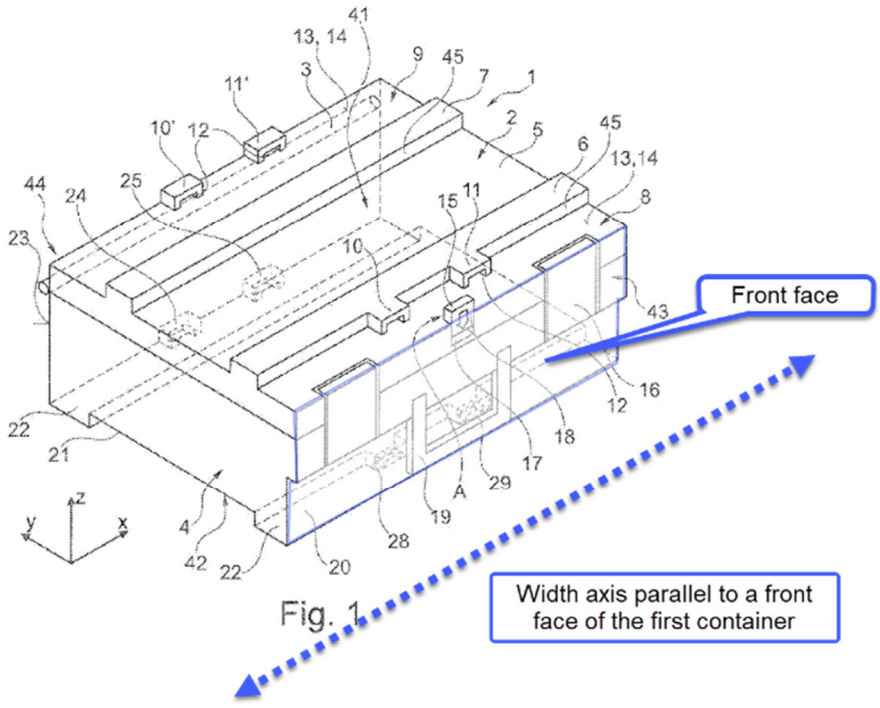


Fig. 1

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

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

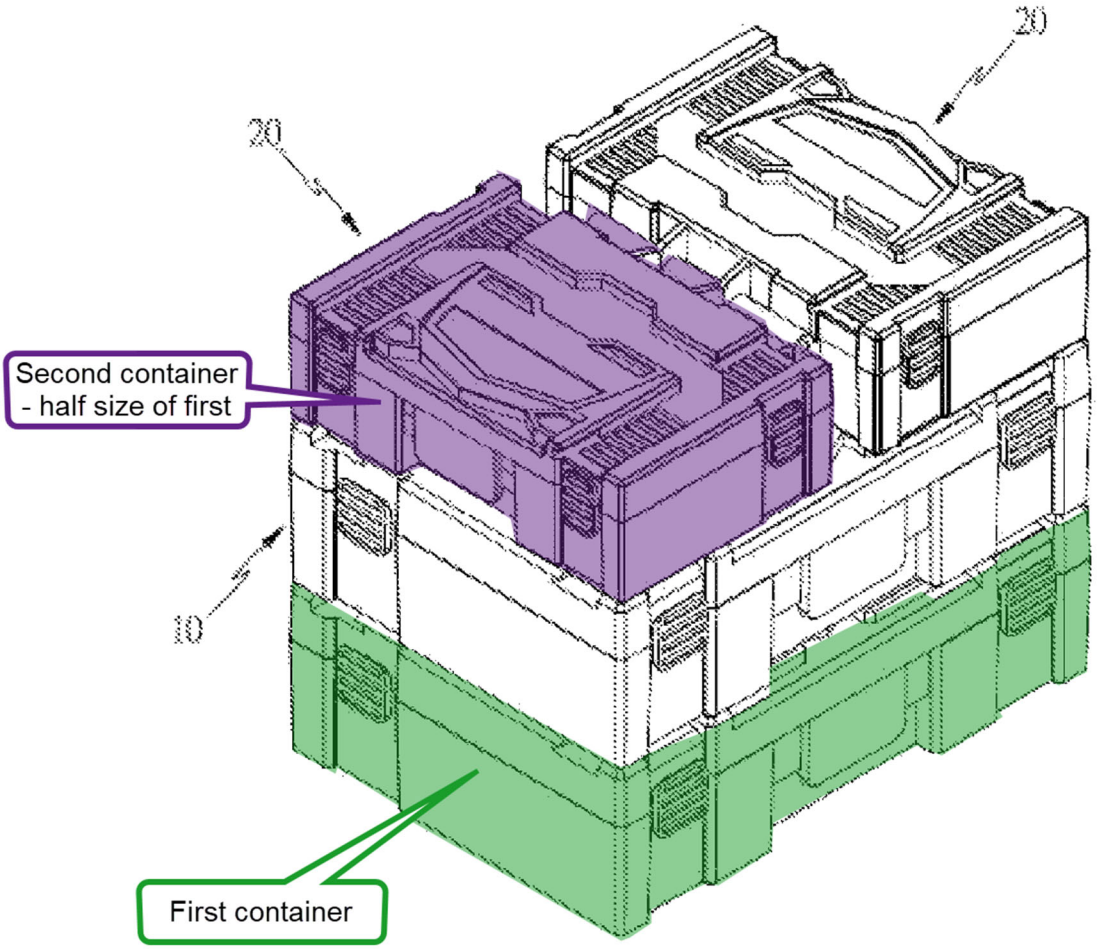


FIG.10

117. It would have been an obvious design choice to adopt half-width containers for modular compatibility and flexibility to hold, for example, fewer or smaller tools/items. 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.

118. Lin, Burchia, Metabowerke, Lafragette, and the ’167 patent all fall within the field of connectable containers. A POSITA would know that making

different container sizes that are integer fractions (or multiples) would maximize interchangeability, flexibility, 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. 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.

C. Claim 5 (dependent on claim 1 and adds second container with corner bumpers)

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

119. As described above, Burchia alone or in combination with Metabowerke renders claim 1 obvious. Burchia discloses the additional limitations of claim 5 for the same reasons discussed above with respect to limitations 1[c] through 1[g]. 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.

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.

120. As described above, Burchia alone or in combination with Metabowerke renders claim 1 obvious. Burchia also 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.

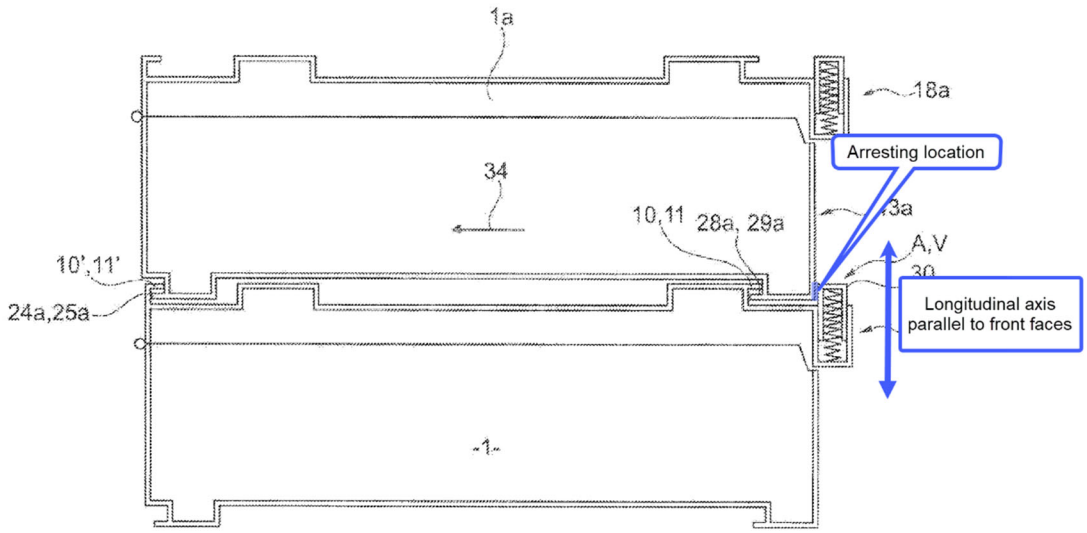


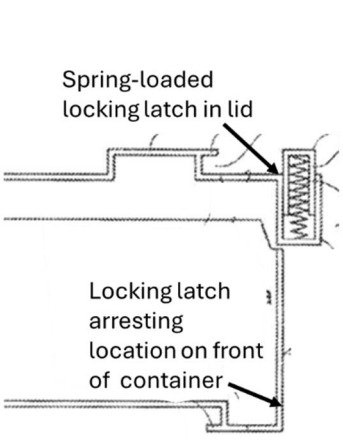
Fig. 5

121. 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. 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 surface on the lid of the first. This is a predictable design choice using known elements in a known configuration to achieve the same function.

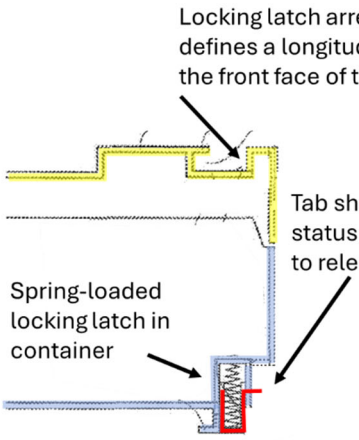
122. A POSITA would be motivated to place the latch on the bottom face of the second container to: (i) remove a projection at the front of the container, (ii)

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.

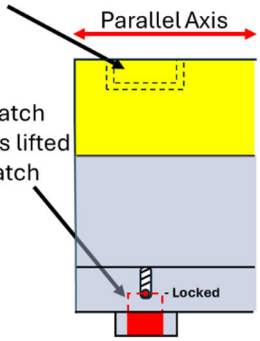
123. A portion of Fig. 3 and the proposed modification are shown below. As can be seen in the comparison, the obvious proposed modification simply moves the spring-loaded latch to the base of the container next to and protected by a "foot" and the arresting location to the lid.



Portion of Fig 3.

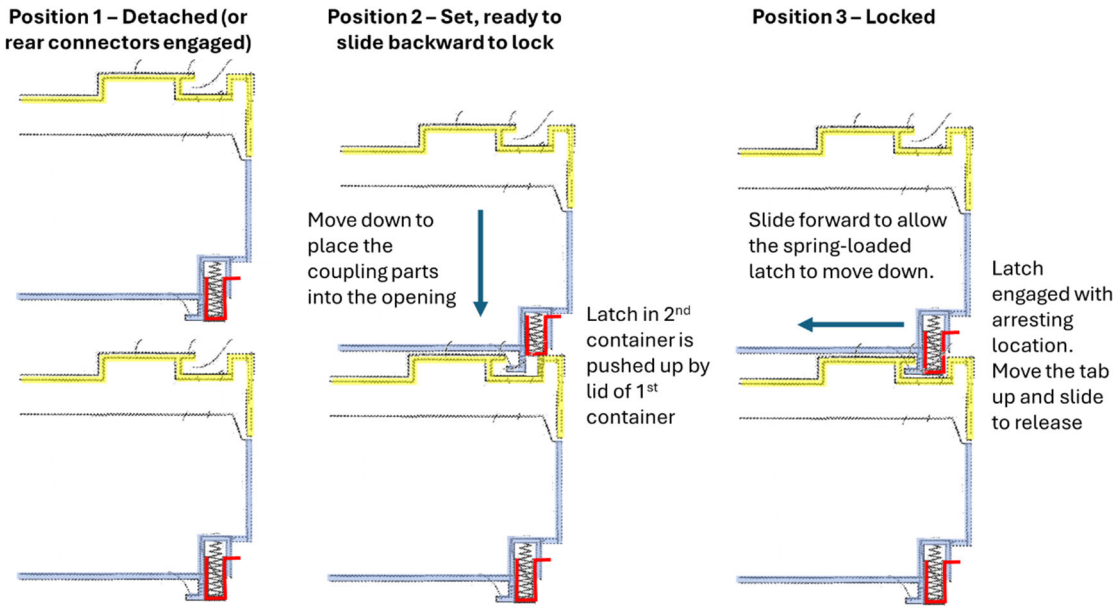


Modified portion of Fig 3.



Partial front view of the left side of modified version

124. The sequence of assembly is shown below:



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.

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.

125. Burchia alone or in combination with Metabowerke renders claim 1 obvious and Burchia alone discloses this limitation. As shown in the annotated figure below, the first container includes four female couplers—two in a front row and two in a rear row—each aligned in a direction parallel to the first front face of the container.

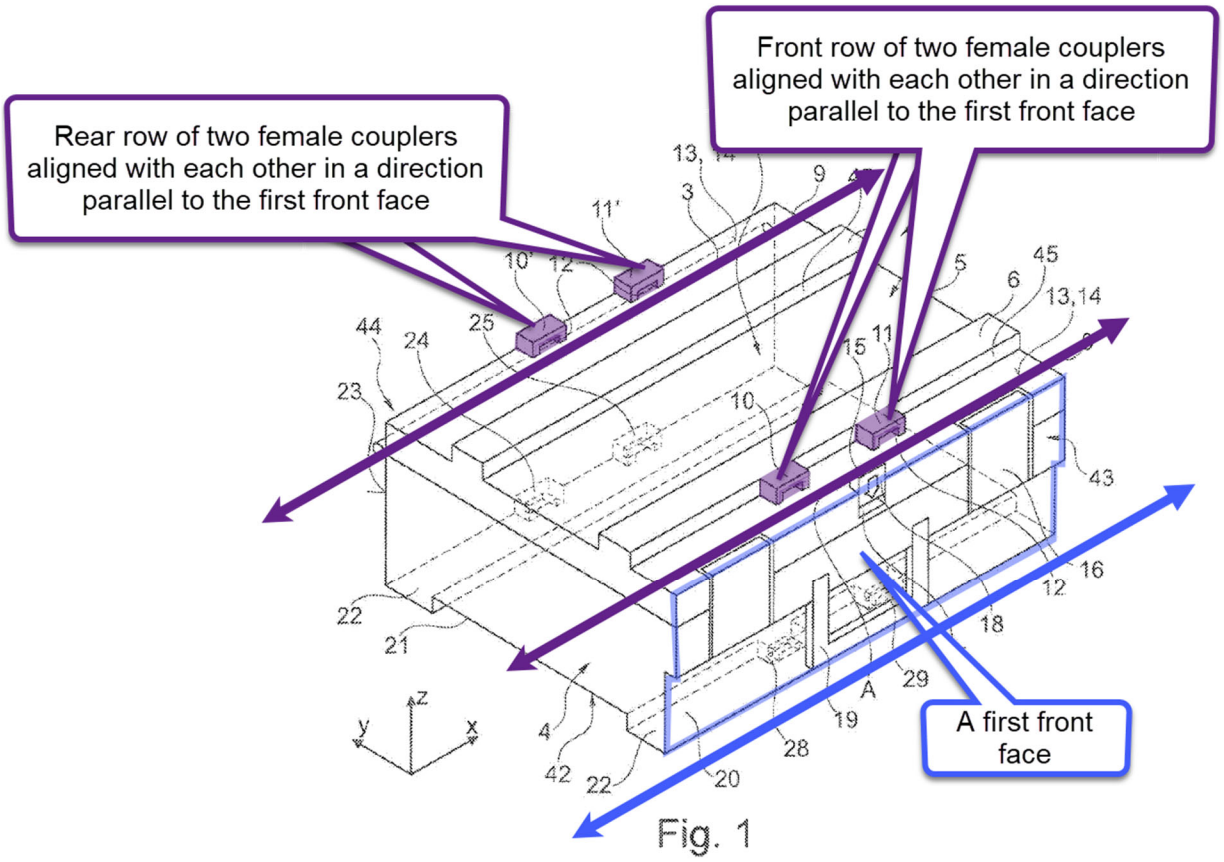


Fig. 1

F. Claim 10

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

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.

127. As described above, Burchia alone or in combination with Metabowerke renders claim 1 obvious. As shown in annotated Figure 3, Burchia also discloses a spring-biased locking latch that extends above the depressed face of the top of the second container. The movement in the green line reflects how far it extends in its default, biased position.

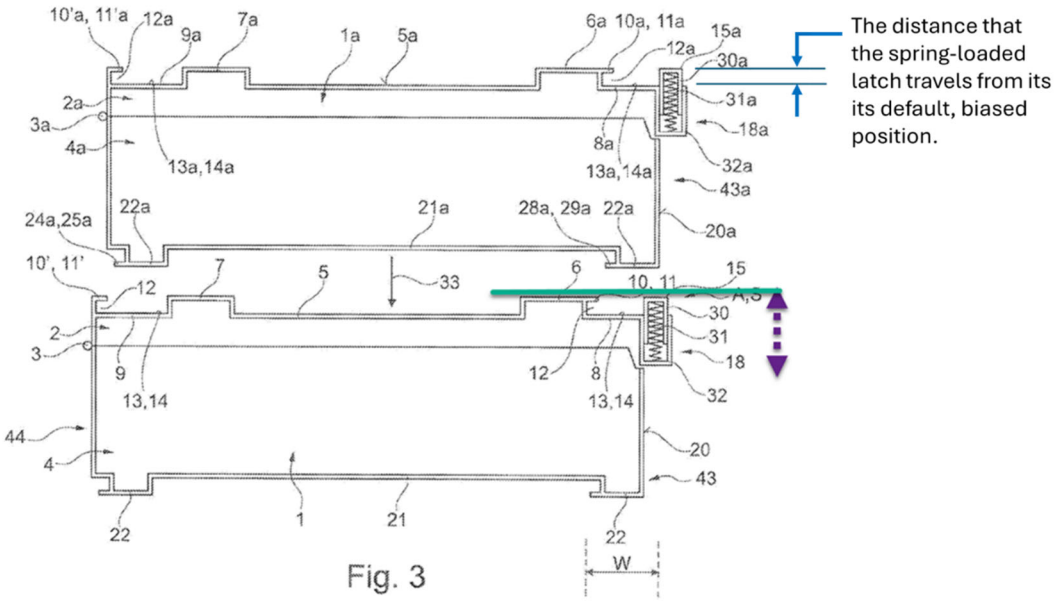


Fig. 3

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

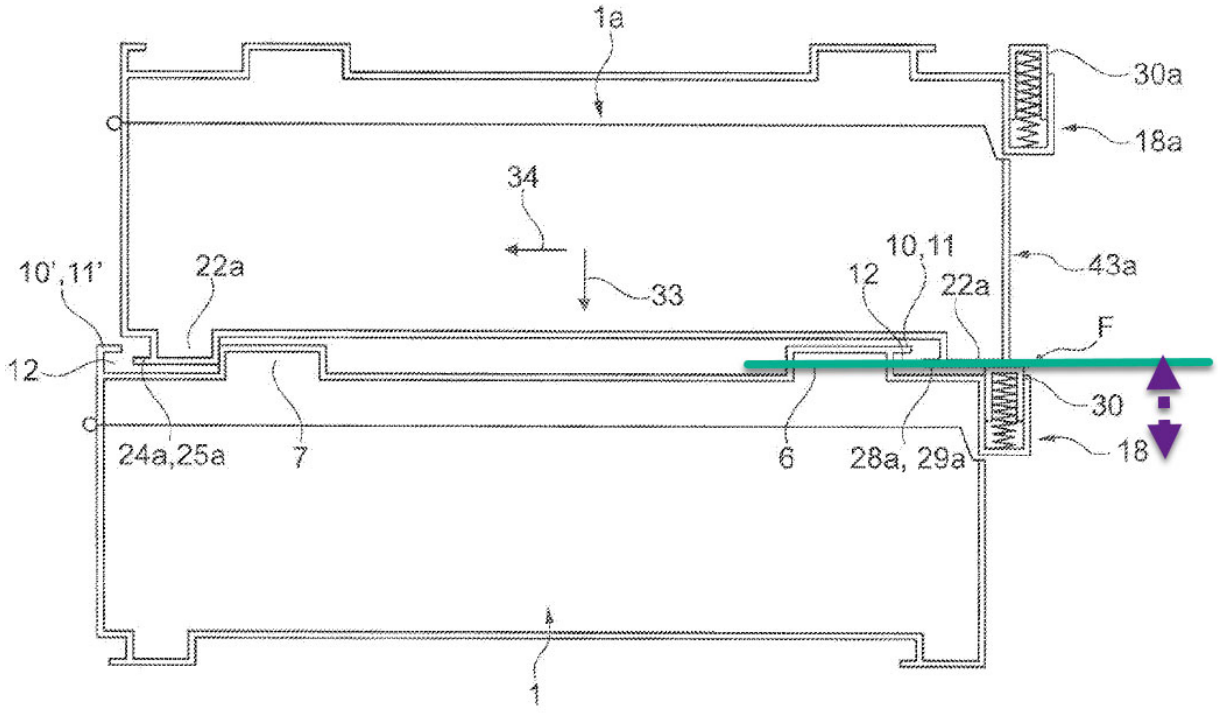


Fig. 4

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

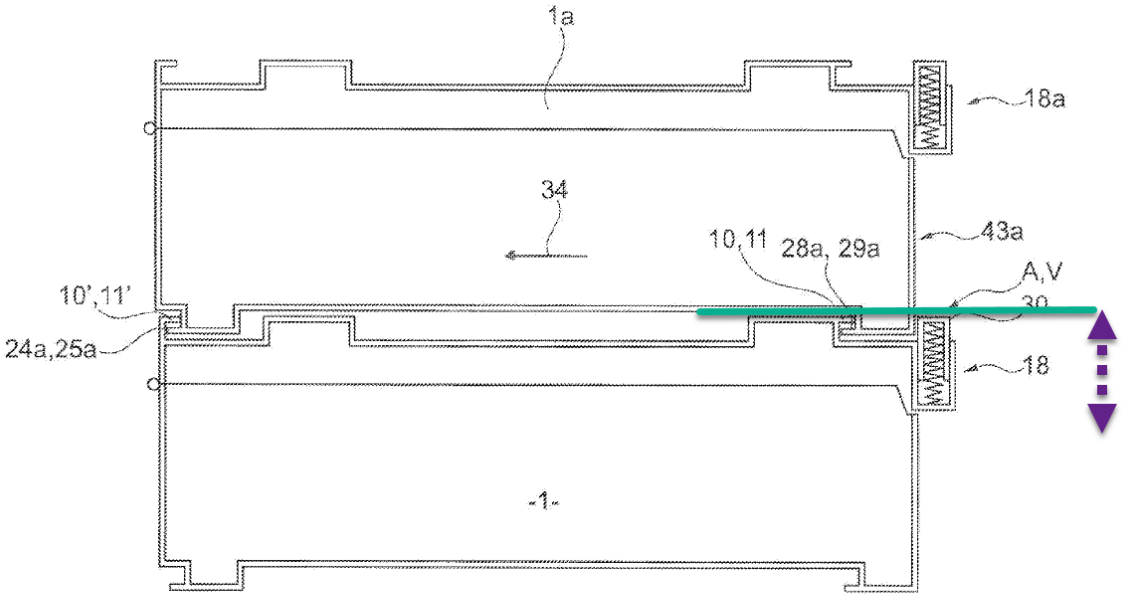


Fig. 5

130. 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. 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.

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.

131. As discussed above, Burchia alone or in combination with Metabowerke renders claim 1 obvious. Burchia also discloses a pivotally

connected (i.e., tiltable) handle coupled to the front face of its containers, between closure latches, as shown below.

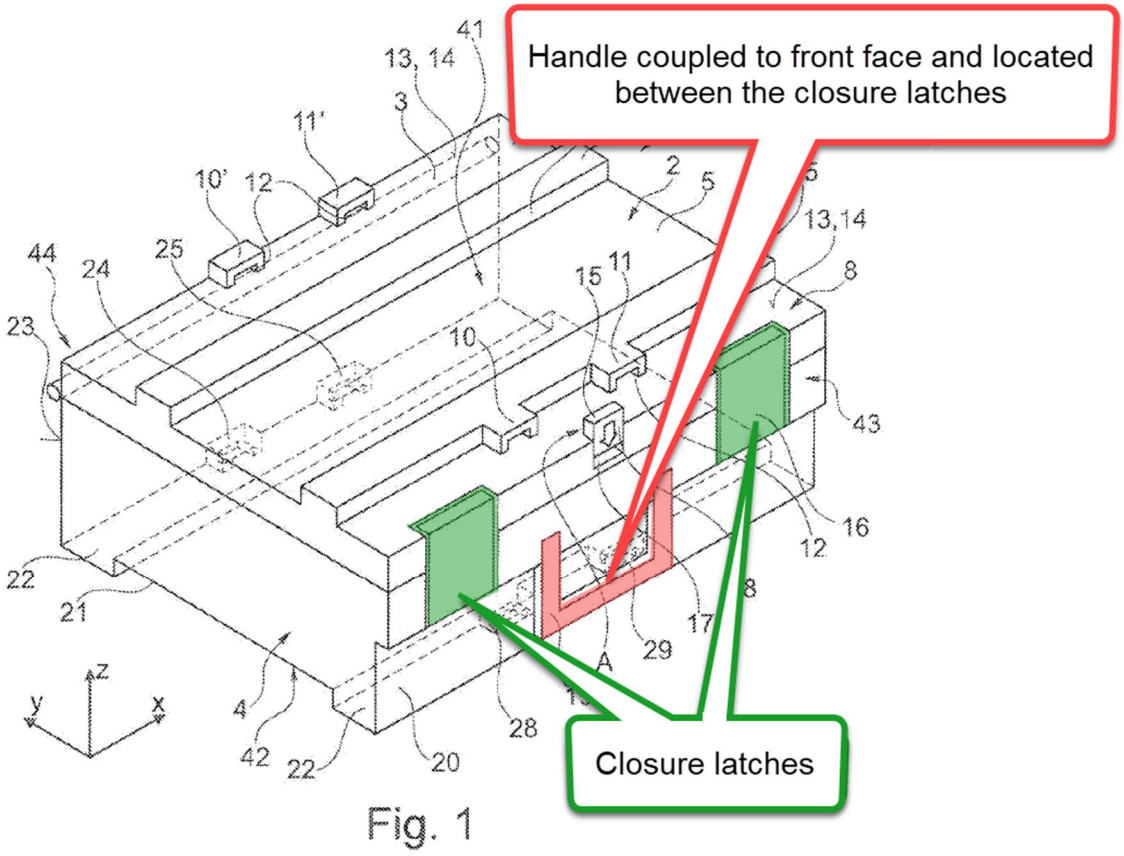


Fig. 1

132. 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. 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"). 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. *Id.*, 1:14-16.

133. Adding a side-mounted tiltable handle to Burchia's container would have been a predictable variation to facilitate lifting and carrying, especially for heavier or imbalanced loads that may require two hands or two people. The '167 patent offers no novel structure or function for its side handles, which are common in modular containers and serve routine ergonomic purposes. 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.

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.

134. As discussed above, Burchia alone or in combination with Metabowerke renders claim 1 obvious. Burchia also discloses a container assembly wherein the locking latch arresting location is either on the lower front face of the second container or a recess in a setback surface on its bottom. 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 an upward facing surface of the top face of the first lid.

135. 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.

136. 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.

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.

137. As discussed above, Burchia alone or in combination with Metabowerke renders claim 13 obvious. 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.

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

139. 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.

K. Claim 15

140. Claim 15 mirrors the limitations of claim 1 through 1[k], which as described above are obvious in light of Burchia alone or in combination with Metabowerke. The chart below cross-references the corresponding limitations, and the rationale and prior art cited for claim 1 apply equally to claim 15.

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]

18. 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

141. 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.

142. Claim 15[l] adds only a second locking latch arresting location. As shown in the 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. As shown in the modified version of Burchia below, there would be a corresponding pair of arresting locations below each latch on the face of the container. 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.

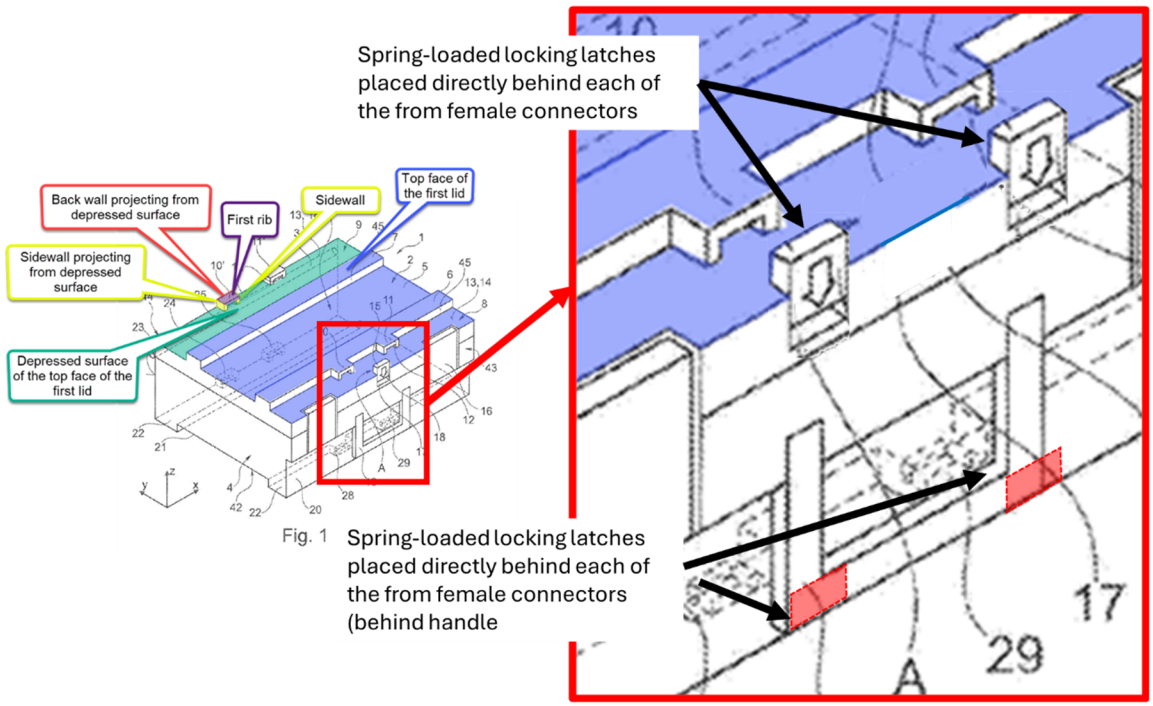


Fig. 1 Spring-loaded locking latches placed directly behind each of the from female connectors (behind handle

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

19. 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;

144. Burchia in combination with Lin renders this limitation obvious. As discussed above with respect to claim 15[l] and 1[n], Lin discloses half-width containers stacked on a larger base container. 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.

20. 15[n]: a third lid pivotally attached to the third container;

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

21. 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

146. Burchia in combination with Lin renders this limitation obvious. 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.

22. 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.

147. Burchia alone or in combination with Lin renders this limitation obvious as discussed with respect to claim 6 or limitation 15[l] in which Lin

discloses multiple smaller containers stacked on a larger container. 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.

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.

148. As discussed above, Burchia alone or in combination with Metabowerke renders claim 15 obvious. Burchia in combination with Lin also renders claim 16 obvious for the same reasons discussed with respect to limitation 1[n].

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

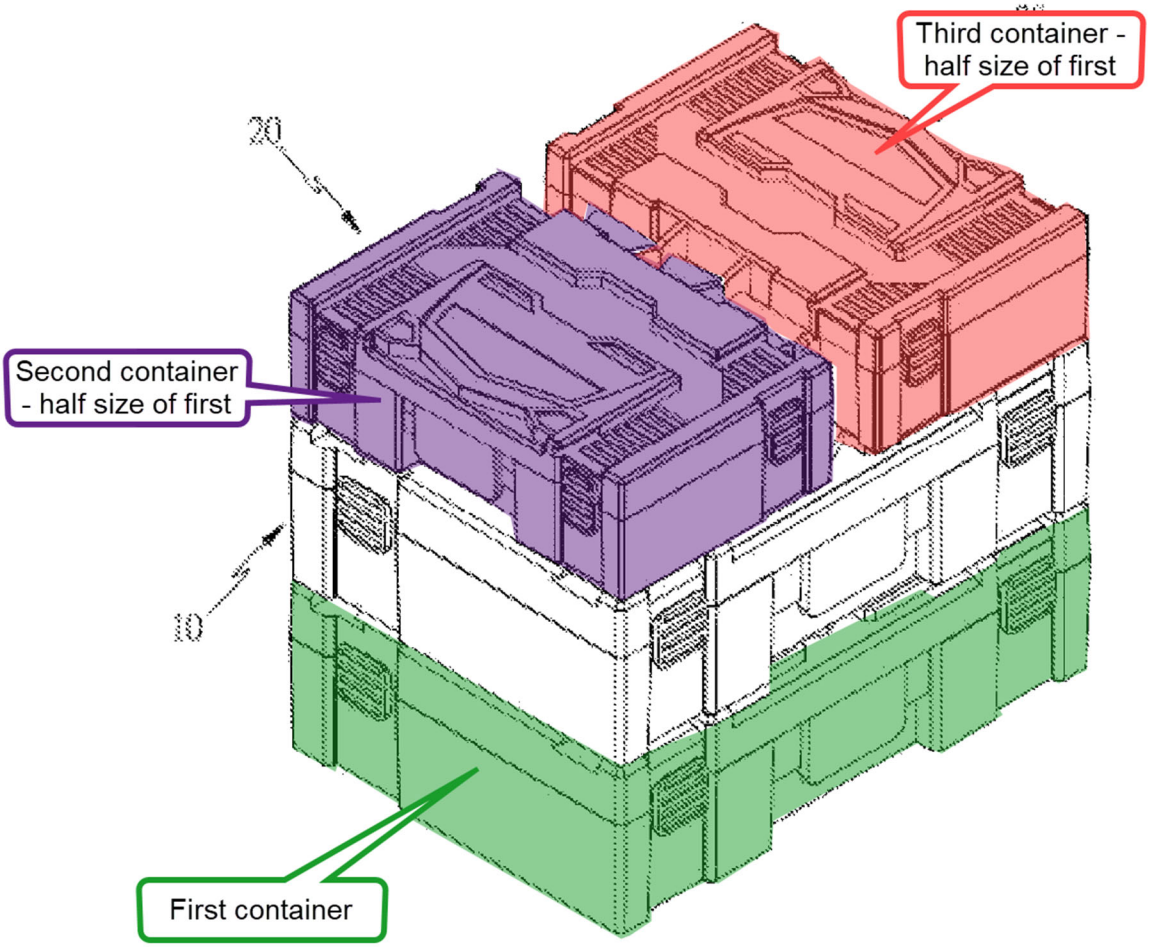


FIG.10

150. 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. 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.

151. Lin, Burchia, Metabowerke, and the ’167 patent are all in the same field of connectable containers. A POSITA would have reasonably expected success adapting Burchia or Metabowerke to the half-size formats disclosed in Lin.

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

152. To the extent Patent Owner argues that Burchia lacks an “arresting location,” it would have been obvious to modify Burchia in view of Lafragette to include a recess serving that function.

A. Motivation to Combine Burchia with Lafragette’s Teachings

153. 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.

154. Including a recess as taught in Lafragette would have provided additional protection for the latch (*e.g.*, preventing inadvertent disassembly and contamination). 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.

155. 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 in place by a spring-biased latch. 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.

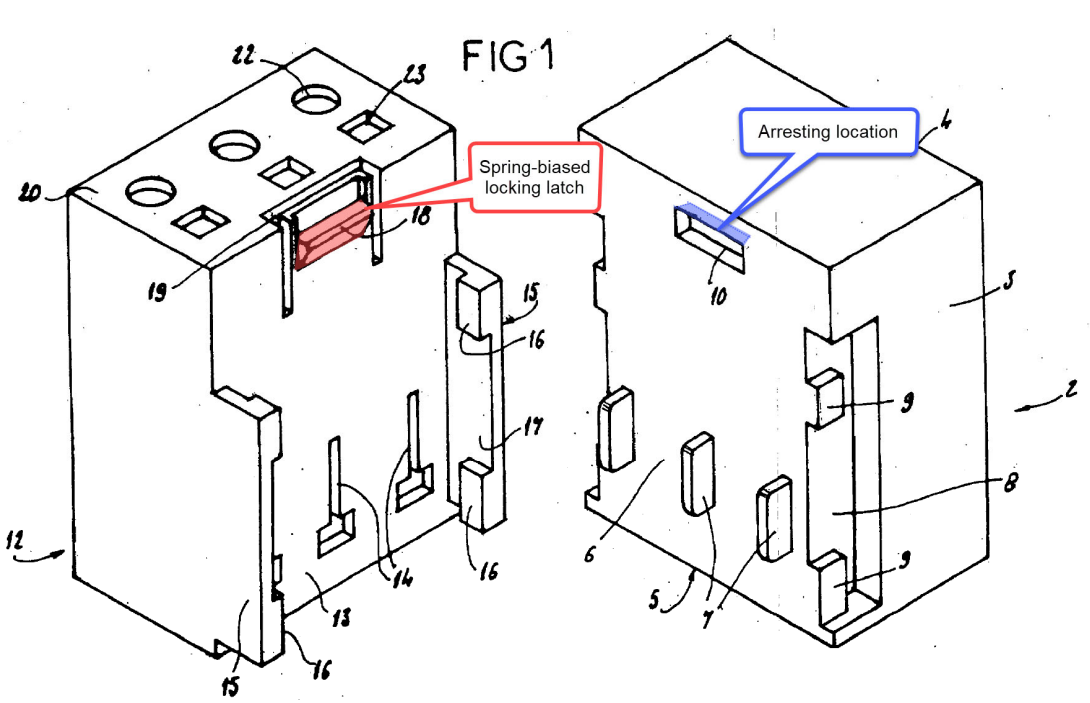
156. Incorporating Lafragette's recessed arresting location would have been a predictable design improvement well within the common sense and knowledge of a POSITA. A POSITA would have more than reasonably expected success, particularly given Burchia's own contemplation of a setback surface. Even absent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

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

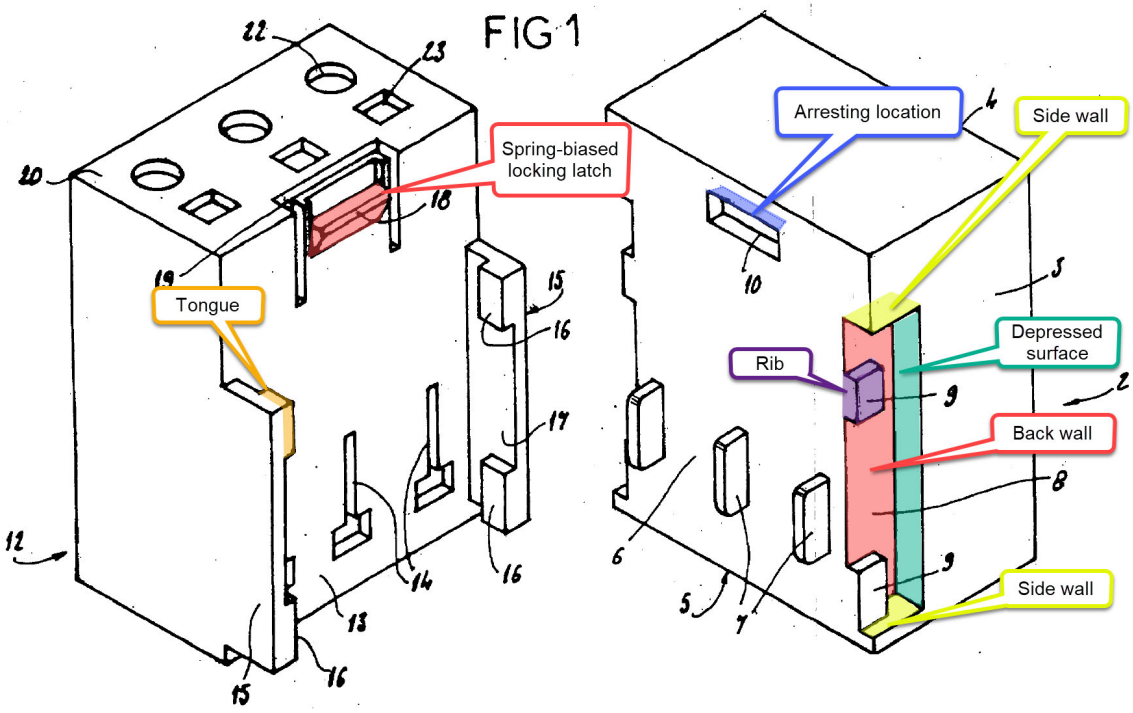
157. As described above, Burchia alone or in combination with Metabowerke makes claims 1 and 15 obvious. However, if it were found that Burchia does not discloses a **locking latch arresting location,** Lafragette expressly defines one as a wall of the recess in its second container and makes these limitations obvious.

158. Lafragette 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. These

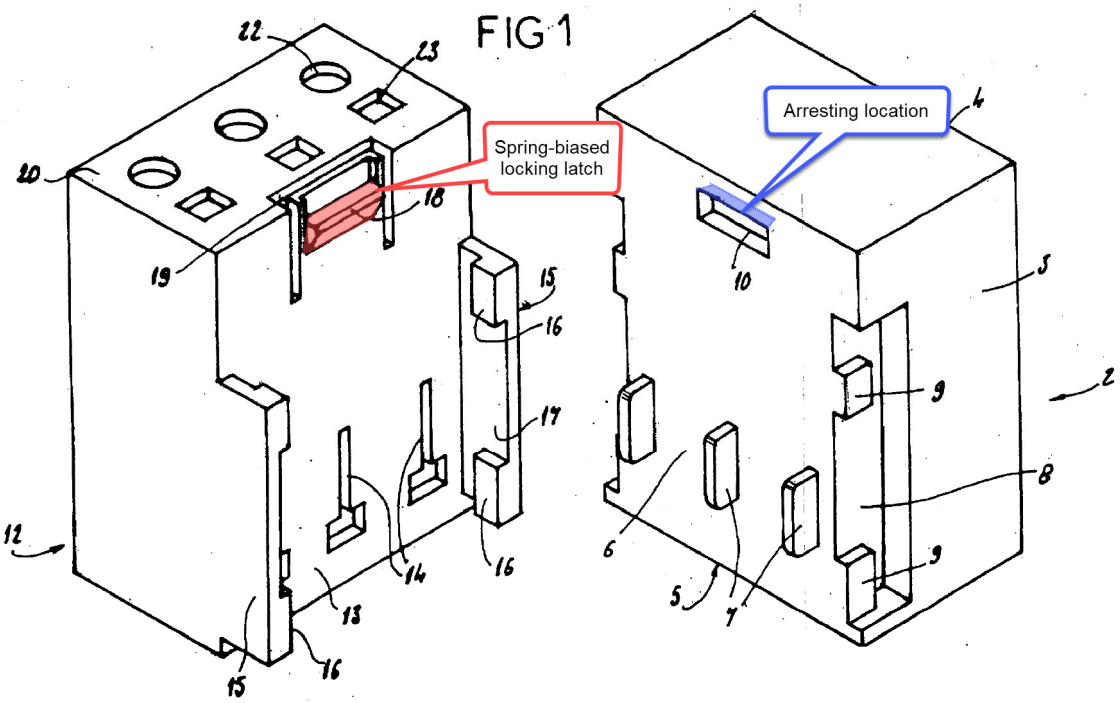
are shown in Figure 1, annotated below with dashed blue lines to reflect the inner top surface of the recess:



159. 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**, along with a **spring-biased locking latch** that secures the containers once it reaches its **arresting location**.



160. A POSITA would have been motivated to use Lafragette's recess in Burchia's container to protect the latch. 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**.



VIII. 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.

161. As described above, Burchia alone or in combination with Metabowerke, and if necessary Lafragette, makes obvious claim 1. 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. 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.

162. 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.").

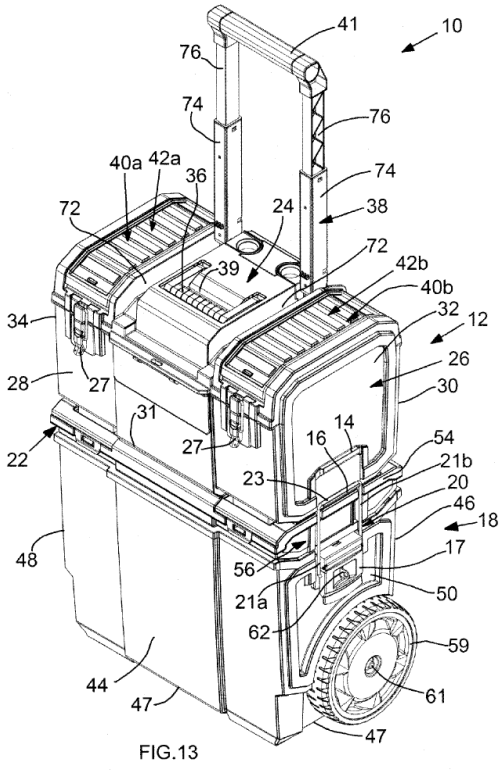


FIG.13

163. 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.

B. Motivation to Combine

164. A POSITA would have been motivated to add the wheels and handle of Bensman to Burchia or Metabowerke to facilitate mobility. Tools are heavy, especially when filling multiple stacked containers. Given the straightforward mechanical nature of containers, a POSITA would have had more than a reasonable expectation of success. The wheels would naturally go on the ground-contacting container, with the telescoping handle mounted to either container depending on design choice.

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

C. 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.

166. As described above, Burchia alone or in combination with Metabowerke, and if necessary Lafragette, with Bensman makes obvious claim 2. 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.

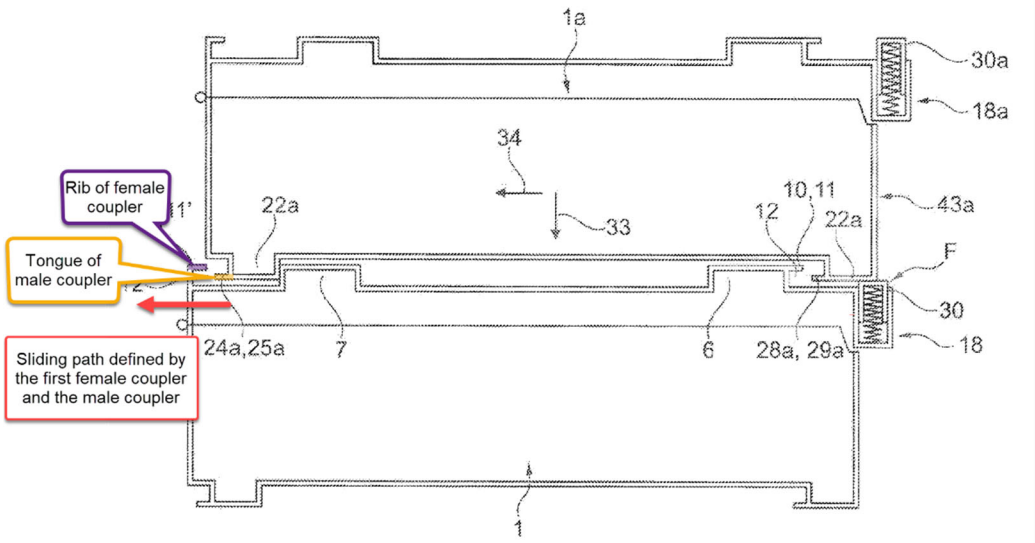


Fig. 4

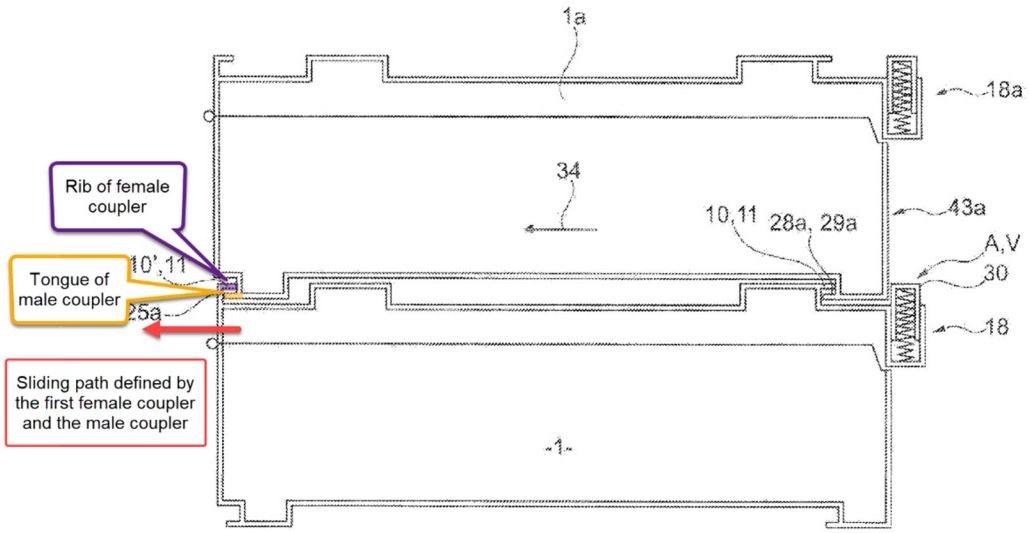


Fig. 5

167. To the extent Burchia is found 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.

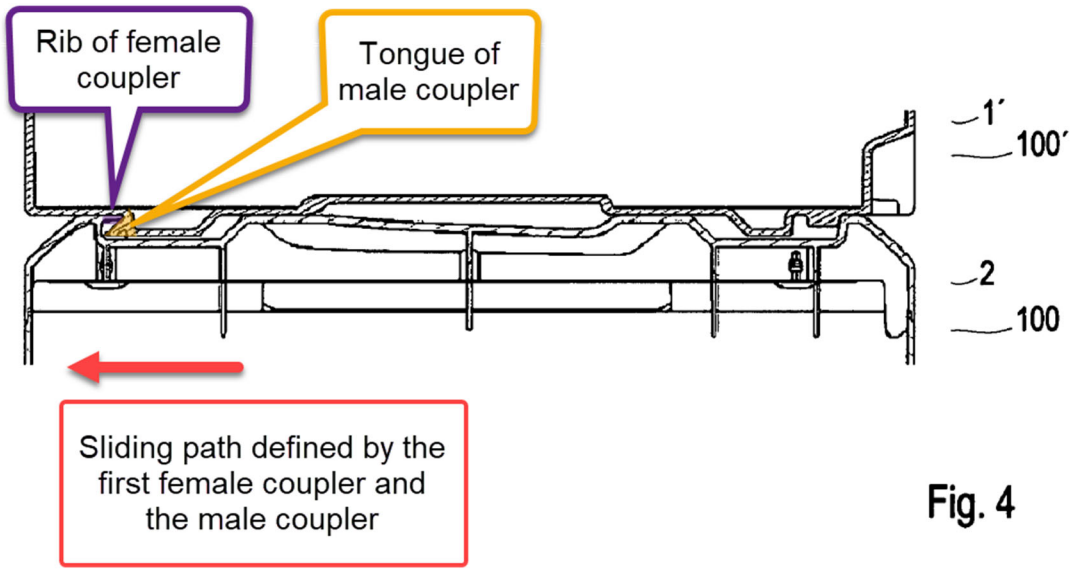


Fig. 4

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

168. As described above, Burchia alone or in combination with Metabowerke, and if needed Lafragette, makes obvious claim 3. 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**.

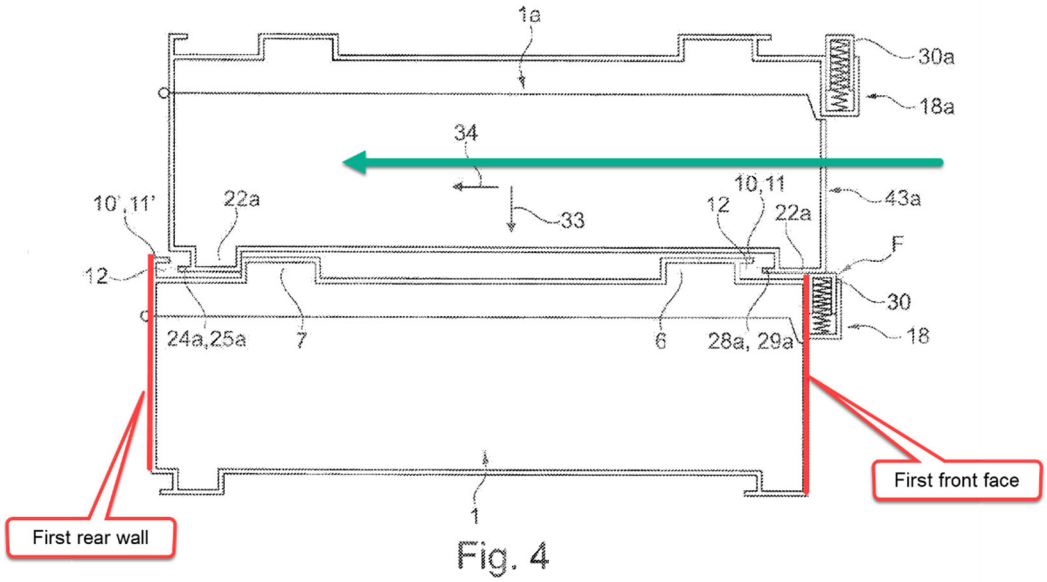


Fig. 4

E. 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.

169. As described above, Burchia alone or in combination with Metabowerke, and if necessary Lafragette, makes obvious claim 1. Burchia, alone or if needed with Bensman, discloses this limitation. Burchia teaches that the **lids** of each container are secured using 2 "closure elements **16**, such as closure latches." EX1004, 10:13-15. A POSITA would understand that "**closure latches**" are a broader category which includes "**toggle-locking latches**." Toggle latches are those latches wherein a lever or handle is stable in two positions, "toggling" between locked and unlocked positions. Such latches are called "toggle locking" because they toggle between two positions such as the movement of a toggle light switch. Each of the 4 latches are illustrated below in the annotated image of two staked containers each as shown in Figure 1.

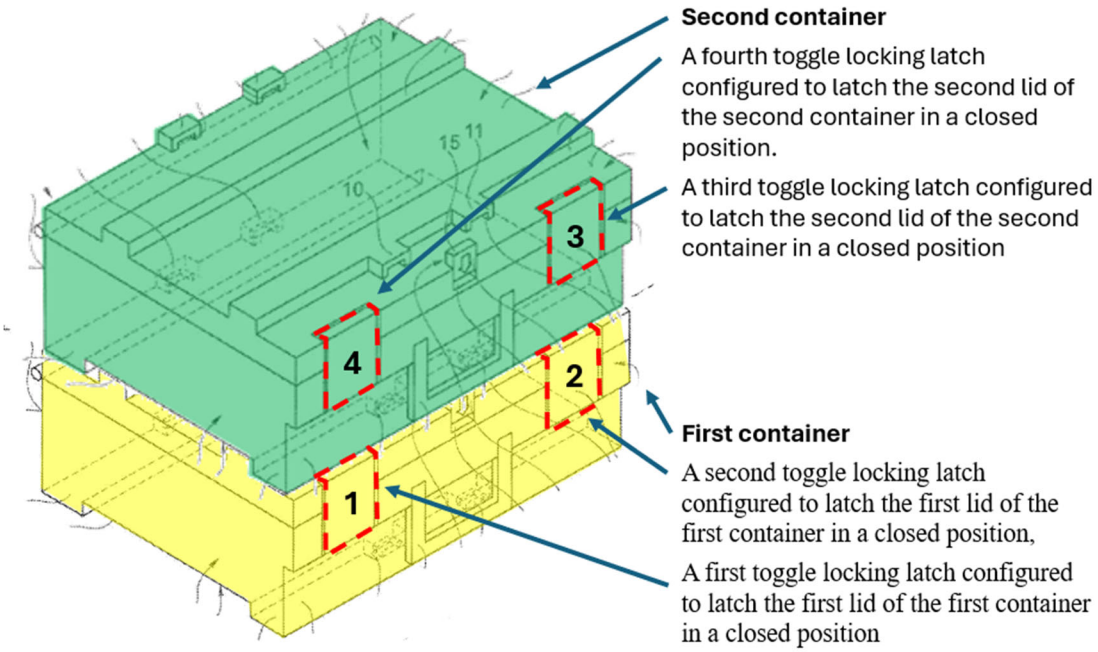


Fig. 1

170. Moreover, toggle locking latches are not only an obvious, but an ubiquitous way to lock a toolbox lid.[6] 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. 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 claims

[6] Toggle locking latches on toolboxes were ubiquitous in the prior art. EX1014, 1015.

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).

171. 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.

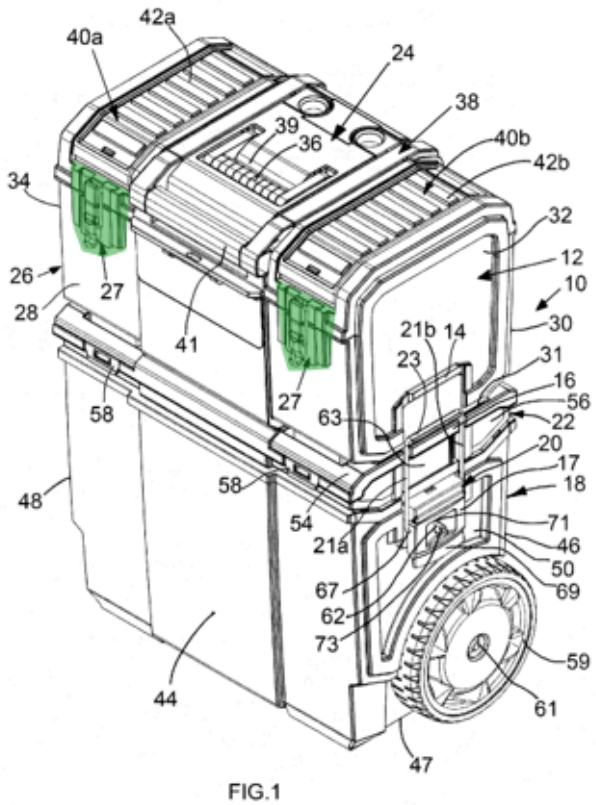


FIG.1

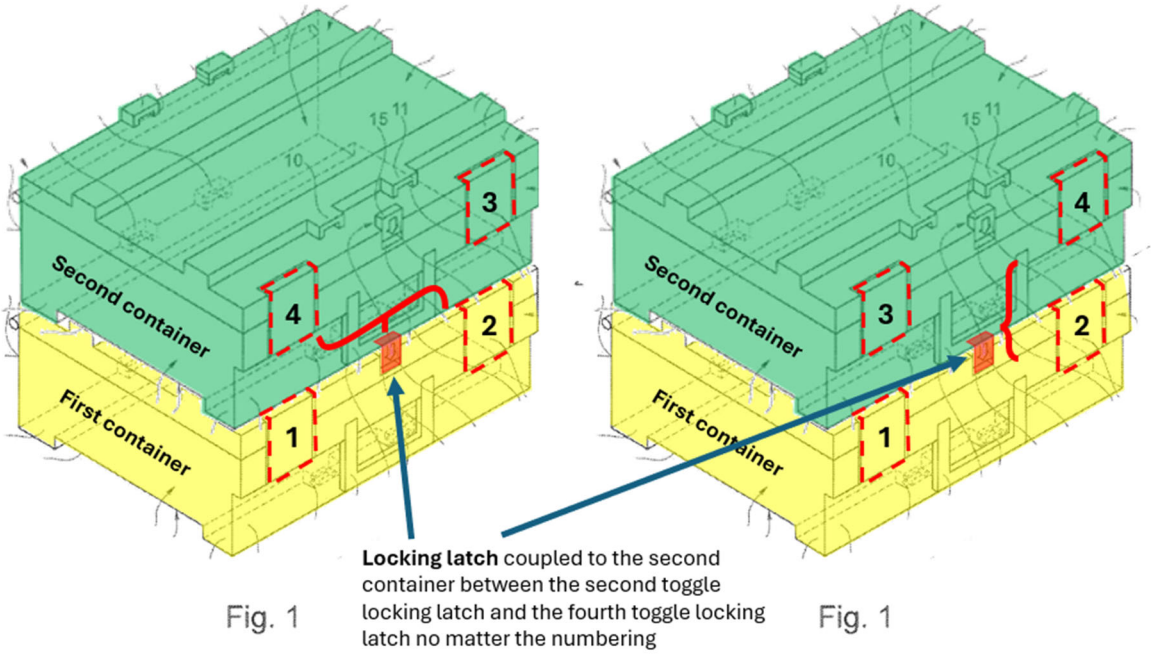
172. Thus, even if Burchia's closure latches are not considered toggle locking latches, it would have been obvious to use toggle locking latches, such as those disclosed in Bensman, to close the lid of a toolbox, as even the examiner recognized.

173. 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. 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.

174. 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. The first and second containers of Burchia have the same structure. 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.

F. 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.

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



176. 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. 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.

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

177. 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.

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

A. Motivation to Combine

178. 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. The female coupler comprising a depressed surface having sidewalls and a rib projecting from a back wall. The containers are held in place by a locking latch arrested on a tab on the front face of the other container.

179. 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 together. 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 more than reasonably expected success substituting one for the other.

180. 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. 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.

B. Claim 1

23. 1[pre]: A container assembly comprising

181. 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.***").

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

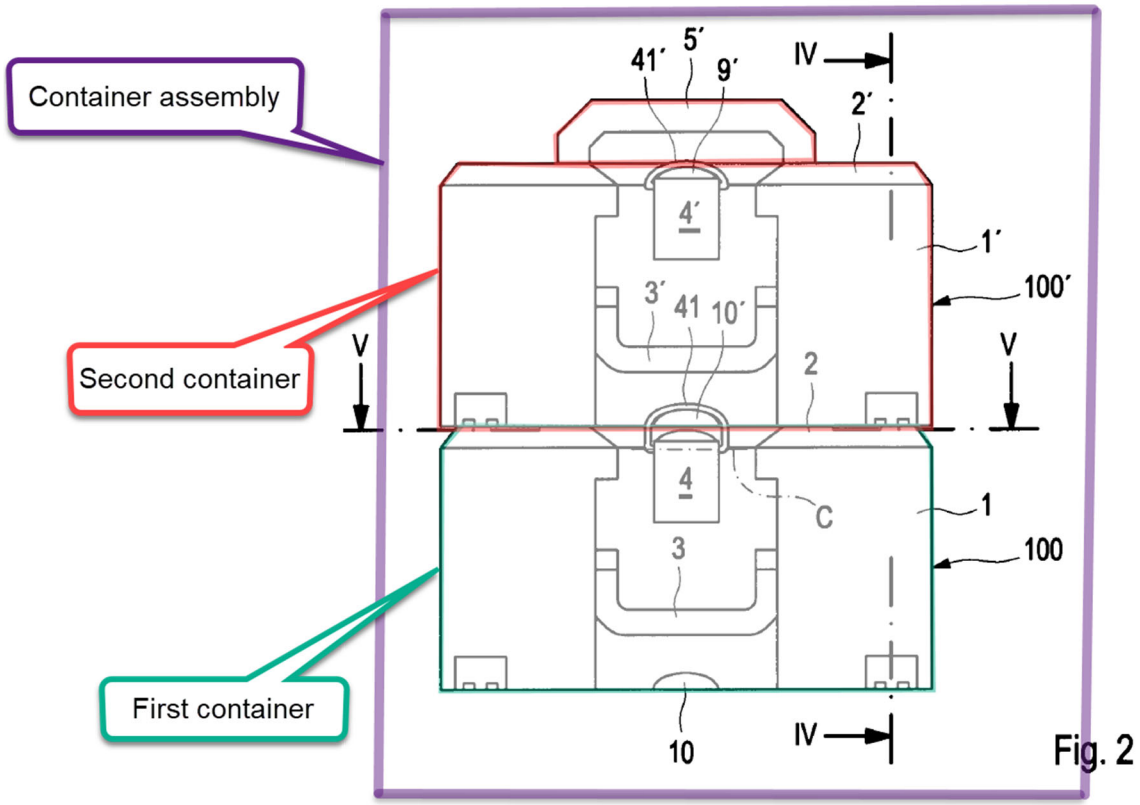


Fig. 2

24. 1[a]: a first container comprising: a first lid pivotally attached to the first container;

183. 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.").

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

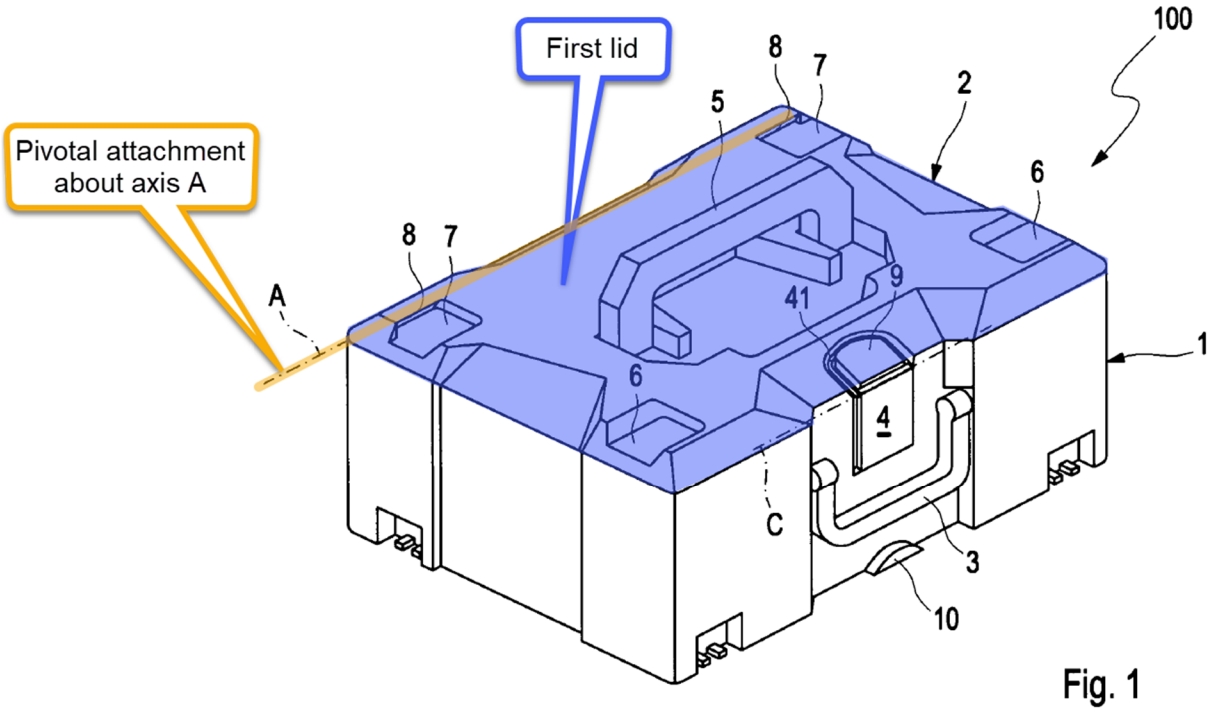


Fig. 1

25. 1[b]: a first female coupler at a top face of the first lid

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

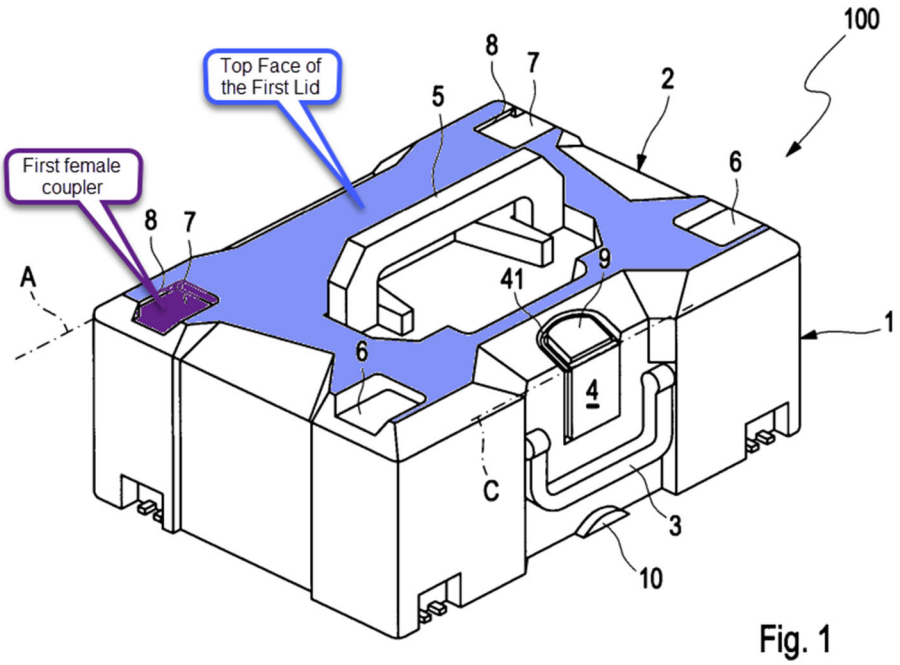


Fig. 1

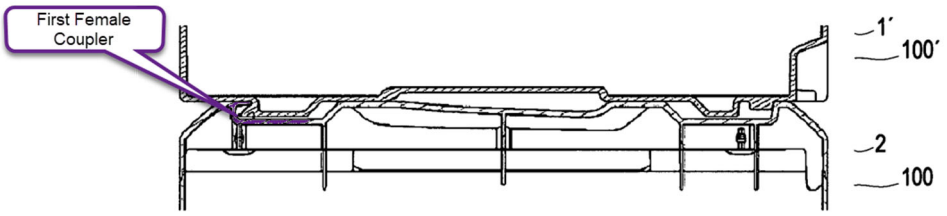


Fig. 4

26. 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

186. 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**.

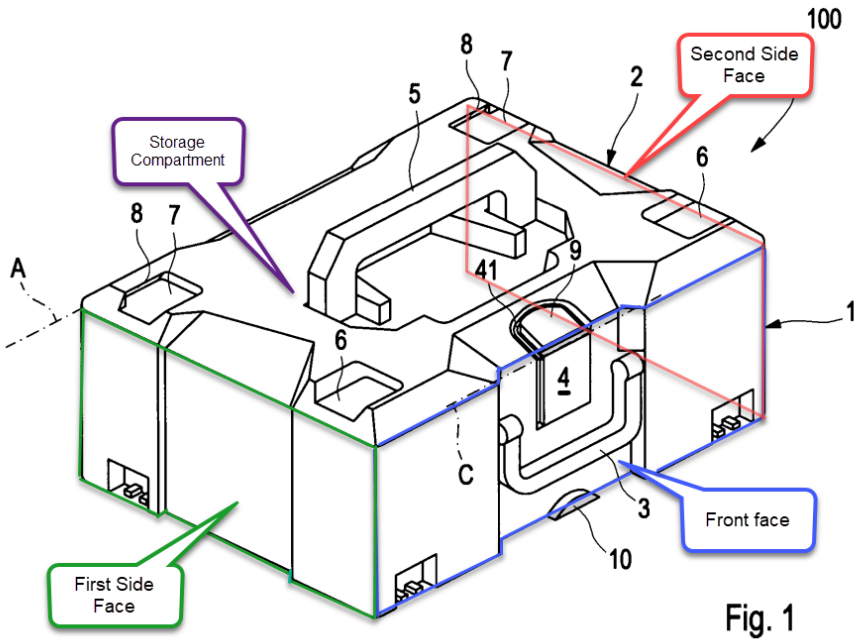


Fig. 1

27. 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,

187. 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.

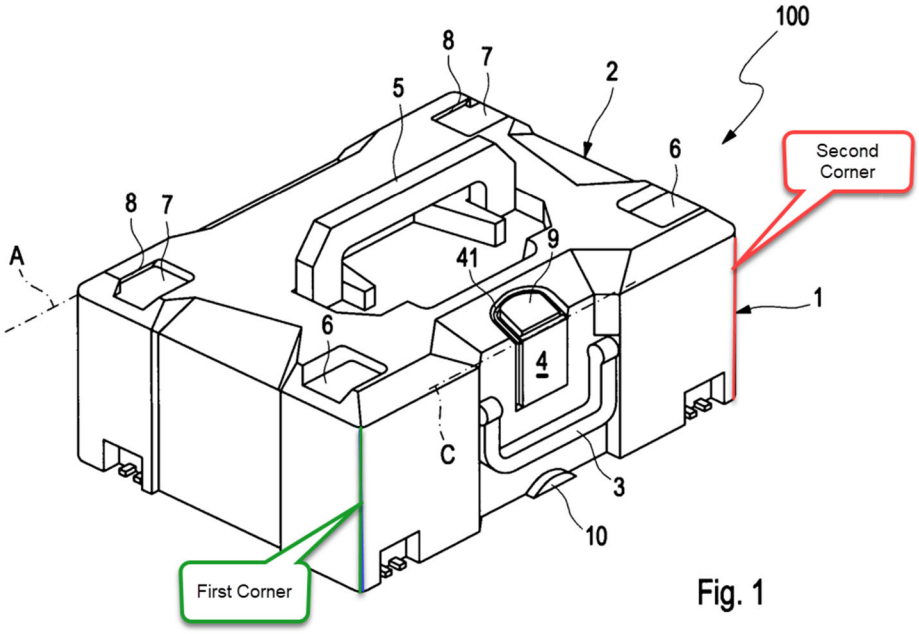


Fig. 1

28. 1[e]: a first corner bumper extending outward from the first corner; and

188. 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.

29. 1[f]: a second corner bumper extending outward from the second corner; and

189. 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].

30. 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

190. 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].

31. 1[h]: a first locking latch arresting location; and

191. Metabowerke discloses a **locking latch arresting location** defined by the lower front face of the second container. 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].

192. 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.

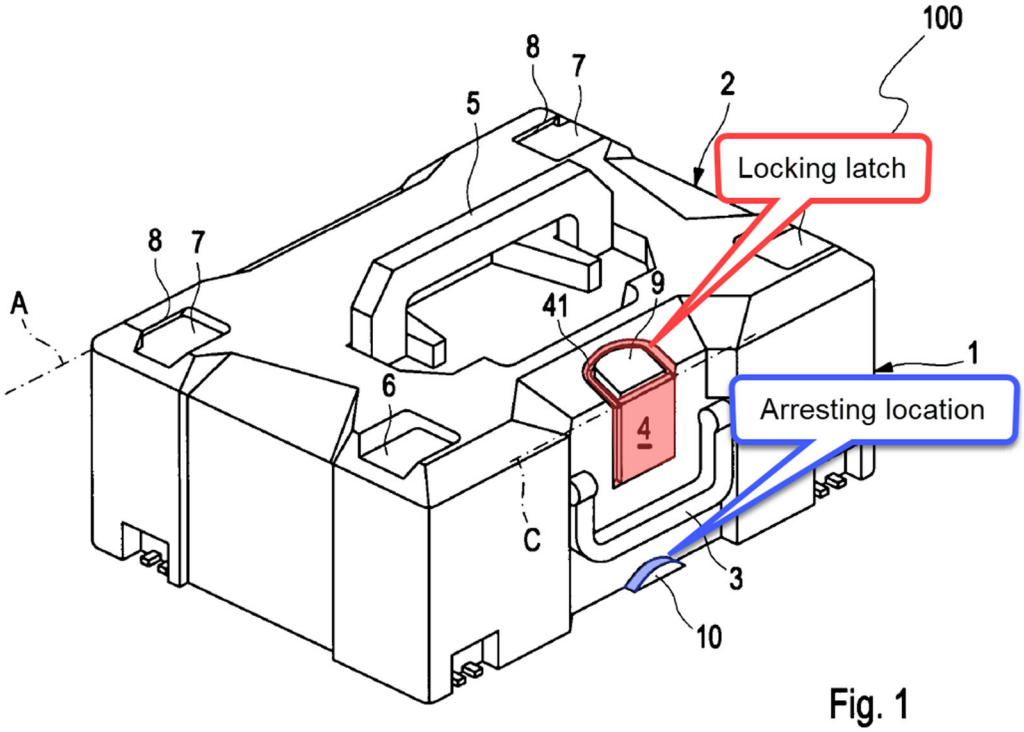


Fig. 1

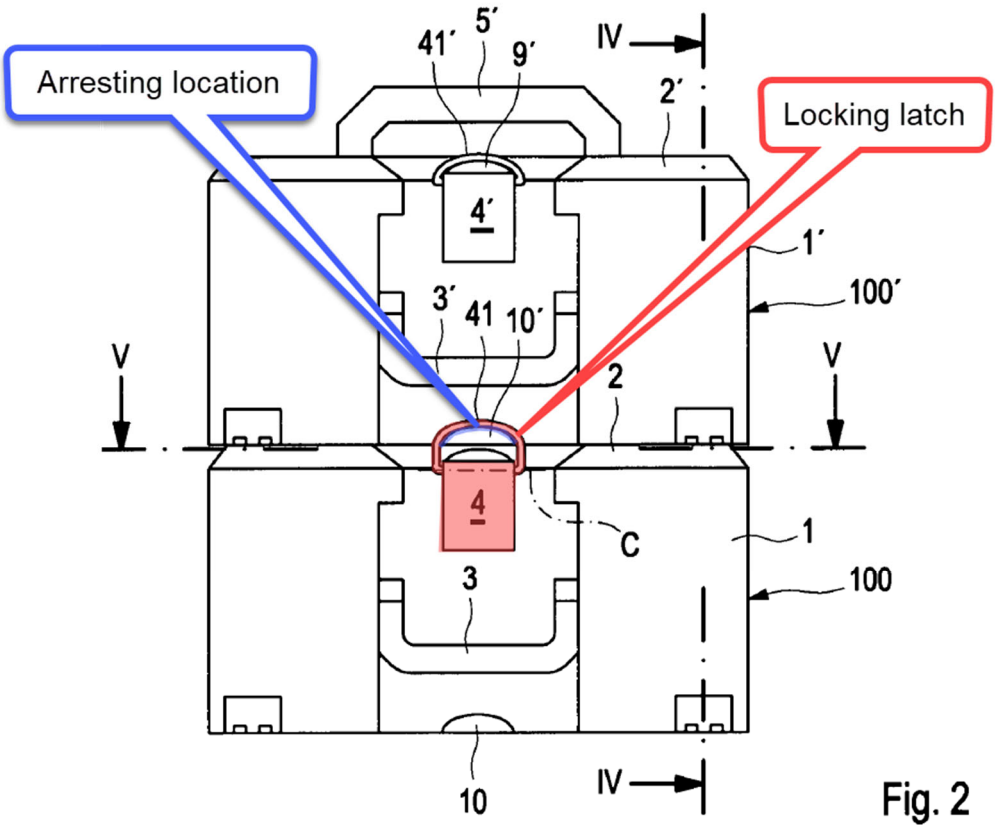


Fig. 2

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

194. As discussed above in connection with Ground 1, Burchia expressly discloses a recessed arresting location. 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). A POSITA would have had a reasonable expectation of success

given the straightforward structural elements (all of the art is in the field of connectable containers).

32. 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;

195. 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.

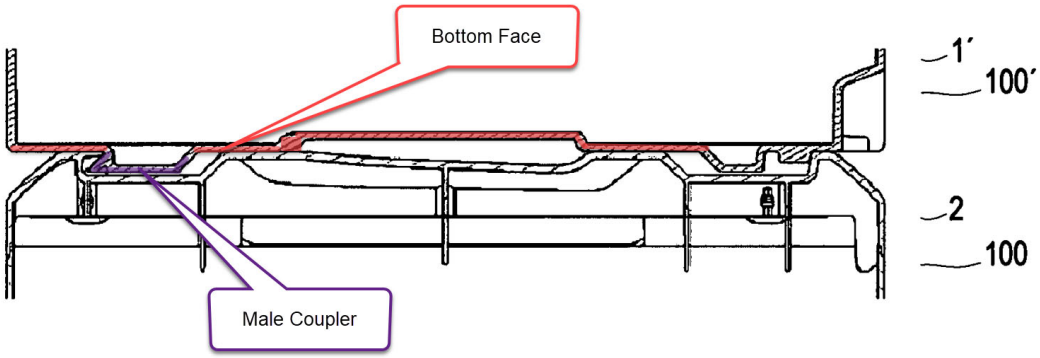


Fig. 4

196. 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).

197. 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.

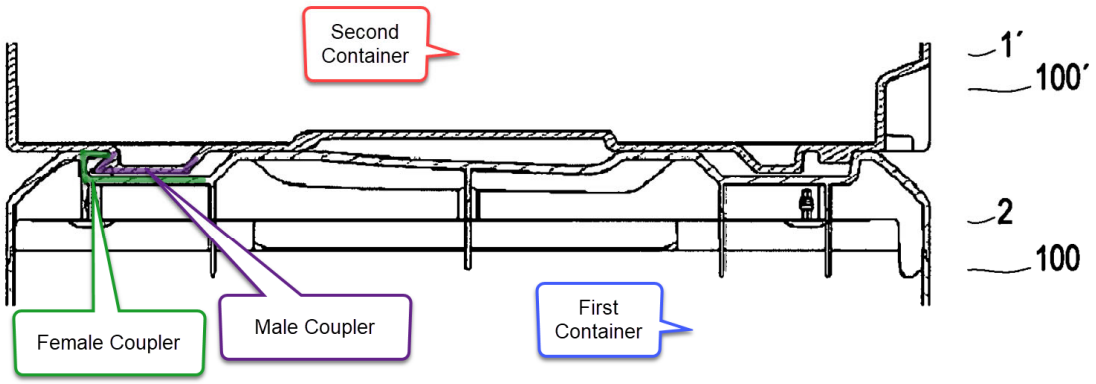


Fig. 4

33. 1[j]: a second lid pivotally attached to the second container; and

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

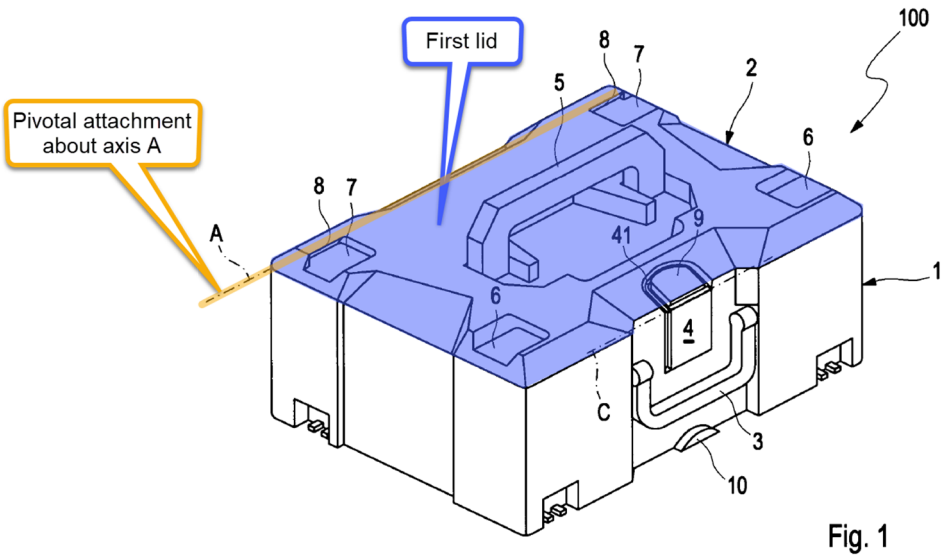


Fig. 1

34. 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;

199. Metabowerke's **locking latch** is shown in annotated Figures 1 and 2 below.

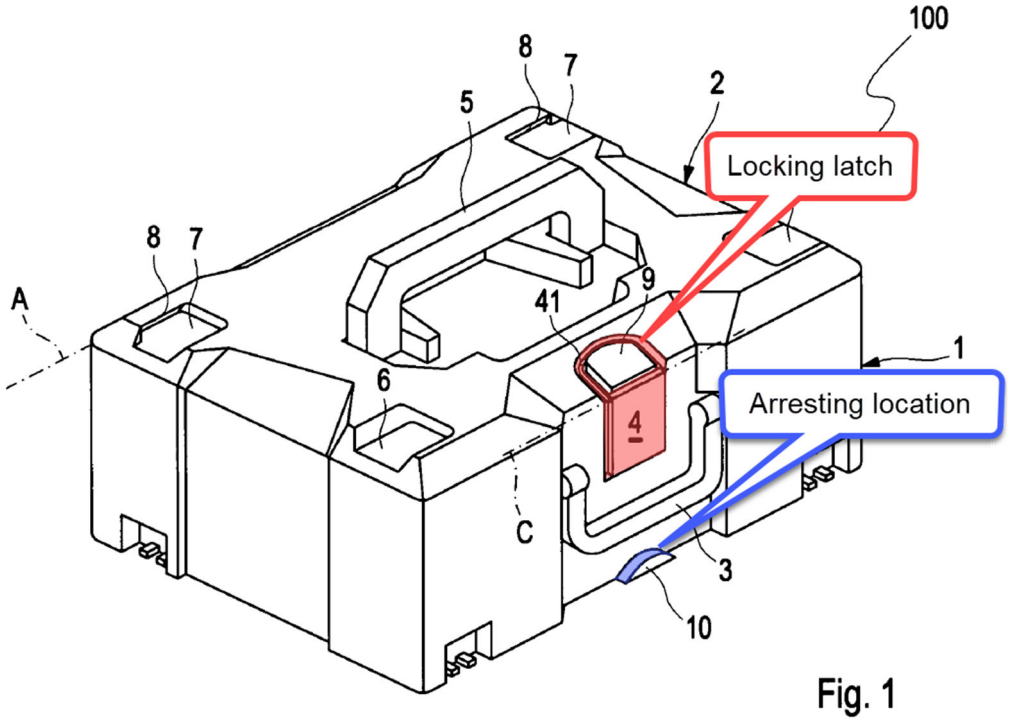


Fig. 1

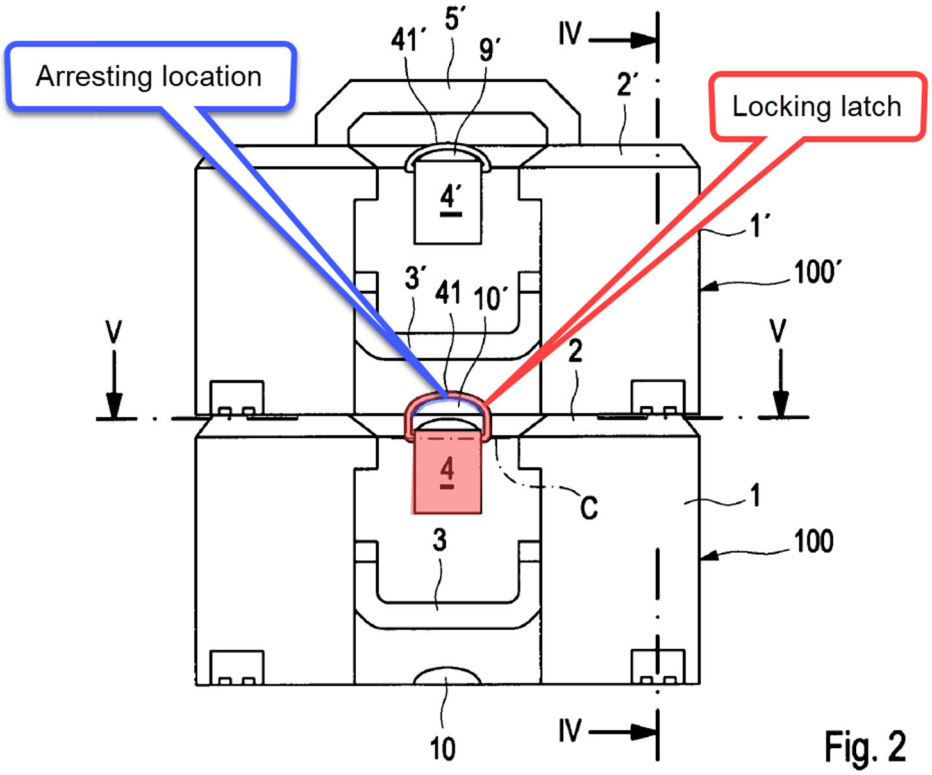


Fig. 2

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

201. The locking latch prevents the two containers from separating, thereby limiting sliding displacement of the first container with respect to the second container. 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].

202. 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.

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

35. 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;

204. 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. The back wall is between the two side walls. The female coupler is comprised of the back wall, rib, and side walls.

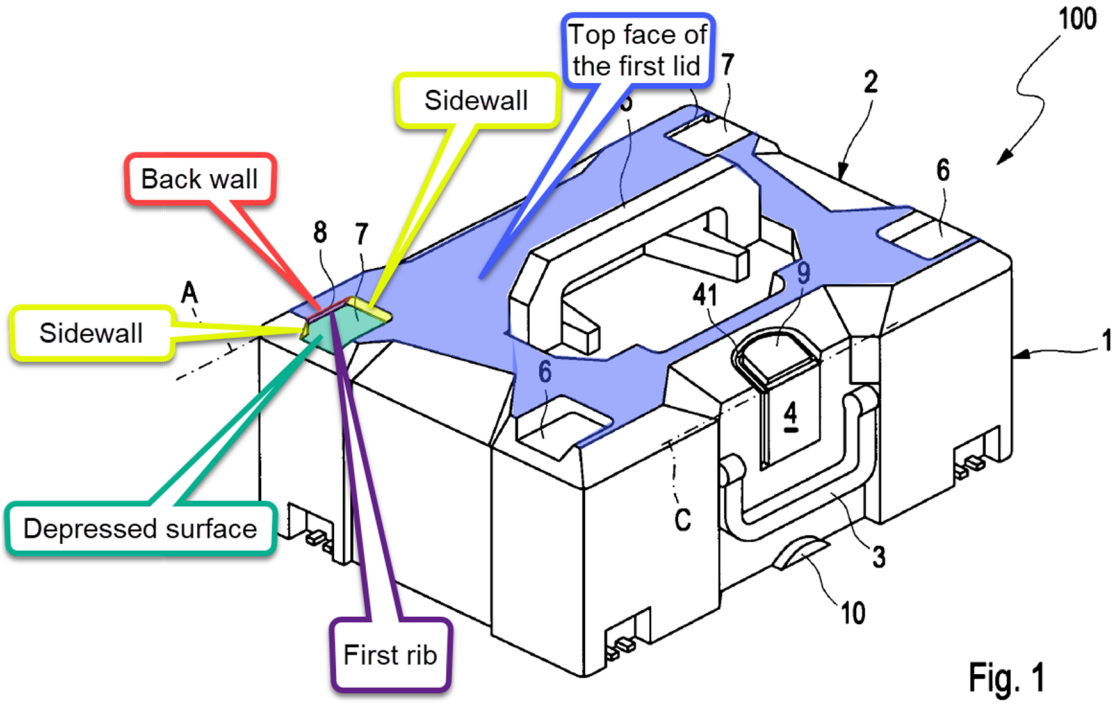


Fig. 1

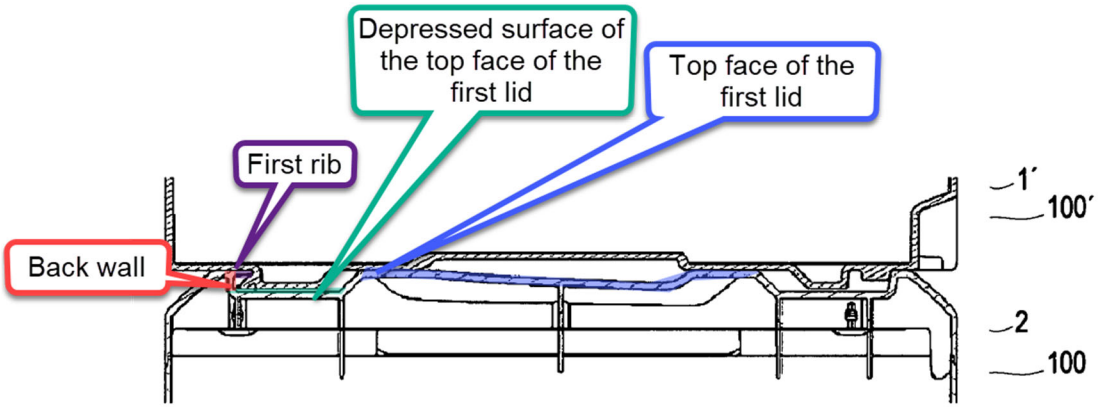


Fig. 4

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

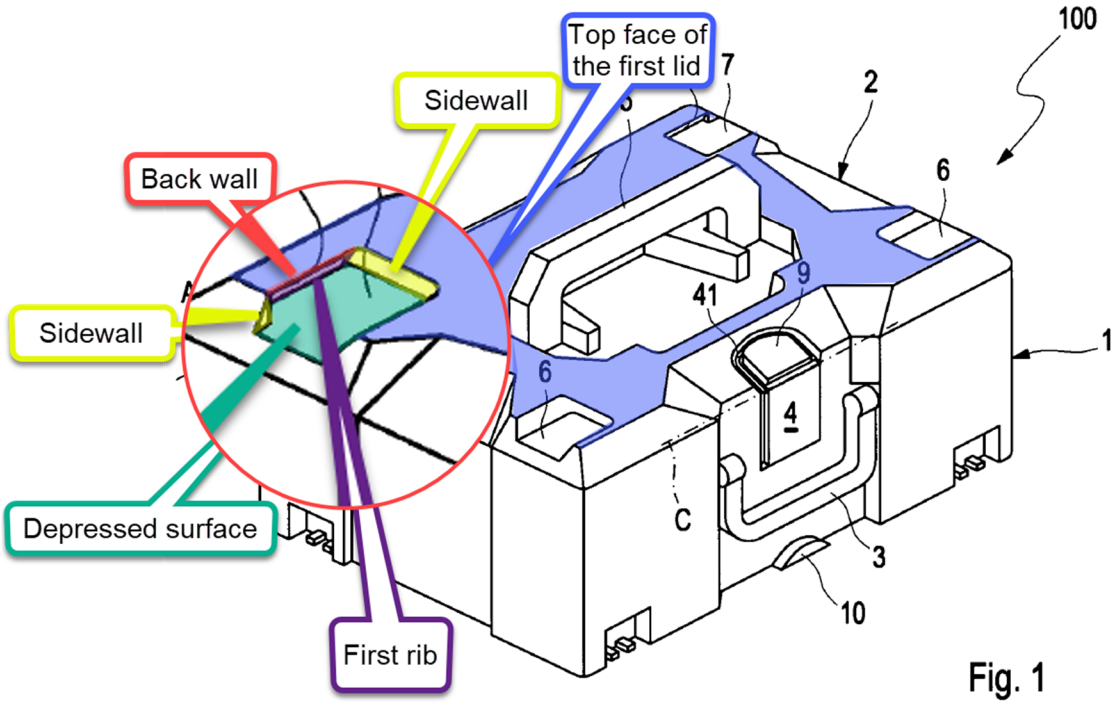


Fig. 1

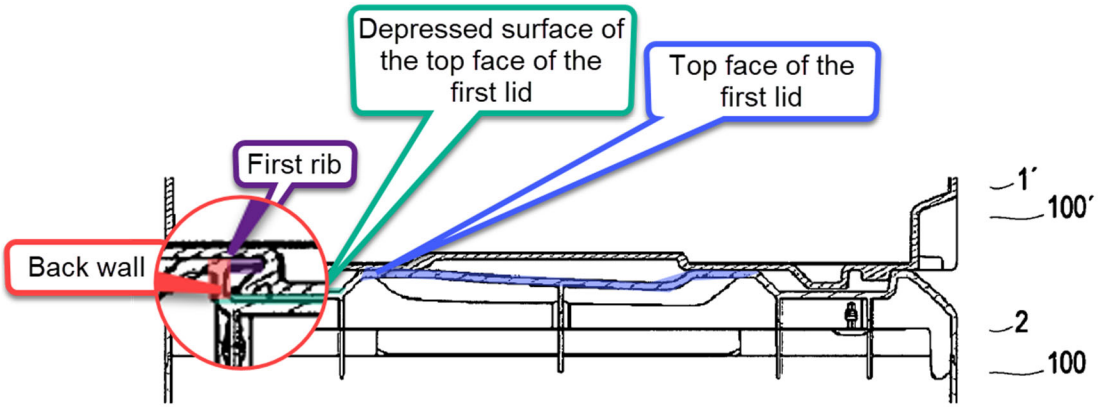


Fig. 4

206. 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.

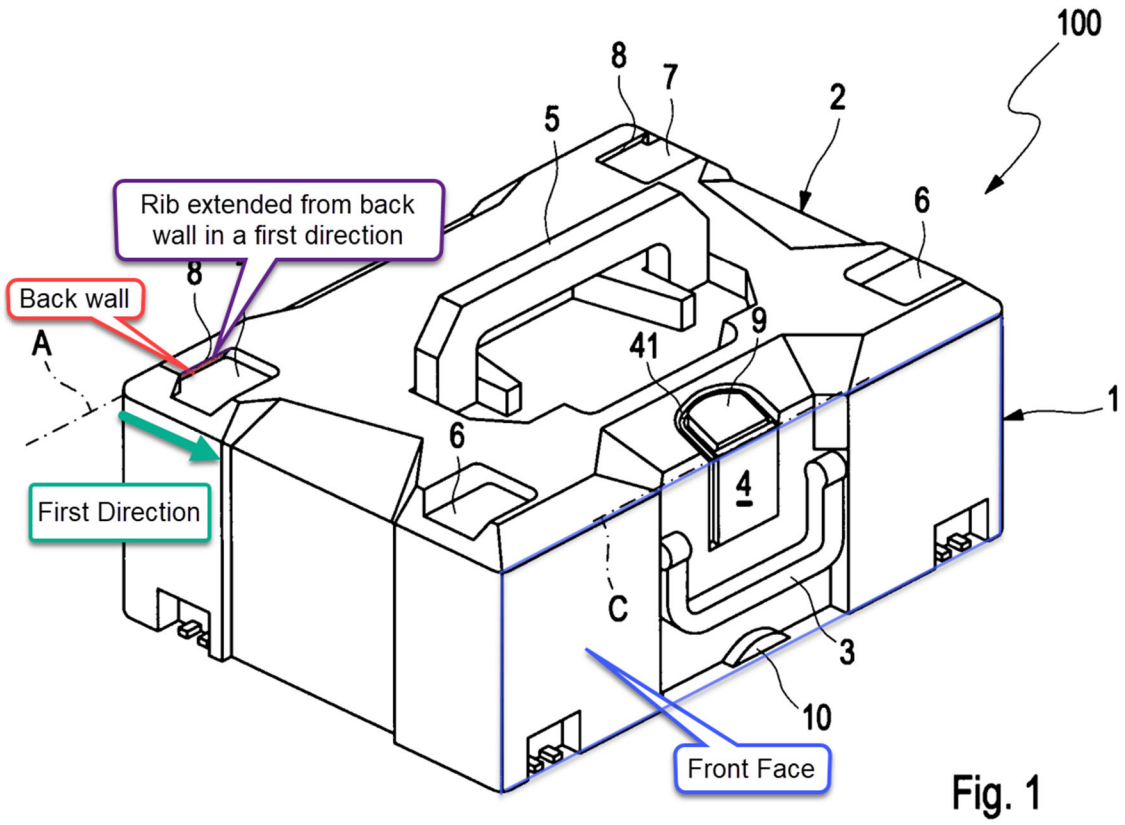


Fig. 1

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

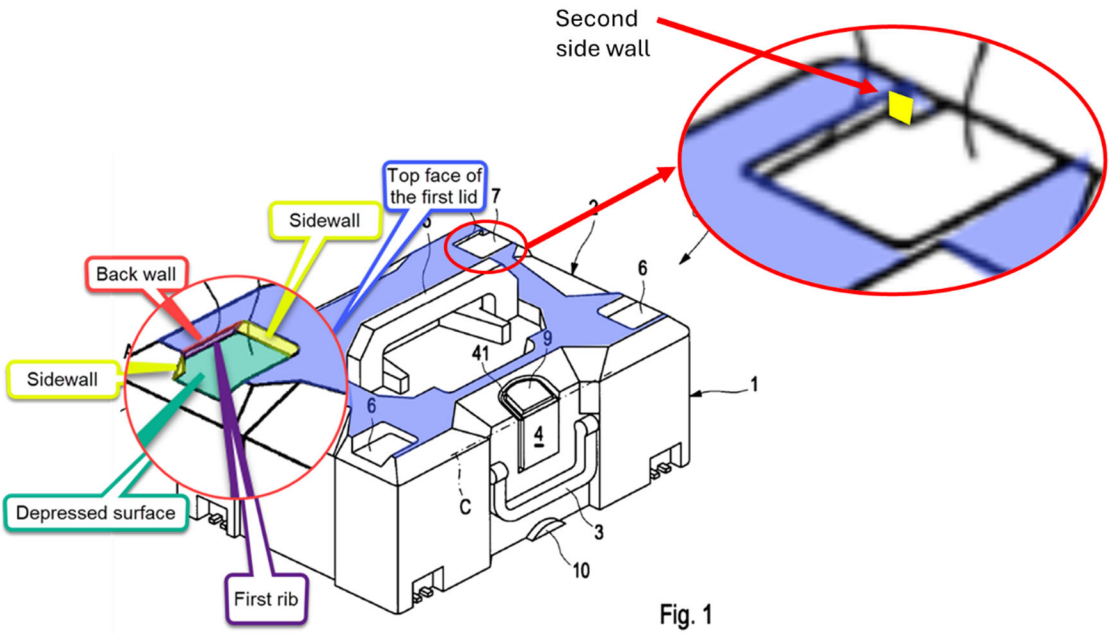


Fig. 1

36. 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

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

37. 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.

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

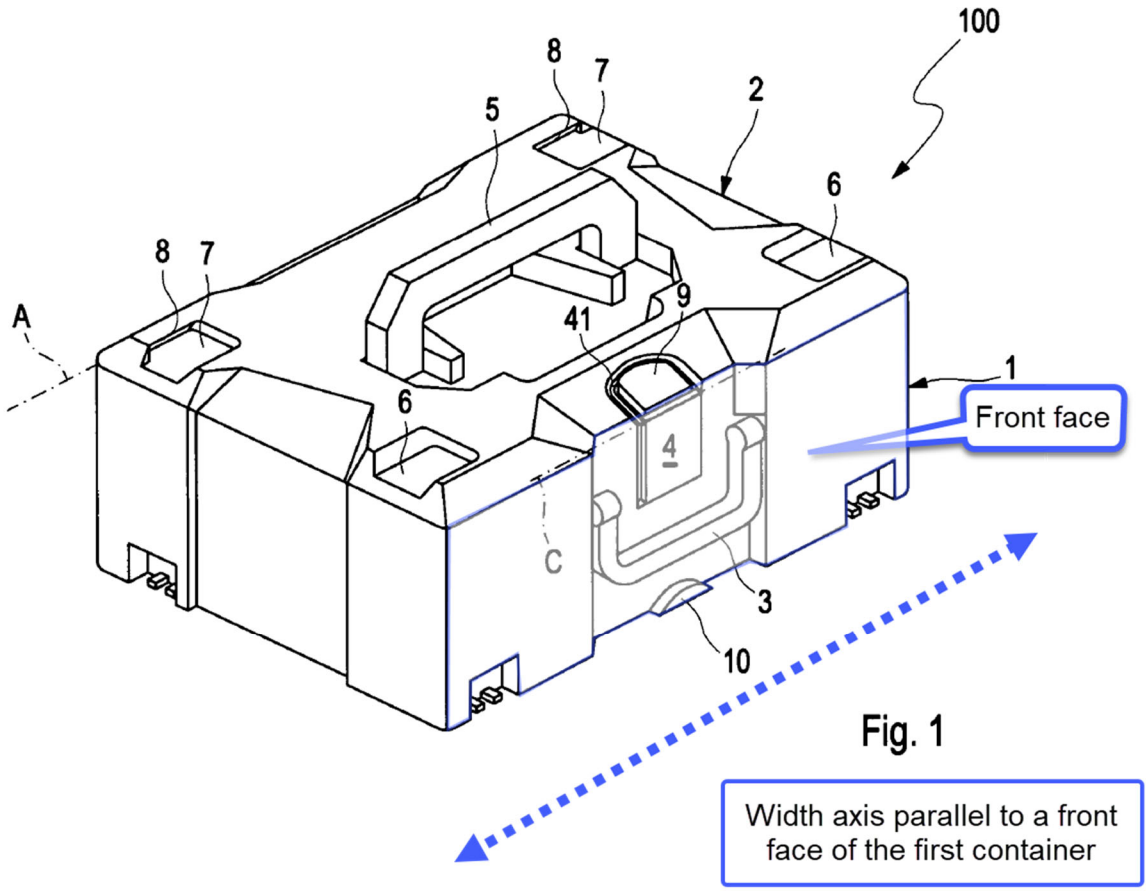


Fig. 1

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

211. Lin discloses stackable, interconnected containers and illustrates the use of containers of different sizes for the reasons discussed in Ground 1. 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.

C. Claim 5 (dependent on claim 1 and second container with corner bumpers)

212. Metabowerke discloses the additional limitations of claim 5 for the same reasons discussed above with respect to limitations 1[c] through 1[g]. 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.

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.

213. As described above, Metabowerke alone or in combination with Burchia renders claim 1 obvious. 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.

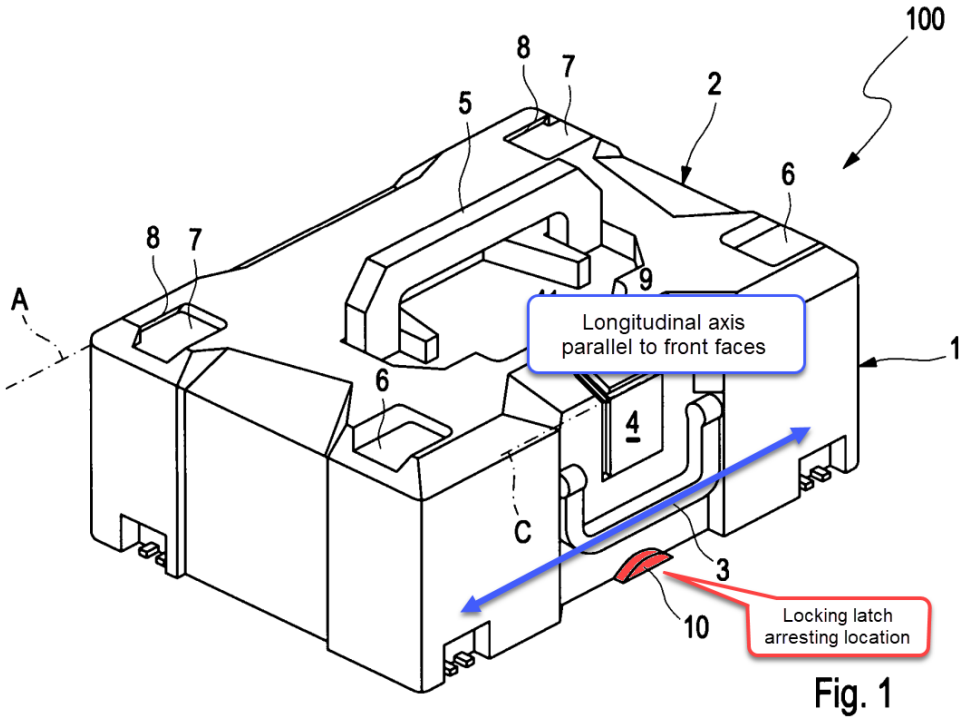


Fig. 1

214. 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.

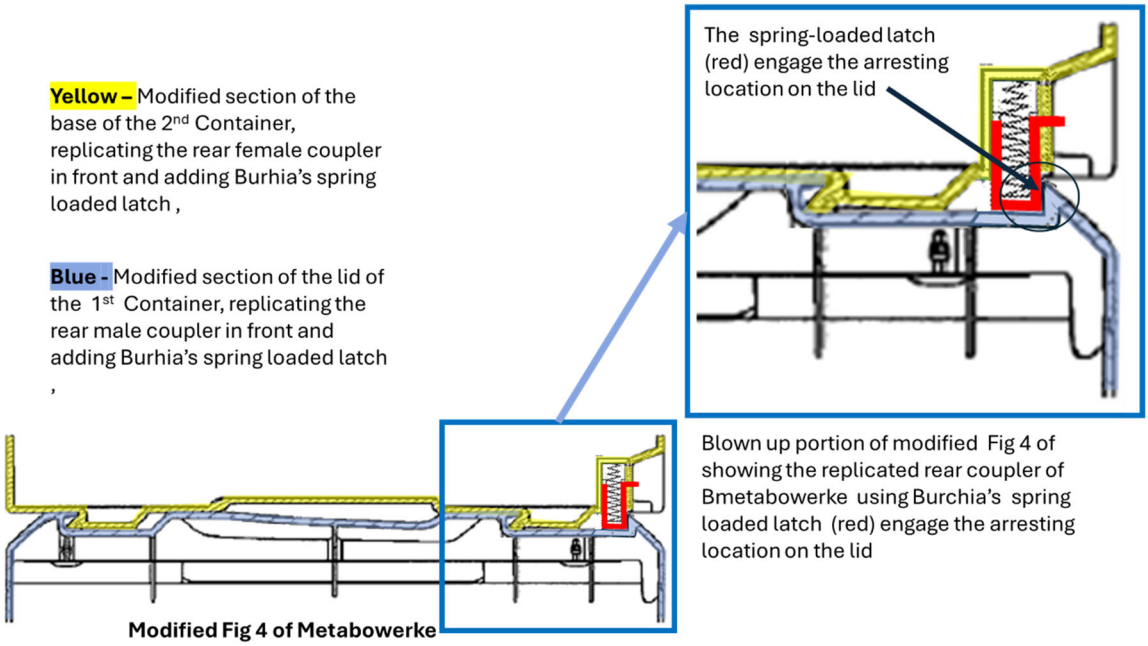
215. It also would have been obvious to a POSITA to combine Metabowerke to include the locking latch arresting location of Burchia to create a first locking latch arresting location defined by the first lid of the first container. A POSITA would have been motivated to modify Metabowerke to include Burchia's 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.

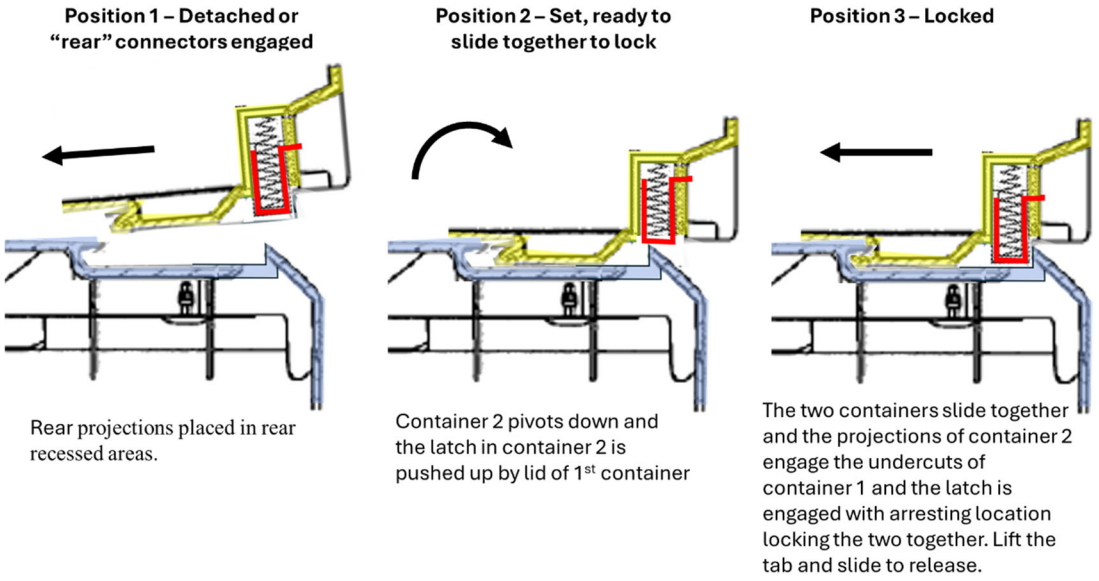
216. Below is an example that I created using elements of Burchia and Metabowerke's embodiments. Metabowerke's front recesses 6 of the lid are replaced with the configuration of the rear recesses 7 with its rearward-facing undercut 8. However, the front recesses retain the front-most wall which acts as an arresting location that prevents the forward motion of container 2 with respect to container 1 when the two are coupled. 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. All of which is taught by Metabowerke.

217. 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. When engaged, the front and rear projections and undercuts (e.g. "tongue and grooves") prevent the two containers from lifting apart. 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.



218. Below is an illustration that shows the sequence of assembly steps:



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 the 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: 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.

219. As described above, Metabowerke in combination with Burchia makes obvious Claim 1, and also makes this claim obvious. 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.

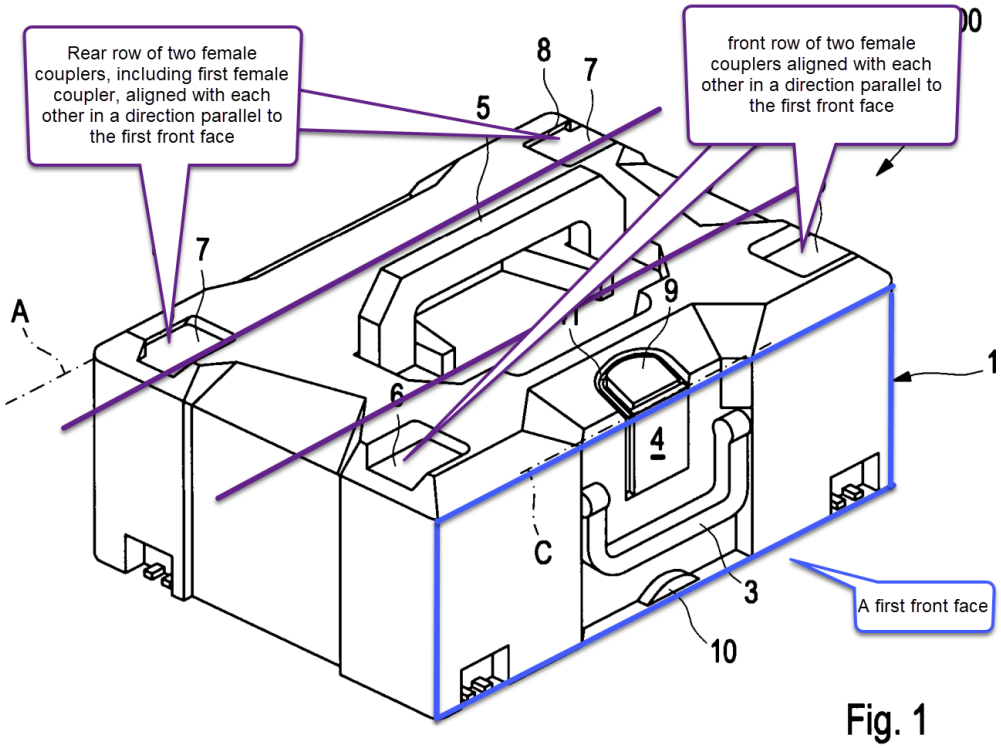


Fig. 1

F. Claim 10

220. Claim 10 is identical to claim 6 and is obvious for the same reasons.

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.

221. As described above, Metabowerke alone or in combination with Burchia makes obvious Claim 1, and also makes this claim obvious. 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. Metabowerke does not expressly disclose a spring-biased locking latch.

222. Burchia discloses a spring-biased locking latch for reasons discussed in Ground 1. 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.

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.

223. As described above, Metabowerke alone or in combination with Burchia makes obvious Claim 1. Metabowerke alone discloses that each container has a tiltable carrying handle as shown below.

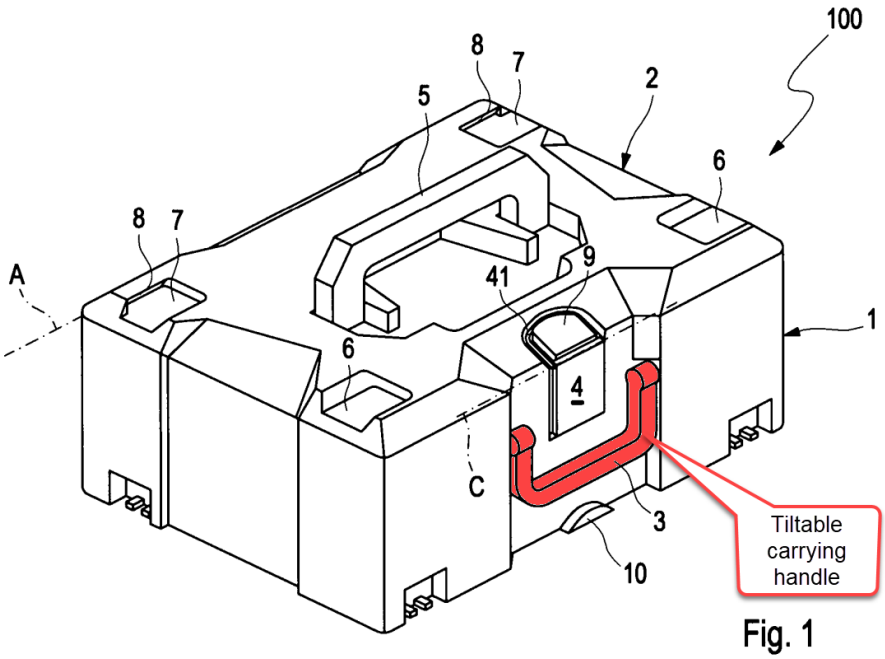


Fig. 1

224. 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.

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.

225. As described above, Metabowerke alone or in combination with Burchia makes obvious Claim 1. It would have been obvious to a POSITA to combine 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. 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). 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 locking latch arresting location from the top container to the bottom container.

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.

226. As described above, Metabowerke in combination with Burchia makes obvious Claim 13. A POSITA would be motivated to combine Metabowerke with the locking latch of Burchia as described with respect to claim 13. 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 the locked position.

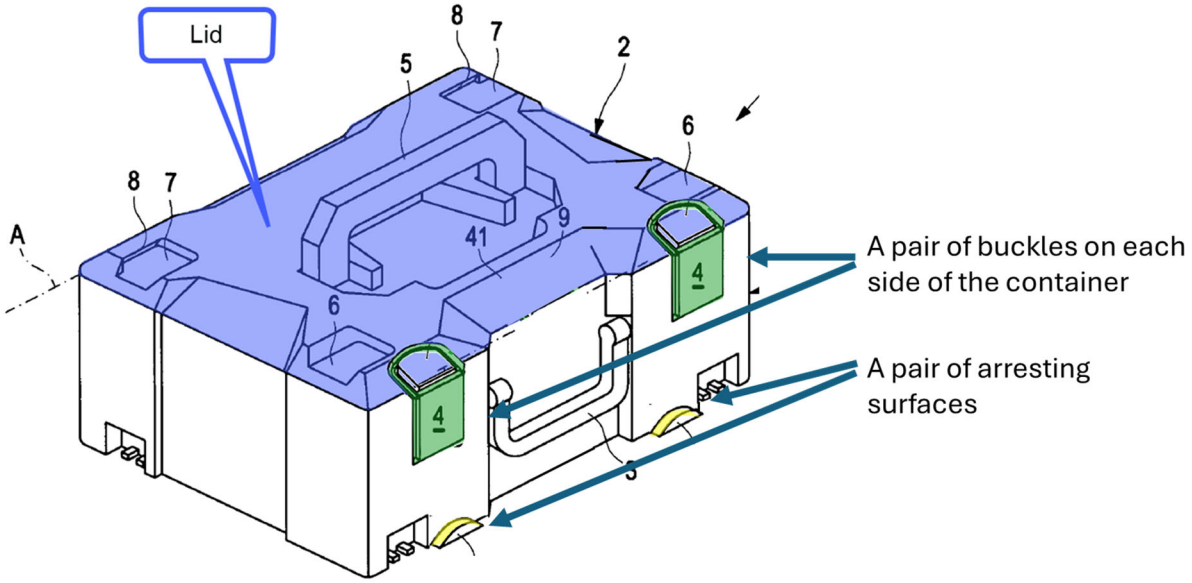
K. Claim 15

227. 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.

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]

38. 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

228. This limitation only adds that the first container further "comprising a second locking latch arresting location" and is rendered obvious by Metabowerke alone or in combination with Lin. As shown in the modified version of Fig 1, the obvious modification is to use two buckles, one on each side of the face rather than using one. A POSITA would be motivated to make this change to improve the strength and reduce the risk of the buckle accidentally releasing.



229. 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.

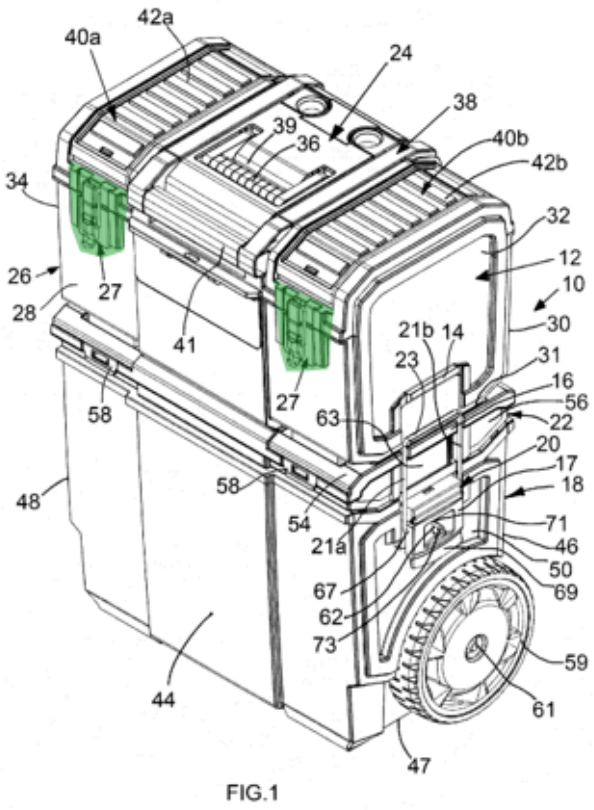


FIG.1

230. It also would be obvious in light of Metabowerke and Lin which allows for multiple smaller containers to stack securely.

39. 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;

231. Metabowerke in combination with Lin renders this limitation obvious. As discussed above with respect to claim 15[l] and 1[n], Lin discloses half-width containers stacked on a larger base container. 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.

40. 15[n]: a third lid pivotally attached to the third container;

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

41. 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

233. Metabowerke in combination with Lin renders this limitation obvious. 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.

42. 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.

234. Metabowerke in combination with Lin renders this limitation obvious. As discussed with respect to limitation 15[l], Lin discloses multiple smaller

containers stacked on a larger container. 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.

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.

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

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

236. 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.

A. Motivation to Combine Burchia with Lafragette's Teachings

237. 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. 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 Grounds 2 and 3. 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. It would also have been obvious as discussed with respect to Grounds 1 and 5 to swap the locations of the locking latch and the arresting location such that the arresting location is a recess in the lid on the top face of the first container.

238. 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. 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. 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). 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.

239. 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. These are obvious design choices within the common knowledge and common sense of a POSITA at the time of the claimed invention. The different design choices would provide predictable functionality to a POSITA.

240. 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. A slot in the face of the latch could provide a place for a user to depress the latch to release the containers.

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

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

242. A POSITA would have been motivated to modify Metabowerke, to the extent not already expressly disclosed, to include Lafragette's locking latch 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.

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

A. Motivation to Combine

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

244. 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.

245. 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.

B. 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.

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

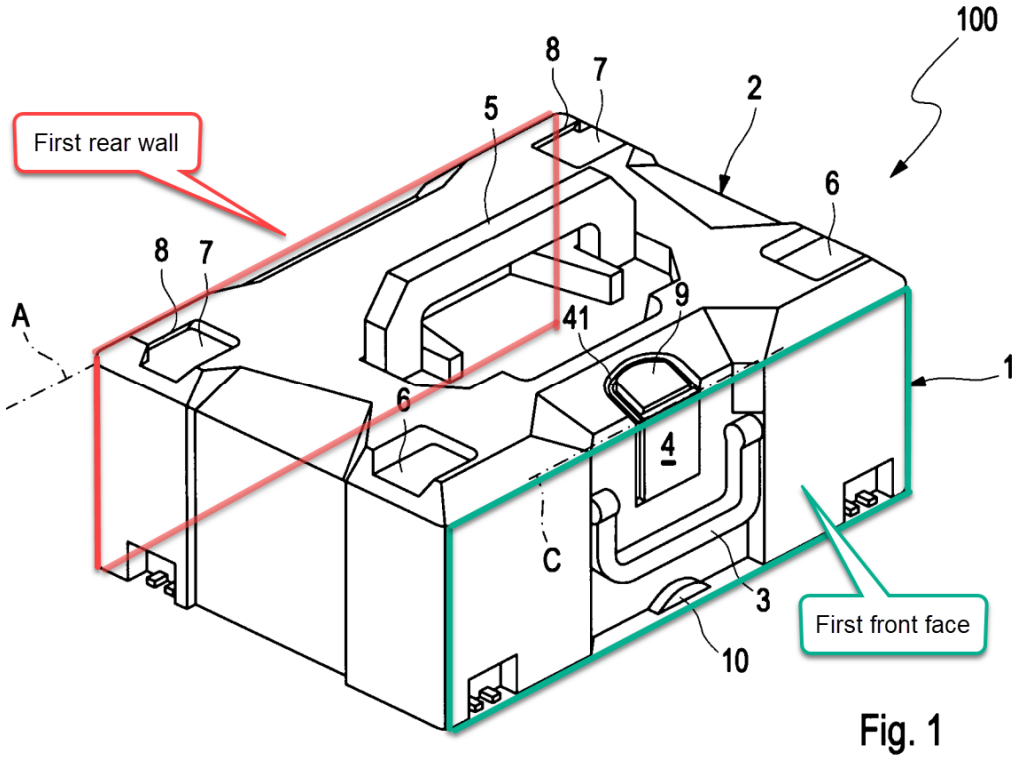


Fig. 1

247. 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.

C. 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

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

249. 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).

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

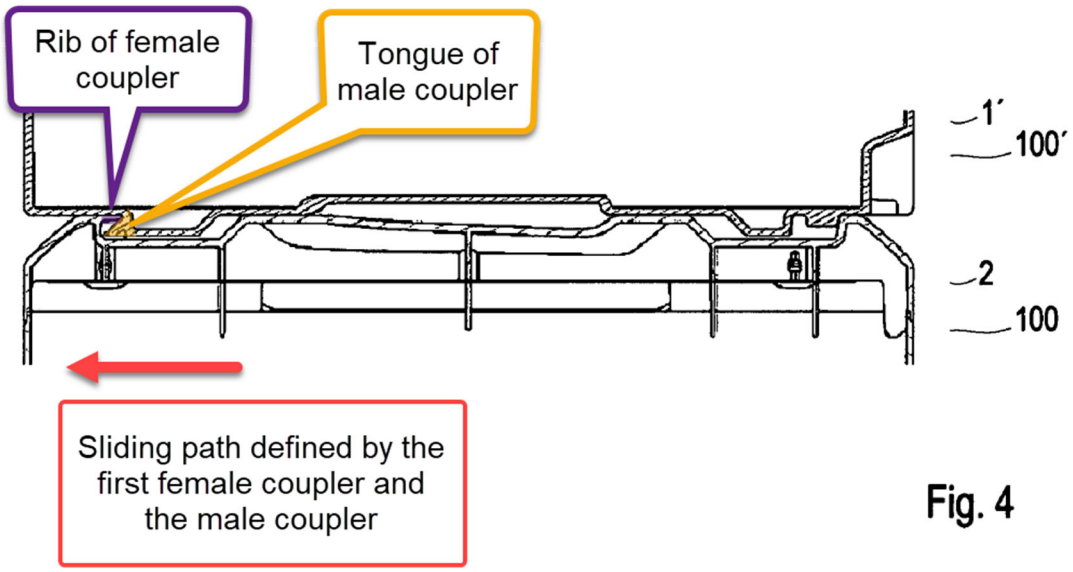


Fig. 4

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

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

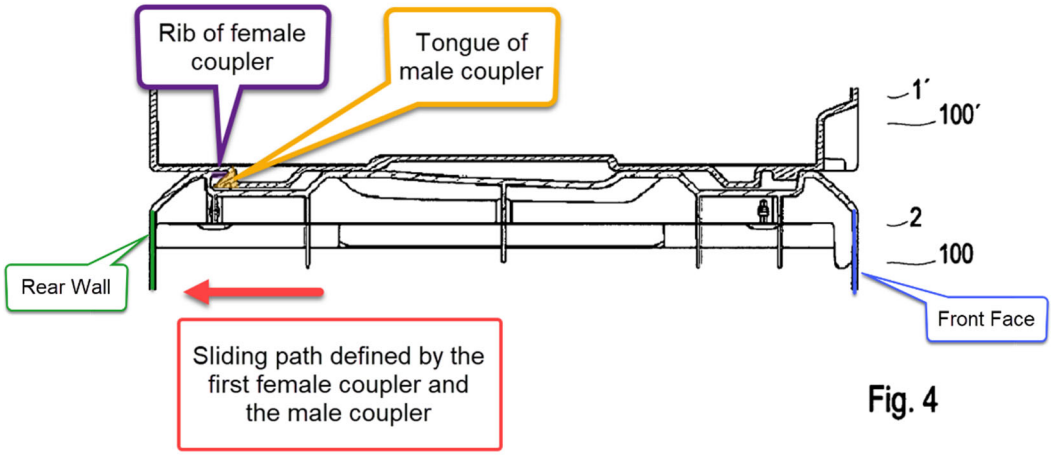


Fig. 4

B. 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

252. 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.

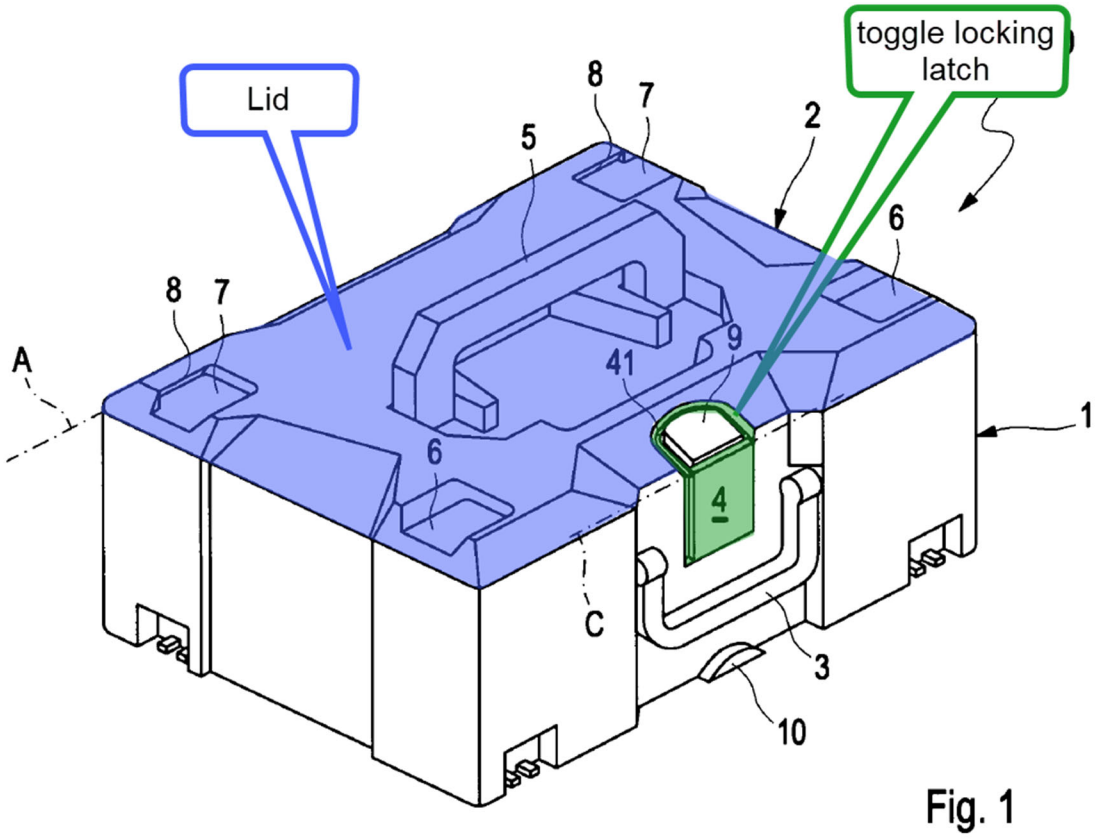


Fig. 1

253. 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]. Metabowerke also contemplates that each container would include a toggle locking latch, such that the second container would include a third toggle locking latch. EX1020, ¶[0009].

254. 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.

255. 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.

256. 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.

C. 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.

257. 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. 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.

258. 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.

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

259. The combination of Metabowerke, Burchia, Lafragette, Welsh, Bensman, and Lin disclose the elements of claims 2-4 and 8-9 for the reasons described in Grounds 6 and 7. 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.

XIV. CONCLUSION

260. In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

261. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on the information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed: May 22, 2025

/s/ John Collins
John Collins, Ph.D.