

EXHIBIT 2006

First Amended Invalidity Contentions

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN (SANTA ANA) DIVISION

MERIDIAN INTERNATIONAL CO.,
LTD.,

Plaintiff,

v.

TOUGHBUILT INDUSTRIES, INC.,
Defendant.

Case No. 8:24-cv-01840-JWH-JDE

**DEFENDANT'S FIRST AMENDED
INVALIDITY CONTENTIONS**

Hon. John W. Holcomb

Defendant Toughbuilt Industries, Inc. (“Toughbuilt” or “Defendant”) hereby
provides its initial Invalidity Contentions pursuant to the Scheduling Order entered
by the Court on February 28, 2025. (D.I. 80).

I. INTRODUCTION

These initial Invalidity Contentions address the asserted claims identified by

1 Plaintiff by Meridian International Co., LTD. (“Meridian”) in its initial Infringement
2 Contentions served on March 25, 2025. Should the Court allow Meridian to later
3 assert infringement of additional claims not asserted in Meridian’s Initial
4 Infringement Contentions, or to supplement its infringement contentions with
5 additional infringement theories with respect to the asserted claims, Toughbuilt
6 reserves the right to supplement its Initial Invalidity Contentions to assert invalidity
7 of those additional claims and/or to assert invalidity based on the additional
8 infringement theories. Toughbuilt also reserves the right to supplement its Initial
9 Invalidity Contentions in response to information learned in fact or expert discovery,
10 including identification of additional prior art. Further, consistent with the
11 Scheduling Order, Toughbuilt reserves the right to supplement its invalidity
12 contentions upon the receipt of new evidence directed to the substance of these
13 contentions. By including prior art that would anticipate and/or render obvious those
14 claims based on Meridian’s apparent claim construction or any other particular claim
15 construction, Toughbuilt is neither adopting Meridian’s claim construction, nor
16 admitting to the accuracy of any particular claim construction. Nor should anything
17 in these Contentions be treated as an admission that Toughbuilt’s accused products,
18 or any components thereof, meet any limitation of any of the Asserted Claims.

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Toughbuilt’s initial Invalidity Contentions are based in whole or in part on its
present understanding of the asserted claims and Meridian’s Infringement
Contentions for U.S. Patent Nos. 11,986,946 (the “’946 patent”) and 11,192,689 (the

1 “‘689 patent”) (collectively, the “Asserted Patents”) (D.I. 1). Toughbuilt’s initial
2 Invalidity Contentions are responsive at least to the same level of specificity of
3 Meridian’s Infringement Contentions.
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5 Toughbuilt’s exemplary claim charts in Exhibits A, B, and C cite to particular
6 teachings and disclosures of the prior art as applied to features of the Asserted
7 Claims. However, persons having ordinary skill in the art (POSITA) may view an
8 item of prior art generally in the context of their experience, training, other
9 publications, literature, products, and understanding. Accordingly, the cited portions
10 are only examples, and Toughbuilt reserves the right to rely on portions of the prior
11 art references or devices that are not cited and on other publications, devices, and
12 expert testimony to the extent it aids in understanding and interpreting the cited
13 portions, as providing context thereto, and as additional evidence that a claim
14 limitation was known or disclosed. Toughbuilt further reserves the right to rely on
15 portions of the prior art references that are not cited, other publications, and testimony
16 to establish bases for combinations of certain cited references that render the Asserted
17 Claims obvious.
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22 Toughbuilt further may rely on inventor admissions concerning the scope or
23 state of the prior art relevant to the Asserted Claims, the patent prosecution histories
24 for the patents-in-suit and related patents and/or patent applications, any deposition
25 or trial testimony of the named inventors on the patents-in-suit, and the papers filed
26 and any evidence produced or submitted by Meridian in connection with this or
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1 related litigation. In particular, Toughbuilt reserves the right to contend that the
2 Asserted Claims are invalid under 35 U.S.C. § 102(f) in the event Toughbuilt obtains
3 evidence that the named inventors did not invent the subject matter in the Asserted
4 Claims.
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6 Additionally, because discovery is ongoing, Toughbuilt reserves the right to
7 present additional items of prior art under 35 U.S.C. §§ 102(a), (b), (e), and/or (g),
8 and/or § 103 located during discovery or further investigation, and to assert
9 contentions of invalidity under 35 U.S.C. §§ 102(c), (d), or (f). For example, as
10 Toughbuilt's investigation continues, Toughbuilt may issue subpoenas to third
11 parties believed to have knowledge, documentation, and/or corroborating evidence
12 concerning the validity of the Asserted Claims.
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16 In addition to the prior art identified below, Toughbuilt also incorporates by
17 reference any prior art disclosed at any time by parties in the present litigation or by
18 any party to any other litigation, U.S. Patent and Trademark Office proceeding,
19 European Patent Office proceeding, and/or other proceeding involving the patents-
20 in-suit or related patents, including without limitation, the following proceedings:
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- 22 • Original prosecution of the patents-in-suit;
- 23 • Inter partes review petitions of the patents-in-suit;
- 24 • Requests for reexamination of the patents-in-suit; and
- 25 • EPO opposition proceedings of related patents.
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II. PRIORITY DATES OF THE ASSERTED PATENTS

The '689 Patent claims priority to Chinese Patent No.211483271 (the '271 Patent) which was filed on Nov. 27, 2019.

The '946 Patent claims priority to two Chinese patents, Chinese Patent No. CN116729770 (the 770 patent) which was filed Mar. 4, 2022 and Chinese Patent No. 219215939 (the '939 patent) which was filed on Jan. 13, 2023.

III. IDENTIFICATION OF PRIOR ART

The prior art on which Toughbuilt relies in these Contentions is summarized in the table below.

Patents and Patent Applications			
Number	Name	Publication Date	Issue Date
U.S. Patent No. 11,788,329	("Li")	Dec. 15, 2022	Oct. 17, 2023
U.S. Patent Application Publication No. 2011/0315566	("Boynton")	Dec. 29, 2011	N/A
U.S. Patent No. 12,195,230	("Davidian")	Jul. 22, 2021	January 14, 2025
U.S. Patent No.	("Gross")	Feb. 8, 1994	Feb. 8, 1994

1	5,284,264			
2	U.S. Patent No.	("Meier")	May 22, 2003	May 10, 2005
3	6,889,838			
4				
5	U.S. Patent No.	("Baker '340")	N/A	Dec. 21, 2010
6	7,854,340		(Nonpublication	
7			Request)	
8				
9	U.S. Patent No.	("Baker '353")	Jan. 3, 2008	Mar. 15, 2011
10	7,905,353			
11				
12	U.S. Patent No.	("Nolan")	Aug. 20, 2009	Aug. 23, 2016
13	9,422,082			
14				
15	U.S. Patent No.	("Tsai '638")	N/A	Oct. 8, 2019
16	10,434,638			
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18	U.S. Patent No.	("Jian")	Jan. 28, 2021	Feb. 28, 2023
19	11,591,146			
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21	U.S. Patent No.	("Chen")	May 26, 2016	July 19, 2016
22	9,393,685			
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24	U.S. Patent No.	("Douglas")	N/A	July 31, 1973
25	3,749,286			
26				
27	U.S. Patent No.	("Jackson")	N/A	Feb. 10, 1987
28	4,641,399			

U.S. Patent No. 5,190,179	("Richter")	Mar. 8, 1990	Mar. 2, 1993
U.S. Patent No. 11,486,427	("Baruch")	Jan 23, 2020	Nov. 1, 2022
U.S. Patent No. 7,739,965	("Heinrichs")	Sep. 20, 2007	Jun. 22, 2010
U.S. Patent No. 8,342,347	("Hay")	Apr. 14, 2011	Jan. 1, 2013
U.S. Patent No. 9,038,838	("Skeid")	July 10, 2014	May 26, 2015
U.S. Patent No. 10,870,513	("Gonitiner '513")	Sep. 26, 2019	Dec. 22, 2020
U.S. Patent No. 11,072,461	("Gonitiner '461")	Oct. 10, 2019	July 27, 2021
U.S. Patent No. 10,829,269	("Gonitiner '269")	Oct. 17, 2019	Nov. 10, 2020
U.S. Patent No. 11,396,407	("Tsai '407")	May 14, 2020	Jul. 26, 2022
U.S. Patent No. 11,345,513	("Alberti")	Aug. 27, 2020	May 31, 2022

IV. ANTICIPATION

Toughbuilt identifies the following prior art references as anticipating the Asserted Claims, either expressly, implicitly, or inherently as understood by a person having ordinary skill in the art. Exhibits A, B, and C are the invalidity claim charts for these prior art references. Toughbuilt's claim charts identify exemplary and/or representative portions and/or features of the prior art. The identified prior art may contain additional descriptions of or alternative support for the claim limitations. Toughbuilt may rely on uncited portions or features of the identified prior art, other documents, and expert testimony, to provide context or to aid in understanding the identified prior art and the state of the art. Citations to a particular figure in a reference include the caption and description of the figure and any text relating to the figure. Similarly, citations to particular text referring to a figure include the figure and caption as well.

In some instances, Toughbuilt has treated certain prior art as anticipatory where certain elements are inherently present based on Meridian's apparent claim constructions as reflected in its Infringement Contentions and other pleadings and documents provided by Meridian to date. To the extent that any of the prior art references identified below in Table 1 is found not to anticipate particular claims of the patents-in-suit, and/or to the extent Meridian contends that the prior art does not disclose one or more features of the Asserted Claims, Toughbuilt may rely upon that prior art to render those claims obvious, either alone, in view of the knowledge

1 of a person of ordinary skill in the art, or in combination with other prior art
2 disclosed herein, including with those patents, publications, or systems referenced
3 in Tables 2A and/or 2B.
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5 The following patents and patent applications are anticipatory prior art to at
6 least one Asserted Claim of the patents-in-suit under at least one of 35 U.S.C. §§
7 102(a), (b), (e), and/or (g):
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Table 1A	
Patents and Patent Applications	
	Li
	Heinrichs

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17 **IV. OBVIOUSNESS**

18 Toughbuilt contends that the Asserted Claims are invalid as obvious under 35
19 U.S.C. § 103. The prior art identified below in Tables 2A and 2B, alone or in
20 combination with additional art (including the prior art listed in Exhibits A, B, and
21 C), renders the claims invalid as obvious under 35 U.S.C. § 103. Toughbuilt further
22 attaches Exhibits A, B, and C to these Contentions in support of its assertion that the
23 Asserted Claims are obvious under 35 U.S.C. § 103. Toughbuilt further identifies
24 combinations of prior art that render the Asserted Claims invalid as obvious under
25 35 U.S.C. § 103 in Exhibit C.
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1 A. Obviousness Patents and Patent Applications

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3 The following patents and patent applications are prior art to one or more of
4 the Asserted Claims and may also be used in combination with other references to
5 render one or more of the Asserted Claims obvious under 35 U.S.C. § 103:
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Table 2A
Patents and Patent Applications
Boynton
Davidian
Gross
Meier
Baker '340
Baker '353
Nolan
Tsai '638
Jian
Chen
Douglas
Jackson
Richter

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Baruch
Hay
Skeid
Gonitiner '513
Gonitiner '461
Gonitiner '569
Tsai '407
Alberti

B. Obviousness System Art

The following examples of system art are prior art to one or more of the Asserted Claims and may also be used in combination with other references to render one or more of the Asserted Claims obvious under 35 U.S.C. § 103:

Table 2B
System Art
Husky Connect System Toolboxes

In addition, the anticipatory prior art references identified in Table 1 above also renders the Asserted Claims obvious, and Toughbuilt may rely on that art, alone or in combination, to demonstrate obviousness.

Each prior art reference, either alone or in combination with other prior art,

1 as set forth below, renders the Asserted Claims invalid as obvious. In particular,
2 each prior art reference may be combined with (1) information known to POSITA
3 at the time of the alleged invention, (2) any of the anticipatory prior art references,
4 and/or (3) any of the additional prior art identified above. Specific combinations of
5 prior art are provided in Exhibit C. The use of a prior art reference in an
6 obviousness combination, however, does not preclude the use of the reference as an
7 anticipatory reference.
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10 Toughbuilt may use other references identified in Section III, above, as well
11 as each and every prior art reference of record in the prosecution of the patents-in-
12 suit and related applications, including in any re-examination, *inter partes* review
13 petitions and/or proceedings, reissue proceedings, and/or EPO opposition
14 proceedings, including the statements made therein by the applicants, as well as the
15 prior art discussed in the specification, as background and evidence of the state of
16 the art.
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19 C. Combinations of Prior Art

20 Each prior art reference disclosed in the preceding anticipation section (Table
21 1) and/or the preceding obviousness section (Tables 2A and 2B), either alone or in
22 combination with other prior art disclosed in those sections, also renders certain of
23 the Asserted Claims of the patents-in-suit invalid as obvious under 35 U.S.C. § 103.
24 (See Exhibits A, B, and C.) Toughbuilt identifies the following
25 references/combinations:
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Table 3: Invalidity <u>and Obviousness</u> Grounds			
	Reference/Combination	Asserted Claim Coverage	
		'946 Patent	'689 Patent
1.	Li	102/103: 1-7, 9-16	
2.	Li + Boynton	103: 1-7, 9-16	
<u>3.</u>	<u>Baruch + Baker '340/'353</u>	<u>103: 1-7, 9-16</u>	
<u>3.4.</u>	Heinrichs		102/103: 1-5
<u>4.5.</u>	Heinrichs + Tsai '638		103: 1-6
<u>5.6.</u>	Heinrichs + Richter		103: 1-6
<u>6.7.</u>	Heinrichs + Richter + Tsai '638		103: 1-6
<u>7.8.</u>	Heinrichs + Jian + Richter + Tsai '638		103: 1-6
<u>8.9.</u>	Meier + Baker '340/'353 + Tsai '638		103: 1-6
<u>9.10</u>	Husky + Baker '340/'353 + Tsai '638		103: 1-6

Toughbuilt further identifies any combinations reflected in Exhibits A, B and C that may not be reflected in the above-listed exemplary combinations. The Husky

1 Connect System has a nearly identical shape latching element which performs the
2 same function as understood by a person of ordinary skill in the art. To the extent
3 these the Husky Connect System is considered prior art, rather than information
4 known to a person of ordinary skill in the art, that references, combined with
5 combinations 1-8 and any combinations reflected in Exhibits A, B and C, render
6 obvious claims that relate to the limitations of the claimed device ('689 claims 1-6).
7 To the extent that Meridian challenges a combination of prior art with respect to a
8 particular element, Toughbuilt reserves the right to supplement these contentions to
9 further specify the motivation to combine the prior art. Further, if any cited reference
10 is found not to disclose a limitation of an Asserted Claim, but one or more other
11 references are found to disclose that limitation, those references may be combined to
12 render the claim obvious. Toughbuilt may rely on cited or uncited portions of the
13 prior art, other documents, and expert testimony to establish that a person of ordinary
14 skill in the art would have been motivated to modify or combine the prior art so as to
15 render the claims invalid as obvious. In addition, to render the claims invalid as
16 obvious, each prior art reference may be combined with information known to
17 persons skilled in the art at the time of the alleged invention, including admissions
18 describing the state of the art described below.
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25 Although the applicable rule does not require evidence of motivation to
26 combine, motivation exists to combine one or more of the references disclosed herein
27 with each other. (See Exhibit C.) Beyond specific motivations identified in the
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1 present charts, motivation to modify a particular reference or to combine any two or
2 more of the identified references comes from: (a) the nature of the problem being
3 solved; (b) the teachings of the prior art; (c) the knowledge of POSITA; (d) the fact
4 that all of the references teach systems, apparatuses, and methods related to the
5 subject matter and address the same technical issues of the patents-in-suit; and (e)
6 one would be motivated by considerations of efficiency, effectiveness, convenience,
7 cost- savings, and accessibility, to combine the various teachings. Additionally, one
8 would be motivated to address the alleged problems or achieve the purported
9 objectives identified in the Background section of the patents-in-suit.
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13 To the extent Meridian challenges the correspondence of any of these
14 references with respect to particular elements of the Asserted Claims of the patents-
15 in-suit, Toughbuilt reserves the right to supplement these Contentions to address that
16 issue.
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18 In *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007), the Supreme Court
19 held that, among other things, “[t]he combination of familiar elements according to
20 known methods is likely to be obvious when it does no more than yield predictable
21 results.” 127 S.Ct. at 1745-46; *see also id.* at 1740 (“[A] court must ask whether the
22 improvement is more than the predictable use of prior art elements according to their
23 established functions. . . .”). In particular, a patent claim is obvious where “the
24 content of the prior art, the scope of the patent claim, and the level of ordinary skill
25 are not in material dispute, and the obviousness of the claim is apparent in light of
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1 these factors.” *Id.* at 1745–46. The *KSR* Court found that “if a technique has been
2 used to improve one device, and a person of ordinary skill in the art would recognize
3 that it would improve similar devices in the same way, using the technique is obvious
4 unless its actual application is beyond his or her skill.” *Id.* at 1740.

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6 Each combination of familiar elements according to known methods is
7 obvious because it would yield predictable results. And, in combination, each
8 element would merely perform the same function as it would separately. The
9 rationale to combine or modify prior art references is significantly stronger when
10 references seek to solve similar problems, come from the same field, and
11 correspond well. *In re Inland Steel Co.*, 265 F.3d 1354, 1362 (Fed. Cir. 2001). In
12 addition, when a work is available in one field of endeavor, design incentives and
13 other market forces can prompt variations of it, either in the same field or a
14 different one. If a person of ordinary skill can implement a predictable variation, §
15 103 bars its patentability.

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17 The ’946 and ’689 patents pertain to latching devices which allow one
18 container to be latched to another after being stacked. Portable toolboxes have been
19 in existence for decades. Larger, stackable toolboxes in which the bottom box may
20 be on casters for some measure of portability, but because of sheer size and weight
21 cannot be carried, have also been in existence for decades. Neither offered true
22 modularity which would allow, for example, a container with a cordless drill and
23 the necessary batteries along with a container housing hand tools such as a hammer
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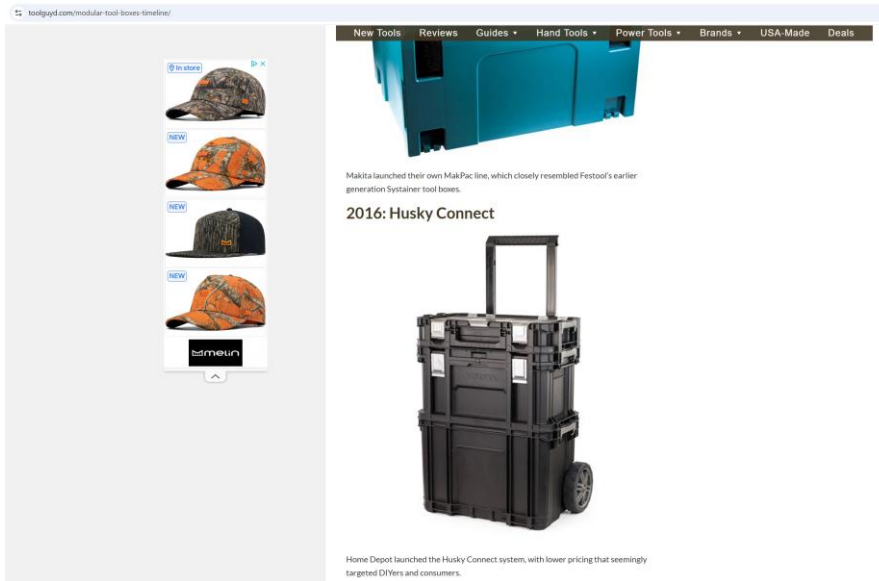
and nail puller to be combined in a single toolbox composed of smaller modular boxes. The closing of the gap between the non-modular hand carried tool boxes and the larger toolboxes directed at mass storage is nothing short of inevitable as tradesmen look to have modular toolboxes which can be combined so only the tools needed for a job must be transported to a jobsite.

These types of devices, particularly for use in regard to stacking toolboxes, are not new. Retrieved from an internet tool review website, a timeline of such toolboxes is portrayed.



See PA_0538.

The website recognizes that the Husky Connect system, which is cited as system art here, was first sold in 2016, well before any critical date for either of the asserted patents.



See PA_0542.

Thus, for several years preceding the filing of the '946 and '689 patents, latching and locking systems and mechanisms were developed for containers of various sizes. For example, locking and latching mechanisms were developed in order to stack standardized cargo containers on different modes of transportation as shown by Heinrichs. Containers could be stacked and remain stable on both ships and railcars, enabling more than one to be transported by a single rail car, and increasing the container volume that ships could carry. Similarly, innovations were developed for smaller containers so that they could be stored vertically instead of

1 just horizontally, and so they could be stable when stacked as shown by Baker ‘340,
2 Meier, and Husky. Further, the locking and latching mechanisms developed for
3 these containers allowed a person to carry more than one at a time as modular boxes
4 were combined. These improvements in container design have been adopted for
5 many uses—but none these were invented by the named inventors of the patents-in-
6 suit. A POSITA would have been motivated, and were motivated, to combine
7 existing lock/latch and containers in at least the combinations disclosed in Table 3
8 and Exhibit C. Exhibits A, B, and C identify where in each item of prior art each
9 limitation of each Asserted Claim is found. As seen in Exhibits A, B, and C,
10 numerous combinations of the identified references would have been naturally
11 considered as part of the exercise of ordinary skill by one skilled in the art. For
12 example, a person of ordinary skill in the art at the time of the invention would have
13 sought to combine or modify one or more of the prior art references with the
14 knowledge of a POSITA and/or would have sought to combine or modify one or
15 more of the references listed in Table 1 with one or more other references Table 1
16 to achieve at least the combinations depicted in Table 3. (See Exhibit C.)
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23 **V. VI. STATE OF THE ART**

24 Toughbuilt may rely on the state of the art known to a person of skill in the art
25 to demonstrate that a claim limitation is inherent or would have been obvious to a
26 person of skill in the art at the time of the filing of the application for the patents-in-
27 suit. The references identified above and in Exhibits A-C may be relied upon to show
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1 the state of the art. Toughbuilt may also rely on testimony from the inventors or other
2 fact or expert witnesses to demonstrate the state of the art. Additionally, Toughbuilt
3 may rely on admissions by the inventors as to the state of the art. These admissions
4 include those made during prosecution of the patent-in-suit (including any re-
5 examination or other PTO proceedings) and admissions in the specification of the
6 patent-in-suit, including any references cited therein. Toughbuilt reserves the right to
7 rely on any and all admissions as to the state of the art in the specification of the
8 patents-in-suit or made during prosecution or during post-grant proceedings, *e.g.*, re-
9 examinations, reissues, *inter partes* reviews, or post-grant reviews.
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13 14 **VI. VII. INVALIDITY UNDER § 112**

15 Based on the information available and under the apparent claim interpretations
16 reflected in Glaukos's Infringement Contentions, all of the Asserted Claims of the
17 patents-in-suit are invalid for failure to provide adequate written description
18 supporting the independent claims of the '946 Patent and dependent Claims 4 and 5
19 of the '689 Patent, particularly where they include limiting language relating to "a
20 locking buckle," "a locking part," and "a slot." Based on the information available
21 and as Toughbuilt best understands Meridian's Infringement Contentions, all of the
22 Asserted Claims of the patents-in-suit are indefinite under 35 U.S.C. § 112, 2nd
23 paragraph. The basis for these contentions are set forth below.
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27 **A. The '946 Patent**

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Claim	Basis for Invalidity
1.	“a locking buckle”, “a locking part” These claim terms are indefinite because a person of ordinary skill could not ascertain their objective boundaries with reasonable certainty. There is no guidance in the specification, nor any description or suggestion therein of any objective boundaries, for what does and does not entail “a locking buckle,” or “a locking part.” For example, there is no guidance in the specification as to where the locking part ends and the locking buckle begins. The specification states “the locking part 12 includes a locking body 121 that can be accommodated in the mounting body 112 and a locking buckle 122 located on the side of the locking body 121 near the center of the storage box; when the locking buckle 122 extends out of the mounting portion 11 (i.e., the locking 122 extends into the positioning slot 41), the first connection part 1 and the second connection part 2 can be interlocked, and when the locking buckle 122 does not extend out of the

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	mounting portion 11 (i.e., the locking buckle 122 does not extend into the positioning slot 41).” Col. 7, Lines 3-16 Thus, according to the specification, the locking buckle appears to be entirely a part of the locking part. However, the locking part and the locking buckle are claimed as separate structures. Given this, a person of ordinary skill could not ascertain their objective boundaries with reasonable certainty, and both these claim terms are indefinite.
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B. The '689 Patent

Claim	Basis for Invalidity
1.	“a slot” This claim term is indefinite because a person of ordinary skill could not ascertain their objective boundaries with reasonable certainty. There is no guidance in the specification, nor any description or suggestion therein of any objective boundaries, for

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what does and does not entail “a slot.” For example, there is no guidance in the specification as to the size and comparative length, width, and depth dimensions of the slot. The specification states “More specifically, with reference to FIGS. 3 and 9, the second storage container 20 is provided with a slot 21 which is located near the junction of the top surface and the side surface of lid 112 of second storage container 20. The slot 21 is described by two first side surfaces 211, a second side surface 212 and a bottom surface 213.”

Col. 3, Lines 30-36

Thus, according to the specification, the slot may be any space with a three side surfaces and a bottom surface near the top and side of the container. Given this, a person of ordinary skill could not ascertain their objective boundaries with reasonable certainty, and this claim term is indefinite.

1 Dated: ~~April 28~~May 6, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on ~~April 28~~May 6, 2025, a true and correct copy of the foregoing document was served upon all counsel of record via email to:

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/s/ Ramsey M. Al-Salam
Ramsey M. Al-Salam