

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOUGHBUILT INDUSTRIES, INC.,
Petitioner,
v.
MERIDIAN INTERNATIONAL CO., LTD.,
Patent Owner.

Case IPR2025-01461
Patent 11,986,946

PATENT OWNER'S PRELIMINARY RESPONSE

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2001	Declaration of Ann G. Fort	Sept. 19, 2025
2002	June 5, 2024 Notice Letter	Nov. 10, 2025
2003	<i>Meridian International v. ToughBuilt</i> Minutes of Hearing RE: Scheduling Conference (Docket No. 80)	Nov. 10, 2025
2004	March 24, 2025 PTAB Memo On IPR Proceedings	Nov. 10, 2025
2005	March 26, 2025 PTAB Memo on Interim Processes	Nov. 10, 2025
2006	<i>Meridian International v. ToughBuilt</i> First Amended Invalidity Contentions	Nov. 10, 2025
2007	Interim Director Discretionary Process (Oct. 3, 2025)	Nov. 10, 2025
2008	U.S. Patent No. 11,642,777 (“Baruch”)	Nov. 10, 2025
2009	FAQs for Interim Processes	Nov. 10, 2025
2010	<i>Meridian International v. ToughBuilt</i> Declaration of John D. Pratt, Ph.D., P.E.	Presently Submitted
2011	<i>Meridian International v. ToughBuilt</i> [Tentative] Claim Construction Order	Presently Submitted

I. INTRODUCTION

This Petition should be denied, both on the basis of the compelling grounds for discretionary denial briefed in Paper 10, as well as for the reasons delineated herein.

As an initial matter, this Petition is emblematic of the overarching problems with *inter partes* review (“IPR”) proceedings. Congress’s goal in creating the IPR process was to “improve patent quality by providing a more efficient means to adjudicate patent validity issues” using a process that was faster and cheaper. *The Patent Trial and Appeal Board and Inter Partes Review*, Congress.Gov, R48016, (May 28, 2024).¹ In theory, the USPTO would consider whether the patent would still have issued if the art presented to it in the IPR had been presented during prosecution. And yet, the IPR process has become essentially a mini court case, relying heavily on bloated expert declarations and mini treatises interpreting the art, none of which would have been present during the original examination.

The present petition is no exception. Filing this petition several months after receiving disappointing claim constructions in a district court case that was filed in October of 2024, Petitioner is not availing itself of an appreciably different

¹ <https://www.congress.gov/crs-product/R48016#:~:text=Congress's%20stated%20aim%20when%20creating,the%20patent%20in%20that%20forum.>

approach to adjudicating the alleged invalidity of the patents in suit. Instead of relying upon intrinsic evidence to make its case, Petitioner relies on an expert to use conclusory “opinions” to make its overreaching arguments. Moreover, all the expert testimony in the world cannot overcome the fact that the prior art simply does not teach the elements of the invention of U.S. Patent No, 11,986,946 (the “’946 Patent”).

Because the alleged prior art does not teach the elements of the invention of the ’946 Patent, in addition to heavily relying on expert “opinion” to read in claim elements that are simply not present in the references, Petitioner uses several other sleights of hand to try and create the impression that its arguments are stronger than they actually are, including:

- Failing to identify in its claim construction section certain claim construction positions that it takes in its arguments;
- Relying on unduly narrow claim constructions that read in elements that are not present when the terms are given their “plain and ordinary” meaning,
- Treating individual discrete structures as identical to a single structure found in the ‘946 Patent;

- Failing to recognize differences in functionality between the purported prior art and the invention of the '946 Patent, including treating a compression spring as identical to the torsion spring disclosed in the '946 Patent; and
- Identifying combinations of purported prior art that include a completely non-analogous door latch.

Because the Petition, therefore, does not have a “reasonable likelihood of success” of establishing that at least one of the sixteen challenged claims of the '946 Patent is unpatentable, institution should be denied.

II. BACKGROUND

A. The Invention Of The '946 Patent

The '946 Patent is a continuation of pending application 18/176,907 (the “'907 Application”) and is the parent of pending divisional application 18/610,470 (the “'470 Application”). The '946 Patent is directed to the connecting mechanisms for attaching modular storage boxes. The prior art, as discussed in the “Background Information” of the '946 Patent, taught:

...roughly the following three forms of locking: the first way uses a single plastic latch that can be turned to clasp the lower bottom of the box protrusion to achieve the purpose of interlocking; the second way is the conventional use of the front of the two-segment latch moved to the side to lock between the upper and lower boxes; and the third way

uses a combination of steel wire and plastic to lock boxes together at the side.

(Exhibit 1001 at 1:34-41.) These prior art methods all suffered from the same shortcoming:

...the above locking methods can only be interlocked for the same length and width of the shape of the box, and cannot be interlocked for different length and width of the size of the shape of the box, with many professional users needing to carry more and more diverse types of tools, there is an urgent need for interlocking between different sizes of the box.

(*Id.* at 1:42-48.) The invention of the '946 Patent, therefore, seeks to, amongst other things, solve the limitations of the prior art, by allowing users to attach containers of both the same and different sizes and shapes to one another through the use of a novel locking mechanism.

B. The File History Of The '946 Patent

The prosecution history of the '946 Patent was relatively straightforward. The application was subject to a restriction requirement (Exhibit 1002, part 3, 0582-0587), which was later withdrawn (*id.*, 0708). A single office action rejected certain claims under 35 U.S.C. § 112 and others as anticipated by Ben-Gigi (U.S. Patent No. 9,725,209) but identified other claims as patentable if rewritten in independent form. (*Id.* at 0637-0645.) After Patent Owner re-drafted those claims

and amended others accordingly, the application was allowed, and the restriction requirement was withdrawn. (*Id.* at 0702-0710.)

C. Person Of Ordinary Skill In The Art

A person of ordinary skill in the art would have had:

...at least the equivalent of an undergraduate degree in mechanical engineering, industrial engineering, or a closely related field, and two years of industry or academic experience with connecting technologies or similar mechanisms, or an equivalent combination of education and experience. Additional relevant industry experience may compensate for lack of formal education or vice versa.

(**Exhibit 2010**, Declaration of John D. Pratt, Ph.D., P.E., ¶4.)

III. CLAIM CONSTRUCTION

The claims at issue must be construed according to their broadest reasonable interpretation. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 579 U.S. 261, 263 (2016) “Under the broadest reasonable construction standard, claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure.” *LG Elecs., Inc. v. Cypress Semiconductor Corp.*, IPR2014-01343, Paper 7 at 5 (PTAB Feb. 9, 2015) (citing *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007))

A. “Stop Part”

Petitioner proposes a construction of “Stop Part” that is defied by the intrinsic evidence, statute, case law, and logic – namely, that “Stop Part,” a term that does not use the word “means,” is somehow a means-plus-function claim term. In so doing, Petitioner conveniently omits from the record that on July 7, 2025 – well before the present Petition was filed – the District Court in *Meridian International Co., Ltd. v. ToughBuilt Industries, Inc.*, 8:24-cv-01840 (C.D. Cal.) (the “District Court Case”) issued a “[Tentative] Claim Construction Order,” which soundly refuted Petitioner’s proposed construction. (**Exhibit 2011**, [Tentative] Claim Construction Order.)

The Court concludes that "stop part" is not a means-plus-function limitation. A presumption arises that means-plus-function claiming does not apply because “means” does not appears in the limitation. *See Dyfan LLC v. Target Corp.*, 28 F.4th 1360, 1367 (Fed. Cir. 2022). To overcome that presumption, ToughBuilt bears the burden of proving by a preponderance of evidence that a person of ordinary skill in the art would not have understood “stop part” to connote structure, in light of the patent as a whole. *See id.* at 1370. ToughBuilt’s main argument hinges on the fact that although the specification connotes a structure, the claims themselves do not. ToughBuilt also argues that “stop part” is a means-plus-function claim limitation because it uses “part” as a

nonce word in a manner that reflects only a verbal construct. Meridian disagrees and argues that the plain and ordinary meaning should apply.

The Court is not persuaded by ToughBuilt's argument that "part" is a nonce term, especially in light of its agreed construction of "mounting part," which is used similarly in Claims 1 and 11.42 *See Phillips*, 415 F.3d at 1314 (explaining that "claim terms are normally used consistently throughout the patent").

The Court is similarly not persuaded by ToughBuilt's argument that the claims do not connote sufficient structure. . . .

. . .

Because ToughBuilt has failed to overcome the presumption against means-plus-function claiming, the Court declines to construe "stop part" as a means-plus-function limitation.

Alternatively, ToughBuilt proposes that "stop part" be construed as "a part that prevents the locking buckle from automatically locking with the mating part." ToughBuilt does not present argument to support its alternative construction. Accordingly, the Court concludes that plain and ordinary meaning controls.

(**Exhibit 2011** at 17-20.) Meridian respectfully concurs, and requests that the Director apply the construction of "stop part" tentatively suggested in the District Court Case, which is stayed pending resolution of this IPR proceeding.

B. “Mounting Body”

The '946 Patent claims refer to a “mounting body 112,” which is the portion of the first connection part attached to the body of the storage container relative to which the locking buckle slides. It is a single part and does not include any additional structures. The Court's tentative claim construction is consistent with this interpretation, defining the term “mounting part” as having a “[p]lain and ordinary meaning,” and being “used interchangeably with ‘mounting body.’” (**Exhibit 2011** at 24.) In an effort to create an invalidity argument where one does not exist, Petitioner argues that the “mounting body” comprises multiple prior art parts (including a chute, in combination with a snap hole and stop pieces (disclosed in Li) or a carveout, pins, and holes (disclosed in Baruch). This construction is contrary to the Court's construction and, more importantly, to the plain meaning of the patent specification. “[T]he specification is always highly relevant to the claim construction analysis. Usually it is dispositive; it is the single best guide to the meaning of a disputed term.” *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996).

C. “Locking Buckle”

The '946 Patent also discloses a “locking buckle 122,” which is “configured to slide inward with respect to the mounting part.” (**Exhibit 1001**, 7:5-6; 15:18-19.) Properly construed, the “locking buckle” includes the entire locking or latch

component that slides relative to the mounting body. Petitioner, however, interprets this term situationally, designed to suit whatever purpose is needed to argue that the purported prior art reads on the claim language. First, Petitioner limits its definition of this component to only a pull latch cover (Li), excluding the remainder of the locking component. Petitioner then takes a different approach and defines the locking buckle as a main body and primary hook (Baruch) that is not configured to slide inward with respect to the mounting body. Neither of Petitioner's constructions is consistent with the plain meaning of the "locking buckle" when viewed in light of the specification and claims, and therefore neither construction is correct.

IV. ALLEGED PRIOR ART ASSERTED BY PETITIONER

Petitioner discusses eight grounds of alleged unpatentability in its Petition, based on five prior art references:

Ground	Claims	Basis	References
1A	1-4, 7-12, 15	35 U.S.C. § 102	Li
1B	1-4, 7-12, 15	35 U.S.C. § 103	Li
1C	5-6, 13	35 U.S.C. § 103	Li, Burchia, Hammond
1D	14, 16	35 U.S.C. § 103	Li, Davidian
2A	1-4, 7-12, 15	35 U.S.C. § 102	Baruch

Ground	Claims	Basis	References
2B	1-4, 7-12, 15	35 U.S.C. § 103	Baruch
2C	5-6, 13	35 U.S.C. § 103	Baruch, Burchia, Hammond
2D	14, 16	35 U.S.C. § 103	Baruch, Davidian

(See Petition, Paper 2 at 10-11). All of the cited art was previously considered by the Office during prosecution of the '946 Patent or is substantially the same as art considered by the Office during prosecution of the '946 Patent. All eight theories of invalidity rely principally on two U.S. Patent publications, Baruch and Li, each of which was either themselves before the Office or was constructively before the Office because it is cumulative of art that the Office considered. Moreover, two of the three “secondary” art references relied upon by Petitioner were similarly before the Office during prosecution of the '646 Patent.

As noted in Patent Owner's Discretionary Denial Brief, when a petition for inter partes review relies on “the same or substantially the same prior art or arguments [that] previously were presented to the Office,” the Board may exercise its discretion to deny *inter partes* review. 35 U.S.C. § 325(d).

A. Li

U.S. 2022/0396985 (“Li,” Exhibit 1007) is directed to a latch structure and, more specifically, a latch that is placed “[o]n both sides of a box.” (*Id.*, Abstract.)

This invention is limited to the stacking of two like-shaped objects, in light of the requirement that there be two latches placed on either side of a box. Consistent with that limitation, Li only discloses the stacking of apparently identically-shaped containers:

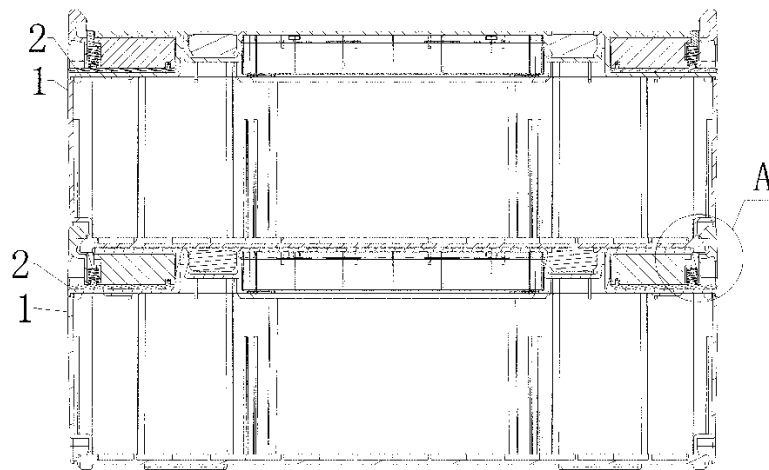


FIG. 6

(*Id.*, FIG. 6.)

In addition, although Li, which serves as the basis for Petitioner's Grounds 1A-1D, was not made of record during prosecution of the '946 Patent, Li was constructively considered by the Office because it is cumulative of art that was considered by the Office during examination of the '946 Patent. "A reference is cumulative when it 'teaches no more than what a reasonable examiner would consider to be taught by the prior art already before the PTO.'" *Regeneron Pharms., Inc. v. Merus N.V.*, 864 F.3d 1343, 1350 (Fed. Cir. 2017) (quoting

Regents of the Univ. of Calif. v. Eli Lilly & Co., 119 F.3d 1559, 1575 (Fed. Cir. 1997)). Such is the case with Li.

Petitioner contends that the Li reference is critical because it purportedly teaches the inclusion of a “stop part” in the mounting body, and that the Office failed to consider references teaching the inclusion of a “stop part.” (Petition, Paper 2 at 1-2.) For example, Petitioner also argues that Baruch – which was cited during prosecution and found to not disclose or suggest the subject matter of the claims – like Li, discloses the inclusion of a stop part. (*Id.*) If Baruch makes such a disclosure, then Li is cumulative of Baruch, and therefore Li was, in fact, considered during examination.

Baruch, as discussed below, is directed to a system for connecting two or more stacked storage containers having a pivoting latch with a stopper configured to translate between a retracted position when the latch is closed, and an extended position when the latch is open to hold the stacked storage containers in an unlocked position. Li discloses a system for connecting two or more stacked storage containers having a sliding latch and a stopper configured to translate between a retracted position when the latch is closed, and an extended position when the latch is open to hold the stacked storage containers in an unlocked position. While the particular manner in which the connection system is

implemented on the storage containers may differ, the concept of a stopper that prevents two storage containers from interlocking when stacked is disclosed in Baruch. Li is therefore cumulative of Baruch, at least as it pertains to the disclosure of a stop part, which is the element with which Petitioner is primarily concerned.

Therefore, because the same or substantially the same prior art as is presented in the Petition as was presented to the Office during prosecution of the '946 Patent, the Petitioner must demonstrate that the Office made a material error in its consideration of the art. As noted previously noted, Petitioner only contends that the Examiner "committed material error by failing to recognize that such features were already well known in the art" (Petition, Paper 2 at 1), despite the fact that, at the very least, Baruch *was considered by the examiner and the '946 Patent issued over this reference*. This is, therefore, a wholly inadequate "error" to warrant institution of an IPR. For example, merely asserting that the referenced art discloses every element of the asserted claims "alone is insufficient to demonstrate material error by the Office." *TankLogix, LLC v. SitePro, Inc.*, IPR2025-00761, Paper 10 at 2-3 (Sept. 3, 2025); *see also Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 at 9 (Feb. 13, 2020) (precedential).

Even further, Meridian filed an Information Disclosure Statement (“IDS”) in the ’470 Application, which claims priority to the ’946 Patent, on March 21, 2025, citing, *inter alia*, Li for the Office’s consideration. The IDS was considered and signed on November 17, 2025, indicating consideration by the Office. An Office Action was also issued on November 17, 2025, with rejections under, *inter alia*, 35 U.S.C. § 102 over U.S. 9,725,209 (“Ben-Gigi”) and 35 U.S.C. § 103 over Ben-Gigi and U.S. 2018/0220758 (“Burchia”). Claims 2-7, 14, and 21 were deemed to be directed to allowable subject matter. Li was undeniably considered by the Office when examining the claims of the ’470 Application, which are similar in scope to the claims of the ’946 Patent (at least in that the claims of the ’470 Application similarly recite a “stop part”), and the Examiner concluded that Li did not disclose or suggest the subject matter of the ’470 Application in such a way that would warrant a rejection under 35 U.S.C. § 102 and/or 35 U.S.C. § 103 over Li. This is further evidence that Li is cumulative of the art previously before the Office, and that the Office’s failure to consider Li during examination of the ’946 Patent was not material error.

B. Baruch

Baruch, which serves as the primary reference for Petitioner’s Grounds 2A-2D, like Li, teaches the use of locking mechanisms and other alignment tools on

both sides of a stackable item. As discussed above, this reference is limited to use on items that can be joined by the locking mechanism to those with the same or similar footprints. (*See, e.g.*, Exhibit 1012 at FIG. 12, 16, 17, and 23A.)

Baruch was already considered by the Office during prosecution of the '946 Patent. U.S. Patent No. 11,642,777 (**Exhibit 2008**, the “Baruch Patent”), which is the issued patent resulting from prosecution of U.S. Publication No. 2020/0298392 (the “Baruch Publication”), was cited by the Examiner in the 892 Form dated April 16, 2024 (Exhibit 1002, part 3 at 0661) and mailed with the Notice of Allowance for the '946 Patent.

<i>Notice of References Cited</i>				Application/Control No. 18/518,200		Applicant(s)/Patent Under Reexamination ZHANG et al.	
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*	C	US-20070194543-A1	2007-08-23	Duvigneau; Nikolai	A45C5/14	280/47.26	
*	D	US-6082539-A	2000-07-04	Lee; Pei-Ling	B25H3/021	206/821	
*	E	US-11642777-B2	2023-05-09	Baruch; Danny	B25H3/022	403/322.4	
*	F	US-9725209-B1	2017-08-08	Ben-Gigi; Zion	B25H3/021	1/1	
*	G	US-10603783-B2	2020-03-31	Brocket; Stephen	B65D21/02	1/1	
*	H	US-11858687-B2	2024-01-02	Barabeisch; Markus	B25H3/02	1/1	
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*	J	US-11155382-B1	2021-10-26	Cai; Shujun	B65D21/0223	1/1	
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*	L	US-3980185-A	1976-09-14	Cain; Clyde R.	B65D88/022	206/509	
*	M	US-4736861-A	1988-04-12	Basili; Robert A.	G11B23/027	G9B/23.018	

(*Id.*) The citation of the Baruch Patent in the 892 Form is evidence that the Examiner considered the disclosure of the Baruch Patent and found that it did not anticipate the claims of the '946 Patent or render the claims of the '946 Patent obvious alone, or in combination with any other art of record.

To the extent [Defendant] is suggesting that the examiner did not substantively consider [this reference] during prosecution of the [asserted] patent, and that this alleged failure to consider [this reference] should have some effect on the burdens borne by the respective parties in this case, that argument is unavailing. “[W]hen prior art ‘is listed on the face’ of a patent, ‘the examiner is presumed to have considered it.’” *Stone Basket Innovations, LLC v. Cook Med. LLC*, 892 F.3d 1175, 1179 (Fed. Cir. 2018) (quoting *Shire LLC v. Amneal Pharms., LLC*, 802 F.3d 1301, 1307 (Fed. Cir. 2015)). Because [this reference] is cited on the face of the [asserted] patent, the patent examiner is presumed to have considered it and the district court did not err in noting that [this reference] was before the examiner.

BlephEx, LLC v. Myco Indus., 24 F.4th 1391, 1402 (Fed. Cir. 2022). Half of the Petitioner’s alleged grounds for unpatentability, therefore, rely on a reference that was already considered by the Office, and over which the Office believed the claims of the ’946 Patent were novel and nonobvious.

As discussed in the Discretionary Denial Brief (Paper 10), because Baruch was presented to the Office during prosecution of the ’946 Patent, the Petitioner must demonstrate that the Office made a material error in its consideration of the art. Petitioner, however, failed to do so. Specifically, Petitioner contended that:

Indeed, the Examiner committed material error by failing to recognize that such features were already well known in the art. This material

error can be seen from the Examiner's cursory examination, which provided only a single Office Action containing only a single art-based §102 rejection. . . .

. . . Both Li (Grounds - 1 - Case IPR2025-01461 U.S. Patent No. 11,986,946 1A-1D) and Baruch (Grounds 2A-2D) are references not previously applied in any rejection during prosecution and separately disclose the claimed "stop part" and each of the purportedly allowable features. In view of Li's and Baruch's teachings, the independent claims are unpatentable. The dependent claims are similarly unpatentable in view of Li and Baruch and in further view of Burchia, Hammond, and Davidian. Thus, Petitioner respectfully requests that the Board institute trial on the grounds herein and determine that claims 1-16 of the '946 patent are unpatentable.

(Petition, Paper 2 at 1-2.) This argument is fundamentally flawed: Baruch *was considered by the examiner and the '946 Patent issued over these references.*

This is, therefore, a wholly inadequate "error" to warrant institution of an IPR. For example, merely asserting that the referenced art discloses every element of the asserted claims "alone is insufficient to demonstrate material error by the Office."

TankLogix, Paper 10 at 2-3; *see also Advanced Bionics*, Paper 6 at 9 ("If reasonable minds can disagree regarding the purported treatment of the art or arguments, it cannot be said that the Office erred in a manner material to

patentability. At bottom, this framework reflects a commitment to defer to previous Office evaluations of the evidence of record unless material error is shown”).

C. Burchia

U.S. 2020/0329837 (“Burchia”) was also considered by the Office during prosecution of the ’946 Patent. The Information Disclosure Statement submitted by Meridian on November 22, 2023 (Exhibit 1002, part 3 at 0631) cites U.S. Publication No. 2018/0220758 to which Burchia claims priority and which is substantially identical to Burchia:

Receipt date: 11/22/2023				18/518,200 - GAU: 3735	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)				Application Number	
				Filing Date	
				First Named Inventor Hongquan ZHANG	
				Art Unit	
				Examiner Name	
				Attorney Docket Number 17157-0101-1	
10	20160144500	A1	2016-05-26	Chen, Kun-Chen	
11	20160236592	A1	2016-08-18	Peniche et al.	
12	20170121056	A1	2017-05-04	Wang, Tzu-Chen	
13	20170151972	A1	2017-06-01	Bar-Erez et al.	
14	20180220758	A1	2018-08-09	Burchia, Rolf	
15	20190002004		2018-06-05	Brunner, Yaron	
16	20190308772	A1	2019-10-10	Gonilanser, Reiner	
17	20190315515	A1	2019-10-17	Gonilanser, Reiner	
18	20200025229	A1	2020-01-23	Baruch, Danny	
19	20200346819	A1	2020-11-05	Kogel, Jan	

The IDS was signed on March 11, 2024, indicating consideration by the Office.

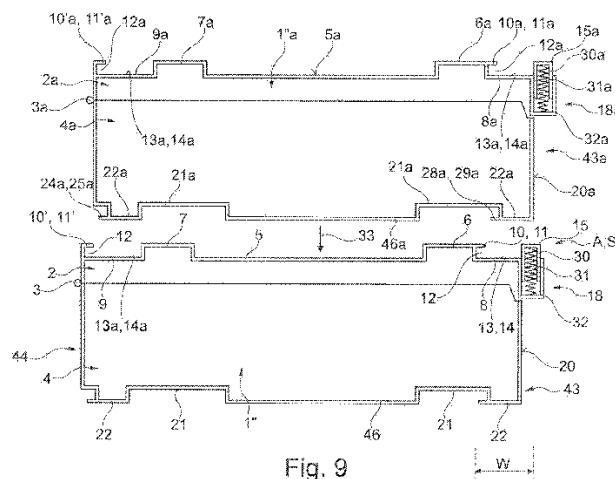
(*Id.* at 0634.) The Office therefore considered Burchia and concluded that it neither

teaches nor suggests the claims of the '946 Patent, alone or in combination with one or more references that are cumulative of Li.

Burchia is directed to a "Stackable Box." Burchia teaches the stacking of two identically shaped boxes:

It is useful to configure the bottom of the box corresponding to its top, so that the box, with its bottom, can be stacked onto another box that has a top configured corresponding to the box. In particular, the bottom of the box is configured corresponding to the bottom of the further box. In this way, stacking of any desired number of boxes can be implemented in simple manner, since for this purpose, the boxes are configured as the same parts and thereby stacking of the boxes toward the bottom and toward the top can take place, proceeding from a reference box, for example.

(Exhibit 1008 at [0031]). Similarly to Baruch and Li, the figures of Burchia are limited to the stacking of apparently identical objects:



(*Id.* at FIG. 9.)

D. Hammond

Hamond (WO 2021/150410), is directed to compression latch assemblies for securing doors, drawers, or panels:

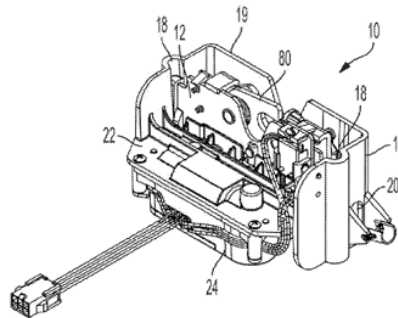


FIG. 1A

(Exhibit 1009, FIG. 1A.) Hammond is neither directed to, nor relevant to, a latch mechanism for use with a stackable box, nor to the structure of the stackable box itself. As explained below, Hammond is non-analogous prior art.

E. Davidian

U.S. 2021/0221561 (“Davidian”) was considered by the Office during prosecution of the ’946 Patent. The 892 Form dated March 27, 2024 (Exhibit 1002, part 3 at 0662) cites Davidian, evidencing that Davidian was considered by the Office:

Notice of References Cited				Application/Control No. 18/518,200		Applicant(s)/Patent Under Reexamination ZHANG et al.	
				Examiner PRINCE PAL		Art Unit 3735	Page 2 of 5
U.S. PATENT DOCUMENTS							
*		Document Number Country Code-Number-Kind Code	Date YYYY-MM-DD	Name	CPC Classification	US Classification	
*	A	US-20170121056-A1	2017-05-04	Wang; Tzu-Chien	B65D21/0228	1/1	
*	B	US-20210221561-A1	2021-07-22	Davidian; Richard M.	B25H3/02	1/1	
*	C	US-20190168376-A1	2019-06-06	BROCKET; Stephen	B25H3/028	1/1	
*	D	US-8875888-B2	2014-11-04	Koenig; Andreas	B65D21/0223	206/508	
*	E	US-8851287-B2	2014-10-07	Becklin; Dennis M.	B65D21/0224	108/55.3	
*	F	US-20120024739-A1	2012-02-02	Fjelland; Douglas J.	F16B45/02	403/321	
*	G	US-20110139866-A1	2011-06-16	Sosnovsky; David	B25H3/021	206/508	
*	H	US-20020000440-A1	2002-01-03	Sagol; Sami	B25H3/00	220/23.6	
*	I	US-7780026-B1	2010-08-24	Zuckerman; Edward S.	B65D21/0223	206/508	
*	J	US-20040144670-A1	2004-07-29	Riley; Edward D.	A61B50/30	206/439	
*	K	US-20050150892-A1	2005-07-14	Miller; Daniel R.	B65D19/18	220/324	
*	L	US-3980185-A	1976-09-14	Cain; Clyde R.	B65D88/022	206/509	
*	M	US-4736861-A	1988-04-12	Basili; Robert A.	G11B23/027	G9B/23.018	
FOREIGN PATENT DOCUMENTS							

The Office therefore considered Davidian, and concluded that it neither teaches nor suggests the claims of the '946 Patent, alone or in combination with one or more references that are cumulative of Li.

V. PETITIONER FAILS TO ESTABLISH A REASONABLE LIKELIHOOD THAT ANY CHALLENGED CLAIM IS UNPATENTABLE

Under 35 U.S.C. § 314, “[t]he Director may not authorize inter partes review to be instituted unless the Director determines that the information presented in the petition ... shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Here, the Petitioner falls far short of its burden of demonstrating that “there is a reasonable likelihood” that at least one claim of the sixteen challenged claims of the '946 Patent is unpatentable.

To demonstrate a reasonable likelihood, a petition must “identif[y], in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim...” 35 U.S.C. § 312(a)(3); *Intelligent Bio-Systems, Inc. v. Illumina Cambridge, Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016) (stating that compliance with this requirement is “of the utmost importance”). However, Petitioner repeatedly fails to explain how or where each and every feature of the claims of the '946 Patent is disclosed in the cited references, repeatedly fails to articulate how the cited references would be combined to arrive at the claims of the '946 Patent, and repeatedly relies on improper, conclusory reasoning, unsupported by the references or by the declaration of its expert.

Because Petitioner's arguments are weak, Petitioner relies on extrinsic expert testimony to read in claim elements that are simply not present in the references, and Petitioner attempts to camouflage other weaknesses by failing to fully identify areas where it is relying upon a claim construction that is far outside the “plain and ordinary” meaning of terms and by utilizing non-analogous art to make its invalidity arguments. Specific examples, which are further detailed in discussions of each invalidity argument presented, include:

- Treating individual discrete structures as identical to a single structure found in the '946 Patent;
- Failing to recognize differences in functionality between the purported prior art and the invention of the '946 Patent, including treating a compression spring as identical to the torsion spring disclosed in the '946 Patent; and
- Identifying combinations of purported prior art that include a completely non-analogous door latch.

A. Petitioner Fails To Show There Is A Reasonable Likelihood That Li Anticipates Or Renders Obvious Claims 1-16, Alone Or In Combination With Burchia, Hammond, And/Or Davidian

Petitioner fails to establish a reasonable likelihood that one or more claims of the '946 Patent are anticipated by Li, or obvious over Li alone or in combination with Burchia, Hammond, and/or Davidian. Petitioner's analysis repeatedly mischaracterizes the teachings of Li as applied to the claims of the '946 Patent, and therefore fails to show that Li—alone or in combination with Burchia, Hammond, and/or Davidian—teaches each and every limitation of the challenged claims, as they are set forth in the claims as required by 37 CFR § 42.104(b)(4).

1. Ground 1A: Petitioner fails to show that Li anticipates claims 1-4, 7-12, and 15.

Ground	Claims	Basis	References
1A	1-4, 7-12, 15	35 U.S.C. § 102	Li

Petitioner fails to show where each and every limitation of independent Claims 1, 11, and 15 are disclosed in Li.

Li does not teach a storage box with a first connection part and second connection part, the first connection part comprising “*a mounting body, a locking buckle moveable with respect to said mounting body, and a first resilient member located between said mounting body and said locking buckle, wherein said first resilient member keeping said locking buckle automatically in a locked state.*” (Exhibit 1001 at 15: 9-14(emphasis added).)

Li does not teach first and second connection parts arranged as required by independent claims 1, 11 and 15, and therefore does not anticipate said claims. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); M.P.E.P. § 2131 (Ninth ed., Rev. 01.2024). “The elements must be arranged as required by the claim...” *Id.*, citing *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990).

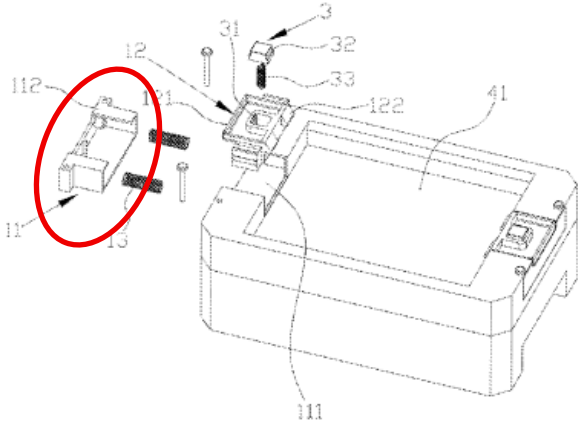
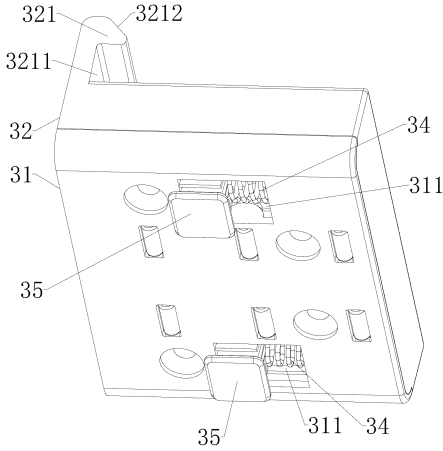
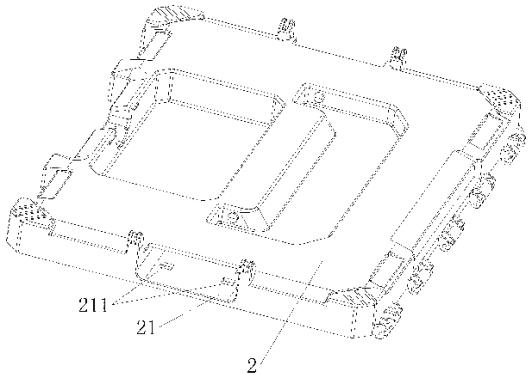
In alleging that Li teaches the claimed first and second connection parts, Petitioner relies on an attenuated interpretation of Li and an expert declaration, rather than the intrinsic evidence of Li and the '946 Patent, to arrive at this conclusion. In fact, the components of the first and second connection parts of Li are not arranged as required by claims 1, 11, and 15.

- a) Petitioner fails to give the terms “mounting body” and “locking buckle” their ordinary meaning.

Petitioner's invalidity argument as to Li relies upon a strained construction of the terms “mounting body” and “locking buckle” in order to fabricate the presence of a “first resilient member located between said mounting body and said locking buckle.”

Regarding the “mounting body,” Petitioner alleges that “Li's ‘stop piece 35’ as attached to ‘chute 21’ via ‘snap-in hole 211’ teaches the claimed ‘*mounting body*.’” (Petition, Paper 2 at 27) (*see* Exhibit 1007, at FIG. 3 and 5, reproduced below). This interpretation of the “mounting body” is unduly narrow and contradicts the plain and ordinary meaning of the term “mounting body” when interpreted in light of the specification of the '946 Patent. As shown in, for example, FIG. 7 of the '946 Patent (Exhibit 1001 at FIG. 7, reproduced below), the mounting body 112 is the portion of the first connection part attached to the body of the storage container relative to which the locking buckle slides. The mounting

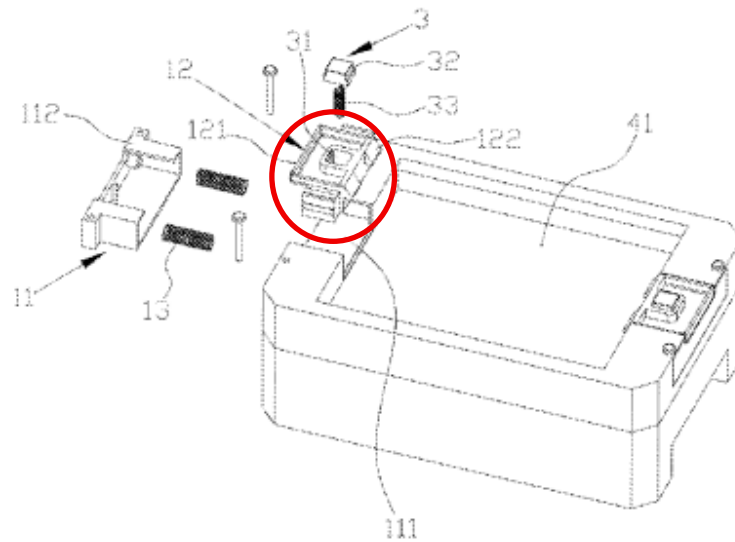
part does not include any additional structures, or any components of the locking buckle and/or locking part that attach the locking buckle and/or the locking part to the mounting body.

	 FIG. 3  FIG. 5
'946 Patent "Mounting Body 112" (Exhibit 1001)	Li "Stop Piece 35," "Chute 21," and "Snap-In-Hole 211"² (Exhibit 1007)

² Note that the stop piece, chute, and snap-in-hole of Li are not pictured together in any of the images.

Petitioner's interpretation of the "mounting body" incorporates additional structure that goes beyond the scope of the broadest reasonable interpretation of the term is used in the '946 Patent. Petitioner provides no support or evidence for this interpretation, and does not provide any reasonable explanation as to why the "mounting body" should also be considered to include the snap-in hole 211 and the stop pieces 35, when the broadest reasonable interpretation of "mounting body" is that it is just the chute 21 of Li. Li's inventor/inventors apparently did not consider these three structures to be a single "mounting body;" the stop piece, chute, and snap-in-hole of Li are not pictured together in any of the images.

Petitioner also alleges that "Li's 'pull latch cover 32' which includes 'latch bar 321' [shown above in FIG. 3] teaches the claimed '*locking buckle moveable with respect to said mounting body.*'" (Petition, Paper 2 at 28). This interpretation of the "locking buckle" is also unduly narrow. As shown in, for example, FIG. 7 of the '946 Patent (reproduced below), the locking buckle 122 is the entire locking or latch component that slides relative to the mounting body.



This would be comparable to the entire latch 3 of Li, and not just the pull latch cover 32. Petitioner provides no support or evidence for this interpretation of Li and does not reasonably explain why the “locking buckle” should only be considered to be a portion of the latch 3 of Li when the broadest reasonable interpretation of “locking buckle” is that it is the entire latch component.

Petitioner’s theories of invalidity, based on Li, therefore rely on interpretations of “mounting body” and “locking buckle” that are contrary to law and fact. Rather than relying on the plain and ordinary meaning of these terms, Petitioner uses support from an expert declaration to allege what a POSA would understand certain terms in the ’946 Patent to mean even though the meaning of said terms is clear solely based on the intrinsic evidence of the ’946 Patent. Because Li does not actually teach a first connection part as claimed, Petitioner has

found it necessary to fabricate claim constructions for the “mounting body” and “locking buckle” to serve as the entire basis for the illogical invalidity contentions of the Petition.

- b) Li does not disclose a “first resilient member located between said mounting body and said locking buckle.”

When the terms “mounting body” and “locking buckle” are properly construed, Li does not teach “a mounting body, a locking buckle movable with respect to said mounting body, and **a first resilient member located between said mounting body and said locking buckle.**” (Exhibit 1001 at 15:9-12 (emphasis added).) The resilient member 34 of Li is positioned within the body of the latch 3 (*i.e.*, the locking buckle) and therefore is not “located between [the] mounting body and [the] locking buckle” as claims 1, 11, and 15 require. (*See* Exhibit 1007 at [0034] (“As shown in FIGS. 3-5, two first springs **34** extending horizontally are mounted in the elastic pull latch **3**.”).)

“[A] prior art reference must provide every element of the claimed invention arranged as in the claim in order to anticipate.” *Microsoft Corp. v. Biscotti, Inc.*, 878 F.3d 1052, 1069 (Fed. Cir. 2017). Because Li does not teach every element of independent claims 1, 11, and 15, Petitioner fails to establish a reasonable likelihood that claims 1, 11, and 15 are anticipated by Li.

Petitioner also fails to establish a reasonable likelihood that one or more of dependent claims 2-4 and 7-10, which depend from claim 1, and 12 which depends from claim 11, are anticipated by Li. Each of claims 2-4, 7-10, and 12 are narrower in scope than the independent claims from which they depend, but each dependent claim also incorporates all of the elements of the independent claim from which they depend. Because Li fails to teach all of the elements of the independent claims, it necessarily fails to teach all of the elements of the dependent claims, and therefore the dependent claims are also not anticipated by Li. *Biscotti*, 878 F.3d at 1069. Because the Petition fails to meet its burden of proving anticipation with respect to claims 1, 11, and 15, it likewise fails to meet its burden for claims 2-4, 7-10, and 12.

2. *Ground 1B: Petitioner fails to show that claims 1-4, 7-12, and 15 are obvious over Li.*

Ground	Claims	Basis	References
1B	1-4, 7-12, 15	35 U.S.C. § 103	Li

Petitioner makes conclusory statement that, “[t]o the extent Patent Owner argues any element is not disclosed by Li, it was obvious” (Petition, Paper 2 at 65), but fails to set forth any actual reasoning as to why claims 1, 11, 15, or claims dependent thereon, are obvious over Li. Petitioner’s only evidence in support of

this conclusory assertion is the Declaration of Dr. McCarthy. (Exhibit 1003 at ¶¶ 225-229.) However, like the Petition, Dr. McCarthy's discussion of obviousness contains no more than conclusory statements that a POSA would find claims 1-4, 7-12, and 15 to be obvious, fails to address any specific reasons why a POSA would have made the proposed modifications, and merely repeats the conclusory assertions for which it is offered as support. The testimony of Dr. McCarthy is therefore entitled to little or no weight. *See Xerox Corp. et al. v. Bytemark, Inc.*, IPR2022-00624, Paper No. 9 at 15 (PTAB, Aug. 24, 2022) (precedential) (where declaration does not cite to any additional supporting evidence or provide any technical reasoning to support a statement, it is "conclusory and unsupported, adds little to the conclusory assertion for which it is offered to support, and is entitled to little weight.").

In order to render a claim obvious, every claim element must be taught in the prior art, and there must be a motivation to use the cited art to solve the problem at hand. *See* M.P.E.P. § 2143.03 (Ninth ed., Rev. 01.2024) ("Examiners must consider all claim limitations when determining patentability of an invention over the prior art."); *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) ("As is clear from cases such as *Adams*, 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.”); *Kinetic Concepts, Inc. v. Smith & Nephew, Inc.*, 688 F.3d 1342, 1366-67 (Fed. Cir. 2012).

Petitioner does not make such a showing, which is fatal to its argument. In reviewing the Petition, the Director and the Board are limited to the arguments raised by Petitioner in the Petition, and, as stated by the Board in the underlying *inter partes* review, “failure to direct [the Board] to evidence sufficient to establish” obviousness of a claim will mean that such an argument is not properly before the Director and the Board. *AMP Plus, Inc. v. DMF, Inc.*, 131 F.4th 1320, 1323-24 (Fed. Cir. 2025). “[T]he law of obviousness does not require the court, or the Board, to develop arguments for a limitation that the petition simply did not make.” *Id.* at 1325.

Moreover, in addition to not teaching all of the elements of the asserted claims, it is also important that a POSA seeking to create a locking mechanism that would work on objects of both the same or different sizes and shapes would *not* have sought the teachings of Li to do so, because Li requires the use of *two* latches to connect two objects, thus limiting the footprint of the second item to be attached by at least the distance from one latch to the other.

For at least these reasons, Petitioner fails to establish a reasonable likelihood that independent claims 1, 11, and 15 are obvious over Li.

Li cannot render obvious the dependent claims of the '946 Patent because each of these claims depends from claims 1 or 11, neither of which is rendered obvious by Li. *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988) (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”). Each of claims 2-4, 7-10, and 12 are narrower in scope from the independent claims from which they depend. Because the Petition fails to meet its burden of proving obviousness with respect to independent claims 1, 11, and 15, it likewise fails to meet its burden for dependent claims 2-4, 7-10, and 12.

3. *Grounds 1C-1D: Petitioner fails to show that claims 5-6 and 13 are obvious over Li in view of Burchia and Hammond (Ground 1C) and that claims 14 and 16 are obvious over Li in view of Davidian (Ground 1D).*

Ground	Claims	Basis	References
1C	5-6, 13	35 U.S.C. § 103	Li, Burchia, Hammond
1D	14, 16	35 U.S.C. § 103	Li, Davidian

Petitioner fails to provide a reasonable likelihood that claims 5-6, 13-14, and 16 are obvious over Li in view of Burchia, Hammond, and/or Davidian.

- a) Claims 5, 6, and 13 are not rendered obvious by the combination of Li, Burchia, and Hammond.

As an initial matter, the combination of Li, Burchia, and Hammond cannot render obvious dependent claims 5, 6, and 13 because claims 5, 6, and 13 depend from claim 1, which is neither anticipated nor rendered obvious by the references cited by Petitioner. *In re Fine*, 837 F.2d at 1076 (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”).

Moreover, it is fundamental that in order to render a patent claim obvious, the prior art must, in addition to disclosing every element of the claim, provide a motivation to utilize or combine the references in the manner taught by the patent. Petitioner must first demonstrate “that a skilled artisan would have been motivated to combine prior art references disclosing certain subsets of the claimed features with a reasonable expectation of success.” *Tris Pharma, Inc. v. Actavis Lab’ys. FL, Inc.*, 2022 USPQ.2d 627 (Fed. Cir. 2022); *KSR Int’l*, 550 U.S. at 418; *see also Arctic Cat Inc. v. Bombardier Rec. Prods.*, 876 F.3d 1350, 1363 (Fed. Cir. 2017).

Here, as discussed above, each of Li and Burchia teach that the stackable items at issue must be of the same or nearly the same shape in order to work with the technology they disclose, and a POSA would not, therefore, have a reasonable belief that the combination of Li and Burchia would teach an invention for stacking multiple items of differing shapes.

Moreover, a POSA would have no reason to consult Hammond in developing the invention of the '946 Patent. Hamond (WO 2021/150410), which is directed to compression latch assemblies for securing doors, drawers, or panels, is non-analogous art. A reference is analogous art to a claimed invention if: (1) the reference is from the same field of endeavor as the claimed invention; or (2) the reference is reasonably pertinent to the problem faced by the inventor. *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004); *see also* M.P.E.P. § 2141.01(a)(I). In determining the relevant field of endeavor, it is necessary to consider “explanations of the invention’s subject matter in the patent application, including the embodiments, function, and structure of the claimed invention.” *Airbus S.A.S. v. Firepass Corp.*, 941 F.3d 1374, 1380 (Fed. Cir. 2019) (quoting *Bigio*, 381 F.3d at 1325); *see also* M.P.E.P. § 2141.01(a). And “[i]n order for a reference to be ‘reasonably pertinent’ to [a] problem, it must ‘logically [] have commended itself to an inventor’s attention in considering his problem.’” *Id.*, quoting *In re ICON Health and Fitness, Inc.*, 496 F.3d 1374, 1379-80 (Fed. Cir. 2007). Hammond is neither.

Hammond is not in the same field of endeavor as the '946 Patent because Hammond is directed to compression latches for doors, which is entirely different from a mechanism for attaching one stacked item to another. The '946 Patent

repeatedly describes the structure and function of a mechanism for interlocking two stacked storage containers, and the advantages of using such a system to hold two or more containers together in this way. The fact that Hammond is generally related to latches used to keep a door closed is insufficient to establish that Hammond is in the same field of endeavor as the '946 Patent when the scope of the technology at issue (*i.e.*, a mechanism for attaching one stacked item to another) is far more narrow.

Hammond also is not reasonably pertinent to the problem faced by the inventor of the '946 Patent. That is, Hammond would not “logically [] have commended itself to an inventor’s attention” in considering how to stack and interlock two or more storage containers. A closure latch for a door is entirely different from the mechanisms described and claimed in the '946 Patent. A POSA would recognize the inherent differences between latches for closing doors and mechanisms for interlocking two or more storage containers together when stacked, such that a POSA would not have considered Hammond to be relevant when seeking to develop the locking mechanism of the '946 Patent.

Because there is no motivation to combine Li, Burchia, and Hammond to solve the problem addressed by the '946 Patent, their combination cannot render any claims of the '946 Patent obvious.

- i) For the following additional reasons, the combination of Li, Burchia, and Hammond do not render obvious claim 5.

Li, Burchia, and Hammond do not disclose or suggest that “the second resilient member is a torsion spring with one end against [the] stop part and the other end against a bottom of [the] holding slot,” as required by claim 5. Petitioner alleges that substitution of the springs of Li and Burchia would “have amounted to merely combining known elements or a simple substitution of known elements to yield predictable results” (Petition, Paper 2 at 75-76), but this is incorrect. It would not have been obvious to substitute a compression spring, as taught in Li and Burchia, with a torsion spring, as taught in Hammond. *See Metalcraft of Mayville, Inc. v. Toro Co.*, 848 F.3d 1358, 1366 (Fed. Cir. 2017) (“In determining whether there would have been a motivation to combine prior art references to arrive at the claimed invention, it is insufficient to simply conclude the combination would have been obvious ***without identifying any reason why a person of skill in the art would have made the combination.***”(emphasis supplied)).

As an initial matter, Burchia's statement that “a spring element ... is provided” where the spring element may be essentially any kind of spring, including a torsion spring (Exhibit 1008, [0014]), is irrelevant to the obviousness analysis. This boilerplate language is commonly found in patent specifications and

does not provide any motivation to modify disclosed embodiments when a patent specification is being considered as prior art. *See Markforged Inc. v. Continuous Composites Inc.*, IPR2022-01220, Paper 8 at 21–23 (Jan. 11, 2023) (finding that “[a reference] disclos[ing] that combinations of the disclosed embodiments and features is proper’ does not constitute a reasoned explanation regarding why the skilled artisan would have combined” two aspects *of the same reference* (citations and quotations omitted)); *see also Metalcraft of Mayville*, 848 F.3d at 1366 (“In determining whether there would have been a motivation to combine prior art references to arrive at the claimed invention, it is insufficient to simply conclude the combination would have been obvious *without identifying any reason why a person of skill in the art would have made the combination.*” (emphasis supplied)).

Moreover, both Li and Burchia utilize compression springs to facilitate linear movement of a spring-loaded component. Torsion springs generate rotational movement. A POSA therefore would not have had any reason to replace the compression spring of Li and/or Burchia with a torsion spring as taught in Hammond, as torsion springs are not suitable for use with components configured for linear motion. The alleged motivation to combine Hammond with Li and Burchia therefore necessarily stems from improper hindsight based on the

disclosure of the '946 Patent. *Cardiac Pacemakers, Inc. v. St. Jude Med., Inc.*, 381 F.3d 1371, 1376 (Fed. Cir. 2004) (“the suggestion to combine references must not be derived by hindsight from the knowledge of the invention itself”). “There must be a reason or suggestion in the art for selecting the [modification], other than the knowledge learned from the applicant’s disclosure.” *In re Dow Chem. Co.*, 837 F.2d 469, 473 (Fed. Cir. 1988).

- ii) Claim 13 is not rendered obvious by the combination of Li, Burchia, and Hammond.

Similarly, Li, Burchia, and Hammond do not disclose or suggest that “the second resilient member is a torsion spring and the stop part rotates relative to the locking part,” as required by claim 13. Petitioner again provides no support for the general assertion that “[w]hen implementing Hammond with Li, such a rotation would have been obvious based on the rotation of pawl 80.” (Petition, Paper 2 at 82). The pawl 80 has no relevance to the elastic boss 33 (*i.e.*, the stop part) of Li. The fact that an entirely unrelated component of Hammond rotates under action from a tension spring is insufficient to provide any motivation or suggestion to modify the elastic boss 33 of Li to be rotatable as Petitioner alleges.

Furthermore, such a modification would render the system of Li inoperable. The elastic boss 33 of Li would no longer be capable of functioning to hold the stacked storage containers in an unlocked position if the movement thereof were to

be rotational rather than linear. There is no conceivable way in which the elastic boss 33 of Li could rotate, rather than linearly translate, and still project from the pull latch cover 32 when the latch 3 is in the unlocked position to hold said latch 3 in the unlocked position. It therefore would not have been obvious to modify the elastic boss 33 in Li in view of the teachings of Hammond, as doing so would have rendered the system of Li to be inoperable. *See In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984); *see also* M.P.E.P. § 2143.01(V) (Ninth ed., Rev. 01.2024) (“If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, there may be no suggestion or motivation to make the proposed modification”).

For at least these reasons, Petitioner fails to provide a reasonable likelihood that claims 5, 6, and 13 are obvious over Li in view of Burchia and Hammond.

b) Claims 14 and 16 are not rendered obvious by the combination of Li and Davidian.

The combination of Li and Davidian cannot render obvious dependent claims 14 and 16 because claims 14 and 16 depend from claims 1 and 15, respectively, which are neither anticipated nor rendered obvious by the references cited by Petitioner. *In re Fine*, 837 F.2d at 1076 (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”).

B. Petitioner Fails To Show There Is A Reasonable Likelihood That Baruch Anticipates Or Renders Obvious Claims 1-16, Alone Or In Combination With Burchia, Hammond, And/Or Davidian

Petitioner fails to provide a reasonable likelihood that one or more claims of the '946 Patent are anticipated by Baruch or are obvious over Baruch alone or in combination with Burchia, Hammond, and/or Davidian. Petitioner's analysis mischaracterizes the teachings of Baruch as applied to the claims of the '946 Patent, and Petitioner fails to show that Baruch—alone or in combination with Burchia, Hammond, and/or Davidian—teaches each and every limitation of the challenged claims, as they are set forth in the claims as required by 37 CFR § 42.104(b)(4).

1. Ground 2A: Petitioner fails to show that Baruch anticipates claims 1-4, 7-12, and 15.

Ground	Claims	Basis	References
2A	1-4, 7-12, 15	35 U.S.C. § 102	Baruch

Petitioner fails to show where each and every limitation of independent Claims 1, 11, and 15 are disclosed in Baruch. For example, Baruch does not disclose a storage box with a first connection part and second connection part, the first connection part comprising “a mounting body, a locking buckle moveable with respect to said mounting body, and a first resilient member located between said mounting body and said locking buckle, [with] said first resilient member

keeping said locking buckle automatically in a locked state.” (Exhibit 1001 at 15:9-14.)

Baruch does not teach first and second connection parts arranged as required by claims 1, 11 and 15. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros.*, 814 F.2d at 631 (Fed. Cir. 1987); M.P.E.P. § 2131. “The elements must be arranged as required by the claim...” *Id.* In alleging that Baruch teaches the claimed first and second connection parts, Petitioner relies on an attenuated interpretation of Baruch and an expert declaration, rather than the intrinsic evidence of Baruch and the '946 Patent, to arrive at the conclusion that Baruch teaches first and second connection parts as claimed, when in fact, the components of the first and second connection parts of Baruch are not arranged as required by claims 1, 11, and 15.

- a) Petitioner fails to give the terms “mounting body” and “locking buckle” their ordinary meaning.

Petitioner alleges that “Baruch’s pins 334 as mounted in carveout 352 via holes 356 on a lid teach the claimed ‘*mounting body*.’” (Petition, Paper 2 at 104). This interpretation of the “mounting body” is unduly narrow and contradictory to the plain and ordinary meaning of the term “mounting body” when interpreted in light of the specification of the '946 Patent. As shown in, for example, FIG. 7 of

the '946 Patent (previously reproduced in Section V.A.1.(a)), the mounting body 112 is the portion of the first connection part attached to the body of the storage container relative to which the locking buckle slides. The mounting part does not include any additional structures, or any components of the locking buckle and/or locking part that attach the locking buckle and/or the locking part to the mounting body.

Petitioner's interpretation of the "mounting body" incorporates additional structure that goes beyond the scope of the broadest reasonable interpretation of the term "mounting body." The "mounting body" is only the carveout 352, not the combined structures of the carveout 352, the pins 334, and the holes 356 as Petitioner alleges. Petitioner provides no support or evidence for this proposed narrow interpretation of the "mounting body" of Baruch, which that is not the broadest reasonable interpretation thereof.

Rather than relying on the plain and ordinary meaning of the claims, Petitioner uses support from an expert declaration to allege what a POSA would understand certain terms to mean even though the meaning of said terms is clear solely based on the intrinsic evidence of the '946 Patent. Because Baruch does not actually teach a first connection part as claimed, Petitioner has found it necessary

to fabricate claim constructions for the “mounting body” to serve as the entire basis for the illogical invalidity contentions of the Petition.

Petitioner also alleges that “Baruch’s ‘latch 314 [which] includes a main body 315 and a primary hook 316’ teaches the claimed ‘*locking buckle*.’” (Petition, Paper 2 at 104). However, the latch 314 is not “configured to slide inward with respect to the mounting part” as required by Claims 1 and 13 (*see, e.g.*, Exhibit 1001 at 15:18-19) and therefore cannot be a “locking buckle” as recited in claims 1, 11, and 15.

First, pivoting and sliding are not the same. Sliding implies linear motion, where pivoting is rotational. Neither the Petition nor the expert declaration address the fundamental distinction between the linear motion of the ’946 Patent and the rotational motion of Baruch. At best, Petitioner attempts to argue that the latch 314 “horizontally slides” by providing various annotated figures of Baruch where the top part of the latch 314 is laterally displaced, but this alone is insufficient to support the conclusion that a pivoting latch slides relative to the mounting part.

Second, claims 1, 11, and 15 also require that the locking buckle slides inward with respect to the *mounting part*. At best, the latch 314 pivots around the pins 334, which Petitioner alleges are a part of the “mounting part.” However, pivoting around the axis defined by the pins 334 cannot be considered “sliding

inward” with respect to the pins 334 which define said axis of rotation. Again, Petitioner fails to address this fundamental distinction between the rotational movement of the latch 314 of Baruch and the claimed linear movement of the locking buckle.

- b) Baruch does not disclose a “first resilient member located between said mounting body and said locking buckle.”

Even taking Petitioner's assertion that Baruch's pins 334 as mounted in carveout 352 via holes 356 on a lid comprise a “mounting body” or that the latch 314 of Baruch teaches the claimed “locking buckle,” which Meridian does not concede, Baruch does not teach “a mounting body, a locking buckle movable with respect to said mounting body, and **a first resilient member located between said mounting body and said locking buckle.**” (Exhibit 1001 at 15:9-12 (emphasis added).) The latch bias 320 of Baruch is not between the latch 314 (*i.e.*, the locking buckle) and the carveout 352 (*i.e.*, the mounting body).

For at least these reasons, Petitioner fails to provide a reasonable likelihood that claims 1, 11, and 15 are anticipated by Baruch. “[A] prior art reference must provide every element of the claimed invention arranged as in the claim in order to anticipate.” *Biscotti, Inc.*, 878 at 1069. Because Baruch does not teach every element of independent claims 1, 11, and 15, Petitioner fails to provide a reasonable likelihood that claims 1, 11, and 15 are anticipated by Baruch.

Petitioner also fails to establish a reasonable likelihood that one or more of dependent claims 2-4 and 7-10, which depend from claim 1, and 12 which depends from claim 11, are anticipated by Baruch. Each of claims 2-4, 7-10, and 12 are narrower in scope from the independent claims from which they depend, but each dependent claim also incorporates all of the elements of the independent claim from which they depend. Because Baruch fails to teach all of the elements of the independent claims, it necessarily fails to teach all of the elements of the dependent claims, and therefore the dependent claims are also not anticipated by Baruch. *Biscotti*, 878 F.3d at 1069. Because the Petition fails to meet its burden of proving anticipation with respect to claims 1, 11, and 15, it likewise fails to meet its burden for claims 2-4, 7-10, and 12.

2. *Ground 2B: Petitioner fails to show that claims 1-4, 7-12, and 15 are obvious over Baruch.*

Ground	Claims	Basis	References
2B	1-4, 7-12, 15	35 U.S.C. § 103	Baruch

Petitioner makes conclusory statement that, “[t]o the extent Patent Owner argues any element is not disclosed by Baruch, it was obvious” (Petition, Paper 2 at 146), but fails to set forth any actual reasoning as to why claims 1, 11, 15, or claims dependent thereon, are obvious over Baruch. Petitioner’s only evidence in

support of this conclusory assertion is the Declaration of Dr. McCarthy. (Exhibit 1003 at ¶¶ 363-366.) However, like the Petitioner, Dr. McCarthy's discussion of obviousness contains no more than conclusory statements that a POSA would find claims 1-4, 7-12, and 15 to be obvious. The declaration fails to address any specific reasons why a POSA would have made the proposed modifications and merely repeats the conclusory assertions for which it is offered to support. The testimony of Dr. McCarthy is therefore entitled to little or no weight. *See Xerox Corp.*, Paper 9 at 15.

In order to render a claim obvious, every claim element must be taught in the prior art, and there must be a motivation to use the cited art to solve the problem at hand. *See* M.P.E.P. § 2143.03; *KSR Int'l.*, 550 U.S. at 418; *Kinetic Concepts*, 688 F.3d at 1366-67. Petitioner does not make such a showing, which is fatal to its argument. *See AMP Plus*, 131 F.4th at 1323-24. "[T]he law of obviousness does not require the court, or the Board, to develop arguments for a limitation that the petition simply did not make." *Id.* at 1325.

Moreover, in addition to not teaching all of the elements of the asserted claims, when evaluating the proffered art, it is also important to recognize that a POSA seeking to create a locking mechanism that would work on objects of both the same or different sizes and shapes would *not* have sought the teachings of

Baruch to do so, because Baruch contemplates the use of a latching mechanism on both sides of the container: “Lid **48** contains one or more carveouts **52** that are configured to receive a latch mechanism **10** according to the first embodiment. As best seen in FIG. 12, carveout **52** may include one or more slots **54** and holes **56**.” (Exhibit 1012 at [0045].)

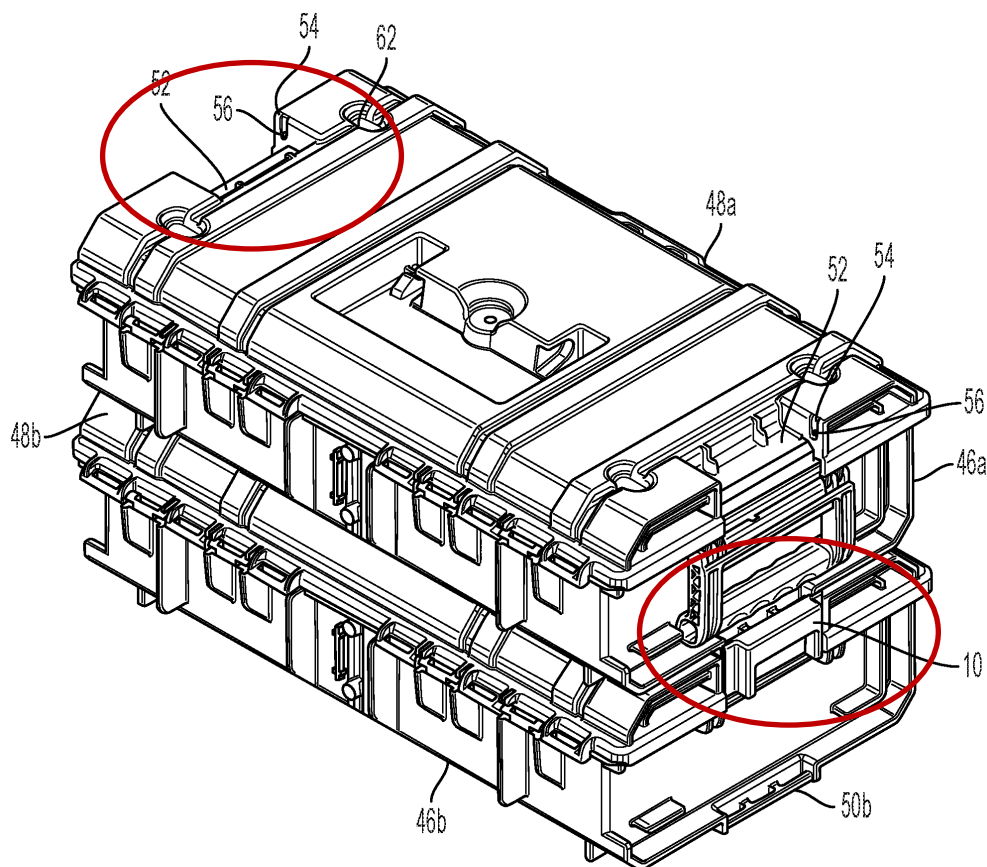


FIG. 12

(*Id.* at FIG. 12.) As discussed above with regard to Li, when the stackable items must attach on more than one location, that fact is not conducive to the stacking of

objects having different shapes; the multiple locking locations require that the items share, at minimum, the distance between the two locking locations.

For at least these reasons, Petitioner fails to provide a reasonable likelihood that independent claims 1, 11, and 15 are obvious over Baruch.

Baruch cannot render obvious the dependent claims of the '946 Patent because each of these claims depends from claims 1 or 11, neither of which is rendered obvious by Baruch. *In re Fine*, 837 F.2d at 1076 (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”). Each of claims 2-4, 7-10, and 12 are narrower in scope from the independent claims from which they depend. Because the Petition fails to meet its burden of proving obviousness with respect to independent claims 1, 11, and 15, it likewise fails to meet its burden for dependent claims 2-4, 7-10, and 12.

3. *Grounds 2C-2D: Petitioner fails to show that claims 5-6 and 13 are obvious over Baruch in view of Burchia and Hammond (Ground 2C) and that claims 14 and 16 are obvious over Baruch in view of Davidian (Ground 2D).*

Ground	Claims	Basis	References
2C	5-6, 13	35 U.S.C. § 103	Baruch, Burchia, Hammond
2D	14, 16	35 U.S.C. § 103	Baruch, Davidian

Petitioner fails to provide a reasonable likelihood that claims 5-6, 13-14, and 16 are obvious over Baruch in view of Burchia, Hammond, and/or Davidian.

- a) Claims 5, 6, and 13 are not rendered obvious by the combination of Baruch, Burchia, and Hammond.

As an initial matter, the combination of Baruch, Burchia, and Hammond cannot render obvious dependent claims 5, 6, and 13 because claims 5, 6, and 13 depend from claim 1, which is neither anticipated nor rendered obvious by the references cited by Petitioner. *In re Fine*, 837 F.2d at 1076 (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”).

Moreover, it is fundamental that in order to render a patent claim obvious, the prior art must, in addition to disclosing every element of the claim, provide a motivation to utilize or combine the references in the manner taught by the patent. Petitioner must first demonstrate “that a skilled artisan would have been motivated to combine prior art references disclosing certain subsets of the claimed features with a reasonable expectation of success.” *See Tris Pharma, Inc.*, 2022 USPQ.2d 627; *KSR Int’l Co.*, 550 U.S. at 418; *see also Arctic Cat Inc.*, 876 F.3d at 1363.

Here, as discussed above, each of Baruch and Burchia teach that the stackable items at issue must be of the same or nearly the same shape in order to work with the technology they disclose, and a POSA would not, therefore, have a

reasonable belief that the combination of Baruch and Burchia would teach an invention for stacking multiple items of differing shapes. And, for the reasons discussed *supra*, a POSA would not have sought to use the teachings of Hammond in developing the invention of the '946 Patent, for multiple reasons.

Because there is no motivation to combine Baruch, Burchia, and Hammond to solve the problem addressed by the '946 Patent, their combination cannot render any claims of the '946 Patent obvious.

- i) For the following additional reasons, the combination of Baruch, Burchia, and Hammond do not render obvious claim 5.

Baruch, Burchia, and Hammond do not disclose or suggest that “the second resilient member is a torsion spring with one end against [the] stop part and the other end against a bottom of [the] holding slot,” as required by claim 5. Petitioner alleges that substitution of the springs of Baruch and Burchia would “have amounted to merely combining known elements or a simple substitution to yield predictable results” (Petition, Paper 2 at 149), but this is incorrect. It would not have been obvious to substitute a compression spring, as taught in Baruch and Burchia, with a torsion spring, as taught in Hammond. *See Metalcraft of Mayville*, 848 F.3d at 1366.

First, as noted in Section V.A.3(a)(i), Burchia's statement that "a spring element ... is provided" where the spring element may be essentially any kind of spring, including a torsion spring (Exhibit 1008 at [0014]) is irrelevant to the obviousness analysis, as it does not provide any motivation to modify disclosed embodiments when a patent specification is being considered as prior art. *See Markforged*, Paper 8 at 21–23; *see also Metalcraft of Mayville*, 848 F.3d at 1366.

Second, as also noted in Section V.A.3(a)(i), both Baruch and Burchia utilize compressions springs to facilitate linear movement of a spring-loaded component, while torsion springs generate rotational movement. A POSA therefore would not have had any reason to replace the compression spring of Baruch with a torsion spring as taught in Hammond, and the alleged motivation to combine Hammond with Baruch and Burchia therefore necessarily stems from improper hindsight based on the disclosure of the '946 Patent. *Cardiac Pacemakers*, 381 F.3d at 1376; *Dow Chemical*, 837 F.2d at 473.

- ii) Claim 13 is not rendered obvious by the combination of Baruch, Burchia, and Hammond.

Similarly, Baruch, Burchia, and Hammond do not disclose or suggest that "the second resilient member is a torsion spring and the stop part rotates relative to the locking part," as required by claim 13. Petitioner again provides no support for the general assertion that "[w]hen implementing Hammond with Baruch, such a

rotation would have been obvious based on the rotation of the pawl 80.” (Petition, Paper 2 at 152.) The pawl 80 has no relevance to the stopper 370 of Hammond. The fact that an entirely unrelated component of Hammond rotates under action from a tension spring is insufficient to provide any motivation or suggestion to modify the stopper 370 of Baruch to be rotatable.

Furthermore, such a modification would render the system of Baruch inoperable. The stopper 370 of Baruch would no longer be capable of functioning to hold the stacked storage containers in an unlocked position if the movement thereof were to be rotational rather than linear. There is no conceivable way in which the stopper 370 of Baruch could rotate, independent of the rotation of the latch 314, and hold the latch 314 in an unlocked position, and still project outward to hold the latch 314 in its unlocked position. It therefore would not have been obvious to modify the 370 in Baruch in view of the teachings of Hammond, as doing so would have rendered the system of Baruch to be inoperable. *Gordon*, 733 F.2d at 902; *see also* M.P.E.P. § 2143.01(V).

b) Claims 14 and 16 are not rendered obvious by the combination of Baruch and Davidian.

The combination of Baruch and Davidian cannot render obvious dependent claims 14 and 16 because claims 14 and 16 depend from claims 1 and 15, respectively, which are neither anticipated nor rendered obvious by the references

cited by Petitioner. *In re Fine*, 837 F.2d at 1076 (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”).

For at least these reasons, Petitioner fails to provide a reasonable likelihood that claims 5-6, 13-14, and 16 are obvious over Baruch in view of Burchia, Hammond, and/or Davidian.

VI. CONCLUSION

For at least the foregoing reasons, Petitioner fails to meet its burden under 37 C.F.R. §42.108(c) of establishing a “reasonable likelihood” of success in proving that any of the sixteen challenged claims are unpatentable. Accordingly, Meridian requests that the Director deny institution of an *inter partes* review in its entirety.

Dated: December 9, 2025

Respectfully Submitted,

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CERTIFICATION OF WORD COUNT

This Petition complies with the type-volume limitations as mandated in 37 C.F.R. § 42.24, totaling 11,044 words. Counsel has relied upon the word count feature provided by Microsoft Word.

Dated: December 9, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing ***Patent Owner's Preliminary Response*** was served via electronic mail, per agreement of the parties, in its entirety, on Petitioner's attorneys of record in IPR2025-01461 on the date indicated below.

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