

EXHIBIT 2014

Transcript of May 13, 2026
Deposition of J. Michael
McCarthy, Ph.D.



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Transcript of John Michael McCarthy, Ph.D.

Date: May 13, 2026

Case: ToughBuilt Industries, Inc. -v- Meridian International Co., LTD (PTAB)

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 _____
3
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD
5 _____
6
7

8 TOUGHBUILT INDUSTRIES, INC.,
9 Petitioner,
10 vs.
11 MERIDIAN INTERNATIONAL CO., LTD.,
12 Patent Owner

13 _____
14 Case No. IPR2025-01461
15 Patent 11,986,946
16

17 VIDEOTAPED DEPOSITION OF

18 JOHN McCARTHY, Ph.D.

19 Wednesday, May 13, 2026
20

21 Job No.: 631806

22 Pages: 1 - 81

Stenographically Reported By:

Alison C. Webster, CSR, RPR, RMR, CRR, RDR

Videotaped deposition of JOHN McCARTHY,
Ph.D., produced as a witness at the instance of the
Patent Owner, and duly sworn, was taken in the
above-styled and numbered cause on Wednesday, May
13, 2026, from 12:00 p.m. to 2:04 p.m. Eastern
Time, before Alison C. Webster, RPR, CRR, RMR, RDR,
CSR-6266 (Michigan); License No. 14559
(California); License No. 084.004953 (Illinois);
CSR-12432 (Texas), reported by stenographic method,
via videoconference, pursuant to the Federal Rules
of Civil Procedure and the provisions stated on the
record or attached hereto.

A P P E A R A N C E S

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ALSO PRESENT:

Glenn Vallee, Ph.D.

Ken Laugico, exhibit technician

Tomas Reyes, video technician

T A B L E O F C O N T E N T S

Witness	Page
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JOHN MCCARTHY, Ph.D.	
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EXAMINATION

BY MS. HALSEY:	8
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E X H I B I T I N D E X

Exhibit	Page
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(Exhibits retained by counsel.)

PREVIOUSLY MARKED EXHIBIT 1003	18
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PREVIOUSLY MARKED EXHIBIT 1001	24
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PREVIOUSLY MARKED EXHIBIT 1012	47
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PREVIOUSLY MARKED EXHIBIT 1008	50
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PREVIOUSLY MARKED EXHIBIT 1009	57
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Transcript of John Michael McCarthy, Ph.D.
Conducted on May 13, 2026

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1 DEPOSITION OF JOHN McCARTHY, Ph.D.

2 Wednesday, May 13, 2026

4 VIDEO TECHNICIAN: Here begins Media

11:59:58

5 Number 1 in the videotaped deposition of Dr. J.

12:00:08

6 Michael McCarthy, in the matter of ToughBuilt

12:00:11

7 Industries, Inc. versus Meridian International

12:00:14

8 Co., Limited, in the United States Patent and

12:00:19

9 Trademark Office before the Patent Trial and

12:00:22

10 Appeal Boards, Case Number IPR2025-01461.

12:00:24

11 Today's date is May 13th, 2026, and

12:00:27

12 the time on the video monitor is 12:00 p.m.

12:00:36

13 The remote videographer today is Tomas Reyes,

12:00:40

14 representing Planet Depos, headquartered at 451

15 Hungerford Drive, Suite 400, Rockville,

16 Maryland. All parties of this video deposition

17 are attending remotely.

18 Would counsel please voice-identify

19 themselves and state whom they represent.

12:00:55

20 MS. HALSEY: I'm Anna Halsey. I'm

12:00:55

21 here with my colleague Lindsay Kriz, from

12:00:58

22 Eversheds Sutherland. We're here on behalf of

12:01:01

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Transcript of John Michael McCarthy, Ph.D.
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1 the patent owner, Meridian International Co.,
2 Limited, and we're also joined by our expert,
3 Dr. Glenn Vallee.

12:01:04

12:01:08

12:01:10

4 MR. TANG: Timothy Tang, and along
5 with me is Richard Bemben, from the firm
6 Sterne, Kessler, Goldstein & Fox, on behalf of
7 petitioner ToughBuilt.

12:01:11

12:01:15

12:01:18

12:01:20

8 VIDEO TECHNICIAN: The court reporter
9 today is Alison Webster, representing Planet
10 Depos. And the witness will now be sworn, and
11 we may proceed.

12:01:23

12 STENOGRAPHER: The attorneys
13 participating in this deposition and the
14 witness have verified that he is John McCarthy,
15 Ph.D. In lieu of an oath administered in
16 person, the witness will visually affirm his
17 testimony in this matter is under penalty of
18 perjury.

19 The parties and their counsel consent
20 to this arrangement and waive any objections to
21 this manner of reporting or admissibility of
22 the transcript.

Transcript of John Michael McCarthy, Ph.D.
Conducted on May 13, 2026

8

1 If there are any objections to
2 proceeding in this manner by any party, please
3 state so now.

4 Hearing no objections, Dr. McCarthy,
5 would you please raise your right hand.

6 Do you swear or affirm the testimony
7 you are about to give in this matter will be
8 the truth, the whole truth, and nothing but the
9 truth?

10 DR. MCCARTHY: I do.

11 STENOGRAPHER: Thank you.

12 You may proceed.

13 MS. HALSEY: Good morning,
14 Dr. McCarthy.

15 THE WITNESS: Good morning.

16 JOHN MCCARTHY, Ph.D.,
17 was thereupon called as a witness herein, and
18 after having first been duly sworn to testify
19 to the truth, the whole truth and nothing but
20 the truth, was examined and testified as
21 follows:
22

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Transcript of John Michael McCarthy, Ph.D.
Conducted on May 13, 2026

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1	EXAMINATION	12:02:10
2	BY MS. HALSEY:	12:02:10
3	Q. Can you please state your full name for the	12:02:11
4	record?	12:02:13
5	A. John Michael McCarthy.	12:02:14
6	Q. And what's your understanding about what	12:02:15
7	today's deposition is about?	12:02:18
8	A. It's -- my understanding is that the	12:02:20
9	declaration that I provided for the --	12:02:25
10	describing the invalidity of the '946 patent	12:02:29
11	is considered my direct testimony in this	12:02:35
12	proceedings, and that today will be your	12:02:40
13	opportunity for cross-examination of my	12:02:45
14	testimony.	12:02:50
15	Q. Excellent. And, Dr. McCarthy, we've met	12:02:50
16	before. Right?	12:02:53
17	A. Yes, we have.	12:02:54
18	Q. So last week you were deposed regarding a	12:02:55
19	different IPR between the same parties. Right?	12:02:58
20	A. That is correct.	12:03:01
21	Q. So I don't want to spend too much time on	12:03:01
22	things we've already talked about, but in order	12:03:08

Transcript of John Michael McCarthy, Ph.D.
Conducted on May 13, 2026

10

1	to make sure that we have some of the facts on	12:03:10
2	the record from the last time, I may be asking	12:03:11
3	you some questions that are a little	12:03:13
4	duplicative of last week's deposition, so I	12:03:15
5	apologize in advance.	12:03:17
6	You have been deposed before?	12:03:19
7	A. I have.	12:03:24
8	Q. And many times?	12:03:25
9	A. It's -- this is part-time activity for me, but	12:03:26
10	it -- I have done it over the years three or	12:03:31
11	four times a year.	12:03:34
12	Q. And when you say "over the years," you started	12:03:35
13	testifying in about nineteen -- in the 1990s.	12:03:39
14	Correct?	12:03:42
15	A. That's correct, yeah.	12:03:42
16	Q. So that adds up to a substantial amount of time	12:03:43
17	testifying.	12:03:46
18	A. That may be. About 30 years -- I've given you	12:03:47
19	a list. The list of all the deposition	12:03:56
20	testimony that I've -- and trial testimony	12:03:58
21	that I've given is in the back of my CV. Off	12:04:00
22	the top of my head I can't remember, but it	12:04:03

Transcript of John Michael McCarthy, Ph.D.
Conducted on May 13, 2026

11

1	might be 30 times.	12:04:04
2	Q. Perfect. So just -- I'm not going to spend a	12:04:05
3	lot of time talking about how to be deposed	12:04:09
4	because I think that you know, but just a few	12:04:12
5	reminders.	12:04:14
6	To make it -- and they're all just	12:04:15
7	for the goal of making things as easy for the	12:04:18
8	court reporter as possible.	12:04:20
9	So when I ask a question, if you can	12:04:22
10	give a verbal response as opposed to, you know,	12:04:24
11	head shaking or nodding, that's helpful so that	12:04:26
12	she can record your answer correctly.	12:04:29
13	A. I understand.	12:04:32
14	Q. The other thing -- and this is just the nature	12:04:33
15	of the beast with doing a remote deposition --	12:04:35
16	is that sometimes we will inadvertently talk	12:04:38
17	over each other. We want to try and minimize	12:04:41
18	that as much as we can just so that it's as	12:04:43
19	easy as possible for the court reporter to	12:04:45
20	follow the conversation.	12:04:46
21	A. I understand.	12:04:47
22	Q. If we -- if you don't understand a question	12:04:49

Transcript of John Michael McCarthy, Ph.D.
Conducted on May 13, 2026

12

1	that I ask, please let me know. As I think you	12:04:51
2	now know from last week, I sometimes do not	12:04:55
3	phrase my questions perfectly, and I'm happy to	12:04:57
4	rephrase it to make it more clear if possible.	12:04:59
5	A. Not a problem. Thank you.	12:05:01
6	Q. Same as the last time, we'll try and testify	12:05:03
7	for about an hour and then take a break on the	12:05:09
8	hour every -- roughly at that time period. But	12:05:12
9	if you would like a break sooner, just let me	12:05:16
10	know and we're happy to do one.	12:05:18
11	A. I appreciate that.	12:05:20
12	Q. You are on the West Coast, so that it's 9 a.m.	12:05:21
13	where you are. Correct?	12:05:25
14	A. That's correct.	12:05:26
15	Q. Will you want a break at any point to have	12:05:27
16	lunch?	12:05:33
17	A. Well, it depends on how long you expect the	12:05:34
18	deposition to last. My preference would be to	12:05:37
19	finish the deposition before I take a lunch	12:05:40
20	break, which could be five or six hours, and I	12:05:44
21	would be comfortable with that.	12:05:47
22	Q. Okay. I hope, for all of us, that we do not	12:05:49

Transcript of John Michael McCarthy, Ph.D.
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1	take five or six hours and you get a much	12:05:52
2	earlier lunch break than that.	12:05:54
3	Is there any reason that you can't	12:05:56
4	testify truthfully today?	12:05:58
5	A. No.	12:06:00
6	Q. Okay. What did you do to prepare for your	12:06:00
7	testimony today?	12:06:05
8	A. I went over my declaration and I reviewed the	12:06:08
9	patents, and yesterday I met with Mr. Tang and	12:06:12
10	Mr. Bemben to go over all of the information	12:06:18
11	to help me refresh it.	12:06:24
12	Q. Perfect. Did you speak with anyone other than	12:06:28
13	counsel or their colleagues?	12:06:32
14	A. I did not. Oh, I'm sorry, Mr. Tobin Hobbs was	12:06:33
15	there at the preparation.	12:06:40
16	Q. And Mr. Tobin Hobbs is a corporate	12:06:42
17	representative of ToughBuilt; is that correct?	12:06:46
18	A. That's correct.	12:06:50
19	Q. And do you know what his role at ToughBuilt is?	12:06:51
20	A. Other than corporate -- he's their lawyer in	12:06:56
21	this matter, is my understanding.	12:06:59
22	Q. So he's their in-house counsel?	12:07:01

Transcript of John Michael McCarthy, Ph.D.
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1	A. Yes.	12:07:02
2	Q. Okay. About how many hours did you spend	12:07:03
3	preparing to testify today?	12:07:13
4	A. About 12.	12:07:14
5	Q. Okay. I'd like to spend a little bit of time	12:07:15
6	talking about your background. Can you walk me	12:07:24
7	through your professional background?	12:07:27
8	A. Sure. I'm a professor at the University of	12:07:28
9	California Irvine. I joined UCI in 1986, so	12:07:31
10	I've been here almost 40 years. Before that,	12:07:41
11	I taught at the University of Pennsylvania,	12:07:45
12	and before that, at the University of	12:07:47
13	California -- I'm sorry, at Loyola Marymount	12:07:50
14	University.	12:07:54
15	I got my Ph.D. in 1979 and went to	12:07:55
16	work for FMC Corporation. And while I have	12:07:58
17	been doing teaching and research in the area	12:08:07
18	of mechanisms, machine design, articulated	12:08:10
19	systems and robotics, I've also consulted	12:08:15
20	occasionally in -- for legal cases in product	12:08:19
21	liability and intellectual property.	12:08:25
22	For a short period of time, I	12:08:30

1	actually became the chief technical officer of	12:08:31
2	a medical start-up company, Accuray	12:08:34
3	Incorporated.	12:08:39
4	Q. And Accuray was focused on robotics surgeries;	12:08:39
5	is that correct?	12:08:50
6	A. Radiation surgery, yes.	12:08:51
7	Q. Okay. And --	12:08:52
8	A. I'm sorry, but just as a clarification,	12:08:58
9	"surgery" implies that it's cutting into.	12:09:02
10	Radiation surgery uses a beam of radiation to	12:09:07
11	effect therapy. In their case, it was in the	12:09:17
12	brain.	12:09:20
13	Q. Okay. Very interesting.	12:09:20
14	When you worked at FMC Corporation,	12:09:23
15	what kind of work did you do there?	12:09:28
16	A. I worked for their central engineering labs,	12:09:31
17	which was a consulting. I served in the role	12:09:36
18	of a consulting engineer who would work with	12:09:39
19	their various product divisions to help	12:09:44
20	troubleshoot problems with their machines,	12:09:47
21	primarily using vibrational analysis	12:09:54
22	techniques.	12:10:00

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16

1	Q. Okay. And you do not have your professional	12:10:00
2	engineering license. Correct?	12:10:02
3	A. I do not.	12:10:04
4	Q. And you have not designed a consumer product	12:10:05
5	before. Correct?	12:10:10
6	A. That's correct.	12:10:17
7	Q. And you have not designed a latching mechanism	12:10:18
8	that was implemented in a product; is that	12:10:21
9	correct?	12:10:23
10	A. That's correct.	12:10:25
11	Q. Okay. Are you familiar with the materials that	12:10:26
12	were submitted with the petition in this	12:10:35
13	matter?	12:10:37
14	A. I'm not sure what you're referring to.	12:10:37
15	Q. So you're aware that there was a petition	12:10:40
16	submitted in this matter. Correct?	12:10:43
17	A. Correct.	12:10:44
18	Q. And your declaration was one of the things that	12:10:45
19	was submitted with that. Correct?	12:10:48
20	A. That's correct.	12:10:50
21	Q. And then there were a number of exhibits; is	12:10:50
22	that right?	12:10:54

1	A. That's correct.	12:10:55
2	Q. And are you familiar with all of those	12:10:55
3	materials?	12:10:57
4	A. I'm not sure what you're referring to when you	12:11:00
5	say "all of those materials." I would like to	12:11:02
6	believe I'm familiar with them, but I focused	12:11:04
7	primarily on the patents that I use to find	12:11:06
8	equivalent features recited in the claims.	12:11:12
9	Q. So if I recall correctly, I think that your	12:11:14
10	declaration cites to all of Exhibits 1001	12:11:18
11	through 1030 with the exception of, of course,	12:11:24
12	itself, which is Exhibit 1002; is that correct?	12:11:28
13	A. I have a stack of exhibits here. I could -- I	12:11:38
14	could check real quickly.	12:11:42
15	Let's see. That would be -- that's	12:11:56
16	going to be a little bit tedious, but it's --	12:11:58
17	yes, whatever the exhibits are that are on	12:12:00
18	that list.	12:12:03
19	Q. Okay. Are there any materials that you	12:12:04
20	considered in preparing your report that	12:12:07
21	weren't provided as exhibits to the petition?	12:12:08
22	A. No, not that I know of.	12:12:11

Transcript of John Michael McCarthy, Ph.D.
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18

1	Q. Okay.	12:12:12
2	MS. HALSEY: Ken, can we go ahead and	12:12:19
3	put up Exhibit 1003?	12:12:21
4	PLANET DEPOS TECH: Stand by.	12:12:24
5	ENTERED INTO THE RECORD:	12:12:26
6	PREVIOUSLY MARKED EXHIBIT 1003	12:12:26
7	12:12 p.m.	12:12:51
8	BY MS. HALSEY:	12:12:51
9	Q. So, first, I realize I need to correct myself.	12:12:51
10	Earlier I said that I thought your declaration	12:12:53
11	was Exhibit 1002; it is not. It is	12:12:56
12	Exhibit 1003.	12:12:58
13	Have you seen this document before?	12:12:59
14	A. I -- I'm sorry that I wasn't familiar enough	12:13:02
15	with the list of deposition -- list of	12:13:04
16	exhibits to correct you, so it's -- thank you.	12:13:07
17	Q. No need to apologize. I don't think any of us	12:13:11
18	have memorized all 30 yet.	12:13:14
19	Have you seen this document before?	12:13:20
20	A. Yes, I have. That's what I've been using to	12:13:21
21	prepare for this deposition.	12:13:23
22	Q. And what is this document?	12:13:25

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19

1	A. That's the declaration that I presented --	12:13:27
2	prepared for the IPR.	12:13:31
3	Q. Does this document contain all of the opinions	12:13:34
4	that you have in this case, or in this matter?	12:13:36
5	A. It does.	12:13:41
6	Q. Okay. Let's turn to page 1 after the Table of	12:13:42
7	Contents, paragraph 1. And here you say that	12:13:49
8	you're being compensated for your time in	12:13:53
9	connection with the IPR at your standard	12:13:55
10	consulting rate. Do you see that?	12:13:58
11	A. Could -- would it be okay if the --	12:14:00
12	Q. Yeah.	12:14:00
13	MS. HALSEY: Ken, can you make it	12:14:04
14	big? Perfect.	12:14:08
15	THE WITNESS: Thank you.	12:14:08
16	A. Yes, that's correct.	12:14:10
17	BY MS. HALSEY:	12:14:11
18	Q. And what is your standard consulting rate?	12:14:11
19	A. It's 350 an hour for investigation and	12:14:14
20	preparing reports and meeting with lawyers,	12:14:19
21	and then 550 an hour for deposition testimony.	12:14:21
22	Q. Okay. And, Dr. McCarthy, your report discusses	12:14:24

1	a number of references but only five of those	12:14:30
2	references are included in the grounds of	12:14:33
3	patentability; is that correct?	12:14:35
4	A. That's correct.	12:14:36
5	Q. How did you decide which references to include	12:14:36
6	as grounds of unpatentability?	12:14:42
7	A. Well, in collaboration with Mr. Tang, we tried	12:14:44
8	to identify the patents that most clearly and	12:14:49
9	simply reflected the -- all of the limitations	12:14:55
10	recited in the claims of the '946 patent.	12:15:01
11	Q. Okay.	12:15:04
12	MS. HALSEY: Ken, can we flip ahead	12:15:18
13	to page 71 of this document, which I think will	12:15:20
14	be like around 78, give or take, factoring in	12:15:27
15	the table of authorities.	12:15:30
16	Perfect. Thank you.	12:15:47
17	BY MS. HALSEY:	12:15:49
18	Q. Dr. McCarthy, I'd like to draw your attention	12:15:49
19	to the portion that discusses a "stop part,"	12:15:55
20	and it says, "If not construed as a	12:16:01
21	means-plus-function element," and then it talks	12:16:03
22	about how it should be construed if it's not	12:16:05

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21

1	construed as means-plus-function element.	12:16:08
2	Do you see that?	12:16:10
3	A. I do.	12:16:11
4	THE WITNESS: Just a touch more zoom.	12:16:11
5	MS. HALSEY: Yes, we can make it a	12:16:15
6	bit bigger.	12:16:17
7	THE WITNESS: Thank you. That's too	12:16:19
8	much.	12:16:21
9	MS. HALSEY: Oh, that's perfect.	12:16:21
10	THE WITNESS: All right, that's fine.	12:16:22
11	MS. HALSEY: We can move our chairs	12:16:24
12	back.	12:16:25
13	THE WITNESS: Yeah.	12:16:26
14	BY MS. HALSEY:	12:16:28
15	Q. Dr. McCarthy, are you familiar with the phrase	12:16:29
16	"means-plus-function"?	12:16:30
17	A. I am.	12:16:31
18	Q. What's your understanding of what that term	12:16:32
19	means?	12:16:35
20	A. It's my understanding that the claim language,	12:16:41
21	the language of a claim, can describe	12:16:44
22	structures in a somewhat general form by	12:16:49

1 describing its function rather than its
2 structure, so -- and typically that's signaled
3 in the claim language by the use of a "means
4 for," and then a description of the function.

5 What that does is that allows the
6 inventor to sort of signal that there's a
7 range of structures, not all of them described
8 in the embodiment, which could be used for
9 that claim element.

10 I understand that -- originally,
11 that was viewed as a very general -- an
12 opportunity for a general array of structures,
13 but then there was the decision that
14 means-plus-function elements really refers to
15 structure that is recited in the specification
16 and their equivalent forms, and so it became
17 less popular to use, in my understanding,
18 means-plus -- that means-plus-function phrase.

19 However, it is not unusual for claim
20 elements to be described primarily by their
21 function, and therefore -- and it's I guess --
22 it's up to the judge to decide how this

12:16:54

12:16:57

12:17:00

12:17:03

12:17:07

12:17:12

12:17:18

12:17:22

12:17:25

12:17:28

12:17:35

12:17:37

12:17:40

12:17:43

12:17:47

12:17:52

12:17:54

12:17:59

12:18:03

12:18:09

12:18:12

12:18:15

1	construction is done, but it could be the	12:18:20
2	decision of the judge that a element that is	12:18:22
3	primarily described by its function should be	12:18:25
4	interpreted as a means-plus-function element.	12:18:28
5	Q. Thank you.	12:18:32
6	MS. HALSEY: Ken, can we flip to the	12:18:35
7	next page, page 72.	12:18:37
8	BY MS. HALSEY:	12:18:46
9	Q. Now, Dr. McCarthy, am I correct that your	12:18:46
10	report discusses a number of different claim	12:18:48
11	constructions that have been proffered by both	12:18:50
12	parties in the district court case?	12:18:52
13	A. I present them, yes. I -- it is necessary in	12:18:54
14	order to analyze a claim to come to an	12:19:01
15	understanding of the meaning of the claim	12:19:05
16	language, and that process is generally	12:19:07
17	referred to as a construction, but,	12:19:11
18	technically, the construction is provided by	12:19:13
19	the judge. And as I understand it, the judge	12:19:16
20	hasn't provided constructions.	12:19:19
21	My primarily -- my primary approach	12:19:24
22	to understanding the language in the claims	12:19:26

1	has been to give them, the words, their	12:19:29
2	ordinary meaning, which is the -- sort of the	12:19:34
3	phrase, ordinary meaning to a person of	12:19:36
4	ordinary skill in the art, and then I would	12:19:39
5	refer to the specification too if I needed	12:19:42
6	more information.	12:19:46
7	Q. Excellent.	12:19:49
8	MS. HALSEY: Ken, can we move to	12:19:52
9	Exhibit 1001?	12:19:55
10	ENTERED INTO THE RECORD:	12:20:05
11	PREVIOUSLY MARKED EXHIBIT 1001	12:20:05
12	12:20 p.m.	12:20:20
13	BY MS. HALSEY:	12:20:20
14	Q. And, Dr. McCarthy, I'm showing you what's been	12:20:21
15	previously marked as Exhibit 1001. Have you	12:20:24
16	seen this document before?	12:20:27
17	A. Yes.	12:20:28
18	Q. And what is it?	12:20:28
19	A. This is the Zhang patent which is the subject	12:20:30
20	of the IPR.	12:20:34
21	Q. What do you understand this patent to teach?	12:20:36
22	MR. TANG: Objection. Form.	12:20:41

1	A. I'm sorry, what was the question again?	12:20:44
2	BY MS. HALSEY:	12:20:49
3	Q. As an expert in this matter, what is your	12:20:52
4	understanding as to what the '946 patent	12:20:55
5	teaches?	12:20:58
6	MR. TANG: Objection. Form.	12:20:59
7	A. It describes an invention which consists of a	12:21:01
8	system for latching storage boxes together in	12:21:10
9	a stack.	12:21:15
10	BY MS. HALSEY:	12:21:17
11	Q. Do you understand the '946 patent to teach the	12:21:18
12	ability to connect containers that are of the	12:21:24
13	same size to one another?	12:21:27
14	MR. TANG: Objection. Form.	12:21:29
15	A. My understanding is it focuses on the latch	12:21:31
16	assembly, and, in particular, a stop part that	12:21:36
17	allows that latch to be held open so that it	12:21:41
18	doesn't automatic -- so that -- the latch can	12:21:45
19	automatically latch when you stack one box on	12:21:48
20	top of the other, but the stop part can be	12:21:51
21	used to hold the latch open when you want to	12:21:54
22	take the boxes apart.	12:21:57

1	So the focus is really on that	12:22:00
2	feature of the -- of the system.	12:22:02
3	BY MS. HALSEY:	12:22:07
4	Q. Okay.	12:22:08
5	MS. HALSEY: Ken, can we turn to	12:22:09
6	column 15 of this patent, and that's going to	12:22:12
7	be on the next-to-last page.	12:22:15
8	PLANET DEPOS TECH: I'm sorry, what	12:22:27
9	page?	12:22:28
10	MS. HALSEY: The next-to-last page of	12:22:28
11	the document. It's -- it will have column 15	12:22:29
12	and 16 on the top of it.	12:22:32
13	Yes. Perfect. We'd like to focus on	12:22:34
14	Claim 1, if you could bring that up to the top.	12:22:38
15	BY MS. HALSEY:	12:22:44
16	Q. And, Dr. McCarthy, are you able to read Claim 1	12:22:57
17	when you look at the screen currently?	12:23:00
18	A. I am.	12:23:03
19	Q. Okay. And are you familiar with claim 1 of the	12:23:04
20	'946 patent?	12:23:08
21	A. I am.	12:23:08
22	Q. And how are you familiar with it?	12:23:08

1	A. Well, this -- all of the claims, 1 through 15,	12:23:13
2	has been the focus of my study and the	12:23:15
3	preparation -- and the declaration prepared	12:23:20
4	for this IPR.	12:23:24
5	Q. Excellent. When we look at Claim 1, in the	12:23:24
6	last paragraph of Claim 1 that's where it	12:23:31
7	references a stop part which we've been talking	12:23:35
8	about. Do you see that?	12:23:38
9	A. Yes.	12:23:39
10	Q. What do you understand the plain and ordinary	12:23:40
11	meaning of the phrase "stop part" to be as used	12:23:43
12	in the '946 patent?	12:23:46
13	A. I can't interpret it with just the phrase	12:23:51
14	"stop part." I have to read the remainder of	12:23:54
15	the characterization of the "stop part" in	12:24:01
16	order to understand its meaning, and then I	12:24:04
17	can use -- and then I can then look at the	12:24:08
18	specification to see where the "stop part" is	12:24:10
19	described to come to that understanding.	12:24:14
20	Q. When you were preparing your report, you had --	12:24:18
21	you had an understanding as to what a stop part	12:24:23
22	meant, correct, as part of your --	12:24:26

1	A. That's correct.	12:24:28
2	Q. -- analysis?	12:24:28
3	And what --	12:24:28
4	A. That's correct.	12:24:29
5	Q. -- meaning did you use in your report for the	12:24:29
6	phrase "stop part"?	12:24:32
7	A. Certainly. The description of the stop part	12:24:34
8	in this invention is an element that can	12:24:39
9	extend upwards and limit the movement of the	12:24:46
10	locking part, which is actually the latch that	12:24:51
11	holds one storage box to the other. And by	12:24:55
12	limiting that movement, it actually holds the	12:24:59
13	latch open and allows the upper box to be	12:25:02
14	removed from the lower box.	12:25:07
15	And the stop part is the component	12:25:09
16	that actually stops the locking buckle from	12:25:11
17	engaging the -- of the lower box from engaging	12:25:19
18	the slot of the upper box, uh-huh.	12:25:24
19	Q. Do you understand stop part to be a	12:25:26
20	means-plus-function claim?	12:25:32
21	A. For the purpose of my analysis, I just worked	12:25:33
22	directly with the ordinary meaning of the	12:25:35

1	elements of this claim.	12:25:38
2	Q. Okay.	12:25:41
3	A. I have had experience analyzing	12:25:42
4	means-plus-function elements, and it's a --	12:25:45
5	it's a detailed activity that I didn't perform	12:25:52
6	in this case.	12:25:54
7	Q. I'd like to scroll up to the second paragraph	12:26:05
8	of Claim 1. So that's the paragraph that	12:26:08
9	begins, "wherein said first connection part."	12:26:16
10	And, Dr. McCarthy, do you see that	12:26:22
11	paragraph?	12:26:24
12	A. I do.	12:26:24
13	Q. And in that paragraph, do you see the phrase	12:26:26
14	"mounting body"?	12:26:29
15	A. I'm getting --	12:26:35
16	THE WITNESS: I'm sorry to ask, just	12:26:36
17	a little bit more.	12:26:38
18	MS. HALSEY: Of course.	12:26:39
19	THE WITNESS: There we go. That's	12:26:44
20	perfect.	12:26:45
21	MS. HALSEY: And I think that I'll	12:26:46
22	have several questions in this section so we	12:26:47

1	can leave it nice and big for now.	12:26:49
2	A. Okay. You said the first paragraph. I don't	12:26:52
3	see "mounting" --	12:26:52
4	BY MS. HALSEY:	12:26:52
5	Q. In the paragraph that says "wherein said first	12:26:55
6	connection part" --	12:27:00
7	A. Got it.	12:27:00
8	Q. -- that's the paragraph we're looking at.	12:27:02
9	Do you see the phrase "mounting body"	12:27:03
10	in there?	12:27:05
11	A. I do.	12:27:05
12	Q. In your experience with reviewing this patent,	12:27:06
13	have you seen the phrase "mounting part" also	12:27:08
14	used?	12:27:12
15	A. Yes.	12:27:14
16	Q. Do you understand there to be any difference	12:27:14
17	between a mounting body and a mounting part?	12:27:16
18	A. Not in the context of this -- of the claim, in	12:27:19
19	the claim language.	12:27:21
20	Q. And what do you understand to be the plain and	12:27:22
21	ordinary meaning of the mounting body or the	12:27:26
22	mounting part?	12:27:27

1 A. Well, the phrase "mounting," in somewhat the 12:27:29
2 same way as "stop part," this is a very 12:27:34
3 general phrase, and inventors are, at least in 12:27:36
4 my own experience, advised to use general 12:27:41
5 phrases that are then characterized by the 12:27:45
6 other words in the claim and the descriptions 12:27:50
7 in the specification. 12:27:53

8 So "mounting body," in isolation, 12:27:55
9 doesn't have a plain and ordinary meaning in 12:28:01
10 the context of the claim language. It's 12:28:04
11 really mounting body as described in the claim 12:28:06
12 language and shown in the specification. 12:28:09

13 Q. And considering the language of the claim and 12:28:13
14 the language of the specification, what do you 12:28:17
15 understand the mounting body to be? 12:28:19

16 A. Well, it's a portion of the latch that is 12:28:21
17 mounted to the container, and it's recited as 12:28:23
18 the first connection part, so that -- the 12:28:35
19 first connection part has this mounting body, 12:28:37
20 as well as all these other elements that form 12:28:42
21 the latch that connects the lower box to the 12:28:44
22 upper box by engaging this -- the slot in the 12:28:50

1	second connection part.	12:28:55
2	Q. Do you understand the term "mounting body" to	12:28:56
3	refer to just one part or to refer to multiple	12:29:00
4	parts?	12:29:03
5	A. It's whatever parts are required to hold -- to	12:29:06
6	create the structure that holds the latch to	12:29:09
7	the storage box.	12:29:14
8	Q. So if we're talking about the plain and	12:29:16
9	ordinary meaning of a term, would you	12:29:22
10	understand "mounting body" to be a singular	12:29:27
11	term, whereas "mounting bodies" would be the	12:29:29
12	plural?	12:29:31
13	MR. TANG: Objection. Form.	12:29:32
14	A. That is exactly the way I would understand it,	12:29:32
15	but that doesn't mean mounting body doesn't	12:29:39
16	have multiple parts.	12:29:41
17	MS. HALSEY: Ken, I'd like to flip to	12:29:48
18	Figure 7 briefly, and that is on sheet 4, so it	12:29:50
19	will be up from where we are. And I think it's	12:30:04
20	page 6. Perfect.	12:30:16
21	BY MS. HALSEY:	12:30:18
22	Q. Dr. McCarthy, I know this is a little bit	12:30:18

1	faint, and my apologies for that. Are you able	12:30:20
2	to see that okay?	12:30:23
3	A. Yes.	12:30:24
4	Q. Do you -- when you look at Figure 7 of the '946	12:30:26
5	patent, do you see the mounting body?	12:30:38
6	A. Yes. It's my recollection that the element	12:30:45
7	that's identified as 112 is identified as the	12:30:48
8	mounting body.	12:30:52
9	Q. And in this -- in figure --	12:30:53
10	A. In the specification. I have to say, in the	12:30:57
11	specification, it's identified as the mounting	12:30:59
12	body.	12:31:02
13	But I think to be useful and to meet	12:31:02
14	the description that's in the claims, you	12:31:05
15	would have to include the two screws that	12:31:08
16	attach it to the -- to the cover. Otherwise,	12:31:10
17	it wouldn't be -- it wouldn't operate.	12:31:15
18	Q. So would it be fair to say that the screws that	12:31:19
19	you reference are mounted onto the mounting	12:31:29
20	body?	12:31:31
21	A. Well, the two screws go through the mounting	12:31:33
22	body, and it -- or part -- I consider it part	12:31:35

1	of the mounted body because they are what	12:31:39
2	mount. They are what turns that body into a	12:31:42
3	mount. It's now held by the -- by the cover.	12:31:46
4	Q. In Figure 7, does the specification or the	12:31:53
5	image delineate the screws or any other parts	12:32:00
6	as part of the mounting body?	12:32:07
7	A. I think one of ordinary skill in the art would	12:32:08
8	recognize that that's clearly what is going	12:32:12
9	on. In order for that element 112 to serve	12:32:15
10	the -- what is recited in the claim, it has to	12:32:22
11	be attached to the cover, and a person of	12:32:27
12	ordinary skill in the art would see those	12:32:32
13	screws passing through the holes that you see	12:32:34
14	in 112 into the holes that you see in the	12:32:36
15	cover as forming the mount that transforms	12:32:40
16	that body into a mounting body.	12:32:45
17	Q. Dr. McCarthy, if the mounting body was	12:32:47
18	integrally formed, would that change your	12:32:52
19	answer?	12:32:55
20	A. A mounting body could consist of one part or	12:32:59
21	multiple parts as long as it meets the	12:33:03
22	requirements of the claim.	12:33:08

1 Q. And if --

12:33:10

2 A. What we start with, at least my understanding
3 in terms of analyzing claim language, is we
4 start with the language, and then we try to
5 have the claim language be understandable in
6 and of itself. And to the extent that the
7 specification helps that understanding, what
8 you're seeing is the inventor's embodiments,
9 various embodiments that the inventor
10 proposes.

12:33:11

12:33:13

12:33:19

12:33:23

12:33:25

12:33:31

12:33:33

12:33:38

12:33:42

11 And so in this context, at least for
12 this embodiment, it -- I understand the
13 inventor as showing that the mounting body,
14 which is recited in the claim, as being part
15 of the -- of the storage box. It gets mounted
16 to the -- includes these screws that connect
17 it to the cover.

12:33:44

12:33:46

12:33:49

12:33:52

12:33:56

12:34:01

12:34:05

18 Q. If other items beyond the screws were connected
19 to the mounting body, would they also be
20 considered a part of the mounting body when you
21 are construing this term?

12:34:08

12:34:15

12:34:17

12:34:21

22 A. If they also ensure that it is mounted. If

12:34:23

1	they transform the body into a mounting body,	12:34:27
2	then they would serve that role.	12:34:31
3	Q. Okay.	12:34:35
4	A. In fact, there's many ways that you can attach	12:34:36
5	parts together, and I could imagine the	12:34:38
6	inventor not expecting to be restricted to	12:34:40
7	simply screws. So that's why the phrase	12:34:45
8	"mounting body" is generic, and this is just a	12:34:48
9	embodiment.	12:34:52
10	Q. I want to stay on Figure 7 for a moment but ask	12:35:07
11	you a very different question.	12:35:09
12	Do you see anything in Figure 7 that	12:35:11
13	you would understand to be the locking buckle?	12:35:14
14	A. The patent itself recites 122 as the locking	12:35:18
15	buckle.	12:35:22
16	Q. And do you understand the locking buckle as	12:35:23
17	shown here to be the entire latch component?	12:35:27
18	A. Well, that -- the patent also recites 12 as	12:35:35
19	being the latch. So I believe it's described	12:35:42
20	in the claim language as the locking buckle as	12:35:47
21	the -- the locking part -- 12 is the locking	12:35:52
22	part which includes a locking buckle. And I	12:35:54

1	believe the -- you know, that's understood to	12:35:58
2	be a latch.	12:36:00
3	Q. Okay.	12:36:03
4	MS. HALSEY: Let's turn back to	12:36:05
5	Claim 1 again, if we can, Ken.	12:36:07
6	BY MS. HALSEY:	12:36:36
7	Q. And looking back at that paragraph that we were	12:36:36
8	talking about earlier, the one that starts	12:36:38
9	"wherein said first connection part," do you	12:36:40
10	see where that paragraph references the locking	12:36:45
11	buckle?	12:36:47
12	A. Yes.	12:36:48
13	Q. And you may have already answered this with	12:36:48
14	your prior question [sic], but I want to make	12:36:52
15	sure I've asked the question properly. What do	12:36:54
16	you understand to be either the plain and	12:36:56
17	ordinary meaning or the meaning as implied from	12:36:59
18	the specification and claims of the phrase	12:37:00
19	"locking buckle"?	12:37:03
20	MR. TANG: Objection. Form.	12:37:05
21	A. The locking -- as I -- I believe a person of	12:37:07
22	ordinary skill in the art would understand the	12:37:10

1 term "locking buckle" that's moveable with 12:37:15
2 respect to the mounting body, and the 12:37:17
3 specification that points to an example of it, 12:37:24
4 which is that tongue that comes out of the 12:37:26
5 locking -- the locking part, to be the element 12:37:30
6 that actually engages the slot or the catch in 12:37:35
7 the upper storage box to hold it in place when 12:37:42
8 the system -- when the latch is locked. 12:37:48

9 BY MS. HALSEY: 12:37:55

10 Q. I'm going to ask you about another word in this 12:37:55
11 paragraph, the word "between." What do you 12:37:58
12 understand to be the plain and ordinary meaning 12:38:02
13 of the word "between"? 12:38:04

14 A. Normally in the -- in situations like this I 12:38:10
15 would look it up in the dictionary, use the -- 12:38:12
16 whatever the phrase in the dictionary -- in 12:38:15
17 the dictionary to mean -- to be the plain and 12:38:19
18 ordinary meaning. I didn't do it in this 12:38:23
19 case, so I don't have anything more to say 12:38:25
20 that -- than in an assembly, you know, if you 12:38:31
21 view this from a person of ordinary skill in 12:38:37
22 the art's perspective, parts that are between, 12:38:40

1 you would have an assembly that begins with 12:38:45
2 one part, then you have a second part and a 12:38:47
3 third part, and in that assembly, the second 12:38:50
4 part would be between the first and the second 12:38:54
5 part. 12:38:56

6 And that's typically the way 12:38:57
7 resilient members or springs are assembled 12:39:00
8 because they are designed, are intended to 12:39:03
9 apply forces between one part and -- which 12:39:07
10 would -- identified as the first part, and 12:39:12
11 then the third part. 12:39:15

12 Q. So just to confirm, you are saying that the 12:39:16
13 second part would be between part -- the first 12:39:20
14 and the third part; is that correct? 12:39:23

15 A. That's correct, yeah. 12:39:25

16 Q. And are we -- are -- again, to confirm, is 12:39:27
17 it -- is it fair to say that the dictionary 12:39:33
18 definition of "between" would be the plain and 12:39:35
19 ordinary meaning of that word? 12:39:39

20 A. That's the way I -- 12:39:40

21 MR. TANG: Objection. Form. 12:39:41

22 Objection. Form. 12:39:42

1	A. I generally use the dictionary definition as	12:39:43
2	the plain and ordinary meaning --	12:39:50
3	BY MS. HALSEY:	12:39:53
4	Q. And --	12:39:54
5	A. -- when I do an analysis of claims, claim	12:39:54
6	language.	12:39:57
7	Q. Would you consider the words "between" and	12:39:58
8	"within" to be synonyms?	12:40:01
9	A. It really -- it really depends on the claim	12:40:05
10	language itself and how the embodiment	12:40:10
11	represents the claim language.	12:40:16
12	Q. Putting the claim language aside, if we're	12:40:19
13	looking just at the plain and ordinary meaning	12:40:22
14	of the word "between" and the plain and	12:40:23
15	ordinary meaning of the word "within," when	12:40:26
16	you're comparing the plain and ordinary meaning	12:40:28
17	of the words "between" and "within," would they	12:40:30
18	be synonyms?	12:40:32
19	MR. TANG: Objection. Incomplete	12:40:34
20	hypothetical.	12:40:34
21	A. That's not the way I would view them. I think	12:40:37
22	there could be situations where they do	12:40:41

1	describe similar relationships, but then I	12:40:47
2	think there's situations where they don't.	12:40:52
3	BY MS. HALSEY:	12:40:56
4	Q. What do you understand to be the difference	12:40:57
5	between the plain and ordinary meaning of	12:40:58
6	"between" and the plain and ordinary meaning of	12:41:00
7	"within"?	12:41:02
8	A. Well, "within," to me, describes inside an	12:41:08
9	enclosure of some kind. Within a room.	12:41:10
10	To be "between" really describes the	12:41:17
11	relationship in a sequence. So there could be	12:41:21
12	a wall and then a person and then another	12:41:26
13	wall, and the person would be between two	12:41:30
14	walls but not necessarily within an enclosed	12:41:33
15	space.	12:41:39
16	Q. Okay. I have one more word I'm going to ask	12:41:40
17	you about, and we're going to look at the	12:41:43
18	paragraph that begins, "wherein the locking	12:41:46
19	buckle."	12:41:50
20	A. Got it.	12:41:53
21	Q. Do you see that?	12:41:54
22	A. Uh-huh.	12:41:55

1	Q. What I'd like to ask you is, do you see where	12:41:55
2	it says, "is configured to slide inward"?	12:41:58
3	Do you see that?	12:42:01
4	A. Give me a minute.	12:42:03
5	Yes, "wherein the locking buckle is	12:42:09
6	configured to slide inward," yes.	12:42:12
7	Q. What is your understanding of the plain and	12:42:13
8	ordinary meaning of the word "slide"?	12:42:17
9	A. "Slide," at least in the context of -- from	12:42:22
10	the person -- of a person of ordinary skill in	12:42:26
11	this art, is the relative movement of two	12:42:33
12	parts that move in contact with each other.	12:42:35
13	Q. And I apologize, I'm taking a second to	12:42:40
14	organize.	12:42:58
15	Would you understand the movement	12:42:59
16	that you just described with regards to the	12:43:03
17	plain and ordinary meaning of the word "slide,"	12:43:07
18	is that movement linear or is it rotational?	12:43:09
19	A. It could be either. It could be general --	12:43:13
20	any kind of general movement. You could have	12:43:16
21	sliding of parts through a chute that takes	12:43:20
22	any shape.	12:43:24

1	Q. In the context of sliding through a chute,	12:43:25
2	would the chute be prescribing the shape of the	12:43:31
3	slide?	12:43:34
4	A. The -- in that illustration, the shape of	12:43:37
5	the -- or the trajectory of the sliding	12:43:46
6	movement is prescribed by the -- by the shape	12:43:48
7	of the slide.	12:43:52
8	Q. Would you understand a pivoting movement to	12:43:58
9	also be a type of sliding movement?	12:44:02
10	A. The slide refers to, at least in the context	12:44:08
11	of these claims, the movement of a tongue	12:44:12
12	engaging a latch or a locking -- a portion of	12:44:17
13	the locking buckle engaging a latch. So that	12:44:22
14	slide movement can be generated -- I believe	12:44:25
15	the inventor would want that slide movement to	12:44:32
16	be generated in whatever way was necessary to	12:44:34
17	achieve the engagement that holds the two	12:44:39
18	storage boxes in -- together.	12:44:47
19	Q. In the context of this patent, the '946, what	12:44:50
20	type of movement is the sliding movement? Is	12:44:56
21	it -- would you consider it to be pivoting?	12:45:00
22	Would you consider it to be linear? Would you	12:45:06

1	consider it to be rotational?	12:45:08
2	A. Well, it's described in --	12:45:10
3	MR. TANG: Objection to form.	12:45:11
4	A. It's described in the claim language that it's	12:45:12
5	horizontal engagement of the -- or horizontal	12:45:16
6	movement of the locking buckle entering the	12:45:20
7	slide.	12:45:23
8	So that horizontal movement can be	12:45:26
9	generated either in a number of different	12:45:28
10	ways, as long as at the point the locking	12:45:30
11	buckle engages the slide, that it's	12:45:36
12	horizontal.	12:45:43
13	MS. HALSEY: Ken, can you go ahead	12:45:43
14	and put up what's been previously marked as	12:45:49
15	Exhibit 1007?	12:45:52
16	ENTERED INTO THE RECORD:	12:45:52
17	PREVIOUSLY MARKED EXHIBIT 1007	12:45:52
18	12:45 p.m.	12:46:16
19	BY MS. HALSEY:	12:46:16
20	Q. Dr. McCarthy, I'm showing you what's been	12:46:16
21	previously marked as Exhibit 1007. Have you	12:46:18
22	seen this document before?	12:46:20

1	A. Yes.	12:46:21
2	Q. And what is it?	12:46:21
3	A. It is the Li patent. It is the patent that I	12:46:24
4	used to find all of the elements recited in	12:46:30
5	the '946 patent. All the elements of a number	12:46:34
6	of the claims of the '946 patent.	12:46:41
7	Q. I'd like to just look briefly at the abstract	12:46:48
8	here. And in the abstract, it says, "On both	12:46:51
9	sides of a box, an elastic pull latch is	12:46:56
10	provided at the top and a catch groove having a	12:46:59
11	catch affixed to the lower edge is provided at	12:47:02
12	the bottom."	12:47:04
13	Do you see that?	12:47:04
14	A. Yes.	12:47:05
15	Q. Based on that language, do you understand that	12:47:05
16	Li requires that there be a latch on either	12:47:11
17	side of the container?	12:47:13
18	A. I think Li describes the use of this latch for	12:47:18
19	mounting containers that are the same size,	12:47:27
20	but I wouldn't say that's required by the	12:47:28
21	description.	12:47:33
22	Q. Okay. When you read Li, did you identify any	12:47:34

1 problems with Li that one might need to fix? 12:47:42

2 A. Well, the goal -- the goal of analyzing Li was 12:47:49

3 to understand the descriptions of the 12:47:54

4 technology from the point of view of a person 12:47:58

5 of ordinary skill in the art and see if they 12:48:01

6 are described by the claim language in the 12:48:05

7 '946 patent. 12:48:11

8 What I found is that for many of the 12:48:13

9 claims, but not all of them, that claim 12:48:16

10 language accurately describes the features in 12:48:19

11 the Li patent or in terms -- in the way these 12:48:29

12 things are described, the Li patent teaches 12:48:35

13 technology -- or teaches elements that are the 12:48:41

14 same as what is described in the claims of the 12:48:49

15 '946 patent. 12:48:56

16 But there are several claims in the 12:48:57

17 '946 patent that describe features that are 12:49:00

18 not in Li. 12:49:04

19 Q. Okay. 12:49:09

20 MS. HALSEY: Let's go ahead and, Ken, 12:49:16

21 can we turn to Exhibit 1012? 12:49:20

22 ENTERED INTO THE RECORD: 12:49:24

1	PREVIOUSLY MARKED EXHIBIT 1012	12:49:24
2	12:49 p.m.	12:49:31
3	BY MS. HALSEY:	12:49:31
4	Q. And, Dr. McCarthy, I'm showing you what's been	12:49:40
5	previously marked as Exhibit 1012. Have you	12:49:42
6	seen this document before?	12:49:45
7	A. Yes.	12:49:46
8	Q. And what is it?	12:49:46
9	A. This is the Baruch patent. This is a second	12:49:48
10	patent that I used to show that technology	12:49:51
11	available or known to a person of ordinary	12:50:04
12	skill in the art would teach the elements that	12:50:09
13	are recited in the '946 patent.	12:50:13
14	And, again, this one teaches most of	12:50:17
15	the elements but not all of them in -- there's	12:50:20
16	several claims where the Baruch patent doesn't	12:50:25
17	have the claim elements that are in the '946	12:50:31
18	patent.	12:50:33
19	Q. Okay. Do you understand the Baruch patent to	12:50:34
20	teach the use of a latch on containers of	12:50:38
21	different sizes or the same size?	12:50:40
22	A. I believe the Baruch patent focuses on the	12:50:46

1	latch mechanism itself. It could be used on	12:50:49
2	mechanism -- on latch -- on boxes of the same	12:50:52
3	size or different sizes, I believe.	12:50:56
4	Q. Okay.	12:50:58
5	MS. HALSEY: I'd like to turn to	12:51:06
6	Figures 24A, B, and C, and that's sheet 25 of	12:51:07
7	27.	12:51:13
8	Ken, can you flip to page 25 of 27?	12:51:32
9	PLANET DEPOS TECH: Apologies.	12:51:36
10	MS. HALSEY: Perfect.	12:51:40
11	BY MS. HALSEY:	12:51:41
12	Q. Dr. McCarthy, I'm showing you Exhibits 24A,	12:51:42
13	24B, and 24C of Baruch. Are you familiar with	12:51:46
14	these drawings?	12:51:50
15	A. I am.	12:51:51
16	Q. When you look at these drawings, do you see a	12:51:52
17	latch?	12:51:55
18	A. I do.	12:51:56
19	Q. And where is the latch in these drawings?	12:51:57
20	A. It is an assembly formed by -- I guess it's	12:52:01
21	the assembly being identified by the arrow	12:52:09
22	310.	12:52:14

1 Q. Okay. Do you understand the latch, as taught
2 in Baruch, as being able to slide inward with
3 respect to the mounting part?

12:52:18

12:52:22

12:52:27

4 And if there are other figures that
5 would be more helpful to you, we can put them
6 up.

12:52:36

12:52:38

12:52:42

7 A. No. The -- yes. No and yes. Sorry. Too
8 many questions.

12:52:42

12:52:45

9 Just restate the first question so
10 that I can answer it clearly.

12:52:45

12:52:48

11 Q. Of course. Do you understand the latch, as
12 taught in Baruch, as being able to slide inward
13 with respect to the mounting part?

12:52:49

12:52:53

12:52:56

14 A. Yes. But there's -- it's important that we
15 understand that "inward" means in the
16 direction of locking the -- of the storage
17 containers together.

12:53:04

12:53:10

12:53:13

12:53:24

18 Q. Okay. Does the entire latch of Baruch slide
19 inward or does just the hook of Baruch slide
20 inward?

12:53:27

12:54:18

12:54:24

21 A. The latch rotates around that pivot 334. So
22 for the purposes of creating the latch, or

12:54:25

12:54:32

1 the -- for the purposes of engaging the 12:54:39
2 locking buckle with the mating part, it is the 12:54:43
3 end -- the upper end of that latch, identified 12:54:49
4 as 324, that engages the step 350, to create 12:54:54
5 that latching operation recited in the '946 12:55:00
6 patent, Claim 1 of the '946 and other -- other 12:55:10
7 claims. 12:55:15

8 MS. HALSEY: Ken, can we go ahead and 12:55:15
9 put on what's been previously marked as 12:55:27
10 Exhibit 1008. 12:55:30

11 ENTERED INTO THE RECORD: 12:55:42

12 PREVIOUSLY MARKED EXHIBIT 1008 12:55:42

13 12:55 p.m. 12:55:43

14 BY MS. HALSEY: 12:55:43

15 Q. Dr. McCarthy, I'm showing you what's been 12:55:43
16 previously marked as Exhibit 1008. Have you 12:55:45
17 seen this document before? 12:55:48

18 A. Yes. 12:55:49

19 Q. And what is it? 12:55:49

20 A. This is the Burchia patent. I use the Burchia 12:55:54
21 patent in combination with the Hammond patent 12:55:57
22 to combine with Li and then separately with 12:56:04

1 Baruch to teach the elements in a couple of 12:56:11
2 the claims of the '946 patent. 12:56:16

3 MS. HALSEY: And I'm going to point 12:56:22
4 you to page 3, paragraph 31. Can we flip to 12:56:24
5 that, Ken? 12:56:30

6 BY MS. HALSEY: 12:56:41

7 Q. And, Dr. McCarthy, when you read paragraph 31, 12:56:41
8 do you understand this paragraph to require 12:56:45
9 that the boxes that are stacked have the same 12:56:48
10 dimensions? 12:56:50

11 A. I think it doesn't require that they have the 12:57:36
12 same dimensions. It just means that they have 12:57:38
13 to be configured in a way that you can take 12:57:40
14 advantage of the -- of the slots that are in 12:57:43
15 the top and bottom of these boxes. 12:57:47

16 So, for example, the top box could 12:57:49
17 consist of two boxes that would then engage -- 12:57:55
18 that would -- so that the bottoms would then 12:58:01
19 engage with the top of the bottom box. 12:58:04

20 So it doesn't really recite the 12:58:07
21 dimensions involved, just that the 12:58:09
22 configuration allow you to take advantage of 12:58:11

1	what this patent recites, which is these	12:58:15
2	engagement slots.	12:58:18
3	Q. Does paragraph 31 discuss the use of a box that	12:58:20
4	has two boxes stacked above or below it?	12:58:25
5	A. It just recites a configuration of boxes, so I	12:58:29
6	would -- you know, I try to interpret claims	12:58:35
7	and claim language and even specifications in	12:58:39
8	their most favorable light for the inventor,	12:58:42
9	and I believe that's appropriate.	12:58:48
10	Q. Does any of paragraph 31 refer to plural boxes,	12:58:53
11	or is it all referring to a singular --	12:58:58
12	singular box -- a singular box that is on the	12:59:02
13	bottom and a singular box that is on the top?	12:59:05
14	A. It says boxes, and it says configured as the	12:59:07
15	same parts. I -- this isn't -- this isn't	12:59:11
16	claim language, this is specifications, which	12:59:15
17	means it's a preferred embodiment. But even	12:59:18
18	the preferred embodiment looks like it could	12:59:22
19	be -- isn't restrictive.	12:59:25
20	Q. Does the Burchia patent application teach the	12:59:32
21	use of a spring?	12:59:37
22	A. Yes.	12:59:42

1	Q. What kind of spring does the Burchia patent	12:59:42
2	teach?	12:59:45
3	A. Well, it has -- it uses a linear spring as the	12:59:45
4	catch which will now hold the boxes so that	12:59:52
5	they're -- so that the tongue on the upper box	12:59:59
6	is engaged in the slot of the lower box, but	13:00:02
7	then it has a paragraph that says that that	13:00:05
8	linear spring -- that it's actually up to the	13:00:07
9	skill of an ordinary person in the art to	13:00:12
10	recognize that that linear spring could be	13:00:18
11	replaced by a number of other different	13:00:20
12	equivalent features, such as a torsion spring,	13:00:22
13	that would perform that same locking function.	13:00:28
14	And that's, in fact, how I use the	13:00:33
15	Burchia patent to show that a person of	13:00:35
16	ordinary skill in the art understands the	13:00:38
17	equivalence of linear springs and torsional	13:00:41
18	springs. And then I use the Hammond patent to	13:00:43
19	show a specific implementation.	13:00:48
20	Q. Just to clarify so that I -- I'm sure I	13:00:51
21	understand your language, are you familiar with	13:00:56
22	the term "compression spring"?	13:01:00

1	A. Yes.	13:01:03
2	Q. And are compression spring and a linear spring	13:01:03
3	the same or are they different?	13:01:08
4	A. I'm sorry, I -- a linear spring is a spring	13:01:11
5	where the two ends move in a generally	13:01:16
6	straight line relative to each other. That	13:01:20
7	straight line can lead to an extension of the	13:01:24
8	spring, which means the two ends get farther	13:01:27
9	apart, which is generally referred to as an	13:01:31
10	extension spring, or the two ends could get	13:01:33
11	closer together, which means the spring	13:01:35
12	compresses, which means it can often be	13:01:39
13	described as a compression spring.	13:01:42
14	So -- but to distinguish it from a	13:01:46
15	torsion spring, it's often referred to as a	13:01:48
16	linear spring.	13:01:50
17	Q. Am I correct in understanding that, as you	13:01:59
18	defined it, a compression spring and an	13:02:02
19	extension spring are both subspecies of a	13:02:05
20	linear spring? Is that accurate?	13:02:10
21	A. Correct. In fact, the same spring can be used	13:02:14
22	to resist extension or compression. That's	13:02:19

1	why the word -- the spring -- the linear	13:02:22
2	spring isn't restricted to be either --	13:02:31
3	being either a extension or compression	13:02:36
4	spring. The same spring could be used in both	13:02:38
5	applications.	13:02:41
6	Q. Earlier, you referenced a torsion spring. Can	13:02:42
7	you tell me what a torsion spring --	13:02:46
8	A. Certainly. A linear spring applies forces	13:02:49
9	along a line, either in extension or	13:02:53
10	compression. A torsion spring applies forces	13:02:56
11	in an angular rotation, either in compression	13:03:02
12	or extension.	13:03:06
13	Q. So would I be correct in stating that a torsion	13:03:11
14	spring does not produce linear motion?	13:03:22
15	A. A torsion -- a torsion spring applies forces	13:03:26
16	that cause the rotation of one element	13:03:30
17	relative to another about a pivot. Now, how	13:03:40
18	that -- so what our concern is is how the body	13:03:43
19	that rotates moves, and that body that rotates	13:03:48
20	can have a component that is positioned so	13:03:55
21	that it moves horizontally -- it slides in a	13:03:57
22	horizontal or linear direction to cause an	13:04:01

1	engagement.	13:04:04
2	It is -- it is common to use	13:04:07
3	rotation to provide horizontal linear	13:04:10
4	engagement.	13:04:16
5	Q. So am I correct in understanding that in order	13:04:17
6	to use a torsion spring to create linear	13:04:19
7	engagement, one would have to use an additional	13:04:23
8	part in order to create that motion?	13:04:26
9	MR. TANG: Objection. Form.	13:04:29
10	A. Well, that's how -- that's how they're used.	13:04:33
11	That's how they're used. You can't use a	13:04:36
12	spring -- you -- the spring has to have a	13:04:38
13	fixed element that it pushes against and	13:04:42
14	another element that it causes to move or	13:04:46
15	applies a force to move, so that a spring is	13:04:51
16	between those two parts and will apply forces	13:04:57
17	to one to cause it to move.	13:05:00
18	BY MS. HALSEY:	13:05:03
19	Q. Can you just specifically walk me through how a	13:05:04
20	torsion spring would generate linear movement?	13:05:08
21	A. Certainly. I think in -- I think Hammond is a	13:05:10
22	good example. You can actually see a torsion	13:05:14

1 spring, you can see a pivot, and you can see
2 the pawl move. And if you actually sort of
3 track a particular point on the pawl, you see
4 that it moves in a generally straight line
5 from a position that's down to a position
6 that's up.

7 And that's sort of how I
8 interpret -- how I interpret that that torsion
9 spring can be used in the context of the claim
10 language of the '946 patent.

11 MS. HALSEY: Let's go ahead and turn
12 to Exhibit 1009, please, Ken.

13 ENTERED INTO THE RECORD:

14 PREVIOUSLY MARKED EXHIBIT 1009

15 1:06 p.m.

16 MR. TANG: Anna, I think we've been
17 going for about an hour, so whenever you have a
18 good breaking point, that would be great.

19 MS. HALSEY: Yes, I have one question
20 on this document, so I figured this was a good
21 spot to stop at.

22 MR. TANG: Yes.

13:05:19

13:05:22

13:05:26

13:05:29

13:05:33

13:05:36

13:05:37

13:05:42

13:05:44

13:05:48

13:05:55

13:05:57

13:06:03

13:06:03

13:06:16

13:06:16

13:06:17

13:06:19

13:06:21

13:06:22

13:06:25

13:06:26

Transcript of John Michael McCarthy, Ph.D.
Conducted on May 13, 2026

58

1	BY MS. HALSEY:	13:06:30
2	Q. Dr. McCarthy, I'm showing you what's been	13:06:30
3	previously marked as Exhibit 1009. Have you	13:06:32
4	seen this before?	13:06:34
5	A. Yes. This is the Hammond patent that I just	13:06:35
6	referred to.	13:06:39
7	Q. Excellent. Does Hammond teach a latching	13:06:39
8	mechanism for use with a stackable box?	13:06:46
9	A. No. It teaches a latching mechanism that's	13:06:49
10	used for doors.	13:06:54
11	MS. HALSEY: Okay, let's go ahead and	13:06:59
12	take that break.	13:07:01
13	VIDEO TECHNICIAN: Okay. We're going	13:07:02
14	off the record. The time is 1:07 p.m.	13:07:03
15	(Off the record at 1:07 p.m.)	13:07:06
16	(Back on the record at 1:21 p.m.)	13:21:29
17	VIDEO TECHNICIAN: We're back on the	13:21:29
18	record. The time is 1:21 p.m.	13:21:37
19	BY MS. HALSEY:	13:21:37
20	Q. Good morning, Dr. McCarthy.	13:21:51
21	A. Good morning.	13:21:52
22	MS. HALSEY: I'd like to turn back to	13:21:55

1	one of the documents we previously looked at,	13:21:57
2	which is Exhibit 1003. And let's turn to	13:22:00
3	page 157.	13:22:18
4	BY MS. HALSEY:	13:22:33
5	Q. And, Dr. McCarthy, am I correct that this	13:22:33
6	portion of your report discusses a combination	13:22:35
7	of Li, Burchia, and Hammond?	13:22:38
8	A. That's correct.	13:22:44
9	Q. Is there a problem with Li that would need to	13:22:44
10	be solved by using a combination of Burchia and	13:22:47
11	Hammond?	13:22:50
12	MR. TANG: Objection. Scope.	13:22:50
13	A. No.	13:22:55
14	BY MS. HALSEY:	13:22:55
15	Q. Why would one seek to combine Li with Burchia?	13:23:00
16	A. The stop part recited by Li, which I believe	13:23:04
17	reads onto the claim elements of various	13:23:14
18	claims in the '946 patent, is -- has a linear	13:23:22
19	spring which engages the stop part and extends	13:23:29
20	it so that it stops the latch from locking.	13:23:34
21	Claims 5, 6, and 13 recite a torsion	13:23:42
22	spring that performs that -- has that feature	13:23:49

1 in the '946 patent.

13:23:55

2 So I simply had to find a teaching of
3 torsion springs replacing -- replacing a linear
4 spring, and that's in Burchia, and then an
5 example of a torsion spring that could be used
6 to actuate the stop part in Li, to achieve the
7 features that are recited in the claim language
8 of the 5, 6, and 13 patents [sic].

13:23:57

13:24:03

13:24:07

13:24:11

13:24:16

13:24:24

13:24:28

9 That's how a person of ordinary skill
10 in the art -- at least in my understanding, a
11 person of ordinary skill in the art would read
12 the prior art and find it described by these --
13 by the language in these claims.

13:24:33

13:24:37

13:24:39

13:24:43

13:24:49

14 Q. What would be the motivation to add Hammond to
15 the combination of Li and Burchia?

13:24:52

13:24:59

16 A. Well, Burchia shows a linear spring used as
17 sort of a stop part or a latch, and it also
18 shows a torsion spring. It says specifically
19 you can use a torsion spring instead of a
20 linear spring.

13:25:02

13:25:10

13:25:14

13:25:17

13:25:20

21 But -- and it actually shows a

13:25:21

22 torsion spring in one of its figures, but it's

13:25:23

1	a fairly primitive figure, and in order to get	13:25:25
2	a little bit more detail in how a torsion	13:25:33
3	spring would be implemented, I used Hammond.	13:25:37
4	Q. Am I correct that your testimony earlier was	13:25:46
5	that Hammond teaches a latching mechanism for	13:26:04
6	doors?	13:26:08
7	THE WITNESS: Hang on one second. I	13:26:10
8	know I'm not going to get any sympathy here on	13:26:18
9	the West Coast, but it's for some reason very	13:26:20
10	chilly in my office, so I'm -- I've got a	13:26:26
11	helper who allows -- this will warm me up a	13:26:34
12	little bit.	13:26:38
13	A. Anyway, so what was the question again? I'm	13:26:39
14	sorry, I got distracted.	13:26:41
15	BY MS. HALSEY:	13:26:42
16	Q. Of course. Am I correct that you testified	13:26:43
17	earlier that Hammond teaches a latching	13:26:45
18	mechanism for doors?	13:26:47
19	A. The application that it describes for that	13:26:51
20	latch is a latch for a door, that's correct.	13:26:56
21	Q. Why do you think that somebody who is working	13:26:59
22	in the field of latching containers together	13:27:05

1 would be inspired to go look at door 13:27:11

2 technology? 13:27:14

3 A. Well, I mean, the fundamental features of 13:27:16

4 latches are generally the same. You have a 13:27:19

5 tongue that has to engage a groove of some 13:27:25

6 kind under some sort of operation, either with 13:27:28

7 a cam or a spring or other sort of mechanism. 13:27:32

8 So the latch prior art is quite 13:27:39

9 large, and it's essentially the same no matter 13:27:42

10 what the two things are you're connecting, 13:27:45

11 whether it's a door of your house or a 13:27:48

12 specialized door or, you know, two boxes. 13:27:53

13 They're essentially two objects that you're 13:28:00

14 trying to connect together by engaging a slot 13:28:03

15 in one using a tongue from the other. 13:28:09

16 Q. Is there a difference, when you are looking at 13:28:16

17 various latching mechanisms across various 13:28:20

18 industries -- strike that. 13:28:23

19 When you were looking at latching 13:28:27

20 mechanisms across various industries, is there 13:28:29

21 a difference based on the intended use of the 13:28:32

22 latch as to the types of materials that can be 13:28:37

1 used or the necessary strength of the resulting 13:28:41
2 product? 13:28:44

3 MR. TANG: Objection. Scope. 13:28:46

4 Objection. Form. 13:28:48

5 A. In -- if I understand the question, you're 13:28:50
6 asking me, are -- would a latch be designed 13:28:58
7 with different materials or different shapes 13:29:01
8 depending on the application, and that is of 13:29:05
9 course the case because it depends on the 13:29:11
10 forces that the latch has to resist -- the 13:29:14
11 separation forces of the two bodies that the 13:29:19
12 latch has to resist. 13:29:22

13 That's generally addressed by making 13:29:25
14 the latcher [ph] bigger, making the latcher -- 13:29:27
15 the latch out of stronger material. But the 13:29:31
16 basic functionality of a tongue fitting into a 13:29:34
17 slot under some sort of condition for 13:29:37
18 actuation is essentially the same. 13:29:39

19 Q. If you were tasked with implementing the 13:29:46
20 teachings of Burchia and Hammond in combination 13:29:48
21 with the device of Li, what manufacturing 13:29:51
22 methods would you use to do so? 13:29:53

1	MR. TANG: Objection. Scope.	13:29:55
2	A. It wouldn't be -- it wouldn't be very	13:29:58
3	difficult because there's -- you would simply	13:30:00
4	use a torsion spring that you would introduce	13:30:09
5	on the pins of Burchia. You would have to	13:30:14
6	expend -- extend the pins a little bit to have	13:30:18
7	a torsion spring on there, and then it would	13:30:21
8	have to simply push -- that torsion spring	13:30:25
9	would simply push against the existing stop	13:30:29
10	element that you have.	13:30:34
11	Or if we're doing it in Li, then you	13:30:37
12	would -- you could use the torsion spring to	13:30:40
13	push against the existing stop element that	13:30:43
14	you have in Li.	13:30:47
15	You don't have -- you would have to	13:30:50
16	put the pin in Li because it doesn't have a	13:30:52
17	pin. Baruch already has a pin, but in Li, you	13:30:56
18	would have to put a horizontal pin in there	13:31:03
19	that would then -- you would put the torsion	13:31:05
20	spring around and then it would push up the	13:31:07
21	stop part.	13:31:09
22	Q. Would a product that was made combining the	13:31:17

1	teachings of Burchia, Hammond, and Li be	13:31:20
2	sufficiently robust to withstand the forces	13:31:24
3	necessary when latching two containers	13:31:28
4	containing heavy materials together?	13:31:32
5	MR. TANG: Objection. Scope.	13:31:35
6	Objection. Form.	13:31:36
7	A. Certainly. Because the strength of the -- of	13:31:37
8	the elements in the '946 patent can be matched	13:31:45
9	by the elements of the Li patent, and all	13:31:53
10	we're saying is that the actuation is done by	13:31:56
11	a torsion spring instead of a linear spring,	13:31:59
12	and we can match the performance of a linear	13:32:02
13	spring with a torsion spring.	13:32:05
14	BY MS. HALSEY:	13:32:06
15	Q. Do you have any --	13:32:10
16	A. When I say -- when I say that -- I'm sorry.	13:32:10
17	When I say that, what I mean is that a person	13:32:14
18	of ordinary skill in the art would understand	13:32:16
19	what's required to do that.	13:32:18
20	Q. Okay.	13:32:20
21	A. And the reason why I know this -- and the	13:32:24
22	reason why I know this is because I have	13:32:27

1	worked with engineers who do this for years,	13:32:28
2	and I actually work with my own students to	13:32:33
3	build race cars and robots and all of this	13:32:37
4	kind of stuff, which is what they have to do.	13:32:39
5	They have to design standard parts to achieve	13:32:42
6	required performance.	13:32:48
7	Q. In implementing the teachings of Burchia and	13:32:50
8	Hammond in combination with the device of Li,	13:33:01
9	would you have to make any modifications in	13:33:04
10	order for the three references to work	13:33:11
11	together?	13:33:15
12	MR. TANG: Objection. Form.	13:33:15
13	A. Yes. You would have to make a modification to	13:33:20
14	Li so that the -- instead of using a linear	13:33:22
15	extension spring to move this top part, you	13:33:27
16	would use a torsion spring that would rotate	13:33:29
17	around a pin that -- where one end would push	13:33:34
18	against the bottom of the -- I think the	13:33:36
19	locking buckle and the other end would push	13:33:46
20	the stop part upwards.	13:33:48
21	BY MS. HALSEY:	13:33:52
22	Q. Based on your experience, would modifying Li to	13:33:52

1	work with a torsion spring cause the cost of	13:33:59
2	the resulting latch to increase?	13:34:04
3	MR. TANG: Objection. Scope.	13:34:09
4	Objection. Form.	13:34:10
5	A. Would it -- it doesn't have to increase the	13:34:10
6	cost. You can make torsion springs as easily	13:34:17
7	as you can make compression springs, and the	13:34:20
8	mounting shaft would be relatively	13:34:29
9	inexpensive. So it doesn't have to increase	13:34:32
10	the cost.	13:34:35
11	MS. HALSEY: Go ahead and flip to	13:34:41
12	page 175.	13:34:44
13	BY MS. HALSEY:	13:35:01
14	Q. Dr. McCarthy, it appears that in this section	13:35:02
15	of your declaration you discuss the combination	13:35:03
16	of Li and Davidian; is that correct?	13:35:06
17	A. That's correct.	13:35:13
18	MS. HALSEY: And I'd like to turn to	13:35:13
19	page 176. And I'm looking at paragraph 264,	13:35:15
20	which actually runs onto page 177. Can we put	13:35:25
21	that up on the screen?	13:35:30
22	BY MS. HALSEY:	13:35:36

1 Q. So, Dr. McCarthy, it's my understanding that, 13:35:37
2 in paragraph 264, you're saying that a person 13:35:40
3 of ordinary skill in the art would be motivated 13:35:45
4 to combine Li and Davidian to provide stability 13:35:47
5 for the device of Li; is that correct? 13:35:52

6 A. That's correct. 13:35:54

7 Q. Was a lack of stability a known problem for Li? 13:35:54

8 MR. TANG: Objection. Scope. 13:36:01

9 A. No. It's really the -- effort here is to do 13:36:02
10 the same thing for the Claims 14 and 16 using 13:36:12
11 Davidian, which is to add a feature that's not 13:36:19
12 in Li that is recited in the -- in Claims 14 13:36:22
13 and 16. It's the same -- it's the same reason 13:36:28
14 that I added Burchia and Hammond to Li to read 13:36:32
15 onto the 5, 6, and 13 -- Claims 5, 6, and 13. 13:36:39

16 What 14 and 16 describe are 13:36:46
17 projections and recesses that are provided 13:36:51
18 with one box fitting into -- the bottom of one 13:37:00
19 box fitting into the top of another box, and 13:37:08
20 those projections and recesses provide 13:37:10
21 structural stability to a stack of boxes, and 13:37:13
22 that's why a person, I think, would be 13:37:17

1	motivated to combine Davidian with Li.	13:37:23
2	BY MS. HALSEY:	13:37:28
3	Q. If you were to implement the teachings of	13:37:28
4	Davidian with the device of Li, how would you	13:37:32
5	modify the device of Li in order to incorporate	13:37:36
6	those teachings?	13:37:40
7	MR. TANG: Objection. Form.	13:37:41
8	A. I believe you simply put a -- projections in	13:37:42
9	the lid that creates a recess in the lid, and	13:37:54
10	then you would put a matching recess and	13:38:02
11	projections on the bottom of the storage	13:38:04
12	container that match those. And they're	13:38:10
13	described in the -- in the claim language as	13:38:11
14	having four sides.	13:38:15
15	And so it would just be the -- you	13:38:21
16	know, the four sides of the lid and the four	13:38:23
17	sides in the bottom of this -- of the	13:38:25
18	container.	13:38:31
19	BY MS. HALSEY:	13:38:36
20	Q. What types of manufacturing methods would be	13:38:36
21	used in order to create the lid and base as	13:38:38
22	taught by Davidian?	13:38:43

1	MR. TANG: Objection. Scope.	13:38:44
2	Objection. Form.	13:38:46
3	A. Let's see, I have -- I have seen storage	13:38:51
4	cabinets like this and they're made out of	13:38:56
5	plastic, and they can be formed by injection	13:38:59
6	molding, I believe, but I don't have -- I'm	13:39:08
7	not up to date on what the manufacturing	13:39:11
8	processes are for large containers like this.	13:39:13
9	BY MS. HALSEY:	13:39:18
10	Q. Would you understand that adding the	13:39:18
11	projections taught by Davidian would increase	13:39:21
12	the cost of manufacturing the lid and the base?	13:39:24
13	A. No, not at all. It's --	13:39:28
14	MR. TANG: Objection. Scope.	13:39:30
15	Objection. Form.	13:39:31
16	THE WITNESS: Excuse me.	13:39:32
17	A. No. It just changes the characteristics of	13:39:33
18	the mold, and once you have a mold you can	13:39:37
19	generate a lot of parts inexpensively.	13:39:40
20	MS. HALSEY: Let's turn to page 261.	13:39:45
21	BY MS. HALSEY:	13:39:55
22	Q. And my understanding is that in this section of	13:40:11

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1	your report you discuss the combination of	13:40:13
2	Baruch, Burchia, and Hammond; is that correct?	13:40:19
3	A. I can't read it, I'm sorry.	13:40:21
4	MR. TANG: Dr. McCarthy, do you have	13:40:23
5	a copy of your declaration?	13:40:24
6	THE WITNESS: I do.	13:40:26
7	MR. TANG: Okay.	13:40:28
8	THE WITNESS: Do you want me to go to	13:40:29
9	that instead?	13:40:30
10	MR. TANG: Whatever's easiest for	13:40:31
11	you.	13:40:33
12	A. 261.	13:40:33
13	Well, I can read it now. I mean...	13:40:36
14	So what was the question?	13:40:45
15	BY MS. HALSEY:	13:40:46
16	Q. Am I correct that this portion of your report	13:40:47
17	discusses whether there's a motivation to	13:40:50
18	combine Baruch, Burchia, and Hammond?	13:40:53
19	A. Yes.	13:41:00
20	Q. Is there a problem with Baruch that would need	13:41:01
21	to be solved by combining it with Burchia?	13:41:03
22	MR. TANG: Objection. Form.	13:41:06

1	Objection. Scope.	13:41:08
2	A. It's not a problem with Baruch. Baruch uses a	13:41:08
3	linear spring to push its stop element up so	13:41:13
4	that it engages with the mating -- mating part	13:41:17
5	of the upper box, but the claims that I was	13:41:24
6	attempting to show that a person of ordinary	13:41:34
7	skill in the art would understand, existing	13:41:37
8	state of the art to address, recite a	13:41:40
9	torsional spring to actuate that stop part.	13:41:44
10	So by using Burchia and Hammond, I	13:41:50
11	am able to show that a torsional spring can	13:41:55
12	move the stop part in Baruch just like an	13:41:58
13	extension spring can or a linear spring.	13:42:04
14	BY MS. HALSEY:	13:42:07
15	Q. Is there a problem with the combination of	13:42:12
16	Baruch and Burchia that would require the	13:42:14
17	inclusion of the teachings of Hammond in order	13:42:16
18	to correct the problem?	13:42:19
19	MR. TANG: Objection. Form.	13:42:23
20	Objection. Scope.	13:42:23
21	A. Well, Burchia sort of describes the use of	13:42:24
22	linear springs for latching -- or for	13:42:31

1	creating -- stopping the movement of the upper	13:42:34
2	box and maintaining an engagement of the	13:42:37
3	tongues in the grooves, the tongues of the	13:42:42
4	base of the box and the grooves in the top.	13:42:46
5	It's -- it sort of lists a whole	13:42:50
6	bunch of equivalent devices that could be used	13:42:54
7	for that operation and presents a rather	13:42:56
8	primitive version of a torsion spring where	13:43:00
9	you don't actually even see the spring. You	13:43:06
10	see the pin and you see what the spring	13:43:11
11	actuates.	13:43:15
12	So Hammond actually provides those	13:43:16
13	details, and so it's really the combination of	13:43:19
14	two, Burchia and Hammond. Burchia says you	13:43:22
15	can replace a linear spring with a torsion	13:43:25
16	spring, and Hammond shows an example of a	13:43:28
17	torsion spring.	13:43:29
18	Q. Is there a reason that a person of ordinary	13:43:32
19	skill in the art would want to replace a linear	13:43:35
20	spring with a torsion spring?	13:43:37
21	A. There is a number of reasons. They're	13:43:47
22	basically equivalent components, so it -- they	13:43:48

13:43:51

$$13:43:53$$

13:43:56

13:44:03

13:44:07

13:44:11

13:44:14

13:44:16

13:44:23

13:44:27

13:44:29

13:44:31

13:44:37

13:44:45

13:44:47

13:44:50

13:44:54

13:44:56

13:45:00

13:45:08

13:45:12

13:45:14

1	pins that mounted to the lid would be	13:45:18
2	extended.	13:45:22
3	You could put the torsion spring on	13:45:22
4	that. You would make sure one leg engaged the	13:45:24
5	mating body which forms -- which is the	13:45:33
6	carveout that forms in the lid, and then the	13:45:36
7	other leg is attached to the slide element	13:45:43
8	that moves up and down to form the stop that	13:45:49
9	engage -- that would -- when it's pushed up,	13:45:55
10	engages the catch on the -- or the -- you	13:45:57
11	know, the step or the catch on the upper box	13:46:02
12	and holds the latch open.	13:46:07
13	Q. And you reference --	13:46:08
14	A. I'm sorry, that -- that's a terrible	13:46:12
15	description, but I think it's in there	13:46:14
16	somewhere.	13:46:17
17	Q. You referenced carved-out elements on the lid	13:46:19
18	in your description; is that correct?	13:46:22
19	A. That's correct, yeah.	13:46:25
20	Q. And where -- which of the three pieces of	13:46:26
21	art -- Burchia, Hammond, or Baruch -- teaches	13:46:29
22	the carved-out elements on the lid?	13:46:35

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1	A. I believe it is Baruch.	13:46:38
2	Q. Okay.	13:46:49
3	MS. HALSEY: Go ahead and turn to	13:47:00
4	page 270.	13:47:01
5	BY MS. HALSEY:	13:47:16
6	Q. And, Dr. McCarthy, am I correct in	13:47:16
7	understanding that this portion of your	13:47:18
8	declaration discusses the combination of Baruch	13:47:19
9	and Davidian?	13:47:22
10	A. Yes.	13:47:23
11	Q. And if we turn to paragraph 393, which starts	13:47:24
12	at the bottom of 272 and runs into 273.	13:47:29
13	Am I correct in understanding it is	13:47:33
14	your opinion that a motivation to combine	13:47:46
15	Baruch and Davidian was to provide stability to	13:47:48
16	the device of Baruch?	13:47:52
17	A. The motivation -- yes. That, for the same	13:47:58
18	reasons we discussed with Li, the Claims 4 --	13:48:00
19	14 and 16 recite projections and recesses in	13:48:09
20	the upper box and lower box that engage when	13:48:13
21	the boxes are stacked.	13:48:20
22	Baruch doesn't recite those	13:48:21

1	elements. So in order for a person of	13:48:25
2	ordinary skill in the art to understand that	13:48:27
3	the -- that there is the ability to do this	13:48:31
4	and compare it to the claim language in the	13:48:38
5	'946 patent I needed a patent from -- in the	13:48:41
6	art, that shows this engagement and the	13:48:47
7	benefits of it. And so that's how Davidian is	13:48:50
8	used in combination with Baruch.	13:48:57
9	Q. Was a lack of stability a problem in Baruch?	13:49:00
10	A. I don't recall it being described.	13:49:07
11	Q. Earlier when we were discussing Baruch, you	13:49:14
12	described carved-out elements on the lid; is	13:49:17
13	that correct?	13:49:19
14	A. That's correct.	13:49:21
15	Q. How would one combine carved-out elements on	13:49:21
16	the lid of Baruch with the projections and	13:49:25
17	recesses in the lid in the bottom of Davidian?	13:49:28
18	A. You can put the projections and recesses	13:49:34
19	anywhere in the lid and anywhere in the bottom	13:49:38
20	of the -- of the containers to achieve the	13:49:42
21	benefits of this -- of this stability.	13:49:51
22	Q. Okay.	13:49:56

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1	MS. HALSEY: I think that that is all	13:50:00
2	the questions that I have for now.	13:50:01
3	MR. TANG: All right, I guess can we	13:50:07
4	take a five-minute break, then?	13:50:08
5	MS. HALSEY: Sounds good.	13:50:10
6	VIDEO TECHNICIAN: Okay. We're going	13:50:11
7	off the record. The time is 1:50 p.m.	13:50:12
8	(Off the record at 1:50 p.m.)	13:50:17
9	(Back on the record at 2:03 p.m.)	14:03:31
10	VIDEO TECHNICIAN: We are back on the	14:03:32
11	record. The time is 2:03 p.m.	14:03:38
12	MR. TANG: All right, thanks. We	14:03:40
13	have no further questions.	14:03:42
14	VIDEO TECHNICIAN: Okay. Any further	14:03:43
15	questions, Ms. Halsey?	14:03:52
16	MS. HALSEY: None from me.	14:03:55
17	VIDEO TECHNICIAN: Okay. With no	14:03:56
18	further questions, this marks the end of the	14:03:57
19	deposition and we are going off the record at	14:04:00
20	2:04 p.m.	14:04:03
21	(Proceedings concluded at 2:04 p.m.)	
22		

REPORTER'S CERTIFICATE

I, ALISON C. WEBSTER Certified Shorthand
Reporter, and a Notary Public within and for the
State of MICHIGAN, do hereby certify:

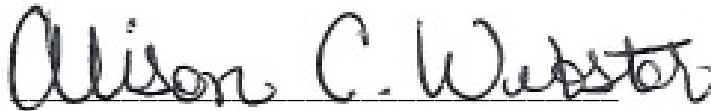
That JOHN MCCARTHY, Ph.D., the witness
whose deposition is hereinbefore set forth, was
duly sworn by me before the commencement of such
deposition and that such deposition was taken before
me and is a true record of the testimony given by
such witness.

I further certify that the adverse party,
TOUGHBUILT INDUSTRIES, INC., was represented by
counsel at the deposition.

I further certify that the deposition of
JOHN MCCARTHY, Ph.D. occurred virtually, via
Zoom videoconference, on Wednesday May 13, 2026,
commencing at 12:00 p.m. Eastern Time to 2:04 p.m.
Eastern time.

1 I further certify that I am not related to
2 any of the parties to this action by blood or
3 marriage, I am not employed by or an attorney to any
4 of the parties to this action, and that I am in no
5 way interested, financially or otherwise, in the
6 outcome of this matter.

7
8 In WITNESS HEREOF, I have hereunto set my
9 hand this May 13, 2026.

10
11
12
13 
14

15 ALISON C. WEBSTER, CSR-6266 (Michigan)

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ACKNOWLEDGMENT OF DEPONENT

I, JOHN MCCARTHY, Ph.D., do hereby
acknowledge that I have read and examined the
foregoing testimony and the same is a true,
correct, and complete transcription of the
testimony given by me and any corrections
appear on the attached errata sheet signed by
me.

(SIGNATURE)

(DATE)

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