

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
U.S. Patent No. 11,986,946

**DECLARATION OF DR. J. MICHAEL MCCARTHY IN SUPPORT OF
PETITIONER'S OPPOSITION TO PATENT OWNER'S CONTINGENT
MOTION TO AMEND**

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ToughBuilt EX1044
ToughBuilt v. Meridian
IPR2025-01461

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I, Dr. J. Michael McCarthy, hereby declare as follows.

I. INTRODUCTION

1. I have been retained as an expert witness on behalf of ToughBuilt Industries, Inc. (“Petitioner” or “ToughBuilt”) for IPR2025-01461. I previously submitted a Declaration in support of the Petition (EX1003). This Declaration is in support of Petitioner’s Opposition to Patent Owner’s Contingent Motion to Amend.

II. MATERIALS CONSIDERED

2. In forming my opinions, I have considered the documents listed in my original declaration (EX1003, ¶18), as well as the documents listed below and any other documents cited in this declaration.

Exhibit No.	Description
1045	U.S. Patent No. 6,508,495 B1 to Riley, issued January 21, 2003 (“Riley”)

III. LEGAL UNDERSTANDING

3. My understanding of claim construction, anticipation, obviousness, and a person of ordinary skill in the art (“POSA”) is set forth in my original declaration. *See* EX1003, ¶¶20-35.

IV. ALL SUBSTITUTE CLAIMS ARE UNPATENTABLE.

4. Based on my review, Patent Owner’s proposed substitute claims essentially include four modifications:

- (1) deleting the requirement that the locking buckle is movable with respect to a mounting body;
- (2) deleting the requirement that “first resilient member” is located between the “mounting body” and the “locking buckle”;
- (3) adding that the “first resilient member” is located between the “mounting body” and the “locking part”; and
- (4) adding that the “locking part is at least partially received within and movable with respect to the mounting body.”

Motion to Amend (“MTA”), Appendix A.

5. These amendments are reflected in substitute claims 17, 27, and 31. In my opinion, such features were well known in the prior art at the time of filing of the '946 patent. Additionally, it is my opinion that the features included in the proposed substitute claims were well known and still disclosed by Li and Baruch for the reasons that I discuss below. Additionally, the features are also rendered obvious by the combination of Li and Riley.

A. Li-based grounds of unpatentability.

6. In my opinion, Li discloses and renders obvious substitute claims 17-20, 23-28, and 31. The Li-Burchia-Hammond combination renders obvious substitute claims 21-22 and 29. And the Li-Davidian combination renders obvious substitute claims 30 and 32.

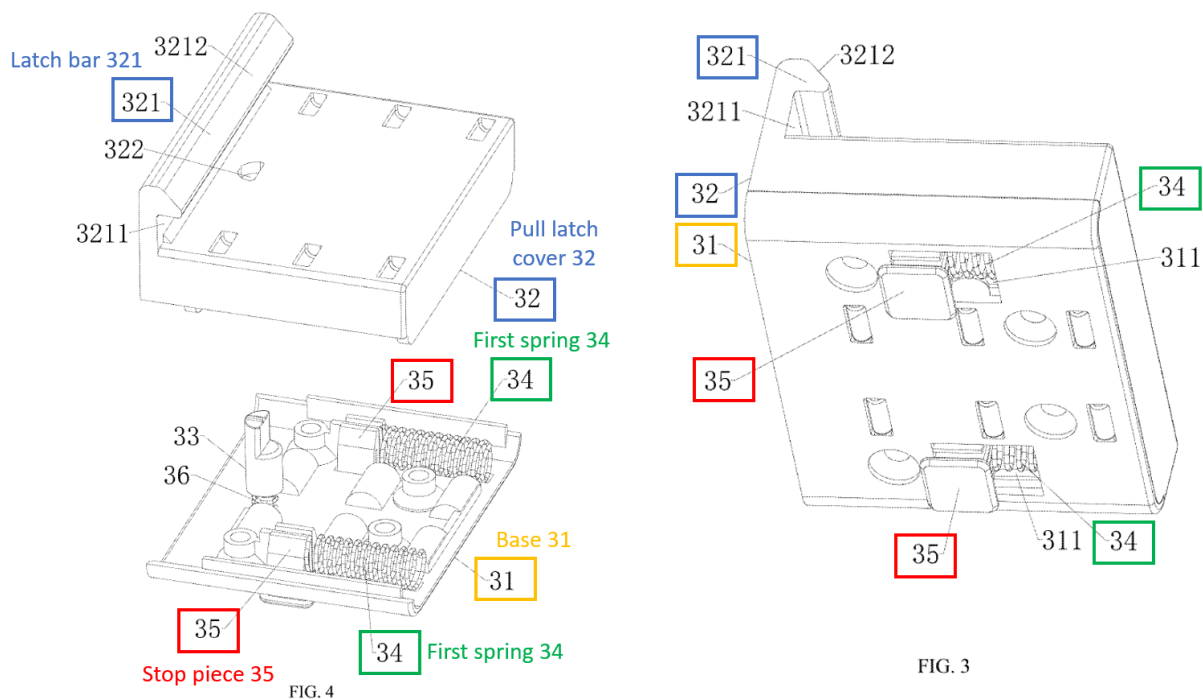
1. Li anticipates and renders obvious substitute claims 17-20, 23-28, and 31.

7. For the reasons that I provided in my previous declaration, Li discloses and renders obvious the *unamended* limitations of substitute independent claims 17, 27, and 31. EX1003, ¶¶143-202. For example, I previously explained how Li discloses the claimed “storage box,” “first connection part,” “second connection part,” “manual movement” and sliding of locking part, “stop part,” and “second resilient member” along with their respective claimed functionalities. EX1003, ¶¶143-202.

8. Additionally, Li discloses and renders obvious each of the amendments presented in substitute independent claims 17, 27, and 31 for the reasons that I further explain below. I have provided the following table, which includes an updated summary of claim term mappings that address Meridian’s proposed amendments:

Claim Term	Teaching from Li
Locking Part (at least partially received within and movable with respect to the mounting body)	“Pull latch cover 32” and “base 31” (EX1007 (Li), ¶¶27, 33, 37)
Locking Buckle	“Latch bar 321” (EX1007, ¶33)
Mounting Body	“Chute 21” with “stop piece 35” inserted into “snap-in hole 211” (EX1007, ¶¶32, 34)
First Resilient Member (located between the mounting body and locking part)	“First spring 34” (positioned between stop piece 35 and pull latch cover 32) (EX1007, ¶34)

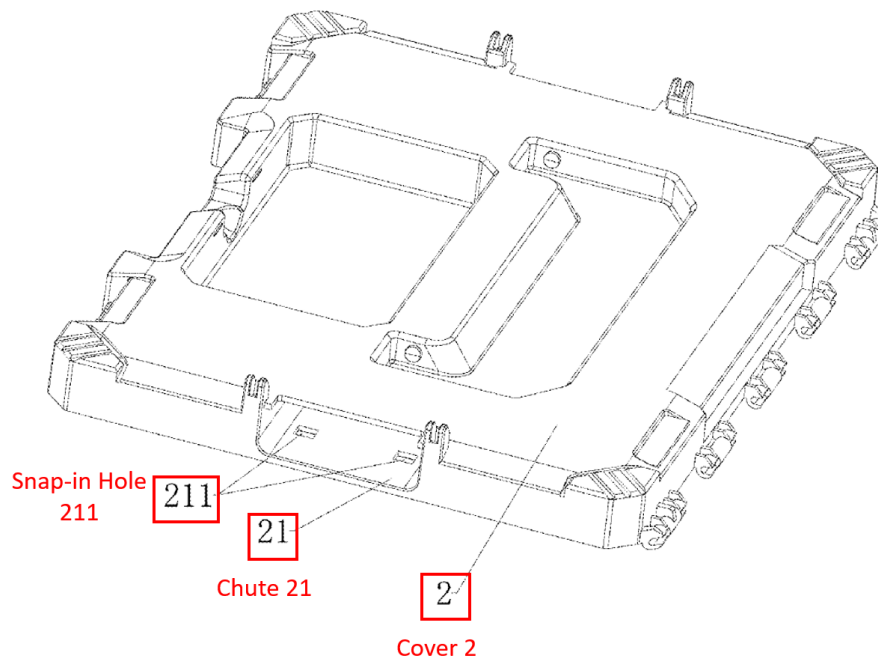
9. To further explain Li's teachings, I note that the substitute independent claims recite a "*locking part comprising a locking buckle.*" MTA, Appendix A. Based on my analysis of the amended claims, Li's "pull latch cover 32" together with "base 31" teach the claimed "*locking part*" as seen in [Figures 3-4](#) from EX1007 (Li). EX1007, ¶¶27, 33, 37, FIGs. 3-4. I have annotated these figures below. Additionally, Li's pull latch cover 32 *comprises* a "latch bar 321" (which teaches the claimed "*locking buckle*") and therefore Li's pull latch cover 32 teaches the "*locking part comprising a locking buckle.*" EX1007, ¶¶27, 33, 37, FIGs. 3-4.



EX1007 (Li), FIGs. 3-4 (annotated).

10. Additionally, as I explained in my previous declaration, Li's "chute 21" with "stop piece 35" inserted into "snap-in hole 211" teaches the claimed

“*mounting body*.” EX1003, ¶¶156-157; EX1007, ¶34. As seen from Figure 5 from EX1007 (Li), stop pieces 35 attach to snap-in holes 211 within chute 21 and remain fixed while “pull latch cover 32” and “base 31” move horizontally within chute 21 and relative to stop pieces 35. EX1007, ¶¶33-34, 37, FIGs. 7, 9; EX1003, ¶¶158-159 (where I previously described the horizontal movement of pull latch cover 32 relative to chute 21 and stop pieces 35).



EX1007 (Li), FIG. 5 (annotated).

11. Based on this understanding, Li’s “pull latch cover 32” and “base 31” together teach a “*locking part*” that is “*at least partially received within and movable with respect to the mounting body*” or “*configured to slide within the mounting body*” (substitute claims 17 and 31) as well as a “*mounting body* []

configured to receive at least a portion of the locking part therein” (substitute claim 27). EX1007, ¶¶27, 33, 37.

12. Additionally, Li’s “first spring 34” teaches the claimed “*first resilient member*.” As I explained in my previous declaration, “first spring 34” is positioned between Li’s stop piece 35 and pull latch cover 32. EX1007, ¶34; EX1003, ¶¶160-162. Specifically, first spring 34 contacts stop piece 35 (i.e., a component of the “*mounting body*”) and the front face of pull latch cover 32 (i.e., a component of the “*locking part*”) as depicted in [Figure 4](#) from EX1007 (Li). EX1007, ¶34. Li therefore teaches the same positioning recited in the substitute claims, where the first resilient member is “*located between said mounting body and said locking part*.” Because “first spring 34” is located between (1) stop piece 35 as inserted in chute 21 and (2) pull latch cover 32, Li teaches a first resilient member “*located between said mounting body and said locking part*” for the reasons presented in my previous declaration. EX1007, ¶34; EX1003, ¶¶160-162.

13. Li also teaches that “*the locking part is configured to slide inward with respect to the mounting body*” or “*along a horizontal locking path relative to the mounting body*” for reasons similar to those that I presented in my previous declaration with respect to claim elements [1.D] and [15.B]. EX1003, ¶¶165-166, 193-197 (claim elements [1.D], [15.B]). Li’s “first spring 34” pushes or slides “pull latch cover 32” and “base 31” (“*locking part*”) inward toward the center of

cover 2. EX1007, ¶¶34, 38, FIGs. 3-4. Li therefore teaches the *locking part* being “*configured to slide inward with respect to the mounting body*” when first spring 34 is “automatically reset” and not compressed. EX1007, ¶38.

14. Therefore, based on the mapping that I provided in the table above as well as the explanation that I provided in my previous declaration, Li still discloses and renders obvious all amended aspects of the substitute independent claims 17, 27, and 31.

15. Regarding substitute dependent claims 18-20, 23-26, and 28, I note that they do not include any substantive amendments. Li therefore discloses and renders obvious these claims for the reasons that I presented in my previous declaration with respect to their respective original claims (i.e., claims 2-4, 7-10, and 12). EX1003, ¶¶203-224.

2. Li-Burchia-Hammond renders obvious substitute claims 21-22 and 29.

16. I note that substitute claims 21-22 and 29 do not include any substantive amendments. The Li-Burchia-Hammond combination therefore renders these claims obvious for the reasons that I presented in my previous declaration for Ground 1C. EX1003, ¶¶230-260.

3. Li-Davidian renders obvious substitute claims 30 and 32.

17. I note that substitute claims 30 and 32 do not include any substantive amendments. The Li-Davidian combination therefore renders these claims obvious

for the reasons that I presented in my previous declaration for Ground 1D.

EX1003, ¶¶261-280.

B. Baruch-based grounds of unpatentability

18. In my opinion, Baruch discloses and renders obvious substitute claims 17-20, 23-28, and 31. The Baruch-Burchia-Hammond combination renders obvious substitute claims 21-22 and 29. And the Baruch-Davidian combination renders obvious substitute claims 30 and 32.

1. Baruch anticipates and renders obvious substitute claims 17-20, 23-28, and 31.

19. For the reasons that I provided in my previous declaration, Baruch discloses and renders obvious the *unamended* limitations of substitute independent claims 17, 27, and 31. EX1003, ¶¶281-339. For example, I previously explained how Baruch discloses the claimed “storage box,” “first connection part,” “second connection part,” “manual movement” and sliding of locking part, “stop part,” and “second resilient member” along with their respective claimed functionalities. EX1003, ¶¶281-339.

20. Additionally, Baruch discloses and renders obvious each of the amendments presented in substitute independent claims 17, 27, and 31 for the reasons that I further explain below. I have provided the following table, which includes an updated summary of claim term mappings that address Meridian’s proposed amendments:

Claim Term	Teaching from Baruch
Locking Part (at least partially received within and movable with respect to the mounting body)	“Latch 314,” which includes a main body 315 and a primary hook 316 (EX1012 (Baruch), ¶49)
Locking Buckle	“Primary hook 316” (EX1012, ¶¶49-50, 62-63)
Mounting Body	“Carveout 352” with “pins 334” inserted via “holes 356” (EX1012, ¶¶54-55)
First Resilient Member (located between the mounting body and locking part)	“Latch bias 320” (EX1012, ¶¶51, 54, 62-63)

21. To further explain Baruch’s teachings, I note that the substitute independent claims recite a “*locking part comprising a locking buckle.*” MTA, Appendix A. Based on my analysis of the amended claims, Baruch’s “latch 314” teaches the claimed “*locking part.*” EX1012, ¶¶49, 56. Further, Baruch’s latch 314 ***comprises*** a “primary hook 316” (i.e., the claimed “*locking buckle*”) and therefore teaches the “*locking part comprising a locking buckle*” as depicted in [Figures 21-22](#) from EX1012 (Baruch), which I have annotated below. EX1012, ¶¶49-50, 62-63.

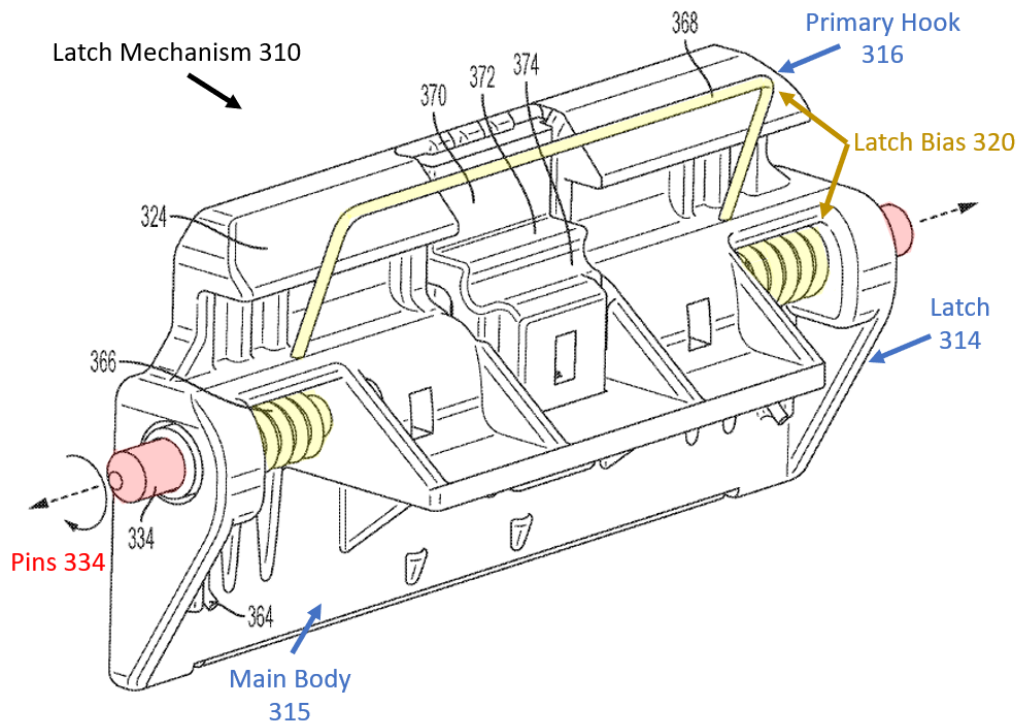


FIG. 21

EX1012 (Baruch), FIG. 21 (annotated).

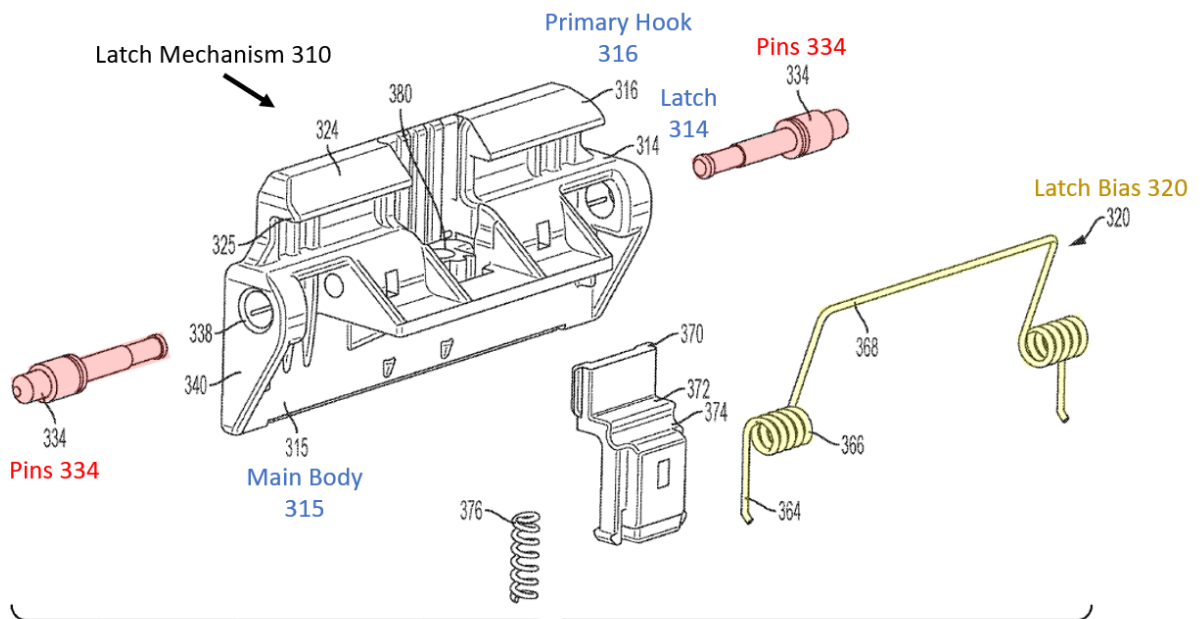
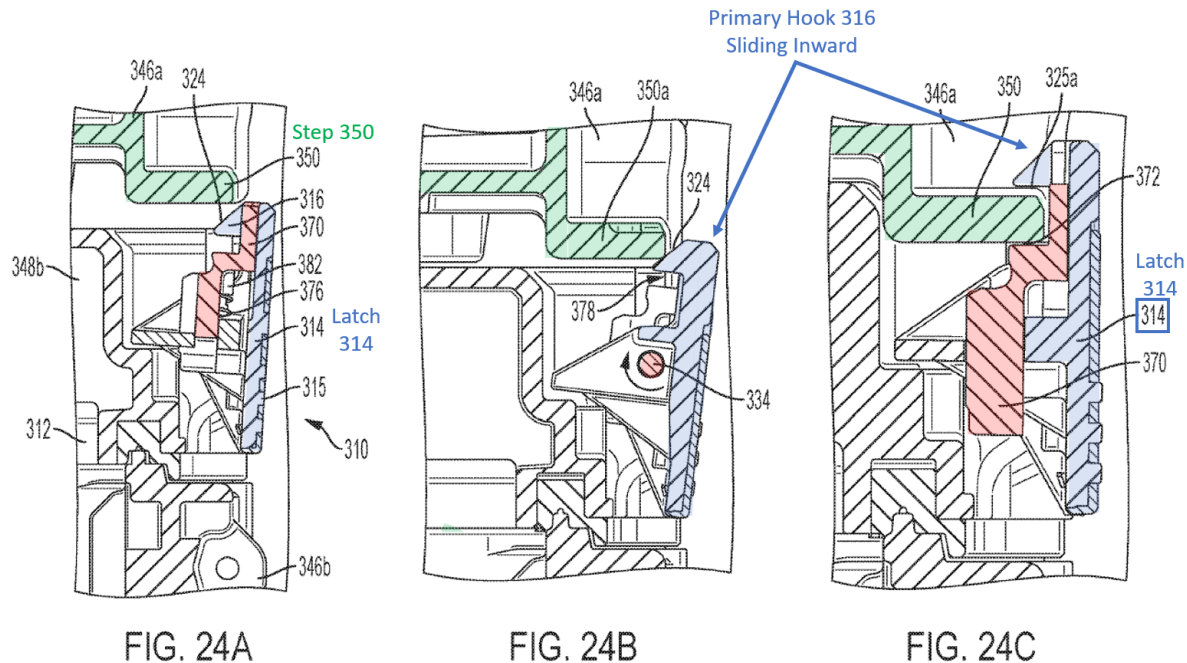


FIG. 22

EX1012 (Baruch), FIG. 22 (annotated).

54, 62, FIGs. 24A-24C. Figures 24A-24C from EX1012 (Baruch) depict this operation as I have annotated below:



EX1012 (Baruch), FIGs. 24A-24C (annotated).

24. Based on this understanding, Baruch’s latch 314 also teaches a “locking part” that is “at least partially received within and movable with respect to the mounting body” or “configured to slide within the mounting body” (substitute claims 17 and 31) as well as a “mounting body [] configured to receive at least a portion of the locking part therein” (substitute claim 27). EX1012, ¶¶54-56.

25. Additionally, Baruch’s “latch bias 320” teaches the claimed “first resilient member.” As I explained in my previous declaration, “latch bias 320” is positioned between Baruch’s pins 334 and main body 315 of latch 314. EX1012,

¶¶51, 54; EX1003, ¶¶293-294. Specifically, latch bias 320 contacts pins 334 (i.e., a component of the “*mounting body*”) by coiling around them and contacts main body 315 of latch 314 (i.e., a component of the “*locking part*”) when it “applies force against the main body 315.” EX1012, ¶54. Baruch therefore teaches the same positioning recited in the substitute claims, where the first resilient member is “*located between said mounting body and said locking part.*” Because “latch bias 320” is located between (1) pins 334 as inserted in carveout 352 and (2) latch 314, Li teaches a first resilient member “*located between said mounting body and said locking part*” for the reasons presented in my previous declaration. EX1012, ¶¶51, 54; EX1003, ¶¶293-294.

26. Baruch also teaches that “*the locking part is configured to slide inward with respect to the mounting body*” or “*along a horizontal locking path relative to the mounting body*” for reasons similar to those that I presented in my previous declaration with respect to claim elements [1.D] and [15.B]. EX1003, ¶¶297-299, 326-330 (claim elements [1.D], [15.B]). Baruch’s “latch bias 320” pushes on latch 314 (“*locking part*”) and causes primary hook 316 (i.e., a portion of the *locking part*) to slide inward toward the center of the storage box. EX1012, ¶¶51, 54, 62, FIGs. 24A-24C. Baruch therefore teaches the *locking part* being “*configured to slide inward with respect to the mounting body*” when latch bias 320 rotates latch 314 and primary hook 316 inward toward the “locked position”

depicted in [Figure 24C](#) from EX1012 (Baruch). EX1012, ¶¶51, 54, 62-63.

27. Therefore, based on the mapping that I provided in the table above as well as the explanation that I provided in my previous declaration, Baruch still discloses and renders obvious all amended aspects of the substitute independent claims 17, 27, and 31.

28. Regarding substitute dependent claims 18-20, 23-26, and 28, I note that they do not include any substantive amendments. Baruch therefore discloses and renders obvious these claims for the reasons that I presented in my previous declaration with respect to their respective original claims (i.e., claims 2-4, 7-10, and 12). EX1003, ¶¶240-262.

2. Baruch-Burchia-Hammond renders obvious substitute claims 21-22 and 29.

29. I note that substitute claims 21-22 and 29 do not include any substantive amendments. The Baruch-Burchia-Hammond combination therefore renders these claims obvious for the reasons that I presented in my previous declaration for Ground 2C. EX1003, ¶¶367-389.

3. Baruch-Davidian renders obvious substitute claims 30 and 32.

30. I note that substitute claims 30 and 32 do not include any substantive amendments. The Baruch-Davidian combination therefore renders these claims obvious for the reasons that I presented in my previous declaration for Ground 2D.

EX1003, ¶¶390-400.

C. Li-Riley-based grounds of unpatentability.

31. For the reasons that I present below, the combination of Li and Riley also renders the proposed amendments obvious. In particular, Li and Riley render obvious the concept of an additional mounting body for attaching a latch to the lid of a storage container.

1. Li-Riley renders obvious substitute claims 17-20, 23-28, and 31.

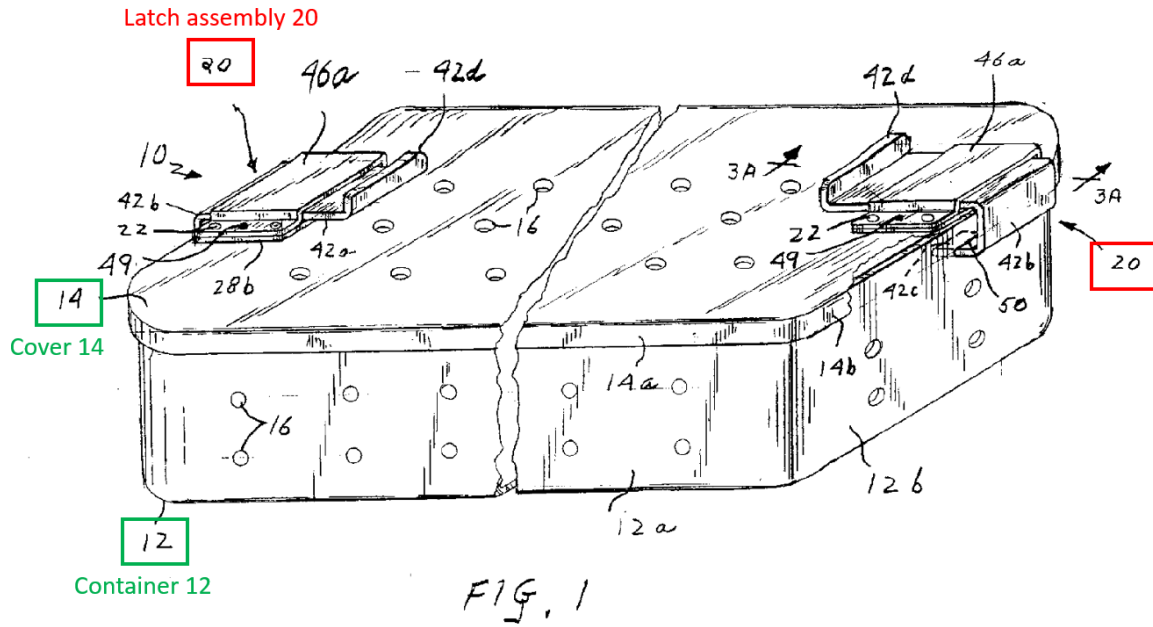
32. The combination of Li and Riley also renders obvious substitute claims 17-20, 23-28, and 31. For the reasons that I provided in my previous declaration, Li discloses and renders obvious the *unamended* limitations of substitute independent claims 17, 27, and 31. EX1003, ¶¶143-202. For example, I previously explained how Li discloses the claimed “storage box,” “first connection part,” “second connection part,” “manual movement” and sliding of locking part, “stop part,” and “second resilient member” along with their respective claimed functionalities. EX1003, ¶¶143-202.

33. Additionally, the combination of Li and Riley renders obvious each of the amendments presented in substitute independent claims 17, 27, and 31 for the reasons that I further explain below. In particular, I note that the Li-Riley combination renders obvious using a separate “*mounting body*” component to attach Li’s elastic pull latch 3 to chute 21. EX1045 (Riley), Abstract, 4:13-37. I

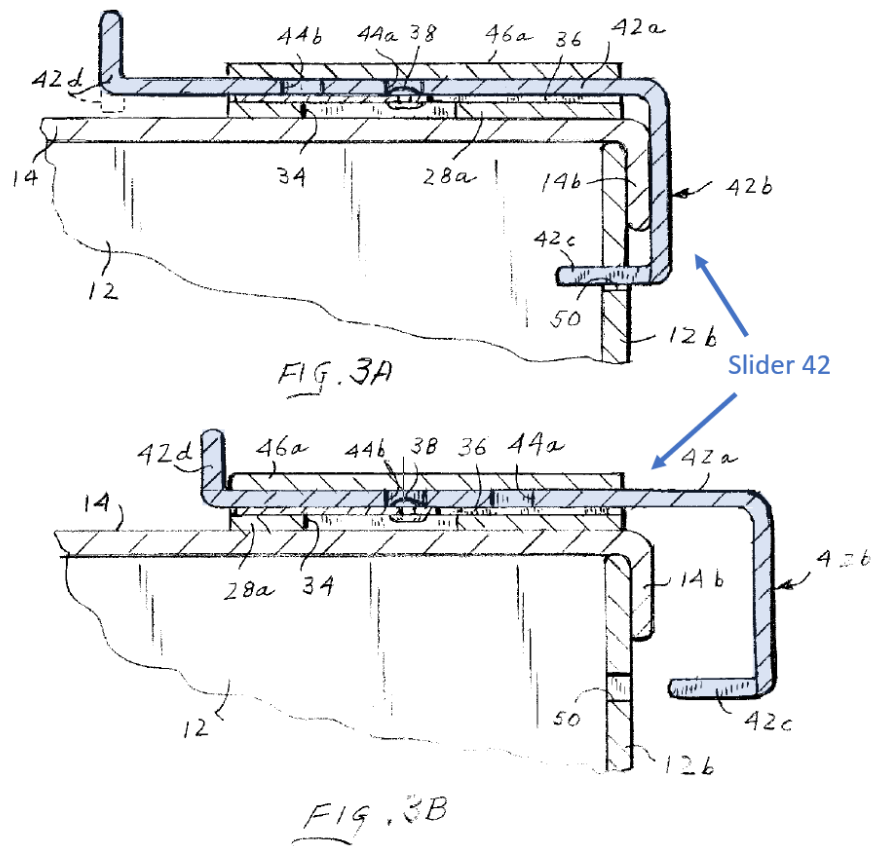
have provided the following table, which includes a summary of claim term mappings that address Meridian’s proposed amendments:

Claim Term	Teachings from Li and Riley
Locking Part (at least partially received within and movable with respect to the mounting body)	Li’s “pull latch cover 32” and “base 31” (EX1007, ¶¶27, 37)
Locking Buckle	Li’s “latch bar 321” (EX1007, ¶33)
Mounting Body	Riley’s “cover member 46” and “base 28” combined with Li’s “stop piece 35” inserted into “base 28” (EX1045, Abstract, 4:13-37; EX1007, ¶¶32, 34)
First Resilient Member (located between the mounting body and locking part)	Li’s “first spring 34” (positioned between stop piece 35 and pull latch cover 32) (EX1007, ¶34)

34. Riley describes a “latch assembly for covered containers” and specifically “latch assembly 20,” which attaches to the lid of a storage container and allows a “slider 42” to move between a “locked” and “unlocked position.” EX1045, Title, 3:24-41, 3:60-4:12, Abstract. [Figure 1](#) from EX1045 (Riley) depicts “container 12” with latch assemblies 20 mounted on “cover 14.” EX1045, 3:24-41, 4:43-50. [Figures 3A and 3B](#) from EX1045 (Riley) depict slider 42 moving between a locked state and an unlocked state respectively. EX1045, 3:24-41, 4:43-50. I have annotated [Figures 1, 3A, and 3B](#) from EX1045 (Riley) below:

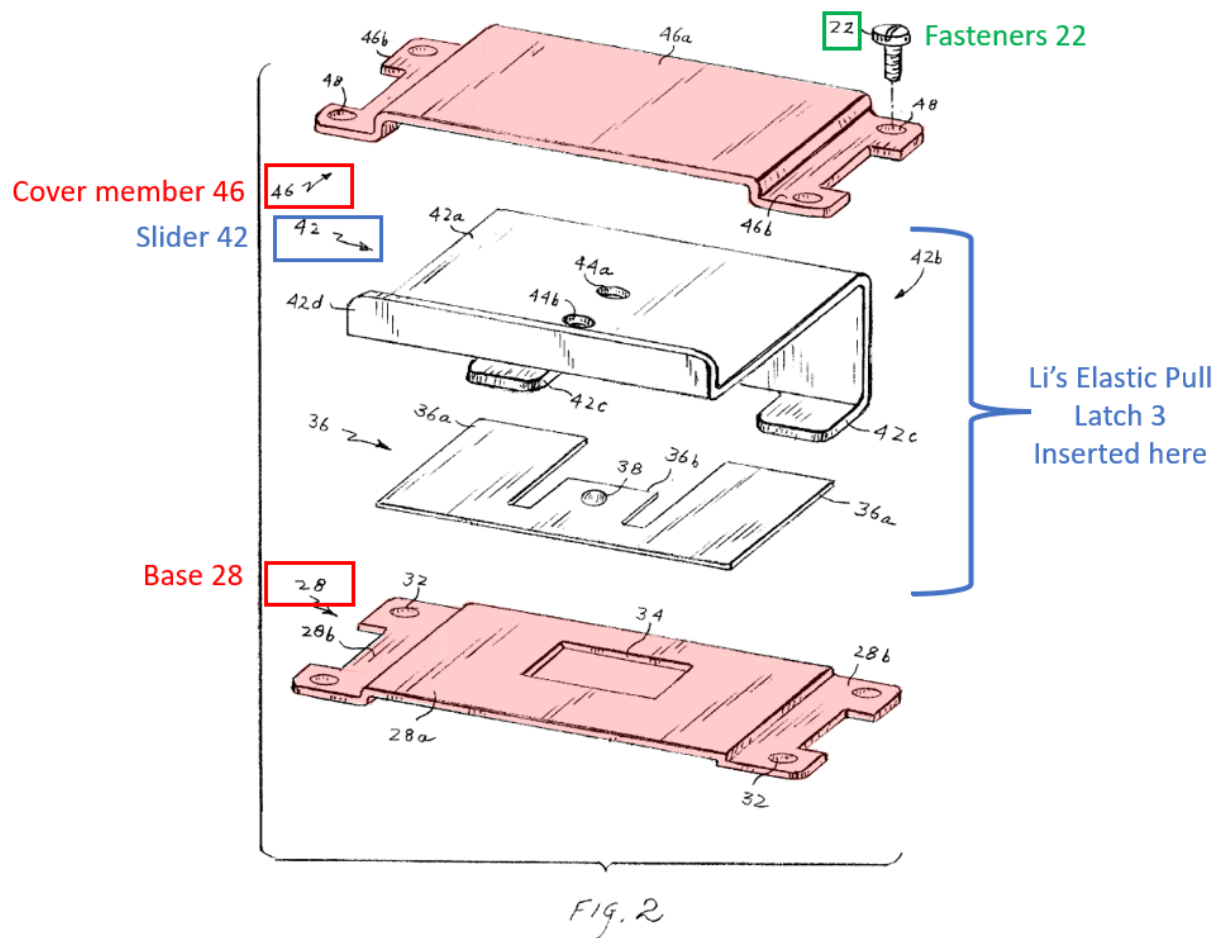


EX1045 (Riley), FIG. 1 (annotated).



EX1045 (Riley), FIGS. 3A-3B (annotated).

35. To attach slider 42 to the lid of the container, Riley describes “cover member 46” and “base 28” and enclosing slider 42 between these components. EX1045, 3:32-41, 4:13-37. Slider 42 moves between a locked and unlocked state within the enclosure created by “cover member 46” and “base 28.” EX1045, 3:24-30, 4:22-37; *see also* EX1045, 3:31-41, 3:60-4:21, Abstract. [Figure 2](#) from EX1045 (Riley) depicts this configuration, and I have annotated [Figure 2](#) from EX1045 (Riley) below:



EX1045 (Riley), FIG. 2 (annotated).

36. In view of how slider 42 functions and attaches to the container lid, a

person of ordinary skill in the art would have found it obvious to use such an attachment mechanism to attach Li's elastic pull latch 3 to the lid of a storage box. As I further explain below, both Riley and Li describe similar sliding latches, so combining them would have been obvious. In the combination, a person of ordinary skill in the art would have combined Li's "stop piece 35" with Riley's "cover member 46" and "base 28" by inserting Li's "stop piece 35" into "base 28." EX1045, 3:24-30, 4:22-37, Abstract; *see also* EX1045, 3:31-41, 3:60-4; EX1007, ¶34. This combination would have rendered obvious the claimed *mounting body* for attaching a *locking part* to the lid of a storage box. EX1045, 3:24-30, 4:22-37, Abstract; *see also* EX1045, 3:31-41, 3:60-4:21; EX1007, ¶34.

37. In the Li-Riley combination, a person of ordinary skill in the art would have implemented Riley's "cover member 46" and "base 28" around Li's elastic pull latch 3 (including Li's "pull latch cover 32" and "base 31"). The combined elastic pull latch 3 with the cover member 46 and base 28 would then be mounted into chute 21 on Li's lid. EX1007, ¶¶32, 34. To form the combination of elastic pull latch 3 with "cover member 46" and "base 28," a person of ordinary skill in the art would have modified base 28 to include snap-in holes similar to snap-in holes 211 described in Li. EX1007, ¶34; EX1045, 3:24-30, 4:22-37, Abstract; *see also* EX1045, 3:31-41, 3:60-4:21. Li's stop pieces 35 would then be inserted into Riley's base 28 using similar snap-in holes. EX1007, ¶34.

38. A person of ordinary skill in the art would have also known to implement cover member 46 in a manner that would cover elastic pull latch 3 while still exposing Li's elastic boss 33. This would allow Li's elastic boss 33 to continue to operate as described in Li. Additionally, Riley demonstrates that this configuration would have been obvious because Riley's slider 42 also includes exposed portions even when covered by cover member 46 as seen from [Figure 1](#) from EX1045 (Riley). EX1045, FIG. 1, 5:38-50. The combination of Li's elastic pull latch with Riley's cover member 46 and base 28 would mount into the lid of a storage container via "fasteners 22," which are depicted as screws in Riley's figures. EX1045, 3:24-41, 4:13-37, FIG. 2. This combination would have rendered obvious the claimed *locking part* (Li's "pull latch cover 32" and "base 31") and *mounting body* as indicated in the table that I provided above along with their respective functionalities (e.g., "*locking part is at least partially received within and movable with respect to the mounting body*"; "*locking part is configured to slide within the mounting body*").

39. Additionally, Li's latch bar 321 still teaches the claimed *locking buckle* for the reasons that I previously explained. EX1007, ¶33; EX1003, ¶¶158-159; Section IV.A.1. And Li's first spring 34 still discloses the *first resilient member* for the reasons that I previously explained as well. EX1007, ¶34; EX1003, ¶¶160-162; Section IV.A.1. With the understanding that the *mounting body* is

rendered obvious by Riley's "cover member 46" and "base 28" combined with Li's "stop piece 35" inserted into "base 28," Li's first spring 34 is still *located between said mounting body and said locking part* as seen from [Figures 3-5](#) from EX1007 (Li). EX1007, FIGs. 3-5; Section IV.A.1. I note in particular that Li's first spring 34 is still positioned between stop piece 35 and the front face of pull latch cover 32. EX1007, ¶34. With this understanding, the combination of Li and Riley renders Meridian's proposed amendments obvious.

40. A person of ordinary skill in the art would have been motivated to combine Li and Riley to provide a more secure attachment of Li's elastic pull latch 3 to the lid of a storage container. In particular, a person of ordinary skill in the art would have been motivated to combine Li and Riley to strengthen and reinforce the portion of the lid where Li's elastic pull latch 3 attaches. This portion is a heavily used area of the lid based on manual manipulation of elastic pull latch 3.

41. For example, when a user manually manipulates elastic pull latch 3, a person of ordinary skill in the art would have recognized that the user may damage the lid, cause wear, or deform the lid when inadvertently applying a vertical force to the latch 3 (e.g., pulling vertically upward or downward). This may occur because a user's hand may not move entirely in the horizontal direction with no vertical movement. In view of this real-world situation, a person of ordinary skill in the art would have been motivated to implement Riley's "cover member 46" and

“base 28” as a bracket surrounding Li’s elastic pull latch 3 to reinforce and strengthen the lid.

42. Adding “cover member 46” and “base 28” would have resulted in a more secure connection that mitigates damage, slippage, or accidental detachment when elastic pull latch 3 is manually manipulated. EX1045, Abstract (“cover member [is] secured to the base”). For example, cover member 46 would protect against a pull in the vertical upward direction while being secured to base 28. Additionally, a person of ordinary skill in the art would have recognized that implementing “cover member 46” and “base 28” would reinforce and strengthen the area of the lid where such forces are applied by adding another layer of protective material. For example, “cover member 46 is a stamped metal part” that would reinforce the lid and mitigate damage resulting from user manipulation of the latch. EX1045, 4:15-17. Thus, by providing a more secure and reinforced attachment mechanism, a person of ordinary skill in the art would have been motivated to combine Li and Riley.

43. I also note that a person of ordinary skill in the art would have had a reasonable expectation of success in combining Li and Riley because the combination is a simple substitution of mechanisms for attaching Li’s elastic pull latch to a lid. EX1007, ¶34; EX1045, 3:24-41, 4:22-37. A person of ordinary skill in the art would have recognized that the combination combines prior art elements

according to known well-known methods and techniques to achieve the predictable result of attaching a latch to a storage container lid. For example, this attachment would occur using fasteners, such as screws. EX1045, 4:33-37, FIG. 2.

Additionally, I note that both references describe latch attachments that allow manual movement between a latched and unlatched position. EX1007, ¶¶5, 16, 32; EX1045, 2:3-16, 3:20-30. Based on these similarities, a person of ordinary skill in the art would have found it obvious and predictable to combine Li and Riley. For example, a person of ordinary skill in the art would have further been motivated to combine Li and Riley to provide the ability to manufacture and assemble a latch and mounting body separately from a container or lid prior to assembly in the container. A person of ordinary skill in the art would have recognized that combining Li and Riley would have been convenient for manufacturing purposes.

44. Additionally, I note that combining Li and Riley amounts to applying a known technique (implementing a movable latch between a base and a cover member) to improve the attachment of a latch to a lid in the same way that Li's latch previously operated. Riley further explains that its latch assembly has broad applications to any conventional cover for a storage container. EX1045, 2:19-23 ("a latch assembly of this general type [] can be installed on a conventional cover without requiring any appreciable modification of the cover or container").

45. Therefore, based on the mapping that I provided in the table above as

well as the explanation that I provided in my previous declaration, the combination of Li and Riley also renders obvious all of the amended aspects of the substitute independent claims 17, 27, and 31. Section IV.A.1; EX1003, ¶¶143-202.

46. Regarding substitute dependent claims 18-20, 23-26, and 28, I note that they do not include any substantive amendments. In the Li-Riley combination, Li therefore discloses and renders obvious these claims for the reasons that I presented in my previous declaration with respect to their respective original claims (i.e., claims 2-4, 7-10, and 12). EX1003, ¶¶203-224.

2. Li-Riley-Burchia-Hammond renders obvious substitute claims 21-22 and 29.

47. I note that substitute claims 21-22 and 29 do not include any substantive amendments. The Li-Riley-Burchia-Hammond combination therefore renders these claims obvious for the reasons that I presented in my previous declaration for Ground 1C. EX1003, ¶¶230-260. Adding Riley to the previously presented combination of Li, Burchia, and Hammond does not impact the explanation provided in my previous declaration or the combination of teachings provided in my previous declaration because Riley does not impact or prevent the use of a torsion spring as the second resilient member or the claimed stop part functionality. These claim aspects are rendered obvious by Burchia and Hammond for the reasons that I previously provided. EX1003, ¶¶230-260.

3. Li-Riley-Davidian renders obvious substitute claims 30 and 32.

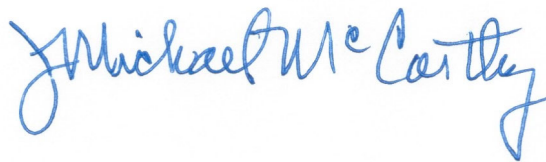
48. I note that substitute claims 30 and 32 do not include any substantive amendments. The Li-Riley-Davidian combination therefore renders these claims obvious for the reasons that I presented in my previous declaration for Ground 1D. EX1003, ¶¶261-280. Adding Riley to the previously presented combination of Li and Davidian does not impact the explanation provided in my previous declaration or the combination of teachings provided in my previous declaration because Riley does not impact or prevent the use of projections and recesses on a lid or bottom of a storage box. These claim aspects are rendered obvious by Davidian for the reasons that I previously provided. EX1003, ¶¶261-280.

V. CONCLUSION

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

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

Executed on this 5th day of August, in Irvine, California.



J. Michael McCarthy, Ph.D.