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Melissa Haapala
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Dear Melissa,

Your email from the evening of July 16 – which provides us with only three business days to respond despite that more than two months have passed since you received Dr. Vallee's declarations – contains numerous improper assumptions and characterizations of the facts and the law. We address each of them below.

The stackable tool transportation project is not relevant prior art. Dr. Vallee did not describe an invention that is relevant prior art to either of the subject patents. The '946 patent relates to the "connection structure of module, storage box and storage box assembly" and claims specific components of a locking mechanism that is used to attach one storage box to the other. The '689 patent relates to a "stacked storage container latch;" it also claims a specific locking mechanism used to attach one storage container to another.

By contrast, the stackable tool transportation project is "a transportation, a wheeled transportation system where the containers can be stacked, they had features on the top and bottom of the container so they could be interlocked so they don't move. And they were all latched together with a system that basically wrapped around them and tightened them. And then locked them onto the wheel system so they could be moved around the worksite without flipping over. (July 14, 2026 Vallee Dep. Rough Transcript at 35:10-19.)

In other words, the described system connected containers to each other via a nesting system, but the only latching mechanism disclosed was a strap that wrapped around and connected multiple containers at once to a wheel system, not one that individually connected container to container. At best, its teachings would be cumulative to art that is already of record. Indeed, Dr. Vallee expressly testified that the latching systems that he previously worked on were not relevant prior art:

> Q Okay. Earlier in the day Counsel asked you about -- a number of questions about other latches that you have designed or worked with, correct?
>
> A Correct.

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Q And Counsel asked you if those latches were relevant to this case, correct?

A Correct.

Q Would you consider those latches to be relevant to this case in terms of your understanding of the design process for latches generally?

A Yes. I listed a lot of the things, as I recall, of why I thought they were applicable to this case in particular.

Q Would you consider those latches to be relevant to this case in terms of design considerations that one might want to keep in mind for a latch that was going to be used in a consumer product?

A Yes, I would.

Q Would you consider any of those latches to be a relevant prior art to the patent in this case?

A No.

(July 14, 2026 Vallee Dep. Rough Transcript at 213:13-214:15.).

The stackable tool transportation project is not admissible prior art in an IPR proceeding. An IPR may only assert prior art in the form of patents and printed publications. There are no known patents or printed publications disclosing the stackable tool transportation project. And, if there were any written materials related to this project, there is no evidence that they would be accessible to the public. (MPEP 2128.) Indeed, Dr. Vallee testified that there may be confidentiality requirements attached to the stackable tool transportation project. To the extent documentation related to the project existed, therefore, it would still not be a "printed publication" because internal documents intended to be confidential are not "printed publications." (MPEP 2801.01(III).)

The requested materials do not comprise "routine discovery pursuant to 37 CFR 42.51(b)(1)(iii)." The existence of the stackable tool transportation project is not "inconsistent with a position advanced by Meridian during the proceeding." The stackable tool transportation project is not, as discussed above, relevant prior art. To the extent that you disagree, please identify any such inconsistency, as we genuinely have no idea what you are referring to. Indeed, Mr. Tang appeared to indicate that the only reason that the materials were being requested was to confirm Dr. Vallee's testimony, not because there was any inconsistency.

The requested materials are not routine discovery or permissible admissible discovery. The requested materials do not comprise an exhibit cited in paper or testimony,

cross examination of affidavit testimony, or information that is inconsistent with a position advanced by Meridian during the proceeding. It is therefore not routine discovery. Moreover, it is also not within the scope of additional discovery allowed by the Board because it is not "necessary in the interest of justice" as Petitioner's request rests on "speculation that in fact something useful[1] will be uncovered" and is "overly burdensome to answer." *Garmin Int'l, Inc. v. Cuozzo Speed Tech. LLC*, IPR2012-00001, Paper 26 (PTAB Mar. 5, 2013) (precedential). Petitioner is seeking materials that cannot be readily located, if they exist at all, and which are only related to something that does not comprise relevant or admissible prior art. Indeed, Dr. Vallee's testimony in his second deposition made clear that it was unlikely that any relevant materials existed or could be located:

> Q Do you have documentation or a website that describes that?
>
> A I personally don't. It generally was kept. There was a university website[2] that we keep these things but I'm not sure it is even still there. They changed systems and generally they don't keep things over a certain number of years. I don't have it. I don't even know if the university still has it.

(July 15, 2026 Vallee Dep. Rough Transcript at 32:18-33:4 (cleaned up).). As such, any search for such materials beyond what Dr. Vallee has already done (as discussed below) would be overly burdensome.

Meridian has not knowingly violated any duty of candor. Your email repeatedly implies that Meridian has violated its duty of candor, presumably as it relates to disclosure of the stackable tool transportation project. But Meridian has fulfilled its disclosure obligations. Meridian disclosed the project in Dr. Vallee's declaration, you have been able to question him about it during his deposition, and that testimony made clear that it is not relevant prior art.

If you do, in fact, contend that Meridian has violated its duty of candor, please clearly state the basis for that belief so that Meridian may address it directly.

* * *

Your request for these materials, which are not relevant to the subject patents, is improper. Moreover, we are inclined to find that the present request disingenuous, as it comes on the

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[1] "'Useful' in that context does not mean merely 'relevant' and/or 'admissible.' In the context of Factor (1), 'useful' means favorable in substantive value to a contention of the party moving for discovery." *Garmin Int'l,* IPR2012-00001, Paper 26.

[2] We have clarified this description with Dr. Vallee and understand him to be referencing a private electronic university document storage system, and not a publicly accessible website.

heels of your multiple improper lines of questioning during Dr. Vallee's deposition, including, but not limited to:

- Your insinuation that Meridian is an arm of the Chinese government (July 14, 2026 Vallee Dep. Rough Transcript at 17-18);

- Your demand for attorney-client privileged and work product materials, including copies of Dr. Vallee's engagement letters (July 14, 2026 Vallee Dep. Rough Transcript at 19-20); and

- Your improper insinuation that the Director's decision to institute the present IPRs – despite that there is no basis given for his decision – is tantamount to a statement that he "disagreed with the arguments in the Patent Owner preliminary response" (July 14, 2026 Vallee Dep. Rough Transcript at 120-122).

We note that 37 CFR § 11.304 cautions counsel against "mak[ing] a frivolous discovery request" or "allud[ing] to any matter that the practitioner does not reasonably believe is relevant or that will not be supported by admissible evidence."

As to the substance of your request – questionable though it is – Dr. Vallee has confirmed that the stackable tool transportation project referenced during his deposition took place in 2012, and that he is unaware of any documents pertaining to the stackable tool transportation project that still exist in his or University records. Due, however, to the extremely short turn-around associated with your request, and Dr. Vallee's own travel schedule further limiting his availability to search for such materials, we will supplement this letter should any relevant requested materials be discovered during the pendency of these IPRs.

In addition, although we do not believe this is necessary in light of the fact that all patent applications related to the '946 patent have been disclosed in Meridian's mandatory notices, and all relevant prosecution is public record,[3] we attach hereto a zip file containing the references cited in these continuing applications.

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[3] *See Garmin Int'l, Inc. v. Cuozzo Speed Tech. LLC*, IPR2012-00001, Paper 26 (PTAB Mar. 5, 2013) (precedential) ("Information a party can reasonably figure out or assemble without a discovery request would not be in the interest of justice to have produced by the other party.")

We trust that this should resolve your inquiry.

Best regards,

Anna C. Halsey

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