

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 IPR2025-01462
U.S. Patent No. 11,192,689

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 11,192,689**

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PETITIONER’S EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 11,192,689 B2 to Cai, issued December 7, 2021 (“the ’689 patent”)
1002	File History of U.S. Patent No. 11,192,689 (“Prosecution History”)
1003	Declaration of Dr. J. Michael McCarthy in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 11,192,689
1004	<i>Curriculum Vitae</i> of Dr. J. Michael McCarthy
1005	EP 3492226 A1 to Brocket (“Brocket”)
1006	U.S. Publication No. 2007/0215015 to Heinrichs et al. (“Heinrichs”)
1007	U.S. Publication No. 2007/0012694 to Duvigneau (“Duvigneau”)
1008	U.S. Publication No. 2015/0151661 to Morel et al. (“Morel”)
1009	U.S. Patent No. 6,238,031 B1 to Weng, issued May 29, 2001 (“Weng”)
1010	U.S. Publication No. 2019/0002004 to Brunner et al. (“Brunner”)
1011	U.S. Patent No. 4,576,307 to Frydenberg (“Frydenberg”)
1012	U.S. Patent No. 4974740 to Niles et al. (“Niles”)
1013	Plaintiff Meridian Int’l Co. Ltd.’s Infringement Contentions
1014	EP Search report EP20170368.3 (Oct. 30 2020)
1015	Meridian EP Amendment and Response in EP20170368.3 (Oct. 5, 2021)
1016	U.S. Publication No. 2015/0274362 to Christopher et al. (“Christopher”)

Exhibit No.	Description
1017	U.S. Publication No. 5,461,731 to Shida (“Shida”)
1018	U.S. Publication No. 2020/0298392 to Baruch et al. (“Baruch”)
1019	U.S. Publication No. 2003/0094392 to Meier et al. (“Meier”)
1020	Chinese Utility Model No. 206841966 U to Wang (“Wang”)
1021	U.S. Publication No. 2008/0000899 to Baker et al. (“Baker”)
1022	U.S. Patent No. 5,934,466 to Loeffler (“Loeffler”)
1023	U.S. Publication No. 2019/0291922 to Gonitiner et al., (“Gonitiner922”)
1024	U.S. Patent No. 9,725,209 B1 to Ben-Gigi (“Ben-Gigi”)
1025	U.S. Publication No. 2019/0315515 to Gonitiner et al. (“Gonitiner515”)
1026	U.S. Patent No. 9,962,826 to Surridge (“Surridge”)
1027	U.S. Publication No. 2008/0121547 to Dur et al. (“Dur”)
1028	U.S. Patent No. 6,592,000 to Owens et al. (“Owens”)
1029	Non-Infringement and Invalidity Report of J. Michael McCarthy, Ph.D., <i>Meridian Int’l Co., Ltd. v. ToughBuilt Industries, Inc.</i> , Civil Action No. 8:24-cv-01840 (C.D. Cal.)

CLAIM LISTING

[1.P]	A stackable storage system comprising:
[1.A]	a first storage container configured and arranged to be selectively connected to a second storage container,
[1.B]	wherein the first storage container comprises of at least one locking groove and the second container comprises a sliding mechanism for selectively engaging the locking groove to connect and hold the first storage container to the second storage container, and
[1.C]	wherein a portion of the sliding mechanism extends laterally away from a side surface of the second container when the sliding mechanism is disengaged from the locking groove and wherein the portion of the sliding mechanism is coplanar with the side surface of the second container when the sliding mechanism is engaged with the locking groove.
[2]	The stackable storage system of claim 1, wherein the sliding mechanism further comprises of a slider that moves between the engaged and disengaged position with respect to the locking groove.
[3]	The stackable storage system of claim 2, wherein the slider has a side surface that is perpendicular to the direction of travel of the slider between the engaged and disengaged position with respect to the locking groove and the side surface of the slider is coplanar with the side surface of the second container when the slider is engaged with the locking groove.
[4]	The stackable storage system of claim 3, wherein the second storage container further comprises of a slot in the side surface of the container with a support arm extending across the slot, wherein the slider is engaged with the support arm to move between a locked position that corresponds to the engaged position of the locking groove and an unlocked position that corresponds to the disengaged position of the locking groove.
[5]	The stackable storage system of claim 4, wherein the support arm further comprises of a first engaging groove for holding the slider in

	the unlocked position and a second engaging groove for holding the slider in the locked position.
[6]	The stackable storage system of claim 5, wherein the first engaging groove is closer to the side surface of the second container than the second engaging groove.
[7]	The stackable storage system of claim 6, wherein the slider further comprises of an elastic arm with an engaging protrusion that selectively engages the first engaging groove and the second engaging groove.
[8]	The stackable storage system of claim 7, wherein the support arm further comprises at least one block comprising a bevel, and the slider further comprises of a recess with a sloped entry surface and a stopping surface for receiving the bevel and arresting outward movement of the slider wherein the stopping surface of the recess is parallel with the engaging protrusion of the elastic arm of the slider.
[9]	The stackable storage system of claim 4, wherein the support arm and the slider further comprise a cooperating guide to constrain lateral movement of the slider with respect to the support arm.
[10]	The stackable storage system of claim 9, wherein the cooperating guide is a guiding rib on the support arm that cooperates with a guiding slot on the slider which to constrain lateral movement of the slider with respect to the support arm.
[11]	The stackable storage system of claim 4, wherein the second storage container further comprises of a guiding groove on each side of the support arm for receiving the slider and constraining lateral movement of the slider with respect to the support arm.
[12]	The stackable storage system of claim 4, wherein the slot in the side surface of the container is described by two laterally spaced apart side surfaces, a second side surface perpendicular thereto, and a bottom surface perpendicular thereto, wherein the support arm is located across the slot between the two laterally spaced apart side surfaces and above the bottom surface and spaced apart from the second side surface for gripping and carrying the second storage container.

[13]	The stackable storage system of claim 12, wherein the slot is in a lid of the second storage container.
[14.P]	A stackable storage container comprising:
[14.A]	a second storage container configured and arranged to be selectively connected to a locking groove of a first storage container,
[14.B]	wherein the second container comprises a sliding mechanism for selectively engaging the locking groove of the first storage container to connect and hold the first storage container to the second storage container, and
[14.C]	wherein a portion of the sliding mechanism extends laterally away from a side surface of the second container when the sliding mechanism is disengaged from the locking groove and wherein the portion of the sliding mechanism is coplanar with the side surface of the second container when the sliding mechanism is engaged with the locking groove.
[15.1]	The storage container of claim 14, wherein the sliding mechanism further comprises of a slider that moves between the engaged and disengaged position with respect to the locking groove,
[15.2]	wherein the slider has a side surface that is perpendicular to the direction of travel of the slider between the engaged and disengaged position with respect to the locking groove and the side surface of the slider is coplanar with the side surface of the second storage container when the slider is engaged with the locking groove,
[15.3]	and wherein the second storage container further comprises of a slot in the side surface of the container with a support arm extending across the slot, wherein the slider is engaged with the support arm to move between a locked position that corresponds to the engaged position of the locking groove and an unlocked position that corresponds to the disengaged position of the locking groove.
[16]	The storage system of claim 15, wherein the support arm further comprises of a first engaging groove for holding the slider in the unlocked position and a second engaging groove for holding the slider in the locked position, wherein the first engaging groove is closer to

	the side surface of the second container than the second engaging groove, and wherein the slider further comprises of an elastic arm with an engaging protrusion that selectively engages the first engaging groove and the second engaging groove.
[17]	The storage system of claim 16, wherein the support arm further comprises at least one block comprising a bevel, and the slider further comprises of a recess with a sloped entry surface and a stopping surface for receiving the bevel and arresting outward movement of the slider wherein the stopping surface of the recess is parallel with the engaging protrusion of the elastic arm of the slider.
[18]	The storage system of claim 17, wherein the support arm and the slider further comprise a cooperating guide to constrain lateral movement of the slider with respect to the support arm, wherein the cooperating guide is a guiding rib on the support arm that cooperates with a guiding slot on the slider which to constrain lateral movement of the slider with respect to the support arm.
[19]	The storage system of claim 15, wherein the slot in the side surface of the container is described by two laterally spaced apart side surfaces, a second side surface perpendicular thereto, and a bottom surface perpendicular thereto, wherein the support arm is located across the slot between the two laterally spaced apart side surfaces and above the bottom surface and spaced apart from the second side surface for gripping and carrying the second storage container.
[20]	The storage system of claim 15, wherein the slot is in a lid of the second storage container.

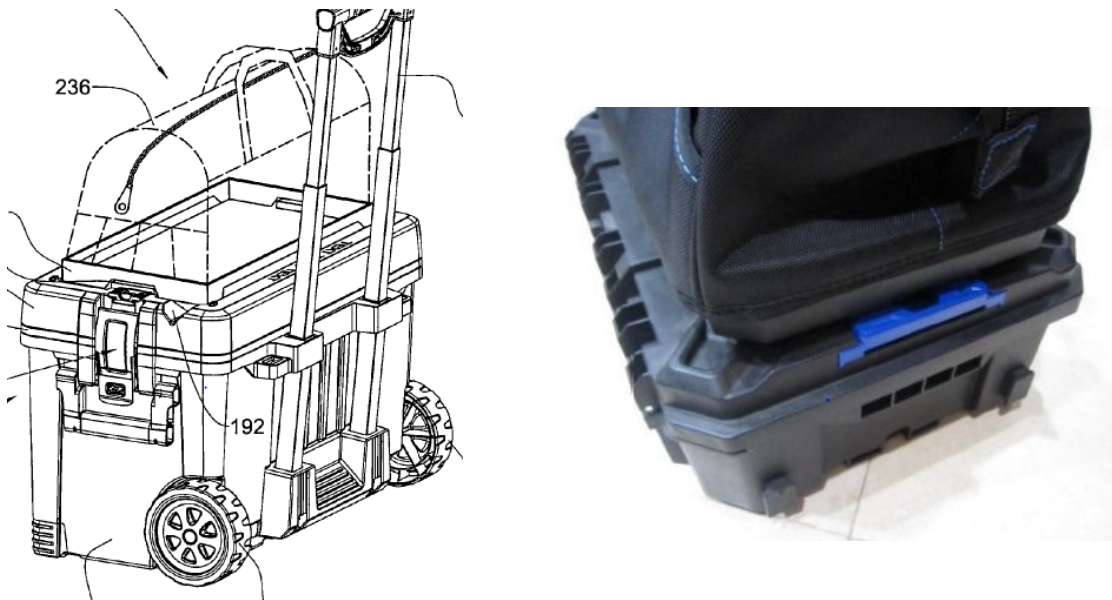
I. INTRODUCTION

ToughBuilt Industries, Inc. petitions for *inter partes* review of claims 1-20 of U.S. Patent No. 11,192,689 (“the ’689 patent”; EX1001). The ’689 patent claims nothing more than a well-known sliding locking mechanism for attaching a first storage container to a second storage container. The claimed concepts were known for many years prior to the issuance of the patent. EX1003, ¶¶34-106.

Indeed, the Petition demonstrates *all* the claimed features were anticipated or obvious and all claims are unpatentable. Grounds 2A and 2B are based on a reference (Brocket), which was applied in a rejection for the related European patent application. Meridian did not disclose Brocket to the USPTO—even though the European search opinion issued over a year *before* the issuance of the ’689 patent and concerned *virtually identical claims*. See EX1014, 5-7. In fact, Meridian *made substantial amendments* to overcome the rejection of the European application—amendments not made in the ’689 application. See EX1015, 26-29. Brocket, in combination with Heinrichs, renders obvious both independent claims, and claims 2-4 and 15. And the addition of Morel renders obvious the trivial engaging groove limitations recited in claims 5 and 6.

Duvigneau—the primary reference asserted in Grounds 1A-1G—anticipates or teaches both independent claims and many limitations recited in the dependent claims. Similar to an accused product in the parallel district court litigation,

Duvigneau discloses the well-known configuration of a pliable carrying bag detachably mounted (with a sliding mechanism) to a base cabinet storage device. The similarities between the accused product and Duvigneau can be seen below (left illustrating Duvigneau's storage system and right illustrating a picture of the accused product in the district court infringement contentions).



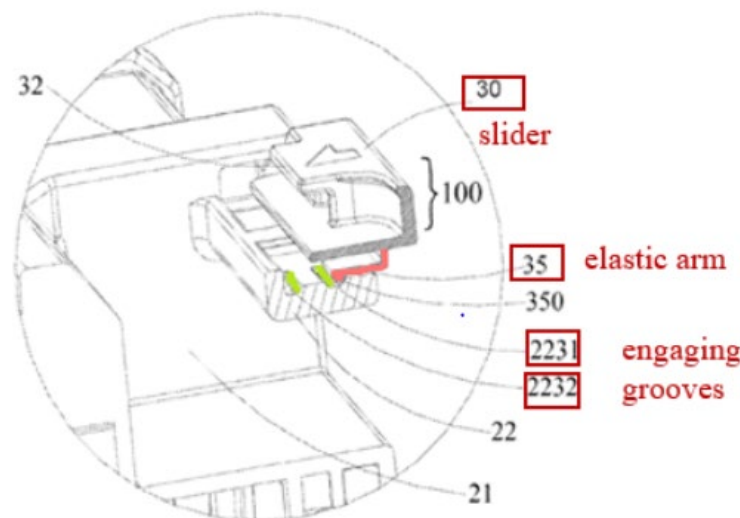
EX1007, FIG. 4A (cropped) (left); EX1013, B-1, 8 (right)

The remaining references used in these grounds—Brunner, Niles, Morel, Weng, and Frydenberg—render obvious the trivial and common features recited in the dependent claims, such as the use of engaging grooves for holding the slider in the unlocked and locked positions.

This Petition is supported by the declaration of Dr. J. Michael McCarthy (EX1003), a distinguished professor and expert in mechanical engineering. Dr. McCarthy's testimony confirms all challenged claims are unpatentable.

storage container 20.” EX1001, 3:26-30. Slider 30 “has a side surface that is perpendicular to the direction of travel of the slider between the engaged and disengaged position ... and the side surface is coplanar with a side surface of the second container when the slider is engaged with the locking groove.” EX1001, 1:42-48.

Second container 20 includes slot 21 and support arm 22 with engaging grooves 2231, 2232 that “are spaced apart and can be engaged with the slider 30 in the unlocked and locked position.” EX1001, 3:30-37, 3:49-62. As shown in Figure 3, the “lower surface of the slider 30” is provided with elastic arm 35 (red), which has an “engaging protrusion 350 [that] can be selectively engaged with the first engaging groove 2231 or the second engaging groove 2232” (green). EX1001, 4:15-31.



EX1001, FIG. 3 (annotated).

Support arm and slider further comprise “a cooperating guide to constrain lateral movement of the slider with respect to the support arm,” such as “a guiding rib on the support arm that cooperates with a guiding slot on the slider.” EX1001, 2:3-8. “Both ends of the slider 30 are provided with guide portions 330 that cooperate with ... guiding grooves 2110 of the second storage container 20, so that the slider 30 can slide relative to the second storage container.” EX1001, 4:10-14, FIGs. 9, 11.

As shown herein, the '689 patent claims amount to commonly known components for sliding mechanisms combined in predictable ways. EX1003, ¶¶107-112.

B. Prosecution History

The '689 patent issued from U.S. Application No. 16/846,878 (“the '878 application”), which claims benefit to Chinese Application No. 201922118361.7, filed November 27, 2019.

In the only Office Action issued in the case, the claims received § 112 indefiniteness rejections and § 102 anticipation rejections over Wang. EX1002, 115-121. Applicant amended the claims to address the § 112 rejections, but only made arguments to address the 102 rejection. EX1002, 145-155. The Examiner subsequently issued a Notice of Allowance. EX1002, 160-166.

In this short prosecution, relevant art failed to be considered. And the

applicant failed to disclose art cited in related European Application No.

20170368.3, which claims priority to the '878 application, even though the art was cited more than a year prior to the '689 patent's issue date. EX1014, 3-7. Further, two months before the '689 patent's issue date, to overcome the cited art, the applicant amended the European claims to be substantially narrower than the allowed independent claims of the '878 application, still without disclosing the art to the USPTO. *See* EX1015, 26-29. The art applicant failed to disclose includes Brocket, relied upon herein. EX1003, ¶¶113-115.

C. Person of Ordinary Skill in Art (POSA)

A POSA at the time that the '689 patent was filed would have had a bachelor's degree in mechanical engineering, or industrial design, and would have had at least two years of industry or academic experience with connecting technologies or similar mechanisms. EX1003, ¶¶116-117.

III. CLAIM CONSTRUCTION

In an *inter partes* review, claims are “construed using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. 282(b).” 37 C.F.R. §42.100(b). All claim terms must be given their ordinary and customary meaning as understood by a POSA at the time of the invention, in light of the specification and prosecution history of the patent. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005); *see also Sisvel*

Int'l S.A. v. Sierra Wireless, Inc., 81 F.4th 1231, 1236 (Fed. Cir. 2023) (absent lexicography or disavowal, claim terms in an IPR are given their plain and ordinary meaning in light of the specification and prosecution history).

Solely for the purposes of this Petition, Petitioner submits that all claim terms should receive their plain and ordinary meaning in the context of the '689 patent specification. EX1003, ¶¶118-119.

IV. IDENTIFICATION OF THE CHALLENGE (37 C.F.R. §42.104(B))

A. Identification of the Prior Art

The '689 patent's earliest possible priority date is November 27, 2019.

Without conceding this is the correct priority date, all references relied upon herein are prior art as of that date.

Duvigneau (EX1007) was published on January 18, 2007. Duvigneau is prior art at least under 35 U.S.C. § 102(a)(1).

Niles (EX1012) was issued on December 4, 1990. Niles is prior art at least under 35 U.S.C. § 102(a)(1).

Morel (EX1008) was published on June 4, 2015. Morel is prior art at least under 35 U.S.C. § 102(a)(1).

Weng (EX1009) was issued on May 29, 2001. Weng is prior art at least under 35 U.S.C. § 102(a)(1).

Frydenberg (EX1011) was issued on March 18, 1986. Frydenberg is prior

art at least under 35 U.S.C. § 102(a)(1).

Brunner (EX1010) was published on January 3, 2019. Brunner is prior art at least under 35 U.S.C. § 102(a)(1).

Brocket (EX1005) was published on June 5, 2019. Brocket is prior art at least under 35 U.S.C. § 102(a)(1).

Heinrichs (EX1006) was published on September 20, 2007. Heinrichs is prior art at least under 35 U.S.C. § 102(a)(1).

Each prior art reference is analogous art in the same field and/or reasonably pertinent to the problems of the '689 patent. Specifically, Heinrichs, Brocket, Duvigneau, Morel, Brunner, Niles, and Frydenberg are in the same field because they all disclose latching mechanisms for containers. Niles and Frydenberg are further analogous, or at least reasonably pertinent, because they disclose a sliding latch mechanism for joining and holding together two separable elements (e.g., container portions). And, as explained in VI.D.8, Weng is reasonably pertinent to the problems of the '689 patent. EX1003, ¶120.

B. Grounds Summary

Petitioner requests *inter partes* review on the following grounds summarized below:

Ground	Basis	Claims	References
1A	§102	1-4, 14, 15	Duvigneau

1B	§103	1-4, 14, 15	Duvigneau
1C	§103	5-7, 16	Duvigneau and Niles
1D	§103	5-7, 16	Duvigneau and Morel
1E	§103	8, 17	Duvigneau, Morel, and Weng
1F	§103	9-11	Duvigneau and Frydenberg
1G	§103	12-13, 19-20	Duvigneau and Brunner
1H	§103	18	Duvigneau, Morel, Weng, and Frydenberg
2A	§103	1-4, 14-15	Brocket and Heinrichs
2B	§103	5-6	Brocket, Heinrichs, and Morel

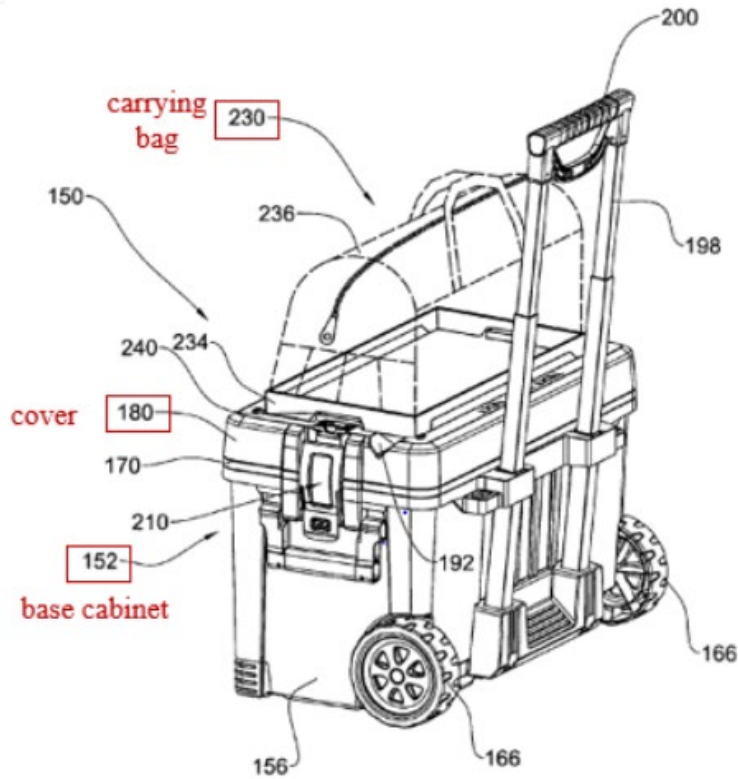
V. OVERVIEW OF THE APPLIED REFERENCES

A. Duvigneau

Duvigneau discloses a locking system for detachably attaching storage containers together. EX1007, ¶¶2, 12-13, 24, 50-57; FIGs. 2A, 4A-6. Duvigneau “relates generally to containers adapted to store any items” wherein “at least one container is [] detachably articulated for carrying away items in an easy to carry container.” EX1007, ¶¶2, 12. Duvigneau discloses “a cabinet assembly comprising a wheeled base cabinet ... and at least one detachable container made from a pliable material and designed as a carrying bag.” EX1007, ¶13. Carrying bag 230

includes a rigid base portion and is detachably fitted over base cabinet 152.

EX1007, ¶¶41-44, 57, FIG. 4A. Figure 4A, below, shows carrying bag 230 attached to base cabinet 152, which includes cover 180.



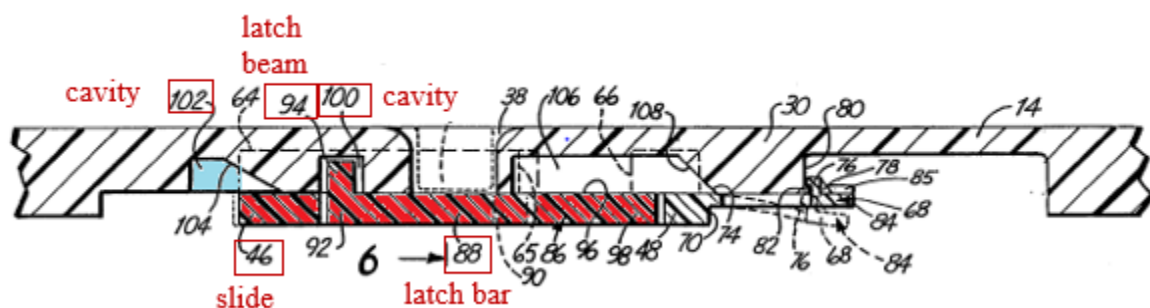
EX1007, FIG. 4A (annotated).

Duvigneau discloses a sliding mechanism for securing one storage container to another. Duvigneau’s carrying bag 230 “has a rigid base portion 234” that “comprises at its each of it’s [sic] two side edges a depression 240.” EX1007, ¶57. Duvigneau describes that base cabinet 152 comprises cover 180 upon which “a sliding latch 246” is fitted. EX1007, ¶¶52, 57, FIG. 6. Duvigneau discloses “depression 240 [is] fitted for arresting by a sliding latch 246 ... for detachably

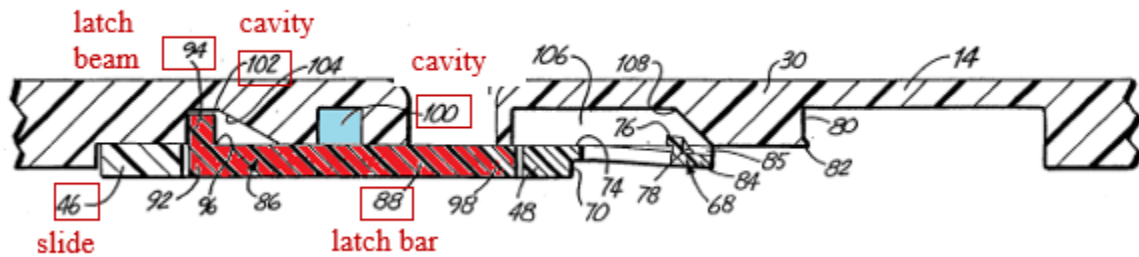
that (i) travels along a direction perpendicular to the stacking axis of two joined containers, (ii) protrudes from a side surface of the container comprising the sliding mechanism when disengaged, and (iii) is coplanar with the side surface when engaged. EX1007, ¶57, FIG. 6; EX1003, ¶¶121-124.

B. Niles

Niles discloses a latch assembly 12 to latch together first housing member 14 and second housing members 18 of case 10 (i.e., two separable container portions). EX1012, 4:31-5:4, 5:28-65, 7:3-38; FIGs. 1-6. Niles describes its latch assembly 12 includes a flexible slide 46 with a latch bar 88 that includes outwardly extending latch beam 94. EX1012, 4:60-62, 5:63-65, FIG. 6. When slide 46 is in a locked state, latch beam 94 is received in first cavity 100 “to secure the slide 46 against movement.” EX1012, 6:6-9, 7:21-25; FIG. 3. When the slide is in an open (unlocked) state, latch beam 94 engages “second cavity 102 adjacent the first cavity 100.” EX1012, 6:14-24, 7:31-39; FIG. 5. Figure 3 (illustrating slide 46 in the locked position) and Figure 5 (illustrating slide 46 in the unlocked position) are shown below. EX1003, ¶125.



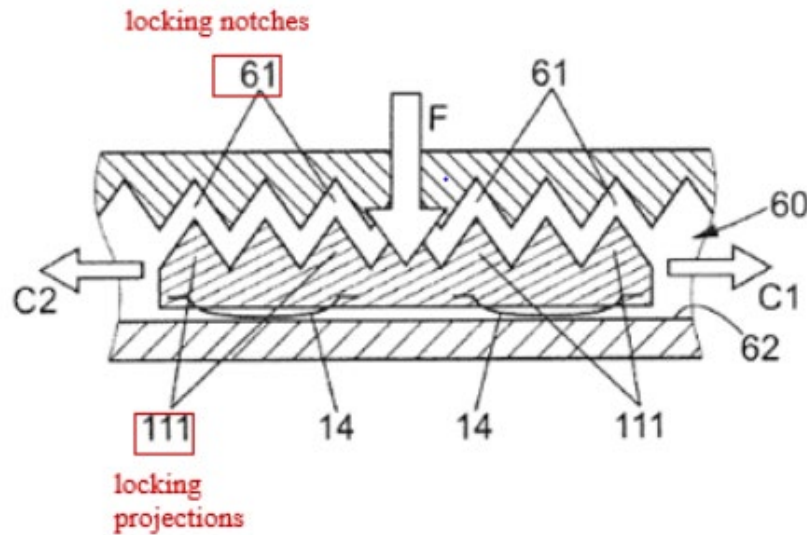
EX1012, FIG. 3 (annotated).



EX1012, FIG. 5 (annotated).

C. Morel

Morel discloses components for holding a sliding part in first and second positions. EX1008, ¶¶18-19, 23-34, 47-58, FIGs. 1-1B, 4A-4C, 5A-5B. Morel discloses storage compartment 1 has a partition member 10 (red) arranged to be moveable in a sliding direction. EX1008, ¶49; FIG. 1.

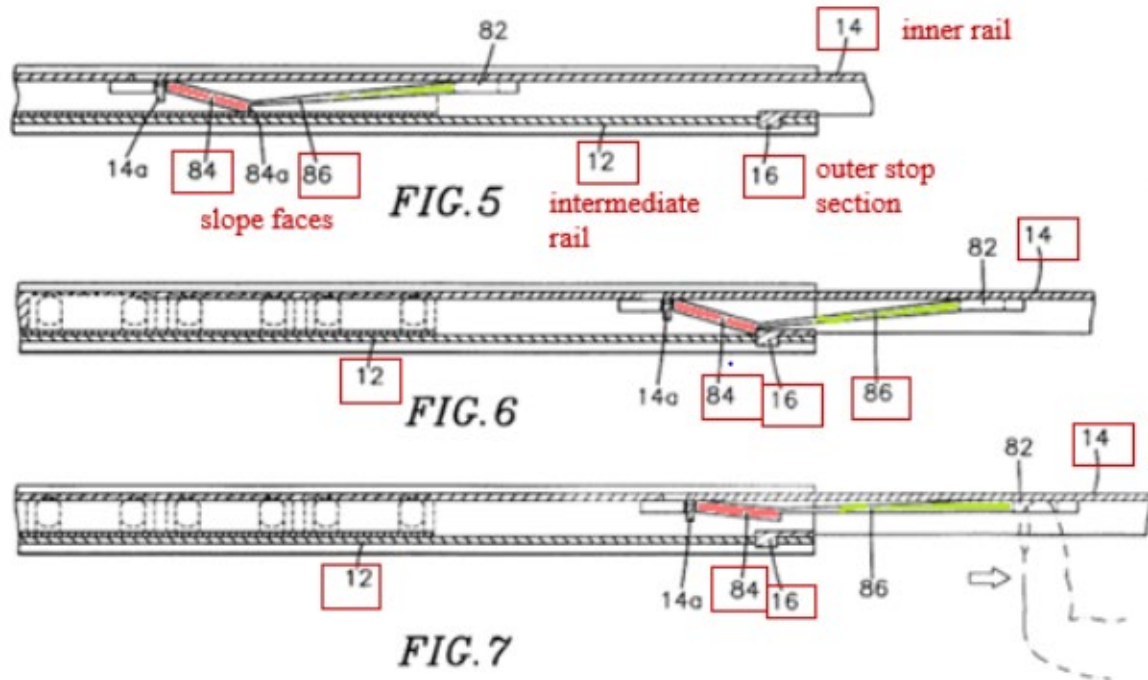


EX1008, FIG. 1B (annotated).

Similar to the '689 patent's engaging grooves, Morel's locking notches 61 hold a sliding element in place. EX1008, FIG. 1B. Further, Morel discloses an elastic component (e.g., elastic member 14) similar to the '689 patent's elastic arm 35 for providing a force biasing a locking protrusion toward an engaging groove. EX1008, ¶¶58, 82, 94; FIG. 1B, 4A-5B; EX1003, ¶¶126-128.

D. Weng

Weng discloses components useful for preventing a sliding part from fully disengaging from a supporting structure. EX1009, 2:1-15, 2:40-45, 3:5-38, FIGs. 1, 5-7. Weng's sliding track assembly 1 includes inner rail 14 that can be slid relative to intermediate rail 12. EX1009, 2:40-45, FIGs. 5-7.



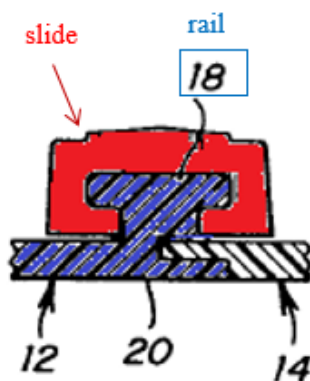
EX1009, FIGs. 5-7 (annotated).

An inner engaging section is coupled to inner rail 14 to stop it from sliding relative to intermediate rail 12. EX1009, 3:13-38. Inner engaging section includes “adjoining slope faces 84, 86” (red and green, respectively). EX1009, 3:13-22. Inner engaging section also includes inner engaging face 84a that interfaces with outer stop section 16 to stop inner rail 14 from sliding relative to intermediate rail 12. EX1009, 3:22-38, FIG. 6.

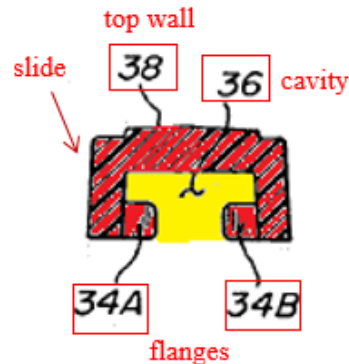
Accordingly, Weng discloses components commonly used in sliding latches for coupling containers, the components configured to stop a slider from fully disengaging from a supporting structure. EX1003, ¶¶129-131.

E. Frydenberg

Frydenberg discloses “a slide-type latching mechanism” for “selectively joining and holding together two separable elements with a sliding fastener,” such as first and second container portions 12/14 or 50/52. EX1011, 1:11-20; 2:60-3:3, 9:3-8. FIGs. 1-9. A “T-shaped rail 18 is mounted above a base 20,” with the base “constituting a structural part of one of the portions that is to be connected by the latching mechanism.” EX1011, 3:16-23, FIGs. 3-4. An elongated slide 30 has a longitudinal cavity 36 (bounded by top wall 38) that extends for the full length of the slide, with two flanges 34A, 34B below cavity 36. EX1011, 4:2-42. The gap between the flanges is wide enough to accommodate the T-rail “as to foster sliding movement of the slide 30 with respect to the rail 18.” EX1011, 4:43-48. Slide 30 is installed on rail 18 and longitudinal movement of the slide captures a button to hold the container portions together. EX1011, 9:4-8. Figures 3 and 6 illustrate this rail and slot arrangement. EX1011, FIGs. 3, 4; EX1003, ¶132.



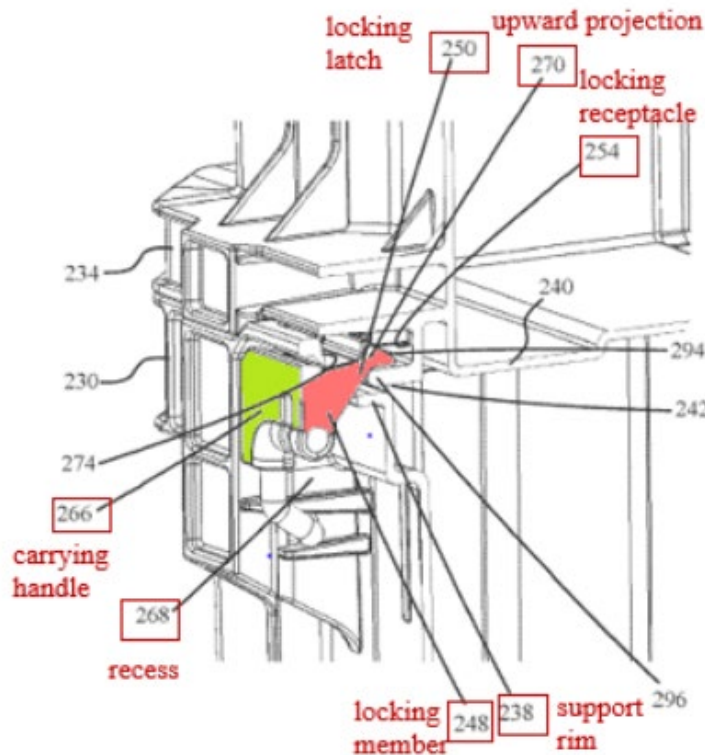
EX1011, FIG. 3 (annotated).



EX1011, FIG. 6 (annotated).

F. Brunner

Brunner discloses a locking system for detachably attaching storage containers to one another. EX1010, ¶¶1, 4-5, 131-141, FIGs. 11C-11E, 12A-13E. Brunner describes a locking member 248 “configured for locking engagement within a locking receptacle 254” formed at the base of a second container. EX1010, ¶¶135, 140, FIG. 13A. As shown in Figure 13A (below), Brunner discloses locking member 248 (red) has a carrying handle 266 (green) that “extends within a recess 268 ... thus providing to a grip[p]ing space facilitating an individual to insert his fingers for gripping said gripping portion.” EX1010, ¶141.



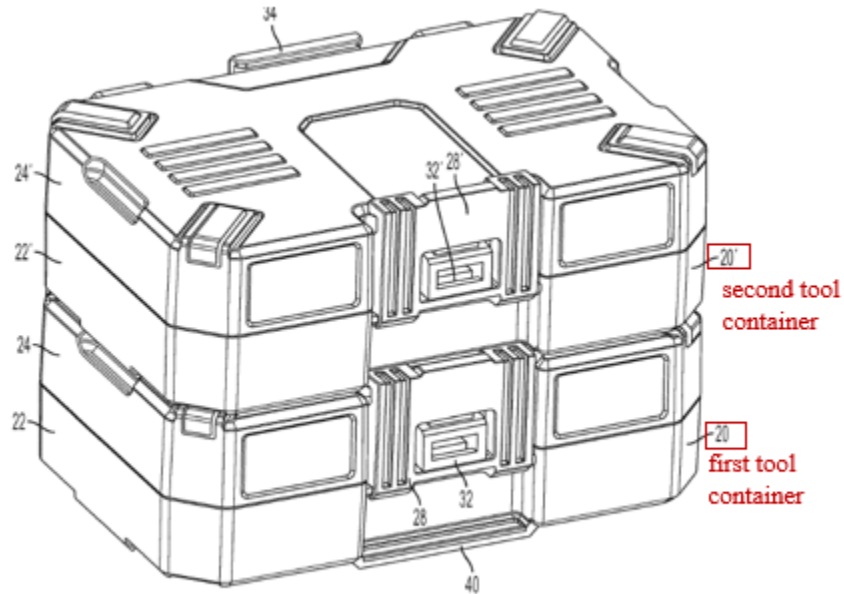
EX1010, FIG. 13A (annotated).

Brunner discloses locking member 248 is configured with bulges for protruding into depression 280 for arresting the locking member at the locked position within locking receptacle 254 of the other container. EX1010, ¶141. Brunner discloses locking latches 250 are configured with upward projection 270 and a support rim is configured with arresting opening 274 to restrict locking member 248 at its unlocked position. EX1010, ¶140.

Accordingly, like the '689 patent, Brunner discloses a locking member moving between unlocked/locked positions, where it is respectively secured in each position. EX1003, ¶¶133-135.

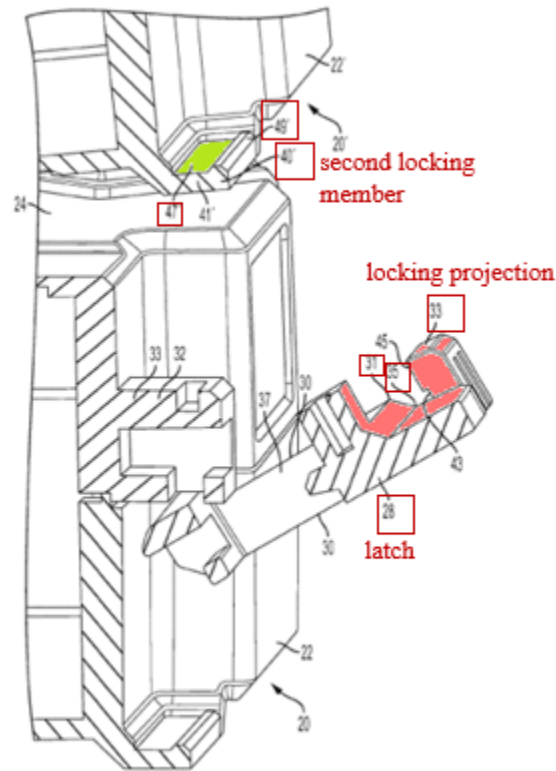
G. Brocket

Like the '689 patent, Brocket discloses a locking system for detachably attaching storage containers to one another. EX1005, ¶¶1-5, 14-16, FIGs. 3-5B. Brocket discloses tool container system 10 including a first and second containers 20, 20'. EX1005, ¶12, FIGs. 3-5B. Brocket describes the “second tool container is stackable on the first cover of the first tool container” and is “lockable to the first tool container.” EX1005, ¶3. Figure 4 shows Brocket’s storage assembly.



EX1005, FIG. 4 (annotated).

Brocket discloses latch 28 for securing container 20 to container 20'. Figure 5B shows latch 28 includes second locking latch portion 31 (red) for engaging second locking member 40' on second tool container 20'. EX1005, ¶14, FIG. 5B.

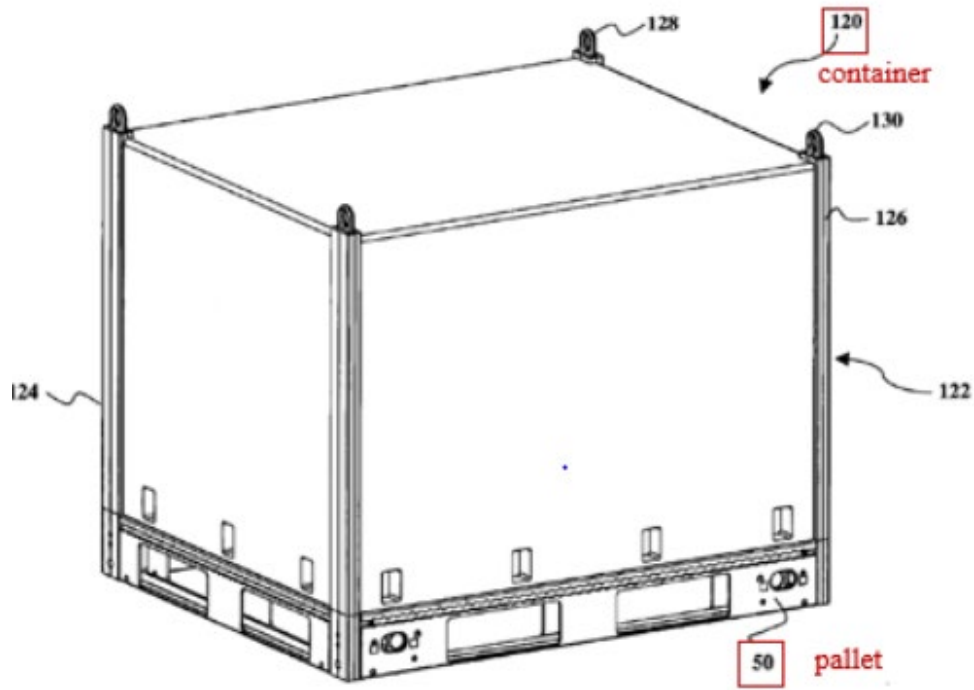


EX1005, FIG. 5B

Accordingly, like the '689 patent, Brocket discloses a mechanism for selectively connecting two storage containers. EX1003, ¶¶136-139.

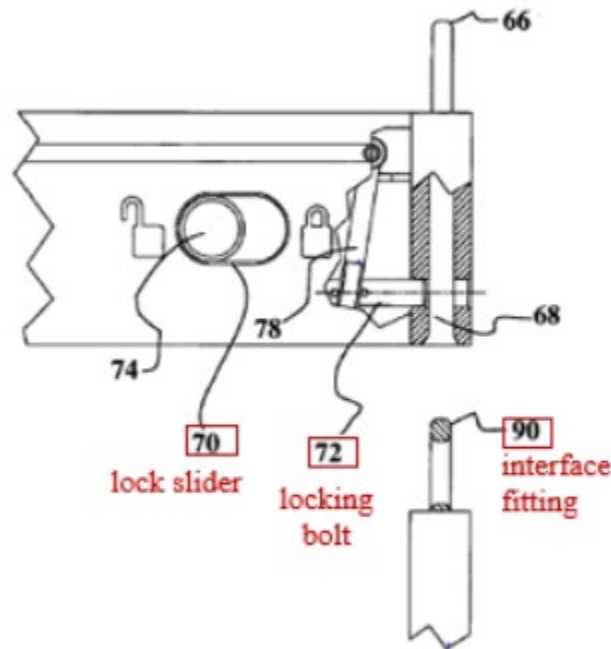
H. Heinrichs

Like the '689 patent, Heinrichs discloses a sliding mechanism for selectively locking storage containers together. EX1006, ¶¶51-62, FIGs. 2-4, 6. Heinrichs discloses container 120 and “another storage container having a second pallet which is substantially identical to pallet 50 may be stacked on container 120.” EX1006, ¶62, FIG. 6.



EX1006, FIG. 6 (annotated).

Heinrichs discloses pallet 50 includes a locking arrangement for engaging/disengaging an interface fitting of a storage assembly (e.g., another container 120). EX1006, ¶¶10, 56, 58,-62. Figure 3 illustrates this mechanism.



EX1006, FIG. 3 (annotated).

Heinrichs describes its locking mechanism includes lock slider 70 and locking bolt 72. EX1006, ¶¶52-53. Pallet 50 is stacked on a structure (e.g., container 120) having substantially identical interface fittings. Interface fitting 90 shown in Figure 3 is received through cavity 68 so that it aligns with locking bolt 72. EX1006, ¶56. A key is inserted into keyhole 74 and “[l]ock slider 70 is manually translated i.e., (slid), from an unlocked position to a locked position so that locking bolt 72 attached to lock slider 70” travels through cavity 62 to engage interface fitting 90. EX1006, ¶56.

Accordingly, like the '689 patent, Heinrichs discloses a sliding mechanism for selectively engaging a locking groove to connect and hold two containers

together. EX1003, ¶¶140-143.

VI. GROUNDS OF UNPATENTABILITY

A. Ground 1A: Duvigneau anticipates claims 1-4 and 14-15.

Duvigneau anticipates claims 1-4 and 14-15. EX1003, ¶144.

1. Claim 1

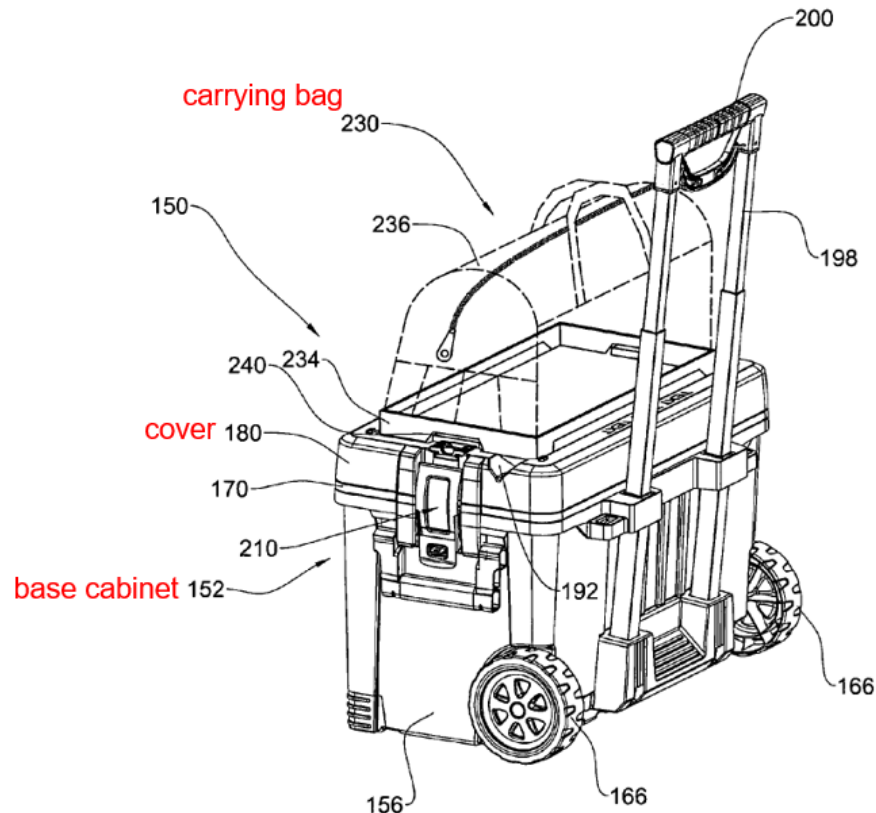
a. [1.P] A stackable storage system comprising:

To the extent limiting, Duvigneau discloses [1.P]. EX1003, ¶145. Duvigneau “relates generally to containers adapted to store any items” wherein “at least one container is a detachably articulated for carrying away items in an easy to carry container.” EX1007, ¶¶2, 12. Duvigneau discloses “a cabinet assembly” (e.g., “*stackable storage system*”) “comprising a wheeled base cabinet ... and at least one detachable container made from a pliable material and designed as a carrying bag.” EX1007, ¶13. Carrying bag 230 can be detachably mounted, thus “*stackable*,” on base cabinet 152 (which includes cover 180). EX1007, ¶¶12, 57, FIG. 4A. Duvigneau discloses base cabinet 152 “may be designed in different modules and comprise any combination of drawers, bins, shelves, and removable compartments.” EX1007, ¶59. Thus, Duvigneau discloses “*a stackable storage system*.” EX1003, ¶¶146-147.

b. [1.A] a first storage container configured and arranged to be selectively connected to a second storage container,

Duvigneau discloses [1.A]. EX1003, ¶¶148-149. Duvigneau discloses

carrying bag 230 (“*a first storage container*”) is configured to be detachably connected (“*configured and arranged to be selectively connected*”) over base cabinet 152, which includes cover 180 (“*second storage container*”)¹. EX1007, ¶57; FIG. 4A; *see also* EX1007, ¶¶41-47. Figure 4A, below, illustrates Duvigneau’s stackable storage system in which carrying bag 230 is mounted on and attached on cover 180 of base cabinet 152.



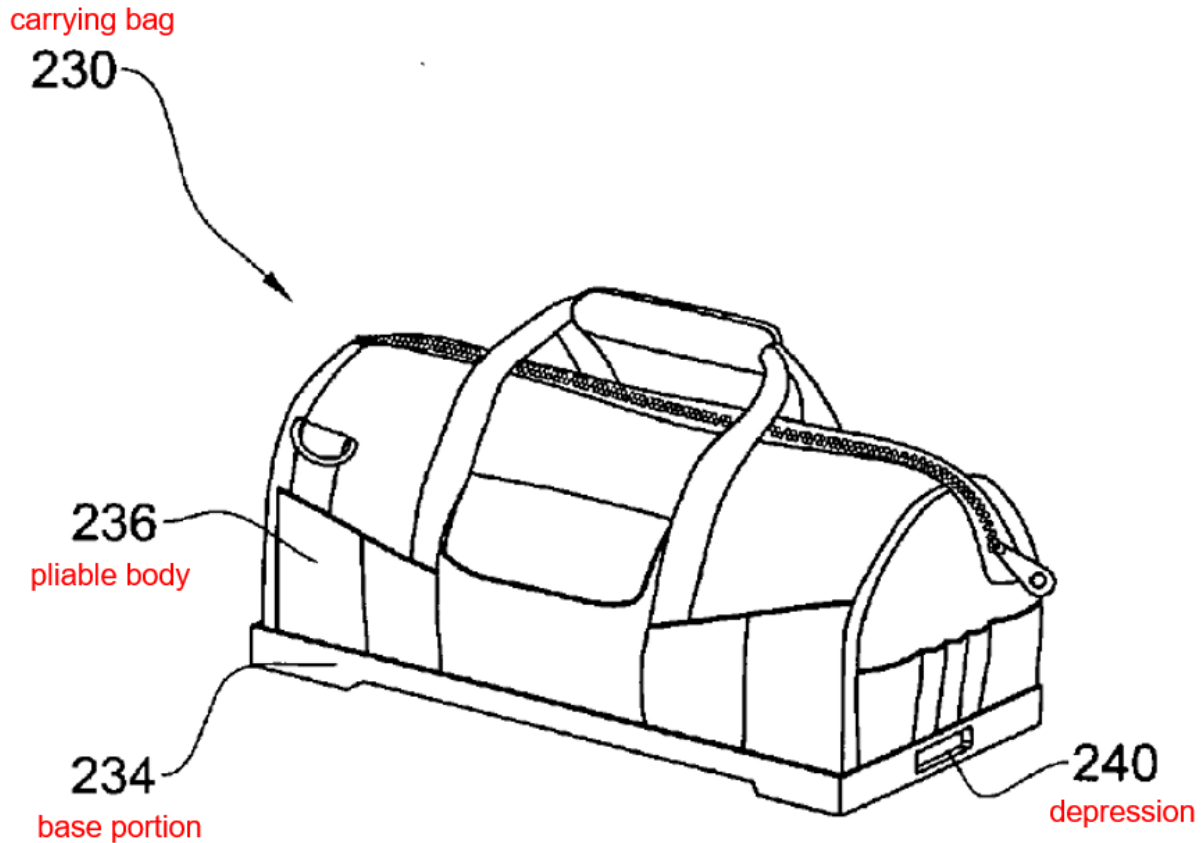
EX1007, FIG. 4A (annotated).

¹ Base cabinet 152 including its cover 180 is a “*second storage container*.”

- c. **[1.B] wherein the first storage container comprises of at least one locking groove and the second container comprises a sliding mechanism for selectively engaging the locking groove to connect and hold the first storage container to the second storage container, and**

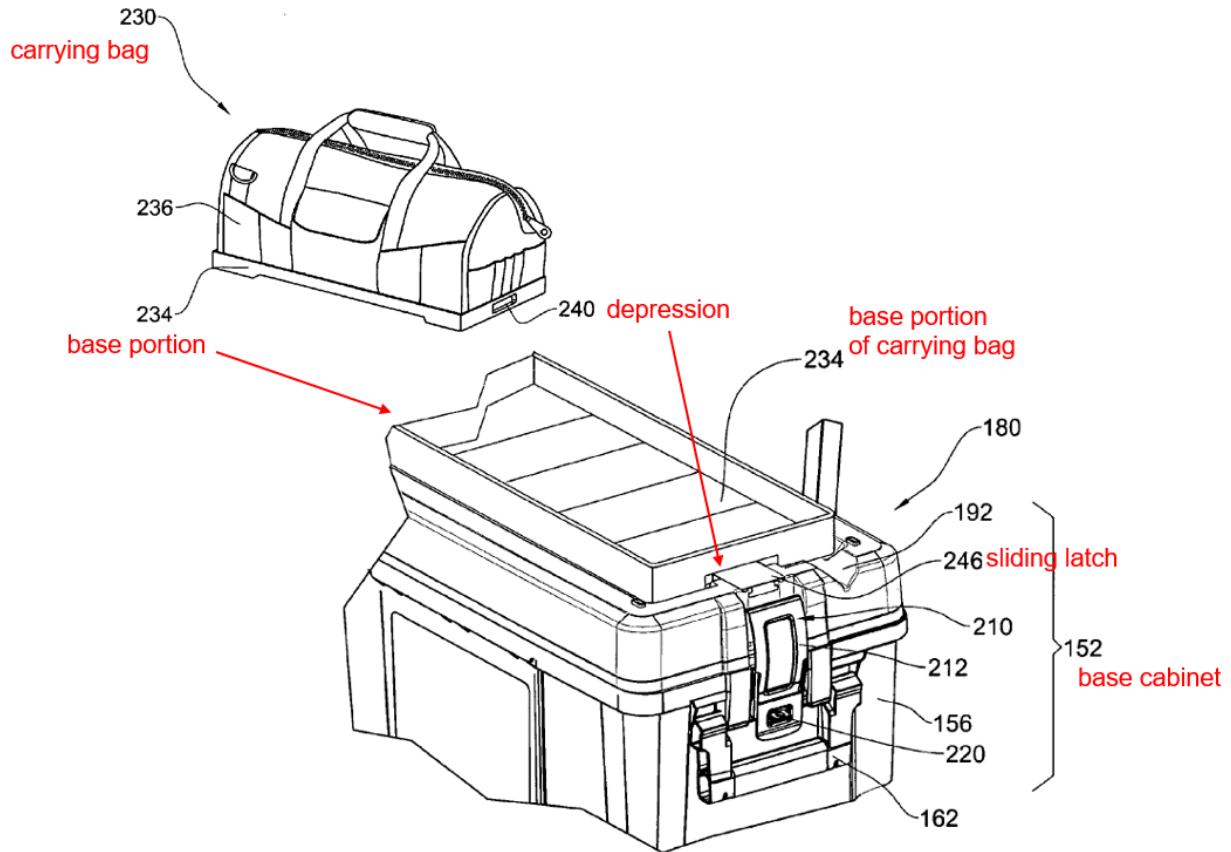
Duvigneau discloses [1.B]. EX1003, ¶150. Duvigneau discloses “*the first storage container comprises of at least one locking groove.*” EX1003, ¶151.

Duvigneau’s carrying bag 230 (“*first storage container*”) “has a rigid base portion 234” that “comprises at its each of it[]s two side edges a depression 240” (“*at least one locking groove*”). EX1007, ¶57. Each depression 240 is a “*locking groove*” because it accepts a “*sliding mechanism*” to detachably couple carrying bag 230 to base cabinet 152. EX1003, ¶¶151-152.



EX1007, FIG. 4B (cropped and annotated).

Duvigneau discloses “*the second container comprises a sliding mechanism for selectively engaging the locking groove to connect and hold the first storage container to the second storage container.*” EX1003, ¶153. Figures 4B and 6 of Duvigneau, depicted below, illustrate this arrangement. EX1003, ¶153.



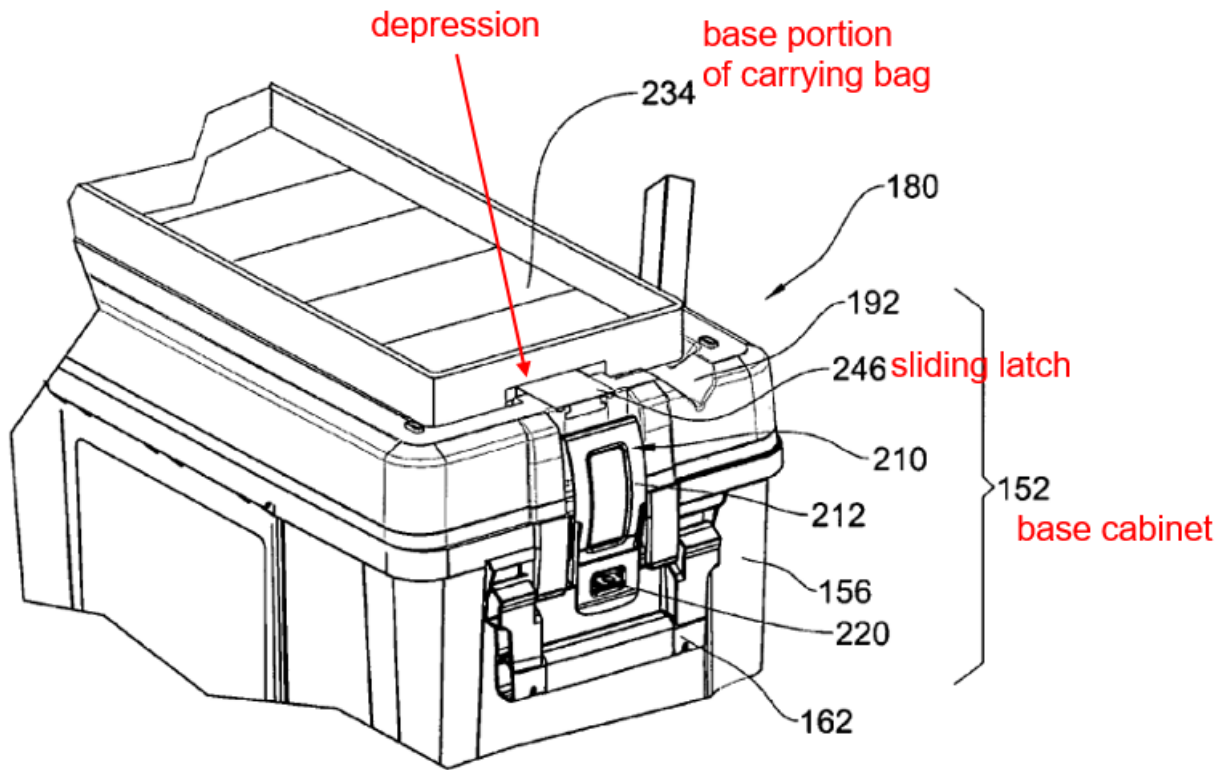
EX1007, FIGs. 4B (top), 6 (bottom) (cropped and annotated).

Duvigneau discloses base cabinet 152 includes cover 180 upon which “a sliding latch 246” (“*sliding mechanism*”) is fitted. EX1007, ¶¶52, 57, FIG. 6. Duvigneau discloses “depression 240 [is] fitted for arresting by a sliding latch 246 fitted on cover 180 for detachably articulating the carrying bag 230 over the base cabinet 152.” EX1007, ¶57; FIGs. 4A-4B. The sliding latch “*connect[s] and hold[s]*” the carrying bag to the second container because Duvigneau discloses “[d]isengagement of the carrying bag 230 from the base cabinet 152 is facilitated by slidingly displacing the latch 246 ... so as to disengage from the depressions 240.” EX1007, ¶57. Accordingly, Duvigneau discloses “*a sliding mechanism*”

(sliding latch 246) “*for selectively engaging the locking groove*” (depression 240)
“*to connect and hold the first storage container*” (carrying bag 230) “*to the second storage container*” (base cabinet 152, including cover 180). EX1003, ¶¶154-155.

- d. **[1.C] wherein a portion of the sliding mechanism extends laterally away from a side surface of the second container when the sliding mechanism is disengaged from the locking groove and wherein the portion of the sliding mechanism is coplanar with the side surface of the second container when the sliding mechanism is engaged with the locking groove.**

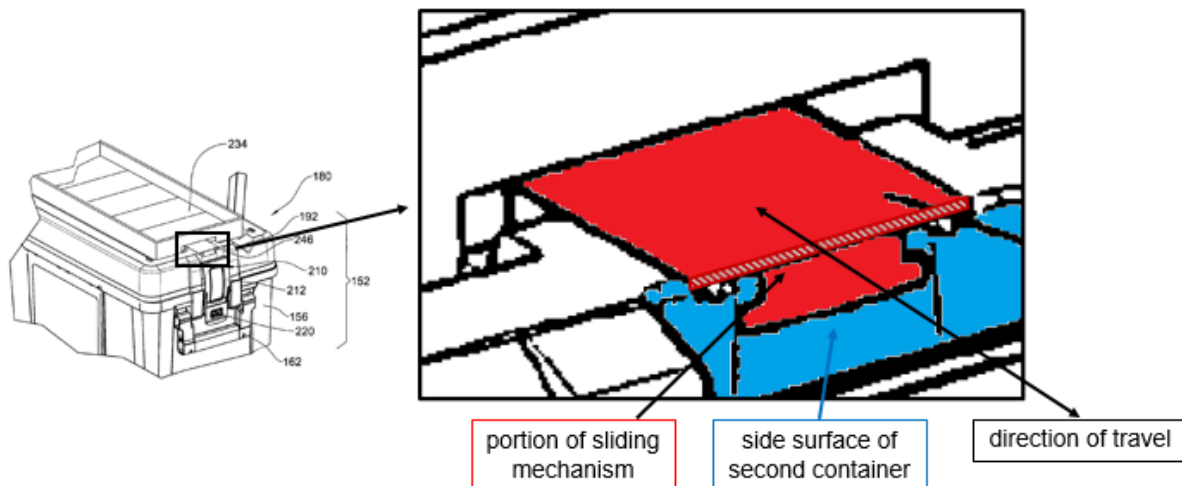
Duvigneau discloses [1.C]. EX1003, ¶156. Figure 6, below, shows sliding latch 246 (“*sliding mechanism*”) engaged with depression 240 (“*locking groove*”) so that base portion 234 of carrying bag 230 is attached to cover 180 of base cabinet 152. EX1007, ¶57, FIG. 6.



EX1007, FIG. 6 (annotated).

Duvigneau discloses “[d]isengagement of the carrying bag 230 from the base cabinet 152 is facilitated by slidingly displacing the latch 246 away from the base member 234 so as to disengage from the depression 240.” EX1007, ¶57. Accordingly, as shown in Figure 6 below, “slidingly displacing the latch 246 away from base member 234” causes “a portion of the sliding mechanism” (latch 246) to “extend[] laterally away from a side surface of the second container” (side surface of cover 180 of base cabinet 152) “when the sliding mechanism is disengaged from the locking groove.” EX1007, ¶57, FIG. 6; EX1003, ¶¶157-158. Figure 6 further shows that “when the sliding mechanism” (latch 246) “is engaged with the locking

groove” (depression 240), “*the portion of the sliding mechanism is coplanar with the side surface of the second container*” (surface of cover 180 shown in blue is coplanar with the edge (shown in red hatch pattern) and lower portion of sliding latch 246 when sliding latch 246 is engaged with depression 240). EX1007, ¶57, FIG. 6; EX1003, ¶¶159-160; *Aslanian*, 590 at 914 (a drawing can be cited against the claims even though the feature is unexplained); *Application of Mraz*, 455 F.2d 1069, 1072 (C.C.P.A. 1972) (features shown in patent drawings can be used to establish anticipation).



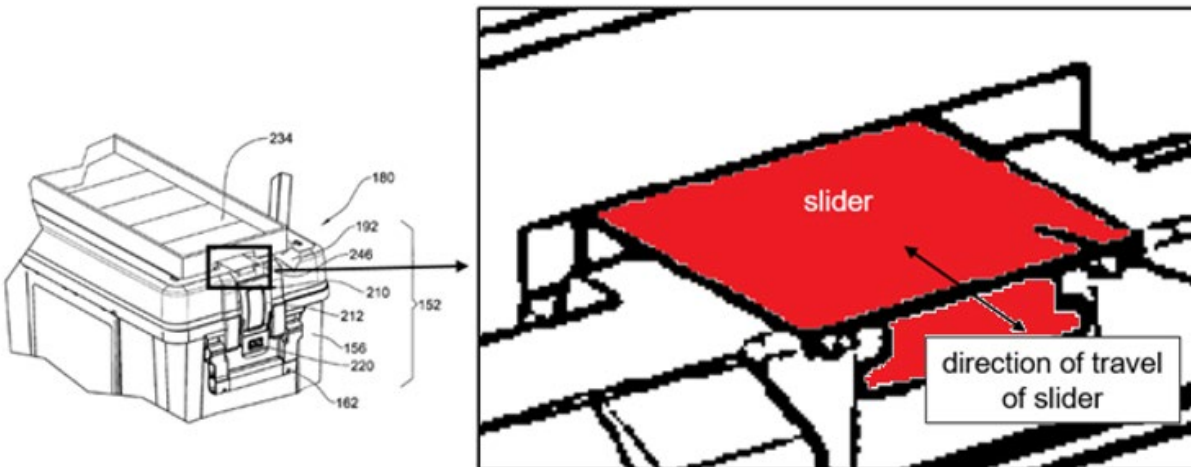
EX1007, FIG. 6 (cropped and annotated).

2. Claim 2

Duvigneau discloses claim 2. EX1003, ¶¶161-162.

Duvigneau discloses cover 180 of base cabinet 152 includes “a sliding latch 246” (“*sliding mechanism*”), which comprises “*a slider*” shown in red in annotated

Figure 6 below. Duvigneau's depression 240 (*"locking groove"*) *"is fitted for arresting by [the] sliding latch 246 ... for detachably articulating the carrying bag 230 over the base cabinet 152,"* (*"the engaged ... position with respect to the locking groove"*). EX1007, ¶57. Carrying bag is detached from cover 180 of base cabinet 152 *"by sliding displacing the latch 246 away from base member 234, so as to disengage from the depressions 240"* (the slider *"moves between the engaged and disengaged position with respect to the locking groove"*). EX1007, ¶57; EX1003, ¶163.



EX1007, FIG. 6 (cropped and annotated).

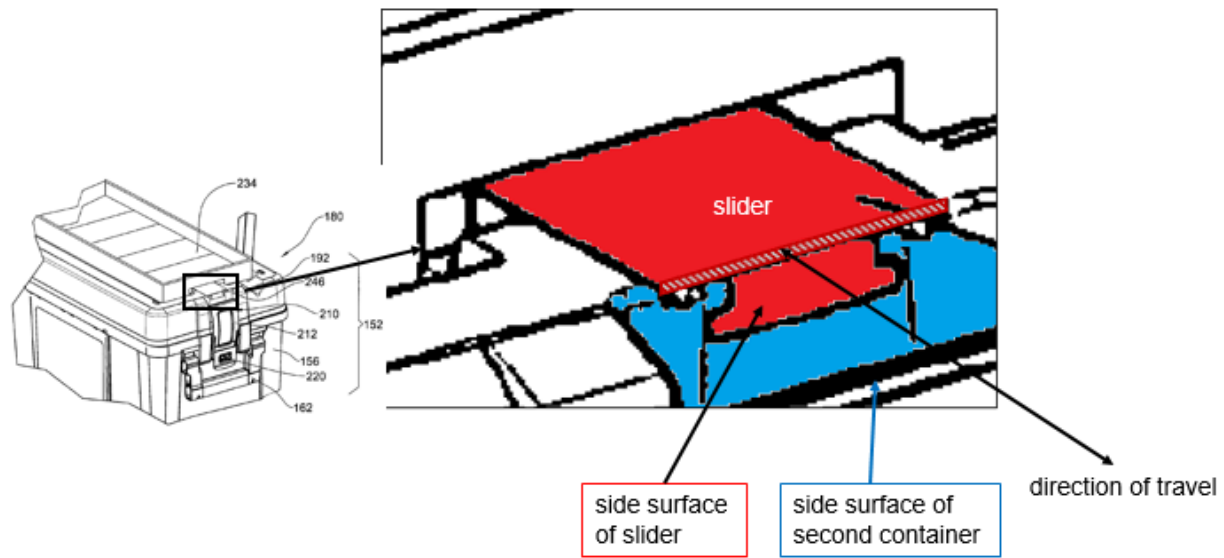
3. Claim 3

Duvigneau discloses claim 3. EX1003, ¶¶164-165.

As discussed in VI.A.d (addressing [1.C]), Duvigneau discloses *"the sliding mechanism extends laterally away from a side surface of the second container"*

and “*the portion of the sliding mechanism is coplanar with the side surface of the second container when the sliding mechanism is engaged with the locking groove.*” EX1003, ¶165.

Similarly, as shown in Figure 6 below, Duvigneau’s “*slider has a side surface that is perpendicular to the direction of travel of the slider between the engaged and disengaged position with respect to the locking groove.*” EX1007, FIG. 6; EX1003, ¶166. The side surface of the slider is indicated in the annotations in Figure 6 and includes its edge (shown in red hatched pattern). Duvigneau’s Figure 6 also shows that “*the side surface of the slider is coplanar with the side surface of the second container when the slider is engaged with the locking groove*” (surface of cover 180 shown in blue is coplanar with the indicated side surface of sliding latch 246, including its edge, when sliding latch 246 is engaged with depression 240). EX1007, FIG. 6, ¶57 (describing “slidingly displacing the latch 246 away from the base member 234” disengages carrying bag 230 from base cabinet 152); EX1003, ¶166; *Mraz*, 455 F.2d at 1072.

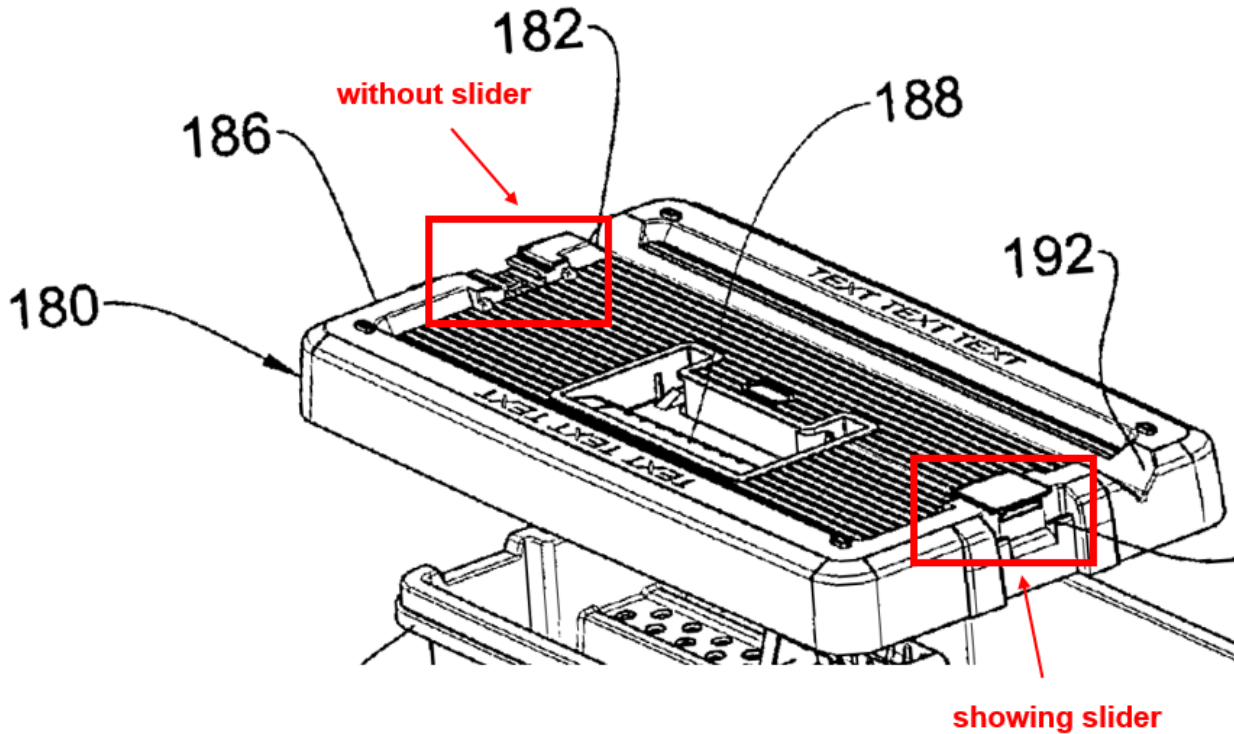


EX1007, FIG. 6 (cropped and annotated).

4. Claim 4

Duvigneau discloses claim 4. EX1003, ¶¶167-168.

Duvigneau discloses carrying bag 230 includes depression 240 at each of its two side edges, and shows in Figure 5 (below) two locations on cover 180 of base cabinet 152 for corresponding sliding latches 246. EX1007, ¶57, FIG. 5. As shown in annotated Figure 5 below, the right end of cover 180 shows sliding latch 246, whereas the left end of cover 180 shows the location of a second sliding latch 246 in which the slider has been removed to show the underlying elements of cover 180. EX1003, ¶168.



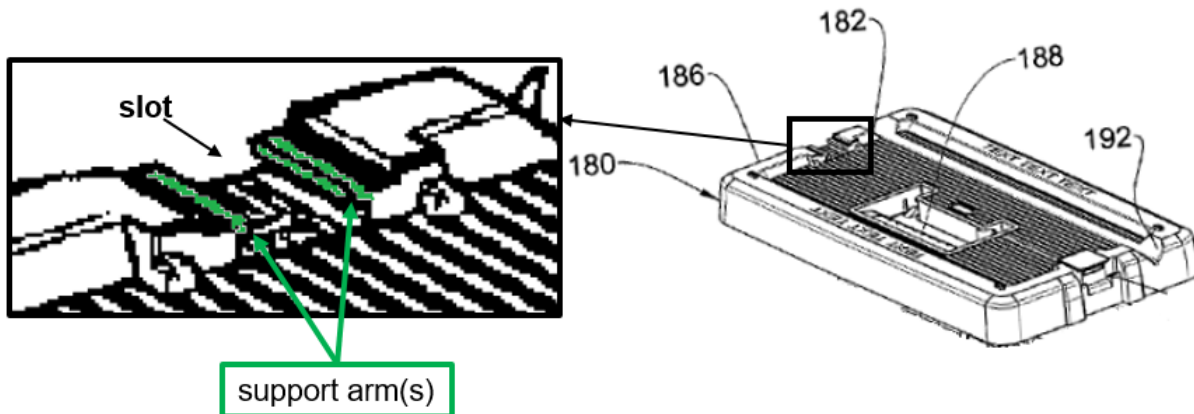
EX1007, FIG. 5 (cropped to show cover 180 and annotated).

Below, Figures 5 and 6 of Duvigneau are cropped and annotated to show the elements of claim 4. EX1003, ¶169. As shown in Figure 5, Duvigneau discloses a “slot in the side surface of the container” where there is a break in the upper surface 186 of base cabinet’s cover 180 defining a slot at the cavity where its latch mechanism 146 is located. EX1007, ¶¶52, 57, FIG. 5. Duvigneau further discloses “a support arm extending across the slot.” As shown below, Duvigneau also depicts at least one support arm (shown in green)² that extends into and across the

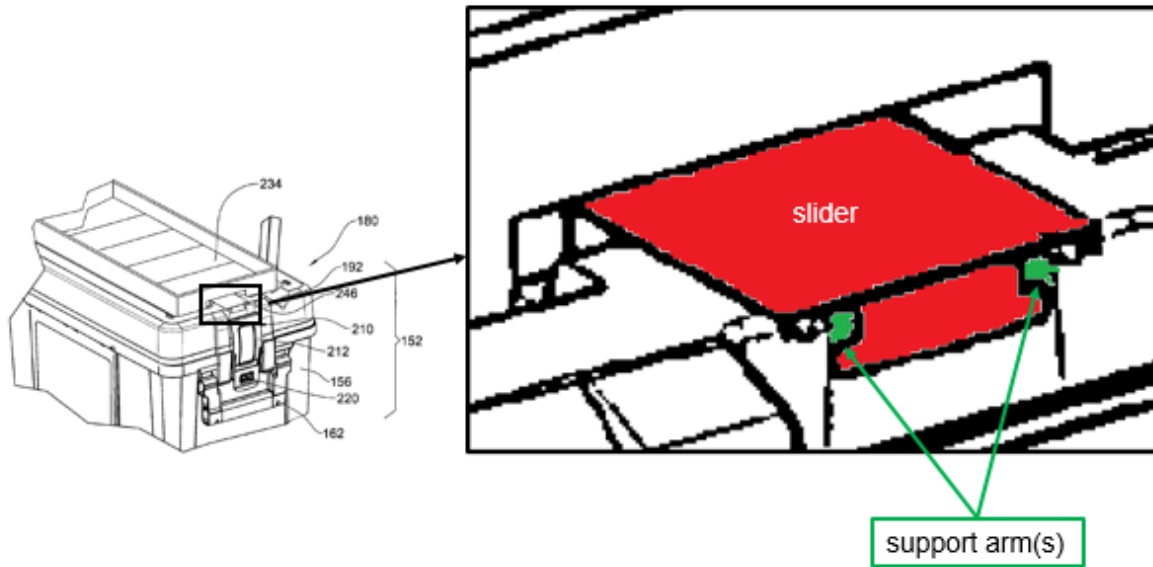
² The green protrusions may be considered a single support arm or separate support arms. EX1003, ¶169.

slot beneath the slider of sliding latch 246. EX1007, ¶57, FIGs. 5-6; EX1003,

¶169. Duvigneau discloses that “*the slider is engaged with the support arm to move between a locked position that corresponds to the engaged position of the locking groove and an unlocked position that corresponds to the disengaged position of the locking groove.*” As shown below, the slider rests on and is engaged with the support arm(s), and slides along the support arm(s) to move between the locked and unlocked positions. EX1007, ¶57, FIGs. 5-6; EX1003, ¶170.



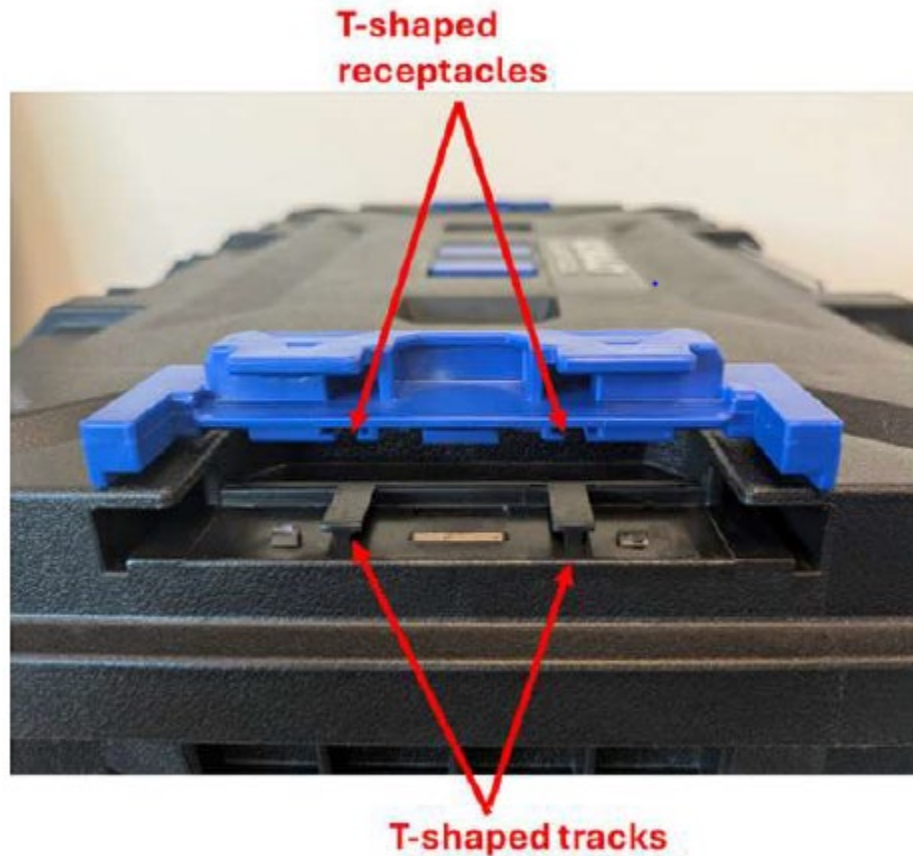
EX1007, FIG. 5 (cropped to show top 180 and annotated).



EX1007, FIG. 6 (cropped and annotated).

This is similar to Meridian’s infringement contentions asserting, as shown in the illustration below, that “the support arm includes T-shaped tracks” and “the blue slider engage each to control the direction of the blue slider’s movement.”

EX1013, B-1, 19; EX1003, ¶171.



EX1013, B-1, 19.

5. Independent Claim 14

Duvigneau discloses claim 14 for the reasons stated for claim 1 (VI.A.1).

EX1003, ¶¶172-175.

6. Claim 15

Duvigneau discloses [15.1] for the reasons stated in claim 2, [15.2] for the reasons stated in claim 3, and [15.3] for the reasons stated in claim 4 of this ground. EX1003, ¶¶176-178.

B. Ground 1B: Duvigneau renders obvious claims 1-4 and 14-15.

Claims 1-4 and 14-15 would have been obvious over Duvigneau. EX1003,

¶179. The '689 patent claims nothing more than a sliding latch mechanism that comprises well-known components implemented in a predictable way. These components include a slider that is coplanar (so it does not protrude and catch on things) and moves between a locked/engaged position and an unlocked/disengaged position, an elastic arm to facilitate disengagement of the slider from a locked position, a block with a bevel to keep the slider from being completely disengaged, guiding grooves and support ribs to constrain lateral movement so that the slider remains in position to perform its intended latching function, and a slot that can be used for gripping and carrying the container. All of these are simple mechanisms that are no “more than the predictable use of prior art elements according to their established functions.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 401 (2007); EX1003, ¶180.

1. Independent Claim 1

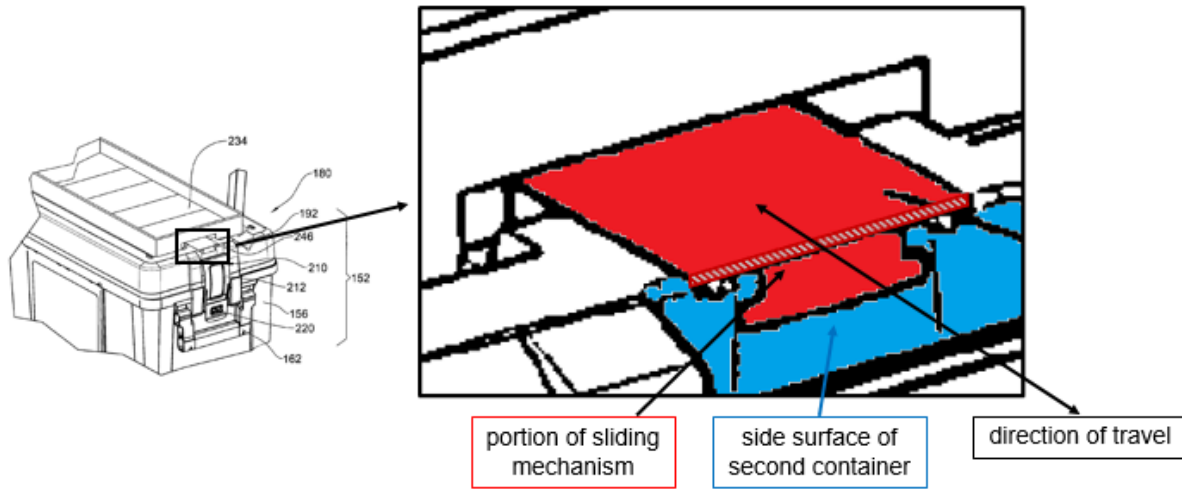
Duvigneau anticipates, and thus renders obvious, claim 1. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983) (“a disclosure that anticipates under § 102 also renders the claim invalid under § 103, for ‘anticipation is the epitome of obviousness’”). Duvigneau discloses each element of claim 1 for the reasons stated in Sections VI.A.1.a-d. To the extent Meridian argues any element is not disclosed by Duvigneau, it was obvious. EX1003, ¶¶181-182.

Regarding [1.C], for example, Duvigneau discloses “[d]isengagement of the

carrying bag 230 from the base cabinet 152 is facilitated by slidingly displacing the latch 246 away from the base member 234, so as to disengage from the depressions 240.” EX1007, ¶57. Duvigneau’s Figure 6 does not label the direction of movement when latch 246 is slidingly displaced from base member 234 of carrying bag 230. But a POSA would have understood or found obvious from Duvigneau’s description in paragraph 57 that “slidingly displacing the latch 246” would cause a portion of latch 246 to extend laterally away from a side surface of the cover 180 because Duvigneau discloses latch 246 is displaced “away from base member 234,” which is connected to base cabinet’s cover 180. Thus, Duvigneau at least renders obvious that “*a portion of the sliding mechanism extends laterally away from a side surface of the second container*” (side surface of cover 180 of base cabinet 152) “*when the sliding mechanism is disengaged from the locking groove*” (depression 240). EX1003, ¶183.

Additionally, although Duvigneau does not state in prose that “*the portion of the sliding mechanism is coplanar with the side surface of the second container when the sliding mechanism is engaged with the locking groove*,” Duvigneau renders obvious this limitation because Figure 6 illustrates, or at least suggests, that a portion of latch 246 (including its edge) is coplanar with a side surface of the cover 180 of base cabinet 152. EX1007, FIG. 6; EX1003, ¶184; *Aslanian*, 590 F.2d at 914 (a drawing can be cited against the claims even though the feature is

unexplained).



EX1007, FIG. 6 (cropped and annotated).

Indeed, it would have been obvious to a portion of sliding mechanism coplanar with the side surface of the second container (shown in blue above) in order to protect the sliding mechanism from accidental disengagement and damage. EX1003, ¶185. A POSA would have been motivated to do so because such a coplanar arrangement advantageously prevents the latch from protruding, which increases the risk of snagging on unwanted objects (including human skin) and causing accidental disengagement or damage to the latch. EX1003, ¶186 (citing e.g., EX1016, ¶24³). A POSA would have been further motivated and

³ EX1016 is a U.S. Application to Meridian, published October 1, 2015 (over 4 years before the '689 patent's filing date). Although it discloses a storage

reasonably expected success in using such a coplanar arrangement because it requires nothing more than the predictable use of prior art elements (e.g., latch and container cover) according to their known functions. EX1003, ¶186.

2. Claim 2

Duvigneau discloses claim 2 for the reasons stated in VI.A.2. EX1003, ¶187.

3. Claim 3

To the extent Meridian argues this claim is not disclosed by Duvigneau, Duvigneau renders obvious this claim. EX1003, ¶188.

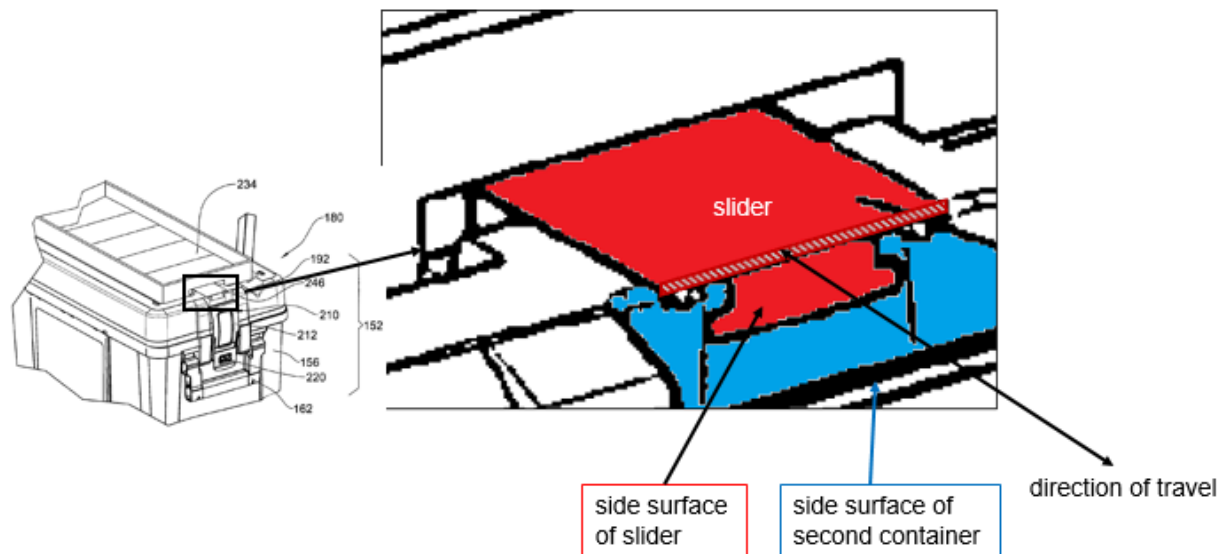
For the reasons stated in Sections VI.A.1.d and VI.B.1 (addressing [1.C]), Duvigneau discloses or renders obvious *“the sliding mechanism extends laterally away from a side surface of the second container”* and *“the portion of the sliding mechanism is coplanar with the side surface of the second container when the sliding mechanism is engaged with the locking groove.”* EX1003, ¶189. Similarly, a POSA would have understood, or found obvious from Duvigneau’s Figure 6 and description in paragraph 57 that “slidingly displacing the latch 246” would cause a *“side surface”* of the *“slider”* (the surface of the slider indicated in annotated

system for connecting two containers with a latching mechanism that is coplanar with the side surface of a container, Meridian did not disclose this patent to the Office during prosecution of the ’689 patent.

Figure 6 below, including its edge (shown in red hatched pattern)) to be

“perpendicular to the direction of travel of the slider between the engaged and disengaged position with respect to the locking groove” (depression 240) because Duvigneau discloses latch 246 is displaced *“away from the base member 234.”*

EX1007, ¶57, FIG. 6; EX1003, ¶189. For the reasons discussed in Section VI.B.1, a POSA would have understood, or found obvious, that Figure 6 illustrates, or at least suggests, *“the side surface of the slider is coplanar with the side surface of the second container when the slider is engaged with the locking groove.”* EX1007, FIG. 6; EX1003; ¶189.



EX1007, FIG. 6 (cropped and annotated).

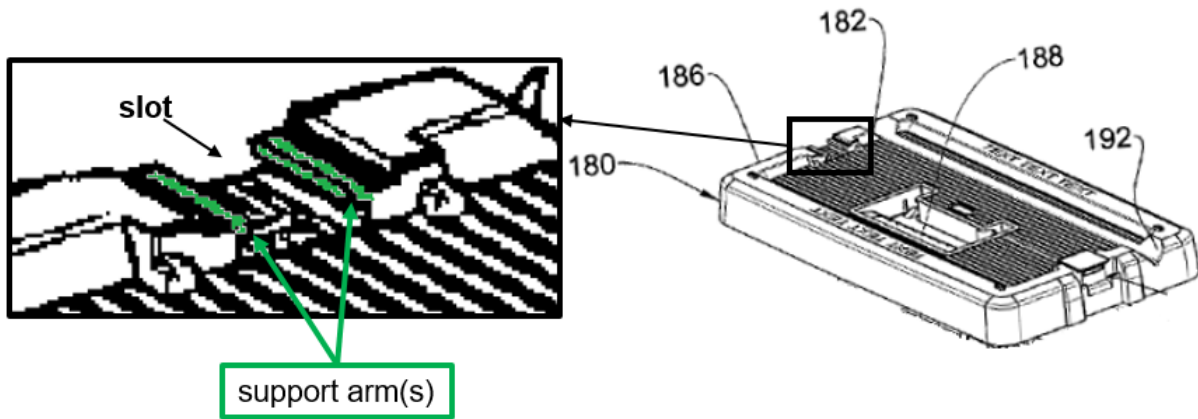
4. Claim 4

To the extent Meridian argues claim 4 is not disclosed by Duvigneau,

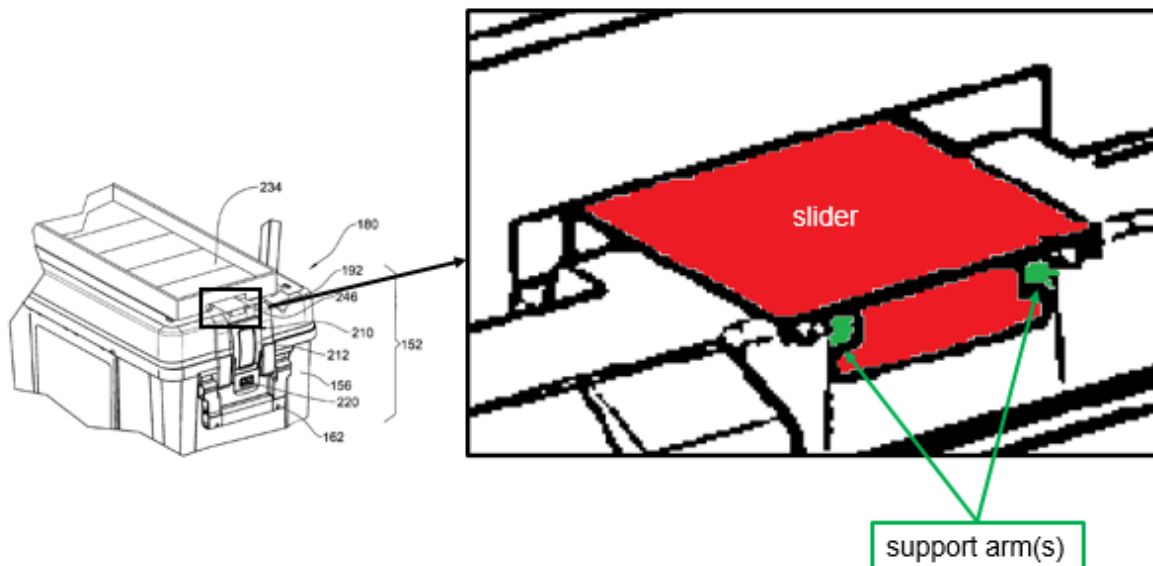
Duvigneau renders obvious this claim. EX1003, ¶190.

Figure 5 does not label that the left end of cover 180 shows the location of a second sliding latch 246. But a POSA would have understood the left end of cover 180 in Figure 5 shows a second location of a slider mechanism (in which the slider has been removed to show the underlying elements of cover 180) because Duvigneau describes carrying bag 230 comprises at each of its two side edges depression 240 (“*locking groove*”) for detachably attaching the bag to a sliding latch 246 on cover 180 and, thus, Figure 5 shows two locations on cover 180 of base cabinet 152 for corresponding sliding latches 246. EX1007, ¶57; EX1003, ¶191.

Figure 5 also does not label “*a slot in the side surface of the container with a support arm extending across the slot*” and Duvigneau does not describe in prose that “*the slider is engaged with the support arm*” to move between the locked/unlocked positions. But a POSA would have understood or found obvious from Figures 5 and 6 that Duvigneau’s cover 180 (part of base cabinet 152) includes a slot and support arm(s) that engage with the slider because Duvigneau discloses sliding latch 246 “is fitted on cover 180” and both Figures 5 and 6 illustrate this arrangement, including showing the slider engaged with protrusions (support arm(s)) and showing the break in upper surface 186 of base cabinet’s cover 180 where the slot is located. EX1007, ¶57, FIGs. 5, 6; EX1003, ¶192.



EX1007, FIG. 5 (cropped to show top 180 and annotated).



EX1007, FIG. 6 (cropped and annotated).

Indeed, it would have been obvious to include the support arm(s) in order to retain the slider in place. EX1003, ¶193. A POSA would have been motivated to use this well-known structure to facilitate its described function to arrest with depression 240 and to “slidingly displacing the latch 246” to disengage from the depressions 240. EX1007, ¶57; EX1003, ¶194. A POSA would have been further

motivated and reasonably expected success in using such an arrangement because it requires nothing more than predictable use of prior art elements (e.g., support arm, slider) according to their known functions. EX1003, ¶194.

It would have been further obvious to include a slot in the side surface of the second container (as explicitly shown in Figure 5) to provide an area for the sliding mechanism. EX1003, ¶195. A POSA would have been motivated to include a slot to provide space for the components of slider mechanism. EX1003, ¶195. And a POSA would have been further motivated in including a slot because it is nothing more than the predictable use of a known element (a slot in a container to hold a latch mechanism). EX1003, ¶195.

5. Independent Claim 14

Duvigneau renders obvious claim 14 for the reasons stated for claim 1 in VI.B.1. EX1003, ¶196.

6. Claim 15

Duvigneau renders obvious [15.1] for the reasons stated in claim 2, [15.2] for the reasons stated in claim 3, and [15.3] for the reasons stated in claim 4 of this ground. EX1003, ¶197.

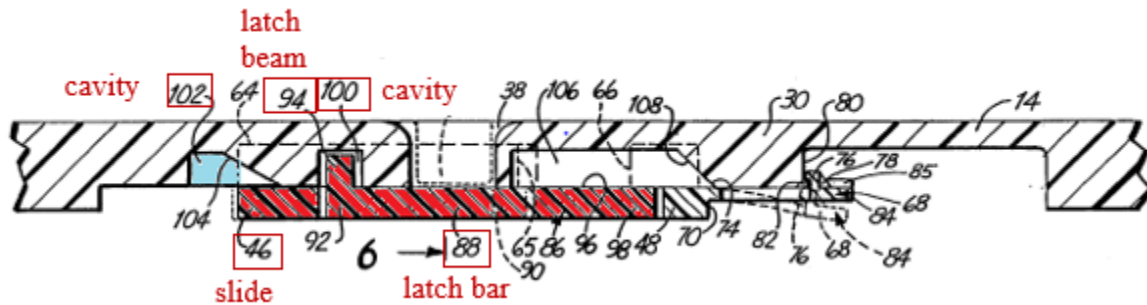
C. Ground 1C: Duvigneau-Niles renders obvious claims 5-7 and 16.

1. Claim 5

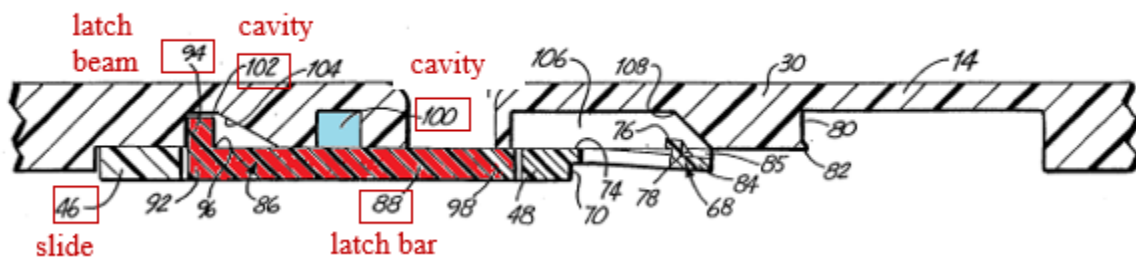
The Duvigneau-Niles combination renders obvious claim 5. EX1003, ¶198. Duvigneau discloses or render obvious claim 4's "*a support arm ... wherein the*

slider is engaged with the support arm to move between a locked position ... and an unlocked position.” Sections VI.A.4, VI.B.4; EX1007, ¶57, FIG. 5; EX1003, ¶199. But Duvigneau does not disclose a mechanism used to retain the slider in the locked/unlocked positions.

Niles discloses such a mechanism. As shown in Figures 3 and 5 below, Niles discloses a latch assembly 12 that includes flexible slide 46 to latch together first and second housing members 14/18 of case 10 (i.e., two separable container portions). EX1012, 4:31-35, FIGs. 1-2. Niles discloses flexible slide 46 has a latch bar 88 with an outwardly extending latch beam 94. EX1012, 5:56-65. When the slide 46 is in a locked state, latch beam 94 is received in first cavity 100 “to secure the slide 46 against movement.” EX1012, 6:6-9, 7:21-25; FIG. 3. When the slide is in an open (unlocked) state, latch beam 94 engages “second cavity 102 adjacent the first cavity 100.” EX1012, 6:14-24, 7:31-39; FIG. 5. Thus, Niles teaches “*a first engaging groove for holding the slider in the unlocked position*” (cavity 102) and “*a second engaging groove for holding the slider in the locked position*” (cavity 100). EX1003, ¶200.

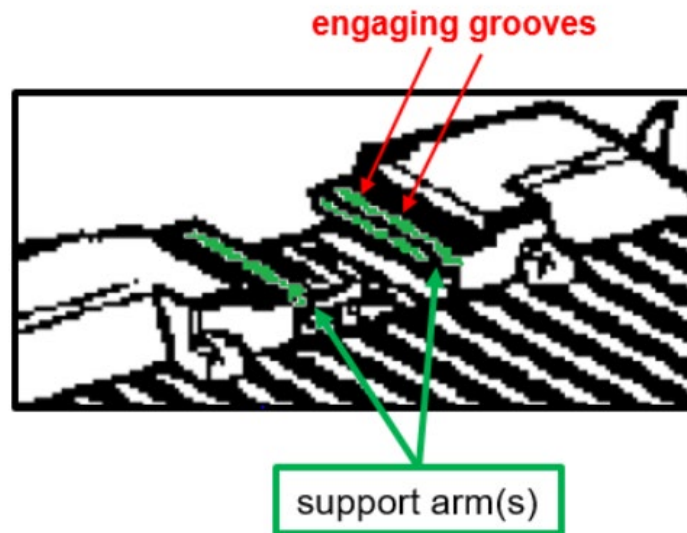


EX1012, FIG. 3



EX1012, FIG. 5

Because Duvigneau does not explicitly disclose how its sliding mechanism remains locked in place, a POSA would have been motivated to look for a mechanism to provide a solution to this problem. EX1003, ¶201. A POSA would have recognized Niles suggests such a solution through its description of a simple mechanism that uses “*a first engaging groove for holding the slider in the unlocked position*” (cavity 102) and “*a second engaging groove for holding the slider in the locked position*” (cavity 100). A POSA would have understood the suggested solution need not be bodily incorporated and could readily implement the suggested grooves on a downward facing surface of Duvigneau’s support arm, as identified in Figure 5 below. EX1003, ¶201.



EX1007, FIG. 5 (cropped and edited to show example engaging grooves).

A POSA would have found it obvious to include grooves on Duvigneau's support arm (as suggested by Niles) in order to retain the slider in position.

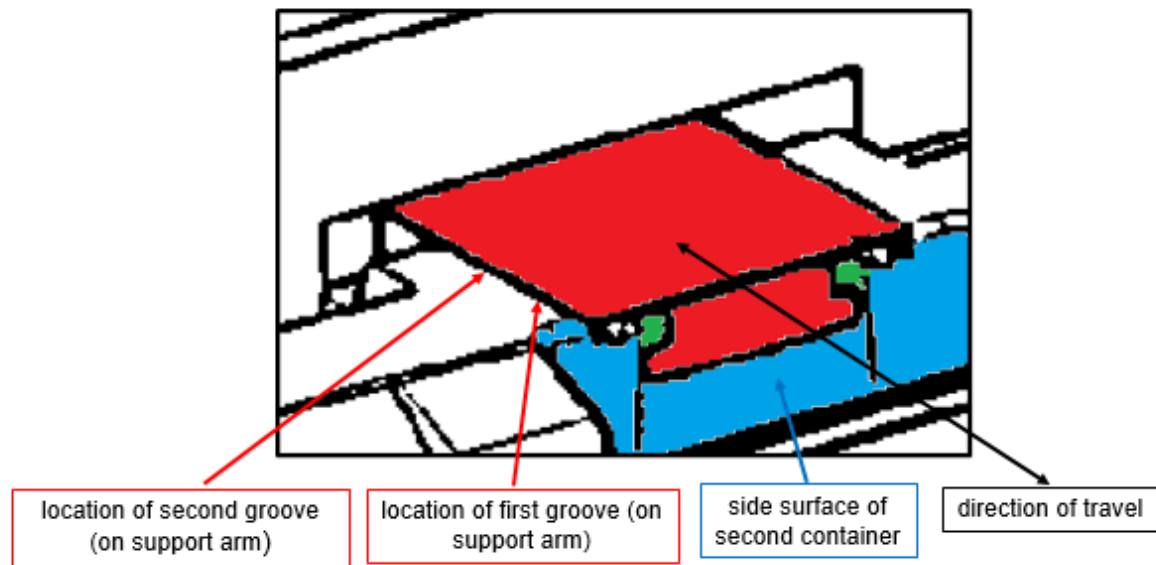
EX1003, ¶202. A POSA would have been motivated to include “*a second engaging groove*” because the groove (when engaged with a projection on the slider) locks the slider in the locked position with depression 240 and ensures the containers stay attached. EX1003, ¶202. A POSA would have been motivated to include “*a first engaging groove*” (to engage with a projection on the slider) to advantageously keep the slider in a fixed position and prevent it from unwanted sliding when it is in the unlocked position. EX1003, ¶202. And a POSA would have had a reasonable expectation of success in making the modification because the combination is no more than combining known elements according to known methods to yield predictable results (grooves that would hold the slider in the

unlocked disengaged position and the *locked* engaged position). EX1003, ¶202; KSR, 550 U.S. 398 at 417.

Thus, Duvigneau-Niles renders obvious claim 5. EX1003, ¶203.

2. Claim 6

The Duvigneau-Niles combination renders obvious claim 6. EX1003, ¶¶204-205. Duvigneau discloses latch 246 is inserted into depression 240 to engage or lock carrying bag 260 to base cabinet 152 and that “[d]isengagement of the carrying bag 230 from the base cabinet 152 is facilitated by slidingly displacing the latch 246 away from the base member 234, so as to disengage from the depressions 240.” EX1007, ¶57. A POSA would thus have understood that Duvigneau’s slider is in (i) the locked position when inserted into depression 240 and (ii) the unlocked position when moved out of depression 240 in a direction away from the side of base cabinet 152. EX1003, ¶206. Accordingly, it would have been obvious to locate the “*first engaging groove*” that corresponds to the unlocked position “*closer to the side surface of the second container than the second engaging groove*” that corresponds to the locked position in order to achieve the locking/engagement and unlocking/disengagement that Duvigneau discloses. EX1003, ¶206. Figure 6 below illustrates example locations of the “*first and second engaging grooves*” on the underlying support arm (not shown).



EX1007, FIG. 6 (cropped and annotated).

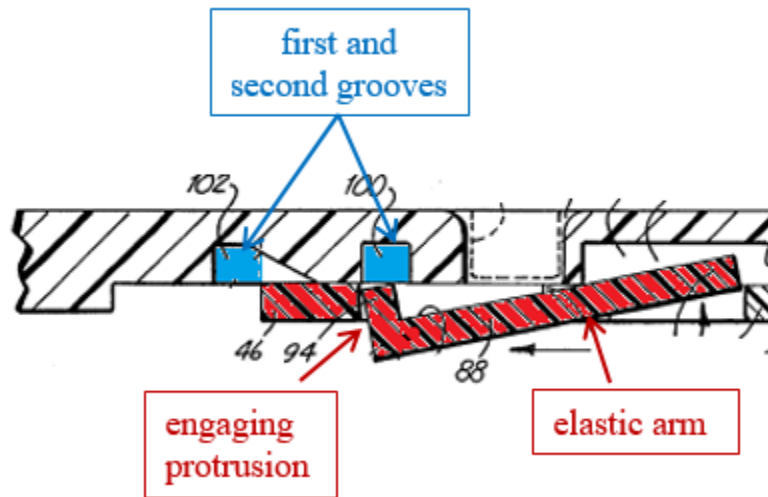
3. Claim 7

The Duvigneau-Niles combination renders obvious claim 7. EX1003, ¶207.

As discussed, the Duvigneau-Niles combination renders obvious “*first*” and “*second engaging groove[s] for holding the slider in*” “*the unlocked*” and “*locked*” positions, respectively. Section VI.C.1; EX1003, ¶208. As also discussed, Niles discloses its latch bar 88 has “an outwardly extending latch beam 94” (“*an engaging protrusion*”) that is received in cavities 100, 102 to secure the slide in the locked/unlocked positions (“*selectively engages the first engaging groove and the second engaging groove*”). Section VI.C.1; EX1012, 5:56-65, 6:6-24, 7:21-59; FIGs. 4-6; EX1003, ¶208.

Niles further discloses its latch assembly 12—which includes “U-shaped

flexible slide 46” and its latch bar 88 component—is “made of plastic such as polyethylene.” EX1012, 4:61, 7:64-66 (emphasis added). Thus, Niles teaches its latch bar 88 (with its *engaging protrusion* (latch beam 94)) is “*an elastic arm*” because polyethylene is a flexible (elastic) material. EX1003, ¶209. And, as shown below in the annotations of Figure 4, Niles discloses “*an elastic arm with an engaging protrusion.*” EX1003, ¶209.



EX1012, FIG. 4 (cropped and annotated).

In addition to incorporating grooves (as discussed in claim 5 of this ground), a POSA would have found it obvious, and been motivated, to also incorporate “*an elastic arm with an engaging protrusion*” (as taught by Niles) on a lateral underside portion of Duvigneau’s slider for the same reasons discussed for claim 5 (VI.C.1) to “*selectively engage the first engaging groove and the second engaging groove*” because Niles teaches both components of its mechanism are used

together to “*hold[] the slider*” in place (i.e., in the “*unlocked*” and “*locked*” positions as recited in claim 5. EX1012, 7:3-43. A POSA would have also been motivated to include Niles’ teachings of an *elastic* arm (or similar elastic component) to assist with the movement of the slider from the unlocked/disengaged position with locking groove to the locked/ engaged position with the locking groove. EX1003, ¶210.

A POSA would have readily been able to incorporate an elastic arm with an engaging protrusion (as taught by Niles) on the underside of a lateral portion of Duvigneau’s slider (the portion that engages Duvigneau’s support arm(s)) and would have had a reasonable expectation of success in making the modification because the combination is no more than combining known elements according to known methods to yield predictable results (a sliding mechanism with an “*engaging protrusion*” used “*for holding the slider in the unlocked position*” (using “*first engaging groove*”) and “*the locked position*” (using “*second engaging groove*”)). EX1003, ¶211; *KSR*, 550 U.S. at 417.

4. Claim 16

The Duvigneau-Niles combination renders obvious claim 16 for the reasons provided for claims 5, 6, and 7 of this ground. EX1003, ¶212.

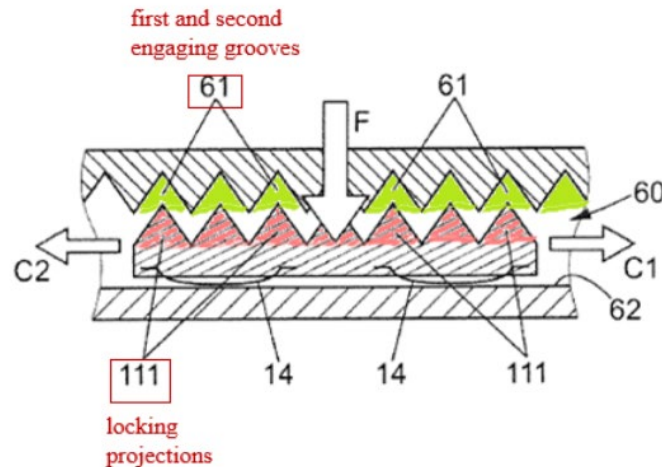
D. Ground 1D: Duvigneau-Morel renders obvious claims 5-7 and 16.

1. Claim 5

The Duvigneau-Morel combination renders obvious claim 5. EX1003, ¶213.

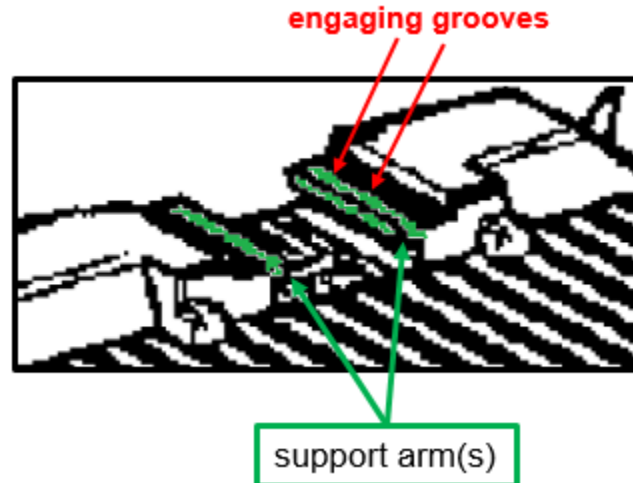
Duvigneau discloses or renders obvious claim 4's "*a support arm ... wherein the slider is engaged with the support arm to move between a locked position ... and an unlocked position.*" Sections VI.A.4, VI.B.4; EX1007, FIG. 5; EX1003, ¶214. But Duvigneau does not disclose the mechanism used to retain the slider in the locked/unlocked positions.

Morel discloses such a mechanism. Morel discloses a locking device for locking partition member 10, arranged to be moveable in a sliding direction, "relative to the receptacle 2 in the sliding direction X, which allows immobilizing said partition member 10." EX1008, ¶¶49, 52. The locking device comprises a series of adjacent locking notches 61, 71 ("*engaging groove[s]*") formed on the upper face of each guide groove 60, 70, which are adapted to engage with second locking members in the form of locking projections 111, 121 provided on the partitioning plate 10 (*slider*). EX1008, ¶53. Morel describes that although it illustrates multiple locking projections, fewer projections may be provided to lock partition 10. EX1008, ¶55. Figure 1B, shown below, illustrates Morel's locking device to hold a sliding element in place with locking notches ("*engaging groove[s]*"). EX1008, FIG. 1B; EX1003, ¶215.



EX1008, FIG. 1B (cropped and annotated).

Because Duvigneau does not explicitly disclose how its sliding mechanism remains locked in place, a POSA would have been motivated to look to Morel's locking mechanism to provide a solution to this problem. EX1003, ¶216. A POSA would have readily been able to implement locking notches 61 (“*first*” and “*second engaging groove[s]*”) on an upward facing surface of the support arm (which engages with the slider for the reasons stated in claim 4 (VI.B.4)) identified in annotated Figure 5 below. EX1003, ¶216.



EX1007, FIG. 5 (cropped and edited to show example engaging grooves).⁴

A POSA would have found it obvious to include Morel's engaging grooves on Duvigneau's support arm in order to retain Duvigneau's slider at the unlocked and locked positions. EX1003, ¶217. A POSA would have been motivated to include "*a second engaging groove*" because the groove (when engaged with a projection on the slider) locks the slider in the locked position with depression 240 and ensures the carrying bag stays attached to the base cabinet. EX1003, ¶217. A POSA would have been motivated to include "*a first engaging groove* (to engage with a projection on the slider) to advantageously keep the slider in a fixed position and prevent it from unwanted sliding when it is in the unlocked position. EX1003, ¶217. The details of the engaging grooves, such as size, shape, locations on the

⁴ Annotated/edited figures are for illustrating the modification, not for suggesting bodily incorporation is required.

support arm, spacing between, etc., were obvious design considerations within skill of a POSA to implement in order to achieve the locking/unlocking functionality of Duvigneau's slider. A POSA would have had a reasonable expectation of success in making the modification because it requires no more than combining known elements (adding grooves) according to known methods to yield predictable results (grooves that hold the slider in the "*unlocked*" disengaged position and the "*locked*" engaged position). EX1003, ¶¶217-218; *KSR*, 550 U.S. 398 at 417.

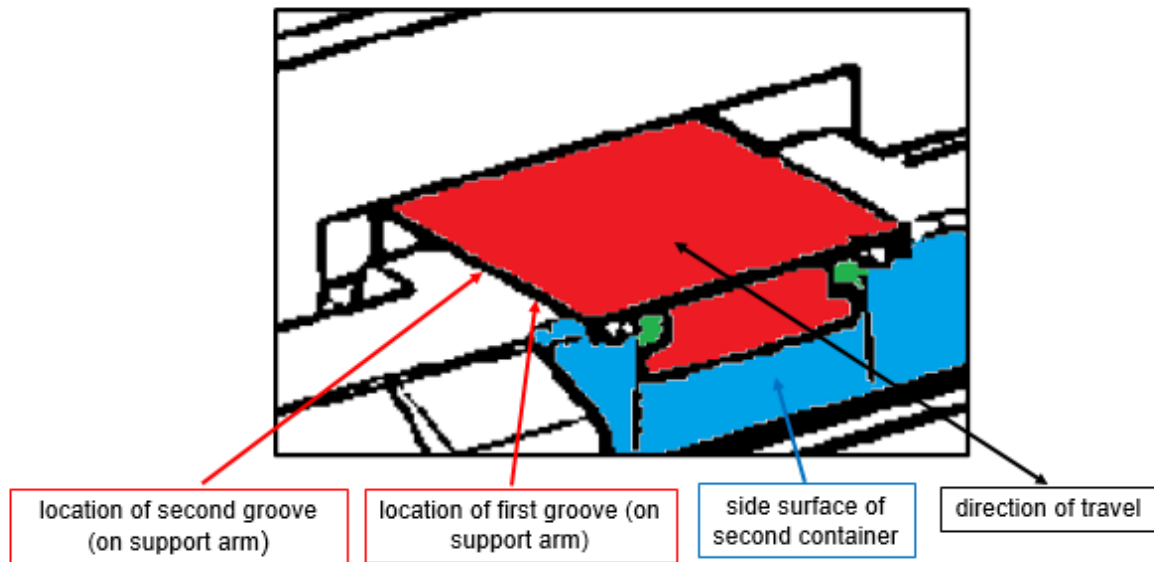
2. Claim 6

The Duvigneau-Morel combination renders obvious claim 6. EX1003, ¶219.

Duvigneau discloses latch 246 is inserted into depression 240 to engage/lock carrying bag 260 to base cabinet 152 and that "[d]isengagement of the carrying bag 230 from the base cabinet 152 is facilitated by slidingly displacing the latch 246 away from the base member 234, so as to disengage from the depressions 240." EX1007, ¶57. A POSA would thus have understood that Duvigneau's slider is in (i) the locked position when inserted into depression 240 and (ii) the unlocked position when moved out of depression 240 in a direction away from the side of base cabinet 152. EX1003, ¶220. Accordingly, it would have been obvious to locate the "*first engaging groove*" that corresponds to the unlocked position "*closer to the side surface of the second container than the second engaging groove*" that corresponds to the locked position in order to achieve the

locking/engagement and unlocking/disengagement that Duvigneau discloses.

EX1003, ¶220. Figure 6 below illustrates example locations of the “*first and second engaging grooves*” on the underlying support arm (not shown).



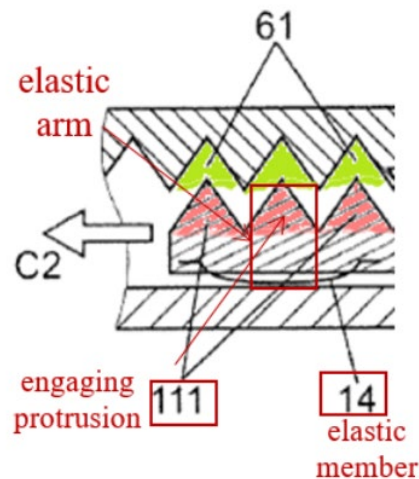
EX1007, FIG. 6 (cropped and annotated).

3. Claim 7

The Duvigneau-Morel combination renders obvious claim 7. EX1003, ¶¶221-222. As discussed, the Duvigneau-Morel combination renders obvious “*first*” and “*second engaging groove[s] for holding the slider in*” “*the unlocked*” and “*locked*” positions, respectively. Section V1.D.1; EX1003, ¶222. Morel discloses its locking mechanism includes locking projection 111 that engages with the locking notches 61 (“*engaging groove[s]*”). EX1008, ¶53; FIG. 1B. Morel discloses the lower face of the lateral portion of partitioning plate 10 is equipped

with elastic member 14 biasing the partitioning plate towards the locked position.

EX1008, ¶¶13, 57. To move the partition member, the user exerts a force on the partition member against the force exerted by the elastic member in order to move it to the locked position to the sliding position. EX1008, ¶19. Thus, as shown below in an annotated Figure 1B, Morel teaches “*an elastic arm with an engaging protrusion*” (locking projection 111). EX1003, ¶223.



EX1008, FIG. 1B (cropped and annotated).

In addition to incorporating grooves (as discussed in claim 5 of this ground), a POSA would have found it obvious, and been motivated, to also incorporate a locking projection as taught by Morel (“*engaging protrusion*”) on a lateral underside portion of Duvigneau’s slider to “*selectively engage the first engaging groove and the second engaging groove*” because Morel teaches both components of its mechanism are used together to “*hold the slider*” (partitioning plate) in place

(i.e., in the “*unlocked*” and “*locked*” positions as recited in claim 5). EX1008, ¶¶53, 55-56. A POSA would have also been motivated to include Morel’s elastic member (or similar elastic component) to assist with the movement of the slider from the unlocked/disengaged position with locking groove to the locked/ engaged position with the locking groove. EX1003, ¶224.

A POSA would have readily been able to incorporate a locking projection on the underside of a lateral portion of Duvigneau’s slider (the portion that engages Duvigneau’s support arm(s)) and would have had a reasonable expectation of success in making the modification because the combination is no more than combining known elements (adding a locking projection to a slider) according to known methods to yield predictable results (a sliding mechanism with an “*engaging protrusion*” used “*for holding the slider in the unlocked position*” (using “*first engaging groove*”) and “*the locked position*” (using “*second engaging groove*”)). EX1003, ¶225; *KSR*, 550 U.S. at 417.

4. Claim 16

The Duvigneau-Morel combination renders obvious claim 16 for the reasons provided for claims 5, 6, and 7 of this ground. EX1003, ¶¶226-228.

E. Ground 1E: Duvigneau-Morel-Weng renders obvious claims 8 and 17.

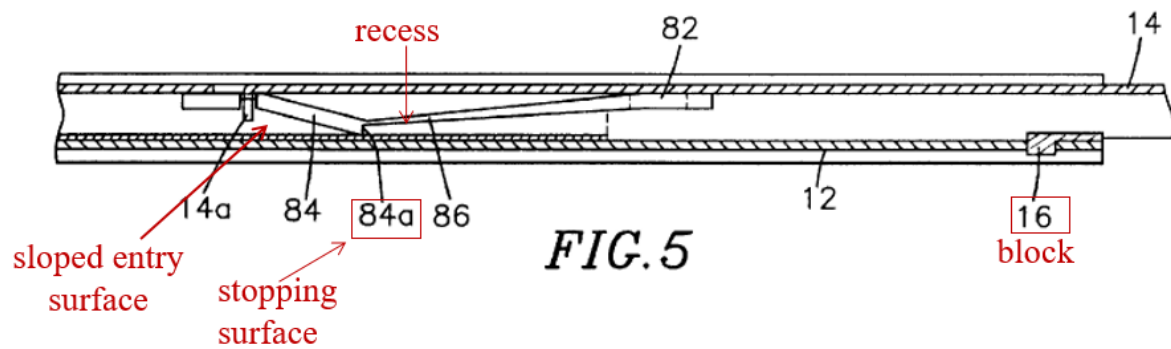
1. Claim 8

The Duvigneau-Morel-Weng combination renders claim 8 obvious. EX1003,

¶¶229-230. Duvigneau discloses carrying bag 230 (*first storage device*) is disengaged from cover 180 of base cabinet 152 (*second storage device*) “by slidably displacing the latch 246” away from the base portion of carrying bag 230. EX1007, ¶57. But Duvigneau does not describe any mechanism that would prevent a user from continuing to “slidably displace” the latch past the *first engaging groove* (holding the slider in the unlocked position) and detach from cover 180 of the storage device (e.g., inadvertently be removed by the user). EX1003, ¶231. A POSA would have recognized this problem and would have been motivated to find a solution. EX1003, ¶231.

Such a solution is disclosed in Weng. EX1003, ¶232. Weng describes “a sliding track assembly for drawers, which can truly stop the drawer when drawn out.” EX1009, 2:1-5. Weng’s sliding track assembly comprises inner rail 14. EX1009, 2:40-45, 2:66-67. “[O]uter stop section 16 is disposed at the end of intermediate rail 12.” EX1009, 3:5-12. Inner engaging section 18 is formed within inner rail 14 and has a slope face 86 and an inner engaging face 84a for engaging with outer stop section 16. EX1009, 3:14-27. When the drawer is drawn out to a position where inner engaging face 84a collides and engages with the outer stop 16, a stopping effect is achieved (i.e., the drawer is prevented from being pulled out). EX1009, 3:28-38. Thus, a POSA would have understood from Weng’s description and figures, that Weng teaches (i) “*one block*” (outer stop section 16)

and (ii) “a recess with a sloped entry surface” (the underside of engaging face 84a as indicated in the annotations below) “and a stopping surface” (inner engaging face 84a). EX1003, ¶232. Weng further teaches the “stopping surface” (inner engaging face 84a) of its recess is for “arresting outward movement of the slider (drawer sliding on track). EX1003, ¶232. Figure 5 of Weng, below, illustrates the claimed arrangement. EX1003, ¶232.



EX1009, FIG. 5 (annotated).

Weng’s arrangement used to stop a sliding mechanism (a drawer) from being inadvertently removed is reasonably pertinent to the problem faced in the Duvigneau-Morel combination to prevent its slider from detaching from cover 180 of the storage device. EX1003, ¶233. A POSA would have understood that, barring the use of a stopper device, sliding latch 246 of Duvigneau could be completely removed from cover 180, which may result in loss of the slider. Accordingly, a POSA would have sought to find a way to secure sliding latch 246 on cover 180, and would have looked to teachings related to other sliding components that are

protected from inadvertent removal from a supporting structure. EX1003, ¶233.

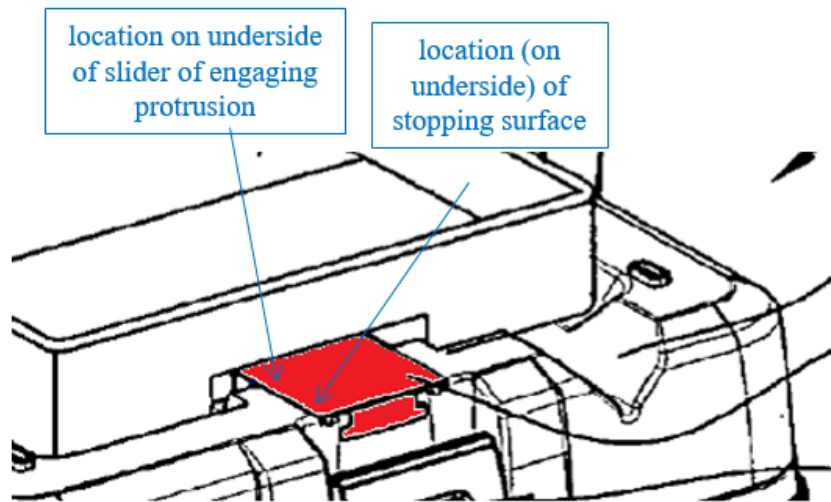
It would have been obvious for a POSA to incorporate components used in on sliding device (sliding track assembly 1 of Weng) to secure the sliding latch 246 on cover 180. A POSA would have been motivated to include the components (block comprising a bevel, as discussed below, and slider comprising recess with sloped entry surface and stopping surface) to prevent complete removal of the slider from the cover 180. EX1003, ¶¶234-235. A POSA would have been further motivated and had a reasonable expectation of success because such a modification would have been merely combining known elements (slider, support arm) with other known elements (block, sloped entry surface, recess, and stopping surfaces) to achieve predictable results (a mechanism that prevents a user from inadvertently removing slider from storage device). EX1003, ¶236.

In the Duvigneau-Morel-Weng combination, a POSA would have understood Weng's block 16 would be located on support arm (which engages with slider for the reasons discussed in claim 4 (VI.A.4, VI.B.4)) to prevent the slider from being pulled out of the cover. EX1003, ¶237. A POSA would have also understood, in light of Weng's teachings, to place Weng's recess with *sloped entry surface and stopping surface* 84a on a lateral underside portion of the modified Duvigneau-Morel slider to engage with the block to *arrest outward movement of the slider*. EX1003, ¶237.

Additionally, Figure 2 of Weng illustrates that block 16 “*comprises a bevel.*”

EX1009, FIG. 2. And the Duvigneau-Morel-Weng combination renders obvious “[*a recess on the slider*] *for receiving the bevel.*” EX1003, ¶238. It would have been obvious to a POSA that the well-known bevel would more easily receive the recess on the slider. EX1003, ¶238. A POSA would have been motivated to position the bevel on an outer surface of block 16 to facilitate the installation of the sliding latch mechanism on cover 180 of base container 152. EX1003, ¶238. A POSA would have been further motivated and had a reasonable expectation of success of positioning Weng’s block 16 as described because it is nothing more than a predictable use of prior art elements (a bevel surface). EX1003, ¶238; *KSR*, 550 U.S. 398 at 417. After installation, the non-beveled surface of block 16 then engages with the stopping surface of the slider, as discussed above, to achieve the goal of preventing unintentional removal of the slider. EX1003, ¶238.

As illustrated in Duvigneau’s Figure 6 below, in the Duvigneau-Morel-Weng combination *the stopping surface of the recess is parallel* (depicted with blue parallel line) *with the engaging protrusion of the elastic arm of the slider* because both elements are located on the lateral underside edge of the slider and engage with parallel elements (*first and second engaging grooves and block*) located in parallel on underside of the protrusion EX1003, ¶239.



EX1007, FIG. 6 (cropped and annotated).

Therefore, the Duvigneau-Morel-Weng combination renders obvious claim 8. EX1003, ¶240.

2. Claim 17

The Duvigneau-Morel-Weng combination renders obvious claim 17 for the reasons provided for claim 8. EX1003, ¶¶241-242.

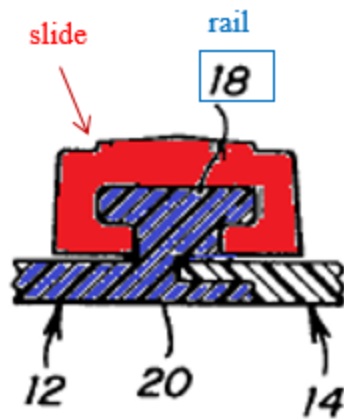
F. Ground 1F: Duvigneau-Frydenberg renders obvious claims 9-11.

1. Claims 9-10

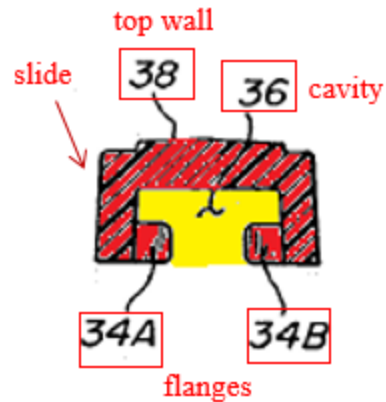
The Duvigneau-Frydenberg combination renders obvious claims 9 and 10. EX1003, ¶¶243-244. A POSA would have found obvious, from Duvigneau's Figure 6 and description of its slider, for the slider and support arm to have components to engage with each other to constrain lateral movement. This would allow the slider to perform its intended functions of (i) arresting with depression 280 to attach carrying bag to cover 180 of base cabinet 152 and (ii) sliding to

disengage from depression 240. EX1007, ¶57, FIG. 6. EX1003, ¶245. A POSA would recognize that, without such components, the slider may become laterally displaced from the support arm and unable to arrest with depression 280, particularly under the conditions in which the containers are designed to be used (e.g., construction). EX1003, ¶246. But Duvigneau does not disclose the mechanism used to restrict lateral movement of the slider with respect to the support arm.

Frydenberg discloses “a slide-type latching mechanism” for selectively joining two separable elements (e.g., first and second container portions 12/14). EX1011, 1:11-20, 2:60-3:16. As shown in Figures 3 and 6 below, Frydenberg discloses a “T-shaped rail is mounted above a base 20 ... constituting a structural part” of a container portion. EX1011, 3:16-23; FIGs. 3-4; *see also* EX1011, 6:31-47 (disclosing other rail shapes). Frydenberg also discloses an elongated slide with a longitudinal cavity 36, bound by top wall 38, that extends for the full length of the slide. EX1011, 4:22-42; FIGs. 5, 6. Two flanges 34A, 34B extend inwardly below the longitudinal cavity and the gap between the flanges is sufficiently wide “as to foster sliding movement of the slide 30 with respect to the rail 18.” EX1007, 4:43-48. EX1003, ¶246.



EX1011, FIG. 3 (annotated).



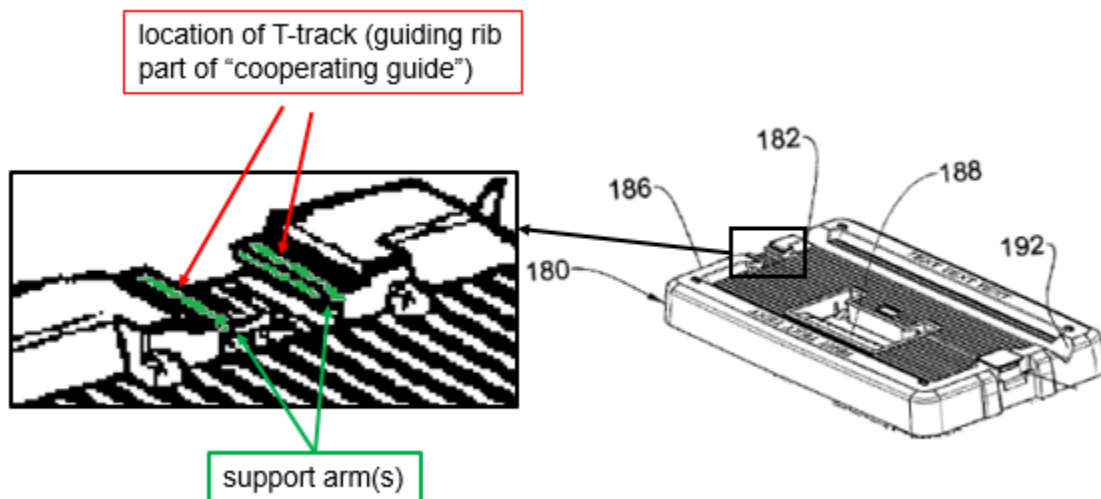
EX1011, FIG. 6 (annotated).

It would have been obvious to modify Duvigneau's (i) support arm to add Frydenberg's T-shaped rail 18 and (ii) slider to add Frydenberg's corresponding cavity 36, thus forming "*a cooperating guide to constrain lateral movement of the slider*" (claim 9). EX1003, ¶247. Frydenberg recognized that, even in 1984 (Frydenberg's filing date), the rail/cavity arrangement was well-known. EX1011, 3:66-4:7. A POSA would have understood that lateral displacement of Duvigneau's slider would inhibit its function of engaging with depression 180 of carrying bag 230 and frustrate users, and thus would have been motivated to implement Frydenberg's well-known rail/cavity arrangement in order to prevent such lateral displacement. EX1003, ¶248.

Regarding claim 10, it would have been obvious to place (i) Frydenberg's cavity ("*guiding slot*") on Duvigneau's "slider" because Frydenberg discloses a slide that includes a cavity, EX1011, 4:22-54; and (ii) Frydenberg's rail ("*guiding*

rib”) on Duvigneau’s “*support arm*” because Frydenberg discloses that the rail can be “attached to the edge of most any kind of structure,” EX1011, 7:28-31. A POSA would have understood such placement of a guiding rib and corresponding guiding slot would ensure Duvigneau’s disclosed movement of the slider along the support arm, as illustrated in Figure 5 below. EX1003, ¶249.

A POSA would have had a reasonable expectation of success in using such an arrangement because it is nothing more than the predictable use of known components (rail/cavity arrangement on a slider) according to their known functions to yield a predictable result (restriction of lateral movement). EX1003, ¶¶250-251; see EX1011, 3:66-4:7.



EX1007, FIG. 5 (cropped and annotated).

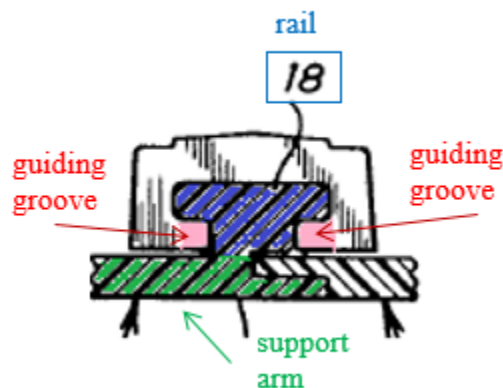
2. Claim 11

The Duvigneau-Frydenberg combination renders obvious claim 11. EX1003,

¶¶252-253.

For the reasons discussed for claims 9 and 10, a POSA would have found it obvious and been motivated to modify Duvigneau to include Frydenberg's T-rail (with a reasonable expectation of success) to "*constrain lateral movement of the slider with respect to the support arm.*" EX1003, ¶253.

For the reasons same reasons discussed for claims 9 and 10, a POSA would have had reason to modify Duvigneau's support arm to include Frydenberg's T-rail to teach "*constraining lateral movement of the slider with respect to the support arm.*" (recited in claim 11). EX1003, ¶254. As shown in Frydenberg's Figure 3 (below), in the modified Duvigneau-Frydenberg combination, the T-rail defines "*a groove on each side of the support arm for receiving the slider*" (and constrains lateral movement as discussed in claim 9). EX1011, FIG. 3: EX1003, ¶254. Thus, Duvigneau-Frydenberg renders obvious claim 11. EX1003, ¶254.



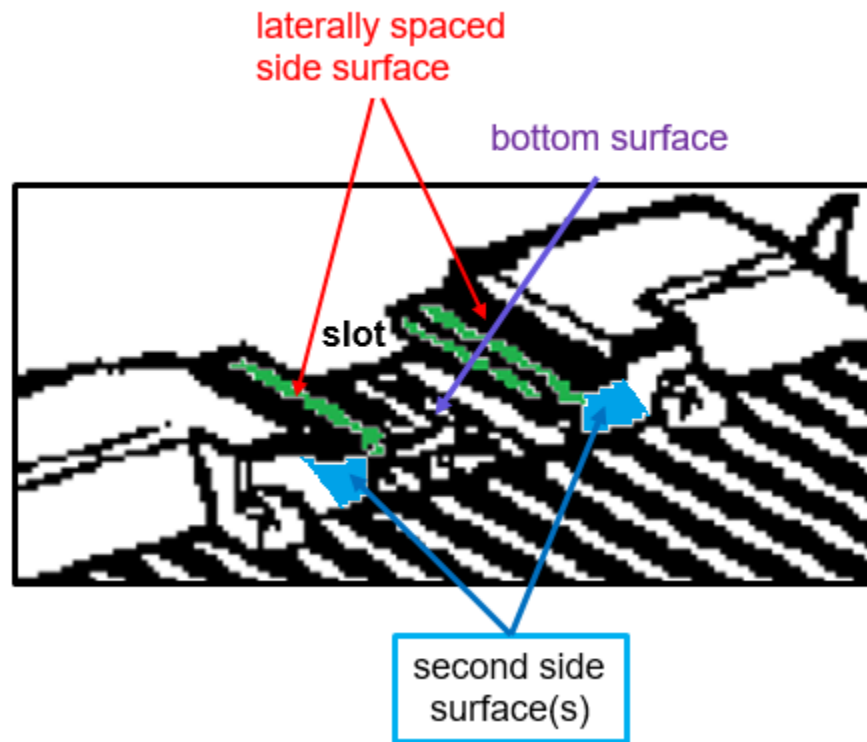
EX1011, FIG. 3 (cropped and annotated).

G. Ground 1G: Duvigneau-Brunner renders obvious claims 12-13 and 19-20.

1. Claims 12, 19

The Duvigneau-Brunner combination renders obvious claim 12. EX1003, ¶¶255-256. For the reasons provided for claim 4 (VI.A.4, VI.B.4), Duvigneau discloses, or renders obvious, “*a slot in the side surface of the container.*” EX1003, ¶256.

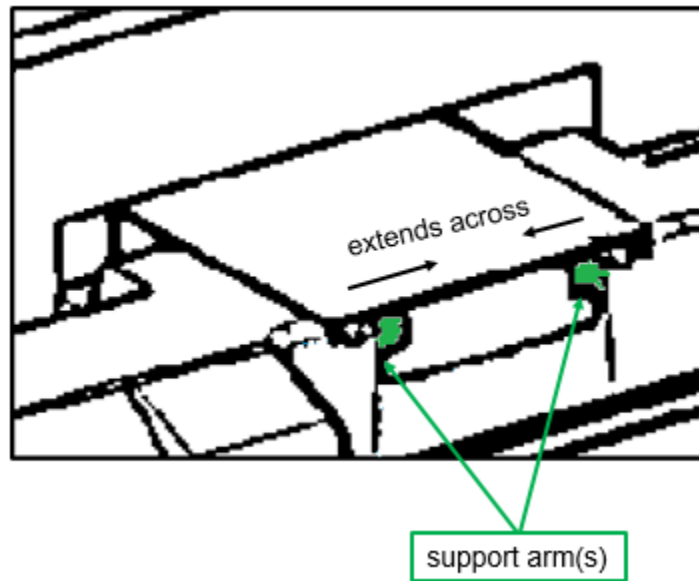
As shown in Figure 5 below, Duvigneau teaches or renders obvious “*the slot in the side surface of the container is described by two laterally spaced apart side surfaces,*” (the sides of the slot that are perpendicular to the bottom surface) “*a second side surface perpendicular thereto*” (at least the portion of the back surface of the slot shown in blue) “*and a bottom surface perpendicular thereto*” (the portion of the upper surface 186 of cover 180 that extends across the slot location). EX1007, FIG. 5; EX1003, ¶257.



EX1007, FIG. 5 (cropped and annotated).

As shown in above Figure 5, Duvigneau also teaches “*wherein the support arm is located across the slot between the two laterally spaced apart side surfaces and above the bottom surface and spaced apart from the second side surface.*”

EX1003, ¶258. Figure 5 (above) and Figure 6 (below) show the support arm is located between the laterally spaced apart side surfaces (the sides of the slot perpendicular to the bottom surface) and the support arm (green protrusion(s)) extends “*across*” and into the slot and is spaced apart from the second side surface. EX1007, FIGs. 5, 6; EX1003, ¶258.



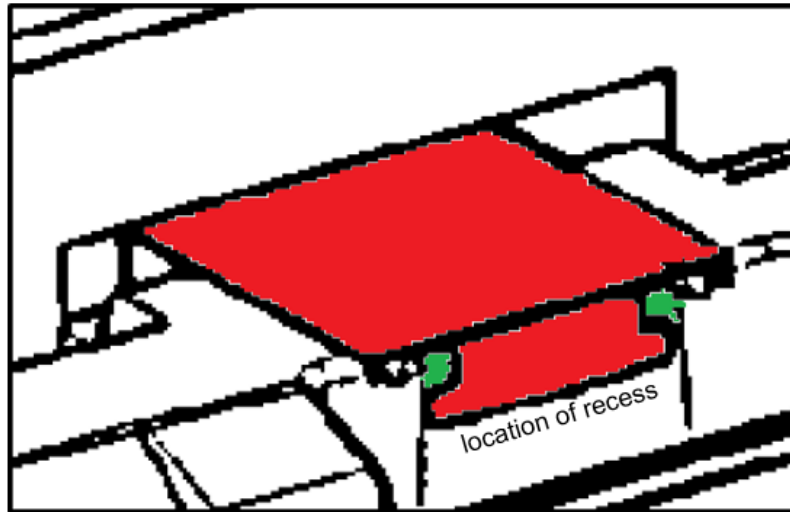
EX1005, FIG. 6 (cropped and annotated).

Duvigneau-Brunner renders obvious the support arm is “*for gripping and carrying the second storage container.*” EX1003, ¶259. Similar to Duvigneau, Brunner discloses a locking system for detachably attaching storage containers to one another. EX1010, ¶1. Brunner describes a recess 268 formed in the side wall of the container; the recess is immediately below a locking member 248 for locking engagement with a locking receptacle of a second container. EX1010, ¶¶135, 140, FIG. 13A. Brunner further discloses locking member 248 has a carrying handle 266 that “extends within arecess 268 ... thus providing to a griping space facilitating an individual to insert his fingers for gripping said gripping portion.” EX1010, ¶140.

Duvigneau recognizes the benefits of providing multiple handles in

convenient locations for carrying the storage containers, such as “carrying handles 162”; “locomoting handle 198”; and “central handle 188 to facilitate transporting the base cabinet, at its closed position, e.g. over obstacles ... by lifting.” EX1007, ¶¶50, 52, 54. But Duvigneau’s “central handle 188” is not accessible when its carrying bag 230 is attached to base cabinet 152 because it is located in the top wall of cover 180. EX1007, ¶52, FIG. 4B; EX1003, ¶260.

A POSA would have found it obvious to include Brunner’s teaching of a recess underneath Duvigneau’s sliding latch, as shown below in Figure 6, by lowering the bottom surface of the slot to form a recess in the side surface of the second container and extend the bottom surface vertically down (similar to the extension of the bottom surface shown for handle 188 in Figure 5) so that the bottom surface of the slot is the bottom surface of the recess. Once modified to include such a recess (as taught by Brunner), the Duvigneau-Brunner combination renders obvious “*the support arm ... for gripping and carrying the second storage container*” (e.g., by gripping the lower surface of the support arm). EX1003, ¶261.



EX1007, FIG. 6 (cropped and annotated to show recess after modified).

A POSA would have found it obvious that, after incorporating a recess for a handle (as taught by Brunner), a person could grip the lower protrusions (support arm(s) and carry the second storage container. Although not required, a POSA would have understood it to be an obvious design modification, in view of Brunner's teachings, to further extend at least a portion of the outer end of the support arms across the slot to facilitate gripping/carrying. A POSA would have been motivated to incorporate the recess (and optionally extend the support arm) to enable easier carrying of the combined storage system over obstacles (when Duvigneau's central handle 188 is not available) because the "handle" formed by the recess/support arm(s) would be at a location more accessible than carrying handles 162 and at a higher center of gravity to more easily lift the combined containers. EX1003, ¶262. A POSA would have had a reasonable expectation of

success because it a simple design modification to create a recess in second container and vertically extend (lower) the top surface of cover 180 (as indeed is already done for carrying handle 188) and to, optionally, extend at least a portion of the outer edge of the support arm(s) further across the slot. EX1003, ¶¶262-263.

Claim 19 recites similar elements and is obvious for the same reasons as claim 12. EX1003, ¶¶267-268.

2. Claims 13, 20

The Duvigneau-Brunner combination renders obvious claim 13. EX1003, ¶¶264-265. For the reasons provided for claim 4 (VI.A.4, VI.B.4), Duvigneau discloses, or renders obvious, “*a slot*.” Duvigneau further renders obvious “*the slot is in a lid of the second storage container*” because, as explained for claim 5, the slot is located in cover 180 (“*a lid*”) of base container 156. EX1007, FIG. 5; EX1003, ¶266.

Claim 20 recites similar elements and is obvious for the same reasons as claim 13. EX1003, ¶269.

H. Ground 1H: Duvigneau-Morel-Weng-Frydenberg combination renders obvious claim 18.

Claim 18 recites the same limitations as claims 9 and 10. Claim 18 (unlike claim 9) also includes, by virtue of its dependency, the limitations recited in claim 17 (which recites limitations the same as claim 8).

For the reasons discussed in Section VI.E.1, Duvigneau-Morel-Weng

renders obvious claim 8. EX1003, ¶¶270-272. Duvigneau-Frydenberg renders obvious the limitations recited in claim 18 for the reasons provided for claims 9-10 (VI.F.1). For the reasons explained for claims 9-10, a POSA would have found it obvious, and had reason, to incorporate Frydenberg's rail/cavity arrangement in Duvigneau with a reasonable expectation of success. EX1003, ¶272. For the same reasons, a POSA would have found it obvious to incorporate Frydenberg's slot and rib structure into the Duvigneau-Morel-Weng combination, would have understood Morel's engaging grooves would be placed on the portion of the modified support arm that engages with the slider, and would have the same expectation of success. EX1003, ¶272. Thus, Duvigneau-Morel-Weng-Frydenberg renders obvious claim 18. EX1003, ¶273.

I. Ground 2A: Brocket-Heinrichs renders obvious claims 1-4 and 14-15.

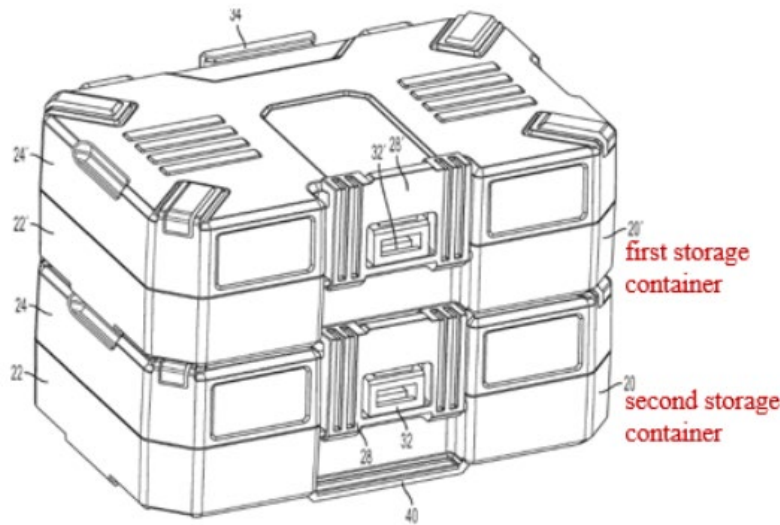
1. Independent Claim 1

a. [1.P]

To the extent limiting, Brocket discloses [1.P]. EX1003, ¶¶274-275. Brocket discloses a tool container system 10 (“*a stackable storage system*”), which includes first and second tool containers (such as containers 20 and 20' of Figures 3-4). EX1005, ¶12; FIGs. 3-5B. Brocket discloses the “second tool container is stackable on the first cover of the first container” and is “lockable to the first tool container.” EX1005, ¶3; *see also* EX1005, ¶14.

b. [1.A]

Brocket discloses [1.A]. EX1003, ¶276. Brocket discloses container 20' (“*a second storage container*”) “may be stacked on and removably locked” “*selectively connected*”) to container 20 (“*a first storage container*”). EX1005, ¶14. Figure 4, below, shows Brocket's storage assembly.



EX1004, FIG. 4 (annotated).

c. [1.B]

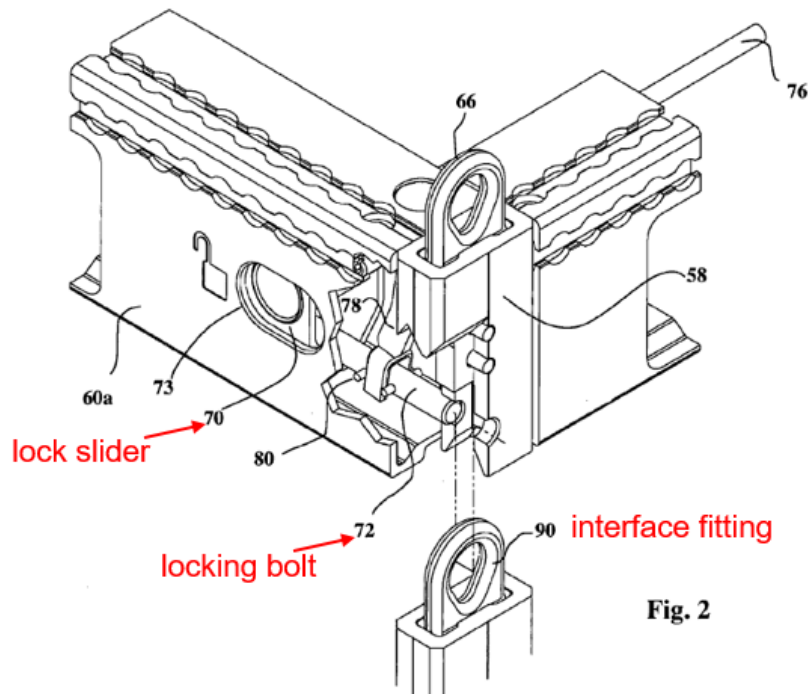
Brocket-Heinrichs teaches, or renders obvious, [1.B]. EX1003, ¶277.

Brocket discloses container 20 includes latch 28 engageable with locking member 40' on the other container 20' to lock the two containers together.

EX1005, ¶14. However, Brocket does not disclose that its locking mechanism is “*a sliding mechanism*.” EX1003, ¶278.

Heinrichs' discloses “*a sliding mechanism for selectively engaging [a]*

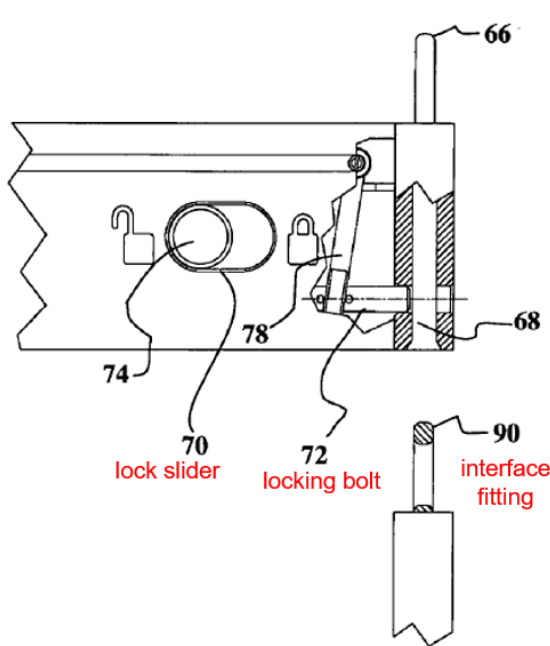
locking groove to connect and hold” a first container to a pallet. EX1006, ¶¶51-62, FIGs. 2-4, 6; EX1003, ¶279. Heinrichs discloses “a locking arrangement for respectively engaging and disengaging an interface fitting of a storage assembly.” EX1006, ¶10. Figure 2 below illustrates Heinrichs’ locking mechanism, which includes at least lock slider 70 and locking bolt 72 (“*a sliding mechanism*”). EX1006, ¶¶52-53. The locking mechanism may be included, for example, on a pallet 50 or on a container “having interface fittings substantially identical.” EX1006, ¶56.



EX1006, FIG. 2 (annotated).

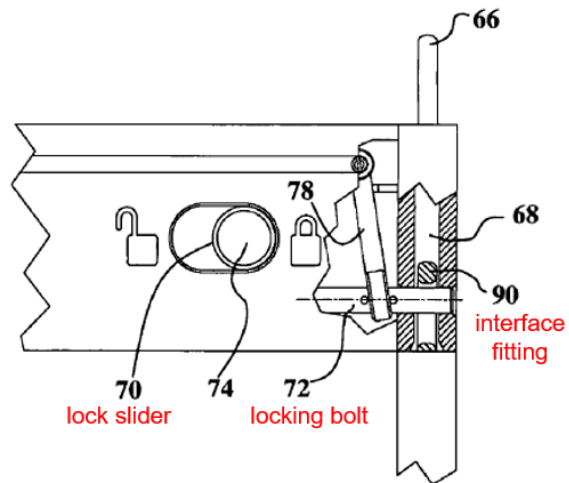
In operation, shown in Figures 3 and 4 below, Heinrich's pallet 50 is stacked on a structure having substantially identical interface fittings. EX1005, ¶56.

Interface fitting 90 (“a locking groove”) is received through cavity 68 so that it aligns with locking bolt 72. EX1006, ¶56. A key is inserted into keyhole 74 and “[l]ock slider 70 is manually translated, i.e., slid, from an unlocked position to a locked position so that locking bolt 72 attached to lock slider 70” travels through cavity 62 to engage the interface fitting 90. EX1006, ¶56. Figure 3 shows Heinrichs’ locking mechanism in an unlocked state; Figure 4 shows the locked state. Thus, Heinrichs teaches “a sliding mechanism” (lock slider 70 and locking bolt 72) “for selectively engaging the locking groove” (interface 90) “to connect and hold the” first container (container with interface attachment 90) to pallet 50). EX1003, ¶280.



unlocked

Fig. 3



locked

Fig. 4

EX1006, FIGs. 3-4 (annotated).

A POSA would have had reason to modify Brocket to replace its locking mechanism with the locking mechanism taught by Heinrichs. EX1003, ¶281. First, a POSA would have understood that the choice of locking mechanism would have been a matter of simple design choice because a “pivotable latch” (Brocket) and a “sliding catch” (Heinrichs) were both well-known alternatives. EX1003, ¶281; *see also* EX1007, ¶24 (Duvigneau’s discussion of a variety of known arrangements of attaching mechanisms). As observed by the European Examiner in the prosecution of the related EP patent (a search report not cited in the U.S. prosecution as noted above), “[n]o particular technical effect can be derived” from the difference in locking mechanisms. EX1014, 6.

Next, a POSA would have had further motivation because a POSA would have understood that it would have been a simple substitution, readily implementable by a POSA with a reasonable expectation of success, to replace Brocket’s locking mechanism (one known element) with Heinrich’s mechanism (another known element) to obtain predictable results (a locking mechanism that uses a sliding catch to attach the containers). EX1003, ¶282; *KSR*, 550 U.S. at 417 (2007).

A POSA would have had further motivation to make the combination because it would have been obvious Heinrichs’ locking mechanism is a more compact design and provides the ability to lock its mechanism in place using a key

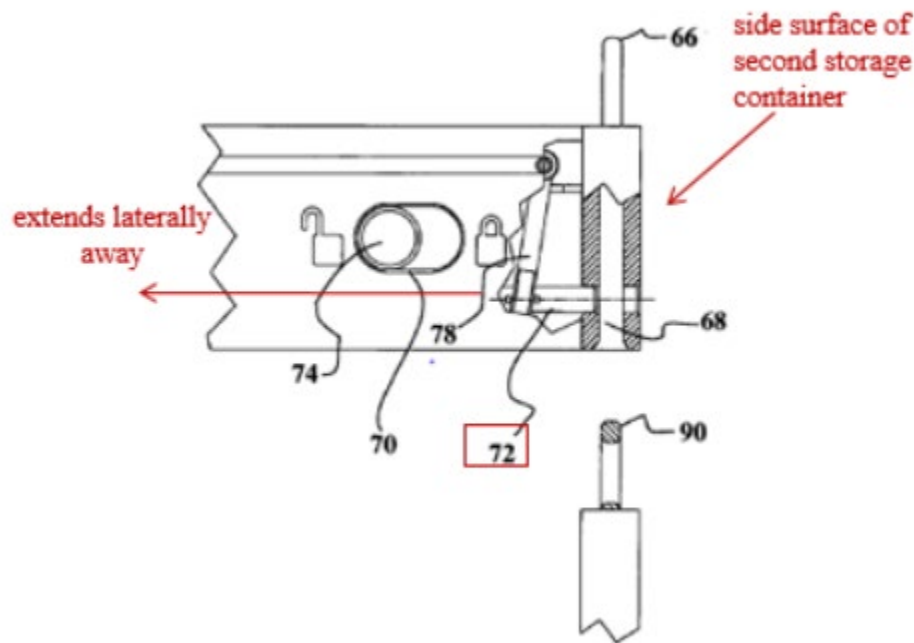
insertable into keyhole 74. EX1006, ¶52; EX1003, ¶283. A POSA would have been motivated to make the combination because the ability to lock the mechanism prevents removal of the second container from the first container. EX1003, ¶283. And a POSA would have a reasonable expectation of success because it is no more than a predictable use of a known prior art element (Heinrichs' locking mechanism).

In the Brocket-Heinrich combination, the “*first storage container*” (Brockett's bottom container 20) includes a “locking groove” (Heinrichs' interface 90) and the “*second storage container*” (Brockett's top container 20') includes a “*sliding mechanism*” (which includes at least Heinrichs' lock slider 70 and locking bolt 72).). EX1003, ¶284. Thus, the Brocket-Heinrichs combination teaches “*the first storage container comprises ... a locking groove*” and the “*second container comprises ... a sliding mechanism for selectively engaging the locking groove to connect and hold*” the storage containers together. EX1003, ¶284.

d. [1.C]

The Brocket-Heinrichs combination teaches, or renders obvious, [1.C]. EX1003, ¶285. First, Heinrichs teaches locking bolt 72 (“*a portion of the sliding mechanism*”) “*extends laterally away from a side surface of the second container when the sliding mechanism is disengaged from the locking groove*” (interface 90). EX1005, FIG. 3. EX1003, ¶286. The Brocket-Heinrichs' combination teaches “*a*

portion of the sliding mechanism” (locking bolt 72) “*extends laterally away from a side surface of the second container*” (Brocket’s container 20’) when the mechanism “*is disengaged.*” The annotated version of Heinrichs’ Figure 3, depicted below, illustrates this claimed arrangement. EX1003, ¶286.



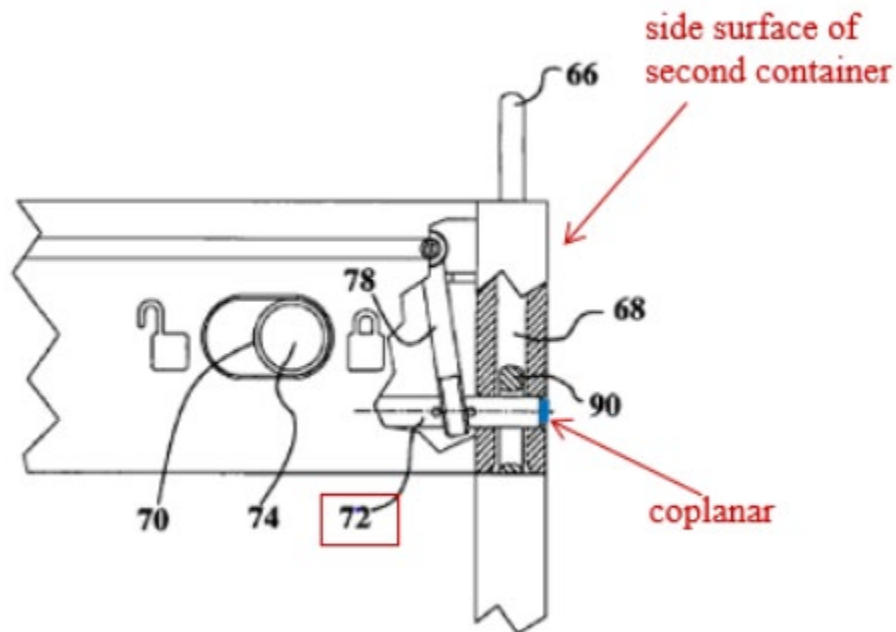
EX1006, FIG. 3 (annotated).

Next, Heinrichs teaches “*the portion of the sliding mechanism*” (locking bolt 72) “*is coplanar with the side surface of the second container when the sliding mechanism is engaged with the locking groove*” (interface 90). EX1006, FIG. 4; EX1003, ¶287. As shown below in Heinrichs’ Figure 4, a POSA would have understood that in the Brocket-Heinrichs combination, the locking bolt 72 (“*portion of the sliding mechanism*”) “*is coplanar with the side surface of the*

second container” (container 20’) when the mechanism is engaged. EX1005, FIG.

4; EX1003, ¶¶287-289; *Application of Aslanian*, 590 F.2d 911, 914 (C.C.P.A.

1979) (a drawing can be cited against the claims even though the feature is unexplained).



EX1006, FIG. 4 (annotated).

Thus, Brocket-Heinrichs teaches, or renders obvious, element [1.C].

EX1003, ¶290.

2. Claim 2

The Brocket-Heinrichs combination teaches, or renders obvious, claim 2.

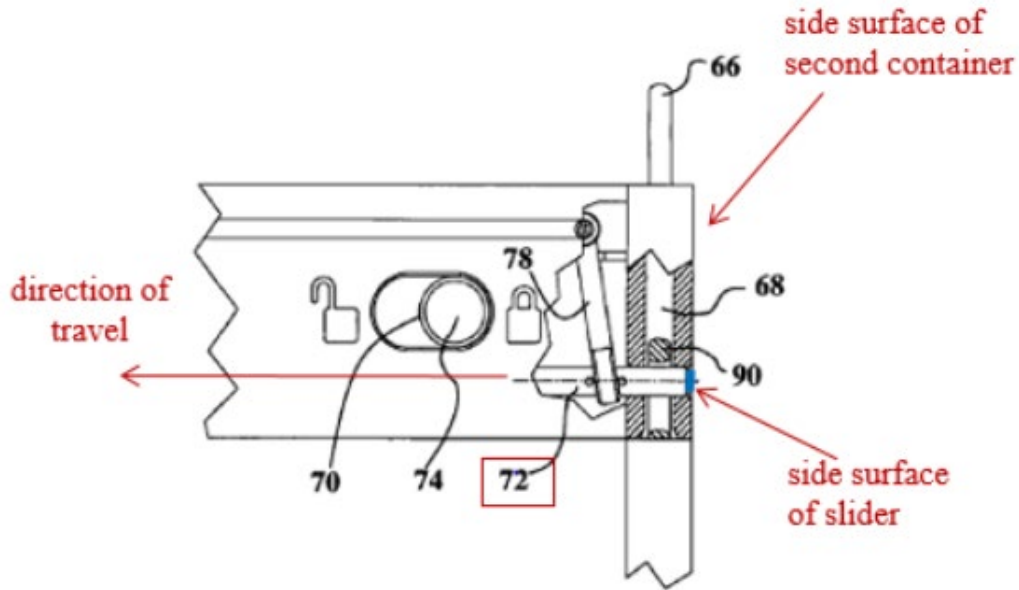
EX1003, ¶291. Heinrichs describes its locking mechanism includes locking bolt 72 that moves between an engaged position with interface 90 (“*locking groove*”) and a

disengaged position. EX1006, ¶56; FIGs. 3, 4. A POSA would have understood locking bolt 72 teaches the claimed “*slider*” because the bolt slidingly engages with the “*locking groove*” (interface 90).⁵ EX1003, ¶¶292-294.

3. Claim 3

The Brocket-Heinrichs combination teaches claim 3. EX1003, ¶295. For the reasons stated in [1.C], the Brocket-Heinrichs combination teaches, or renders obvious, “*the sliding mechanism extends laterally away from a side surface of the second container*” and “*the portion of the sliding mechanism is coplanar with the side surface of the second container when the sliding mechanism is engaged with the locking groove.*” EX1003, ¶295. Similarly, as shown in Figure 4 of Heinrichs, depicted below, the “*slider*” (locking bolt 72) “*has a side surface that is perpendicular to the direction of travel of the slider between the engaged and disengaged position with respect to the locking groove*”(interface 90) “*and the side surface of the slider is coplanar with the side surface of the second container*” (a side surface of container 20’ in the Brocket-Heinrichs combination) “*when the slider is engaged with the locking groove*” (as shown in the locked position of Figure 4). EX1006, FIG. 4; EX1003, ¶295; *Mraz*, 455 F.2d at 1072.

⁵ The ’689 patent does not define the slider to have any specific form; thus, a sliding bolt is sufficient to disclose the claimed “*slider.*” EX1003, ¶291.



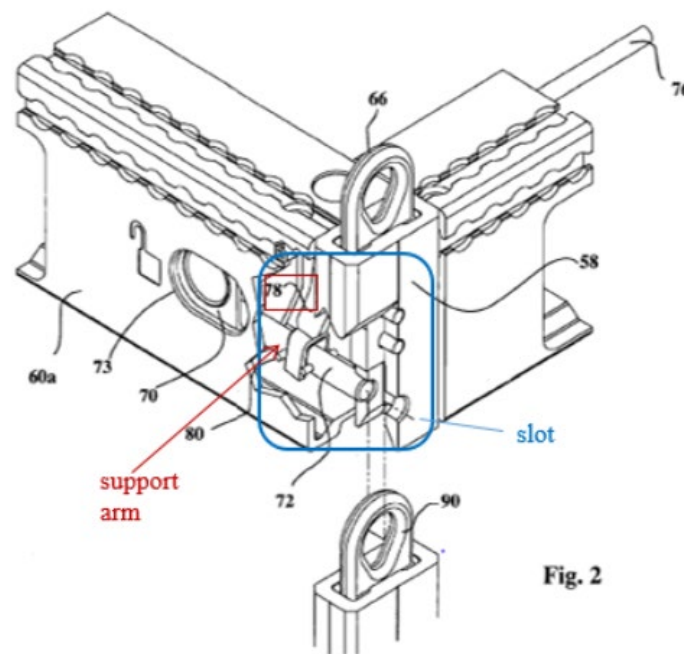
EX1006, FIG. 4 (annotated).

4. Claim 4

The Brocket-Heinrichs combination teaches, or renders obvious, claim 4. EX1003, ¶296. Heinrichs discloses the translational movement of lock slider 70 causes device 78⁶ to pivot, thereby moving locking bolt 72 (the claimed “slider”) so that device 78 and locking bolt 72 move in unison with one another into locking/unlocking engagement with interface fitting 90. EX1006, ¶56, FIGs. 3, 4.

⁶ There appears to be a typo in paragraph 56 of Heinrichs when it refers to “clevis 78” because 78 is earlier referred to as “devises [sic] 78.” EX1006, ¶¶54, 56. This Petition will refer to 78 as device 78 because that is how it is first described.

A POSA would have also incorporated device 78 into Brockett because Heinrichs teaches device 78 is used to move its slider (bolt 72). EX1003, ¶297. Figure 2, depicted below with annotations, illustrates that the Brocket-Heinrichs combination renders obvious claim 4 for the reasons discussed below. EX1003, ¶297.

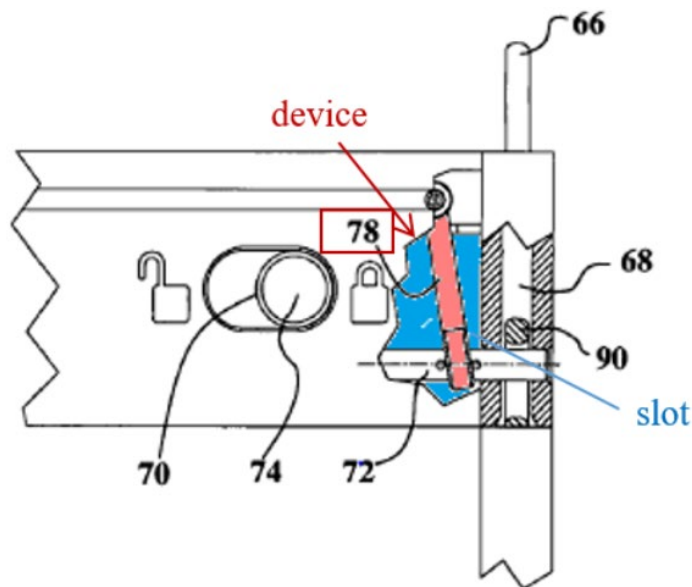


EX1006, FIG. 2. (annotated).

First, the Brocket-Heinrichs combination teaches “a slot in the side surface of the container.” EX1003, ¶298. The ’689 patent describes its slot 21 “by two first side surfaces 211, a second side surface 212, and a bottom surface 213.” EX1001, 3:30-36. As can be seen in annotated Figure 2, a similar slot is defined by the cavity containing Heinrichs’ locking mechanism (including at least locking bolt 72

and device 78). EX1006, FIG. 2; EX1003, ¶298; *In re Epstein*, 32 F.3d 1559, 1568 (Fed. Cir. 1994) (“... that appellant did not provide the type of detail in his specification that he now argues is necessary in prior art references supports the Board’s finding that one skilled in the art would have known how to implement the features of the references”). In the Brocket-Heinrichs combination, the “slot” is “*in the side surface of the container*” (Brocket’s container 20’). EX1003, ¶299.

Next, Heinrichs teaches the claimed “*support arm extending across the slot, wherein the slider is engaged with the support arm to move between a locked position*” (corresponding to the “*engaged position*” discussed in claim 3) “*and an unlocked position*” (corresponding to the “*disengaged position*” discussed in claim 3). EX1003, ¶300. As shown in Figure 4, device 78 extends across the slot. EX1006, FIG. 4; EX1003, ¶300.



EX1006, FIG. 4.

Further, as described above, Heinrichs discloses device 78 engages with locking bolt 72 (“*slider*”) to move the slider between “*a locked/engaged position and an unlocked/disengaged position.*” EX1006, ¶56, FIGs. 3, 4. Thus, Heinrich’s device 78 teaches the claimed “*support arm.*” EX1003, ¶301.

5. Independent Claim 14

Brocket-Heinrichs renders obvious claim 14 for the reasons stated in claim 1 of this ground. EX1003, ¶302.

6. Claim 15

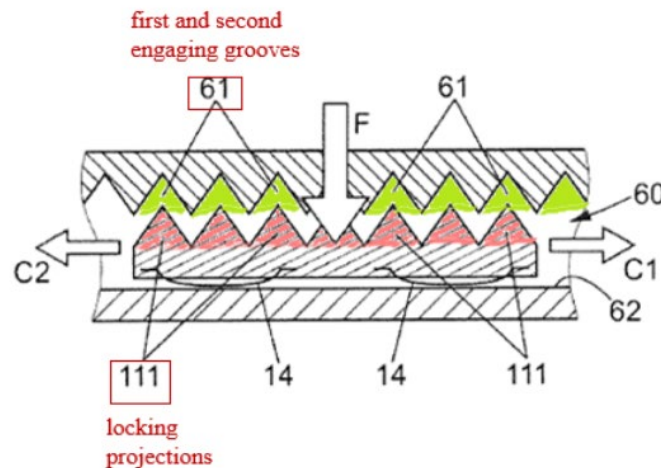
Brocket-Heinrichs renders obvious [15.1] for the reasons stated in claim 2, [15.2] for the reasons stated in claim 3, and [15.3] for the reasons stated in claim 4 of this ground. EX1003, ¶303.

J. Ground 2B: Brocket-Heinrichs-Morel combination renders obvious claims 5 and 6.

1. Claim 5

Brocket-Heinrichs-Morel renders obvious claim 5. EX1003, ¶304. For the reasons discussed in claim 4, the Brocket-Heinrichs combination teaches “*a support arm ... wherein the slider is engaged with the support arm to move between a locked position ... and an unlocked position.*” EX1006, ¶56, FIG. 2; EX1003, ¶305. Heinrichs does not describe the mechanism in the relied upon embodiment used to retain its slider (locking bolt 72) in the locked and unlocked positions.

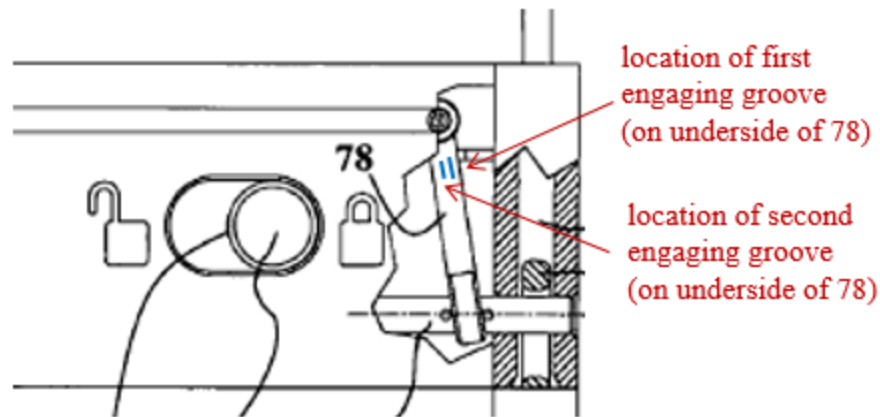
As discussed in claim 5 of Ground 1D (VI.D.1), Morel discloses a locking device that comprises a series of adjacent locking notches 61, 71 (i.e., “*engaging groove[s]*”) formed on the upper face of each guide groove 60, 70, which are adapted to engage with second locking members in the form of locking projections 111, 121 provided on the partitioning plate 10 (slider). EX1008, ¶53. Figure 1B, shown below, illustrates Morel’s locking device to hold a sliding element in place with locking notches (“*engaging grooves*”). EX1008, FIG. 1B; EX1003, ¶306.



EX1008, FIG. 1B (cropped and annotated).

A POSA would have readily been able to implement locking notches 61 (“*first and second engaging grooves*”) on a lower surface of device 78 (the claimed “*support arm*”). EX1003, ¶307. A POSA would have found it obvious to use Morel’s well known locking arrangement (locking projection engaged with a groove), or a similar mechanism, to retain device 78 in place in the unlocked/locked positions when engaged with a protrusion, thus “*holding the*

slider” (locking bolt 72) “*in the unlocked and locked positions.*” EX1003, ¶¶308-310. A POSA would have been motivated to include “*a second engaging groove*” because the groove (when engaged with a projection on device 78) locks the slider (locking bolt 72) in position and ensures the bags stay attached (i.e., do not accidentally become detached because of displacement of locking bolt 72). EX1003, ¶311. A POSA would have been motivated to include “*a first engaging groove*” (to engage with a projection on the device 78) to advantageously keep locking bolt 72 in a fixed position and prevent it from unwanted sliding when it is in the unlocked position. EX1003, ¶311. A POSA would have had a reasonable expectation of success in making the modification because the combination is no more than combining one known element (Heinrich’s device 78 (“*support arm*”)) with another known element (Morel’s notches (“*first and second engaging grooves*”)) according to known methods to yield predictable results (grooves that would hold device 78—and by extension the slider—in the “*unlocked*” disengaged position and the “*locked*” engaged position). EX1003, ¶311; *KSR*, 550 U.S. 398 at 417. The location of the “*first and second engaging grooves*” on device 78 (“*support arm*”) in the Brocket-Heinrichs-Morel combination is shown below in annotated Figure 4 of Heinrichs. EX1003, ¶311.



EX1006, FIG. 4 (cropped and annotated).

Thus, the Brocket-Heinricks-Morel combination renders obvious claim 5.

EX1003, ¶312.

2. Claim 6

The Brocket-Heinricks-Morel combination renders obvious claim 6.

EX1003, ¶313. For the reasons discussed in claim 5, Brocket-Heinricks-Morel renders obvious “*the first engaging groove*” (corresponding to the “*unlocked position*”) and “*the second engaging groove*” (corresponding to the “*locked position*”). EX1003, ¶314. Because device 78 (shown in unlocked position in Figure 3) pivots to the left (i.e., away from “*the side surface*” discussed in [1.C] and claim 3) to move slider to the locked position, a POSA would have understood in Brocket-Heinricks-Morel the “*first engaging groove*” (placed on underside of device 78 to couple with a protrusion to retain device 78 / slider in an unlocked position) “*is closer to the side surface of the second container than the second*

engaging groove” for holding device 78 in the locked position, which correspondingly holds locking bolt 72 (“*the slider*”) in the “*locked position*.” EX1006, FIGs. 3, 4; EX1003, ¶314.

VII. CERTIFICATION UNDER RULE 42.104(A)

Petitioner certifies that the ’689 patent is available for *inter partes* review and that Petitioner is not barred or estopped from requesting IPR of any claim.

VIII. MANDATORY NOTICES (37 C.F.R. § 42.8(A)(1))

A. Real Party-in-Interest (37 C.F.R. § 42.8(b)(1)):

The real party-in-interest is Petitioner ToughBuilt Industries, Inc.

B. Related Matters (37 C.F.R. § 42.8(b)(2))

The ’689 patent is at issue in *Meridian International Co., Ltd. v. ToughBuilt Industries, Inc.*, Civil Action No. 8:24-cv-01840 (C.D. Cal.), filed August 21, 2024.

The ’689 patent issued from U.S. Application No. 16/846,878, which claims benefit to Chinese Application No. 201922118361.7, filed November 27, 2019.

Additionally, Petitioner is concurrently filing a petition for commonly-assigned U.S. Patent No. 11,986,946 (IPR2025-01461).

C. Lead and Back-up Counsel (37 C.F.R. § 42.8(b)(3))

Under 37 C.F.R. §§ 42.8(b)(3) and 42.10(a), Petitioner appoints **Richard M. Bemben** (Reg. No. 68,658) as lead counsel, and **Timothy L. Tang** (Reg. No. 75,187) as back-up counsel, all at the address: Sterne, Kessler, Goldstein & Fox

PLLC, 1101 K Street, NW, 10th floor, Washington, DC, 20005, phone (202) 371-2600, and facsimile (202) 371-2540.

D. Service Information (37 C.F.R. § 42.8(b)(4))

Petitioner consents to electronic service by email at **rbemben-PTAB@sternekessler.com**, **ttang-PTAB@sternekessler.com**, and **PTAB@sternekessler.com**.

IX. CONCLUSION

The Board should find all claims to be unpatentable.

Respectfully submitted,

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Date: August 28, 2025

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CERTIFICATE OF WORD COUNT (37 C.F.R. § 42.24(d))

1. This Petition for *Inter Partes* Review complies with the type-volume limitation of 14,000 words, comprising 13,716 words, excluding the parts exempted by 37 C.F.R. § 42.24(a)(1).

2. This Petition for *Inter Partes* Review complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word 2016 in 14-point Times New Roman font.

Respectfully submitted,

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/Richard M. Bemben/

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Lead Attorney for Petitioner

Date: August 28, 2025

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CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(e), 42.105(a))

I certify that the above-captioned **PETITION FOR *INTER PARTES***
REVIEW FOR U.S. PATENT NO. 11,192,689 and associated Exhibits 1001-
1029 were served in their entireties upon the Patent Owner on August 28, 2025, via
FedEx® Express at the following address:

EVERSHEDS SUTHERLAND (US) LLP
999 PEACHTREE STREET, N.E.
SUITE 2300
ATLANTA, GA 30309
UNITED STATES
Correspondence Address of Record for U.S. Patent No. 11,192,689

Copies of the above-listed documents were also served electronically via e-
mail on August 28, 2025, on the following parties:

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ScottPenner@eversheds-sutherland.com
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RegisWorley@eversheds-sutherland.com

Respectfully submitted,

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