

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
Patent 11,192,689

**PATENT OWNER'S OBJECTION TO EVIDENCE PRESENTED IN
OPPOSITION TO CONTINGENT MOTION TO AMEND**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Meridian International Co., Ltd. (“Meridian”) herby submits its notice of objections under the Federal Rules of Evidence (“FRE”) and 37 C.F.R. §§ 42.62 and 42.64(b)(1) to Exhibit 1035 filed by the Petitioner. Patent Owner's Objections are timely filed under 37 C.F.R. § 42.64(b)(1), within five business days of the July 28, 2026 filing of Petitioner's Opposition to Patent Owner's Contingent Motion to Amend and related exhibits. Patent Owner files these Objections to provide notice to Petitioner that Patent Owner may move to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

I. DECLARATION OF DR. J. MICHAEL MCCARTHY IN SUPPORT OF PETITIONER'S OPPOSITION TO PATENT OWNER'S CONTINGENT MOTION TO AMEND (Exhibit 1035)

Exhibit 1035 is a declaration from Dr. J. Michael McCarthy. Petitioner has not, however, shown that Dr. McCarthy is qualified to testify as an expert in this matter. Specifically, during his deposition, Dr. McCarthy admitted that he does not have industry or academic experience with connecting technologies—his experience pertains only to articulated systems. (See **Exhibit 2014**, at 14:2-14.) Petitioner's expert has never developed a commercial product, nor has he ever designed a latch or any other similar mechanism. (*Id.* at 28:12-29:7 and 34:1-8.) As a result, he has none of the industry experience required under the definition of a

POSA proffered by either party. *Kyocera Senco Indus. Tools v. ITC*, 22 F.4th 1369-77 (Fed. Cir. 2022) (“To offer expert testimony from the perspective of a skilled artisan in a patent case ... a witness must at least have ordinary skill in the art”). As a result, Dr. McCarthy’s testimony is improper expert testimony under FRE 702, 703, and 37 C.F.R. § 42.65.

II. CONCLUSION

Patent Owner preserves its right to file motions to exclude this exhibit under 37 C.F.R. § 42.64(c) to the extent that Petitioner fails to correct the aforementioned defect with this exhibit.

Dated: August 4, 2026

Respectfully Submitted,

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Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing ***Patent Owner's Objection to Evidence Presented in Opposition to Contingent Motion to Amend*** was served via electronic mail, per agreement of the parties, in its entirety, on Petitioner's attorneys of record in IPR2025-01462 on the date indicated below.

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Dated: August 4, 2026

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