

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOUGHBUILT INDUSTRIES, INC.,  
Petitioner,  
v.  
MERIDIAN INTERNATIONAL CO., LTD.,  
Patent Owner.

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Case IPR2025-01462  
Patent 11,192,689

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**PATENT OWNER'S REVISED CONTINGENT MOTION TO AMEND  
UNDER 37 C.F.R. § 42.121**

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| 2002                 | <i>Meridian International v. ToughBuilt</i><br>Minutes of Hearing RE: Scheduling Conference<br>(Docket No. 80) | Nov. 10, 2025  |
| 2003                 | March 24, 2025 PTAB Memo On IPR Proceedings                                                                    | Nov. 10, 2025  |
| 2004                 | March 26, 2025 PTAB Memo on Interim Processes                                                                  | Nov. 10, 2025  |
| 2005                 | <i>Meridian International v. ToughBuilt</i><br>First Amended Invalidity Contentions                            | Nov. 10, 2025  |
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| 2011                 | <i>Meridian International v. ToughBuilt</i><br>Declaration of John D. Pratt, Ph.D., P.E.                       | Dec. 9, 2025   |
| 2012                 | Declaration of Glenn E. Vallee, Ph.D., P.E.                                                                    | May 14, 2026   |

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Patent Owner's Revised Contingent Motion to Amend

| UPDATED EXHIBIT LIST |                                                                             |                   |
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| 2013                 | Curriculum Vitae of Glenn E. Vallee, Ph.D., P.E.                            | May 14, 2026      |
| 2014                 | Transcript of May 7, 2026 Deposition of J. Michael McCarthy, Ph.D.          | May 14, 2026      |
| 2015                 | U.S. Patent Application No. 16/846,878 to Cai (the “878 Application”)       | May 14, 2026      |
| 2016                 | CN Patent Application No. 201922118361.7 to Cai (the “CN ’361 Application”) | May 14, 2026      |
| 2017                 | Certified English Translation of the CN ’361 Application                    | May 14, 2026      |
| 2018                 | Supplemental Declaration of Glenn E. Vallee, Ph.D., P.E.                    | June 3, 2026      |
| 2019                 | May 5, 2026 Correspondence                                                  | August 13, 2026   |
| 2020                 | Vallee Declaration                                                          | August 31, 2026   |
| 2021                 | July 16, 2026 Email                                                         | August 31, 2026   |
| 2022                 | Dec. 3, 2025 Email                                                          | August 31, 2026   |
| 2023                 | Declaration of Dr. Glenn E. Vallee                                          | September 8, 2026 |

## I. INTRODUCTION

Pursuant to 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121(f), Meridian submits this revised contingent motion to substitute proposed claims 21-40 for original claims 1-20 (collectively, the “Challenged Claims”) of U.S. Patent No. 11,192,689 (the “’689 Patent”) should the Board find any of the Challenged Claims to be unpatentable. In such an event, Meridian respectfully requests that the ’689 Patent be amended to include the corresponding proposed substitute claims (collectively, the “Substitute Claims”) attached in Appendix A. While Petitioner has the burden of showing that the amended claims are unpatentable over the prior art, Meridian nonetheless asserts that no combination of the prior art of record teaches or suggests the subject matter of the Substitute Claims. 37 C.F.R. § 42.121(d)(2); *see also Aqua Prods., Inc. v. Matal*, 872 F.3d 1290, 1324 (Fed. Cir. 2017) (en banc).

Meridian conferred with the Board on April 21, 2026, as required by 37 C.F.R. § 42.121(a), and filed a Contingent Motion to Amend on May 14, 2026. This revised motion is responsive to Petitioner’s Opposition to Meridian’s Contingent Motion to Amend served on July 28, 2026<sup>1</sup>, and the Preliminary

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<sup>1</sup> Meridian’s Statement (Paper 36) served on August 31, 2026 is believed to be fully responsive to Section VI of Petitioner’s Opposition, which is not addressed herein.

Guidance from the Board entered on August 24, 2026.

Meridian satisfies the requirements for a motion to amend as set forth in 37 C.F.R. § 42.121 and *Western Digital Corp. v. SPEX Techs., Inc.*, IPR2018-00082, Paper No. 13 (P.T.A.B. Apr. 25, 2018) (informative) because the Substitute Claims: (1) do not impermissibly enlarge claim scope; (2) correspond one-to-one with the Challenged Claims and therefore are a reasonable number of substitute claims; (3) do not introduce new subject matter; and (4) respond to a ground of unpatentability in the trial. Meridian has therefore satisfied its burden of production associated with the present Motion. 35 U.S.C. § 316(d); 37 C.F.R. § 42.121(d)(1).

## **II. STATEMENT OF THE PRECISE RELIEF REQUESTED**

Meridian respectfully requests that the Board grant this Motion to Amend and substitute claims 21-40 for original claims 1-20 of the '689 Patent should the Board find any of the Challenged Claims to be unpatentable. The Board should not consider this motion for any Challenged Claims it finds patentable.

## **III. THE SUBSTITUTE CLAIMS MEET ALL THE REQUIREMENTS OF 37 C.F.R. § 42.121**

As set forth below, the Substitute Claims meet all the requirements of 37 C.F.R. § 42.121. The Board should therefore consider whether the Substitute Claims are unpatentable by a preponderance of the evidence. *L&P Prop. Mgmt.*

*Co. v. Remacro Mach. & Tech. Co., Ltd.*, 2019 WL 2521255, at \*2, IPR2019-00255, Paper 15 at 6 (P.T.A.B. Jun. 18, 2019).

**A. The Substitute Claims Do Not Enlarge The Claim Scope.**

The Substitute Claims do not enlarge the claim scope. 35 U.S.C. § 316(d)(3); 37 C.F.R. § 42.121(a)(2)(ii).

Substitute claims 21 and 34 are amended from original claims 1 and 14, respectively, of the '689 Patent to specify that: (i) the storage system comprises a first storage container and a second storage container, (ii) the second container comprises a sliding mechanism with a slider that selectively engages the at least one locking groove, and (iii) a portion of the slider extends laterally away from a side wall of the second container when the slider is disengaged from the locking groove and [] the portion of the slider is coplanar with the side wall of the second container when the slider is engaged with the locking groove.

Substitute claims 21 and 34 add the following limitations to claim 1 and claim 14, respectively of the '689 Patent: (i) wherein the second storage container comprises a slot and a support arm extending across a width of the slot perpendicular to a direction of travel of the slider, the slider being configured to overlay and translate along a top surface of the support arm, and (iv) wherein a reinforcing rib projects from the top surface at a rear edge of the support arm such

that the slider abuts the reinforcing rib when the slider is engaged with the locking groove.

Substitute claim 21 also adds the following limitations to claim 1 of the '689 Patent: (i) wherein at least one guiding rib projects from the top surface of the support arm and extends along the at least a portion of the depth of the support arm in the direction of travel of the slider, the at least one guiding rib engaging with at least one guiding slot of the slider to enable translation of the slider along the support arm, and (ii) wherein at least one beveled block projects from the top surface of the support arm and engaging at least one recess of the slider to arrest outward movement of the slider when the slider is disengaged from the at least one locking groove.

Substitute claim 34 also adds the following limitation to claim 14 of the '689 Patent: wherein the slider comprises a first side having a first guide portion and a second opposed side having a second guide portion, wherein the first guide portion and the second guide portion are received within a first guiding groove and a second guiding groove, respectively, defined within the slot to enable translation of the slider along the support arm.

Substitute dependent claims 22-33 and 35-40 are amended for clarity and to update dependencies in view of the amendments to substitute claims 21 and 34.

Any deletions are for correcting syntax and improving clarity of the claims, and no limitations are removed to impermissibly expand the scope of the claims.<sup>2</sup>

The Substitute Claims therefore meet the requirements of 37 C.F.R. § 41.121(a)(2)(ii) because the Substitute Claims narrow the scope of the challenged claims they are intended to replace. *Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-01129, Paper 15 at 5-6 (P.T.A.B. Feb. 25, 2019).

**B. Meridian Proposes A Reasonable Number of Substitute Claims.**

A patent owner must “propose a reasonable number of substitute claims.” 35 U.S.C. § 316(d)(1)(B) and 37 C.F.R. § 42.121(a)(3). There exists a “presumption ... that only one substitute claim would be needed to replace each challenged claim.” 37 C.F.R. § 42.121(a)(3); 35 U.S.C. § 316(d)(1)(B); *Corning Optical Commc'ns RF, LLC v. PPC Broadband, Inc.*, 2014 WL 5477766, IPR2014-00441, Paper 19 at 3 (P.T.A.B. Oct. 30, 2014) (“The presumption is that only one substitute claim is needed for each original patent claim.”). As set forth in the

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<sup>2</sup> To the extent that any dependent claims include deletions of limitations that are not related to correcting syntax and improving clarity, these deletions are permissible because independent claims 21 and 34 are narrowed, such that the overall scope of any dependent claim is also narrowed. (Preliminary Guidance, Paper 35 at 9, *citing* M.P.E.P. § 1412.03(II).)

claim listing attached at Appendix A, Meridian proposes only one substitute claim for each Challenged Claim. Accordingly, Meridian presents a reasonable number of substitute claims.

**C. The Substitute Claims Do Not Introduce New Matter.**

As set forth in greater detail below in Section IV, the Substitute Claims are supported by the original applications to which the '689 Patent claims priority and therefore do not introduce new matter. *See* 37 C.F.R. § 42.121(a)(2)(ii).

**D. The Substitute Claims Each Respond To One Or More Grounds Of Unpatentability In This Proceeding.**

As set forth in greater detail below in Section VII, the Substitute Claims are responsive to one or more grounds of invalidity raised in this proceeding. *See* 37 C.F.R. § 42.121(a)(2)(i).

**IV. THE SUBSTITUTE CLAIMS DO NOT ADD NEW SUBJECT MATTER**

The '689 Patent issued on December 7, 2021 from U.S. Patent Application No. 16/846,878 (the "'878 Application") (**Exhibit 2015**), claiming priority to Chinese Patent Application No. 201922118361.7 (the "CN '361 Application") (**Exhibit 2016**)<sup>3</sup>.

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<sup>3</sup> Corresponding support may also be found in the CN '361 Application and its corresponding translation (**Exhibit 2017**). In particular, the figures of the '878

The limitations Meridian proposes to add to the substitute claims come directly from the '689 Patent's original disclosure. This support can also be found in the '878 Application and the CN '361 Application. As demonstrated below and affirmed in the accompanying Declaration of Dr. Glenn E. Vallee, Ph.D., P.E. (**Exhibit 2023**), a POSA would have understood, based on the disclosure of the CN '361 Application, that the inventors possessed the substitute claims as of the filing date of the CN '361 Application, such that no new matter has been introduced by the amendments set forth in the Substitute Claims. (**Exhibit 2023**, ¶22.)

Support for substitute claim 21 can be found at least in para. [0022] and FIG. 1 of the '878 Application (**Exhibit 2015**, 2, 9) (a stackable storage system), paras. [0023]-[0025] and FIGS. 1, 4, and 6 of the '878 Application (**Exhibit 2015**, 2-4, 9-10) (a first storage container and a second storage container wherein the first storage container is configured and arranged to be selectively connected to the second storage container), paras. [0025]-[0026] and FIGS. 1-5 of the '878 Application (**Exhibit 2015**, 2-4, 10) (wherein the first storage container comprises of at least one locking groove and the second container comprises a sliding

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Application and '689 Patent directly correspond to the figures of the CN '361 Application.

mechanism with a slider that selectively engages the locking groove to connect and hold the first storage container to the second storage container), paras. [0026]-[0027] and FIGS. 6-7 of the '878 Application (**Exhibit 2015**, 4-5, 10) (wherein a portion of the slider extends laterally away from a side wall of the second container when the slider is disengaged from the locking groove and wherein the portion of the slider is coplanar with the side wall of the second container when the slider is engaged with the locking groove), paras. [0026]-[0027] and FIGS. 6-8 of the '878 Application (**Exhibit 2015**, 4-5, 10) (wherein the second storage container comprises a slot and a support arm extending across a width of the slot perpendicular to a direction of travel of the slider, the slider being configured to overlay and translate along a top surface of the support arm), paras. [0027], [0029], [0030], and [0032]-[0033] and FIGS. 8-9 and 11 of the '878 Application (**Exhibit 2015**, 6-8, 10-11) (wherein at least one guiding rib projects from the top surface of the support arm and extends along at least a portion of the depth of the support arm in the direction of travel of the slider, the at least one guiding rib engaging with at least one guiding slot of the slider to enable translation of the slider along the support arm), paras. [0027] and [0029] and FIGS. 8-9 and 11 of the '878 Application (**Exhibit 2015**, 6-8, 10) (wherein at least one beveled block projects from the top surface of the support arm and engaging at least one recess of the

slider to arrest outward movement of the slider when the slider is disengaged from the at least one locking groove), and para. [0027] and FIGS. 3 and 8-9 of the '878 Application (**Exhibit 2015**, 3, 7-8, 10) (wherein a reinforcing rib projects from the top surface at a rear edge of the support arm such that the slider abuts the reinforcing rib when the slider is engaged with the locking groove).

Support for substitute claims 22-33 can be found at least in paras. [0026], [0028], [0030], and [0033]-[0034] and FIGS. 2-3 of the '878 Application (**Exhibit 2015**, 2-3, 10-11) (substitute claim 22), paras. [0026]-[0027] and FIGS. 6-7 of the '878 Application (**Exhibit 2015**, 4-5, 10) (substitute claim 23), paras. [0026]-[0027] and FIGS. 6-8 of the '878 Application (**Exhibit 2015**, 4-6, 10) (substitute claim 24), paras. [0027], [0029], and [0034] and FIGS. 8-11 of the '878 Application (**Exhibit 2015**, 6-8, 10-11) (substitute claim 25), paras. [0027], [0029], and [0034] and FIGS. 8-11 of the '878 Application (**Exhibit 2015**, 6-8, 10-11) (substitute claim 26), paras. [0027], [0029], and [0034] and FIGS. 8- of the '878 Application (**Exhibit 2015**, 6-8, 10-11) (substitute claim 27), paras. [0027] and [0029] and FIGS. 8-11 of the '878 Application (**Exhibit 2015**, 6-8, 10) (substitute claim 28), paras. [0027], [0029], [0030], and [0032]-[0033] and FIGS. 8-9 and 11 of the '878 Application (**Exhibit 2015**, 6-8, 10-11) (substitute claim 29), paras. [0027], [0029], [0030], and [0032]-[0033] and FIGS. 8-9 and 11 of the '878

Application (**Exhibit 2015**, 6-8, 10-11) (substitute claim 30), paras. [0028] and [0030]-[0031] and FIGS. 2 and 8-11 of the '878 Application (**Exhibit 2015**, 4-6, 10-11) (substitute claim 31), paras. [0026]-[0027] and FIGS. 6-8 of the '878 Application (**Exhibit 2015**, 4-6, 10) (substitute claim 32), paras. [0026]-[0027] and FIGS. 6-8 of the '878 Application (**Exhibit 2015**, 4-6, 10) (substitute claim 33).

Support for substitute claim 34 can be found at least in para. [0022] and FIG. 1 of the '878 Application (**Exhibit 2015**, 2, 9) (a stackable storage container system), paras. [0023]-[0025] and FIGS. 1, 4, and 6 of the '878 Application (**Exhibit 2015**, 2-4, 9-10) (a first storage container and a second storage container configured and arranged to be selectively connected to a locking groove of the first storage container), paras. [0025]-[0026] and FIGS. 1-5 of the '878 Application (**Exhibit 2015**, 2-4, 10) (wherein the second container comprises a sliding mechanism with a slider for selectively engaging the locking groove of the first storage container to connect and hold the first storage container to the second storage container), paras. [0026]-[0027] and FIGS. 6-7 of the '878 Application (**Exhibit 2015**, 4-5, 10) (wherein a portion of the slider extends laterally away from a side wall of the second container when the slider is disengaged from the locking groove and wherein the portion of the slider is coplanar with the side wall of the second container when the sliding mechanism is engaged with the locking

groove), paras. [0026]-[0027] and FIGS. 6-8 of the '878 Application (**Exhibit 2015**, 4-5, 10) (wherein the second storage container comprises a slot and a support arm extending across a width of the slot perpendicular to a direction of travel of the slider, the slider being configured to overlay and translate along a top surface of the support arm), para. [0027] and FIGS. 3 and 8-9 of the '878 Application (**Exhibit 2015**, 3, 7-8, 10) (wherein a reinforcing rib projects from the top surface at a rear edge of the support arm such that the slider abuts the reinforcing rib when the slider is engaged with the locking groove, and paras. [0028] and [0030]-[0031] and FIGS. 2 and 8-11 of the '878 Application (**Exhibit 2015**, 2, 6-8, 10-11) (wherein the slider comprises a first side having a first guide portion and a second opposed side having a second guide portion, wherein the first guide portion and the second guide portion are received within a first guiding groove and a second guiding groove, respectively, defined within the slot to enable translation of the slider along the support arm).

Support for substitute dependent claims 35-40 can be found at least in paras. [0026]-[0027] and FIGS. 6-7 of the '878 Application (**Exhibit 2015**, 4-5, 10) (substitute claim 35), paras. [0027], [0029], and [0034] and FIGS. 8-11 of the '878 Application (**Exhibit 2015**, 6-8, 10-11) (substitute claim 36), paras. [0027], [0029], and [0034] and FIGS. 8-11 of the '878 Application (**Exhibit 2015**, 6-8, 10-11)

(substitute claim 37), paras. [0027] and [0029] and FIGS. 8-11 of the '878 Application (**Exhibit 2015**, 6-8, 10) (substitute claim 38), paras. [0026]-[0027] and FIGS. 6-8 of the '878 Application (**Exhibit 2015**, 4-6, 10) (substitute claim 39), paras. [0026]-[0027] and FIGS. 6-8 of the '878 Application (**Exhibit 2015**, 4-6, 10) (substitute claim 40).

## **V. LEVEL OF ORDINARY SKILL IN THE ART**

A person of ordinary skill in the art would have “at least the equivalent of an undergraduate degree in mechanical engineering, or a closely related field, and two years of industry or academic experience with connecting technologies or similar mechanisms, or an equivalent combination of education and experience. Additional relevant industry experience may compensate for lack of formal education or vice versa.” (**Exhibit 2023**, ¶12.)

## **VI. CLAIM CONSTRUCTION**

Meridian does not believe that any of the limitations added to the substitute claims require construction and should be construed in accordance with their ordinary meaning. *In re Bass*, 314 F.3d 575, 577 (Fed. Cir. 2002). However, if Petitioner proposes a construction for any claim term, Meridian reserves the right to propose an alternative construction for that term.

## **VII. THE SUBSTITUTE CLAIMS RESPOND TO AND OVERCOME THE GROUNDS OF RECORD**

The Substitute Claims respond to the grounds of unpatentability involved in the trial. 37 C.F.R. § 42.121(a)(2)(i). The burden of establishing the unpatentability of the amended claims is on Petitioner. 37 C.F.R. § 42.121(d)(2); *see also Aqua Products*, 872 F.3d at 1327-28. In any event, as set forth below, Meridian's claim amendments overcome the grounds of record because they further distinguish the claims from the art of record.

**A. Substitute Independent Claims 21 and 34 Are Patentable Over Duvigneau.**

Petitioner challenged claims 1 and 14 of the '689 Patent as anticipated by, and obvious over, U.S. Publication No. 2007/0012694 to Duvigneau ("Duvigneau") (**Exhibit 1007**). (Petition, Paper 2 at 24-31 and 38-42.) Meridian disagrees for the reasons set forth in its Patent Owner Response (Paper 26) and its Sur-Reply filed concurrently herewith.

Nonetheless, substitute claims 21 and 34 are patentable over Duvigneau.

Substitute claims 21 and 34 are amended from original claims 1 and 14, respectively of the '689 Patent to specify that (i) the storage system comprises a first storage container and a second storage container, (ii) the second container comprises a sliding mechanism with a slider that selectively engages the at least one locking groove, and (iii) a portion of the slider extends laterally away from a side wall of the second container when the slider is disengaged from the locking

groove and the portion of the slider is coplanar with the side wall of the second container when the slider is engaged with the locking groove.

Substitute claims 21 and 34 add the following limitations, as compared to claim 1 and claim 14 of the '689 Patent, respectively: (i) wherein the second storage container comprises a slot and a support arm extending across a width of the slot perpendicular to a direction of travel of the slider, the slider being configured to overlay and translate along a top surface of the support arm, and (iv) wherein a reinforcing rib projects from the top surface at a rear edge of the support arm such that the slider abuts the reinforcing rib when the slider is engaged with the locking groove.

Substitute claim 21 also adds the following limitations, as compared to claim 1 of the '689 Patent: (i) wherein at least one guiding rib projects from the top surface of the support arm and extends along the at least a portion of the depth of the support arm in the direction of travel of the slider, the at least one guiding rib engaging with at least one guiding slot of the slider to enable translation of the slider along the support arm, and (ii) wherein at least one beveled block projects from the top surface of the support arm and engaging at least one recess of the slider to arrest outward movement of the slider when the slider is disengaged from the locking groove.

Substitute claim 34 also adds the following limitations, as compared to claim 14 of the '689 Patent: wherein the slider comprises a first side having a first guide portion and a second opposed side having a second guide portion, wherein the first guide portion and the second guide portion are received within a first guiding groove and a second guiding groove, respectively, defined within the slot to enable translation of the slider along the support arm.

Duvigneau does not disclose or suggest a stackable storage container system having these features, and none of U.S. Patent No. 4,576,307 to Frydenberg (“Frydenberg”) (**Exhibit 1011**), U.S. Publication No. 2015/0151661 to Morel et al. (“Morel”) (**Exhibit 1008**), U.S. Patent No. 6,238,031 to Weng (“Weng”) (**Exhibit 1009**) and/or U.S. Publication No. 2008/0000899 to Baker et al. (“Baker”) (**Exhibit 1021**) cure the deficiencies of Duvigneau.<sup>4</sup>

1. *Duvigneau does not disclose that the sliding mechanism “extends laterally away from a side wall of the second container when the sliding mechanism is disengaged from the locking groove and*

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<sup>4</sup> U.S. Publication No. 2011/0000916 to Dane et al. (“Dane”) (**Exhibit 1036**) and U.S. Publication No. 2016/0236592 to Peniche et al. (“Peniche”) (**Exhibit 1037**) were cited in the Opposition but are not discussed herein as these references were provided to address limitations from Meridian's original Contingent Motion to Amend that are not present in the substitute claims appended hereto.

***wherein the portion of the sliding mechanism is coplanar with the side wall of the second container when the sliding mechanism is engaged with the locking groove.***”

Duvigneau does not disclose that the sliding mechanism “extends laterally away from a side wall 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 wall of the second container when the sliding mechanism is engaged with the locking groove.” The allegedly coplanar surface to the slider identified by Petitioner is not one of the four side walls of Duvigneau’s container 152, and therefore is not a side wall within the meaning of substitute claim 21. (**Exhibit 2023**, ¶¶36-42.)

Duvigneau therefore fails to teach or suggest at least this limitation of substitute claims 21 and 34.

2. *Duvigneau does not disclose a “sliding mechanism with a slider.”*

Duvigneau does not disclose “a sliding mechanism with a slider.” While Petitioner alleges that the sliding latch 246 includes a slider (Petition, Paper 2 at 31-32), there is no distinction between the sliding latch 246 (i.e., the sliding mechanism) and the isolated slider component thereof. The sliding latch 246 cannot be both the sliding mechanism and the slider, and Duvigneau provides no indication that there is a sub-component of the sliding latch 246 that meets the structural and functional requirements of the claimed “slider.” (**Exhibit 2023**, ¶¶45-46.) As such, there is no

portion of the sliding latch 246 that can be considered a slider—Duvigneau only discloses a sliding mechanism. (**Exhibit 2023**, ¶¶43-48.)

Duvigneau therefore fails to teach or suggest at least this limitation of substitute claims 21 and 34.

3. *Duvigneau does not disclose that “the second storage container comprises a slot and a support arm extending across a width of the slot perpendicular to a direction of travel of the slider, the slider being configured to overlay and translate along a top surface of the support arm.”*

Duvigneau does not disclose that “the second storage container comprises a slot and a support arm extending across a width of the slot perpendicular to a direction of travel of the slider, the slider being configured to overlay and translate along a top surface of the support arm.” Petitioner alleges that Duvigneau provides two support arms within the slot (Petition, Paper 2 at 35-37), but these arms extend along the depth of the slot in a direction parallel with the direction of travel of the slider (**Exhibit 2023**, ¶51). This deficiency in Duvigneau is not cured by Baker. (**Exhibit 2023**, ¶¶54-60.)

Petitioner further alleges that a POSA would have found it obvious to place Duvigneau's support arm across the width of the slot, as taught by Baker, “to create an abutment edge or backstop to engage with the slider and prevent overextension.” (Opposition, Paper 31 at 12.) However, the alleged support arm of

Duvigneau and Baker is not a support arm as recited in substitute claim 21 because, critically, the sliding latch 246 of Duvigneau cannot overlay and translate along the perpendicular support arm of Duvigneau and Baker set forth in the Opposition. (**Exhibit 2023**, ¶¶57-58.) The sliding latch 246 cannot translate along such a support arm, while said support arm also abuts the sliding latch 246 to prevent overextension thereof. (**Exhibit 2023**, ¶59.)

Duvigneau therefore fails to teach or suggest at least this limitation of substitute claims 21 and 34.

4. *Duvigneau does not disclose “at least one guiding rib project[ing] from the top surface of the support arm and extend[ing] along at least a portion of the depth of the support arm in the direction of travel of the slider, the at least one guiding rib engaging with at least one guiding slot of the slider to enable translation of the slider along the support arm,” as recited in substitute claim 21.*

Duvigneau does not disclose “at least one guiding rib project[ing] from the top surface of the support arm and extend[ing] along at least a portion of the depth of the support arm in the direction of travel of the slider, the at least one guiding rib engaging with at least one guiding slot of the slider to enable translation of the slider along the support arm.” To the extent that this limitation of substitute claim 21 incorporates subject matter from original claims 9 and 10 of the '689 Patent, Frydenberg does not supplement the deficiencies of Duvigneau.

Petitioner alleges that rail 18 is comparable to the “guiding rib” and the rail

18 could be placed on the support arm of Duvigneau “because Frydenberg discloses that the rail can be ‘attached to the edge of most any kind of structure.’” (Petition, Paper 2 at 67-68.) This statement in Frydenberg is insufficient to support a motivation to combine.

Modifying Duvigneau to include a guiding rib as taught in Frydenberg would be unnecessary and not structurally feasible. (**Exhibit 2023**, ¶¶63-68.) Duvigneau already provides a mechanism for facilitating translation of the sliding latch 246—the rails provided along the sides of the slot. (**Exhibit 2023**, ¶¶65-66.) The inclusion of a guiding rib, on top of these portions of the support arm, would serve no function. (**Exhibit 2023**, ¶¶65-66.) Moreover, a POSA would recognize that, given the depth of the perpendicular portion of the support arm of Duvigneau and Baker, it would not be possible to incorporate a guiding rib on this perpendicular portion of the support arm. (**Exhibit 2023**, ¶67.)

Duvigneau therefore fails to teach or suggest at least this limitation of substitute claim 21.

5. *Duvigneau does not disclose or suggest “at least one beveled block project[ing] from the top surface of the support arm and engaging at least one recess of the slider to arrest outward movement of the slider when the slider is disengaged from the locking groove,” as recited in substitute claim 21.*

Duvigneau does not disclose or suggest that “the support arm further

comprises at least one beveled block projecting from the top surface of the support arm and engaging at least one recess of the slider to arrest outward movement of the slider when the slider is disengaged from the locking groove.” To the extent that this limitation of substitute claim 21 incorporates subject matter from original claim 8 of the '689 Patent, Morel and Weng does not cure the deficiencies of Duvigneau.

A POSA would not have had any motivation to combine Duvigneau, Morel, and/or Weng as alleged in the Petition—the structures of Morel and Weng are entirely different from the beveled block of substitute claim 21. (**Exhibit 2023**, ¶¶73-75.) Moreover, there would be significant difficulties in modifying the support arm of Duvigneau in the manner Petitioner alleges to achieve the recited beveled block that would discourage such a combination. (**Exhibit 2023**, ¶¶76-77.)

Duvigneau therefore fails to teach or suggest at least this limitation of substitute claim 21.

6. *Duvigneau does not teach “a reinforcing rib project[ing] from the top surface at a rear edge of the support arm such that the slider abuts the reinforcing rib when the slider is engaged with the locking groove.”*

Duvigneau does not disclose “a reinforcing rib project[ing] from the top surface at a rear edge of the support arm such that the slider abuts the reinforcing rib when the slider is engaged with the locking groove.”

Duvigneau does not teach a feature that extends across the slot perpendicular to the direction of travel of the sliding latch 246. (**Exhibit 1007**, FIG. 5.) And even when combined with the teachings of Baker, as set forth in the Opposition, Duvigneau and Baker do not disclose or suggest addition of a reinforcing rib in addition to the perpendicular portion of the support arm. (**Exhibit 2023**, ¶¶79-80.) Petitioner alleges that the perpendicular support arm taught by Duvigneau and Baker is intended to abut and prevent overextension of the sliding mechanism 246. (Opposition, Paper 31 at 12.) Inclusion of a reinforcing rib on said support arm, also for this purpose, would be redundant and unnecessary. (**Exhibit 2023**, ¶80.)

Duvigneau therefore fails to teach or suggest at least this limitation of substitute claim 21.

7. *Duvigneau does not disclose that “the slider comprises a first side having a first guide portion and a second opposed side having a second guide portion, wherein the first guide portion and the second guide portion are received within a first guiding groove and a second guiding groove, respectively, defined within the slot to enable translation of the slider along the support arm,” as recited in substitute claim 34.*

Duvigneau does not disclose that “the slider comprises a first side having a first guide portion and a second opposed side having a second guide portion, wherein the first guide portion and the second guide portion are received within a first guiding groove and a second guiding groove, respectively, defined within the slot to enable

translation of the slider along the support arm.” To the extent that this limitation of substitute claim 21 incorporates subject matter from original claim 11 of the '689 Patent, Frydenberg does not supplement the deficiencies of Duvigneau.

First, Petitioner alleges—without support—that the T-rail includes flanges 34A, 34B that could be placed on respective sides of the support arm to serve as guiding grooves. (Petition, Paper 2 at 69.) There is no reason for such a modification to be made. (**Exhibit 2023**, ¶¶83-86.) Duvigneau already provides support arms along the sides of the slot that enable the sliding latch 246 to move, and the addition of a guiding groove within these arms would not serve any further purpose. (**Exhibit 2023**, ¶86.)

Moreover, there would be significant difficulties in modifying the support arm of Duvigneau in the manner Petitioner alleges to achieve the recited guiding grooves that would discourage such a combination. (**Exhibit 2023**, ¶¶87-89.)

Duvigneau therefore fails to teach or suggest at least this limitation of substitute claim 34.

For at least these reasons, substitute claim 21 is not anticipated by or obvious over Duvigneau.

**B. Substitute Independent Claims 21 and 34 Are Patentable Over Brocket and Heinrichs.**

Petitioner challenged claims 1 and 14 of the '689 Patent obvious over EP

Publication No. 3492226 to Brocket (“Brocket”) (**Exhibit 1005**) in view of U.S. Publication No. 2007/0215015 to Heinrichs et al. (“Heinrichs”) (**Exhibit 1006**)<sup>5</sup>. (Petition, Paper 2 at 76-83.) Meridian disagrees for the reasons set forth in its Patent Owner Response (Paper 26) and its Sur-Reply filed concurrently herewith.

Nonetheless, substitute independent claims 21 and 34 are not obvious over Brocket and Heinrichs because both references, alone or in combination, fail to teach or suggest a stackable storage container system as recited in said substitute claims.

First, a POSA would not have had any reason to combine the teachings of Brocket and Heinrichs. (**Exhibit 2023**, ¶¶94-96.) Notwithstanding the fact that Heinrichs is non-analogous art, substituting the pivotable latch of Brocket with the sliding catch mechanism of Heinrichs would render Brocket inoperable. M.P.E.P. §

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<sup>5</sup> Petitioner's Opposition does not address the combination of Brocket and Heinrichs as it pertains to Meridian's Motion to Amend (Paper 27), which Meridian considers a concession that Brocket and Heinrichs do not disclose or suggest, *inter alia*, a slot having a support arm extending across the width thereof perpendicular to a direction of travel of a sliding mechanism operable within said slot, as recited in substitute claims 21 and 34.

2143.01(V); *see also In re Gordon*, 733 F.2d at 902. A POSA would recognize that there is no feasible manner in which the sliding catch mechanism of Heinrichs could be implemented on the storage container of Brocket in a manner that would be operable. (**Exhibit 2023**, ¶¶94-96.)

Moreover, Brocket and Heinrichs fail to disclose or suggest the subject matter of substitute independent claims 21 and 34 ((**Exhibit 2023**, ¶¶97-120), including (i) a locking groove (**Exhibit 2023**, ¶¶97-99), (ii) a slider that extends laterally away from a side wall of the second container (**Exhibit 2023**, ¶¶100-102), (iii) a sliding mechanism with a slider (**Exhibit 2023**, ¶¶103-106), (iv) a slot with a support arm extending across a width of the slot perpendicular to the direction of travel of the slider (**Exhibit 2023**, ¶¶107-111), and (v) a reinforcing rib projecting from a rear edge of the support arm (**Exhibit 2023**, ¶¶116-118). Furthermore, to the extent that substitute claims 21 and 34 incorporate limitations from original claims 8-11, Petitioner has not asserted that original claims 8-11 are obvious over Brocket and Heinrichs, thereby conceding that these features are not disclosed or suggested therein.

None of the art cited in the Petition or Opposition cure these deficiencies of Brocket and Heinrichs. (**Exhibit 2023**, ¶91.)

For at least these reasons, substitute independent claims 21 and 34 are not

obvious over Brocket and Heinrichs.

**C. Substitute Claims 22-33 and 35-40 Are Also Patentable.**

Substitute dependent claims 22-33 depend upon substitute claim 21 and substitute dependent claims 35-40 depend upon substitute claim 34, and therefore overcome the cited prior art for the same reasons discussed above. Moreover, substitute claims 22-33 and 35-40 are independently patentable over Duvigneau, Brocket, and/or Heinrichs, alone or in combination with any other prior art of record in this proceeding. (**Exhibit 2023**, ¶¶121-124).

**VIII. CONCLUSION**

For the foregoing reasons, Meridian respectfully requests that, should any of the Challenged Claims be found unpatentable, the Board grant this revised motion such that the '689 Patent is amended to include the corresponding substitute claims identified in the Claim Listing attached herewith as Appendix A.

*Respectfully Submitted,*

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**APPENDIX A**

**CLAIM LISTING**

21. (substitute for claim 1, if found unpatentable) A stackable storage system comprising:

a first storage container and a second storage container, wherein the first storage container is configured and arranged to be selectively connected to ~~[[a]]~~the second storage container,

wherein the first storage container comprises of at least one locking groove and the second container comprises a sliding mechanism with a slider ~~for selectively engaging that selectively engages~~ the locking groove to connect and hold the first storage container to the second storage container, ~~and~~

wherein a portion of the ~~sliding mechanism~~ slider extends laterally away from a side ~~surface~~ wall of the second container when the ~~sliding mechanism~~ slider is disengaged from the locking groove and wherein the portion of the ~~sliding mechanism~~ slider is coplanar with the side ~~surface~~ wall of the second container when the ~~sliding mechanism~~ slider is engaged with the locking groove,

wherein the second storage container comprises a slot and a support arm extending across a width of the slot perpendicular to a direction of travel of the slider, the slider being configured to overlay and translate along a top surface of the support arm;

wherein at least one guiding rib projects from the top surface of the support arm and extends along at least a portion of the depth of the support arm in the direction of travel of the slider, the at least one guiding rib

engaging with at least one guiding slot of the slider to enable translation of the slider along the support arm;

wherein at least one beveled block projects from the top surface of the support arm and engaging at least one recess of the slider to arrest outward movement of the slider when the slider is disengaged from the locking groove; and

wherein a reinforcing rib projects from the top surface at a rear edge of the support arm such that the slider abuts the reinforcing rib when the slider is engaged with the locking groove.

22. (substitute for claim 2, if found unpatentable) The stackable storage system of claim ~~[[1]]~~21, wherein the ~~sliding mechanism further comprises of a slider that moves between~~ comprises at least one insertion portion configured to engage with the locking groove in the engaged position of the slider and disengage with the locking groove in the disengaged position with respect to the locking groove of the slider.
23. (substitute for claim 3, if found unpatentable) The stackable storage system of claim ~~[[2]]~~22, wherein the portion of the slider ~~has a side~~ is an outer 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 outer surface of the slider is coplanar with the side surface wall of the second container when the slider is engaged with the locking groove.
24. (substitute for claim 4, if found unpatentable) The stackable storage system of claim ~~[[3]]~~23, wherein the ~~second storage container further comprises of a~~

~~slot in~~ slot is formed within the side-surface wall of the second storage container ~~with a support arm extending across the slot, and~~ wherein the slider ~~is engaged with~~ translates along 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.

25. (substitute for claim 5, if found unpatentable) The stackable storage system of claim ~~[[4]]~~24, 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.
26. (substitute for claim 6, if found unpatentable) The stackable storage system of claim ~~[[5]]~~25, wherein the first engaging groove is closer to the side ~~surface~~ wall of the second container than the second engaging groove.
27. (substitute for claim 7, if found unpatentable) The stackable storage system of claim ~~[[6]]~~26, 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.
28. (substitute for claim 8, if found unpatentable) The stackable storage system of claim ~~[[7]]~~21, wherein the ~~support arm further comprises at least one block comprising~~ comprises 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~~ beveled block to arrest outward movement of the slider

~~wherein~~ when the stopping surface of the recess is parallel with the engaging protrusion of the elastic arm of the slider.

29. (substitute for claim 9, if found unpatentable) The stackable storage system of claim [[4]]21, 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~~ at least one guiding rib consists of a first guiding rib and a second guiding rib laterally spaced apart on the support arm.
30. (substitute for claim 10, if found unpatentable) The stackable storage system of claim [[9]]21, wherein the ~~cooperating guide is a guiding rib on the support arm that cooperates with a guiding slot on the slider which~~ at least one guiding rib is a T-shaped guiding rib configured to constrain lateral movement of the slider with respect to the support arm.
31. (substitute for claim 11, if found unpatentable) The stackable storage system of claim [[4]]21, wherein the second storage container further comprises of a guiding groove on each side of the support arm for receiving respective guide portions of the slider and constraining lateral movement of the slider with respect to the support arm to enable translation of the slider along the support arm.
32. (substitute for claim 12, if found unpatentable) The stackable storage system of claim [[4]]21, wherein the slot in the side ~~surface~~ wall of the container is ~~described~~ defined by two laterally spaced apart side surfaces, a second side surface perpendicular ~~thereto~~ to the two laterally spaced apart side surfaces,

and a bottom surface perpendicular ~~thereto~~ to the second side surface, wherein the support arm is located across the slot extending between the two laterally spaced apart side surfaces, and wherein the support arm is spaced above the bottom surface and spaced apart from the second side surface to form a handle for gripping and carrying the second storage container.

33. (substitute for claim 13, if found unpatentable) The stackable storage system of claim [[12]]32, wherein the slot is in a lid of the second storage container.

34. (substitute for claim 14, if found unpatentable) A stackable storage container system comprising:

a first storage container and a second storage container configured and arranged to be selectively connected to a locking groove of ~~[[a]]~~ the first storage container,

wherein the second container comprises a sliding mechanism with a slider 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

wherein a portion of the ~~sliding mechanism~~ slider extends laterally away from a side ~~surface~~ wall of the second container when the ~~sliding mechanism~~ slider is disengaged from the locking groove and wherein the portion of the ~~sliding mechanism~~ slider is coplanar with the side ~~surface~~ wall of the second container when the sliding mechanism is engaged with the locking groove, and

wherein the second storage container comprises a slot and a support arm extending across a width of the slot perpendicular to a direction of travel

of the slider, the slider being configured to overlay and translate along a top surface of the support arm;

wherein a reinforcing rib projects from the top surface at a rear edge of the support arm such that the slider abuts the reinforcing rib when the slider is engaged with the locking groove;

wherein the slider comprises a first side having a first guide portion and a second opposed side having a second guide portion, wherein the first guide portion and the second guide portion are received within a first guiding groove and a second guiding groove, respectively, defined within the slot to enable translation of the slider along the support arm.

35. (substitute for claim 15, if found unpatentable) The storage container of claim ~~[[14]]~~34, ~~wherein the sliding mechanism further comprises of a slider that moves between the engaged and disengaged position with respect to the locking groove, wherein the slider has a side~~ an outer 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~~ outer surface of the slider is coplanar with the ~~side surface~~ wall of the second storage container when the slider is engaged with the locking groove, ~~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~~ translates along 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.

36. (substitute for claim 16, if found unpatentable) The storage system of claim [[15]]35, 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~~ wall 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.
37. (substitute for claim 17, if found unpatentable) The storage system of claim [[16]]36, 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.
38. (substitute for claim 18, if found unpatentable) The storage system of claim [[17]]37, 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 and to enable translation of the slider along the support arm.
39. (substitute for claim 19, if found unpatentable) The storage system of claim [[15]]35, wherein the slot in the side-~~surface~~ wall of the container is

~~described~~ defined by two laterally spaced apart side surfaces, a second side surface perpendicular ~~thereto~~ to the two laterally spaced apart side surfaces, and a bottom surface perpendicular ~~thereto~~ to the second side surface, wherein the support arm is located across the slot extending between the two laterally spaced apart side surfaces, and wherein the support arm is spaced above the bottom surface and spaced apart from the second side surface to form a handle for gripping and carrying the second storage container.

40. (substitute for claim 20, if found unpatentable) The storage system of claim [[15]]35, wherein the slot is in a lid of the second storage container.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing *Revised Contingent Motion to Amend Under 37 C.F.R. §42.121* 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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