

1 SCOTT A. PENNER, CA Bar No. 253716  
ScottPenner@eversheds-sutherland.com  
2 REGIS C. WORLEY, JR., CA Bar No. 234401  
RegisWorley@eversheds-sutherland.com  
3 **EVERSHEDS SUTHERLAND (US) LLP**  
4 12255 EL CAMINO REAL, SUITE 100  
SAN DIEGO, CALIFORNIA 92130  
5 TELEPHONE: 858.252.6502  
FACSIMILE: 858.252.6503

6 Attorneys for Plaintiff  
7 MERIDIAN INTERNATIONAL CO., LTD.

8  
9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **SOUTHERN DIVISION**

12 MERIDIAN INTERNATIONAL CO.,  
13 LTD.,

14 Plaintiff,

15 v.

16 TOUGHBUILT INDUSTRIES, INC.,

17 Defendant.

Case No. 8:24-CV-01840

**COMPLAINT FOR  
PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiff Meridian International Co., Ltd., by and through its undersigned counsel,  
2 brings this action for patent infringement against ToughBuilt Industries, Inc., and alleges  
3 as follows:

4 **PARTIES**

5 1. Meridian International Co., Ltd. (“Meridian”) is a corporation organized  
6 and existing under the laws of The People’s Republic of China having its principal place  
7 of business at 1886 Laiyin Road, Songjiang, Shanghai, China.

8 2. Defendant ToughBuilt Industries, Inc. (“ToughBuilt”) is a corporation  
9 organized and existing under the laws of the State of Nevada, with its principal place of  
10 business at 25371 Commercentre Drive, Suite 200, Lake Forest, CA 92630.

11 **FACTUAL ALLEGATIONS**

12 **Background of Meridian**

13 3. Meridian designs and manufactures tools, hardware, and storage and  
14 organizational equipment and systems. For more than 30 years, Meridian has served  
15 customers around the world in supporting the design, manufacture, and sale of such  
16 products.

17 4. Meridian is an industry-leading designer and manufacturer of modular  
18 storage systems, and provides unique and innovative solutions in the realm of modular  
19 storage to meet customer demands.

20 5. In connection with its research and development efforts to improve its  
21 modular storage systems, Meridian has developed multiple innovative interlocking and  
22 latching solutions, including those protected by the valid United States patents  
23 referenced below.

24 **Jurisdiction and Venue**

25 6. This is an action for patent infringement arising under the patent laws of the  
26 United States, 35 U.S.C. § 1, et seq., including 35 U.S.C. § 271. This Court has original  
27 and exclusive subject matter jurisdiction over patent infringement claims for relief under  
28 28 U.S.C. §§ 1331, 1338(a).

1 7. Personal jurisdiction exists generally over ToughBuilt because ToughBuilt  
2 is a corporation organized under the laws of the State of Nevada, with its principal place  
3 of business in this district.

4 8. Venue is proper in this Court under 28 U.S.C. § 1391 as well as 28 U.S.C. §  
5 1400(b) because ToughBuilt resides within this District in the State of California, where  
6 ToughBuilt is a corporation organized under the laws of the State of Nevada with its  
7 principal place of business in the Central District of California. ToughBuilt committed at  
8 least one act of infringement in this District, and has a physical location in this District  
9 from which it conducts its business. Furthermore, a substantial part of the events or  
10 omissions giving rise to the claims pleaded herein occurred within this judicial district,  
11 or a substantial part of property that is the subject of this action is situated within this  
12 judicial district.

### 13 **The Patents-in-Suit**

14 9. Meridian is the owner of the entire right, title, and interest in and to U.S.  
15 Patent No. 11,986,946 (the “’946 Patent”), entitled “Connection Structure of Module,  
16 Storage Box and Storage Assembly,” which was duly issued by the United States Patent  
17 and Trademark Office on May 21, 2024. A copy of the ’946 Patent is attached as Exhibit  
18 A.

19 10. Meridian is the owner of the entire right, title, and interest in and to U.S.  
20 Patent No. 11,192,689 (the “’689 Patent”), entitled “Stacked Storage Container Latch,”  
21 which was duly issued by the United States Patent and Trademark Office on December  
22 7, 2021. A copy of the ’689 Patent is attached as Exhibit B.

### 23 **Defendant’s Wrongful Conduct Pertaining to the ’946 Patent**

24 11. ToughBuilt designs, manufactures, uses, imports, offers for sale, and/or  
25 sells modular storage equipment under the ToughBuilt trade name throughout the United  
26 States that directly competes with the offerings from Meridian.

1 12. Defendant, under the ToughBuilt trade name, has been and is currently  
2 making, using, offering for sale, importing, selling, distributing, and/or servicing  
3 products that infringe at least one claim of the '946 Patent.

4 13. Defendant offers for sale certain modular stackable storage boxes that  
5 infringe Meridian's rights including by way of example, but not limited to, at least the  
6 following StackTech® line of products: TOUGHBUILT STACKTECH 22.3-in W x 26-  
7 in H Black Plastic/Metal Wheels Tool Box (Model TB-B1-B-70R); TOUGHBUILT  
8 STACKTECH XL 21-in W x 15.6-in H Black Plastic/Metal Tool Box (Model TB-B1-B-  
9 70); TOUGHBUILT STACKTECH Large 21-in W x 11.7-in H Black Plastic/Metal Tool  
10 Box (Model TB-B1-B-50); TOUGHBUILT STACKTECH 21-in Black Plastic/Metal  
11 Tool Box (Model TB-B1-B-30); TOUGHBUILT STACKTECH Crate 21-in W x 11.4-in  
12 H Black Plastic/Metal Tool Box (Model TB-B1-X-50); TOUGHBUILT STACKTECH  
13 Compact 10.4-in Black Plastic/Metal Tool Box (Model TB-B1-B-60C); TOUGHBUILT  
14 STACKTECH 11-Compartment Large Plastic Small Parts Organizer (Model TB-B1-O-  
15 30); TOUGHBUILT 22-Compartment STACKTECH Low-Profile Plastic Small Parts  
16 Organizer (Model TB-B1-O-10); TOUGHBUILT 12-Compartment STACKTECH  
17 Compact Low-Profile Plastic Small Parts Organizer (Model TB-B1-O-10C);  
18 TOUGHBUILT STACKTECH XL 21-in W x 15.6-in H Ball-bearing 3-Drawer Black  
19 Plastic/Metal Tool Box (Model TB-B1-D-70-3); TOUGHBUILT STACKTECH 21-in  
20 W x 8.8-in H Ball-bearing 1-Drawer Black Plastic/Metal Tool Box (Model TB-B1-D-  
21 30-1); TOUGHBUILT STACKTECH XL White 38-Quart Insulated Chest Cooler  
22 (Model TB-B1-C-70); and TOUGHBUILT STACKTECH Compact White 16-Quart  
23 Insulated Chest Cooler (Model TB-B1-C-60C) (collectively, the "Accused StackTech  
24 Products"). The Accused StackTech Products have been on sale in the United States,  
25 including at numerous Lowe's stores.

26 14. Defendant lists Accused StackTech Products on its website as part of its  
27 StackTech® line of products. (*See*, Exhibit C - <https://stacktech.toughbuilt.com/catalog/>)  
28 (hereinafter "Product Webpage").

1 15. The manner of use of the Accused StackTech Products is described at least  
2 in part on its website promotion page for the StackTech product line. (See, Exhibit D – a  
3 portion of <https://stacktech.toughbuilt.com/advantage/>) (hereinafter “Product  
4 Documentation”).

5 16. Defendant has directly infringed, contributed to the infringement of, and/or  
6 continues to induce users of the Accused StackTech Products to infringe, one or more  
7 claims of the '946 Patent, by intentionally developing, making, using, marketing,  
8 advertising, providing, sending, importing, distributing, and/or selling the Accused  
9 StackTech Products and accompanying documentation, materials, components, training,  
10 or support and aiding, abetting, encouraging, promoting, or inviting use thereof.

11 17. Each of the Accused StackTech Products include elements that satisfy the  
12 limitations of, for example, claim 1 of the '946 Patent. Claim 1 of the '946 patent states:

13 [1a] A storage box comprising:

14 [1b] a first connection part disposed on one area of said storage box connectable  
to a second connection part of another storage box;

15 [1c] wherein, said first connection part comprises a mounting body, a locking  
16 buckle movable with respect to said mounting body, and a first resilient member  
located between said mounting body and said locking buckle, wherein said first  
resilient member keeping said locking buckle automatically in a locked state;

17 [1d] wherein, said second connection part of the other storage box comprises a  
mating part interlockable with the locking buckle,

18 [1e] wherein the locking buckle is configured to slide inward with respect to the  
19 mounting part so that the locking buckle is automatically lockable with the mating  
part of the other storage box by action of said first resilient member when the  
locking buckle is aligned with the mating part of the other storage box;

20 [1f] a locking part cooperating with the locking buckle, wherein manual  
movement of the locking part causes the locking buckle to move to an unlocked  
state; and

21 [1g1] a stop part, wherein when the stop part projects outward with respect to a  
locking path of the locking part, said locking part is not automatically lockable  
22 and said first connection part is in a state of remaining unlocked from said second  
connection part, [1g2] wherein the stop part is retractable, said stop part being  
23 extended when said first connection part is in a holding unlocked state with said  
second connection part of the other storage box, and said stop part being  
24 compressed when said first connection part is in a locked state with said second  
connection part.  
25

26 18. By way of example, element [1a] of claim 1 of the '946 Patent recites “a  
27 storage box.”  
28

1 19. An exemplary StackTech Product is the TOUGHBUILT STACKTECH 21-  
2 in Black Plastic/Metal Tool Box (Model TB-B1-B-30, hereinafter the “Accused Tool  
3 Box”), is shown below, which constitutes a storage box. (See, Figure 1).



4  
5  
6  
7  
8  
9  
10  
11 **Figure 1**

12 (Image of the Accused Tool Box, an exemplary StackTech Product).

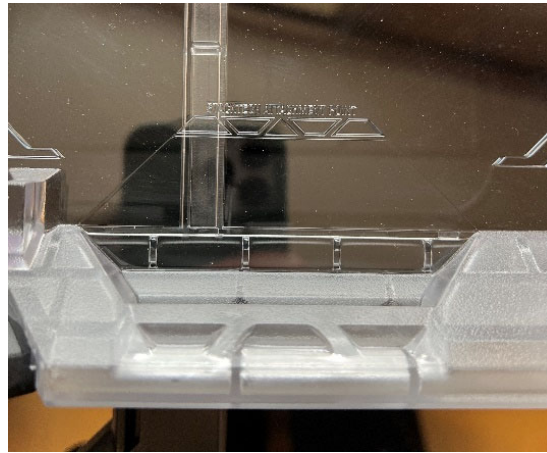
13 20. Element [1b] of claim 1 of the '946 Patent recites a storage box comprising  
14 “a first connection part disposed on one area of said storage box connectable to a second  
15 connection part of another storage box.” In accordance with element [1b] of claim 1, the  
16 Accused Tool Box (Figure 1 above) includes a first connection part disposed on the front  
17 face of the box, near the bottom surface (*i.e.*, on a first area of the box). (See, Figure 2).



18  
19  
20  
21  
22  
23  
24  
25  
26  
27 **Figure 2**

28 (Image of the Accused Tool Box partially showing the front face of the Accused Tool

1 Box). This first connection part is connectable to a second connection part of another  
2 storage box. This analysis uses the TOUGHBUILT STACKTECH 11-Compartment  
3 Large Plastic Small Parts Organizer (Model TB-B1-O-30, hereinafter the “Accused  
4 Organizer”) as the second storage box, though other StackTech Products share the same  
5 features as shown here. (See, Exhibit C, Product Webpage and Exhibit D, Product  
6 Documentation). The second connection part is disposed near an outer edge of the lid,  
7 or the top surface, of the Accused Organizer and defines a recessed area. (See, Figure 3).



8  
9  
10  
11  
12  
13  
14  
15  
16 **Figure 3**

17 (Image of the Accused Organizer partially showing the top surface of the Accused  
18 Organizer).

19 21. Element [1c] of claim 1 of the '946 Patent further recites that “said first  
20 connection part comprises a mounting body, a locking buckle movable with respect to  
21 said mounting body, and a first resilient member located between said mounting body  
22 and said locking buckle, wherein said first resilient member keeping said locking buckle  
23 automatically in a locked state.”

24 22. The first connection part of the Accused Tool Box includes a mounting  
25 body (item A in Figure 4 below) and a locking buckle (item B in Figure 4 below).  
26  
27  
28



**Figure 4**

(Image of the Accused Tool Box partially showing the first connection part). The locking buckle is located on the locking part and can move inward and outward within an opening defined within the mounting body. That is, the locking buckle is movable with respect to the mounting body.

23. As shown below in an alternative view of the mounting body, removed from the Accused Tool Box, a first resilient member is positioned between the rearmost end of the mounting body (item A in Figure 5) and the locking buckle (item B in Figure 5).



**Figure 5**

(Image of mounting body removed from the Accused Tool Box). As shown above in



1 Figure 5, the resilient member(s) biases the locking buckle in an outward position, which  
2 is the locked state (the locking buckle is extended out with respect to the mounting body  
3 to be secured to the second connection part of the Accused Organizer).

4 24. Element [1d] of claim 1 of the '946 Patent further recites that "said second  
5 connection part of the other storage box comprises a mating part interlockable with the  
6 locking buckle."

7 25. The second connection part, located on the lid of the second StackTech  
8 Product, defines a recess, which is the mating part (item C in Figure 6 below).



9  
10  
11  
12  
13  
14  
15 **Figure 6**

16 (Image of the Accused Organizer partially showing the top surface of the Accused  
17 Organizer).

18 26. Element [1e] of claim 1 of the '946 Patent further recites that "the locking  
19 buckle is configured to slide inward with respect to the mounting part so that the locking  
20 buckle is automatically lockable with the mating part of the other storage box by action  
21 of said first resilient member when the locking buckle is aligned with the mating part of  
22 the other storage box."

23 27. As shown below in Figures 7A-7D, the first connection part of the Accused  
24 Tool Box is aligned with the second connection part of the Accused Organizer when the  
25 Accused Tool Box is positioned atop the Accused Organizer. If the locking part of the  
26 Accused Tool Box is extended, the locking buckle contacts the second connection part  
27 (at the red arrow in Figure 7A), which results in a force that is applied to the locking  
28 buckle that forces it to slide inward (Figures 7B and 7C). The locking buckle remains

1 retracted until such time that the locking part is clear of the second connection part and  
 2 aligned with the mating part, at which time the locking buckle extends due to the bias of  
 3 the resilient member and automatically locks with the recess of the Accused Organizer  
 4 (Figure 7D).



5  
6  
7  
8  
9  
10  
11 **Figure 7A**

**Figure 7B**

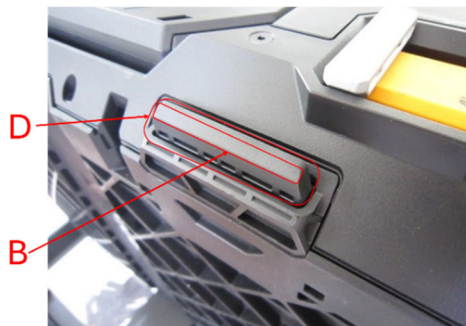
**Figure 7C**

**Figure 7D**

12  
13 (Images of the Accused Tool Box being lowered onto the Accused Organizer).

14 28. Element [1f] of claim 1 of the '946 Patent further recites that the storage  
 15 box also comprises “a locking part cooperating with the locking buckle, wherein manual  
 16 movement of the locking part causes the locking buckle to move to an unlocked state.”

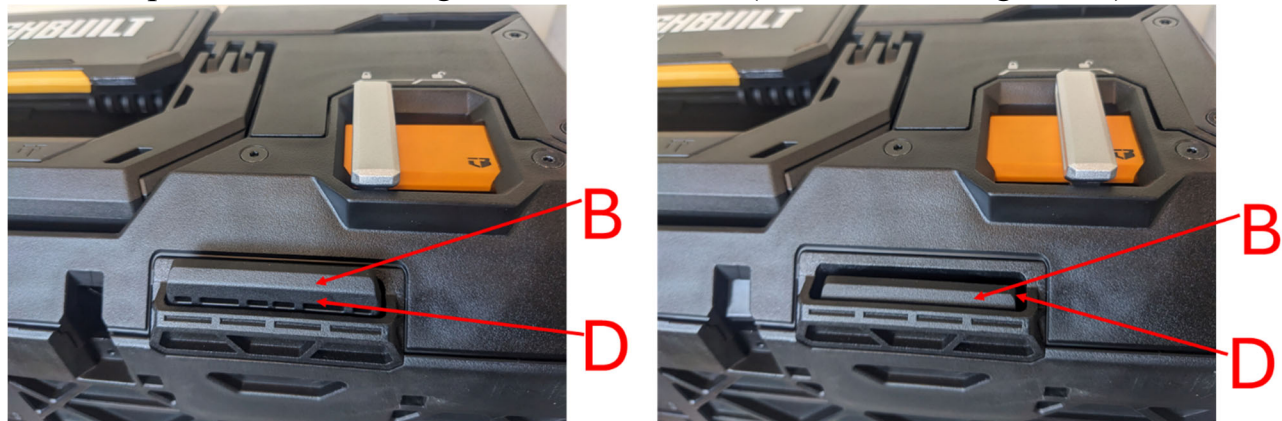
17 29. The storage box includes a locking part (item D in Figures 8 and 9 below)  
 18 that includes the locking buckle (item B in Figures 8 and 9 below). As the locking  
 19 buckle is disposed on the locking part, movement of the locking part necessarily results  
 20 in movement of the locking buckle.



21  
22  
23  
24  
25  
26 **Figure 8**

27  
28 (Image of the Accused Tool Box partially showing the locking part and the locking

1 buckle). In this regard, as the locking part is manually moved from an extended to a  
 2 retracted configuration, such as by movement of the silver-colored handle from a locked  
 3 to an unlocked configuration, the locking buckle is moved to an unlocked state in  
 4 which it is retracted relative to the mounting body (see item B in Figures 9A and 9B  
 5 below). Specifically, when the silver-colored handle is in a locked position, the locking  
 6 buckle is extended (see item B in Figure 9A). When the silver-colored handle is in an  
 7 unlocked position, the locking buckle is retracted (see item B in Figure 9B).



8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Figure 9A**

**Figure 9B**

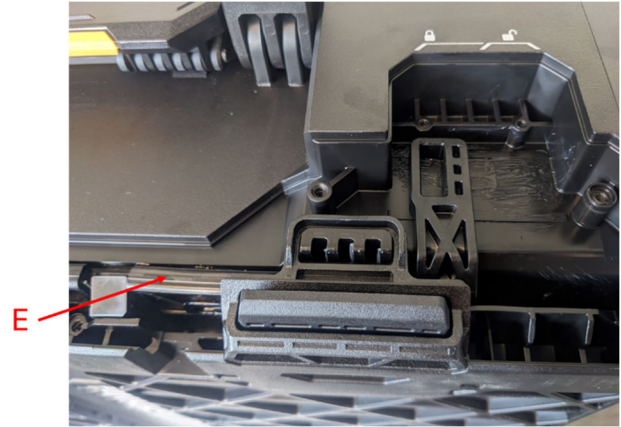
(Images of the Accused Tool Box in locked (Figure 9A) and unlocked (Figure 9B) configurations).

30. Element [1g1] of claim 1 of the '946 Patent further recites that the storage box also comprises “a stop part, wherein when the stop part projects outward with respect to a locking path of the locking part, said locking part is not automatically lockable and said first connection part is in a state of remaining unlocked from said second connection part.”

31. As shown in Figures 10A and 10B below, the Accused Tool Box also includes a stop part, specifically a horizontal bar (item E in Figures 10A and 10B) that has guide grooves, the horizontal bar being attached to the silver-colored handle mechanism. See Figure 10A (Accused Tool Box in an override unlocked configuration) and Figure 10B (Accused Tool Box in locked configuration).



8  
9  
**Figure 10A**



**Figure 10B**

10 (Images of the Accused Tool Box slightly disassembled partially showing the first  
11 connection part). The first connection part is in an override unlocked position (locking  
12 buckle retracted, as shown above in Figure 10A) when the stopping part is extended or  
13 projecting outward (fully to the right in Figure 10A) with respect to the locking path (the  
14 inward and outward direction of movement of the locking part) of the locking part. In  
15 this configuration, the stopping part prevents forward movement (extension) of the  
16 locking part and the locking buckle, thereby maintaining the device in a state of  
17 remaining unlocked with the second connection part and preventing automatic locking.

18 32. Element [1g2] of claim 1 of the '946 Patent further recites that “the stop  
19 part is retractable, said stop part being extended when said first connection part is in a  
20 holding unlocked state with said second connection part of the other storage box, and  
21 said stop part being compressed when said first connection part is in a locked state with  
22 said second connection part.”

23 33. As shown above in Figure 10A and Figure 10B, the stop part (item E) may  
24 alternate between an extended and a retracted, or compressed, position with respect to  
25 the locking path (extended to the right in Figure 10A and retracted to the left in Figure  
26 10B).

27 34. When the stop part is extended (Figure 10A), the first connection part is in a  
28 holding unlocked state relative to the Accused Organizer, in which the locking part and

1 locking buckle of the Accused Tool Box remain retracted relative to the mounting body.  
2 When the stop part is retracted (Figure 10B), the first connection part is in a locked state  
3 relative to the Accused Organizer, in which the locking part and locking buckle of the  
4 Accused Tool Box are extended relative to the mounting body.

5 35. Each of the Accused StackTech Products includes the same features and  
6 functionality as the “other storage box” as recited in claim 1 of the ’946 Patent.  
7 Therefore, each of the Accused StackTech Products meets the requirements for the  
8 infringing “other storage box” of that claim for at least these same reasons as set forth  
9 above. Moreover, with the exception of the TOUGHBUILT STACKTECH 22.3-in W x  
10 26-in H Black Plastic/Metal Wheels Tool Box (Model TB-B1-B-70R), each of the  
11 Accused StackTech Products includes the same features and functionality as the “storage  
12 box” as recited in claim 1 of the ’946 Patent. Therefore, each of those Accused  
13 StackTech Products meets the requirements for the infringing “storage box” of that  
14 claim for at least these same reasons as set forth above.

#### 15 **Defendant’s Wrongful Conduct Pertaining to the ’689 Patent**

16 36. Upon information and belief, ToughBuilt directly or through its agents  
17 contracted with a third party to provide products under the third-party brand “Kobalt”  
18 having “CaseStack” capability. CaseStack products are designed to interconnect with  
19 other CaseStack products. The products provided by ToughBuilt that have the  
20 CaseStack capability are configured to interconnect with other CaseStack products sold  
21 under the Kobalt brand, including those originating from Meridian.

22 37. In particular, ToughBuilt manufactures the Kobalt CaseStack Blue  
23 Polyester 20-in Zippered Tool Bag (model number KB-CS-S20) and Kobalt CaseStack  
24 Blue Polyester 20-in Tool Tote (model number KB-CS-T20) (together, the “Accused  
25 Modular Tool Bags”).

26 38. The mechanisms by which the CaseStack products interconnect is in  
27 accordance with the ’689 patent.

28

1 39. The Accused Modular Tool Bags are specifically designed to connect to  
2 other CaseStack products using latching technology in accordance with one or more  
3 claims of the '689 patent. This type of interconnectivity is promoted through the  
4 marketing and sales of products having the modular "CaseStack" designation.

5 40. ToughBuilt designs, manufactures, uses, imports, offers for sale, and/or  
6 sells the Accused Modular Tool Bags throughout the United States.

7 41. ToughBuilt, under the Kobalt trade name, has been and is currently making,  
8 using, offering for sale, importing, selling, distributing, and/or servicing products that  
9 infringe at least one claim of the '689 Patent.

10 42. Upon information and belief, ToughBuilt, directly or through its contractual  
11 business partners, offers the Accused Modular Tool Bags for sale at numerous Lowe's  
12 stores.

13 43. Defendant has directly infringed, contributed to the infringement of, and/or  
14 continues to induce users of the Accused Modular Tool Bags to infringe, one or more  
15 claims of the '689 Patent, by intentionally developing, making, using, marketing,  
16 advertising, providing, sending, importing, distributing, and/or selling the Accused  
17 Modular Tool Bags and accompanying documentation, materials, components, training,  
18 or support and aiding, abetting, encouraging, promoting, or inviting use thereof.

19 44. Each of the Accused Modular Tool Bags include elements that satisfy the  
20 limitations of, for example, claim 1 of the '689 Patent. Claim 1 of the '689 patent states:

21 [1a] A stackable storage system comprising:

22 [1b] a first storage container configured and arranged to be selectively connected  
23 to a second storage container, wherein the first storage container comprises of at  
24 least one locking groove and the second container comprises a sliding mechanism  
25 for selectively engaging the locking groove to connect and hold the first storage  
26 container to the second storage container, and wherein a portion of the sliding  
27 mechanism extends laterally away from a side surface of the second container  
28 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

[1c] 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 wherein a portion of the sliding mechanism extends  
laterally away from a side surface of the second container when the sliding

1 mechanism is disengaged from the locking groove and wherein the portion of the  
2 sliding mechanism is coplanar with the side surface of the second container when  
3 the sliding mechanism is engaged with the locking groove  
4 [1d] wherein a portion of the sliding mechanism extends laterally away from a  
5 side surface of the second container when the sliding mechanism is disengaged  
6 from the locking groove and wherein the portion of the sliding mechanism is  
7 coplanar with the side surface of the second container when the sliding  
8 mechanism is engaged with the locking groove.

9 45. By way of example, element [1a] of claim 1 of the '689 Patent recites “a  
10 stackable storage system.”

11 46. An exemplary Accused Modular Tool Bag (model number KB-CS-S20,  
12 “Tool Bag”) is shown below. (See Figure 11). The Tool Bag together with any of the  
13 Kobalt CaseStack storage boxes, including but not limited to the Kobalt CaseStack  
14 Plastic Tool Box (KCS-SSBOX1-03, hereinafter the “Kobalt Box”) is a stackable  
15 storage system.



16  
17  
18  
19  
20 **Figure 11**

21 (Image of the Tool Bag, with red circle added identifying an area having the CaseStack  
22 technology).

23 47. In accordance with element [1b] of claim 1, the Tool Bag is a first storage  
24 container, including for the storage of tools, as shown in Figure 11. The Kobalt Box is  
25 one of many Kobalt storage containers that include the CaseStack interlocking  
26 technology, and therefore satisfies the second storage container limitation, as shown in  
27 Figure 12.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**Figure 12.**

(Image of the Kobalt Box, with red circle added identifying an area having the CaseStack technology). The Tool Bag is configured and arranged to be selectively connected to the Kobalt Box via the interlocking modular CaseStack technology.

48. In accordance with element [1c], the Tool Bag (the first storage container) includes at least one locking groove, shown in the circled portion of Figure 11 and Figure 13.

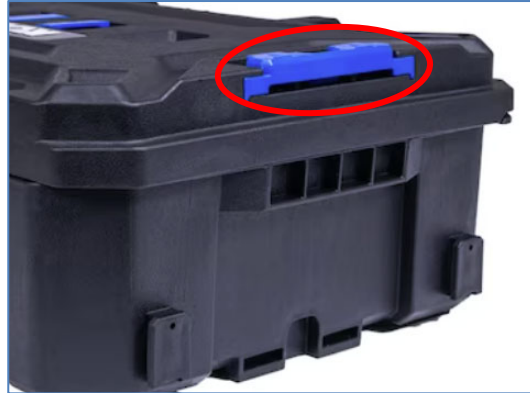


**Figure 13.**

(Image of the Tool Bag, with red oval added). The Kobalt Box (the second storage container) includes a sliding mechanism, shown with the blue component in the circled portion of Figure 12 and Figure 14.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**Figure 14.**

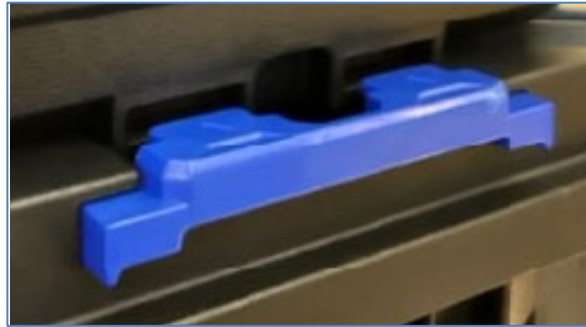
(Image of the Kobalt Box, with red oval added). The sliding mechanism near the top of the Kobalt Box is configured to selectively engage with the locking groove near the bottom of Tool Bag in order to connect the Tool Bag to the Kobalt Box and hold them together, as indicated in Figure 15, wherein the Tool Bag and the Kobalt Box are in position to be connected via inward movement of the blue sliding mechanism of the Kobalt Box.



**Figure 15.**

(Image of the Tool Bag and the Kobalt Box).

1 49. In accordance with element [1d] of claim 1, the blue sliding mechanism of  
2 the Kobalt Box extends away from the side of the Kobalt Box (the second container)  
3 when the blue sliding member is disengaged from the locking groove of the Tool Bag, as  
4 shown in Figure 16.



11 **Figure 16.**

12 (Image of the Kobalt Box in which the blue sliding mechanism is in the open position).  
13 Likewise, the blue sliding mechanism of the Kobalt Box is coplanar with the side of the  
14 Kobalt Box when the blue handle is in the closed position, as when it is engaged with the  
15 locking groove of the Tool Bag, as shown in Figure 17.



21 **Figure 17.**

22  
23 (Image of the Kobalt Box in which the blue sliding mechanism is in the closed position).

24 50. Both of the Accused Modular Tool Bags include the same features and  
25 functionality as the exemplary Accused Modular Tool Bag (model number KB-CS-S20)  
26 as recited in claim 1 of the '689 Patent. Therefore, both of the Accused Modular Tool  
27 Bags meet the elements that claim for at least these same reasons as set forth above.

28

**COUNT I**

**Infringement of U.S. Patent No. 11,986,946**

1  
2  
3 51. Meridian incorporates by reference paragraphs 1-50 as though fully set  
4 forth herein.

5 52. Defendant has infringed and is currently infringing, literally and/or under  
6 the doctrine of equivalents, the '946 Patent by, among other things, making, using,  
7 selling, offering for sale, and/or importing within this judicial district and elsewhere in  
8 the United States, without license or authority, products and/or processes that infringe  
9 one or more claims of the '946 Patent, including but not limited to the Accused  
10 StackTech Products.

11 53. Defendant also indirectly infringes the '946 Patent in violation of 35 U.S.C.  
12 § 271(b) and (c). Defendant induced and is inducing infringement of the '946 Patent by,  
13 among other things, actively and knowingly aiding and abetting others to directly make,  
14 use, offer for sale, sell, and/or import within this judicial district and elsewhere within  
15 the United States, without license or authority, for example, the Accused StackTech  
16 Products, which fall within the scope of at least claim 1 of the '946 Patent. On  
17 information and belief Defendant provides directions, instructions, and/or other  
18 materials that encourage and facilitate infringing use by others. Defendant has sold and  
19 is selling at least the Accused StackTech Products with the knowledge and intent that  
20 customers who buy the products will commit infringement by using the products, and,  
21 therefore, those customers have been and are directly infringing the '946 Patent.

22 54. Defendant has contributorily and is currently contributorily infringing the  
23 '946 Patent, in violation of 35 U.S.C. § 271(c), by, among other things, selling, offering  
24 for sale, and/or importing into this judicial district and elsewhere in the United States,  
25 without license or authority, products, for example, the Accused StackTech Products, or  
26 components of those products which constitute a material part of the '946 Patent,  
27 knowing that such products and/or components are especially made or especially  
28

1 adapted for use in the infringement of the '946 Patent, including but not limited to claim  
2 1, and are not staple articles of commerce suitable for substantial non-infringing use.

3 55. As a direct and proximate result of the infringement of the '946 Patent by  
4 Defendant, Meridian has suffered and will continue to suffer irreparable injury for which  
5 there is no adequate remedy at law. Meridian also has been damaged and, until an  
6 injunction issues, will continue to be damaged in an amount yet to be determined.

7 56. On June 5, 2024, Meridian, through its counsel, sent a cease-and-desist  
8 letter ("Notice Letter") to Defendant's counsel. The Notice Letter included a copy of the  
9 '946 patent and claim charts comparing Defendant's products to claims of the '946  
10 patent. The Notice Letter demanded that Defendant discontinue its infringing activities  
11 and requested a response by June 21, 2024. Defendant did not respond by the requested  
12 date. As of the filing of this Complaint, Meridian has not received a response from  
13 Defendant or its counsel. Upon information and belief, Defendant has had actual notice  
14 of the '946 Patent and the allegations of infringement no later than when it received the  
15 Notice Letter.

16 57. Having actual notice of Meridian's '946 Patent, and with the lack of any  
17 communication from ToughBuilt in response to the letter, ToughBuilt's continued  
18 infringement of the '946 Patent is willful and deliberate, and, therefore, Meridian is  
19 entitled to damages, including enhanced damages, under 35 U.S.C. § 284.

## 20 COUNT II

### 21 **Infringement of U.S. Patent No. 11,192,689**

22 58. Meridian incorporates paragraphs 1-50 as though fully set forth herein.

23 59. Defendant has infringed and is currently infringing, literally and/or under  
24 the doctrine of equivalents, the '689 Patent by, among other things, making, using,  
25 selling, offering for sale, and/or importing within this judicial district and elsewhere in  
26 the United States, without license or authority, products and/or processes that infringe  
27 one or more claims of the '689 Patent, including but not limited to the Accused Modular  
28 Tool Bags.

1           60. Defendant also indirectly infringes the '689 Patent in violation of 35 U.S.C.  
2 § 271(b) and (c). Defendant induced and is inducing infringement of the '689 Patent by,  
3 among other things, actively and knowingly aiding and abetting others to directly make,  
4 use, offer for sale, sell, and/or import within this judicial district and elsewhere within  
5 the United States, without license or authority, for example, the Accused Modular Tool  
6 Bags, which fall within the scope of at least claim 1 of the '689 Patent. On information  
7 and belief Defendant provides directions, instructions, and/or other materials that  
8 encourage and facilitate infringing use by others. Defendant has sold and is selling at  
9 least the Accused Modular Tool Bags with the knowledge and intent that customers who  
10 buy the products will commit infringement by using the products, and, therefore, those  
11 customers have been and are directly infringing the '689 Patent.

12           61. Defendant has contributorily and is currently contributorily infringing the  
13 '689 Patent, in violation of 35 U.S.C. § 271(c), by, among other things, selling, offering  
14 for sale, and/or importing into this judicial district and elsewhere in the United States,  
15 without license or authority, products, for example, the Accused Modular Tool Bags, or  
16 components of those products which constitute a material part of the '689 Patent,  
17 knowing that such products and/or components are especially made or especially  
18 adapted for use in the infringement of the '689 Patent, including but not limited to claim  
19 1, and are not staple articles of commerce suitable for substantial non-infringing use.

20           62. As a direct and proximate result of the infringement of the '689 Patent by  
21 Defendant, Meridian has suffered and will continue to suffer irreparable injury for which  
22 there is no adequate remedy at law. Meridian also has been damaged and, until an  
23 injunction issues, will continue to be damaged in an amount yet to be determined.

24           63. The filing of this Complaint constitutes actual notice to Defendant of the  
25 '689 patent and of Defendant's infringement of that patent.

26           64. Having actual notice of Meridian's '689 patent, any continued infringement  
27 by the Defendant of the patent is willful and deliberate, and, therefore, Meridian is  
28 entitled to damages, including enhanced damages, under 35 U.S.C. § 284.

**JURY DEMAND**

Meridian requests a jury trial on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Meridian requests that the Court grant the following relief:

- A. For judgment in favor of Meridian on all of its claims against Defendant;
- B. For judgment that Defendant has infringed and continues to infringe the '946 Patent;
- C. For judgment that the '946 Patent is valid and enforceable;
- D. For judgment that Defendant has willfully infringed the '946 Patent;
- E. For a preliminary and permanent injunction prohibiting Defendant and all persons or entities acting in concert with Defendant from infringing the '946 Patent;
- F. For judgment that Defendant has infringed and continues to infringe the '689 Patent;
- G. For judgment that the '689 Patent is valid and enforceable;
- H. For judgment that Defendant has willfully infringed the '689 Patent;
- I. For a preliminary and permanent injunction prohibiting Defendant and all persons or entities acting in concert with Defendant from infringing the '689 Patent;
- J. For a judgment awarding Meridian damages adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty under 35 U.S.C. § 284, in an amount to be determined at trial;
- K. An award of treble damages and/or exemplary damages due to Defendant's willful misconduct under 35 U.S.C. § 284;
- L. For a finding that this case is exceptional and an award of interest, costs, expenses, and reasonable attorney's fees incurred by Meridian in prosecuting this action as provided by 35 U.S.C. § 285;
- M. For an award of pre-judgment and post-judgment interest; and
- N. For such other and further relief as this Court or a jury may deem just and proper.

1 DATED: August 21, 2024

Respectfully submitted,

2 **EVERSHEDS SUTHERLAND (US) LLP**

3  
4 */s/ Scott A. Penner*

5 SCOTT A. PENNER, CA Bar No. 253716  
6 ScottPenner@eversheds-sutherland.com  
7 REGIS C. WORLEY, JR., CA Bar No. 234401  
8 RegisWorley@eversheds-sutherland.com  
9 12255 EL CAMINO REAL, SUITE 100  
10 SAN DIEGO, CALIFORNIA 92130  
11 TELEPHONE: 858.252.6502  
12 FACSIMILE: 858.252.6503

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Attorneys for Plaintiff  
MERIDIAN INTERNATIONAL CO., LTD.