

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

BUERGOFOL GMBH, Plaintiff, vs. OMEGA LINER COMPANY, INC., Defendant.	Civil Action No.: 22-cv-04112-KES BUERGOFOL’S RESPONSES TO OMEGA’S REQUESTS FOR ADMISSION (SET SEVEN) (No. 15)
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PROPOUNDING PARTY: OMEGA LINER COMPANY, INC.

RESPONDING PARTY: BUERGOFOL GMBH

SET NUMBER: SEVEN (7) (No. 15)

To OMEGA and its attorneys of record:

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiff

BUERGOFOL GMBH (“Buergofol”) hereby responds to Defendant OMEGA LINER
COMPANY, INC.’s (“Omega”) Requests For Admission to Buergofol (Set Seven)
(No. 15) as follows.

RESPONSES

REQUEST FOR ADMISSION NO. 15: Admit that an amount of wax less than 0.012% by weight incorporated into an external layer of film would be insufficient to migrate to the external surface of the film and form a “covering” over the external surface of the film in the context of U.S. Patent No. 9,657,882.

RESPONSE TO REQUEST NO. 15: Buergofol objects to this request because it is ambiguous, vague, improperly compound and unanswerable. The condition “in the context of U.S. Patent No. 9,657,882” is ambiguous and undefined. The request calls for an admission that a physical attribute exists in all situations in which only a limited number of the influencing conditions have been defined. However, whether the physical attribute exists depends on more factors than are stated in the request. Whether a “covering” in the context of U.S. Patent No. 9,657,882 is formed over the external surface of an external layer (composition and thickness undefined) of film to which less than 0.012% by weight of an undefined wax has been incorporated cannot be definitively stated.

Dated this 31st day of August, 2024

IMPERIUM PATENT WORKS LLP

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CERTIFICATE OF SERVICE

The undersigned certifies that, on the date indicated above, a true and correct copy of the foregoing document was served electronically using the CM/ECF system or email:

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