

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

THE RIDGE WALLET LLC,	)	
	)	Civil Action No. 1:23-cv-00407-CNS-SBP
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
v.	)	
	)	
2985, LLC	)	
D/B/A MOUNTAIN VOYAGE CO.	)	
	)	
Defendant.	)	

DEFENDANT 2985 LLC'S OPENING CLAIM CONSTRUCTION BRIEF

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ATTACHMENTS

Busch Decl.	Declaration of Jacob Busch in Support of Defendant Mountain Voyage's Opening Claim Construction Brief for U.S. Patent No. 10,791,808.
Exhibit A	Copy of U.S. Patent No. 10,791,808.
Exhibit B	Copy of the Claim Construction Order in <i>Mosaic Brands, Inc. v. The Ridge Wallet LLC</i> , (2:20-cv-04556), District Court, Central District of California
Exhibit C	<i>Mcgraw-Hill Dictionary of Scientific and Technical Terms</i> . 2003. 6th ed. New York: McGraw-Hill.
Exhibit D	Ramalingam, K. K. <i>Handbook of Mechanical Engineering Terms</i> . 2. ed. New Age International, 2009.
Exhibit E	Plaintiff's response, filed May 27, 2020, to a non-final office action in the prosecution history of U.S. Patent No. 10,791,808.
Exhibit F	Engineering Network: Engineering Dictionary. March 5, 2005. https://www.engnetglobal.com/tips/glossary.aspx?word=Hook . https://web.archive.org/web/20050305074230/https://www.engnetglobal.com/tips/glossary.aspx?word=Hook .
Exhibit G	Ridge's Reply Claim Construction Brief for U.S. Patent No. 10,791,808 in <i>Mosaic Brands, Inc. v. The Ridge Wallet LLC</i> , (2:20-cv-04556), District Court, Central District of California.
Exhibit H	Mosaic's Response Claim Construction Brief for U.S. Patent No. 10,791,808 in <i>Mosaic Brands, Inc. v. The Ridge Wallet LLC</i> , (2:20-cv-04556), District Court, Central District of California.
Exhibit I	Joint Disputed Claim Terms Chart filed on September 21, 2023, in the instant suit. Case No. 1:23-cv-00407-CNS-SBP.
Exhibit J	Dictionary.com. March 13, 2016. https://www.dictionary.com/browse/undercut . https://web.archive.org/web/20170318133051/https://www.dictionary.com/browse/undercut

I. INTRODUCTION

Pursuant to District of Colorado Local Patent Rule 15 (D.C. COLO. LPtR 15) and the Scheduling Order dated April 6, 2023, Defendant and counterclaimant 2985 LLC d/b/a Mountain Voyage Co. (“Mountain Voyage”) submits this opening brief on the proper construction of claim terms in U.S. Patent No. 10,791,808 (the “’808 Patent”). See Exhibit A¹.

Mountain Voyage proposes construction of the phrases “channeling means,” “recess,” “hook,” and “undercut.” Mountain Voyage’s constructions find support in the intrinsic record and refers to the ’808 Patent’s specification and prosecution history to provide the fact finder with the meaning of technical terms. In contrast, Plaintiff, The Ridge Wallet LLC (“Ridge”), fails to provide the fact finder with any assistance in understanding the meaning of technical terms in the ’808 Patent, defeating the purpose of claim construction.

II. BACKGROUND

On May 5, 2023, Ridge served its preliminary infringement contentions (“IC”). On May 22, 2023, Ridge served its supplemental preliminary infringement contentions (“SIC”). Each of the IC and SIC assert that Mountain Voyage is infringing Claims 1, 6-7, 12-14, and 18-21 (the “Asserted Claims”) of the ’808 Patent.

The ’808 Patent was granted from U.S. Application No. 15/421,596 (the “’596 Application”), filed on February 1, 2017, as a continuation-in-part to U.S. Patent Application No. 14/706,019, filed on May 7, 2015. The Asserted Claims are directed to a

¹ All Exhibits are to the Declaration of Jacob Busch (“Busch Decl.”) unless otherwise noted.

compact wallet, and manufacturing method thereof, having: (1) a longitudinal groove that houses an elastic band, which regulates the expansion/contraction of the wallet; and (2) a recess that receives a tang of an auxiliary member (e.g., a money clip), where the recess has an undercut that engages a hook of the tang to prevent inadvertent dislodgement of the auxiliary member. For example, FIG. 13 of the '808 Patent is provided below.

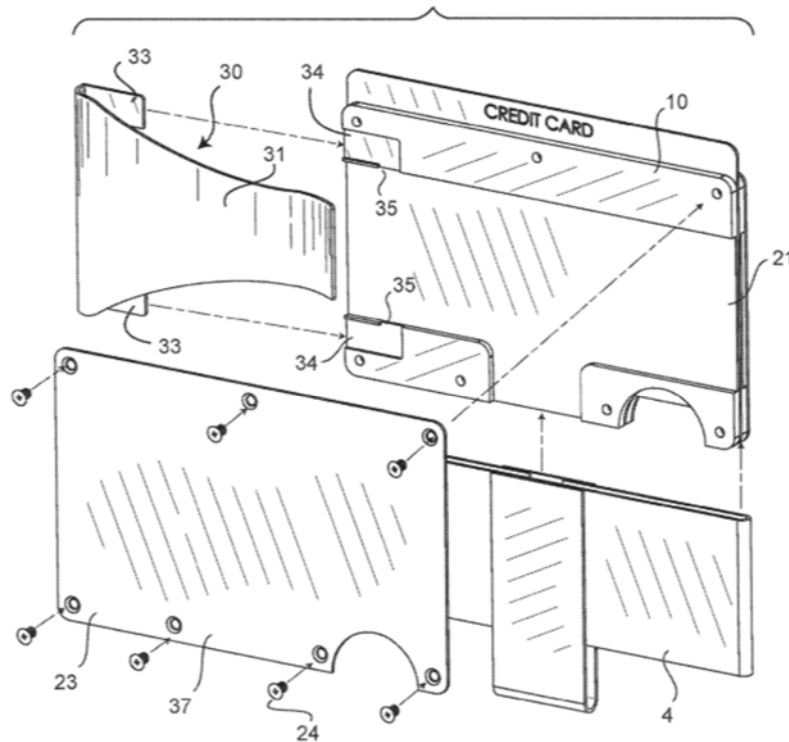


FIG. 13

III. LEGAL STANDARD

A. Claim Construction Generally

As established in *Markman v. Westview Instruments*, 517 U.S. 370 (1996), claim construction is a matter wholly within the jurisdiction of the court. *Markman v. Westview Instruments*, 517 U.S. 370, 372 (1996) (“[T]he construction of a patent . . . is exclusively within the province of the court.”). The purpose of claim construction is to “determin[e] the

meaning and scope” of a patented invention in order to define the patent owner’s rights. *Id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc). The overarching purpose of claim construction is “to give the finder of fact an understandable interpretation of claim scope to apply to the accused systems.” *Avid Tech., Inc., V. Harmonic, Inc.*, 812 F.3d 1040, 1050 (Fed. Cir. 2016).

“[I]n interpreting an asserted claim, the court should look first to the intrinsic evidence, i.e., the patent itself, including the claims, the specification and, if in evidence, the prosecution history. Such intrinsic evidence is the most significant source of the legally operative meaning of disputed claim language.” *Dow Chem. Co. v. Sumitomo Chem. Co.*, 257 F.3d 1364, 1372 (Fed. Cir. 2001). A term’s use in context may help to distinguish or clarify its meaning from other potential definitions. See, e.g., *Phillips*, 415 F.3d at 1314.

The claim terms must be read in light of the specification. *Id.* at 1315 (citing *Vitronics*, 90 F.3d at 1582 (“[T]he specification ‘is always highly relevant Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.’”)). The specification may provide insight into an inventor’s understanding of her invention at the time of patenting, as it might contain an intentional disclaimer of claim scope that reveals limits on an inventor’s intended invention. *Phillips*, 415 F.3d at 1316.

In addition to the patent itself, the Court “should also consider the patent’s prosecution history, if it is in evidence.” Using the specification and prosecution history to construe technical terms provides the finder of fact with the information necessary to understand the scope of the claimed invention and to evaluate a plaintiff’s infringement allegations.

After reviewing the intrinsic evidence, courts may consider extrinsic evidence, including inventor and expert testimony, dictionaries, and treatises. *Phillips*, 415 F.3d at 1317. Technical dictionaries are a particular type of extrinsic evidence that may provide information about the ways a term is used in a particular field of art. *Id.* at 1318.

B. Means-Plus-Function Claim Construction

Under 35 U.S.C. § 112(f), means-plus-function claiming occurs when an element in a claim is a “means or step for performing a specified function without the recital of structure, material, or acts in support thereof....” In that case, “such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.” *Id.* This provision allows “patentees to express a claim limitation by reciting a function to be performed rather than by reciting structure for performing that function....” *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1347 (Fed. Cir. 2015) (en banc). At the same time, Section 112(f) constrains “how such a limitation is to be construed, namely, by restricting the scope of coverage to only the structure, materials, or acts described in the specification as corresponding to the claimed function and equivalents thereof.” *Id.*

Once a court concludes that a term is subject to § 112(f), it follows a two-step process. *Id.* at 1351. “First, the court must determine the claimed function. Second, the court must identify the corresponding structure in the written description of the patent that performs the function.” *Noah Sys., Inc. v. Intuit Inc.*, 675 F.3d 1302, 1311 (Fed. Cir. 2012) (internal citations omitted). A corresponding structure is one that the specification or prosecution history “clearly links ... to the function recited in the claim.” *Id.* The

specification's disclosure of a corresponding structure "must be of adequate corresponding structure to achieve the claimed function." *Id.* (internal quotations omitted).

IV. MOUNTAIN VOYAGE'S PROPOSED CLAIM CONSTRUCTIONS SHOULD BE ADOPTED

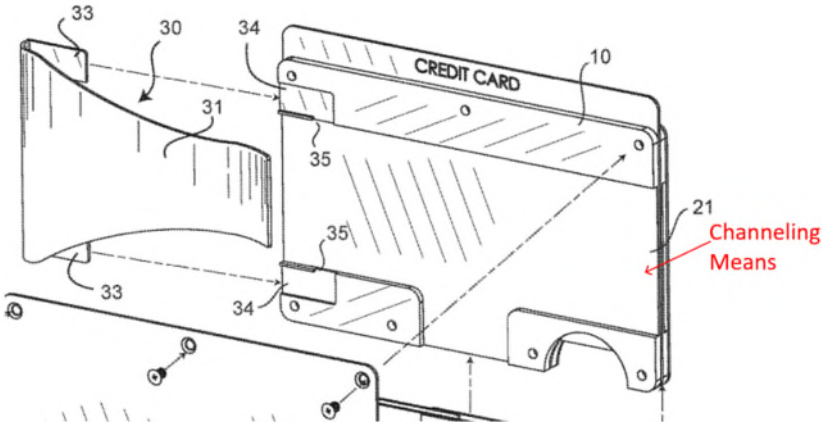
Mountain Voyage proposes construction of the terms "channeling means," "recess," "hook," and "undercut."

A. "channeling means"

"channeling means": Claim 1 of the '808 Patent	
Mountain Voyage's Proposed Construction	Ridge's Proposed Construction
The term is a means-plus-function term governed by 35 U.S.C. § 112(f). <u>Function:</u> To minimize the profile of the wallet and hold position of the at least one encircling band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof. <u>Structure:</u> A groove spanning the extent of one or more of the rigid plates or a longitudinal bore through each rigid plate.	The term is a means-plus-function term governed by 35 U.S.C. 112(f). <u>Function:</u> To minimize the profile of the wallet and hold position of the at least one encircling band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof. <u>Structure:</u> A groove spanning the extent of one or more of the rigid plates or a longitudinal bore through one or more of the rigid plates.

As noted in the above chart, the parties agree that the term "channeling means" is a means-plus-function term governed by 35 U.S.C § 112(f). As the chart also shows, the parties agree on the function of "channeling means."

The parties have a relatively narrow disagreement as to the proper construction of the structure of the “channeling means.” As noted in the



chart, Mountain Voyage believes that the proper construction of that structure is “a groove spanning the extent of one or more of the rigid plates or a longitudinal bore through *each rigid plate*” (emph. added). Ridge believes the proper construction of that structure is “a groove spanning the extent of one or more of the rigid plates or a longitudinal bore through *one or more of the rigid plates*” (emph. added).

Mountain Voyage’s proposed construction of the structure is more consistent with the ’808 Patent’s specification. It indicates: “... the channeling means is a longitudinal groove in a first lamina of a laminate construction of **each rigid plate** (emph. added). The groove slidably receives one part of the at least one encircling elastic band.” See Exhibit A, col. 2:61-64. The ’808 Patent also states that “the channeling means 20 of the preferred embodiment is a longitudinal groove 21 spanning a longitudinal extent 3 of **each rigid plate 10** (emph. added).” See Exhibit A, col. 4:9-13. Moreover, the ’808 Patent states that “the **channeling means 20 might be a longitudinal bore through each rigid plate 10**” (emph. added). See col. 6:32-34. In view of the specification of the ’808 Patent, one of ordinary skill in the art at the time of filing the ’596 Application (February 1, 2017) would have understood the structure of the “channeling means” to be “a groove spanning the extent of one or more of the rigid plates or a longitudinal bore through each rigid plate.”

Mountain Voyage's proposed construction of "channeling means" was also adopted by the California Central District Court regarding the '808 Patent in case 2:20-cv-04556, *Mosaic Brands, Inc. v. The Ridge Wallet LLC*. See Exhibit B, page 18.

B. "recess"

"recess": Claims 1, 14, 19 of the '808 Patent	
Mountain Voyage's Proposed Construction	Ridge's Proposed Construction
"A groove with a sidewall that is adjacent to the longitudinally extending groove." (I.e., the "channeling means.")	Plain and ordinary meaning.

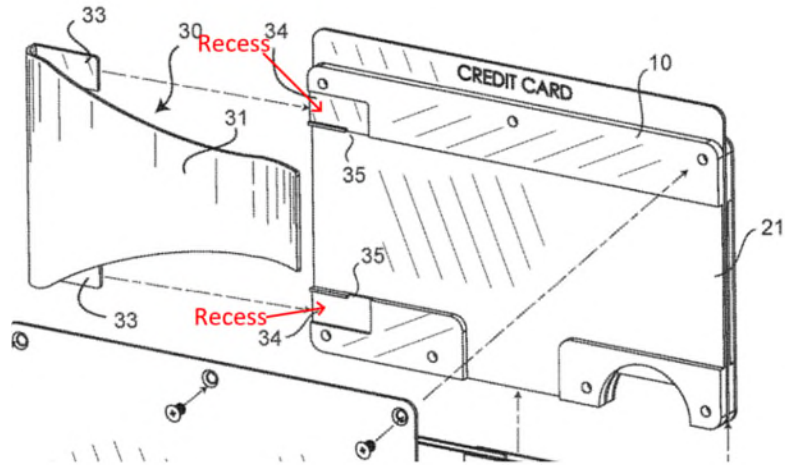
In *Phillips*, the court articulated the importance of construing claim language in view of the patent's specification, stating:

This court and its predecessors have long emphasized the importance of the specification in claim construction... "[t]he descriptive part of the specification aids in ascertaining the scope and meaning of the claims in as much as the words of the claims must be based on the description. The specification is, thus, the primary basis for construing the claims." *Standard Oil Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 452 (Fed. Cir. 1985)... .

See Phillips, 415 F.3d 1303, 1315-1317.

In describing the recited "recess," the '808 Patent states that the "auxiliary feature 30 is removably attached to at least one of the rigid plates 10 by means of a tang 33 inserted into a recess 34 in the groove 21 outboard of the elastic band 4. The outboard positioning prevents interference with the free operation of the elastic band." See Exhibit

A, col. 5:23-27. The '808 Patent illustrates the recited “recess” in FIG. 13, reproduced in part to the right. As shown in FIG. 13, the recess (34) is a groove that is separate from the longitudinally extending groove



(21). Further, the separate groove has a sidewall that is adjacent to the longitudinally extending groove (*i.e.*, the channeling means). As described above, because the recess is separate from the longitudinally extending groove, the recess is in an outboard position that “prevents interference with the free operation of the elastic band.” *Id.* The '808 Patent neither describes nor suggests alternate structures or positioning of the recess.

In view of the specification of the '808 Patent, one of ordinary skill in the art at the time of filing the '596 Application would have understood the claimed “recess” to be “a groove with a sidewall that is adjacent to the longitudinally extending groove.” Further, at the time of filing the '596 Application, dictionary definitions supported this construction of the term “recess”. For example, McGraw-Hill Dictionary of Scientific & Technical Terms, 6th Edition (published in 2003) defined “recess” as “a surface groove or depression.” See Exhibit C. In a further example, Handbook of Mechanical Engineering Terms by K.K. Ramalingam (Published in 2009) defined “recess” as “a groove cut below the normal surface of a workpiece.” See Exhibit D.

Ridge has proposed no construction for this technical term, choosing instead to leave the finder of fact to fend for herself in understanding what “recess” would mean to

a person of ordinary skill in the art in context of the Asserted Claims. This Court should Ridge's position because it would disserve the primary purpose of claim construction, which is to assist the finder of fact by construing technical terms with which she is unfamiliar. *See Avid Tech. Inc.*, 812 F.3d at 1050; *Eon Corp. IP Holdings LLC*, 815 F.3d at 1318-19.

Further, "[i]t is critical for trial courts to set forth an express construction of the material claim terms in dispute." *See AFG Indus., Inc. V. Cardinal IG Co.*, 239 F.3d 1239, 1247 (Fed. Cir. 2001). Here, recitation of the "recess" was introduced via a claim amendment during prosecution of the '596 Application to differentiate the claimed compact wallet from the prior art. *See Exhibit E*. Additionally, the absence of the claimed "recess" as properly understood from the Accused Products is one of the several reasons why Mountain Voyage's wallets do not infringe the '808 patent. Thus, the term "recess" is a material claim term in dispute.

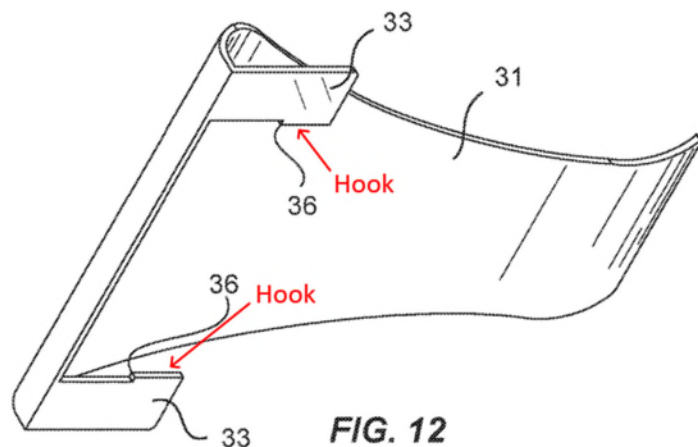
Moreover, the Federal Circuit has emphasized that "the district court must instruct the jury on the meanings to be attributed to all disputed terms used in the claims in suit so that the jury will be able to 'intelligently determine the questions presented.'" *See Sulzer Textil A.G. v. Picanol N.V.*, 358 F.3d 1356, 1366 (Fed. Cir. 2004). Mountain Voyage's construction would enable the jury to intelligently determine questions presented regarding the claimed "recess"; whereas Ridge's construction fails to provide any assistance in understanding the scope of "recess" within the context of the claim language.

C. “hook”

“hook”: Claims 1, 14, 19, and 20 of the '808 Patent	
Mountain Voyage’s Proposed Construction	Ridge’s Proposed Construction
“A device that abruptly changes direction from a trunk section to define a ledge for catching or holding.”	Plain and ordinary meaning.

In describing the recited “hook,” the '808 Patent states, “the recess 34 has an undercut 35 and the tang 33 has a hook 36 (FIG. 12). The hook 36 engages the undercut 35 to prevent inadvertent dislodgement of the auxiliary feature 30 when attached to the compact wallet 1.” See Exhibit A, col. 5:29-31. Other than the claim language, the above quotation is the only textual description of “hook” provided by the '808 Patent.

The '808 Patent illustrates the recited “hook” in FIG. 12, reproduced to the right. As shown in FIG. 12, the hook and tang collectively form an L-shape. In particular, a portion of the tang serves as a trunk from which the



hook extends. Further, the hook extends from the trunk by abruptly changing direction from the alignment of the trunk (e.g., at an abrupt 90 degree angle). As a result of this abrupt change in direction, a ledge is defined that “engages the undercut 35 to prevent inadvertent dislodgement of the auxiliary feature 30....” *Id.* The '808 Patent neither describes nor suggests alternate structures and/or positioning of the hook.

In view of the specification of the '808 Patent, one of ordinary skill in the art at the time of filing the '596 Application would have understood the claimed "hook" to be "a device that abruptly changes direction from a trunk section to define a ledge for catching or holding." Further, at the time of filing the '596 Application, dictionary definitions supported this construction of the term "hook". For example, the EngNet Engineering Dictionary published a definition of "hook," at least as early as March 5, 2005, defined "hook" as "an abrupt deviation from straightness." See Exhibit F.

In a prior litigation involving the '808 patent, captioned *Mosaic Brands Inc., v. The Ridge Wallet LLC*, Ridge admitted that a plain and ordinary construction of the term "hook" is "too broad and relies upon extrinsic evidence." See Exhibit G, page 4, line 13.² In the *Mosaic Brands* case, Mosaic argued that the term "hook" of the '808 Patent should be construed in its plain and ordinary meaning (same as Ridge now proposes). See Exhibit H, page 5, lines 5-7. Ridge argued against Mosaic's plain and ordinary meaning proposal, asserting that the patent applicant differentiated the invention from prior art during prosecution based on the characteristics of the claimed "hook" and thereby a plain and ordinary meaning of "hook" is "too broad and relies upon extrinsic evidence". See Exhibit G, page 4, line 13.

² *Mosaic* was a declaratory judgment action seeking a determination of the non-infringement and invalidity of the '808 Patent. Ridge here was the defendant in that case.

D. “undercut”

“undercut”: Claims 1, 14, 19, and 20 of the ’808 Patent	
Mountain Voyage’s Proposed Construction	Ridge’s Proposed Construction
“A cut away portion of the sidewall of the recess.”	Plain and ordinary meaning.

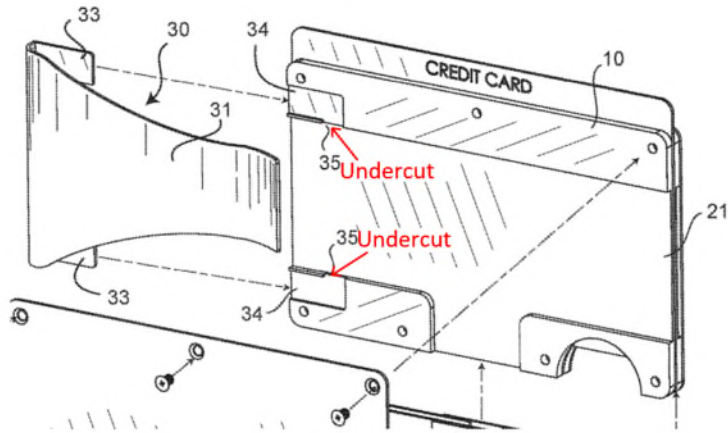
Where a technical term, such as “undercut”, is claimed, the specification is especially informative as to the construction of the term. For example, in *Phillips*, the court stated:

“The specification is, thus, the primary basis for construing the claims.” *Standard Oil Co. V. Am. Cyanamid Co.*, 774 F.2d 448. 452 (fed. Cir. 1985). On numerous occasions since then, we have reaffirmed that point, stating that “[t]he best source for understanding a technical term is the specification from which it arose, informed, as needed, by the prosecution history.” *Multiform Desiccants*, 133 F. 3d at 1478....

See Phillips, 415 F.3d 1303, at 1315.

In describing the recited “undercut,” the ’808 Patent states: “the recess 34 has an undercut 35 and the tang 33 has a hook 36 (FIG. 12). The hook 36 engages the undercut 35 to prevent inadvertent dislodgement of the auxiliary feature 30 when attached to the compact wallet 1.” See Exhibit A, col. 5:29-31. Other than the claim language, the above quotation is the only textual description of “undercut” provided by the ’808 Patent.

The '808 Patent illustrates the recited “undercut” in FIG. 13, reproduced to the right. As shown in FIG. 13, the undercut (35) is formed by cutting away a portion of the sidewall of the recess (34).



Cutting away a portion of the recess’s sidewall makes space to receive the hook (36) of the tang (33). That allows the hook to engage the undercut to prevent dislodgement of the auxiliary feature (30) along the longitudinal extent of the wallet. The '808 Patent neither describes nor suggests alternate structures and/or positioning of the undercut.

In view of the specification of the '808 Patent, one of ordinary skill in the art at the time of filing the '596 Application would have understood the claimed “undercut” to be “a cut away portion of the sidewall of the recess.”

Ridge has proposed no construction for this technical term, choosing instead to leave the finder of fact to fend for herself in understanding what “undercut” would mean to a person of ordinary skill at the time of filing. In addition, Ridge cites to the claim construction order of a pending International Trade Commission case involving the '808 Patent as extrinsic evidence supporting a “plain and ordinary meaning” construction. But, Ridge’s extrinsic evidence citation is for the definition of “hook”, not “undercut.” See Exhibit I.

Further, “[a] determination that a claim term ‘needs no construction’ or has the ‘plain and ordinary meaning’ may be inadequate when a term has more than one ‘ordinary’ meaning or when reliance on a term’s ‘ordinary’ meaning does not resolve the

parties' dispute." See *O₂ Micro International, Ltd. V. Beyond Innovation Technology Co.*, 521 F.3d at 1361 (Fed. Cir. 2008). Here, the term "undercut" has multiple "ordinary" meanings, for a variety of contexts, none of which resolve the scope of the term with regards to the claimed compact wallet. See Exhibit J.

Moreover, in *Mosaic Brands* Ridge admitted that a plain and ordinary construction "...may result in an unsupported conflation of the recess and the undercut which are distinct limitations of the '808 patent." See Exhibit G, page 5, lines 2-4. In the *Mosaic Brands* case, Mosaic proposed that the term "undercut" of the '808 Patent be construed in its plain and ordinary meaning (same as Ridge now proposes). See Exhibit H, page 6, lines 1-2. However, Ridge rebutted Mosaic's plain and ordinary meaning proposal, asserting that the applicant differentiated the invention from prior art during prosecution based on the characteristics of the claimed "undercut;" whereas, under a plain and ordinary meaning "the undercut could be any type of cutaway, and it fails to tie the undercut to the recess of which it is a part." See Exhibit G, page 4, lines 23-25.

V. CONCLUSION

For the foregoing reasons, this Court should adopt Mountain Voyage's proposed claim construction for the Assert Claims of the '808 Patent.

Dated: October 19, 2023

/s/ Michael J. Garvin
Michael J. Garvin
VORYS, SATER, SEYMOUR & PEASE LLP
200 Public Square, Suite 1400
Cleveland, OH 44114
Tel: (216) 479-6100
mjgarvin@vorys.com

/s/ Jacob Busch
Jacob M. Busch
MOUNTAIN VOYAGE Co.
2985 Xenon St.
Wheat Ridge, Colorado 80215
Tel: (330) 241-1800
jake@mountainvoyageco.com

CERTIFICATE OF COMPLIANCE

Pursuant to District of Colorado Local Patent Rule 17 (D.C. COLO. LPtR 17), I hereby certify that the foregoing “Defendant 2985 LLC’s Opening Claim Construction Brief” contains 4,233 words (in Arial 12 font) as measured by the word processing software used to prepare the document.

/s/ Jacob Busch
Jacob M. Busch

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2023, I electronically filed the foregoing Opening Claim Construction Brief for Defendant 2985 LLC with the Clerk of the Court using the CM/ECF system.

/s/ Michael J. Garvin

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

THE RIDGE WALLET LLC,	)	
	)	Civil Action No. 1:23-cv-00407-CNS-SP
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
v.	)	
	)	
2985, LLC	)	
D/B/A MOUNTAIN VOYAGE CO	)	
	)	
Defendant.	)	

**DECLARATION OF JACOB BUSCH IN SUPPORT OF DEFENDANT MOUNTAIN
VOYAGE'S OPENING CLAIM CONSTRUCTION BRIEF FOR U.S. PATENT NO.
10,791,808**

I, Jacob Busch, declare:

1. I am General Counsel of 2985 LLC, defendant in this law-suit. I am a member of the State Bar of Ohio, the State Bar of Colorado, and of this Court.

2. When this Declaration refers to an exhibit, a true and correct copy is attached to this Declaration. I am a document custodian of the Defendant.

3. Attached as Exhibit A is a true and correct copy of U.S. Patent No. 10,791,808.

4. Attached as Exhibit B is a true and correct copy of the Claim Construction Order in *Mosaic Brands, Inc. v. The Ridge Wallet LLC*, (2:20-cv-04556), District Court, Central District of California.

5. Attached as Exhibit C is a true and correct copy of page 1759 from *Mcgraw-Hill Dictionary of Scientific and Technical Terms*. 2003. 6th ed. New York: McGraw-Hill.

6. Attached as Exhibit D is a true and correct copy of page 8 from Ramalingam, K. K. *Handbook of Mechanical Engineering Terms*. 2. ed. New Age International, 2009.

7. Attached as Exhibit E is a true and correct copy of Plaintiff's response, filed May 27, 2020, to a non-final office action in the prosecution history of U.S. Patent No. 10,791,808.

8. Attached as Exhibit F is a true and correct copy of a screenshot from the WayBack Machine (an Internet archive website) showing a capture of the following URL on March 5, 2005: <https://www.engnetglobal.com/tips/glossary.aspx?word=Hook>. Said URL is to a webpage published by the Engineering Network: Engineering Dictionary.

The URL to the WayBack Machine capture is:

<https://web.archive.org/web/20050305074230/https://www.engnetglobal.com/tips/glossary.aspx?word=Hook>

9. Attached as Exhibit G is a true and correct copy of Ridge's Reply Claim Construction Brief for U.S. Patent No. 10,791,808 in *Mosaic Brands, Inc. v. The Ridge Wallet LLC*, (2:20-cv-04556), District Court, Central District of California.

10. Attached as Exhibit H is a true and correct copy of Mosaic's Response Claim Construction Brief for U.S. Patent No. 10,791,808 in *Mosaic Brands, Inc. v. The Ridge Wallet LLC*, (2:20-cv-04556), District Court, Central District of California.

11. Attached as Exhibit I is a true and correct copy of the Joint Disputed Claim Terms Chart filed on September 21, 2023, in the instant suit. Case No. 1:23-cv-00407-CNS-SBP.

12. Attached as Exhibit J is a true and correct copy of a screenshot from the WayBack Machine (an Internet archive website) showing a capture of the following URL on March 13, 2016: <https://www.dictionary.com/browse/undercut>. Said URL is to a webpage published by Dictionary.com. The URL to the WayBack Machine capture is:

<https://web.archive.org/web/20170318133051/https://www.dictionary.com/browse/undercut>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: October 19, 2023

/s/ Jacob Busch
Jacob Busch

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2023, I electronically filed the foregoing Declaration of Jacob Busch and referenced Exhibits for Defendant 2985 LLC with the Clerk of the Court using the CM/ECF system.

/s/_____

EXHIBIT A



US010791808B2

(12) **United States Patent**
Kane

(10) **Patent No.:** **US 10,791,808 B2**

(45) **Date of Patent:** **Oct. 6, 2020**

(54) **COMPACT WALLET**

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(71) Applicant: **Daniel Kane**, Agoura Hills, CA (US)

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(72) Inventor: **Daniel Kane**, Agoura Hills, CA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

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Related U.S. Application Data

(63) Continuation-in-part of application No. 14/706,019, filed on May 7, 2015, now abandoned.

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A45C 1/06 (2006.01)

A45C 11/18 (2006.01)

A45C 13/18 (2006.01)

A45C 1/08 (2006.01)

(52) **U.S. Cl.**

CPC **A45C 1/06** (2013.01); **A45C 1/08** (2013.01); **A45C 11/182** (2013.01); **A45C 13/185** (2013.01); **A45C 2001/062** (2013.01); **A45C 2001/065** (2013.01); **A45C 2001/083** (2013.01); **A45C 2011/186** (2013.01)

(58) **Field of Classification Search**

CPC **A45C 1/06**; **A45C 1/08**; **A45C 11/182**; **A45C 13/185**; **A45C 2001/062**; **A45C 2001/065**; **A45C 2001/083**; **A45C 2011/186**

See application file for complete search history.

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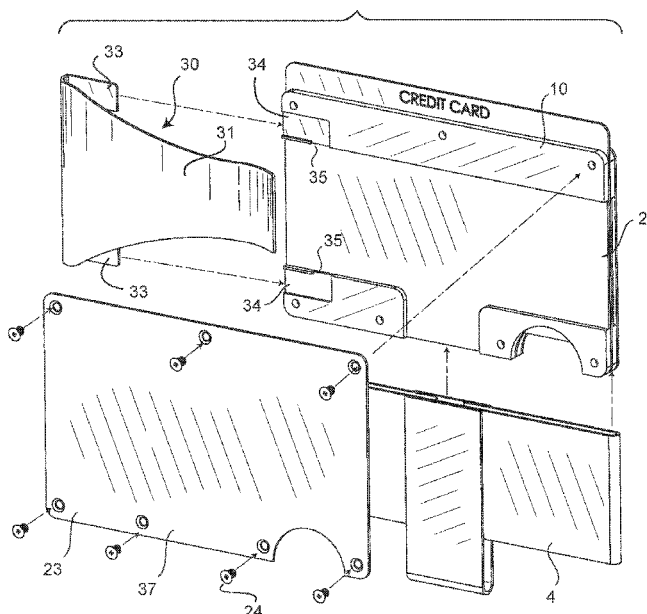
Primary Examiner — Tri M Mai

(74) *Attorney, Agent, or Firm* — Patent Service Associates, Inc.; Lyman Smith

(57) **ABSTRACT**

The present invention is a compact wallet designed to present a minimal silhouette in a shirt, pants or purse pocket. Novel features hold the silhouette to the minimal dimensions of a credit card while affording maximal expandability for content storage and accessibility. A novel method makes additional features modularly available.

24 Claims, 7 Drawing Sheets



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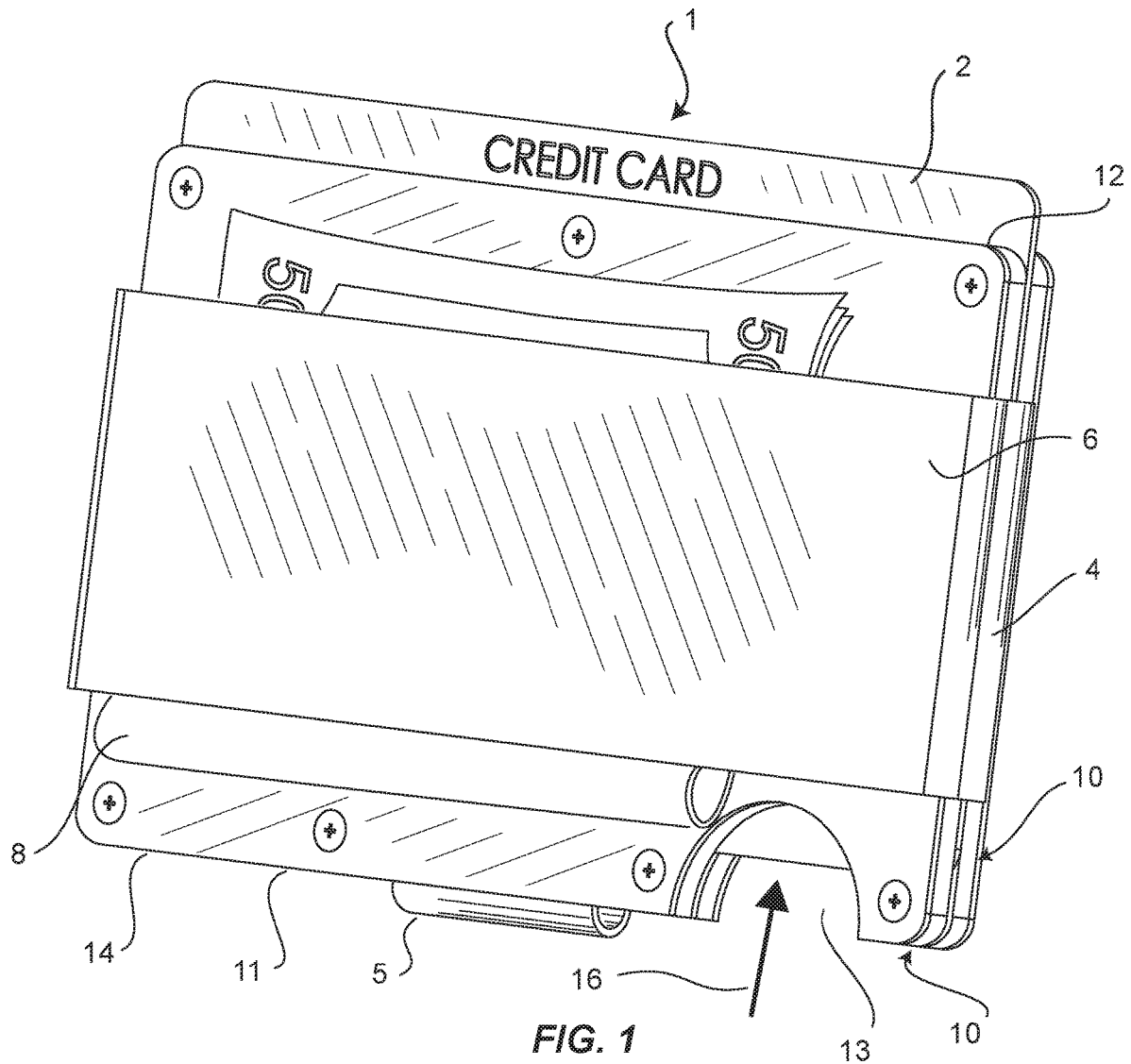
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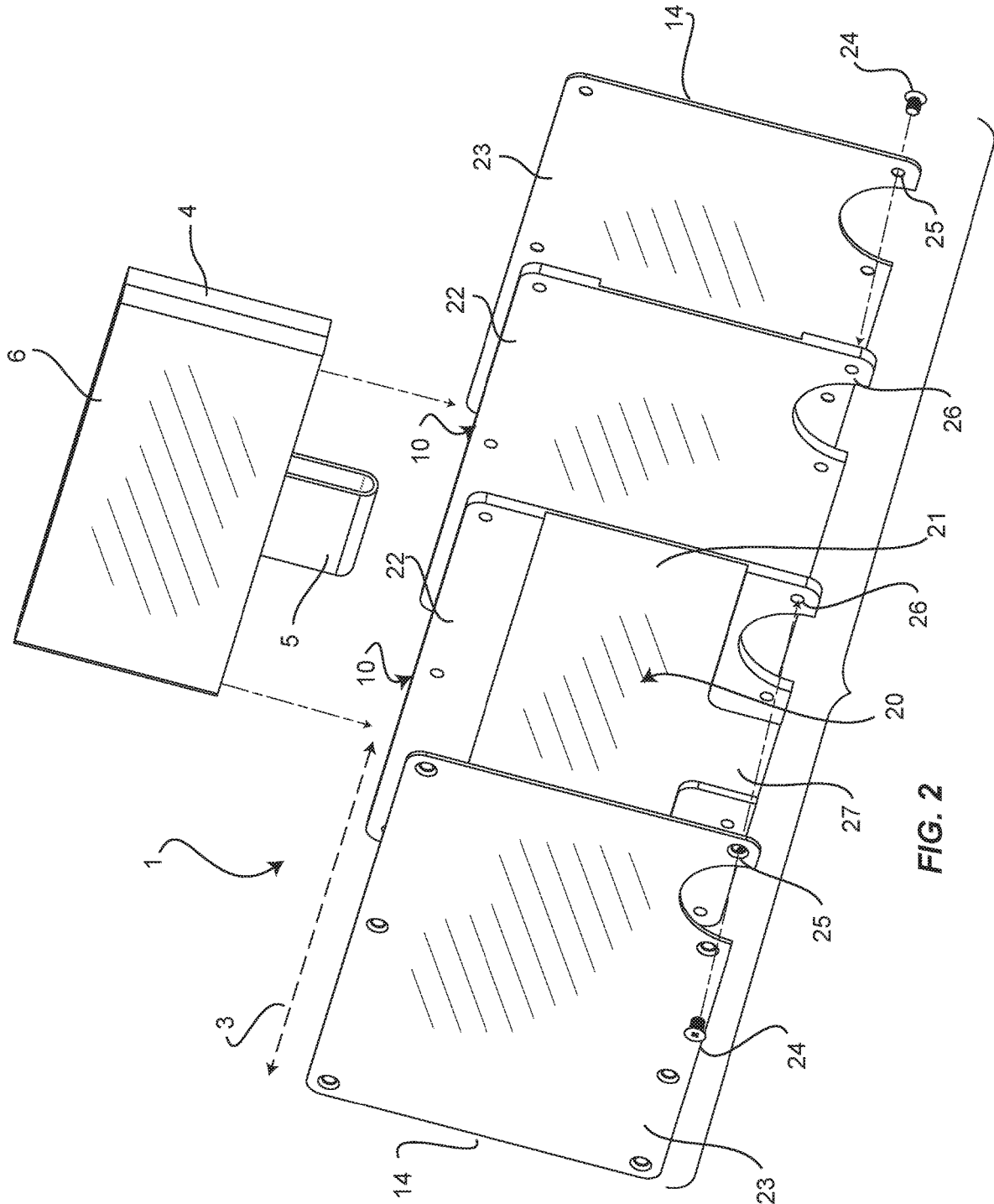


FIG. 2

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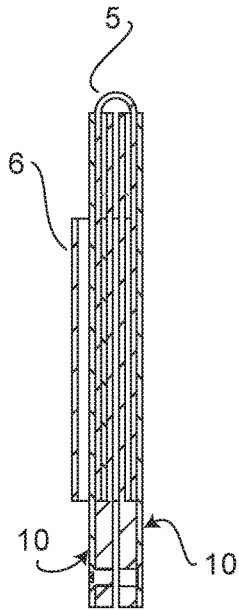


FIG. 4

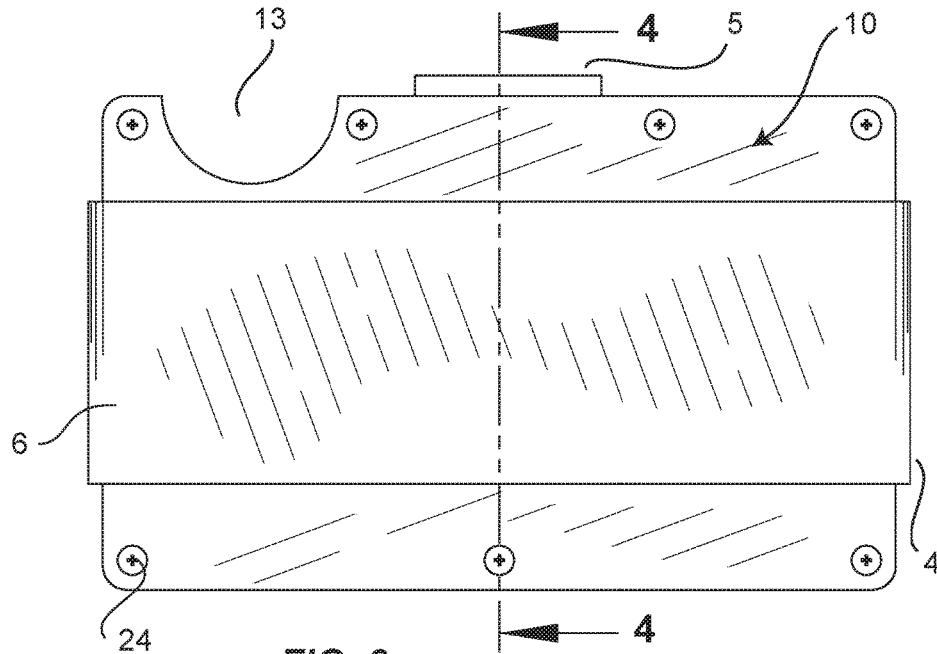


FIG. 3

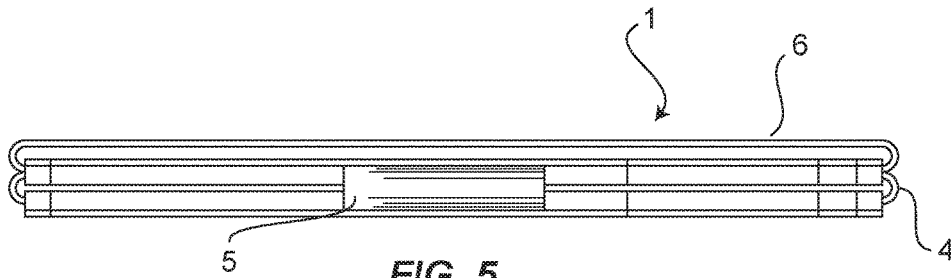


FIG. 5

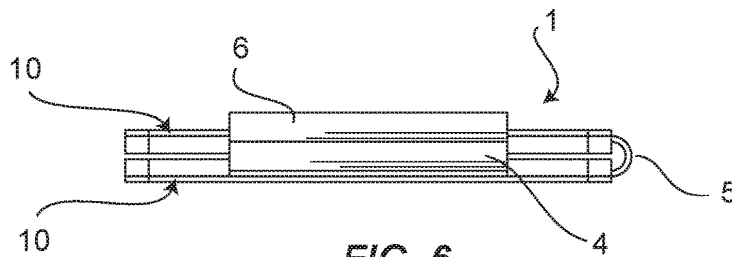


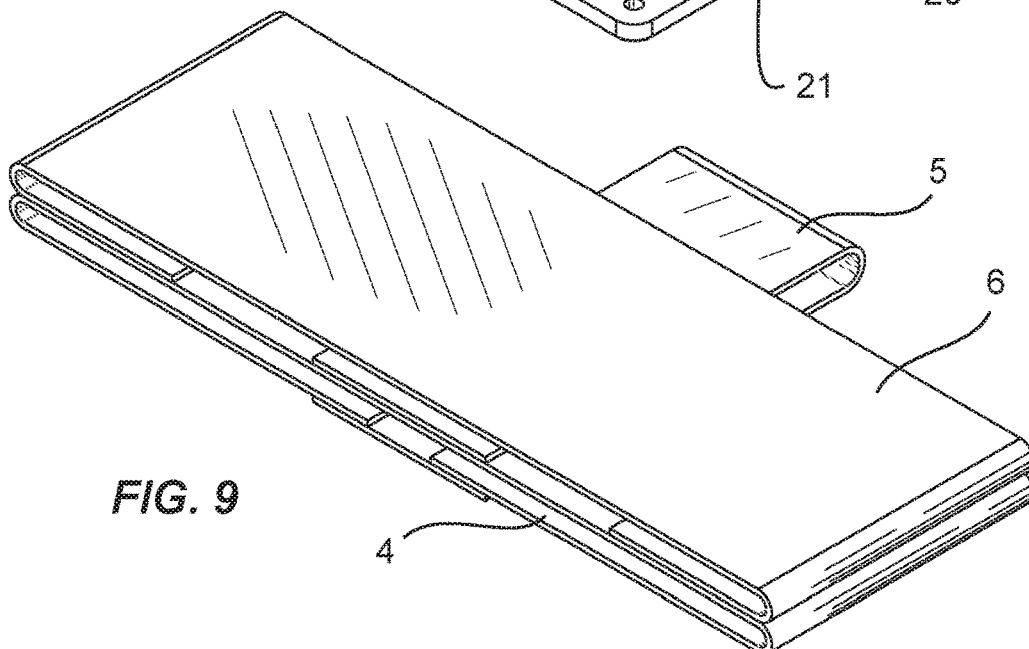
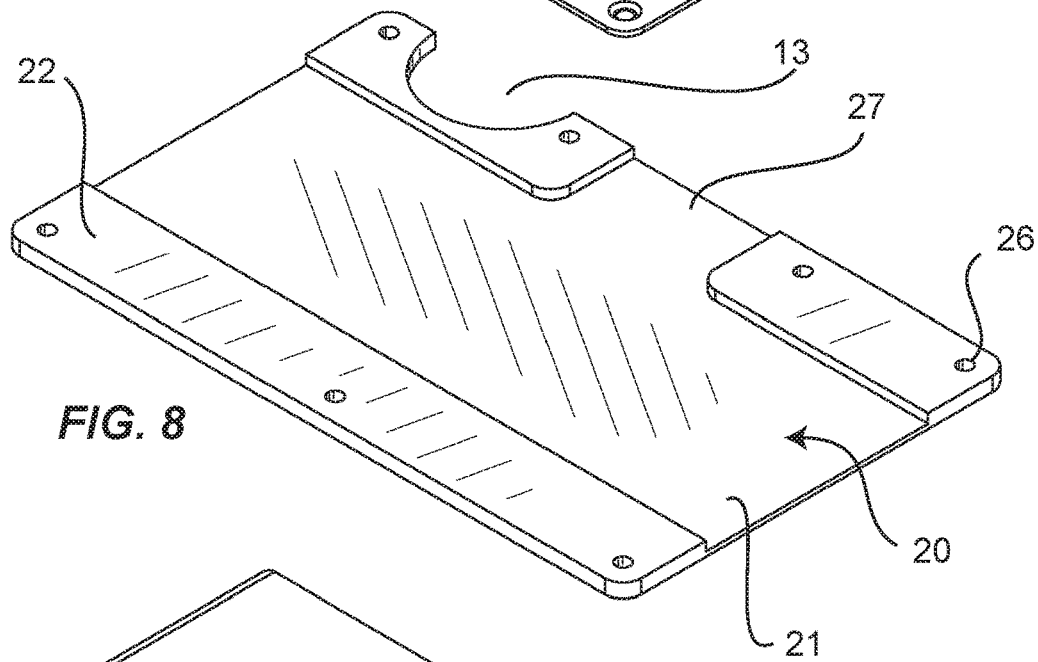
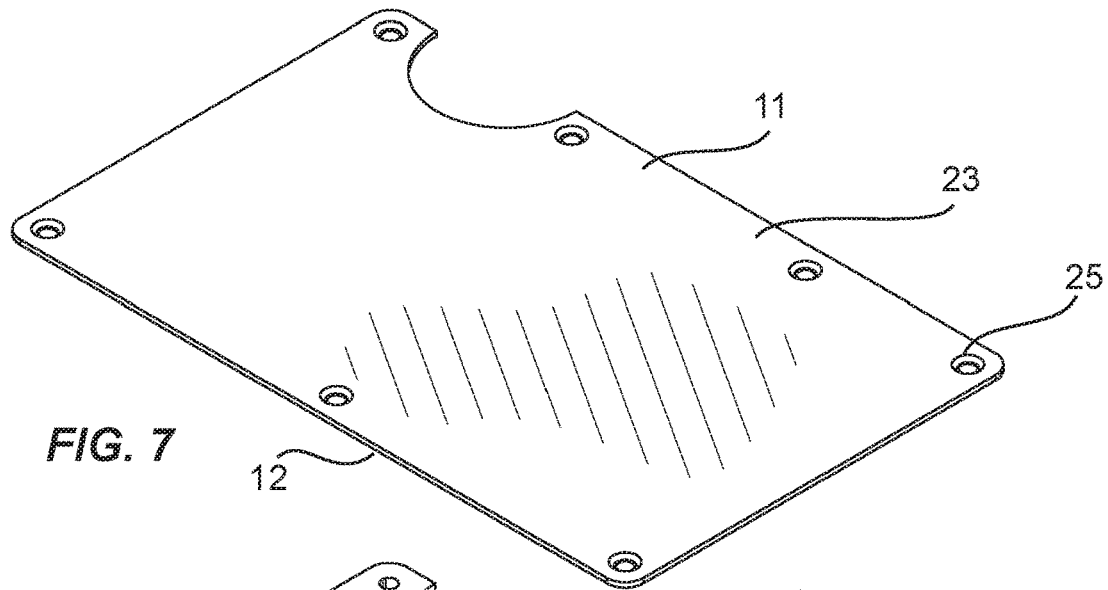
FIG. 6

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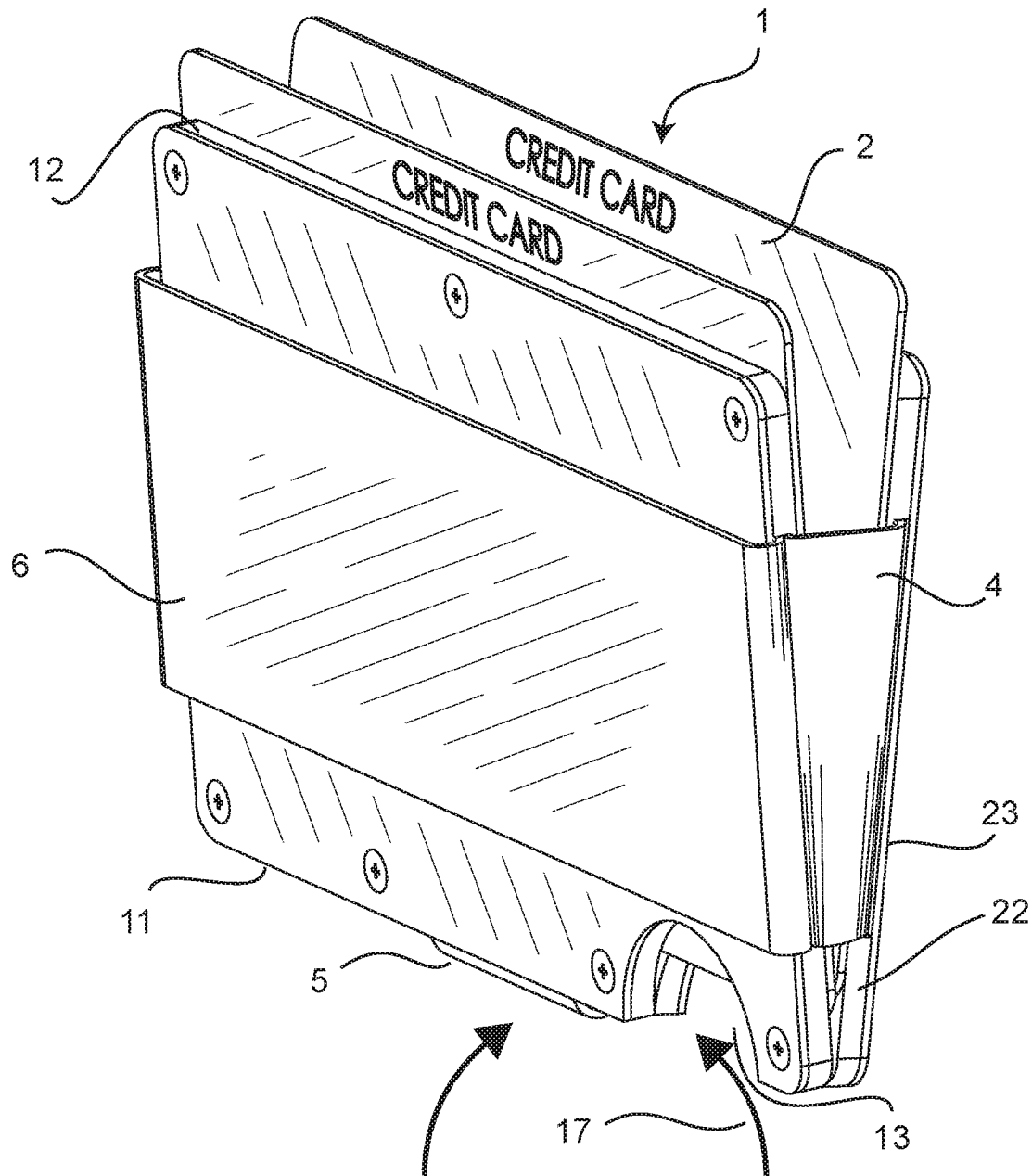


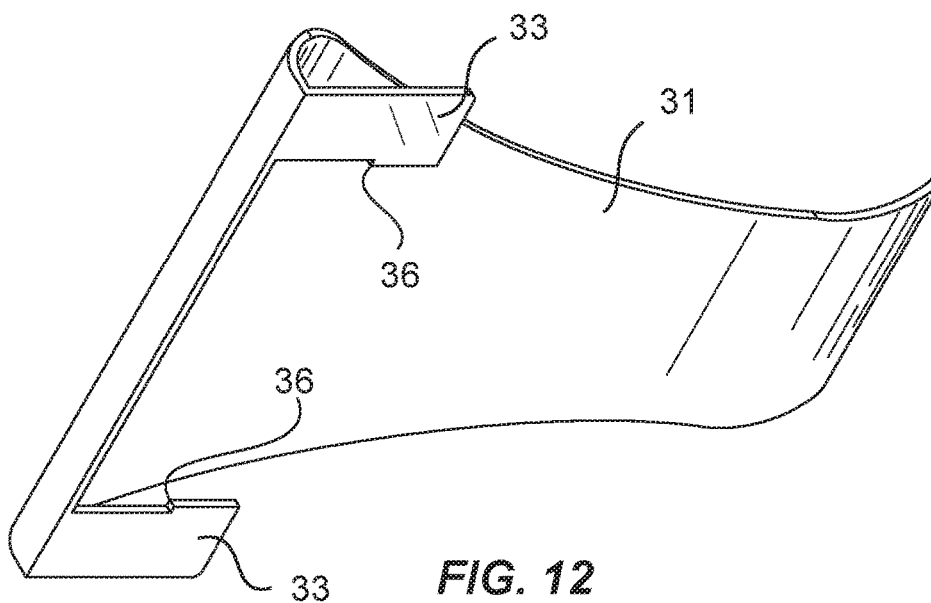
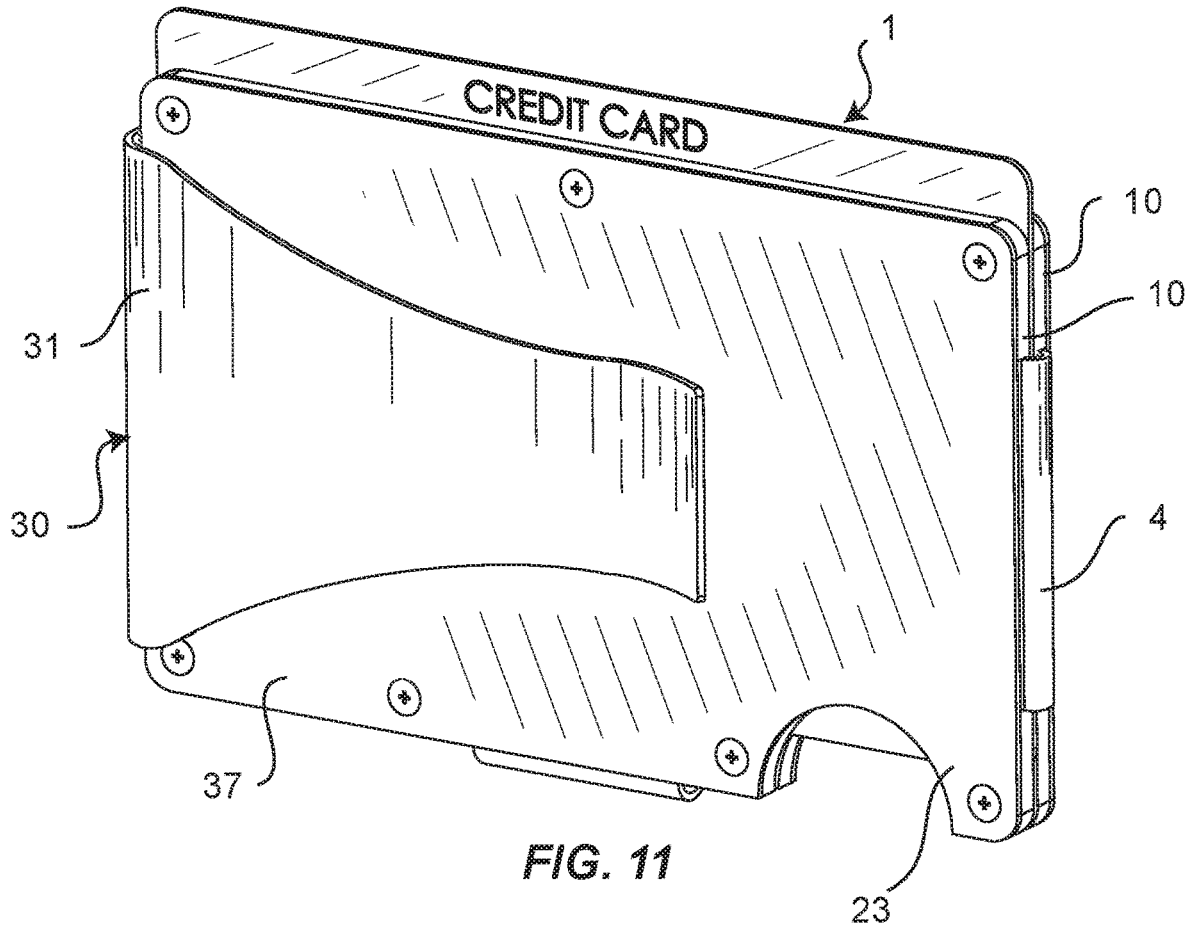
FIG. 10

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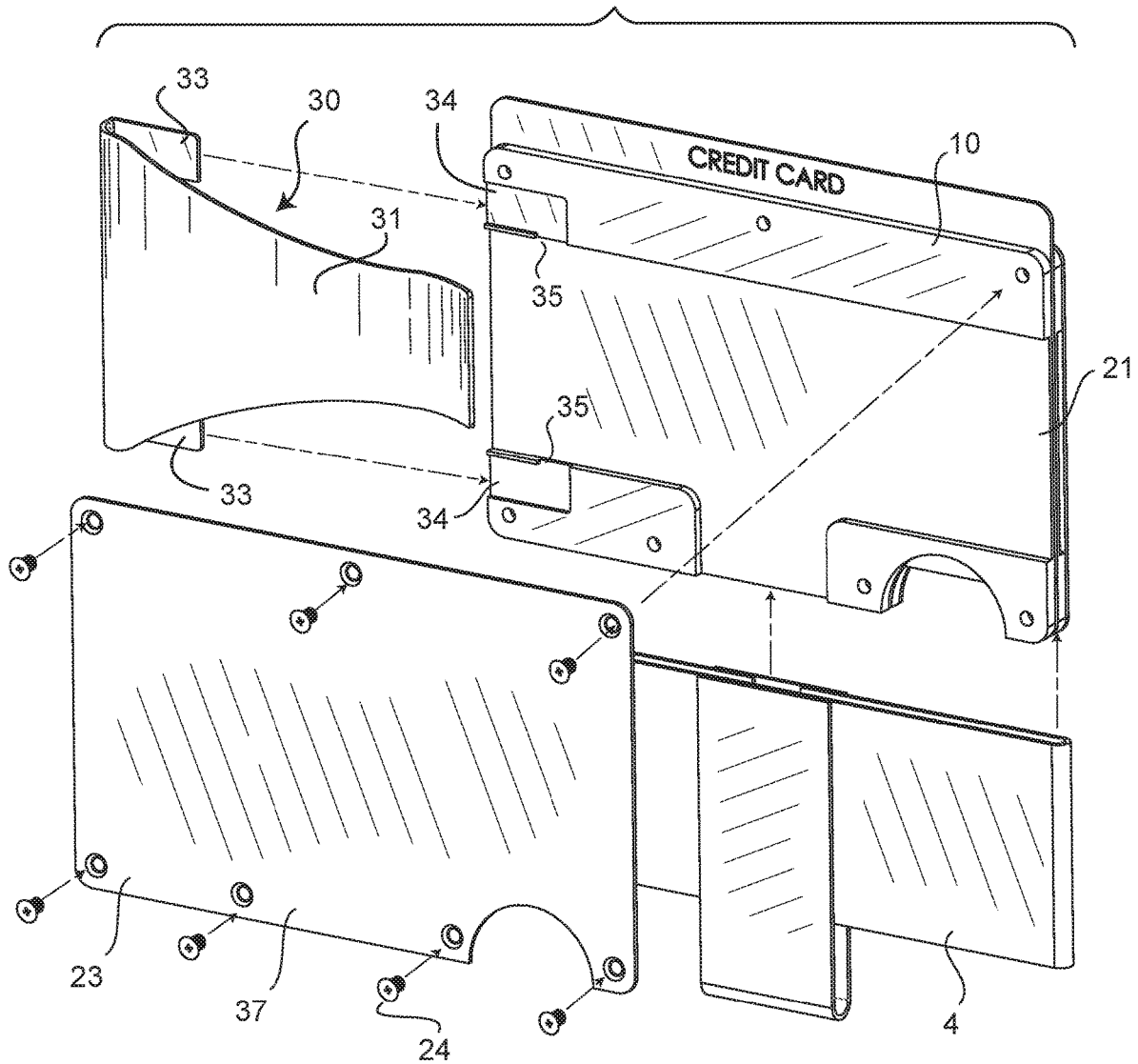


FIG. 13

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COMPACT WALLET

CROSS-REFERENCE TO RELATED APPLICATIONS

This is a Continuation-In-Part Application claiming priority to parent U.S. Non-Provisional patent application Ser. No. 14/706,019, filed May 7, 2015, and to International Application PCT/US16/31472, filed May 9, 2016, both of which are incorporated herein in entirety.

FIELD OF THE INVENTION

This invention relates to billfold wallets, and more particularly to low-profile wallets for credit cards.

BACKGROUND OF THE INVENTION

Who among us would not prefer a wallet minimally-sized to just the stack of credit cards carried in the typical bi- or tri-fold leather wallet? Such a minimalist wallet could be easily slipped into a shirt pocket, or present a slim profile in a pants pocket or purse. Even with money clipped to it, the bulk of such a wallet would be less than that of the fold-over-envelope-type-wallet traditionally used to carry cards, money and identification. Such a traditional wallet, with its internal sleeves, compartments, and windows, not to mention contents, can bulge uncomfortably or telltale-like from clothing, or inconveniently in a handbag, while giving little protection from moisture, bending or electronic snooping.

In the lifestyle of today, purchases are made more and more with credit or debit cards or through electronic wallets, such as Apple Pay™ or Google Wallet™. Carrying cash, except for an emergency bill or two, has increasingly become both unnecessary and inconvenient in consideration of the nuisance in making change and risk of loss through theft or carelessness. The traditional wallet, initially designed to carry cash in bills, and sometimes coins and checks also, is correspondingly evolving into obsolescence in view of the convenience and record-keeping benefit of credit/debit cards. The bare essentials today are a charge card of some type and an item of identification, both, serendipitously, of generally the same size.

Money clips are common in the art and some money clips also made accommodation for credit cards. The clip, typically of hairpin-like configuration, has protrusion which can snag in a pocket of clothing or purse. Other known devices sandwich cards and/or money between bookend plates bound with elastic strapping. The strapping allows for an expandable interior volume while providing compression to grip the contents. The profile of the plates is generally larger than that of the contents, the out-sizing necessary to provide structure for either guiding the strapping or for fixtures to terminate the strapping. In most cases, the running length of the strapping is limited by the distance between fixture locations on the plates, which limits the expansion capability and, therefore, the capacity for contents. In other cases, it becomes difficult to view the stored contents without moving them all. In other cases, selectively withdrawing of just one of the contents, particularly with a presentation of the shorter edge, is frustrated by the compaction applied. In other cases, replacement of the straps when worn or stretched out is discouraged by assembly design. In other cases, the plates are of insufficient rigidity to protect the contents from bending.

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The unfulfilled need is for a compact wallet which would be minimally dimensioned to the prototypical credit card profile. Such a compact wallet would be void of any potentially snagging structural appendages while optimizing volume expansion and view-ability of contents.

SUMMARY OF THE INVENTION

The present invention utilizes bookend plates resiliently bound with an encircling elastic band to contain one or more credit card-sized objects in a wallet configuration. A novel feature maximizes the expansion of interior volume by allowing the strap to expand along a maximum length afforded by a longitudinal dimension of the wallet while avoiding anchor points which would effectively shorten the length. Another novel feature achieves minimal sizing of the plates by channeling the strap with interior means rather than by means of profile extensions. Yet another novel feature achieves easy access to, and viewing of, the contents through a cut-away feature which allows the contents to be partially pushed up where a fulcrum is provided for pinching the plates together and fanning out the contents.

It is, therefore, an object of the invention to provide a compact wallet substantially no larger than a credit card. It is a further object to maximize expandability of the wallet to accommodate multiple objects of substantially the same size. It is a further object to protect the contents of the wallet from damage or loss by open-ended drop through. It is a further object to facilitate selection of any one object from the bound group. It is a further object to accommodate folded currency handily on the outside of the wallet. It is a further object to present essentially smooth contours for snag-free passage into and out of pockets of clothing or bags. It is a further object to provide means and method for changing out elastic bounding bands. It is a further object to provide a method for making a compact wallet with different features attached thereto which can be modularly exchanged.

These objects, and others to become hereinafter apparent, are embodied in a compact wallet comprising, in a first element, at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a longitudinal extent. A second element is at least one encircling elastic band interposed with the at least two rigid plates, over the longitudinal extents thereof, to bias them inwardly and securely hold the card-like contents while providing elastic volume between the plates for adding additional contents. A third element is a channeling means configured to minimize the profile of the wallet and hold position of the at least one encircling elastic band with respect to each rigid plate. The channeling means additionally allows freedom for the dynamic extension and contraction of the band over the entire running length of the band. With such means and in such manner, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents from between the at least two rigid plates.

In a preferred embodiment, the channeling means is a longitudinal groove in a first lamina of a laminate construction of each rigid plate. The groove slidably receives one part of the at least one encircling elastic band. In one instance of the preferred embodiment, a second lamina of the laminate construction of each rigid plate is removably attached to the first lamina to hold the at least one elastic

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band in capture and provide a smooth surface for glide purposes. In another instance, the second lamina is attached to the first lamina by screws.

In an alternate embodiment, a method of making a modular compact wallet comprises the steps of providing a compact wallet having at least two rigid plates each having a groove, at least one groove additionally having a recess, and at least one encircling elastic band interposed in the grooves to bias the plates inwardly; providing a first auxiliary feature having a tang; removably inserting the tang of the first auxiliary feature into the recess to attach the first auxiliary feature to an outside surface of at least one of the rigid plates; selectively removing the first auxiliary feature; selectively providing at least a second auxiliary feature having a tang; and removably inserting the tang of the second auxiliary feature into the recess to attach the second auxiliary feature to the outside surface.

As this is not intended to be an exhaustive recitation, other embodiments may be learned from practicing the invention or may otherwise become apparent to those skilled in the art.

DESCRIPTION OF THE DRAWINGS

Various other objects, features and attendant advantages of the present invention will become fully appreciated as the same becomes better understood through the accompanying drawings and the following detailed description, in which like reference characters designate the same or similar parts throughout the several views, and wherein:

FIG. 1 is a perspective view of the compact wallet of the present invention showing currency banded to the outside thereof and a credit card extended into view by means of a finger notch;

FIG. 2 is an exploded view of the compact wallet;

FIG. 3 is a plan view of the compact wallet;

FIG. 4 is a section view taken along the lines 4-4 of FIG. 3;

FIG. 5 is a top view of the compact wallet;

FIG. 6 is a right-side view of the compact wallet;

FIG. 7 is a perspective view of a second lamina of a laminate construction of one of the rigid plates;

FIG. 8 is a perspective view of a first lamina of the laminate construction showing a groove for channeling an encircling elastic band;

FIG. 9 is a perspective view of the elastic band showing first and second appendant straps;

FIG. 10 is a perspective view of a fanned open compact wallet.

FIG. 11 is a perspective view of the compact wallet with a money clip attached;

FIG. 12 is a perspective view of the money clip; and

FIG. 13 is an exploded view of the compact wallet with money clip.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring to FIGS. 1 and 2, a compact wallet 1 is comprised of at least two rigid plates 10, serving as “book-ends” as it were, with one or more card-like contents 2 sandwiched between them. The sandwiched composite is bound by at least one encircling elastic band 4. The encircling elastic band 4 holds the card-like contents 2 securely by means of compression, while also expanding elastically to open space between the rigid plates 10. The added volume of the space provides capacity for additional contents. The rigid plates 10 are sized to the dimensions of a standard

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credit card and the resulting perimeter defines a profile 14. A channeling means 20 prevents the encircling elastic band 4 from adding more than negligible breadth to profile 14. This profile minimization is accomplished by locating the channeling means 20 internally to the rigid plates 10. In other words, no structures projecting from the profile 14 are needed to fixture the encircling band 4, as in the case of prior art.

Referring to FIGS. 2 to 9, the channeling means 20 of the preferred embodiment is a longitudinal groove 21 spanning a longitudinal extent 3 of each rigid plate 10. The longitudinal groove 21 is of such ample dimension as to receive a corresponding part of the encircling elastic band 4 and allow it to slidably expand and contract freely while holding position there within. In this way, the full running length of the band can be exercised for expansion while contraction is rendered responsive. The result is a maximally achievable opening between the plates whereby filling volume is optimized.

In one preferred embodiment, the longitudinal groove 21 traverses a first lamina 22 of a laminate construction of each rigid plate 10. The first lamina 22 is capped with a second lamina 23 to capture one portion of the encircling elastic band 4 and complete the channeling means 20. The second lamina 23 is preferably attached removably to the first lamina 22 to enable the encircling elastic band 4 to be changed out at the end of its service life. In a particular preferred embodiment, the attachment is made by flat-headed screws 24 threaded into threaded holes 26 in the first lamina 22 through countersunk holes 25 in the second lamina. The flat-heading and counter-sinking of the screws provide a smooth outer surface to the compact wallet 1, thereby permitting snag-free glide into pockets or other containment vessels. In an alternate embodiment, the attachment mechanism may include appropriately placed pressure sensitive adhesive strips (not shown). Other attachment means, known in the art, are also contemplated as within scope.

In one preferred embodiment shown in FIGS. 1 and 10, a finger notch 13 is provided in the periphery at a proximal end 11 of each rigid plate 10 such that the notches of facing plates are aligned. To accomplish the alignment, each plate must be configured in a mirror image of the other. The finger notches 13 expose an edge of the card like contents 2. Using a finger in the finger notch, the card-like contents 2 can be urged upwardly in a lifting maneuver 16 by pressing against the exposed edge to elevate the card-like contents above distal ends 12 of the rigid plates 10. The lifting maneuver 16 makes the card-line contents 2 available for inspection and selection, which would otherwise be difficult tasks when masked by the plates. The display of contents can be further enhanced by a pinching maneuver 17, which is accomplished by pinching the proximal ends 11 together about the fulcrum of the exposed edge of the contents rendered offset from the proximal ends 11 by the preceding maneuver. The pinching maneuver 17 fans open the distal ends 12 and facilitates separation of the card-like contents for further inspection and ease of selection.

In one preferred embodiment, as shown in FIGS. 3-6 and 9, a first elastic strap 5 is positioned over the proximal ends 11 of the rigid plates 10. The first elastic strap 5 registers the card like contents to the proximal ends 11 and prevents them from slipping beyond the ends when expansion takes place. Preferably, the first elastic strap 5 is attached to the encircling elastic band 4 by sewing, or bonding, by access through the transverse groove 27 (FIGS. 2 and 8). Alternatively, the first elastic strap 5 is attached to each rigid plate

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10 by any known means. In one preferred embodiment, a second elastic strap 6 is positioned over the outside surface of one of the rigid plates 10 to strap thereon currency 8 (FIG. 1), or additional card-like contents 2. Preferably, the second elastic strap 6 is attached to the encircling elastic band 4 by sewing, or bonding, by access through the longitudinal groove 21. Alternatively, the second elastic strap 6 is attached to the rigid plate 10 of its intimacy by any known means.

In one alternative embodiment, shown in FIGS. 11-13, an auxiliary feature 30 is added to at least one of the rigid plates 10 to occupy a position on an outside surface 37 thereof. Preferably, the auxiliary feature 30 is a money clip 31. Alternatively, the auxiliary feature 30 may be a windowed envelope 32 (not shown). The windowed envelope 32 may be configured to receive a driver's license, a passport card, a military ID, a Global Entry card, or any other card-like content 2 to be displayed exteriorly to the compact wallet 1 by means of a transparent window. The money clip 31 and the windowed envelope 32, while exemplifying the concept, are not otherwise considered to be scope-limiting for the auxiliary feature 30.

The auxiliary feature 30 is removably attached to at least one of the rigid plates 10 by means of a tang 33 inserted into a recess 34 in the groove 21 outboard of the elastic band 4. The outboard positioning prevents interference with the free operation of the elastic band. In a particularity, the recess 34 has an undercut 35 and the tang 33 has a hook 36 (FIG. 12). The hook 36 engages the undercut 35 to prevent inadvertent dislodgement of the auxiliary feature 30 when attached to the compact wallet 1.

In the preferred embodiment, the card-like contents include, but are not limited to, credit cards, a driver's license, ID cards, business cards, affiliation/membership cards, currency bills, loyalty cards, coupons, a calendar, receipts or any paper or card-stock item of a personal or business nature. The rigid plates 10 are either comprised of metal, or otherwise integrate a metalized surface, for radio-frequency identification (RFID) theft protection purposes, as credit cards are increasingly using RFID chips. A substrate can be metalized by electric deposition, by casting, or otherwise by bonding on or taping on a foil. In the preferred embodiment, the first lamina 22 is fabricated from aluminum plate of 2 mm gauge by machining. Alternatively, the first lamina 22 may be 316 stainless steel (SS), or may otherwise be injection molded with high-impact polystyrene (HIPS), acrylonitrile butadiene styrene (ABS) or any resin with stiffness property. The second lamina 23 may be fabricated from similar materials and methods as the first lamina 22, although not necessarily matched thereto. For example, the second lamina 23 may be die-cut from polystyrene sheet stock of 0.7 mm gauge and mated with machined SS from plate stock used for the first lamina 22. The rigid plates 10, and the profile 14 by definition, preferably measure approximately 8.5 cm by 5.4 cm. In the preferred embodiment, the flat-headed screws 24 are comprised of 316 SS; but may also, in the alternative, be made of aluminum or any other metal alloy. The encircling elastic band 4, the first elastic strap 5 and second elastic strap 6 may be any rubber, or rubberized, material configured in a web. In the preferred embodiment, the band and straps are of 3 cm woven elastic fabric, such as that found at the John Howard Company. Alternatively, the bands and straps may differ from each other in materials and sizes.

The compact wallet 1 may be provided at retail in a system configuration with a tool, such as a driver (not shown), to assist with assembly or disassembly. The system

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may also include an instruction card (not shown), or pamphlet, a spare encircling elastic band 4 or one or more spare flat-headed screws 24. The compact wallet 1 may be supplied either assembled or disassembled in the system configuration.

One alternative embodiment is a method of making a modular compact wallet, said method comprising these steps:

- i. providing one or more of the embodiments of the compact wallet 1 as discussed above;
- ii. providing a first auxiliary feature 30 having at least one tang 33;
- iii. inserting, removably, the at least one tang 33 of the first auxiliary feature 30 into at least one recess 34 to make the first auxiliary feature 30 available at an outside face 37 of at least one rigid plate 10;
- iv. removing, selectively, the first auxiliary feature 30;
- v. providing, selectively, at least a second auxiliary feature 30 having at least one tang 33; and
- vi. inserting, removeably, the at least one tang 33 of the second auxiliary feature 30 into the at least one recess 34 to make the second auxiliary feature available at the outside face 37 of at least one rigid plate 10.

The beneficial method discussed above provides additional functionality to the compact wallet 1 by modularly positioning, opportunistically, an alternative feature on the outside of the compact wallet, where such a feature would be readily accessible and in view for visual inspection.

It is to be understood that the invention is not limited in its application to the details of construction and to the arrangements of the components set forth in the preceding description or illustrated in the drawings. For example, the channeling means 20 might be a longitudinal bore through each rigid plate 10. Also, it is to be understood that the phraseology and terminology employed herein are for the purpose of the description and should not be regarded as limiting.

What is claimed is:

1. A compact wallet, comprising:

at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a longitudinal extent;

at least one encircling elastic band interposed with the at least two rigid plates along longitudinal extents thereof to bias them inwardly and securely hold the card-like contents while providing elastic volume there between for adding or removing contents;

a channeling means configured to minimize the profile of the wallet and hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof; and

an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess,

whereby, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents from between the at least two rigid plates.

2. The compact wallet of claim 1, wherein the channeling means is a longitudinal groove in a first lamina of a laminate

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construction of each rigid plate, the groove slidably receiving one part of the at least one encircling elastic band.

3. The compact wallet of claim 2, wherein a second lamina of the laminate construction of each rigid plate is removably attached to the first lamina to hold the at least one elastic band in capture and provide a smooth surface for glide purposes.

4. The compact wallet of claim 3, wherein the second lamina is attached to the first lamina by screws.

5. The compact wallet of claim 3, wherein the second lamina is attached to the first lamina by pressure sensitive adhesive means.

6. The compact wallet of claim 1, wherein each rigid plate is comprised of metal for RFID protection.

7. The compact wallet of claim 1, wherein each rigid plate is metalized for RFID protection.

8. The compact wallet of claim 3, wherein at least one of the first or second lamina of each rigid plate is comprised of metal.

9. The compact wallet of claim 1, further comprising a first elastic strap positioned over the ends of the at least two rigid plates transverse to the longitudinal extents, the positioning functioning to retain the card-like contents from that end.

10. The compact wallet of claim 1, further comprising a second elastic strap positioned over an outside surface of one of the at least two rigid plates to hold additional contents on the outside surface.

11. The compact wallet of claim 1, wherein the card-like contents comprise one or more of a credit card, a driver's license, an ID card, a business card, an affiliation card, a currency bill, a loyalty card, a coupon, a receipt or a personal paper.

12. The compact wallet of claim 1, further comprising aligned finger notches through proximal ends of the rigid plates to expose an edge of the card-like contents for the purpose of pushing the edge to elevate the contents into view through distal ends of the rigid plates, said edge providing a fulcrum to lever the proximal ends together for the purpose of fanning the distal ends apart in display of the contents.

13. The compact wallet of claim 1, wherein the encircling elastic band is comprised of woven elastic fabric.

14. A compact wallet, comprising:

at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a groove along a longitudinal extent thereof;

at least one encircling elastic band slidably interposed in the grooves to bias the at least two rigid plates inwardly and securely hold the card-like contents while providing elastic volume there between for adding or removing contents, the grooves configured to hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof; and

a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang,

whereby, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents from between the at least two rigid plates.

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15. The compact wallet of claim 14, wherein the groove is in a first lamina of a laminate construction of each rigid plate, the groove slidably receiving one part of the at least one encircling elastic band.

16. The compact wallet of claim 15, wherein a second lamina of the laminate construction of each rigid plate is removably attached to the first lamina to capture the at least one elastic band and provide a smooth surface for glide.

17. The compact wallet of claim 16, wherein the second lamina is attached to the first lamina by screws.

18. The compact wallet of claim 1, wherein each rigid plate is comprised of metal for RFID protection.

19. A method of making a modular compact wallet, comprising the steps:

providing at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a groove along a longitudinal extent thereof; at least one encircling elastic band slidably interposed in the grooves to bias the at least two rigid plates inwardly and securely hold the card-like contents while providing elastic volume there between for adding or removing contents, the grooves configured to hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof, at least one groove additionally having at least one recess positioned outboard of the elastic band;

providing a first auxiliary feature having at least one tang; inserting, removably, the at least one tang of the first auxiliary feature into the at least one recess to make the first auxiliary feature available at an outside face of at least one of the two rigid plates;

removing, selectively, the first auxiliary feature;

providing, selectively, at least a second auxiliary feature having at least one tang; and

inserting, removably, the at least one tang of the second auxiliary feature into the at least one recess to make the second auxiliary feature available at an outside face of at least one of the two rigid plates, the at least one recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the second auxiliary feature from the at least one recess, the hook extending at an angle to the tang, the at least one recess receiving the tang being disposed inside at least one of the two rigid plates;

whereby, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents positioned interiorly to the at least two rigid plates and providing additional functionality from at least one auxiliary feature positioned exteriorly thereto.

20. The method of claim 19, wherein the at least one recess has an undercut and the at least one tang has a hook, the hook and undercut interpositioned to secure the at least one auxiliary feature against inadvertent dislodgement.

21. The method of claim 20, wherein at least one of the auxiliary features is a money clip.

22. The method of claim 19, wherein the groove is in a first lamina of a laminate construction of each rigid plate and the at least one recess is in at least one of the first lamina.

23. The method of claim 22, wherein a second lamina of the laminate construction of each rigid plate captures the at least one elastic band and the at least one tang when removably attached to the first lamina and facilitates placement and removal of the at least one elastic band and the at least one tang when removed from the first lamina.

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24. The method of claim 23, wherein the second lamina
is attached to the first lamina by screws.

* * * * *

EXHIBIT B

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: 2:20-cv-04556 AB (JC)

Date: February 25, 2021

Title: *Mosaic Brands, Inc. v. The Ridge Wallet LLC*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Carla Badirian

N/A

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Appearing

None Appearing

**Proceedings: [IN CHAMBERS] CLAIM CONSTRUCTION ORDER
(DKTS. 89, 90, 91, 92, 95, 96)**

Plaintiff Mosaic Brands, Inc. ("Plaintiff") and Defendant and Counter-claimant The Ridge Wallet LLC ("Defendant") have filed claim construction briefs asking the Court to construe ten disputed terms found in U.S. Patent Nos. 7,334,616 ("the '616 Patent") and 10,791,808 ("the '808 Patent") (collectively, "the Patents-in-Suit").

The parties filed a Joint Claim Construction and Prehearing Statement on January 15, 2021. ("Joint Statement," Dkt. No. 83.) The parties filed Opening Claim Construction Briefs on January 29, 2021. ("Plaintiff's Opening Brief," Dkt. No. 90; "Defendant's Opening Brief," Dkt. No. 91.) The parties filed Responsive Claim Construction Briefs on February 5, 2021. ("Plaintiff's Responsive Brief," Dkt. No. 91; "Defendant's Responsive Brief," Dkt. No. 92.) The parties filed Reply Claim Construction Briefs on February 12, 2021. ("Plaintiff's Reply Brief," Dkt. No. 96; "Defendant's Reply Brief," Dkt. No. 95.) Finding this motion suitable for resolution without oral argument, the Court **VACATES** the hearing set for February 26, 2021. (Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15.)

The disputed terms are **CONSTRUED** as set forth in this Order.

I. TECHNOLOGICAL SUMMARY

The '616 Patent, asserted by Plaintiff, is titled "Card-Holding and Money Clip Device," and issued on February 26, 2008. Claim 1 of the '616 Patent recites:

1. A holder for securely and simultaneously retaining flexible articles and rigid cards, said holder comprising:
 - a) a nominally rectangular and nominally flat planar first panel having interior and exterior surfaces, ***a lip extending nominally around three edges of said first panel*** along said interior surfaces, said lip being at right angles to the plane of said first panel;
 - b) a nominally rectangular and nominally flat planar second panel having interior and exterior surfaces, ***a lip extending nominally around three edges of said second panel*** along said interior surface and configured to form a mirror image of said first panel, ***said second panel being adapted to be attached to said first panel along said three edges to form an open-ended enclosure*** of sufficient size to store said rigid cards within said interior of said enclosure, ***said enclosure being nominally rectangular with two longitudinal sides, an open end, and a closed end***;
 - c) a resilient article retaining member having an attached end and a free end extending from one end of said enclosure and over the exterior of said first panel, said free end of said article retaining member being biased toward said exterior surface of said first panel;***wherein said first panel and said second panel each has lips of varying thickness.***

('616 Patent, Claim 1 (emphasis added).)

The '808 Patent, asserted by Defendant, is titled "Compact Wallet," and issued on October 6, 2020. Claim 1 of the '808 Patent recites:

1. A compact wallet, comprising:
 - at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a longitudinal extent;
 - at least one ***encircling elastic band*** interposed with the at least two rigid plates along longitudinal extents thereof to bias them inwardly and securely hold the card-like contents while providing elastic volume there between for adding or removing contents;
 - a ***channeling means*** configured to minimize the profile of the wallet and hold position of the at least one encircling elastic band with respect to each rigid plate while allowing

freedom for the dynamic extension and contraction of the band over the entire running length thereof; and
an **auxiliary feature** removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having **a hook**, the hook extending at an angle to the tang, the hook engaging **an undercut** of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess,
whereby, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents from between the at least two rigid plates.

(’808 Patent, Claim 1 (emphasis added).)

Further relevant disclosures from the Patents-in-Suit will be discussed in greater detail in relation to each of the parties’ specific claim construction disputes.

II. LEGAL STANDARD

A. Claim Construction Generally

As established in *Markman v. Westview Instruments*, 517 U.S. 370 (1996), claim construction is a matter wholly within the jurisdiction of the court. *Markman v. Westview Instruments*, 517 U.S. 370, 372 (1996) (“[T]he construction of a patent . . . is exclusively within the province of the court.”). The purpose of claim construction is to “determin[e] the meaning and scope” of a patented invention in order to define the patent owner’s rights. *Id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc). Claim construction is a legal issue that may require subsidiary findings of fact. *Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318, 332 (2015).

Generally, a claim term is given its “ordinary and customary meaning.” *Phillips*, 415 F.3d at 1312 (citing *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)). In patent cases, “the ordinary and customary meaning . . . is the meaning that the term would have to a person of ordinary skill in the art in question at the time of invention.” *Phillips*, 415 F.3d at 1313. “In some cases, the ordinary meaning . . . may be readily apparent,” requiring only common sense application of a widely accepted meaning. *Id.* at 1314. However, when claim meaning is not so readily apparent, a court must determine what a skilled person in the appropriate field of art would understand a claim term to mean. *Id.*

Courts first consider the intrinsic evidence, which includes the patent claims, patent specification, and prosecution history. *Vitronics*, 90 F.3d at 1582. “Attending this principle, a claim construction analysis must begin and remain centered on the claim

language itself, for that is the language the patentee has chosen to ‘particularly point out and distinctly claim the [patented] subject matter.’” *Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1116 (Fed. Cir. 2004) (quoting *Interactive Gift Express, Inc. v. Compuserve, Inc.*, 256 F.3d 1323, 1331 (Fed. Cir. 2001)). A term’s use in context may help to distinguish or clarify its meaning from other potential definitions. *See, e.g., Phillips*, 415 F.3d at 1314 (illustrating that “steel baffles” implies that “baffles” are not intrinsically made of steel). Claim terms are commonly used consistently throughout a patent, and thus “the usage of a term in one claim can often illuminate the meaning of the same term in other claims.” *Id.*

The claim terms must be read in light of the specification. *Id.* at 1315 (citing *Vitronics*, 90 F.3d at 1582 (“[T]he specification ‘is always highly relevant Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.’”)). The specification may provide insight into an inventor’s understanding of her invention at the time of patenting, as it might contain an intentional disclaimer of claim scope that reveals limits on an inventor’s intended invention. *Phillips*, 415 F.3d at 1316. The Federal Circuit has also recognized that an inventor may invoke a particular definition of a term in her specification or otherwise use a term in the specification in a manner that differs from the term’s ordinary usage. *Id.* “In such cases, the inventor’s lexicography governs.” *Id.*

In addition to the patent itself, the Court “should also consider the patent’s prosecution history, if it is in evidence.” *Id.* at 1317. The prosecution history consists of “all the proceedings before the Patent and Trademark Office, including any express representations made by the applicant regarding the scope of the claims.” *Vitronics*, 90 F.3d at 1582. However, because the prosecution history, also called the “file history” or “file wrapper,” is a product of negotiations between the inventor and the United States Patent and Trademark Office (“USPTO”), “it often lacks the clarity of the specification and thus is less useful for claim construction purposes.” *Phillips*, 415 F.3d at 1317. Nevertheless, like the specification, the prosecution history may still be useful in understanding the inventor’s understanding of her own invention. *Id.* (citing *Vitronics*, 90 F.3d at 1582-83). Moreover, during prosecution history, a patent applicant may disclaim claim scope by making a clear and unequivocal disavowal of the plain meaning of ordinary claim language. *Id.* at 1319 (citing *Texas Digital Sys., Inc. v. Telegenix, Inc.*, 308 F.3d 1193, 1204 (Fed. Cir. 2002)).

After looking at the intrinsic evidence, courts may consider extrinsic evidence, including inventor and expert testimony, dictionaries, and treatises. *Phillips*, 415 F.3d at 1317. However, extrinsic evidence is “less significant than the intrinsic record” because it is generally “less reliable.” *Id.* at 1317-18. Additionally, extrinsic evidence cannot be used to change the meaning of a term as used in the specification. *Merck & Co. v. Teva Pharm. USA, Inc.*, 395 F.3d 1364, 1372 (Fed. Cir. 2005). Thus, the extrinsic evidence

should always be considered in context of the intrinsic evidence. *Phillips*, 415 F.3d at 1319.

Technical dictionaries are a particular type of extrinsic evidence that may provide information about the ways a term is used in a particular field of art. *Id.* at 1318. Expert testimony may also be useful in several ways, “such as to provide background on the technology at issue, to explain how an invention works, to ensure that the court’s understanding . . . is consistent with that of a person of skill in the art, or to establish that a particular term . . . has a particular meaning in the pertinent field.” *Id.* However, as with all extrinsic evidence, courts will “discount any expert testimony ‘that is clearly at odds with [the intrinsic evidence] of the patent,’” as well as expert testimony that is conclusory or unsupported. *Id.* (quoting *Key Pharm. v. Hercon Labs. Corp.*, 161 F.3d 709, 716 (Fed. Cir. 1998)).

B. Means-Plus-Function Claims under 35 U.S.C. § 112(f)

Under 35 U.S.C. § 112(f), means-plus-function claiming occurs when an element in a claim is a “means or step for performing a specified function without the recital of structure, material, or acts in support thereof....” In that case, “such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.” *Id.* This provision allows “patentees to express a claim limitation by reciting a function to be performed rather than by reciting structure for performing that function....” *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1347 (Fed. Cir. 2015) (en banc). At the same time, it constrains “how such a limitation is to be construed, namely, by restricting the scope of coverage to only the structure, materials, or acts described in the specification as corresponding to the claimed function and equivalents thereof.” *Id.*

Once a court concludes that a term is subject to § 112(f), it follows a two-step process. *Id.* at 1351. “First, the court must determine the claimed function. Second, the court must identify the corresponding structure in the written description of the patent that performs the function.” *Noah Sys., Inc. v. Intuit Inc.*, 675 F.3d 1302, 1311 (Fed. Cir. 2012) (internal citations omitted). A corresponding structure is one that the specification or prosecution history “clearly links ... to the function recited in the claim.” *Id.* The specification’s disclosure of a corresponding structure “must be of adequate corresponding structure to achieve the claimed function.” *Id.* (internal quotations omitted).

III. ANALYSIS

A. The '616 Patent

1. “Lip”/“a [first] lip”/“a [second] lip”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“lip”/“a [first] lip”/“a [second] lip” (’616 Patent, Claim 1)	“Lip”: “connector defining outer dimension of enclosure”	A “[first] lip”: (a) is “a rigid portion of the first panel”; (b) “extend[s] from the interior surface of the first panel”; (c) “at right angles to the first panel”; (d) is “continuous along three sides of the first panel”; (e) “joins to a counterpart mirror image [second] lip [to] form an openended enclosure”; (f) is “of varying thickness”; and (g) “is independent of the [second] lip”. A “[second] lip”: (a) is “a rigid portion of the second panel”; (b) “extend[s] from the interior surface of the second panel”; (c) “at right angles to the second panel”; (d) “is continuous along three sides of the second panel”; (e) “joins to the counterpart mirror image [first] lip [to] form an openended enclosure”; (f) is “of varying thickness”;

		and (g) “is independent of the [first] lip”.
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The parties have several disputes pertaining to the each of the terms “lip,” “a [first] lip,” and “a [second] lip,” and the Court construes these terms together. Specifically, Defendant contends that the term “lip” is a “rigid portion” of the “panel,” “extends from the interior surface” of the “panel” at a “right angle,” “is continuous along three sides” of the panel, “joins to the counterpart mirror image” lip “to form an open-ended enclosure,” is “of varying thickness,” and “is independent of the” counterpart mirror image lip. The Court addresses each argument below, except that the Court addresses Defendant’s arguments for the limitation “said first and said second panel having lips,” which addresses whether the lips must be independent, and “of varying thickness” at Sections III.A.2 and III.A.4.

i. Prosecution History Estoppel Arguments

As a preliminary matter, although the parties dispute the applicability of prosecution history *estoppel* regarding several of their disputes, the Court addresses whether the doctrine of prosecution history *disclaimer* applies instead. In *Trading Technologies Intern., Inc. v. Open E Cry, LLC*, the Federal Circuit explained the difference between the two doctrines:

Prosecution history estoppel applies as part of an infringement analysis to prevent a patentee from using the doctrine of equivalents to recapture subject matter surrendered from the literal scope of a claim during prosecution. Prosecution disclaimer, on the other hand, affects claim construction and applies where an applicant’s actions during prosecution prospectively narrow the literal scope of an otherwise more expansive claim limitation. Though distinct, both doctrines serve to constrain the enforceable scope of patent claims commensurate with any subject matter surrendered during prosecution to obtain the patent, and a single action during prosecution can engender both a prosecution disclaimer and prosecution history estoppel.

728 F.3d 1309, 1322 (Fed. Cir. 2013) (internal citations omitted). Because an infringement analysis would be premature at this stage, the Court interprets the parties’ arguments to apply prosecution history disclaimer rather than estoppel for the purposes of claim construction.

ii. “a rigid portion of the [first/second] panel”

The parties dispute whether the term “lip” must be “a rigid portion” of the claimed panel. (Dkt. No. 92 at 5–6; Dkt. No. 96 at 2.)

The intrinsic evidence delimits the exact material the lip is made of. Use of the phrase “present invention” in the specification followed by a limitation is strong evidence the scope of the claims should also be limited. *See SciMed Life Sys., Inc. v. Advanced*

Cardiovascular Sys., Inc., 242 F.3d 1337, 1343 (Fed. Cir. 2001). The specification states that “the device of the present invention is constructed of **extrudable plastic materials** that can be joined to produce a smooth exterior surface while providing durable assembly,” and distinguishes the claimed invention from prior art devices that were “all in metal construction.” (616 Patent at 1:22–25 (emphasis added), 1:28–30; *see also id.* at 1:47–49 (“Further, it is desirable to provide a holder that may be constructed of an **injectable plastic material** that has desired rigidity and flexibility to perform its desired duties.”) (emphasis added); 3:17–22 (indicating that the parts should also be plastic).) Additionally, the specification emphasizes the utility of the plastic material, stating that “[t]he resilience required to bias money clip 24 toward the panel is derived from the rigidity and memory of the plastic material, using known plastic molding techniques. (*Id.* at 4:13–15.) Thus, the specification makes clear that all embodiments include this limitation, not just the preferred embodiment.

Introducing a term of degree such as “rigid” would only invite argument over whether the accused or prior art lip is sufficiently “rigid” enough and would encompass the disclaimed metal devices. The Court instead construes the term based on its material properties, *i.e.*, an extrudable or injectable plastic material, as disclosed in the specification. Furthermore, the specification suggests that the design of the device also provides rigidity rather than just the plastic material. (*Id.* at 2:34–36 (“The prior-art plastic holders are of designs that do not permit easy access to the interior of the holder while providing the needed rigidity to hold currency.”).)

For these reasons, the Court finds that the term “lip” as used in the ’616 Patent must be made of extrudable or injectable plastic material.

iii. “extend[s] from the interior surface of the [first/second] panel”

The parties appear to dispute whether the “lip” extends from the interior surface of the claimed panel or just needs to be adjacent to the interior surface of the panel. (Dkt. No. 92 at 7; Dkt. No. at 2.)

Defendant argues that the language “extend[s] ... along the interior surface” of the claimed panel in Claim 1 means “extend[s] **from** the interior surface,” arguing that the claim language “specifies each lip does not extend over each panel’s exterior but from the interior surface along three edges.” (Dkt. No. 92 at 7.) Defendant further asserts that this “aligns with a design that is rigid, to form the enclosure.” (*Id.*) Defendant does not provide any other evidence or explanation, however. Plaintiff responds that the lip only needs to be “adjacent to the surface” and argues that “[a]n object does not need to project from something in order to run along something.” (Dkt. 96 at 2.)

The intrinsic evidence suggests that the Plaintiff’s interpretation is correct. Defendant’s proposed language comes directly from Claim 17, which uses the phrase “lips extending **from** the interior surface of the [claimed] panel,” unlike Claim 1. (’616 Patent, Claim 17.) This suggests that Claim 1 is not as limited as Claim 17. Additionally, the specification states that “the device of the present invention is constructed of extrudeable plastic materials **that can be joined** to produce a smooth exterior surface while providing a durable assembly.” (*Id.* at 1:22–25 (emphasis added).) Thus, the

specification suggests that the lips may be joined to the panels rather than extending directly from them.

For these reasons, the Court finds that the term “lip” as used in Claim 1 of the ’616 Patent does not need to extend “from” the interior surface of the panel.

iv. “at right angles to the [first/second] panel”

The Court does not understand Defendant’s position regarding the phrase “at right angles to the [claimed] panel.” Claim 1 recites that the “lip” is “at right angles to the plane of the [claimed] panel.” (’616 Patent, Claim 1.) Accordingly, the Court declines to include this language in the construction of the term “lip” as it would be redundant and would confuse the jury.

v. “is continuous along three sides of the [first/second] panel”

Claim 1 recites “a lip extending nominally around three edges of [the claimed] panel along said interior surface” and “said second panel being adapted to be attached to said first panel along said three edges to form an open-ended enclosure to store said rigid cards within said interior of said enclosure.” (’616 Patent, Claim 1.) The parties dispute whether the claimed “lips” must extend continuously along three sides of the claimed panels. (Dkt. No. 92 at 8–9; Dkt. No. 96 at 2–3.)

Defendant contends that the lips must extend continuously around the three edges of the panels because “[e]nclosures are not formed when the edges creating that enclosure are not continuous. (Dkt. No. 92 at 8.) Defendant also emphasizes that the specification and drawings only disclose a continuous lip and not an “intermittent” one “or one that does not extend up one side, across the top and down the other side.” (*See id.* at 8.) Finally, Defendant argues that prosecution history disclaimer should limit the scope of the term as the applicant differentiated Claim 17 of the ’616 Patent from prior art by arguing that the claimed panels had lips on all three sides. (*See id.* at 8–9.) Plaintiff responds that Defendant’s language ignores the term “nominally” in the claim and misinterprets the statements in the prosecution history. (*See* Dkt. No. 96 at 2–3.)

Neither the specification nor the prosecution history clearly and unambiguously limit the claims to continuous lips. It is well-settled law that absent language of limitation or restriction in the specification or prosecution history that makes clear that a claim term is limited in scope, Courts should not import limitations from the specification into the claims. *See, e.g., Hill-Rom Servs., Inc. v. Stryker Corp.*, 755 F.3d 1367, 1372–73 (Fed. Cir. 2014). The specification discloses that preferred embodiment includes a “[l]ip consists partially [sic] of three continuous and nominally straight sections.” (*See id.* at 3:30–34.) The specification also discloses that “lips 30 and 32” of the preferred embodiment define “the outer dimension of [holder assembly 10].” (*See id.* at 4:64–66.) Each of the figures discloses a lip with three continuous sides. (*See id.*, Figs. 1–6, 8–12.) But the specification does not include any language stating that the lips must be continuous. The term “nominally” is used throughout the specification to mean “approximately.” (*See* ’616 Patent at 3:29–30 (“nominally about 0.125 inch”).) Thus,

although most the of lip may be continuous, the lip may also include minor openings without compromising the structure of the claimed holder for instance.

The Court also agrees with Plaintiff that Defendant reads applicant's argument in the prosecution history too narrowly. First, Defendant relies on the applicant's remarks to overcome the examiner's rejection of Claim 17, not Claim 1. (*See generally* Dkt. No. 92-3.) Unlike Claim 1, which recites "a lip" for each panel, Claim 17 recites "lips extending from the interior surface of [each of the first and second panel] ... said lips having flat surfaces along three sides of said [first and second] panel." ('616 Patent, Claim 17.) Thus, Claim 17 discloses multiple lips on each panel rather than just a lip, and applicant's remarks would not necessarily limit the scope of the term "lip" in Claim 1. Second, as Plaintiff's highlight, the applicant distinguished the prior art on the ground that the lip on each of the panels of the prior art only extended around two of three sides of the panel, whereas Claim 17 required the lips to extend around three sides of the panels. (*See* Dkt. No. 96 at 2–3.) These remarks cannot be said to limit the scope of Claim 1.

For these reasons, the Court finds that the term "lip" in Claim 1 of the '616 Patent does not need to be continuous.

- vi. "joins to the counterpart mirror image [first/second] lip [to] form an openended enclosure"

The Court does not understand the Defendant's position regarding the phrase "joins to the counterpart mirror image [first/second] lip [to] form an openended enclosure." Claim 1 recites "a lip extending nominally around three edges of said second panel along said interior surface and configured to form a mirror image of said first panel" and "said second panel being adapted to be attached to said first panel along said three edges to form an open-ended enclosure." ('616 Patent, Claim 1.) Defendant's proposed language just swaps the term "attached" for "joins" without explanation. Accordingly, the Court declines to include this language in the construction of the term "lip" as it would be redundant and would confuse the jury.

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For all the reasons stated above, the Court finds that Plaintiff's construction of the term "lip" is the most accurate with the addition that the "lip" is made of extrudable or injectable plastic material. Accordingly, the Court construes the term "lip" to mean a "connector made of extrudable or injectable plastic material that defines the outer dimension of enclosure."

2. “Said first and said second panel having lips”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“said first and said second panel each has lips” (’616 Patent, Claim 1)	Plain and ordinary meaning	Both the first and second panel must have separate, and independent lips.

The parties dispute whether the lips of the first panel and lips of the second panel must be separate and independent of each other. (Dkt. No. 92 at 4–5; Dkt. No. 96 at 4–5.) The Court agrees with Defendant that the first and second panel must have separate lips.

The language of Claim 1 clearly denotes two separate lips. It is well-settled law that “[e]ach element contained in a patent claim is deemed material to defining the scope of the patented invention[.]” *Warner-Jenkinson Co., Inc. v. Hilton Davis Chemical Co.*, 520 U.S. 17, 29 (1997). The disputed limitation recites that the panels “*each*” have “lips,” which would be meaningless if the scope included panels that shared a lip. (’616 Patent, Claim 1.) Claim 1 also recites that “lip” of the second panel is “configured to form a mirror image” of the first panel, and the “second panel is “adapted to be attached to” the first panel along the edges where the lips are. (*Id.*) If the two panels shared the same lip, then this language would also be meaningless.

The specification supports this construction. The specification refers to the claimed invention as a “card holder” with “three elements that are easily assembled to produce the durable product.” (*See id.* at 1:18–27.) The preferred embodiment discloses two panels each with their own lip or set of lips that attach to form the combination card holder. (*See, e.g., id.* at 3:23–52, Figs. 1–6, 8–12.) Nothing in the ’616 Patent suggests that the two panels may share a lip.

Finally, nothing in the prosecution history warrants a different conclusion and neither party presents any extrinsic evidence.

For these reasons, the Court construes the term “said first and said second panel each has lips” to mean that both the first and second panel must have separate and independent lips.

3. “An open-ended enclosure ... being nominally rectangular with two longitudinal sides, an open end, and a closed end”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“an open-ended enclosure ... being nominally rectangular with	Plain and ordinary meaning	The “open ended enclosure” has two long sides, and two shorter ends, with the two long sides closed, one of the

two longitudinal sides, an open end, and a closed end” (’616 Patent, Claim 1)		ends being open and the other end being closed.
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The parties dispute whether the “two longitudinal sides” may also be the “open end” and “closed end.” (Dkt. No. 92 at 9–10; Dkt. No. 96 at 3–5.) Defendant argues that the “open end” and “closed end” must be separate and shorter than the “two longitudinal sides” to accommodate the rectangular credit cards that go in the claimed holder. (*See* Dkt. No. 92 at 9–10.) Defendant emphasizes that Claim 1 distinguishes “ends” from “sides,” and thus the “open end” and “closed end” are separate from the “longitudinal sides.” (*See id.*) Plaintiff agrees that the claimed holder must be rectangular rather than square-shaped, but that the “open end” and “closed end” may also be the “two longitudinal sides.” (*See* Dkt. No. 96 at 3–5.)

The language of the claims suggests that the “open end” and “closed end” are separate from the “two longitudinal sides.” “Where a claim lists elements separately, the clear implication of the claim language is that those elements are distinct components of the patented invention.” *Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP*, 616 F.3d 1249, 1254 (Fed. Cir. 2010). Claim 1 recites that the “open-ended enclosure” is “nominally rectangular” and then lists the four sides of that rectangle: the “two longitudinal sides, and open end, and a closed end.” (’616 Patent, Claim 1.) A plain reading of the claim indicates that the sides are separate. Further, Claim 5, which depends on Claim 1, recites:

wherein said first panel and said second panel have cutouts to facilitate insertion and removal of said rigid cards, said cutout in said second panel being of **sufficient length and width** to allow viewing a substantial part of an outermost rigid card when retained within said enclosure and to allow removal of said outermost rigid card by sliding said card **along the length of said cutout toward said open end**.

(*Id.*, Claim 5 (emphasis added).) Claim 5 suggests that the longitudinal sides of Claim 1 are separate from the open end as the claim recites sliding the card along the length of the cutout toward the open end rather than along the width.

The specification also shows that the longitudinal sides are separate from the open and closed ends. The preferred embodiment in the specification discloses a nominally rectangular holder where the “open end” and “closed end” are separate from the “two longitudinal sides.” (*See* ’616 Patent at Figs. 1–6, 8–12.) The specification also distinguishes the two “longitudinal elements” from the two “lateral side[s],” “open end,” and “closed end” of the holder. (*See id.* at 2:46–49; 2:56–58.) An analysis of the figures in the specification show that the “longitudinal sides” correspond to the length of the holder and the “lateral sides” correspond with the width. Although the Court understands that it should not import limitations from the specification into the claims based solely on

the description of the preferred embodiments, *see Phillips*, 415 F.3d at 1313, the specification confirms the plain reading of Claim 1.

The Court is not persuaded that the longitudinal sides need to be “long,” and open and closed ends need to be “short,” however. The distinction between the words “sides” and “end” does not necessarily mean the “end[s]” are shorter. The preferred embodiments of the specification may show that the longitudinal sides are longer than the ends, but the Court declines to import these limitations into Claim 1 without language clearly disavowing the scope of the terms “sides” and “ends.” *See Phillips*, 415 F.3d at 1313. For instance, nothing in the intrinsic evidence disavows embodiments with “long” lateral sides that include the open and closed ends.

For these reasons, the Court construes the term “an open-ended enclosure ... being nominally rectangular with two longitudinal sides, an open end, and a closed end” to have its plain and ordinary meaning consistent with the above analysis.

4. “Of varying thickness”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“of varying thickness” (’616 Patent, Claim 1)	Plain and ordinary meaning, <i>i.e.</i> , “the lips would have at least two places where the smallest dimensions are different”	“having a thickness, defining the outer dimensions of the wallet, that causes the wallet to be thicker in some parts and thinner in others”

The Court does not understand the parties’ dispute regarding the limitation “of varying thickness.” The parties’ proposed constructions of “at least two places where the smallest dimensions are different” or “a thickness ... that causes the wallet to be thicker in some parts and thinner in others” appear to be same thing. The only difference is that Defendant contends that the thickness “defin[es] the outer dimension of the wallet.” The Court addresses this issue.

The Court finds that Defendant’s construction better follows the intrinsic evidence. Courts often consider the stated purpose of the claimed invention during claim construction. *See, e.g., World Class Tech. Corp. v. Ormco Corp.*, 769 F.3d 1120, 1124 (Fed. Cir. 2014) (rejecting construction that did not account for the “sole purpose” of limitation as described in the specification). The ’616 Patent states that the lips have “varying thickness defining the outer dimension of” the card holder assembly. (’616 Patent at 4:64–66.) Claim 3, which depends on Claim 1, further recites that “the outer surface of said holder formed by said panels having rounded edges and smooth exterior surfaces.” (*Id.*, Claim 3.) The specification further discloses that the exterior surface of these lips “are rounded to provide a smooth exterior surface,” which “provide[s] an esthetic appearance and a comfortable feel[.]” (*Id.* at 4:66–5:4.) Claim 15, which depends on independent Claim 12, recites that these rounded edges also “avoid[] snagging and

tearing of surrounding materials.” (*Id.*, Claim 15.) Thus, the claim language and specification consistently refer to thickness and shape of the lips with regard to the exterior dimensions of the holder.

The prosecution history also supports Defendant’s construction. The applicant of the ’616 Patent, the original patentee, added the limitation “varying thickness” to Claim 1 to overcome a rejection based on 35 U.S.C. § 103. (*See* Dkt. No. 92-6.) To overcome a 35 U.S.C. § 112, ¶ 2 rejection regarding the term “varying thickness,” the applicant argued that the outer dimension of the card-holder varied in thickness and was thicker in the center than on the ends:

An inspection of Figs. 3 and 4 [of the ’616 Patent], clearly show that the lips (30 and 32) do not have uniform thickness ... “[t]he perspective figures show lips 30 and 32 have varying thickness defining the outer dimension of the enclosure.” The patent describes the “lip structures” as forming the outside of the structure and that the lip structures are not “uniform” in thickness as they are thicker in the center than on the ends.... Figs. 3 and 4 show this clearly.

(Dkt. No. 92-6 at MOSAIC00253.) Because the applicant stressed that the thickness varied in the outer dimensions of the enclosure, the prosecution history further supports Defendant’s construction.

Although the Court accepts Defendant’s construction, the Court notes that Claim 1 does not use the term “wallet,” but instead uses the term “holder.” For these reasons, the Court construes the term “of varying thickness” to mean “having a thickness, defining the outer dimensions of the holder, that causes the outer dimensions of the holder to be thicker in some parts and thinner in others.”

5. “Adapted to be attached to said first panel along three edges”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“adapted to be attached to said first panel along three edges” (’616 Patent, Claim 1)	Plain and ordinary meaning	“the [second] lip has a mating surface designed to be physically joined to a counterpart mirror image mating surface of the lip of the first panel, for example, by glue, welding or alignment holes and tabs”

The Court does not understand the parties’ dispute. Defendant argues a construction is necessary and that the lips must have a “mating surface” to attach. (*See* Dkt. No. 92 at 12–13.) Plaintiff does not necessarily dispute Defendant’s construction,

but argues that it incorporates limitations already found in the claim and that any further construction is unnecessary. (*See* Dkt. No. 96 at 6.) In light of the Court’s construction of the term “lip,” the Court agrees with Plaintiff that no further construction of the limitation “adapted to be attached to said first panel along three edges” is necessary. For these reasons, the Court construes the term “adapted to be attached to said first panel along three edges” to have its plain and ordinary meaning.

B. The ’808 Patent

i. “Auxiliary feature”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“auxiliary feature” (’808 Patent, Claims 1, 14)	Plain and ordinary meaning, <i>i.e.</i> , “prominent, additional characteristic”	“a removeable external feature, such as a money clip or windowed envelope, attached to a rigid plate by a tang”

The Court does not understand the parties’ dispute as to the term “auxiliary feature.”

Much of Defendant’s proposed construction includes language describing the “auxiliary feature” that is similar to the language already in Claims 1 and 14, such as “removably attached to at least one of the at least two rigid plates.” (’808 Patent, Claims 1, 14.) The claims also describe that the “auxiliary feature” includes a “tang” with a “hook” that “engag[es]” with the “recess” or “undercut of the recess” “formed inside the at least two rigid plates” “to prevent inadvertent dislodgement of the auxiliary feature from the recess.” (*Id.*) The only limitation that Defendant’s adds is the requirement that the “auxiliary feature” be “external,” which Plaintiff does not directly dispute. But Defendant does not provide any explanation or evidence for why the construction should include this additional limitation. Thus, the Court declines to adopt Defendant’s construction.

Plaintiff requests that the term “auxiliary feature” be given its plain and ordinary meaning, which it contends is a “prominent, additional characteristic.” (*See* Dkt. No. 91 at 3–4.) Plaintiff’s proposed language derives from dictionary definitions rather than the intrinsic evidence, although Plaintiff asserts that the intrinsic evidence supports its construction. (*See id.*) Defendant responds that “[Plaintiff’s] proposal would leave ‘auxiliary feature’ open to virtually anything being attached to the wallet.” (*See* Dkt. No. 95 at 2–3.)

The Court agrees that the term “auxiliary feature” should be given its plain and ordinary meaning but declines to adopt Plaintiff’s proposed language. Although Courts may consider extrinsic evidence such as dictionaries to determine the plain and ordinary meaning of a term, *see generally Phillips*, 415 F.3d at 1314, Plaintiff does not include

either dictionary definition as an exhibit for the Court to verify. Additionally, the language proposed by Plaintiff does not meaningfully clarify the term “auxiliary feature” and may cause jury confusion. For instance, Plaintiff provides no explanation for what it would mean for the “characteristic” to be “prominent.” The Court also finds Defendant’s arguments against the plain and ordinary meaning to be unpersuasive, as the term “auxiliary feature” is confined by the other limitations in the claims mentioned above.

For these reasons, the Court construes the term “auxiliary feature” to have its plain and ordinary meaning.

ii. “Encircling elastic band”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“encircling elastic band” (’808 Patent, Claims 1, 14)	Plain and ordinary meaning.	“a replaceable elastic strapping that fully encircles the wallet within a channeling means in at least one direction”

Defendant’s construction adds limitations and language not found in any of the evidence Defendant produces and without explanation. For instance, Defendant introduces the limitations “replaceable” and “fully encircles” without any support. Accordingly, the Court rejects these unsupported additions and construes the term “encircling elastic band” to have its plain and ordinary meaning.

iii. “Channeling means”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“channeling means” (’808 Patent, Claim 1)	Subject to §112, ¶ 6 Function: “receives one part of the at least one encircling elastic band while allowing for freedom for the dynamic extension and contraction of the band over the entire running length of the band” Structure: “a groove spanning the extent of	Plain and ordinary meaning.

	one or more of the rigid plates”	
--	----------------------------------	--

The parties dispute whether the term “channeling means” is a means-plus-function term governed by § 112(f). (Dkt. No. 89 at 8; Dkt. No. 91 at 6.)¹ Defendant argues that the term is governed by § 112(f) because it uses the term “means,” which is presumed to be governed by § 112(f). (See Dkt. No. 95 at 6 (citing *Cardiac Pacemakers, Inc. v. St. Jude Med., Inc.*, 296 F.3d 1106, 1113 (Fed. Cir. 2002).) Plaintiff argues that the term is not governed by § 112(f) because “the term ‘means’ is modified by sufficient structure for performing the claimed function, in this case ‘channeling.’” (See Dkt. No. 91 at 6.)

“A claim element that contains the word ‘means’ and recites a function is presumed” to be governed by § 112(f). *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1366 (Fed. Cir. 2008). That presumption may be rebutted “if the claim itself recites sufficient structure to perform the claimed function.” *Id.*

The intrinsic evidence shows that the term is functional. Claim 1 recites: “a channeling means configured to minimize the profile of the wallet and hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof.” (’808 Patent, Claim 1.) The language after the term “channeling means” is purely functional, as evidenced by the use of the phrase “configured to.” See *MTD Products Inc. v. Iancu*, 933 F.3d 1336, 1343-45 (Fed. Cir. 2019) (finding that term “mechanical control assembly ... configured to” was a means-plus-function limitation, stating that “the claim language reciting what the mechanical control assembly is ‘configured to’ do is functional”). The specification further describes the “channeling means” functionally. (’808 Patent at 2:50–60 (“With such means and in such manner, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents from between the at least two rigid plates.”); see also *id.* at 4:2–3 (“A channeling means 20 prevents the encircling elastic band 4 from adding more than negligible breadth to profile 14.”).) Thus, both the language of Claim 1 and the specification describe the term functionally.

The term “channeling” does not connote structure either. In describing the invention, the specification uses the term as a verb rather than a structure: “[a]nother novel feature achieves minimal sizing of the plates by **channeling the strap with interior means** rather than by means of profile extensions.” (’808 Patent at 2:17–19 (emphasis added); see also *id.* at 3:42–44 (“a groove for **channeling** an encircling elastic band”).) Plaintiff’s own definition of “channeling,” *i.e.*, “to form a channel in,” shows that the term is a verb rather than a noun. (Dkt. No. 91 at 6.) Nor has Plaintiff shown that the term “channel” is sufficient to perform the claimed function as required. Other than the term “channeling,” Plaintiff does not cite any language in the claims to support its

¹ The parties also cite 35 U.S.C. § 112 ¶ 6, the pre-AIA statute governing means-plus-function claims. Because the ’808 Patent has a filing date of February 1, 2017, the Court understands that the claims are governed by AIA 35 U.S.C. § 112(f) and refers to § 112(f) throughout this Order. The language of both provisions is identical, however, and the Court’s construction would be the same under either provision.

construction. Thus, Plaintiff has not sufficiently rebutted the presumption that § 112(f) applies.

The Court declines to adopt Defendant’s proposed function, however. Claim 1 recites a function for the “channeling means”: “to minimize the profile of the wallet and hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof.” (’808 Patent, Claim 1.) Defendant does not provide any support for its proposed function. The Court therefore adopts the language from Claim 1 recited above as the claimed function.

The Court also finds that Defendant’s proposed structure is too narrow. The Court agrees with Defendant that the structure includes “a groove spanning the extent of one or more of the rigid plates,” (*id.* at 2:61–64, 4:9–15), but the specification also discloses that the “channel means” may be a “longitudinal bore through each rigid plate 10” (*id.* at 6:32–34). Accordingly, the Court finds that the appropriate structure is either a groove spanning the extent of one or more of the rigid plates or a longitudinal bore through each rigid plate.

For these reasons, the Court construes “channeling means” is a means-plus-function term governed by § 112(f). The function of the term is “to minimize the profile of the wallet and hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof,” and the structure necessary for performing the function is a “a groove spanning the extent of one or more of the rigid plates or a longitudinal bore through each rigid plate.”

iv. “Undercut”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“undercut” (’808 Patent, Claims 1, 14)	Plain and ordinary meaning.	“a portion of a recess in the material making up one of the rigid plates that engages with a part of an auxiliary feature to prevent inadvertent dislodgement of the auxiliary feature from the recess”

Much of Defendant’s proposed construction includes language describing the “undercut” that is similar to the language already in Claims 1 and 14, such as “engages with a part of an auxiliary feature to prevent inadvertent dislodgement of the auxiliary feature from the recess.” (’808 Patent, Claims 1, 14.) Including this language in the

construction for the term “undercut” would be redundant and would only confuse the jury. Additionally, Defendant proposes the language “a recess in the material making up one of the rigid plates” as opposed to just “a recess formed inside the at least two rigid plates,” but provides no support for this change. The Court declines to accept this language. Defendant also argues that Plaintiff’s construction does not describe the undercut’s relation to the recess, but the claims already recite this limitation.

Accordingly, the Court construes the term “undercut” to have its plain and ordinary meaning.

v. “Hook”

Term (Claim)	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“hook” (’808 Patent, Claims 1, 14)	Plain and ordinary meaning.	“a portion of the tang of the auxiliary feature that extends at an angle from the tang and engages an undercut to prevent dislodgement of the auxiliary feature from the recess”

All of Defendant’s proposed construction includes language that is recited in Claims 1 and 14. (’808 Patent, Claims 1, 14.) Including this language in the construction for the term “hook” would therefore be redundant and would only confuse the jury.

Accordingly, the Court construes the term “hook” to have its plain and ordinary meaning.

IV. CONCLUSION

Term	Court’s Construction
“lip”/“a [first] lip”/“a [second] lip” (’616 Patent, Claim 1)	“connector made of extrudable or injectable plastic material that defines the outer dimension of enclosure”
“said first and said second panel each has lips” (’616 Patent, Claim 1)	Both the first and second panel must have separate, and independent lips.
“an open-ended enclosure ... being nominally rectangular with two longitudinal sides, an open end, and a closed end” (’616 Patent, Claim 1)	Plain and ordinary meaning.

“of varying thickness” (’616 Patent, Claim 1)	“having a thickness, defining the outer dimensions of the holder, that causes the outer dimensions of the holder to be thicker in some parts and thinner in others”
“adapted to be attached to said first panel along three edges” (’616 Patent, Claim 1)	Plain and ordinary meaning.
“auxiliary feature” (’808 Patent, Claims 1, 14)	Plain and ordinary meaning.
“encircling elastic band” (’808 Patent, Claims 1, 14)	Plain and ordinary meaning.
“channeling means” (’808 Patent, Claim 1)	Subject to §112, ¶ 6 Function: “to minimize the profile of the wallet and hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof” Structure: “a groove spanning the extent of one or more of the rigid plates or a longitudinal bore through each rigid plate”
“undercut” (’808 Patent, Claims 1, 14)	Plain and ordinary meaning.
“hook” (’808 Patent, Claims 1, 14)	Plain and ordinary meaning.

IT IS SO ORDERED.

EXHIBIT C

[M ENG] An auxiliary heating unit for a fraction-
designed to supply additional heat to the lower
ower; liquid withdrawn from the side or bottom
reheated by heat exchange, then reintroduced
{ rē'bōil-ər }

[UT SCI] To reload systems software into a com-
makes a new start. { rē'būt }

[M] The isostatic readjustment upward of a
essed by glacial loading. { 'rē,baund }

[DES ENG] A clip surrounding the back and
er leaves of a leaf spring, to distribute the load
ls. { 'rē,baund ,klip }

[DES ENG] In a leaf spring, a leaf placed over
to limit the rebound and help carry the load
{ 'rē,baund ,lēf }

[OROL] A persistent (day-long) storm from the
ing the rainy season on the Brazilian coast.

[NG] A closed-loop oxygen supply system con-
comply and face mask. { rē'brēth-ər }

[COMMUN] Repetition of a radio or television
ater time. { rē'brōd,kast }

To restore to a condition comparable to new
ng the item to determine the condition of each
nt parts, and reassembling it, using serviceable,
ew assemblies, subassemblies, and parts.

[MET] Brightening (reglowing) of iron on
the gamma- to alpha-phase transformation tem-
d by liberation of the latent heat of transforma-
'les-əns }

[UN] A flashing signal to the attendant's switch-
ator may be recalled by the subscriber operating
k of the subscriber's set. { 'rē,kōl }

[COMPUT SCI] A measure of the efficiency of
retrieval system, equal to the number of retrieved
nents divided by the total number of relevant
he file. { 'rē,kōl ,fak-tər }

theory [BIOL] The biological theory that an-
s through developmental stages resembling vari-
ie phylogeny of its group; ontogeny recapitulates
also known as biogenetic law; Haeckel's law.
'lā-shən ,thē-ə-rē }

[MET] 1. To increase the carbon content of mol-
st iron. 2. To carburize a metal part, making
of carbon during processing. { rē'kār-bə,rīz }

[ORD] That portion of the target's course line in
t range increases for successive target positions.

[ELECTROMAG] 1. The total power received
from a signal, such as a radar target signal. 2.
ommunications system, the root-mean-square
r delivered to a load which properly terminates
ference antenna. { ri'sēvd 'paub-ər }

[COMMUN] A teleprinter which has no key-
s can receive but not transmit. Abbreviated
'ōn-lē }

[M ENG] Vessel, container, or tank used to
ollect liquid material from a process unit, such
te receiver from the overhead condenser of a
olumn. [ELECTR] The complete equipment

ceiving modulated radio waves and converting
original intelligence, such as into sounds or
nverting to desired useful information as in a

[MECH ENG] An apparatus placed near the
equalize the pulsations of the air as it comes
pressor to cause a more uniform flow of air
ipeline and to collect moisture and oil carried in
ē-vər }

onomous integrity monitoring [NAV] A
viding consistency for the Global Positioning
within the user avionics by checking the consis-
measurements from redundant observations on
Abbreviated RAIM. { ri,sēv-ər ōtān-ə-məs
nān-ə-trīŋ }

width [ELECTR] Spread, in frequency, be-
power points on the receiver response curve.
nd,width }

[ELECTR] Application of operating voltages

to one or more stages of a receiver only during that part of
a cycle of operation when reception is desired. { ri'sē-vər
,gād-īŋ }

receiver incremental tuning [ELECTR] Control feature to
permit receiver tuning (of a transceiver) up to 3 kilohertz to
either side of the transmitter frequency. { ri'sē-vər ,in-
krə,ment-əl 'tūn-īŋ }

receiver lockout system See lockout. { ri'sē-vər 'lāk,aūt
,sis-təm }

receiver noise threshold [ELECTR] External noise appear-
ing at the front end of a receiver, plus the noise added by the
receiver itself, determines a noise threshold that has to be
exceeded by the minimum discernible signal. { ri'sē-vər
'nōiz ,thresh,hōld }

receiver primary See display primary. { ri'sē-vər 'prī,mer-ē }

receiver radiation [ELECTROMAG] Radiation of interfering
electromagnetic fields by the oscillator of a receiver. { ri'sē-
vər ,rād-ē'a-shən }

receiver synchro See synchro receiver. { ri'sē-vər 'sīŋ-krō }

receiving antenna [ELECTROMAG] An antenna used to con-
vert electromagnetic waves to modulated radio-frequency cur-
rents. { ri'sēv-īŋ an,tēn-ə }

receiving area [ELECTROMAG] The factor by which the
power density must be multiplied to obtain the received power
of an antenna, equal to the gain of the antenna times the square
of the wavelength divided by 4π . { ri'sēv-īŋ ,er-ē-ə }

receiving gage [ENG] A fixed gage designed to inspect a
number of dimensions and also their reaction to each other.
{ ri'sēv-īŋ ,gāj }

receiving house [CHEM ENG] A building where liquid
streams from petroleum-refining-process condensers are
observed through a look box, and samples are taken for testing,
and also where products are diverted to storage tanks or to
other processing units. { ri'sēv-īŋ ,haūs }

receiving loop loss [COMMUN] In telephones, that part of
the repetition equivalent assignable to the station set, subscriber
line, and battery supply circuit that are on the receiving end.
{ ri'sēv-īŋ ,lūp ,lōs }

receiving set See radio receiver. { ri'sēv-īŋ ,set }

receiving station [MECH ENG] The location or device on
conveyor systems where bulk material is loaded or otherwise
received onto the conveyor. { ri'sēv-īŋ ,stā-shən }

receiving tank See rundown tank. { ri'sēv-īŋ ,tāŋk }

receiving tube [ELECTR] A low-voltage and low-power vac-
uum tube used in radio receivers, computers, and sensitive
control and measuring equipment. { ri'sēv-īŋ ,tūb }

recent [EVOL] Referring to taxa which still exist; the ant-
onym of fossil. { 'rē-sənt }

Recent See Holocene. { 'rē-sənt }

receptacle [BOT] The pointed end of a pedicel or peduncle
from which the flower parts grow. [ELEC] See outlet.
{ ri'sep-tə-kəl }

reception [COMMUN] The conversion of modulated electro-
magnetic waves or electric signals, transmitted through the air
or over wires or cables, into the original intelligence, or into
desired useful information (as in radar), by means of antennas
and electronic equipment. { ri'sep-shən }

receptive aphasia See sensory aphasia. { ri'sep-tiv ə'fā-zhə }

receptor [BIOCHEM] A site or structure in a cell which com-
bines with a drug or other biological to produce a specific
alteration in cell function. [PHYSIO] A sense organ.
{ ri'sep-tər }

recess [ENG] A surface groove or depression. [GEOL] 1.
An indentation occurring in a surface, bounded by a straight
line. 2. An area having the axial traces of folds concave
toward the outer edge of the folded belt. { 'rē,ses }

recessed bead See quirk bead. { 'rē,sest ,bēd }

recessed tube wall [MACH ENG] A boiler furnace wall
which has openings to partially expose waterwall tubes to the
radiant combustion gases. { 'rē,sest 'tūb ,wōl }

recession [GEOL] 1. The backward movement, or retreat,
of an eroded escarpment. 2. A continuing landward move-
ment of a shoreline or beach undergoing erosion. Also known
as retrogression. 3. The withdrawal of a body of water (as a
sea or lake), thereby exposing formerly submerged areas.
[HYD] The gradual upstream retreat of a waterfall. { ri
'sesh-ən }

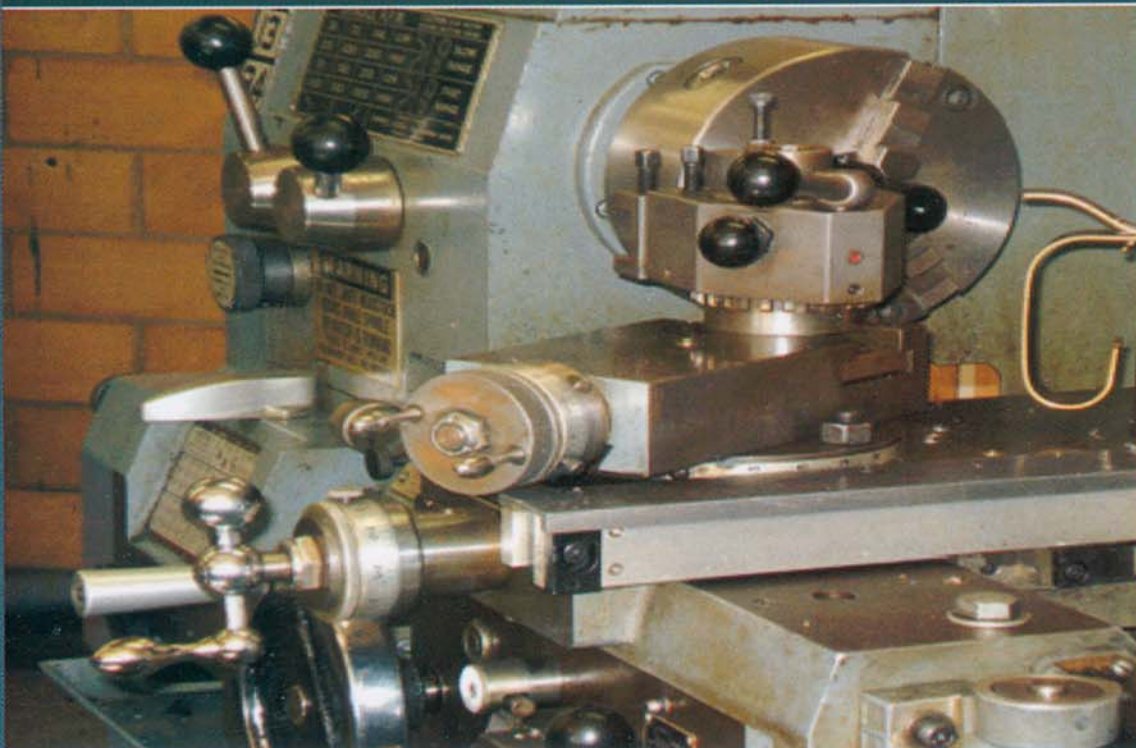
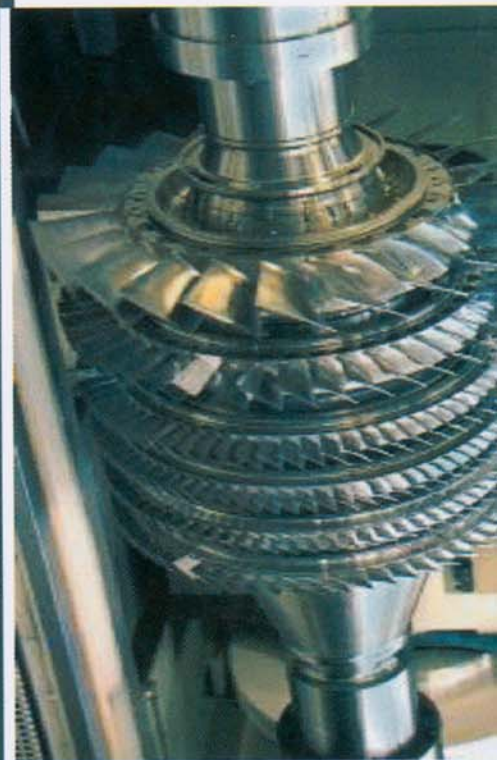
recessional moraine [GEOL] 1. An end moraine formed
during a temporary halt in the final retreat of a glacier. 2. A

EXHIBIT D

NEW AGE

SECOND EDITION

HANDBOOK OF MECHANICAL ENGINEERING TERMS



K.K. Ramalingam



NEW AGE INTERNATIONAL PUBLISHERS

HANDBOOK OF MECHANICAL ENGINEERING TERMS

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HANDBOOK OF MECHANICAL ENGINEERING TERMS

K.K. Ramalingam

Professor and Head (Retd.)
Dept. of Automobile Engineering
Madras Institute of Technology
Anna University
Chennai-600025



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PREFACE TO THE SECOND EDITION

This revised edition of the book “HANDBOOK OF MECHANICAL ENGINEERING TERMS” is expected to be a source of information for students, teaching faculties and practicing engineers in the field of mechanical engineering.

About three hundred and fifty terms have been added in this revised edition. Every effort has been made to include the terms in current use.

Suggestions and comments are welcomed from the readers, which may help to improve this handbook.

K. K. Ramalingam

RECESS – A groove cut below the normal surface of a workpiece.

RIGHT HAND THREAD – A screw thread which advances into the mating part when turned clockwise or to the right.

RIVET – A one piece fastener consisting of a head and a body and used for fastening two or more pieces together by passing the body through a hole in each piece and then forming a second head on the body end. It cannot be removed except by taking off the head.

SCREW – A helix formed or cut on a cylindrical surface which may advance along the axis to the right or left. The helix may be single or multiple.

SCREW THREAD – A ridge of uniform section or shape in the form of a helix on the external or internal surface of a cylinder, or in the form of a conical spiral on the external or internal surface of a cone.

SET SCREW – Usually a hardened steel screw having either no head or a square head and with various degrees of points or ends to lock or tighten adjustable machine parts in position on a shaft.

SHOULDER SCREW – A screw having two or more diameters or shoulders and commonly used for supporting levers and other machine parts that have to operate freely.

SINGLE THREAD – A screw thread cut around a cylinder having a single start in which the lead is equal to the pitch.

SOCKET HEAD – Screw head having a hexagonal or other form of recessed socket in the head so that the screw can be turned with a wrench or key, as a hexagon key.

SPLINE – Slot or groove cut in a shaft or bore, a splined shaft onto which a hub, wheel, gear etc. with matching splines in its bore is assembled so that the two must turn together.

SPOOL VALVE – A hydraulic directional control valve in which the direction of the fluid is controlled by the means of a grooved cylindrical shaft (spool).

SPRING – An elastic device which yields under stress or pressure but returns to its original state or position when the stress or pressure is removed.

SPUR GEAR – A toothed wheel having external radial teeth.

SQUARE THREAD – A form of screw thread in which the cross-section of the thread forms a square, making the width of the thread equal to the space between the threads.

EXHIBIT E

Patent Application No. 14/706,019
Amendment dated May 27, 2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Daniel Kane

Examiner: Tri Mai

Application No.: 15/421,596

Group Art Unit: 3781

Date Filed: February 1, 2017

Conf. No.: 8422

Title: COMPACT WALLET

Customer No.: 95490

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action, please amend the above-identified application as follows and consider the following remarks. If necessary, the Commissioner is hereby authorized to credit any overpayment or charge payment for any additional fees to Deposit Account No. 50-5200.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Patent Application No. 14/706,019
Amendment dated May 27, 2020

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) A compact wallet, comprising:
at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a longitudinal extent;
at least one encircling elastic band interposed with the at least two rigid plates along longitudinal extents thereof to bias them inwardly and securely hold the card-like contents while providing elastic volume there between for adding or removing contents; ~~and~~
a channeling means configured to minimize the profile of the wallet and hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof; and
an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess,
whereby, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents from between the at least two rigid plates.

2. (Original) The compact wallet of claim 1, wherein the channeling means is a longitudinal groove in a first lamina of a laminate construction of each rigid plate, the groove slidably receiving one part of the at least one encircling elastic band.

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3. (Original) The compact wallet of claim 2, wherein a second lamina of the laminate construction of each rigid plate is removably attached to the first lamina to hold the at least one elastic band in capture and provide a smooth surface for glide purposes.

4. (Original) The compact wallet of claim 3, wherein the second lamina is attached to the first lamina by screws.

5. (Original) The compact wallet of claim 3, wherein the second lamina is attached to the first lamina by pressure sensitive adhesive means.

6. (Original) The compact wallet of claim 1, wherein each rigid plate is comprised of metal for RFID protection.

7. (Original) The compact wallet of claim 1, wherein each rigid plate is metalized for RFID protection.

8. (Original) The compact wallet of claim 3, wherein at least one of the first or second lamina of each rigid plate is comprised of metal.

9. (Original) The compact wallet of claim 1, further comprising a first elastic strap positioned over the ends of the at least two rigid plates transverse to the longitudinal extents, the positioning functioning to retain the card-like contents from that end.

10. (Original) The compact wallet of claim 1, further comprising a second elastic strap positioned over an outside surface of one of the at least two rigid plates to hold additional contents on the outside surface.

11. (Original) The compact wallet of claim 1, wherein the card-like contents comprise one or more of a credit card, a driver's license, an ID card, a business card, an affiliation card, a currency bill, a loyalty card, a coupon, a receipt or a personal paper.

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12. (Original) The compact wallet of claim 1, further comprising aligned finger notches through proximal ends of the rigid plates to expose an edge of the card-like contents for the purpose of pushing the edge to elevate the contents into view through distal ends of the rigid plates, said edge providing a fulcrum to lever the proximal ends together for the purpose of fanning the distal ends apart in display of the contents.

13. (Original) The compact wallet of claim 1, wherein the encircling elastic band is comprised of woven elastic fabric.

14. (Currently amended) A compact wallet, comprising:
at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a groove along a longitudinal extent thereof;
at least one encircling elastic band slidingly interposed in the grooves to bias the at least two rigid plates inwardly and securely hold the card-like contents while providing elastic volume there between for adding or removing contents, the grooves configured to hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof; and

a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang.

whereby, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents from between the at least two rigid plates.

15. (Original) The compact wallet of claim 14, wherein the groove is in a first lamina of a laminate construction of each rigid plate, the groove slidingly receiving one part of the at least one encircling elastic band.

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16. (Original) The compact wallet of claim 15, wherein a second lamina of the laminate construction of each rigid plate is removably attached to the first lamina to capture the at least one elastic band and provide a smooth surface for glide.

17. (Original) The compact wallet of claim 16, wherein the second lamina is attached to the first lamina by screws.

18. (Original) The compact wallet of claim 1, wherein each rigid plate is comprised of metal for RFID protection.

19. (Currently amended) A method of making a modular compact wallet, comprising the steps:

providing at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a groove along a longitudinal extent thereof; at least one encircling elastic band slidably interposed in the grooves to bias the at least two rigid plates inwardly and securely hold the card-like contents while providing elastic volume there between for adding or removing contents, the grooves configured to hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof; at least one groove additionally having at least one recess positioned outbound of the elastic band;

providing a first auxiliary feature having at least one tang;

inserting, removably, the at least one tang of the first auxiliary feature into the at least one recess to make the first auxiliary feature available at an outside face of at least one of the two rigid plates;

removing, selectively, the first auxiliary feature;

providing, selectively, at least a second auxiliary feature having at least one tang;

and

inserting, removably, the at least one tang of the second auxiliary feature into the at least one recess to make the second auxiliary feature available at an outside face of at least one of the two rigid plates, the at least one recess having an undercut operable to engage a

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hook of the tang to prevent inadvertent dislodgement of the second auxiliary feature from the at least one recess, the hook extending at an angle to the tang, the at least one recess receiving the tang being disposed inside at least one of the two rigid plates;

whereby, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents positioned interiorly to the at least two rigid plates and providing additional functionality from at least one auxiliary feature positioned exteriorly thereto.

20. (Original) The method of claim 19, wherein the at least one recess has an undercut and the at least one tang has a hook, the hook and undercut interpositioned to secure the at least one auxiliary feature against inadvertent dislodgement.

21. (Original) The method of claim 20, wherein at least one of the auxiliary features is a money clip.

22. (Original) The method of claim 19, wherein the groove is in a first lamina of a laminate construction of each rigid plate and the at least one recess is in at least one of the first lamina.

23. (Original) The method of claim 22, wherein a second lamina of the laminate construction of each rigid plate captures the at least one elastic band and the at least one tang when removably attached to the first lamina and facilitates placement and removal of the at least one elastic band and the at least one tang when removed from the first lamina.

24. (Original) The method of claim 23, wherein the second lamina is attached to the first lamina by screws.

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REMARKS/ARGUMENTS

Status of Claims

Claims 1-24 were pending. Claims 1-24 are rejected. Claims 1, 14 and 19 are amended. No claims are canceled. No new claims are added. Accordingly, claims 1-24 will be pending upon entry of this paper.

Amendment of Claims

Independent claim 1 is amended to include the feature of “an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess.”

Independent claim 14 is amended to include the feature of “a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang.”

Independent claim 19 is amended to include the feature of “the at least one recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the second auxiliary feature from the at least one recess, the hook extending at an angle to the tang, the at least one recess receiving the tang being disposed inside at least one of the two rigid plates.”

Support for these amendments may be found in the original specification and drawings, such as in FIGS. 12 and 13 and page 10 of the specification.

No new matter is added.

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Claim Rejections

The claim rejections will be taken in order as presented in the Office Action.

Strunk, Minn and Keefer

Claims 1, 2, 10, 11 and 14 stand rejected under 35 USC 103 as being unpatentable over Strunk, Minn and Keefer.

Without acquiescing to the merits of the rejection, independent claim 1 is amended to include the feature of “an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess.” Independent claim 14 is amended to include the feature of “a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang.”

In other words, the auxiliary feature has a tang that fits into a recess inside the rigid plate, where the tang includes a hook that engages an undercut formed in the recess. Applicant submits that there is no such structure described by the references, nor is there any reason to modify a compact wallet to include such a feature, absent hindsight reconstruction of Applicant’s claim.

Accordingly, independent claims 1 and 14 should be allowable over Strunk, Minn and Keefer. Claims 2, 10 and 11, being dependent upon claim 1, should be allowable at least for that reason, as well as the additional recitations each claim contains.

Reconsideration and withdrawal of the rejection of claims 1, 2, 10, 11 and 14 as being unpatentable over Strunk in view of Minn, further in view of Keefer, is respectfully requested.

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Strunk, Minn, Keefer and Graff or Malick or Preston-Hall

Claim 13 is rejected under 35 USC 103 as being unpatentable over Strunk in view of Minn, further in view of Keefer, even further in view of Graff or Malick or Preston-Hall.

Applicant submits that neither Graff nor Malick nor Preston-Hall overcome the deficiencies of Strunk, Minn and Keefer, as discussed with respect to claim 1. Therefore, claim 13 should be allowable at least for the same reasons as claim 1, from which claim 13 depends.

Reconsideration and withdrawal of the rejection of claim 13 as being unpatentable over Strunk in view of Minn, further in view of Keefer and even further in view of Graff or Malick or Preston-Hall.

Wilk and Podwika

Claims 1, 2 and 11 stand rejected under 35 USC 103 as being unpatentable over Wilk in view of Podwika.

Without acquiescing to the merits of the rejection, independent claim 1 is amended to include the feature of “an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess.” Independent claim 14 is amended to include the feature of “a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang.”

In other words, the auxiliary feature has a tang that fits into a recess inside the rigid plate, where the tang includes a hook that engages an undercut formed in the recess. Applicant submits that there is no such structure described by the references, nor is there any reason to modify a compact wallet to include such a feature, absent hindsight reconstruction of Applicant’s claim.

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Accordingly, independent claim 1 should be allowable over any permissible combination of Wilk and Podwika. Claims 2 and 11, being dependent upon claim 1, should be allowable at least for that reason, as well as the additional recitations each claim contains.

Reconsideration and withdrawal of the rejection of claims 1, 2 and 11 as being unpatentable over Wilk in view of Podwika, is respectfully requested.

Wilk and Podwika, and Graff or Malick or Preston-Hall

Claim 13 is rejected under 35 USC 103 as being unpatentable over Wilk in view of Podwika, further in view of Graff or Malick or Preston-Hall.

Applicant submits that neither Graff nor Malick nor Preston-Hall overcome the deficiencies of Wilk and Podwika, as discussed with respect to claim 1. Therefore, claim 13 should be allowable at least for the same reasons as claim 1, from which claim 13 depends.

Reconsideration and withdrawal of the rejection of claim 13 as being unpatentable over Wilk in view of Podwika, further in view of Graff or Malick or Preston-Hall.

Wilk and Podwika, and Minn or Johnson

Claims 6 and 7 are rejected under 35 USC 103 as being unpatentable over Wilk in view of Podwika, further in view of Minn or Johnson.

Applicant submits that neither Minn nor Johnson overcome the deficiencies of Wilk and Podwika, as discussed with respect to claim 1. Therefore, claims 6 and 7 should be allowable at least for the same reasons as claim 1, from which claims 6 and 7 depend.

Reconsideration and withdrawal of the rejection of claim 6 and 7 as being unpatentable over Wilk in view of Podwika, further in view of Minn or Johnson.

Wilk, Coates and Podwika

Claims 1-11 and 13-18 are rejected under 35 USC 102 as being anticipated by Wilk, Coates and Podwika. At first, Applicant notes that it appears an incorrect basis for rejection has been applied, as the combination of references should be presented as a rejection under 35 USC 103.

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Without acquiescing to the merits of the rejection, independent claim 1 is amended to include the feature of “an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess.” Independent claim 14 is amended to include the feature of “a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang.”

In other words, the auxiliary feature has a tang that fits into a recess inside the rigid plate, where the tang includes a hook that engages an undercut formed in the recess. Applicant submits that there is no such structure described by the references, nor is there any reason to modify a compact wallet to include such a feature, absent hindsight reconstruction of Applicant’s claim.

Accordingly, independent claims 1 and 14 should be allowable over Wilk, Coates and Podwika. Claims 2-13 and claims 15-18, being dependent upon claims 1 and 14, respectively, should be allowable at least for that reason, as well as the additional recitations each claim contains.

Reconsideration and withdrawal of the rejection of claims 1-11 and 13-18 as being unpatentable over Wilk in view of Coates, further in view of Podwika, is respectfully requested.

Mariano

Claims 1, 2 and 14 are rejected under 35 USC 102 as being anticipated by Mariano.

Claim 1 includes the feature of “at least one encircling elastic band interposed with the at least two rigid plates along longitudinal extents thereof to bias them inwardly and securely hold the card-like contents while providing elastic volume there between for adding or removing contents.” Claim 14 includes the feature of “at least one encircling elastic band slidingly interposed in the grooves to bias the at least two rigid plates inwardly

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and securely hold the card-like contents while providing elastic volume there between for adding or removing contents.” Applicant submits that the device of Mariano does not have an encircling elastic band that performs the claimed features. The band of Mariano forms a bracelet, and it certainly does not bias the at least two rigid plates inwardly to securely hold card-like contents therebetween, as instantly claimed.

For this reason alone, independent claims 1 and 14 should be allowable over Mariano.

Further, without acquiescing to the merits of the rejection, independent claim 1 is amended to include the feature of “an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess.” Independent claim 14 is amended to include the feature of “a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang.”

In other words, the auxiliary feature has a tang that fits into a recess inside the rigid plate, where the tang includes a hook that engages an undercut formed in the recess. Applicant submits that there is no such structure described by the references, nor is there any reason to modify a compact wallet to include such a feature, absent hindsight reconstruction of Applicant’s claim.

Accordingly, independent claims 1 and 14 should be allowable over Mariano. Claim 2, being dependent upon claim 1, should be allowable at least for that reason, as well as the additional recitations each claim contains.

Reconsideration and withdrawal of the rejection of claims 1, 2 and 14 as being anticipated by Mariano is respectfully requested.

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Mariano and Andrews

Claims 1-8 and 14-18 are rejected under 35 USC 103 as being unpatentable over Mariano in view of Andrews.

First, Applicant submits that the mail bag label of Andrews is neither in the same field of endeavor nor pertinent to the problem faced by the inventor. Accordingly, Andrews is non-analogous art and cannot be used in a rejection of the instant claims.

Also, as discussed above, there are features of independent claims 1 and 14 that are not present in Mariano and where such deficiencies are not cured by any permissible combination with Andrews.

Further, without acquiescing to the merits of the rejection, independent claim 1 is amended to include the feature of “an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess.” Independent claim 14 is amended to include the feature of “a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang.”

In other words, the auxiliary feature has a tang that fits into a recess inside the rigid plate, where the tang includes a hook that engages an undercut formed in the recess. Applicant submits that there is no such structure described by the references, nor is there any reason to modify a compact wallet to include such a feature, absent hindsight reconstruction of Applicant’s claim.

Accordingly, independent claims 1 and 14 should be allowable over Mariano and Andrews. Claims 2-8 and claims 15-18, being dependent upon claims 1 and 14, respectively, should be allowable at least for that reason, as well as the additional recitations each claim contains.

Reconsideration and withdrawal of the rejection of claims 1-8 and 15-18 as being unpatentable over Marino in view of Andrews, is respectfully requested.

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Mariano (and Andrews?) and Odishoo

Claim 11 is rejected under 35 USC 103 as being unpatentable over Mariano in view of Odishoo, and possibly in view of Andrews.

The Examiner directs Applicant to the Mariano rejection, but there are two such rejections of independent claim 1. Therefore, it is unclear the basis of the rejection.

That being said, Applicant notes that the Examiner relies on Odishoo to teach that a bracelet can be used as a holder. Applicant, however, fails to see how the teachings of Odishoo can be combined with Mariano or with Mariano and Andrews to arrive at the present invention. Regardless, Applicant notes that Odishoo fails to overcome the deficiencies of Mariano or Mariano and Andrews, as discussed above.

Accordingly, reconsideration and withdrawal of the rejection of claim 11 as being unpatentable over Mariano in view of Odishoo, with or without Andrews, is respectfully requested.

Minn

Claims 1, 6, 7, 11, 12, 14 and 18 are rejected under 35 USC 102 as being anticipated by Minn.

Without acquiescing to the merits of the rejection, independent claim 1 is amended to include the feature of “an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess.” Independent claim 14 is amended to include the feature of “a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang.”

In other words, the auxiliary feature has a tang that fits into a recess inside the rigid plate, where the tang includes a hook that engages an undercut formed in the recess.

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Applicant submits that there is no such structure described by the references, nor is there any reason to modify a compact wallet to include such a feature, absent hindsight reconstruction of Applicant's claim.

Accordingly, independent claims 1 and 14 should be allowable over Minn. Claims 6, 7, 11 and 12 and claim 18, being dependent upon claims 1 and 14, respectively, should be allowable at least for that reason, as well as the additional recitations each claim contains.

Reconsideration and withdrawal of the rejection of claims 1, 6, 7, 11, 12, 14 and 18 as being anticipated by Minn is respectfully requested.

Minn, Coates and Podwika

Claims 1-11 and 13-18 are rejected under 35 USC 103 as being unpatentable over Minn in view of Coates, further in view of Podwika.

Without acquiescing to the merits of the rejection, independent claim 1 is amended to include the feature of "an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess." Independent claim 14 is amended to include the feature of "a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang."

In other words, the auxiliary feature has a tang that fits into a recess inside the rigid plate, where the tang includes a hook that engages an undercut formed in the recess. Applicant submits that there is no such structure described by the references, nor is there any reason to modify a compact wallet to include such a feature, absent hindsight reconstruction of Applicant's claim.

Accordingly, independent claims 1 and 14 should be allowable over Minn, Coates and Podwika. Claims 2-13 and claims 15-18, being dependent upon claims 1 and 14,

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respectively, should be allowable at least for that reason, as well as the additional recitations each claim contains.

Reconsideration and withdrawal of the rejection of claims 1-11 and 13-18 as being unpatentable over Minn in view of Coates, further in view of Podwika, is respectfully requested.

Kane

Claims 1-18 are rejected under 35 USC 102 as being anticipated by Kane (Kickstarter campaign).

Without acquiescing to the merits of the rejection, independent claim 1 is amended to include the feature of “an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang, the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess.” Independent claim 14 is amended to include the feature of “a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang.”

In other words, the auxiliary feature has a tang that fits into a recess inside the rigid plate, where the tang includes a hook that engages an undercut formed in the recess. Applicant submits that there is no such structure described by the reference, nor is there any reason to modify a compact wallet to include such a feature, absent hindsight reconstruction of Applicant’s claim.

Accordingly, independent claims 1 and 14 should be allowable over Kane. Claims 2-13 and claims 15-18, being dependent upon claims 1 and 14, respectively, should be allowable at least for that reason, as well as the additional recitations each claim contains.

Reconsideration and withdrawal of the rejection of claims 1-11 and 13-18 as being anticipated by Kane is respectfully requested.

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Kane and Chapin

Claims 19-24 are rejected under 35 USC 103 as being unpatentable over Kane in view of Chapin.

The Examiner relies on Chapin for a teaching of tangs on a clip structure. In Kane and in Chapin, a clip is mounted on an exterior surface. There is no teaching or fair suggestion to have a tang of an auxiliary feature that is disposed inside a recess formed in the plate, where the recess has an undercut receiving a hook of the tang to keep the auxiliary feature in place.

To that end, independent claim 19 is amended to include the feature of “the at least one recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the second auxiliary feature from the at least one recess, the hook extending at an angle to the tang, the at least one recess receiving the tang being disposed inside at least one of the two rigid plates”. Applicant submits that there is no such structure described by the references, nor is there any reason to modify a compact wallet to include such a feature, absent hindsight reconstruction of Applicant’s claim.

Accordingly, independent claim 19 should be allowable over Kane. Claims 20-24, being dependent upon claim 19, should be allowable at least for that reason, as well as the additional recitations each claim contains.

Reconsideration and withdrawal of the rejection of claims 19-24 as being unpatentable over Kane in view of Chapin is respectfully requested.

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CONCLUSION

Reconsideration and withdrawal of the Office Action with respect to the pending claims is requested. Applicant submits that the claims are now in condition for allowance. Early notice to that end is respectfully solicited.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

/Lyman Smith/

Lyman Smith

Registration No. 44,342

Patent Service Associates, Inc.
18702 Van Nuys Circle
Port Charlotte, FL 33948
336-510-8799

EXHIBIT F



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Hook

An abrupt deviation from straightness. Hook can be caused by non-uniform metal flow during breakthrough. See also "Bow"

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EXHIBIT G

Jonathan Pearce, Cal Bar. No. 245,776
jpearce@socalip.com
Michael D. Harris, Cal. Bar No. 59,470
mharris@socalip.com
Brian S. Tamsut, Cal. Bar No. 322,780
btamsut@socalip.com
SoCAL IP LAW GROUP LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362-3788
Phone: (805) 230-1350 • Fax: (805) 230-1355

Attorneys for Defendant The Ridge Wallet LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

Mosaic Brands, Inc.,

Plaintiff,

v.

The Ridge Wallet LLC,

Defendant.

And Related Counterclaim and Third-Party
Complaint

No. 2:20-cv-04556-AB-JC

Defendant Ridge's Reply Claim Con-
struction Brief for U.S. Patent No.
10,791,808

Date: February 26, 2021

Time: 10:00 a.m.

Judge: Birotte

A. INTRODUCTION

Defendant, counterclaimant and third-party plaintiff The Ridge Wallet LLC ("Ridge") submits this reply brief on the construction in Patent No. 10,791,808 (the "'808 Patent"). Ridge proposes construction of the phrases "auxiliary feature," "hook," "undercut," "channeling means," and "encircling elastic band."

Ridge's construction finds full support in the intrinsic record, which is the claim language, specification, and prosecution history as required by *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996) (*en banc*). Despite initially proposing no constructions, Plaintiff Mosaic Brands, Inc. ("Mosaic") now proposes confusing constructions entirely drawn from extrinsic dictionary definition evidence.

1 Compare ECF 83-2¹ and ECF 91.

2 Mosaic has it precisely backwards. Extrinsic evidence is the last and least help-
3 ful place to look for guidance in construing patent claims. *Vitronics*, 90 F.3d at 1583
4 (“In those cases where the public record [the claims, specification, and prosecution
5 history] unambiguously describes the scope of the patented invention, reliance on any
6 extrinsic evidence is improper.”). “In most situations, an analysis of the intrinsic evi-
7 dence alone will resolve any ambiguity in a disputed claim term. In such circum-
8 stances, it is improper to rely on extrinsic evidence.” *Id.* Extrinsic evidence such as
9 dictionary definitions can offer guidance to better understand the underlying technol-
10 ogy or in construing claim terms, so long as the dictionary definition does not contra-
11 dict any definition found in the patent documents. *Vitronics*, 90 F.3d at 1584, fn. 6.
12 Mosaic’s contradictory position that no construction is necessary while simultane-
13 ously arguing dictionary definitions is inadequate when “plain an ordinary meaning”
14 does not resolve the parties’ dispute. *O2 Micro Int’l Ltd. v. Beyond Innovation Tech.*
15 *Co.*, 521 F.3d 1351, 1361 (Fed. Cir. 2008).

16 **B. THE PROPER CONSTRUCTIONS OF DISPUTED TERMS IN THE ‘808 PATENT**

17 Ridge proposes construction of the phrases “auxiliary feature,” “hook,” “under-
18 cut,” “channeling means,” and “encircling elastic band.” Each term Ridge proposes
19 for construction appear in asserted claims 1 and 14, and their dependent claims.

20 **1. An “auxiliary feature” is “a removable external feature, such as a money**
21 **clip or windowed envelope, attached to a rigid plate by a tang.”**

22 Mosaic’s primary argument is the terms are easily understood, and with reli-
23 ance upon dictionaries can be understood. The phrase “auxiliary feature” is an excel-
24 lent example of the failings of Mosaic’s proposal. Virtually any object could be an
25 “auxiliary feature” of another object. Even Mosaic’s proposed definition is “a

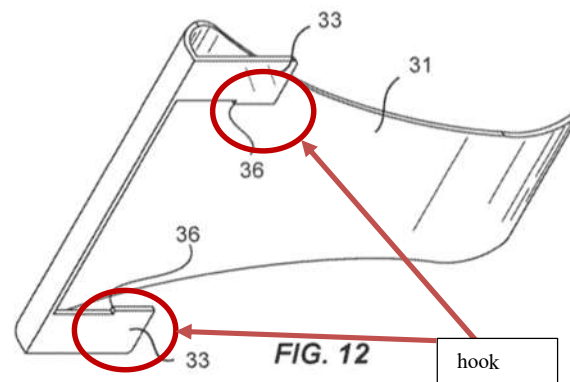
26
27 ¹ ECF 83-2 is a proposed claim construction chart for the ‘808 patent submitted
28 jointly by the parties as Exhibit B to the Joint Claim Construction Statement pursuant
to the Northern District of California Local Patent Rules adopted by the Court.

prominent additional characteristic.”

Mosaic’s definition is contrary to the intrinsic evidence and must be refused. Mosaic’s proposal would leave “auxiliary feature” open to virtually anything being attached to the wallet. The additional characteristic could be a handbag or even an automotive tire. Mosaic’s proposal is so broad it is meaningless. Mosaic’s proposal contradicts the intrinsic evidence because all figures of the ‘808 patent show a money clip, and the ‘808 patent itself indicates that a “windowed envelope” may also be used. ‘808 patent, Col. 5:13-21. Ridge proposes a construction grounded in the specification of the “auxiliary feature,” as “a removable external feature, such as a money clip or windowed envelope, attached to a rigid plate by a tang.”

2. A “hook” is “a portion of the tang of the auxiliary feature that extends at an angle from the tang and engages an undercut to prevent dislodgment of the auxiliary feature from the recess.”

Mosaic again points to dictionary extrinsic evidence yet simultaneously argues the specification supports its position. The claim itself requires that the hook be a portion of the tang and that it “extend at an angle to the tang.” *See, e.g.* ‘808 patent, Claim



1. The elements were discussed on the record in a May 27, 2020, response to office action in the application that became the ‘808 patent. The response states, “[T]he auxiliary feature has a tang that fits into a recess inside the ridged plate, where the tang includes a hook that engages an undercut formed in the recess.” Ex. C² at 8. The hook was discussed in amendments to claim 1 that later led to allowance. “Independent claim 1 is amended to include the feature of

² This is Exhibit C to Ridge’s Opening Claim Construction Brief which is not resubmitted here.

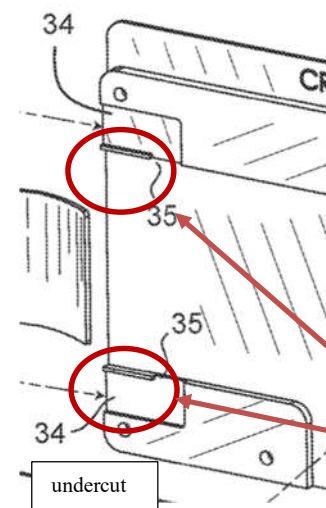
1 ‘an auxiliary feature removably attached to at least one of the at least two rigid plates,
2 the auxiliary feature having a tang insertable into a recess formed inside the at least
3 two rigid plates, the tang having a hook, the hook extending at an angle to the tang,
4 the hook engaging an undercut of the recess to prevent inadvertent dislodgement of
5 the auxiliary’ feature from the recess.” Ex. C at 7.

6 The hook also must be a portion of the tang extends from the tang because this
7 issue arose during prosecution. When discussing cited prior art, Ridge’s counsel
8 stated, “There is no teaching or fair suggestion [in the cited prior art] to have a tang of
9 an auxiliary feature that is disposed inside a recess formed in the plate, where the re-
10 cess has an undercut receiving a hook of the tang to keep the auxiliary feature in
11 place.” Ex. C at 8. The applicant differentiated the invention from prior art based on
12 this characteristic.

13 Mosaic’s proposal is again too broad and relies upon extrinsic evidence. The
14 “hook” is “a portion of the tang of the auxiliary feature that extends at an angle from
15 the tang and engages an undercut to prevent dislodgment of the auxiliary feature from
16 the recess.”

17 **3. The “undercut” is “a portion of the recess in the material making up one**
18 **of the rigid plates that engages with a part of an auxiliary feature to pre-**
19 **vent inadvertent dislodgement of the auxiliary feature from the recess.”**

20 Mosaic again argues for no construction, then points to
21 a dictionary definition as a potential definition, and only then
22 attempts to find support in the specification. This is a com-
23 pletely backwards approach. Under Mosaic’s proposal the un-
24 dercut could be any type of cutaway, and it fails to tie the un-
25 dercut to the recess of which it is a part. Looking to FIG. 13
26 (right), there is already a recess within the panel formed by
27 cutting away. Failing to construe the undercut as a part of that



1 recess, as described in the specification is incorrect because of the ‘808 patent itself
2 and the prosecution history. The plain and ordinary meaning may result in an unsup-
3 ported conflation of the recess and the undercut which are distinct limitations of the
4 ‘808 patent.

5 The patent describes the “undercut” as, “... the *recess 34 has an undercut 35*
6 and the tang 33 (not shown in this portion of Figure 13) hook 36 (Figure 12). The
7 hook 36 engages the undercut 35 to prevent inadvertent dislodgement of the auxiliary
8 feature 30 when attached to the compact wallet 1.” ‘808 Patent Col. 5:27-31 (empha-
9 sis added). The applicant also discussed the “undercut” in the May 27, 2020, response
10 to office action, stating, “In other words, the auxiliary feature has a tang that fits into
11 a recess inside the ridged plate, where the tang includes a hook that engages *an un-*
12 *dercut formed in the recess.*” Ex. C at 8 (emphasis added).

13 Ridge’s proposal merely states the meaning of undercut as defined in the
14 claims themselves, the specification, and which conforms to its arguments during
15 prosecution. The “auxiliary feature” has a “hook” designed to fit within this recess
16 and to engage with the undercut. Ridge proposes that the “undercut” should be con-
17 strued as “a portion of the recess in the material making up one of the rigid plates that
18 engages with a part of an auxiliary feature to prevent inadvertent dislodgement of the
19 auxiliary feature from the recess.”

The associated function of the channeling means is to “receive one part of the at least one encircling elastic band while allowing for freedom for the dynamic extension and contraction of the band over the entire running length of the band.”

5. The “encircling elastic band” is “a replaceable elastic strapping that fully encircles the wallet within a channeling means in at least one direction.”

For this element, Mosaic points to a dictionary again, and then justifies its reliance upon extrinsic evidence by selectively pointing to the specification in support. This is exactly backwards. The Federal Circuit mandates that we look to the specification, then, only if necessary, look to extrinsic evidence. *Vitronics*, 90 F.3d at 1583 (“In those cases where the public record [the claims, specification, and prosecution history] unambiguously describes the scope of the patented invention, reliance on any extrinsic evidence is improper.”).

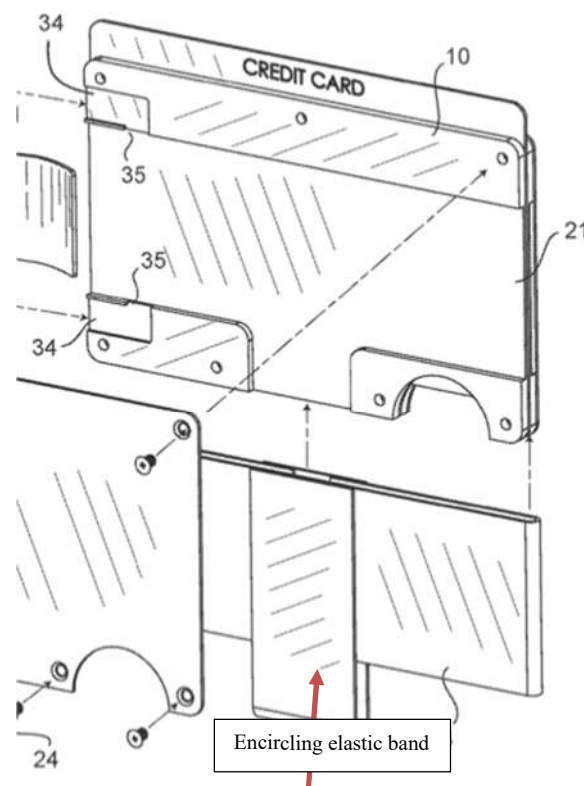


FIG. 13

The specification describes the encircling elastic band as, “[t]he sandwiched composite [of the two ridge plates] is bound by at least one encircling elastic band 4. The encircling elastic band 4 holds the card-like contents 2 securely by means of compression, while also expanding elastically to open space between the rigid plates.” ‘808 patent at Col. 3:61-65. It’s interaction with the channeling means is described in Col. 4:9-19, indicating the “longitudinal groove 21 is ...to receive a corresponding part of the encircling elastic band 4 and allow it to slidably expand and contract freely while holding position there within [the groove].” Col. 4:11-15.

The meaning of “encircling elastic band,” therefore, is “a replaceable elastic strapping that fully encircles the wallet within a channeling means in at least one direction.”

1 **C. CONCLUSION**

2 Ridge's proposed constructions rely only on intrinsic evidence such as the
3 claims or express statements made by Ridge during prosecution of the '808 patent.
4 Mosaic improperly first looks to extrinsic evidence, then attempts to find support for
5 its position in the intrinsic record. This is expressly the incorrect way to go about
6 claim construction. *Vitronics*, 90 F.3d at 1583. Ridge asks that the Court adopt its
7 proposed constructions and reject Mosaic's attempt to broaden the claims through
8 non-construction.

9
10 February 12, 2021

/s/ Jonathan Pearce

Jonathan Pearce

SoCal IP Law Group LLP

Attorneys for The Ridge Wallet LLC

EXHIBIT H

1 Stephen M. Lobbin (SBN 181195)
sml@smlavvocati.com
2 Austin J. Richardson (SBN 319807)
ajr@smlavvocati.com
3 **SML AVVOCATI P.C.**
888 Prospect Street Suite 200
4 San Diego, CA 92037
Tel: 949.636.1391

5 Attorneys for Plaintiff

6
7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **WESTERN DIVISION**

10 **Mosaic Brands, Inc.**, a Delaware
11 corporation,

12 Plaintiff,

13 v.

14 **The Ridge Wallet LLC**, a California
15 company,

16 Defendant.

Case No. 2:20-cv-04556-AB-JC

**PLAINTIFF'S RESPONSE CLAIM
CONSTRUCTION BRIEF**

Date: February 26, 2021

Time: 10:00 a.m.

Ctrm: 7B

Honorable André Birotte Jr.

17
18 Plaintiff Mosaic Brands, Inc. d/b/a Storus ("Storus") respectfully submits the
19 following claim construction brief for Defendant Ridge's patent-in-suit, U.S. Patent
20 No. 10,971,808 ("the '808 patent"). See ECF No. 74 at 2; ECF No. 83-1.

21 **Introduction and Summary**

22 The '808 claims a static, mechanical "Wallet." Ridge proposes to replace
23 straightforward claim terms with unnecessary, "plain and ordinary" definitions,
24 which would only interject confusion into the already unambiguous terms of the
25 asserted claims. For this reason alone, Ridge's proposals should be rejected.

26 **Law of Claim Construction**

27 The claims of a patent define the invention to which the patentee is entitled
28 the right to exclude. See *In re Gabapentin Patent Litig.*, 503 F.3d 1254, 1263 (Fed.

1 Cir. 2007). Words of a claim are typically given their ordinary and customary
2 meaning. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en
3 banc). There is a heavy presumption in favor of the ordinary meaning of claim
4 language as understood by one of skill in the art. *See Elbex Video Ltd. v.*
5 *Sensormatic Elecs. Corp.*, 508 F.3d 1366, 1371 (Fed. Cir. 2007). “[T]he context in
6 which a term is used in the asserted claim can be highly instructive” and, thus, the
7 “claims themselves provide substantial guidance as to the meaning of particular
8 claim terms.” *Phillips*, 415 F.3d at 1314. The Court interprets claims in view of the
9 specification, which “is the single best guide to the meaning of a disputed term.” *Id.*

10 The “ordinary meaning” of a claim term only could be insufficient in just four
11 limited circumstances, where: (1) the patentee acted as her own lexicographer;¹ (2)
12 the patentee clearly distinguished the term from prior art on the basis of a particular
13 embodiment or expressly disclaimed subject matter; (3) the term chosen by the
14 patentee so deprives the claim of clarity as to require resort to the other intrinsic
15 evidence for a definite meaning; or (4) as a matter of statutory authority, the claim
16 term may cover nothing more than the corresponding structure or step disclosed in
17 the specification, as well as equivalents thereto, if the patentee phrased the claim
18 term in step- or means-plus function language. *See CCS Fitness, Inc. v. Brunswick*
19 *Corp.*, 288 F.3d 1359, 1366-67 (Fed. Cir. 2002).

20 A claim limitation is presumed to invoke 35 U.S.C. 112(f) when it explicitly
21 uses the term “means” or “step,” and includes functional language. The
22 presumption that 35 U.S.C. 112(f) applies is overcome only when the limitation
23 further includes the structure, material or acts necessary to perform the recited
24 function. *See TriMed, Inc. v. Stryker Corp.*, 514 F.3d 1256, 1259-60, 85 USPQ2d
25 1787, 1789 (Fed. Cir. 2008) (“Sufficient structure exists when the claim language

26
27 ¹ A patentee acts as his or her own lexicographer when the patentee clearly gives a
28 “special definition” to a claim term that differs from the meaning it would otherwise
possess. *See Schoenhaus v. Genesco, Inc.*, 440 F.3d 1354, 1358 (Fed. Cir. 2006).

1 specifies the exact structure that performs the function in question without need to
2 resort to other portions of the specification or extrinsic evidence for an adequate
3 understanding of the structure.”); *see also Altiris, Inc. v. Symantec Corp.*, 318 F.3d
4 1363, 1376 (Fed. Cir. 2003).

5 When the ordinary meaning is confirmed as the proper construction for a
6 claim term (*i.e.*, the inventor has not imparted a “novel meaning” to the term), a
7 court need not provide a further “construction.” *See, e.g., ActiveVideo Networks,*
8 *Inc. v. Verizon Commc’ns, Inc.*, 694 F.3d 1312, 1325 (Fed. Cir. 2012) (“The district
9 court did not err in concluding that these terms have plain meanings that do not
10 require additional construction.”); *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d
11 1376, 1381 (Fed. Cir. 2011) (affirming district court’s holding that “no construction
12 was necessary because the meaning was clear” for claim phrase “operating in
13 conjunction with said processor to execute said application and said libraries to
14 facilitate data collection operations”); *Finjan, Inc. v. Secure Computing Corp.*, 626
15 F.3d 1197, 1206-07 (Fed. Cir. 2010) (affirming jury instruction to “give . . . words
16 in the claims their ordinary meaning” where “defendant’s proposed construction
17 would unjustifiably narrow the term’s broad scope, which was not explicitly limited
18 or redefined by the specification”).

19 **Claim Term/Phrase 1: “auxiliary feature”**

20 Ridge contends that an “auxiliary feature” is “a removable external feature,
21 such as a money clip or windowed envelope, attached to a rigid plate by a tang.”
22 However, it is clear from the specification that an “auxiliary feature” follows its
23 plain and ordinary meaning, as it is just a “prominent, additional characteristic.” *See*
24 *Ex. A* (submitted herewith). Furthermore, the proposed construction adds
25 limitations already present in the claims into the definition of the claim term.

26 “Auxiliary” is defined as “1. additional; supplementary; reserve: an auxiliary
27 police force.” *Auxiliary* WEBSTER’S ENCYCLOPEDIA UNABRIDGED DICTIONARY OF
28

1 THE ENGLISH LANGUAGE (1st ed. 2001). “Feature” is defined as “1. a prominent or
2 conspicuous part or characteristic: Tall buildings were a new feature on the skyline.”
3 *Feature* WEBSTER’S ENCYCLOPEDIA UNABRIDGED DICTIONARY OF THE ENGLISH
4 LANGUAGE (1st ed. 2001). Therefore, the plain and ordinary meaning of “auxiliary
5 feature” is “a prominent additional characteristic.”

6 The “auxiliary feature” is discussed several times in the ‘808 patent
7 specification. It is shown in Figures 4, 11, 12 and 13 as a money clip. This money
8 clip is prominent and it serves an additional function—that is, it allows a user to
9 hold money. The specification also discusses a “windowed envelope 32” as an
10 auxiliary feature. ‘808 patent at 5:19-21. A windowed envelope would also be a
11 prominent additional characteristic, and it would not be unreasonable for a person of
12 ordinary skill in the art to develop other auxiliary features, such as a memory card
13 holder for smaller objects. The specification does not limit the scope of what an
14 “auxiliary feature” is or could be. Therefore, the plain and ordinary meaning of
15 “auxiliary feature” should be adopted, as the patent only uses “auxiliary feature” in
16 its plain and ordinary meaning.

17 **Claim Term/Phrase 2: “hook”**

18 Ridge’s proposed construction for “hook” is “a portion of the tang of the
19 auxiliary feature that extends at an angle from the tang and engages an undercut to
20 prevent dislodgment of the auxiliary feature from the recess.” This proposal
21 unnecessarily complicates the definition of “hook” by adding claim limitations to
22 the definition of “hook” itself, despite the fact that the term “hook” throughout the
23 patent is referring simply to an ordinary hook.

24 “Hook” is defined as “1. a curved or angular piece of metal or other hard substance
25 for catching, pulling, holding or suspending something.” *Hook* WEBSTER’S
26 ENCYCLOPEDIA UNABRIDGED DICTIONARY OF THE ENGLISH LANGUAGE (1st ed.
27 2001). The hook is shown most prominently in Figure 12, which clearly shows that
28

1 the “hook” is an angular piece of metal. The hook is described in the specification
2 as “[t]he hook 36 engages the undercut 35 to prevent inadvertent dislodgement of
3 the auxiliary feature 30 when attached to the compact wallet 1.” ‘808 patent at 5:27-
4 31. The hook is clearly described as an angular piece of metal for holding the
5 auxiliary feature. “Hook” is clearly being used in its plain and ordinary meaning
6 throughout the patent, and therefore the Court should adopt the plain and ordinary
7 meaning for “hook.”

8 **Claim Term/Phrase 3: “undercut”**

9 Ridge’s proposed construction: “a portion of the recess in the material making
10 up one of the rigid plates that engages with a part of an auxiliary feature to prevent
11 inadvertent dislodgement of the auxiliary feature from the recess” merely adds
12 limitations within the claims, despite the fact that “undercut” is used in its plain and
13 ordinary meaning throughout the specification.

14 “Undercut” is defined as “2. to cut away material so as to leave a portion
15 overhanging, as in carving or sculpture.” *Undercut* WEBSTER’S ENCYCLOPEDIA
16 UNABRIDGED DICTIONARY OF THE ENGLISH LANGUAGE (1st ed. 2001). The
17 specification is clearly describing an overhang that is left after carving out a portion
18 of the panel to fit the hook. The “undercut” is shown in Figure 13 is clearly an
19 overhang that was left after carving. The undercut is described as, “the recess 34
20 has an undercut 35 and the tang 33 (not shown in this portion of Figure 13) hook 36
21 (Figure 12). The hook 36 engages the undercut 35 to prevent inadvertent
22 dislodgement of the auxiliary feature 30 when attached to the compact wallet 1.”
23 ‘808 patent at 5:27-31. The undercut in the recess is clearly an overhang left after
24 carving out the recess. The quoted Office Action response also demonstrates that
25 the undercut is just an ordinary undercut left when cutting out the recess, as such the
26 term “undercut” is only being used in its plain and ordinary meaning.
27
28

1 Therefore the plain and ordinary meaning of “undercut” should be adopted, as
2 the patent only uses “undercut” in its plain and ordinary meaning.

3 **Claim Term/Phrase 4: “channeling means”**

4 Contrary to Ridge’s assertion, the term “channeling means” is not a means-
5 plus-function element because the term “means” is modified by sufficient structure
6 for performing the claimed function, in this case “channeling.” A person of
7 ordinary skill in the art would understand the structure of a “channeling means”
8 because a “channeling means” typically has only one structure: a channel.

9 In terms of structure, a “channel” is defined as “8. a groove or furrow,” and
10 “channeling” is defined as “21. to form a channel in; groove.” *Channel* WEBSTER’S
11 ENCYCLOPEDIA UNABRIDGED DICTIONARY OF THE ENGLISH LANGUAGE (1st ed.
12 2001). Therefore a person of ordinary skill would understand that a “channeling
13 means” relates to a specific structure, a channel formed in the wallet that holds a
14 portion of the elastic band. This is also consistent with the specification, as Figure 8
15 depicts a channel or groove, and the structure disclosed in the specification is “a
16 longitudinal groove in a first lamina of a laminate construction of each rigid plate.
17 The groove slidably receives one part of the at least one encircling elastic band.”
18 ‘808 patent at 2:61-64. Therefore, the term channeling means is not a means-plus-
19 function element, and the Court should adopt the plain and ordinary meaning.

20 **Claim Term/Phrase 5: “encircling elastic band”**

21 Once again, Ridge’s proposed claim construction merely adds limitations
22 within the claims, despite the fact that the term is used in its plain and ordinary
23 meaning throughout the specification.

24 “Encircling” is defined as “1. to form a circle around; surround; encompass:
25 to encircle an enemy.” *Encircle* WEBSTER’S ENCYCLOPEDIA UNABRIDGED
26 DICTIONARY OF THE ENGLISH LANGUAGE (1st ed. 2001). “Band” is defined as “1. a
27 thin, flat strip of some material for binding, confining, trimming, protecting, etc.: a
28

1 band on each bunch of watercress.” *Band*² WEBSTER’S ENCYCLOPEDIA UNABRIDGED
2 DICTIONARY OF THE ENGLISH LANGUAGE (1st ed. 2001). Therefore, an “encircling
3 elastic band” has the plain and ordinary meaning of “an encompassing thin, flat strip
4 of elastic for binding.” This is what is described in the specification: “The
5 sandwiched composite [of the two ridge plates] is bound by at least one encircling
6 elastic band 4. The encircling elastic band 4 holds the card-like contents 2 securely
7 by means of compression, while also expanding elastically to open space between
8 the rigid plates.” ‘808 patent at 3:61-65. The depiction of the encircling elastic
9 band in Figures 9 and 13 simply depict an encompassing thin, flat strip of elastic for
10 binding.

11 Therefore, the plain and ordinary meaning of “encircling elastic band” should
12 be adopted, as the patent only uses “encircling elastic band” according to its plain
13 and ordinary meaning.

14 CONCLUSION

15 For each of the foregoing reasons, Plaintiff Storus respectfully requests
16 favorable consideration of the foregoing points and authorities, and for this Court to
17 (a) adopt the plain and ordinary meaning for all terms of the ‘808 patent, and (b)
18 decline to adopt Ridge’s other proposed claim construction constraints, which are
19 unjustified based on the intrinsic evidence or otherwise.

21 Respectfully submitted,

22 Dated: February 5, 2021

SML Avvocati P.C.

24 By: /s/ Stephen M. Lobbin
Attorneys for Plaintiff

PROOF OF SERVICE

I hereby certify that on February 5, 2021, I electronically transmitted the foregoing document using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies have been served on those indicated as non-registered participants.

Dated: February 5, 2021

/s/ Stephen M. Lobbin

EXHIBIT I

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Civil Action No. 1:23-cv-00407-CNS-SP

THE RIDGE WALLET LLC,

Plaintiff,

v.

2985, LLC D/B/A MOUNTAIN VOYAGE COMPANY, LLC,

Defendant.

JOINT DISPUTED CLAIM TERMS CHART

Pursuant to the District of Colorado Local Patent Rule 14, D.C.Colo.LPtR 14, and the Court’s Scheduling Order, Dkt. No. 32 (Apr. 6, 2023), Plaintiff The Ridge Wallet LLC (“Ridge” or “Plaintiff”) and Defendant 2985 LLC d/b/a Mountain Voyage Company, LLC (“Mountain Voyage” or “Defendant”) respectfully submit this Joint Disputed Claim Terms Chart of claim terms to be construed and each party’s proposed constructions for asserted claims 1, 6, 7, 12, 13, 14, 18, 19, 20, and 21 of United States Patent No. 10,791,808 (the “’808 Patent”).

U.S. Patent No. 10,791,808 (the “’808 Patent”)

Claim Term (Asserted Independent Claims)	Plaintiff’s Proposed Constructions	Defendant’s Proposed Constructions
“channeling means” (claim 1)	The term is a means-plus-function term governed by 35 U.S.C. § 112(f). <u>Function:</u> To minimize the profile of the wallet and hold position of the at least one encircling band with respect to each rigid plate while allowing freedom for the	The term is a means-plus-function term governed by 35 U.S.C. § 112(f). <u>Function:</u> To minimize the profile of the wallet and hold position of the at least one encircling band with respect to each rigid plate while allowing freedom for the

	dynamic extension and contraction of the band over the entire running length thereof. <u>Structure:</u> A groove spanning the extent of one or more of the rigid plates or a longitudinal bore through one or more of the rigid plates. <u>Extrinsic Evidence:</u> Definition of “channeling means” adopted by the International Trade Commission in <i>Certain Compact Wallets and Components Thereof</i>, ITC Inv. No. 337-TA-1355, Order No. 14, Construing Certain Claim Terms, at 6-7 (Aug. 21, 2023)	dynamic extension and contraction of the band over the entire running length thereof. <u>Structure:</u> A groove spanning the extent of one or more of the rigid plates or a longitudinal bore through each rigid plate. <u>Intrinsic Evidence:</u> '808 Patent col. 2, lns. 61-67; col. 4, lns. 9-19; FIG. 8; and FIG. 13 along with the associated text. <u>Extrinsic Evidence:</u> This is the definition of “channeling means” adopted by the California Central District Court regarding the '808 Patent in case 2:20-cv-04556, <i>Mosaic Brands, Inc. v. The Ridge Wallet LLC</i>.
“recess” (claims 1, 14, 19)	Plain and ordinary meaning	“A groove with a sidewall that is adjacent to the longitudinally extending groove.” <u>Intrinsic Evidence:</u> '808 Patent col. 5, lns. 22-31; and FIG. 13 along with the associated text. <u>Extrinsic Evidence:</u> McGraw-Hill Dictionary of Scientific & Technical Terms, 6th Edition (defining “recess” as “a surface groove or depression”). Handbook of Mechanical Engineering Terms by K.K. Ramalingam (defining “recess” as “a groove cut below the normal surface of a workpiece”).

“hook” (claims 1, 14, 19, 20)	Plain and ordinary meaning Extrinsic Evidence: Definition of “hook” adopted by the International Trade Commission in <i>Certain Compact Wallets and Components Thereof</i>, ITC Inv. No. 337-TA-1355, Order No. 14, Construing Certain Claim Terms, at 7 (Aug. 21, 2023)	“A device that abruptly changes direction from a trunk section to define a ledge for catching or holding.” Intrinsic Evidence: ’808 Patent FIG. 12 (<i>e.g.</i>, reference numeral 36) along with the associated text. Extrinsic Evidence: Engineering Network: Engineering Dictionary (defining “hook” as “an abrupt deviation from straightness”).
“undercut” (claims 1, 14, 19, 20)	Plain and ordinary meaning Extrinsic Evidence: Definition of “hook” adopted by the International Trade Commission in <i>Certain Compact Wallets and Components Thereof</i>, ITC Inv. No. 337-TA-1355, Order No. 14, Construing Certain Claim Terms, at 7 (Aug. 21, 2023)	“A cut away portion of the sidewall of the recess” Intrinsic Evidence: ’808 Patent FIG. 13 (<i>e.g.</i>, reference numeral 35) along with the associated text.

Dated: September 21, 2023

/s/ Michael J. Garvin

Michael J. Garvin
VORYS, SATER, SEYMOUR & PEASE LLP
200 Public Square, Suite 1400
Cleveland, OH 44114
Tel: (216) 479-6100
mjgarvin@vorys.com

Jacob M. Busch
MOUNTAIN VOYAGE CO.
2985 Xenon St.
Wheat Ridge, Colorado 80215
Tel.: (330) 241-1800
jake@mountainvoyageco.com

*Attorneys for Defendant 2985 LLC d/b/a
Mountain Voyage Company, LLC*

Respectfully submitted,

/s/ Caroline M. Vermillion

George C. Summerfield (*phv*
forthcoming)
K&L GATES LLP
70 W. Madison, Suite 3100
Chicago, IL 60602
Tel: (312) 807-4376
George.Summerfield@klgates.com

Caroline M. Vermillion
K&L GATES LLP
599 Lexington Ave.
New York, NY 10022
Tel: (212) 536-3987
Fax: (212) 536-9001
Caroline.Vermillion@klgates.com

Aurora Temple Barnes
K&L GATES LLP
1717 Main Street, Suite 2800
Dallas, TX 75201
Tel: (214) 939-5627
Aurora.Barnes@klgates.com

*Attorneys for Plaintiff The Ridge
Wallet LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on September 21, 2023.

/s/ Caroline Vermillion
Caroline Vermillion

EXHIBIT J



definitions undercut



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undercut

[*verb* uhn-der-**kuht**, **uhn**-der-kuht; *noun, adjective*, **uhn**-der-kuht]

[Examples](#) [Word Origin](#)

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verb (used with object), undercut, undercutting.

1. to cut under or beneath.
2. to cut away material from so as to leave a portion overhanging, as in carving or sculpture.
3. to offer goods or services at a lower price or rate than (a competing price or rate) or than that of (a competitor).
4. to weaken or destroy the impact or effectiveness of; undermine.
5. *Golf.* to hit (the ball) so as to cause a backspin.
6. *Tennis.* to slice (the ball) using an underhand motion.
7. to cut (a sound recording) with grooves too shallow or with insufficient lateral motion of the stylus.

verb (used without object), undercut, undercutting.

9. to undercut material, a competitor, a ball, etc.

 Word of the Day

 Difficulty index for under-cut



Some English speakers likely know this word

 Word Value for undercut



Feedback

11

Scrabble

15

Words With Friends

noun

10. a cut or a cutting away underneath.

11. a notch cut in a tree to determine the direction in which the tree is to fall and to prevent splitting.

12. *Golf.* a backspin.

13. *Tennis.* a slice or cut made with an underhand motion.

14. *Chiefly British.* a tenderloin of beef including the fillet.

15. *Dentistry.* a tooth cavity prepared with a wide base for anchoring a filling securely.

adjective

16. having or resulting from an undercut.



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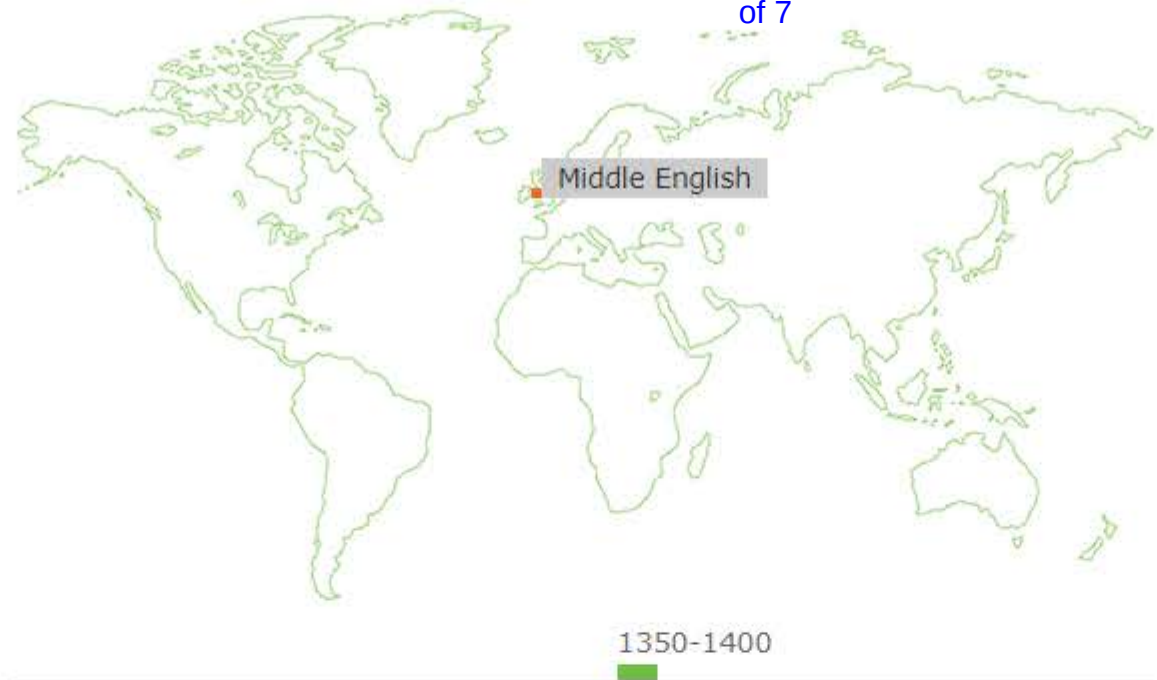
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Origin of undercut





1350-1400; Middle English *undercutten* to cut down; see [under-](#), [cut](#)

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Examples from the Web for undercut



Contemporary Examples

Carnage and slaughter on a grand scale ground down prevailing notions of the good death and *undercut* belief in divine providence.



The Best Civil War Books

Malcolm Jones

April 14, 2011

Unfortunately for the president, the drive was *undercut* by skeptical comments from leading Democrats, including Bill Clinton.



Obama Misses Mark on Massachusetts

Howard Kurtz

June 3, 2012

As anyone who cares must already know, five nights of Leno could *undercut* local news on the network affiliates.



Hollywood vs. Leno

Kim Masters

September 12, 2009

British Dictionary definitions for undercut

undercut

verb (ˌʌndəˈkʌt ; ˈʌndəˌkʌt) **-cuts, -cutting, -cut**

1. to charge less than (a competitor) in order to obtain trade
2. to cut away the under part of (something)
3. (**sport**) to hit (a ball) in such a way as to impart backspin

noun (ˈʌndəˌkʌt)

4. the act or an instance of cutting underneath
5. a part that is cut away underneath
6. a tenderloin of beef, including the fillet





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Word Origin and History for undercut

v.
late 14c., "to cut down or off," from [under](#) + [cut](#) (v.). In the commercial sense of "to sell at lower prices" (or work at lower wages) it is first attested 1884. Figurative sense of "render unstable, undermine" is recorded from 1955, from earlier literal meaning "cut so as to leave the upper portion larger than the lower" (1874).

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