

**U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:23-cv-00407-CNS-SBP**

Ridge Wallet LLC, The v. Mountain Voyage Company LLC
Assigned to: Judge Charlotte N. Sweeney
Referred to: Magistrate Judge Susan Prose
Cause: 35:271 Patent Infringement

Date Filed: 02/10/2023
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Ridge Wallet, LLC, The

represented by **Amanda C. Maxfield**
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V.

Defendant

Mountain Voyage Company LLC

represented by **Jacob Mikel Busch**
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Counter Defendant

Ridge Wallet, LLC, The

represented by **Benjamin Edward Weed**
(See above for address)
ATTORNEY TO BE NOTICED

Gina A. Johnson
(See above for address)
ATTORNEY TO BE NOTICED

Aurora Temple Barnes
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Mountain Voyage Company LLC

represented by **Jacob Mikel Busch**
(See above for address)
ATTORNEY TO BE NOTICED

Michael John Garvin
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Mountain Voyage Company LLC

represented by **Jacob Mikel Busch**
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ATTORNEY TO BE NOTICED

Michael John Garvin
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ATTORNEY TO BE NOTICED

V.

Counter Defendant

Ridge Wallet, LLC, The

represented by **Amanda C. Maxfield**
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ATTORNEY TO BE NOTICED

Benjamin Edward Weed
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Aurora Temple Barnes
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/10/2023	<u>1</u>	COMPLAINT for Patent Infringement against Mountain Voyage Company LLC (Filing fee \$ 402,Receipt Number ACODC-8934615)Attorney Aurora Temple Barnes added to party The Ridge Wallet LLC(pty:pla), filed by The Ridge Wallet LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Civil Cover Sheet)(Barnes, Aurora) (Entered: 02/10/2023)
02/10/2023	<u>2</u>	SUMMONS REQUEST as to Mountain Voyage Company, LLC by Plaintiff The Ridge Wallet LLC. (Barnes, Aurora) (Entered: 02/10/2023)
02/10/2023	<u>3</u>	CORPORATE DISCLOSURE STATEMENT. (Barnes, Aurora) (Entered: 02/10/2023)
02/10/2023	<u>4</u>	NOTICE of Reporting on the Filing of an Action Regarding a Patent by Plaintiff The Ridge Wallet LLC (Barnes, Aurora) (Entered: 02/10/2023)
02/10/2023	<u>5</u>	Report re Patent/Trademark: Report on the filing of an action emailed (NEF) to the Director of the U.S. Patent and Trademark Office. (blaws) (Entered: 02/13/2023)
02/10/2023	<u>6</u>	Case assigned to Magistrate Judge Scott T. Varholak. Text Only Entry. (blaws) (Entered: 02/13/2023)
02/13/2023	<u>7</u>	SUMMONS issued by Clerk. (Attachments: # <u>1</u> Magistrate Judge Consent Form) (blaws) (Entered: 02/13/2023)
02/14/2023	<u>8</u>	ORDER SETTING DEADLINE FOR FILING ELECTION CONCERNING CONSENT/NON-CONSENT TO MAGISTRATE JURISDICTION FORM AND SETTING SCHEDULING CONFERENCE by Magistrate Judge Scott T. Varholak on 14 February 2023. Consent Form due by 3/23/2023. Proposed Scheduling Order due 3/30/2023. Scheduling Conference set for 4/6/2023 09:00 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. (cmadr,) (Entered: 02/14/2023)
02/20/2023	<u>9</u>	ADVISORY NOTICE TO ATTORNEY AND COURT: Aurora Temple Barnes failed to pay the 2022 Biennial Fee. Under D.C.COLO.LAttyR 3(a) and District Court General Order 2022-7, counsel was administratively removed from the court's attorney roll. Counsel must submit another bar application though PACER, pay the application fee, and, upon reinstatement, file a Notice of Entry of Appearance to continue as counsel of record in this case. Please visit and fully review the 2022 Biennial Renewal Fee page before contacting the court for assistance: Biennial / Renewal Fee Information US District Court of Colorado (uscourts.gov). (Text Only Entry) (mfred) (Entered: 02/20/2023)
02/24/2023	<u>10</u>	NOTICE of Entry of Appearance by Aurora Temple Barnes on behalf of Ridge Wallet, LLC, The (Barnes, Aurora) (Entered: 02/24/2023)
02/24/2023	<u>11</u>	ERRATA re <u>1</u> Complaint,, by Plaintiff Ridge Wallet, LLC, The. (Barnes, Aurora) (Entered: 02/24/2023)
02/24/2023	<u>12</u>	NOTICE of Entry of Appearance by Benjamin Edward Weed on behalf of Ridge Wallet, LLC, TheAttorney Benjamin Edward Weed added to party Ridge Wallet, LLC, The(pty:pla) (Weed, Benjamin) (Entered: 02/24/2023)

02/24/2023	<u>13</u>	NOTICE of Entry of Appearance by Gina A. Johnson on behalf of Ridge Wallet, LLC, TheAttorney Gina A. Johnson added to party Ridge Wallet, LLC, The(pty:pla) (Johnson, Gina) (Entered: 02/24/2023)
03/13/2023	<u>14</u>	NOTICE of Entry of Appearance by Michael John Garvin on behalf of Mountain Voyage Company LLCAttorney Michael John Garvin added to party Mountain Voyage Company LLC(pty:dft) (Garvin, Michael) (Entered: 03/13/2023)
03/15/2023	<u>15</u>	NOTICE re <u>7</u> Summons Issued, <u>1</u> Complaint,, <i>Defendant's Acceptance of Service</i> by Plaintiff Ridge Wallet, LLC, The (Barnes, Aurora) (Entered: 03/15/2023)
03/17/2023	<u>16</u>	NOTICE of Entry of Appearance by Jacob Mikel Busch on behalf of Mountain Voyage Company LLCAttorney Jacob Mikel Busch added to party Mountain Voyage Company LLC(pty:dft) (Busch, Jacob) (Entered: 03/17/2023)
03/17/2023	<u>17</u>	<i>Defendant Mountain Voyage Company's ANSWER to 1 Complaint,, Affirmative Defenses and, COUNTERCLAIM to Plaintiff's Complaint</i> against Mountain Voyage Company LLC by Mountain Voyage Company LLC.(Garvin, Michael) (Entered: 03/17/2023)
03/20/2023	<u>18</u>	CONSENT to Jurisdiction of Magistrate Judge by Plaintiff Ridge Wallet, LLC, The All parties do not consent.. (Barnes, Aurora) (Entered: 03/20/2023)
03/21/2023	19	CASE REASSIGNED pursuant to <u>18</u> Consent to Jurisdiction of Magistrate Judge. All parties do not consent. This case is randomly reassigned to Judge Charlotte N. Sweeney and drawn to Magistrate Judge Scott T. Varholak. All future pleadings should be designated as 23-cv-00407-CNS. (Text Only Entry) (cmadr,) (Entered: 03/21/2023)
03/21/2023	20	ORDER REFERRING CASE to Magistrate Judge Scott T. Varholak for non-dispositive matters . Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of Local Civ. R. 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non-dispositive motions, (4) pursuant to Local Civ. R. 16.6 and at the discretion of the Magistrate Judge, convene such early neutral evaluation and/or settlement conferences and direct related procedures as may facilitate resolution of this case without the necessity of a motion or prior authorization of the undersigned. by Judge Charlotte N. Sweeney on 3/21/2023. Text Only Entry (cnssec.) (Entered: 03/21/2023)
03/27/2023	<u>21</u>	Joint MOTION for Protective Order by Plaintiff Ridge Wallet, LLC, The. (Attachments: # <u>1</u> Exhibit 1 – Proposed Protective Order, # <u>2</u> Exhibit 2 – Proposed Order)(Barnes, Aurora) (Entered: 03/27/2023)
03/28/2023	<u>22</u>	CORPORATE DISCLOSURE STATEMENT. (Garvin, Michael) (Entered: 03/28/2023)
03/28/2023	23	MEMORANDUM regarding <u>21</u> Joint MOTION for Protective Order. Motion <u>21</u> is referred to Magistrate Judge Scott T. Varholak, by Judge Charlotte N. Sweeney on 3/28/2023. Text Only Entry (cnssec.) (Entered: 03/28/2023)
03/29/2023	<u>24</u>	Joint MOTION to Substitute Party by Plaintiff Ridge Wallet, LLC, The. (Barnes, Aurora) (Entered: 03/29/2023)
03/29/2023	25	MEMORANDUM regarding <u>24</u> Joint MOTION to Substitute Party. Motion <u>24</u> is referred to Magistrate Judge Scott T. Varholak, by Judge Charlotte N. Sweeney on 3/29/2023. Text Only Entry (cnssec.) (Entered: 03/29/2023)
03/30/2023	26	ORDER granting <u>21</u> Joint Motion for Protective Order. The Court will enter the protective order proposed by the parties, with amendments to paragraphs 19 and 20, made to conform with Magistrate Judge Varholak's Civil Practice Standards regarding discovery disputes and the Local Rules regarding the public filing of confidential information. SO ORDERED, by Magistrate Judge Scott T. Varholak on 3/30/2023. Text Only Entry(stvlc4,) (Entered: 03/30/2023)

03/30/2023	<u>27</u>	ORDER This matter is before the Court on <u>24</u> Joint Motion to Substitute Party (the "Motion"). Because the currently named Defendant, Mountain Voyage Company LLC ("Mountain Voyage"), is a d/b/a for the entity 2985, LLC ("2985"), the Motion seeks to remove Mountain Voyage as a party and add 2985 as a party, under Rule 21. However, the Court determines that this request requires the submission of an amended complaint under Rule 15. <i>See Saban v. Lake Oswego Police Dep't</i> , No. 3:19-CV-1882-JR, 2021 WL 5066184, at *5 (D. Or. May 19, 2021) ("Rule 21 was not promulgated to grant relief to a plaintiff who sues the wrong party, but instead to a plaintiff who either sues too many parties, or not enough parties. Plaintiffs should have sought leave to amend which they failed to do." (citing <i>United States v. Swink</i> , 41 F. Supp. 98, 101 (E.D. Va. 1941)), <i>report and recommendation adopted</i> , No. 3:19-CV-01882-JR, 2021 WL 5053287 (D. Or. Oct. 30, 2021). Accordingly, the Court DENIES the Motion and INSTRUCTS Plaintiff to submit an amended complaint pursuant to the procedures applicable under Federal Rule of Civil Procedure 15 and D.C.COLO.LCivR 15.1 on or before 4/7/2023. SO ORDERED, by Magistrate Judge Scott T. Varholak on 3/30/2023. Text Only Entry(stvlc4,) (Entered: 03/30/2023)
03/30/2023	<u>28</u>	PROTECTIVE ORDER by Magistrate Judge Scott T. Varholak on 30 March 2023. (cmadr,) (Entered: 03/30/2023)
03/30/2023	<u>29</u>	Proposed Scheduling Order <i>in a Patent Case</i> by Plaintiff Ridge Wallet, LLC, The. (Barnes, Aurora) (Entered: 03/30/2023)
04/05/2023	<u>30</u>	NOTICE of Entry of Appearance of <i>Amanda C. Maxfield</i> by Aurora Temple Barnes on behalf of Ridge Wallet, LLC, The (Barnes, Aurora) (Entered: 04/05/2023)
04/06/2023	<u>31</u>	MINUTE ENTRY for Scheduling Conference held before Magistrate Judge Scott T. Varholak on 4/6/2023. The parties shall email Judge Sweeneys chambers to obtain a date for a Markman Hearing. Invalidity Contentions due 6/15/2023. Infringement Contentions due 5/4/2023. Joint Disputed Claim Term Chart due 9/21/2023. FTR: A402. (morti,) (Entered: 04/06/2023)
04/06/2023	<u>32</u>	SCHEDULING ORDER: by Magistrate Judge Scott T. Varholak on 4/6/2023. (morti,) (Entered: 04/06/2023)
04/06/2023	<u>33</u>	NOTICE of Entry of Appearance by Amanda C. Maxfield on behalf of Ridge Wallet, LLC, The Attorney Amanda C. Maxfield added to party Ridge Wallet, LLC, The(pty:pla) (Maxfield, Amanda) (Entered: 04/06/2023)
04/06/2023	<u>34</u>	NOTICE of Filing Amended Pleading <i>First Amended Complaint For Patent Infringement And Jury Demand</i> by Plaintiff Ridge Wallet, LLC, The (Attachments: # <u>1</u> Exhibit A – First Amended Complaint (Clean Version), # <u>2</u> Exhibit 1 – to First Amended Complaint, # <u>3</u> Exhibit 2 – to First Amended Complaint, # <u>4</u> Exhibit 3 – to First Amended Complaint, # <u>5</u> Exhibit 4 – to First Amended Complaint, # <u>6</u> Exhibit 5 – to First Amended Complaint, # <u>7</u> Exhibit 6 – to First Amended Complaint, # <u>8</u> Exhibit 7 – to First Amended Complaint, # <u>9</u> Exhibit 8 – to First Amended Complaint, # <u>10</u> Exhibit 9 – to First Amended Complaint, # <u>11</u> Exhibit 10 – to First Amended Complaint, # <u>12</u> Exhibit 11 – to First Amended Complaint, # <u>13</u> Exhibit 12 – to First Amended Complaint, # <u>14</u> Exhibit 13 – to First Amended Complaint, # <u>15</u> Exhibit 14 – to First Amended Complaint, # <u>16</u> Exhibit 15 – to First Amended Complaint, # <u>17</u> Exhibit 16 – to First Amended Complaint, # <u>18</u> Exhibit 17 – to First Amended Complaint, # <u>19</u> Exhibit B – First Amended Complaint (Marked Up Version))(Barnes, Aurora) (Entered: 04/06/2023)
04/11/2023	35	MINUTE ORDER: A two-hour Markman Hearing is set for 2/22/2024 at 9:00 AM in Courtroom A 702 before Judge Charlotte N. Sweeney. By Judge Charlotte N. Sweeney on 4/11/2023. Text Only Entry (cnssec,) (Entered: 04/11/2023)
04/20/2023	<u>36</u>	<i>Defendant Mountain Voyage Company's ANSWER to Complaint Affirmative Defenses, COUNTERCLAIM</i> against Ridge Wallet, LLC, The by Mountain Voyage Company LLC.(Busch, Jacob) (Entered: 04/20/2023)
05/02/2023	<u>37</u>	ANSWER/REPLY to <u>36</u> Answer to Complaint, Counterclaim by Ridge Wallet, LLC, The.(Barnes, Aurora) (Entered: 05/02/2023)
05/03/2023	38	REASSIGNING MAGISTRATE JUDGE. This action is reassigned to Magistrate Judge Susan Prose upon her appointment. All future pleadings should reference

		Magistrate Judge Prose at the end of the civil action number (such as 23-cv-00407-CNS-SP). Unless otherwise ordered, the dates and times for all previously scheduled matters will be maintained and will now be handled by Magistrate Judge Prose in Courtroom C-205. Her chambers are located in Room C-254 of the Byron G. Rogers Courthouse. Her telephone number is 303-335-2722. (Text Only Entry) (sphil,) (Entered: 05/03/2023)
08/14/2023	<u>39</u>	NOTICE of Entry of Appearance by Caroline M. Vermillion on behalf of Ridge Wallet, LLC, TheAttorney Caroline M. Vermillion added to party Ridge Wallet, LLC, The(pty:pla) (Vermillion, Caroline) (Entered: 08/14/2023)
09/13/2023	<u>40</u>	NOTICE of Change of Address/Contact Information for <i>Jacob Busch</i> by Jacob Mikel Busch (Busch, Jacob) (Entered: 09/13/2023)
09/21/2023	<u>41</u>	Joint Disputed Claim Terms Chart .Claim Construction Brief due 10/23/2023 (Vermillion, Caroline) (Entered: 09/21/2023)
10/19/2023	<u>42</u>	BRIEF <i>Opening Claim Construction Brief</i> by Defendant Mountain Voyage Company LLC. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit Ex. A, # <u>3</u> Exhibit Ex. B, # <u>4</u> Exhibit Ex. C, # <u>5</u> Exhibit Ex. D, # <u>6</u> Exhibit Ex. E, # <u>7</u> Exhibit Ex. F, # <u>8</u> Exhibit Ex. G, # <u>9</u> Exhibit Ex. H, # <u>10</u> Exhibit Ex. I, # <u>11</u> Exhibit Ex. J)(Garvin, Michael) (Entered: 10/19/2023)
11/02/2023	<u>43</u>	NOTICE of Entry of Appearance by George C. Summerfield, I on behalf of Ridge Wallet, LLC, TheAttorney George C. Summerfield, I added to party Ridge Wallet, LLC, The(pty:pla) (Summerfield, George) (Entered: 11/02/2023)
11/09/2023	<u>44</u>	RESPONSE to <u>42</u> Brief, <i>re Claim Construction</i> by Plaintiff Ridge Wallet, LLC, The. (Attachments: # <u>1</u> Declaration of Benjamin Weed, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F)(Weed, Benjamin) (Entered: 11/09/2023)
11/09/2023	<u>45</u>	NOTICE of Change of Address/Contact Information by Benjamin Edward Weed (Weed, Benjamin) (Entered: 11/09/2023)
11/16/2023	<u>46</u>	REPLY to <u>44</u> Response, <i>Reply Claim Construction Brief</i> by Defendant Mountain Voyage Company LLC. (Attachments: # <u>1</u> Affidavit Declaration of Jacob Busch, # <u>2</u> Exhibit K – Hearing Transcript)(Garvin, Michael) (Entered: 11/16/2023)
12/01/2023	<u>47</u>	Joint Motion for Determination by Plaintiff Ridge Wallet, LLC, The. (Summerfield, George) (Entered: 12/01/2023)
01/23/2024	<u>48</u>	Unopposed MOTION for Hearing/Conference <i>rescheduling</i> by Defendant Mountain Voyage Company LLC. (Busch, Jacob) (Entered: 01/23/2024)
01/23/2024	49	ORDER granting <u>48</u> Unopposed Motion for Hearing/Conference Rescheduling. The Markman Hearing set for 2/22/2024 is VACATED. The Court orders that the parties jointly email Sweeney_Chambers@cod.uscourts.gov within one week to reschedule. By Judge Charlotte N. Sweeney on 1/23/2024. Text Only Entry(cnsja.) (Entered: 01/23/2024)
01/29/2024	50	MINUTE ORDER: The half-day Markman Hearing is reset for 3/14/2024 at 8:30 AM in Courtroom A 702 before Judge Charlotte N. Sweeney. By Judge Charlotte N. Sweeney on 1/29/2024. Text Only Entry (cnsja.) (Entered: 01/29/2024)
03/13/2024	51	MINUTE ORDER: Due to the severe weather conditions predicted within the next 24 to 48 hours, the half-day Markman Hearing set for tomorrow, 3/14/2024 is RESCHEDULED for 4/2/2024 at 8:30 AM before Judge Charlotte N. Sweeney. Additionally, the hearing will be held by video teleconference. The Court's staff will provide the parties with the connection information by email prior to the hearing. By Judge Charlotte N. Sweeney on 3/13/2024. Text Only Entry (cnsja.) (Entered: 03/13/2024)