

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

Civil Action No.1:23-cv-0407

THE RIDGE WALLET LLC,

Plaintiff,

v.

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

Defendant.

**PLAINTIFF THE RIDGE WALLET LLC'S RESPONSES AND OBJECTIONS TO
DEFENDANT 2985, LLC D/B/A MOUNTAIN VOYAGE COMPANY LLC'S FIRST SET
OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff, The Ridge Wallet LLC ("Plaintiff" and/or "Ridge"), by its attorneys, hereby responds and objects to Defendant 2985, LLC d/b/a Mountain Voyage Company, LLC's ("Defendant" and/or "Mountain Voyage") First Set of Interrogatories to Plaintiff (Nos. 1-15) (the "Interrogatories").

PRELIMINARY STATEMENT

Ridge's responses to the Interrogatories (the "Responses") are made without waiving or intending to waive, but on the contrary, intending to preserve and preserving: (1) all questions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the responses or subject matter thereof, in any subsequent proceeding or at trial or any other action; (2) the right to object on any ground to the use of said responses or the subject matter thereof, in any subsequent proceeding or at trial or any other action; and (3) the right to object on any ground

objects to this Interrogatory as premature to the extent it seeks expert disclosures, which are not yet due per the Court's Scheduling Order.

Notwithstanding the above, Ridge responds that the Asserted Claims are presumed valid, including under 35 U.S.C. § 112, and that Mountain Voyage has not challenged that presumption and has waived its right to do so.

Interrogatory No. 7:

For each claim of the '808 Patent identified in Your Infringement Contentions, served May 4, 2023, and any subsequent amendments thereto, identify each objective indicia and/or secondary consideration of non-obviousness having a nexus to that claim and the element(s) of the claim to which such objective indicia and/or secondary consideration pertain(s).

Response to Interrogatory No. 7:

Ridge hereby incorporates its preliminary statement and general objections as though they are fully restated herein. Ridge further objects to the extent this Interrogatory seeks attorney client privileged, common interest privileged, or attorney work product information. Ridge further objects to this Interrogatory to the extent it seeks a legal conclusion. Ridge further objects to this Interrogatory as premature to the extent it seeks expert disclosures, which are not yet due per the Court's Scheduling Order.

Subject to and without waiving these objections, Ridge responds that the astronomical success of Ridge's patented products, which only occurred when those products started to incorporate features like those disclosed and claimed in the '808 Patent (and thus has nexus to the '808 Patent), is a secondary consideration of non-obviousness. In addition, the extensive copying of Ridge's domestic patent products (including the patented features of the products), including by Mountain Voyage (and the dozens, if not hundreds of sellers on e-commerce marketplaces, such as Amazon, Alibaba, eBay, TEMU, Tiktok Shop, etc.) constitutes a secondary consideration of non-obviousness. This fact pattern establishes that the '808 Patent satisfies a long-felt, but

unresolved need in the industry, and is reflective of commercial success. As to the alleged Mosaic prior art, the fact that Mosaic was not commercially successful is evidence that the purported Mosaic prior art is not, in fact, prior art. For at least these reasons, Ridge responds that there are substantial secondary considerations of non-obviousness.

Interrogatory as premature to the extent it seeks expert disclosures, which are not yet due per the Court's Scheduling Order.

Subject to and without waiving these objections, Ridge responds that this information is contained in Ridge's Infringement Contentions, and Ridge hereby incorporates by reference the substance of its infringement contentions served January 18, 2024 and all supplementations thereto, including its forthcoming Final Infringement Contentions due per the Court's Scheduling Order following the Claim Construction Hearing.

Dated: January 19, 2024

Respectfully submitted,

/s/ Benjamin E. Weed

Benjamin E. Weed

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**ATTORNEYS FOR PLAINTIFF
THE RIDGE WALLET, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was served on counsel for Defendant via email on January 19, 2024.

/s/ Benjamin E. Weed
Benjamin E. Weed

VERIFICATION OF ANSWERS

I, Daniel Kane, verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on January 19, 2024 in Santa Monica, California.

A handwritten signature in black ink, appearing to read 'Daniel Kane', written over a horizontal line.

Daniel Kane