UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

THE RIDGE WALLET LLC
Patent Owner

Case IPR2024-00692
Patent 10,791,808

PATENT OWNER'S RESPONSE TO PETITION

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
Ex. 2001	Defendant 2985 LLC's Motion for Stay in View of Inter Partes Review Petitions in Case No. 23-cv-00407
Ex. 2002	Final Initial Determination in ITC Investigation No. 337-TA-1355 dated March 15, 2024 (Public Version)
Ex. 2003	Declaration of Daniel Kane in ITC Investigation No. 337-TA-1355 dated September 25, 2023 (Redacted)
Ex. 2004	Mountain Voyage Final Invalidity Contentions in District of Colorado Case No. 23-cv-00407, dated June 11, 2024.
Ex. 2005	U.S. Patent No. 5,038,985 to Chapin
Ex. 2006	U.S. Patent No. 7,334,616 to Kaminski
Ex. 2007	Non-Confidential Excerpts from 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 dated January 19, 2024
Ex. 2008	A 28-year-old sold over $5 million worth of wallets on Amazon in the last 12 months. He shares the first steps he took and how he went from breaking even to profiting over $100,000 per month. Kathleen Elkins, Business Insider, Mar 9, 2023.
Ex. 2009	General Exclusion Order in International Trade Commission Investigation No. 337-TA-1355.
Ex. 2010	Transcript from November 11, 2024 Deposition of James B. Babcock
Ex. 2011	U.S. Patent Publication No. 2016/0324283 to Daniel Kane, published November 10, 2016
Ex. 2012	Website printout from https://www.youtube.com/watch?v=iTLzs-jNFJ8, captured January 14, 2025
Ex. 2013	Revenue summary document for Ridge Wallet sales, by year, from 2014 to 2024 (CONFIDENTIAL)
Ex. 2014	Website printout of https://ridge.com/collections/wallets Captured January 14, 2025
Ex. 2015	List of Entities submitted to United States Customs and Border Patrol in Connection with General Exclusion Order

	(Ex. 2009)
Ex. 2016	Photographs of counterfeit product produced by Shenzhen X-World Technology Co., Ltd.
Ex. 2017	Website printout of https://ridge.com/products/burnt-damascus Captured January 14, 2025
Ex. 2018	Website printouts of exemplary Alibaba.com listings for counterfeit Ridge wallets.
Ex. 2019	Non-Confidential Excerpts from Sworn Witness Statement of Thomas Kurfess, PHD, P.E. in 337-TA-1355
Ex. 2020	Declaration of Daniel R. Kane
Ex. 2021	Declaration of Thomas R. Kurfess, PH.D., P.E.
Ex. 2022	Preliminary Injunction Order against Shenzhen X-World Technology Co., Ltd. in Case No. 24-cv-03569 in the Northern District of Illinois, dated September 3, 2024
Ex. 2023	Ridge Wallet Cash Strap Or Money Clip – Which Is Right For You? source: https://thewalletshoppe.com/ridge-wallet-cash-strap-or-money-clip/
Ex. 2024	Review: Ridge's RFID-Secured Metal Wallets Are Virtually Indestructible; dated August 29, 2017; source: https://hiconsumption.com/style/the-ridge-wallet-review/
Ex. 2025	Exemplary Photograph of Ridge orange wallet
Ex. 2026	Exemplary Photograph of Mountain Voyage orange wallet
Ex. 2027	Ridge Customer Experience ("CX") sourced reviews for money clip wallet product
Ex. 2028	Curriculum Vitae for Thomas R. Kurfess, PH.D., P.E.

I. INTRODUCTION

Petitioner 2985, LLC d/b/a Mountain Voyage Co. ("Petitioner" or "Mountain Voyage") filed the Petition for *Inter Partes* Review ("Petition," Paper 1) based almost entirely on Patent Owner The Ridge Wallet LLC's ("Ridge" or "Patent Owner") own prior work (Ex. 1006). But the proposed modifications to Ridge's own prior work are not supported under the law. In addition, given the nature of Mountain Voyage as a company (i.e., a copyist in a sea of copyists copying the designs Ridge invented years ago), it is unsurprising that it chose to ignore the strong secondary considerations of non-obviousness that are present here.

It was the wallet described in the Kickstarter campaign the Petition refers to as "Kane" (*See* Ex. 1006) that created the category for compact wallets having the silhouette the consuming public now associates with Ridge. Ridge submits herewith a declaration from its founder, Daniel R. Kane, explaining the context of both Kane and the inventions in the '808 Patent. Ex. 2020 at ¶¶1-4, 27-30, 83.

Challenged U.S. Patent No. 10,791,808 (the "'808 Patent") is directed to a novel, non-obvious, modular money clip design that was an improvement over Ridge's own prior work. Ex. 2020 at ¶38. During examination, Ridge submitted the Kane reference—the sole primary reference in each Ground in the Petition. The Examiner not only considered that reference, but used it to reject the claims, and ultimately allowed the claims over Kane. Ex. 1004 at 70.

The putatively new secondary references (U.S. Patent Publication No. 2014/0060712 to Beckley ("Beckley"), Ex. 1007; U.S. Patent No. 2,326,558 to Pelz ("Pelz"), Ex. 1008; and U.S. Patent Publication No. 2009/0134223 to Matthews ("Mathews"), Ex. 1009) are not substantively different than other references considered during examination. In particular, the Examiner considered U.S. Patent No. 5,038,985 to Chapin (Ex. 2005), a reference with an externally mounted money clip just like the configuration in the secondary references relied on in the Petition.

And, of course, the '808 Patent issued over all of that cited, and considered, prior art reference due to the novel features added following the rejection over Kane. For the reasons described herein, the Board (like the Examiner) should find that it was not obvious to modify Kane to replace its "integrated" money clip with the specific modular money clip described and claimed in the '808 Patent.

Beyond the patentable differences, Mr. Kane testifies here about extensive secondary indicia of non-obviousness. Ex. 2020. He describes how the features of the '808 Patent permitted Ridge to break the elusive 8-figure and 9-figure revenue barriers for its wallet sales. He describes industry praise (both from industry publications and customers of Ridge's products) for the claimed features of the '808 Patent. He describes the extensive copying of the '808 Patent features, and the fact that infringers would rather cease infringing than have to fight about infringement and validity of the '808 Patent. And this Patent Owner Response describes why the

requisite nexus is present.

This case is a quintessential of a party in Mountain Voyage whose viewpoint is impermissibly altered by the success Ridge has had (including in enabling Mountain Voyage to exist at all). Mountain Voyage and its expert, Mr. James Babcock, impermissibly use the claims of the '808 Patent as a blueprint to piece together the prior art to match the claims. Ridge relies on Dr. Thomas Kurfess, its litigation and *Inter Partes* Review expert, to explain why Petition's arguments fail. Ex. 2021, ¶¶1-30, 342. The patentability of Claims 1-9 and 11-20 (the "Challenged Claims") should be confirmed.[1]

II. TECHNOLOGY BACKGROUND

A. Patent Owner's Creation of the Compact Wallet Market Segment

In 2013, sole '808 Patent inventor Daniel Kane came up with the first iteration of what would become the iconic Ridge Wallet. Ex. 2003 at Q1-Q3, Q95. Mr. Kane wanted to avoid the bulk of a traditional folding wallet while still providing access to cards, IDs, and the like. *Id*. at Q4; Ex. 2020 at ¶6. So he came up with a way to integrate elastic into the overall exoskeleton to provide secure storage while enabling consumers to carry a wallet that took up as little space as possible. *Id*.

[1] Unless otherwise indicated, Patent Owner uses the same claim element numbering used in the Petition throughout this Patent Owner Response. Petition at ix-xiii.

Initially, the Ridge Wallet had a money clip, but it was integrated into the face plates of the Ridge Wallet. *Id*. at Q5-Q6. That is, each plate was a single, integrated part with the money clip. *Id*. That meant that the clip could not be removed or replaced without replacing an entire plate from the wallet. *Id*. It is this product that is described in the reference described in the Petition as "Kane" (Ex. 1006).

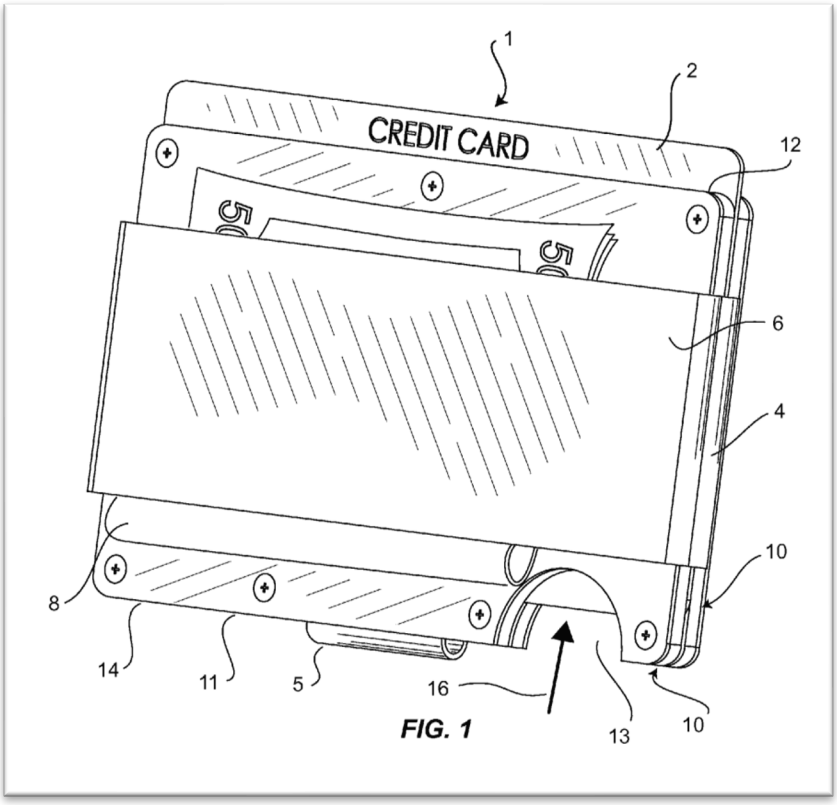
Mr. Kane continued to work to refine the technology following the Kickstarter activity. An important development in Patent Owner's business was the invention of the technology that was disclosed in the '808 Patent. Ex. 2003 at Q7-Q12. Mr. Kane realized that while the money clip was a great feature, it was not perfect because welding the money clip to the outside of the wallet, or making it from the same piece of metal as the outermost panel, was not adequate. *Id*. at Q16. The product development process led to an invention in which the inner plates were redesigned to accommodate a removable money clip. *Id*. In the new design, the money clip was sandwiched between the outer plate and the inner plate, and there were interlocking structures between the inner plate and the clip that would prevent the user from accidentally pulling the clip out of the wallet. *Id*.

Mr. Kane describes that innovation as "lightning in a bottle": Ridge had been doing reasonably well before the new design, but when Ridge went to the removable money clip variant, things really took off. *Id*. at Q17. It was at that point that Ridge started selling wallets at a pace that began to approximate the current-day sales

volumes.

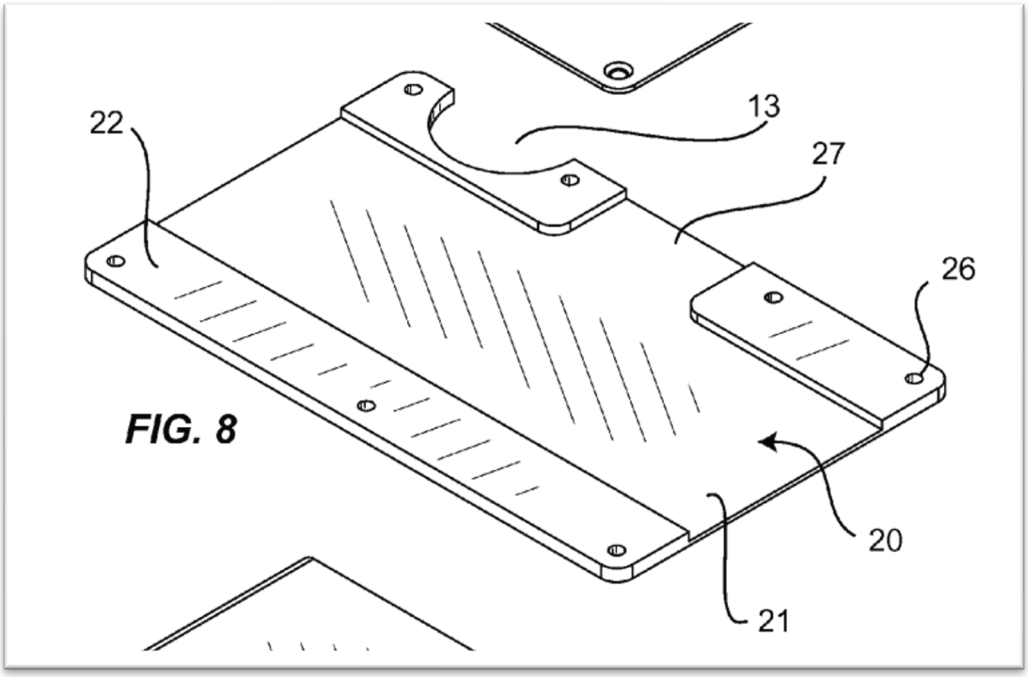
B. The Predecessor to the '808 Patent

In May, 2015, after early iterations of the Ridge Wallet (including the one described in Ex. 1006) had been on sale for some time, Ridge filed its first patent application. Ex. 2011. That application eventually published as U.S. Patent Publication No. 2016/0324293, and like the '808 Patent names Daniel Kane as the sole inventor. *Id.* The disclosed improvement in that application involved a "cash strap" (item 6) that used elastic to hold cash on the outside of the wallet:



Ex. 2011 at Fig. 11; Ex. 2020 at ¶20. The cash strap variant described in the 2015 application "did not have a different internal structure than the

Kickstarter design; the only area of the plates that has been removed is the area to accommodate the T-shaped elastic strap":



Ex. 2020 at ¶21; Ex. 2011 at Fig. 8.

C. The '808 Patent and Its Claims

Mr. Kane kept working on ways to improve the Ridge Wallet, and in mid-2016 he came up with the design that became the '808 Patent. Ex. 2020 at ¶¶17-23.

The '808 Patent describes and claims a "compact wallet," which in various embodiments minimizes the outer dimensions of a wallet while maximizing expandability. Ex. 1001 at Abstract. A pair of grooves accommodates an elastic strap. *Id.* at 3:4-17. When a user inserts cards between the plates, the strap stretches in the groove to allow the wallet to expand. *Id.* at 2:56-60. Fig. 13 of the '808

Patent illustrates a money clip with a pair of structures (33) that sit inside a portion 34 and engage a wall 35 so that when assembled, the money clip cannot be pulled out of the wallet. *Id.* at 5:23-31.

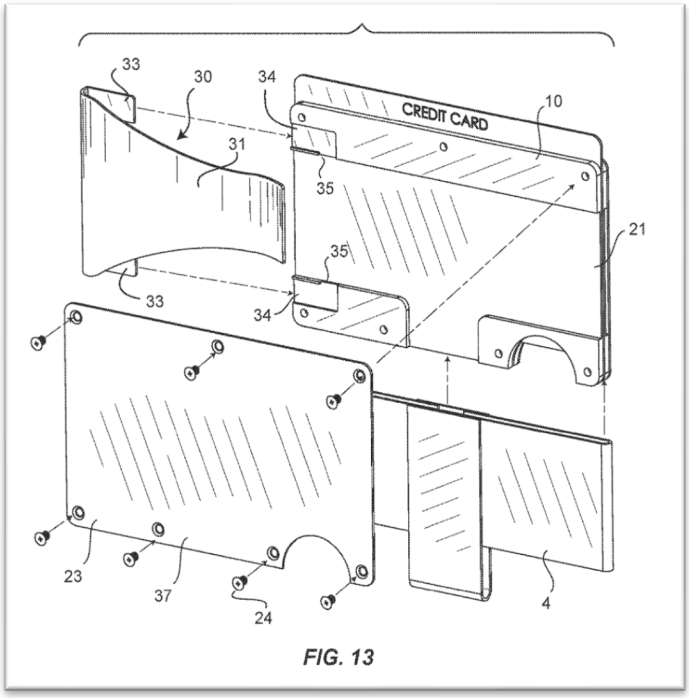


FIG. 13

Ex. 1001 at Fig. 13. If, however, the user wishes to remove and/or replace the money clip, the screws can be removed and the money clip taken out of the wallet and replaced as is desired. *Id*.

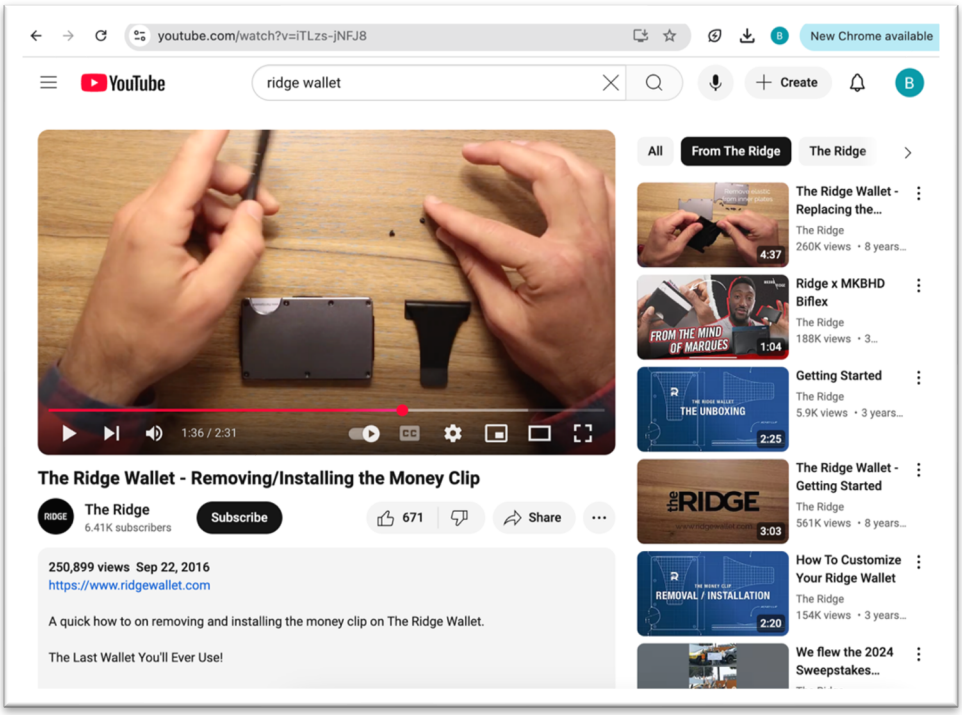
The '808 Patent thus provides a compact wallet with a removable and re-attachable (i.e., modular) auxiliary feature. It minimizes both the silhouette (it is not much larger than an ANSI standard credit card) and the thickness of the wallet, while permitting the user to choose how many cards to carry.

Each of the independent claims of the '808 Patent recites elements directed to

a modular auxiliary feature, meaning that each of the Challenged Claims recites the feature that was lacking from Mr. Kane's early Kickstarter work (Ex. 1006) and from his first patent filing (Ex. 2011).

D. Ridge's Products Practice the '808 Patent Claims

Ever since the filing of the '808 Patent, each compact wallet Ridge has sold has the same internal configuration as what is illustrated in the '808 Patent:



Ex. 2020 at ¶24; Ex. 2012; Ex. 2019 at 9-10. In particular, each wallet Ridge has sold since the filing of the '808 Patent includes the recesses and undercuts that can engage with the hooks and tangs of a removable money clip. Ex. 2020 at ¶46; Ex. 2019 at 9-10. While the design of the money clips has changed slightly (for structural integrity purposes), the hook and tang arrangement shown in the '808

Patent has been present in each money clip Ridge has sold since late / early-2017. Ex. 2020 at ¶46.

E. Overview of the Purported Prior Art

Kane (Ex. 1006) is a Kickstarter page attributable to an earlier iteration of Ridge's products. Ex. 2021, ¶¶69. Importantly for this Patent Owner Response, Kane lacks any disclosure of a money clip that is removable from the plate to which it is mounted. Ex. 1006; Ex. 2021, ¶¶70-71; Ex. 2010 at 96:12-97:4. As Dr. Kurfess explains, the differences between Kane and the '808 Patent are substantial, and are addressed in more detail herein. Ex. 2021, ¶¶72-73. Dr. Kurfess also explains some of the engineering considerations that would go into designing products with mating arrangements like Kane, and opines that it would not have been obvious to have incorporated a money clip into Kane that would have been removable from the plate-sandwich pairs of that reference. Ex. 2021, ¶¶73-74.

Beckley (Ex. 1007) is a rigid structure with the same outer dimensions at all times. Ex. 1007 at ¶33; Ex. 2021, 75-77; Ex. 1010 at 106:17-107:10. It has a clip that relies on "barbs" that insert into a depression 13. Ex. 1007 at ¶37; Ex. 2021, ¶78. The teachings of Beckley do not rely on a "sandwich" construction, and thus are inapplicable to the teachings of Kane (and the '808 Patent). Ex. 2021, ¶¶79-80.

Pelz (Ex. 1008) is a hearing aid electronics device with a clip for affixing the device to a user's clothing. Ex. 1008 at 1-12; Ex. 2021, ¶81-82. Its clip, which is

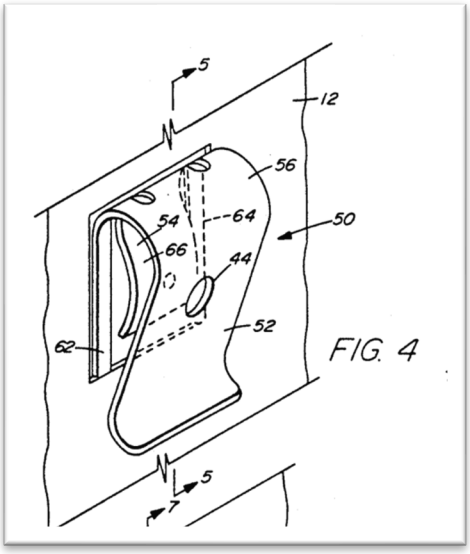
not a *money* clip (Ex. 2010 at 143:6-15) relies on a fulcrum-like arrangement, where a user pushes one end of the clip to lift the other end. Ex. 1008 at Fig. 3; Ex. 2021, ¶¶83-84. The clip on Pelz is on the outside of a closed plastic case. Ex. 2010 at 163:15-20. Dr. Kurfess explains that this mechanism is inapplicable to the design considerations of Kane. Ex. 2021, ¶¶85-89.

Matthews (Ex. 1009) is a single card holder that permits electronic access to data on the held card. Ex. 1009 at Abstract; Ex. 2021, ¶90. Its clip is designed to hold the device in place, for example, to a car visor. Ex. 1009 at ¶41; Ex. 2021, ¶¶91-92. Dr. Kurfess explains that the clip mounting mechanism of Matthews is inapplicable to the design of Kane. Ex. 2021, ¶93.

III. PROSECUTION HISTORY SUMMARY

The application that led to the '808 Patent was filed on February 1, 2017, as a continuation-in-part of U.S. Application Serial No. 14/706,019. Ex. 1004 at 50.

During prosecution, the Examiner rejected the pending independent claims over, among other things, Ex. 1006. Ex. 1004 at 70. Importantly, he rejected pending claim 20, which at the time of rejection recited that "the at least one recess has an undercut and the at least one tang has a hook, the hook interpositioned to secure the auxiliary feature against inadvertent dislodgment," over Kane in view of Chapin (Ex. 2005). Ex. 1004 at 70; Ex. 2021, ¶¶64-65. The Chapin money clip has the following design:



Ex. 2005 at Fig. 4. Chapin (like at least Pelz (Ex. 1008) and Matthews (Ex. 1009)) involves an externally mounted clip mounted on the exterior of a non-expandable plastic housing. Ex. 2021, ¶¶64, 72, 88.

The Applicant added language to each pending claim regarding an auxiliary feature removably attachable to the wallet (and the associated structural elements of the wallet). Ex. 1004 at 146-150.

As noted in the Decision Granting Institution of Inter Partes Review 35 U.S.C. § 314 (Paper 18, "Institution Decision"), "Applicant argued 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.' The Applicant made similar arguments with respect to independent claims 1 and 14." Institution Decision at 43 (internal citations omitted); Ex. 1004 at 143-144.

Responsive to Applicant's arguments, and acknowledging the patentability of the claims over, among other art, Kane and Chapin, the Examiner allowed the claims, noting that the prior art of record did "not have the limitation of the recess having an undercut operable to engage a hook of the tang." Ex. 1004 at 156-157.

IV. ARGUMENTS REGARDING CRITICAL DATE (PETITION AT 6)

Because Petitioner admits that the critical date determination does not affect whether any of the relied-on prior art is actually prior art, Patent Owner contends that this issue need not be addressed further. *See* Ex. 2021, ¶63.

V. PERSON OF ORDINARY SKILL IN THE ART

For purposes of this proceeding, Patent Owner does not dispute Petitioner's proffered definition for a POSITA. *See* Petition at 10. Since the Institution Decision applied this definition (Institution Decision at 11), Patent Owner applies it here. Ex. 2021, ¶¶31-34. Dr. Kurfess is qualified to offer opinions under this standard. *Id*.

VI. CLAIM CONSTRUCTION

Ridge applies the Board's construction of "channeling means." Institution Decision at 12; Petition at 12-13; *see also* Ex. 2021, ¶66.

Petitioner argues for alternate constructions for the claim terms "recess," "hook," and "undercut." Petition at 13-14. The District of Colorado construed each of these terms to have its "plain and ordinary meaning." The Board held that "at this stage, no terms requires explicit construction to resolve the issues presented by the

arguments and evidence of record…" Institution Decision at 17. Thus, Patent Owner applies the legally correct constructions articulated by the District of Colorado for each of the terms "hook," "undercut," and "recess" – the plain and ordinary meaning of those terms. Ex. 1023; Ex. 2021, ¶68.

VII. THE CHALLENGED CLAIMS ARE NOT OBVIOUS

The Petition represents a classic case of a Petitioner relying on conclusory statements about combinability, which statements are infected with hindsight bias. Ridge has become successful (indeed, Ridge is the reason Mountain Voyage exists (*see, e.g.*, Ex. 2008; Ex. 2013; Ex. 2020 at ¶53)), and as such, it is unsurprising that the Petition relies on things that seem clear in 2024/2025. However, that approach is legally insufficient, and is wrought with impermissible hindsight bias.

A. The Petition's Analysis of Combinability of Kane with Various Secondary References is Flawed

Each Ground in the Petition relies on Kane as a primary reference, and attempts to argue that Kane would be combined with various secondary references (Beckley (Ex. 1007), Pelz (Ex. 1008), and Matthews (Ex. 1009)). Petition at 11. Each Ground, however, acknowledges that Kane does not include the following claim limitations of Claim 1: Limitations 1[e]; 1[f]; 1[g]; 1[h]; and 1[i]. Petition at 22-26 (Ground 1); Petition at 53-58 (Ground 2); Petition at 72-78 (Ground 3). The Petition acknowledges that the corresponding limitations in independent claim 14

(Limitations 14[e], 14[f], 14[g], and 14[h]) and claim 19 (Limitations 19[e], 19[g], 19[h], 19[j], 19[k], 19[l], and 19[m]) are also missing from Kane (Ex. 1006). Petition at 39-40 (Ground 1, Claim 14); Petition at 42-46 (Ground 1, Claim 19); Petition at 59-60 (Ground 2, Claim 14); Petition at 61-65 (Ground 2, Claim 19); Petition at 79-80 (Ground 3. Claim 14); Petition at 81-85 (Ground e, Claim 19); Ex. 2021, ¶94. Ridge refers to these limitations (as appropriate given the particular independent claim being discussed) as the "Missing Kane Limitations." Ex. 2021, ¶94.

Given the similarity of the three secondary references (namely, each one is a clip affixed to a single-thickness, outside plate of a device whose outer dimensions do not change depending on how many cards are inserted therein (*see* Ex. 2021, ¶¶75-94), Ridge provides the following analysis of the reasons that Kane (Ex. 1006) is not combinable with any of the secondary references to plug the holes Mountain Voyage admits exist with respect to the Missing Kane Limitations. Ex. 2021, ¶¶95-96.

Ridge addresses each of the well-known *KSR* rationale in connection with the proposed modifications to Kane (Ex. 1006) in turn below. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 415-421 (2007).

(A) Combining prior art elements according to known methods to yield predictable results

Mountain Voyage cannot articulate "known methods" because Kane reference defines an industry-creating silhouette, and the sandwiched arrangement with elastic between plates was not something known before Kane. Ex. 2021, ¶97; Ex. 2020 at ¶¶9, 52. This arrangement permits Kane to expand and contract as cards are added or removed while minimizing the overall dimensions of the compact wallet. Ex. 2021, ¶97; Ex. 1006 at 2. Kane confirms this that this is its primary design consideration:

Ex. 1006 at 5; Ex. 2021, ¶97; *see also* Ex. 2020 at ¶¶9-10.

Each of Beckley, Pelz, and Matthews is directed to devices (indeed, for Pelz and Matthews, not even wallets) with fixed exterior dimensions that have clips affixed to those exterior surfaces. Ex. 1007 at Fig. 2A; Ex. 1008 at Fig. 2; Ex. 1009 at Fig. 1; Ex. 2021, ¶98; Ex. 2020 at ¶¶32-35.

Mr. Kane confirms Dr. Kurfess' opinions: the only "known methods" at the time of Kane were either to make it integral with the outer plate, or to weld it to the outer plate. Ex. 2020 at ¶¶7-8. Both proved to be unworkable, and it was the

inventions described in the '808 Patent that permitted Ridge's product offering to succeed commercially. Ex. 2021, ¶¶99-100; Ex. 2020 at ¶¶22-23.

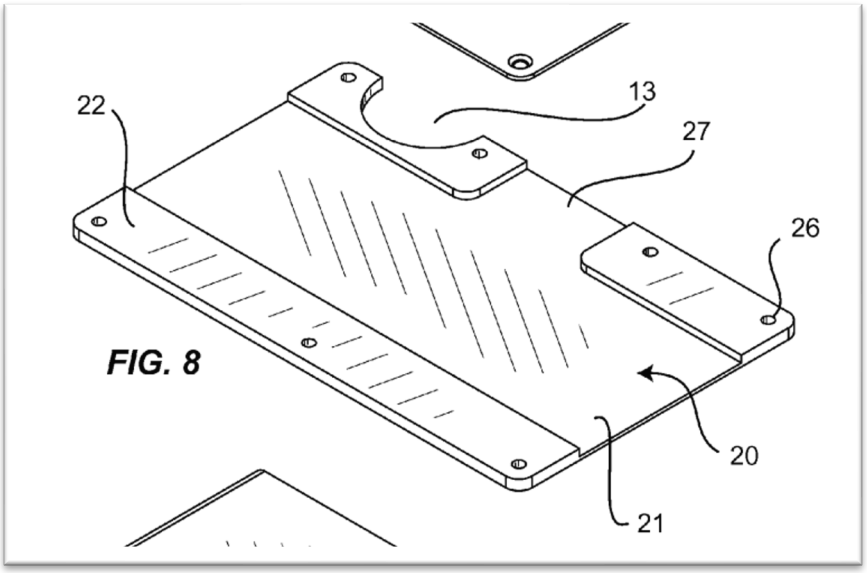
That the results may seem predictable today is due to Ridge's success, and Mountain Voyage's analysis in arguing modification of Kane suffers from a hindsight bias given that success. Ex. 2020 at ¶¶57-58; Ex. 2021, ¶101.

(B) Simple substitution of one known element for another to obtain predictable results

Mountain Voyage does not identify any reference where a money clip is insertable in between a sandwich of two other layers securely enough to reliably hold cash but not so permanently that it is not removable. Ex. 2021, ¶102. In Beckley, the clip goes around a single-ply plastic plate (Ex. 1007 at Fig. 1), and in Pelz and Matthews the clip mounts to the outside of a plastic case (Ex. 1008 at Fig. 1; Ex. 1009 at Fig. 4). Ex. 2021, ¶102. There is no substitution of one "known element" for another.

To the contrary, Kane discloses the "known methods" then-usable with an expanding, sandwiched design. Ex. 2021, ¶103; Ex. 2020 at ¶¶7-8. The filing of the parent of the '808 Patent, which focuses on a "cash strap" design for holding money, confirms that even by the filing of the ultimate parent in 2015, the '808 Patent-claimed arrangements were not "known methods." Ex. 2020 at ¶¶20-21;

Ex. 2021, ¶103; Ex. 2011. The figures in that patent do not reflect any way to accommodate a removable money clip:



Ex. 2011 at Fig. 8. And Mr. Kane himself states that he did not envision, and not yet invented, a removable money clip that could interface between sandwiched plates at that time. Ex. 2020 at ¶¶20-21.

Mountain Voyage's hindsight-biased analysis is not based on substitution of one known element for another. Ex. 2021, ¶104.

(C) Use of known technique to improve similar devices (methods, or products) in the same way

Similar to the above, the techniques Mountain Voyage asserts fill in the Missing Kane Limitations are not "known techniques." Ex. 2021, ¶105; Ex. 2020 at ¶¶7-8. Mr. Kane's disclosure in Ex. 1006 is the extent of the record evidence regarding "known techniques" for wallets having the expandable, sandwiched-

plate construction of Ridge's wallets, and any suggestion to the contrary is improperly based on hindsight bias. Ex. 2021, ¶105; Ex. 2020 at ¶¶7-8.

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results

The techniques Mountain Voyage relies on to plug the admitted Missing Kane Limitation holes are not applicable to a known device that is ready for improvement. Ex. 2021, ¶106. The Kane-disclosed wallets were functional and successful in their own right, and were not wanting for improvement by the consuming public; the Kickstarter commitments to them confirm that fact. Ex. 1006 at 2. It was Mr. Kane's recognition that the inventions of the '808 Patent would be needed to scale his business that caused Ridge's sales to rise, and caused the proliferation of copycat manufacturers and sellers such as Mountain Voyage and others like it. Ex. 2020 at ¶¶25-26; Ex. 2021, ¶107. This factor does not support obviousness (or combinability) to fill in the Missing Kane Limitations.

(E) "Obvious to try" – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success

The lack of *any* solution to the clip-between-two-plates approach that ultimately found its way into the '808 Patent means that the solution Mr. Kane arrived at was NOT one of a finite, identified number of solutions. Ex. 2021, ¶108. Each of the clips in the prior art cited by Mr. Babcock mounts to one side or the

other of a single piece of material: Beckley mounts to the inside of a single piece of plastic (Ex. 1007 at Fig. 5A) and Pelz and Matthews mount to the outside (Ex. 1008 at Fig. 2; Ex. 1009 at Fig. 4). The solutions in the secondary references Mountain Voyage relies on are generally in the same category: methods for affixing clips to a single planar outer surface of an article. Ex. 2021, ¶¶75-93, 109. Mr. Kane's own work as shown in Kane provides two such options for doing just that. Ex. 2020 at ¶¶7-8. But none of the combination references is an example of a clip-between-two-plates approach at all. Ex. 2021, ¶109. And Mr. Kane testifies that as the designer of the '808 Patent's inventions, he would not think to combine the Beckley, Pelz, or Matthews designs with the design shown in Kane. Ex. 2020 at ¶¶32-35. Thus, the solution Mr. Kane ultimately arrived on was "obvious to try" as would be required for this factor to apply. Ex. 2021, ¶109.

(F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art

At least Pelz and Matthews are not compact wallet references at all and, as a result, are not analogous to Kane. Ex. 1008 at 1:1-4 ("hearing aid microphone units"); Ex. 1009 at Title ("Card Holder-Reader"); Ex. 2021. And while Beckley is arguably a wallet, it is not expandable as it has a consistent outer dimension regardless of what is inside. Ex. 1007 at Fig. 1; Ex. 2021, ¶110.

However, the references do all have a common denominator that they relate to clips to hold one item to the outside of another. Ex. 2021, ¶111. Thus, none of Mountain Voyage's arguments fall into the category of known work prompting variations in view of design considerations or the like in the same field of endeavor. Ex. 2021, ¶111.

(G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

There is no specific teaching, suggestion, or motivation that would lead one to modify Kane in any way, much less in the way Mountain Voyage asserts to fill the Missing Kane Limitations. Ex. 2021, ¶¶112-115.

The only such item Mountain Voyage arguably identifies is the statement that: "Kane discloses turning a wallet 'into a 'system' that can be completely disassembled by the user to replace the elastic and exchange outer plates for greater personalization. *See, e.g.*, Ex. 1002 at ¶¶167, 182, 188, 196, 324, 342, 348, 394, 409, 420, 421, 428, 434 (regarding Ground 1).

As Dr. Kurfess and Mr. Kane both explain, this does not constitute a teaching, suggestion, or motivation to do anything different than what Kane already does; its device captures each of these features. Ex. 2021, ¶113; Ex. 2020

at ¶¶11-16. Mr. Kane, in fact, confirms that this was not what he meant by the concept of a "system." Ex. 2020 at ¶¶11-16. He testifies that:

> At that time, the "personalization" permitted by the "system" did NOT involve the ability to change out money clips. As I mentioned later in the post, "[a]s of now, each wallet is a one-off design that requires custom tools, benders, and moulds to produce on a large scale."

Ex. 2020 at ¶12; Ex. 1006 at 9. This is unsurprising, given that Kane is essentially a sales piece touting its benefits, and not identifying shortcomings.

The record is devoid of any teaching, suggestion, or motivation to modify Kane's working device, and especially not by bolting on different, incompatible money clips from Kaminski, Beckley, Pelz, or Matthews. Ex. 2021, ¶¶112-115.

None of the obviousness rationale articulated by the Supreme Court in *KSR* support combinability of Kane with the secondary references.

B. The Combination of Kane (Ex. 1006) and Beckley (Ex. 1007) Does Not Render Obvious the Challenged Claims (Ground 1)

i. The Petition Does Not Establish Combinability of Kane and Beckley

The Petition's combination analysis with regard to Kane and Beckley (Ground 1) is not sufficient to establish the combinability of those references. Petition at 17-19; Ex. 2021, 116.

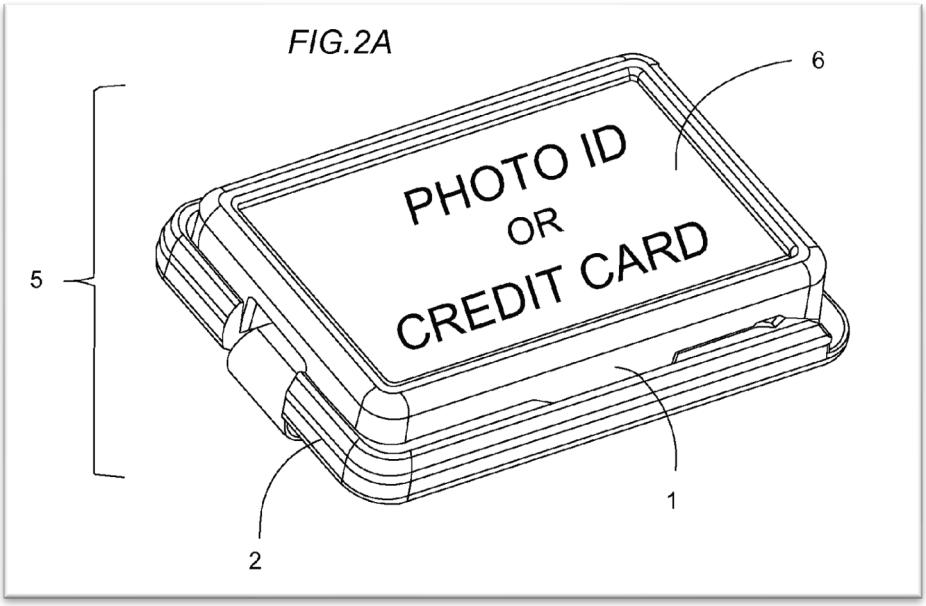
Patent Owner incorporates by reference, as if set forth fully herein, its analysis of why the attempts to modify Kane at all in view of a group of references

that are directed to rigid box-based devices that do not expand and contract with the contents do not satisfy the legal requirements to show obviousness. Section VII.A; Ex. 2021, ¶¶95-115. Each of the independent claims requires such expandability, and the Petition's general approach to combinability from a mechanical engineering approach fails. Ex. 1001 at Claim 1[j]; Ex. 1001 at Claim 14[i]; Ex. 1001 at Claim 19[n].

The Petition asserts that there is a "motivation to combine" found in Kane with respect to Beckley; this is not true. Petition at 15. To the contrary, the Petition's citations to Kane relate to personalization involving the ability to switch out only full outer plate/*integrated money clip assemblies*. Ex. 1006 at 3; Ex. 2020 at ¶¶11-16; Ex. 2021, ¶¶112-115. Kane discloses that if a user wished to have a wallet without a money clip, he or she needed to replace the entire outer plate, removing the plate with the integrated money clip and adding the plate without any money clip at all. Ex. 1006 at 6-7; Ex. 2020 at ¶¶18; Ex. 2021, ¶¶117-118. Mr. Kane testifies that there was actually reason not to make a modification at the time of Kane (Ex. 1006), because he was attempting to minimize the silhouette of the wallet (including its expandability features) while providing a clip to secure money to the outside. Ex. 2020 at ¶¶32-37; Ex. 2021, ¶¶33-35.

The Petition discusses the purported desire in Beckley to avoid bulkiness. Ex. Petition at 16. But Beckley is a device with an outer dimension that does not

change – if zero cards or the maximum number of cards is inserted, Beckley takes up the same amount of space:



Ex. 1007 at Fig. 2A; Ex. 2021, ¶¶119-121. Thus, Beckley's teachings are inapplicable from a mechanical engineering perspective to the expandable wallet of Kane (Ex. 1006) where the wallet's *outer dimensions* change to reflect the contents of the same:

Ex. 1006 at 5; Ex. 2021, ¶¶79-80, 117; Ex. 2020 at ¶¶9-10. The last claim element of Claim 1 confirms that this feature was not just a design consideration in Kane, but is a *requirement* for Claim 1 of the '808 Patent. Ex. 1001 at Claim Element

1[j].

Mr. Kane explains that, as a product designer, the design modifications proposed in the Petition (e.g., to incorporate Beckley's clip into Kane's expanding, sandwiched-plate design) were inapplicable. Ex. 2020 at ¶¶32-35. And as Dr. Kurfess explains, the engineering considerations for such disparate mechanical arrangements are substantial; particularly given the need to accommodate the elastic that permits the expandability that was paramount to Kane, it would not have been obvious to a POSITA to have incorporated Beckley's money clip teachings into Kane's device structure. Ex. 2021, ¶¶117-121.

The Petition is incorrect that "In attaching a clip, like that of Beckley, to a rigid plate, like that of Kane, the combined clip and rigid plate function in the same manner as each does separately." Petition at 16. To the contrary, the clip of Beckley merely fits around a single ply piece of material, and due to the non-expandability of the design, there is no concern about it interfering with the items (e.g., the elastic and the grooves to accommodate the elastic) that constitute the expandable aspects of the Kane design. Ex. 2021, ¶¶117-118, 120-126. A POSITA would not have thought that the devices functioned the same, when combined, as each does separately. *Id*.

Dr. Kurfess also explains that Mr. Babcock's concession that Beckley does not disclose the remaining limitations (i.e., the limitations other than the Missing

Kane Limitations) of claim 1 demonstrates the incompatibility of the structures of the two devices. Ex. 2021, ¶¶121-122; Ex. 1002 at ¶¶127-153. That is, the inability to chart Beckley for the claim elements that make the wallet expandable demonstrates its inapplicability to Kane.

Mr. Babcock also acknowledges (by omission) that while Kane includes an auxiliary feature, that auxiliary feature is not "removably attached to at least one of the at least two rigid plates." Ex. 1002 at ¶¶155-156. Dr. Kurfess explains that this difference is important; the differences in structure between the two disclosures' devices means that a POSITA would not have had a reason to try to incorporate Beckley's clip into Kane's teaching. Ex. 2021, ¶¶121, 124-126.

Dr. Kurfess explains that Mr. Babcock substitutes "aspirational observations about what a combination might look like" for the kind of analysis required in *KSR*, where some tangible rationale for combination is required. Ex. 2021, ¶126. Mr. Babcock agrees that Beckley does not disclose a "recess formed inside a rigid plate," which it cannot because the plate of Beckley (such as it is) is of single lamina construction. Ex. 2021, ¶129; Ex. 1007 at Fig. 1. The fact that there is no reason to use Beckley's teachings to form a recess *inside* something confirms the impropriety of Mr. Babcock's analysis, and confirms the lack of legal basis to combine the references as proposed. Ex. 2021, ¶¶129-132.

The Petition contains a brief statement about an alleged "Reasonable

Expectation of Success." Petition at 17. It asserts that incorporating Beckley's teachings into Kane would merely have been a "continuation of routine milling operations," and thus that a POSITA would have expected success. Petition at 17. But this is incorrect; Dr. Kurfess explains that in the proposed combination, the milling operations would seem to need to occur for a *different lamina* than the one in which the T-shaped grooves are created in Kane. Ex. 2021, ¶¶129-132. That is, to the extent a POSITA would even have considered using Beckley with Kane, the corresponding location of the depression 15 (which Petitioner asserts would be newly formed in Kane's structure) would be in the *outer plate*, not the *inner plate*, of Kane's wallet. *Id.* Thus, contrary to the Petition's assertion, it would *not* have been a continuation of any milling operation; it would have involved forming new structures in new plates with potentially different materials (e.g., carbon fiber, *see* Ex. 1006 at 6). Ex. 2021, ¶¶ 129-132. There is no reasonable expectation of success.

The mechanical engineering concepts reflected in Kane are different from, and inapplicable to, the mechanical engineering concepts reflected in Beckley, so there is no legally supportable reason to make the combination. And the Petition acknowledges that Kane on its own does not disclose or suggest each and every element of claim 1. *See generally*, Petition at 18-22, 26-27. Thus, the Petition's challenge with respect to Claim 1, under Ground 1, fails.

ii. Even if Properly Combined, Kane (Ex. 1006) and Beckley (Ex. 1007) do not Disclose the Missing Kane Limitations

a. Claim 1

Dr. Kurfess explains that even if combined, Kane and Beckley do not disclose the Missing Kane Limitations of Claim 1. Ex. 2021, ¶¶119-141.

He explains that given that Beckley's construction is single ply, the proposed combination does not meet the requirement, in claim element 1[f], for a "recess formed inside at least one of the at least two rigid plates." Ex. 2021, ¶¶127-132. Beckley does not teach or suggest a recess formed inside of anything, meaning that even a combination of those references does not readily teach or suggest the claimed recess *inside* at least one rigid plate. *Id.*

Similarly, since there is no "recess formed inside at least one of the at least two rigid plates," the combination proposed in the Petition does not include a tang having a hook (as required by element 1[g]) because the hook (which the claims confirm is a part of the tang) must be insertable into the at least one recess, which is *inside* at least one rigid plate (per element 1[f]). Ex. 2021, ¶¶133-135. The substantial differences in the structures of Kane and Beckley means that even if combined, the lack of any sandwiched/laminated construction in Beckley means that the combination does not include the thing that inserts into the recess—to wit, the tang and its attendant hooks. *Id*.

For similar reasons, the requirement that the hook extends at an angle to the tang (as it inserts in the recess), as in element 1[h], is also not met. Ex. 2021, ¶136.

Lastly, the requirement that the hook engages an undercut "of the recess" (element 1[i]) cannot be met by the proposed combination, given that even if combined there is no disclosure of a recess formed inside anything. Ex. 2021, ¶¶137-141.

Ground 1 does not demonstrate that Claim 1 is obvious.

b. Claims 2-9, 11-13, and 18

Claims 2-9, 11-13, and 18 depend directly or indirectly from Claim 1. Mountain Voyage relies only on Kane for the additional teachings of these claims, and provides no further combination analysis for these dependent claims. Petition at 27-37, 41; Ex. 2021, ¶¶142-143. Both because the combination of Kane and Beckley is improper (*see* Section VII.B.i), and because the combination fails to disclose the Missing Kane Limitations of Claim 1 (*see* Section VII.B.ii.a), claims 2-9, 11-13, and 18 are not obvious, and their patentability should be confirmed. Ex. 2021, ¶144.

c. Claim 14

The Petition incorporates by reference its analysis of Claim 1 for the Missing Kane Limitations of Claim 14. Petition at 39-40. Ridge incorporates by reference its analysis of the non-combinability of Kane and Beckley (Section

VII.B.i) and its analysis of why the combination, even if made, is deficient as to Claim 1 (Section VII.B.ii.a).

Dr. Kurfess explains that his analysis of Claim 1 confirms that the proposed combination of Kane and Beckley does not render Claim 14 obvious. Ex. 2021, ¶¶145-151.

d. Claims 15-17

Claims 15-17 depend directly or indirectly from Claim 14, and Mountain Voyage relies only on Kane for the additional teachings of these claims. Petition at 40-41; Ex. 2021, ¶¶152-153.

Both because the combination of Kane and Beckley is improper (*see* Section VII.B.i), and because the combination fails to disclose the Missing Kane Limitations of Claim 14 (*see* Section VII.B.ii.a), claims 15-17 are not obvious, and their patentability should be confirmed. Ex. 2021, ¶154.

e. Claim 19

Ridge incorporates by reference its analysis of the non-combinability of Kane and Beckley (Section VII.B.i) and its analysis of why the combination is deficient as to Claim 1 (Section VII.B.ii.a) as if set forth herein. Dr. Kurfess explains that his analysis of Claim 1 likewise confirms that it would not have been obvious to a POSITA to combine Kane and Beckley, and also that even if combined, the result would not teach or render obvious each of the Missing Kane

Limitations of Claim 19. Ex. 2021, ¶¶155-167.

Dr. Kurfess also explains that while Claim 19 is essentially a method claim version of claim 1, it adds the requirement that the recess be "outbound of the elastic band." Ex. 2021, ¶¶155-156; Ex. 1001 at Claim 19.

Dr. Kurfess explains that Kane and Beckley, even if combined, do not teach or suggest that the recess is outbound of the elastic band. Ex. 2021, ¶¶168-173. He explains that Mr. Babcock for the first time refers to the teaching in Beckley of a spring 4 as being related to a groove; yet, in the combination, the "groove" is taught by Kane. *Id*. Dr. Kurfess explains the error in Mr. Babcock's analysis that the recess (which, as Dr. Kurfess explained previously, is not formed inside anything in the proposed combination) would be positioned outbound of the groove because there is a "finite number of positions for the recess." Ex. 2021, ¶¶171-172. He explains that "there is absolutely no reason to consider (a) combining Beckley with Kane and then (b) rearranging the position of the depressions 15 of Beckley to be outbound of any channel in Kane." *Id.* He explains that if the three-dimension argument were a reason to modify, everything would be modifiable. *Id*.

Claim 19 is not obvious for the same reasons as given above with respect to Claim 1, and because the combination of Kane and Beckley (if made) lacks the "outbound" aspect of Claim 19. *See* Section VII.B.e.

f. Claim 20

Claim 20 depends from independent claim 19, and further recites aspects of the "hook," "recess," and "undercut." Thus, the prior analysis of why the Missing Kane Limitations are not obvious applies to dependent claim 20. *See* Section VII.B.e; Ex. 2021, ¶¶174-175.

g. Claim 21

Claim 21 depends from claim 19. In addition, Mountain Voyage relies only on Kane for the additional teachings of this claim, and provides no further combination analysis for these dependent claims. Petition at 27-37, 41; Ex. 2021, ¶176. Thus, the prior analysis of why the Missing Kane Limitations are not obvious applies to dependent claim 20. *See* Section VII.B.e.

C. The Combination of Kane (Ex. 1006) and Pelz (Ex. 1008) Does Not Render Obvious the Challenged Claims (Ground 2)

i. The Petition Does Not Establish Combinability of Kane and Pelz

The Petition's combination analysis with regard to Kane and Pelz (Ground 2) is not sufficient to establish the combinability of those references. Petition at 49-52.

Patent Owner incorporates by reference its analysis of why the attempts to modify Kane at all in view of a group of references that are directed to rigid box-based devices that do not expand and contract with the contents do not satisfy the

legal requirements to show obviousness. Section VII.A; Ex. 2021, ¶¶95-115; Ex. 1001 at Claim 1[j]; Ex. 1001 at Claim 14[i]; Ex. 1001 at Claim 19[n].

Pelz is non-analogous art to the '808 Patent. Ex. 2021, ¶¶110, 177-181, 185, 192. A POSITA would not have considered Pelz's teachings when considering whether to modify Kane as "Kane relates to a device for removably holding something (credit cards)," while "the electronics of Pelz appear to be immovable from the interior of the device." Ex. 2021, ¶178. Dr. Kurfess explains the inapplicability of holding cash (as in Kane) to affixing an electronics device to clothing (as in Pelz). Ex. 2021, ¶¶85-89, 179-181. Even Mr. Babcock confirmed that Pelz is not in the same field as Kane. Ex. 1010 at 40:11-20.

The Petition asserts that there is a "motivation to combine" found in Kane; this is not true. Petition at 49. The Petition's citations to Kane relate to personalization involving the ability to switch out only full outer plate/*integrated money clip assemblies*. Ex. 1006 at 3; Ex. 2020 at ¶15; Ex. 2021, ¶¶112-115. There is no disclosure that Kane contemplated the ability to separate the money clip from the outer plate, or that it contemplated personalization by an ability to swap out money clips separate from outer plates. Ex. 1006 at 6-7; Ex. 2020 at ¶18; Ex. 2021, ¶208.

Mr. Kane testified that there was actually reason not to make a modification at the time of Kane, because he was attempting to minimize the silhouette of the

wallet (including its expandability features) while providing a clip to secure money to the outside. Ex. 2020 at ¶¶32-37; Ex. 2021, ¶¶186, 207.

The Petition discusses the purported desire in Pelz to avoid bulkiness caused by protruding money clips. Petition at 49-50; Ex. 1008 at 1:9-12. But Pelz is a device with an outer dimension that does not change, because its contents do not change. Ex. 1008 at 1:1-4; Ex. 2021, ¶¶184-185, 193. As Dr. Kurfess explains, the mechanism to attach a clip to the outside of a hearing aid device, to permit the user to secure the box to a wearer's clothing, is not applicable to the disclosures of Kane, (Ex. 1006) where the wallet's *outer dimensions* change based on its contents:

Ex. 1006 at 5; Ex. 2021, ¶¶183-185; Ex. 2020 at ¶¶9-10. Dr. Kurfess also explains that the affixing mechanism of Pelz (where the clip slides over a stud) is completely different from a mechanical engineering perspective than the integrated money clip of Kane. Ex. 2021, ¶¶188-191. And he explains that the proposed modification, which involves adding a structure from a device (Pelz) with ample interior space, would require increasing the thickness of Kane's outer plate, which is contrary to Kane's teachings and the '808 Patent's claims, and would not have

been considered by a POSITA. Ex. 2021, ¶¶188-191; Ex. 1001 at Claim Element 1[j].

The Petition is thus incorrect that "[i]n attaching a clip, like that of Pelz, to a rigid plate, like that of Kane, the combined clip and rigid plate function in the same manner as each does separately." Petition at 50. Dr. Kurfess explains that "Mr. Babcock concedes the inapplicability of Pelz to Kane when he opines that 'Kane and Pelz both disclose innovations in the field of compact devices worn on one's person.' Ex. 1002 at ¶489." Ex. 2021, ¶180. Mr. Babcock also acknowledges (by omission) that while Kane includes an auxiliary feature, that auxiliary feature is not "removably attached to at least one of the at least two rigid plates." Ex. 2021, ¶¶190-191; Ex. 1002 at ¶485. Dr. Kurfess explains that this difference is important; the differences in structure between the two disclosures' devices means that a POSITA would not have had a reason to try to incorporate Pelz's clip into Kane's teaching. Ex. 2021, ¶190-191, 197. Indeed, Mr. Babcock agrees that Pelz does not disclose a "recess formed inside a rigid plate," which it cannot because the plate of Pelz (such as it is) is of single lamina construction, and the clip is mounted to its outside. Ex. 1002 at ¶¶503-505; Ex. 2021, ¶¶187-191; Ex. 1008 at Fig. 8.

Dr. Kurfess also explains that Mr. Babcock's concession that Pelz does not disclose the remaining limitations (i.e., the limitations other than the Missing Kane

Limitations) of claim 1 demonstrates the incompatibility of the structures of the two devices. Ex. 2021, ¶190; Ex. 1002 at ¶¶470-474.

The Petition contains a brief statement about an alleged "Reasonable Expectation of Success." Petition at 51-52. This is incorrect—Dr. Kurfess explains that in the proposed combination, the milling operations would seem to need to occur on the exterior of the device, rather than on the inner plate as required by the '808 Patent. Ex. 2021, ¶200. That is, to the extent a POSITA would even have considered using Pelz with Kane, the corresponding location of the depression 19 (which Petitioner asserts would be newly formed in Kane's structure) would be in the *outside of the outer plate*, not one of the *inner plates*, of Kane's wallet. *Id*. It would *not* have been a continuation of any milling operation; it would have involved forming new structures in new plates with potentially different materials (e.g., carbon fiber, *see* Ex. 1006 at 6) and different thicknesses. The Petition is incorrect that there is a reasonable expectation of success.

The mechanical engineering concepts reflected in Kane are different from, and inapplicable to, the mechanical engineering concepts reflected in Pelz. There is no legally supportable reason to make the proposed combination. Ex. 2021, ¶¶194-195. And the Petition acknowledges that Kane on its own does not disclose or suggest each and every element of claim 1. *See generally*, Petition at 53-58. Thus, the Petition's challenge with respect to Claim 1, under Ground 2, fails.

ii. Even if Properly Combined, Kane (Ex. 1006) and Pelz (Ex. 1008) do not Disclose the Missing Kane Limitations

a. Claim 1

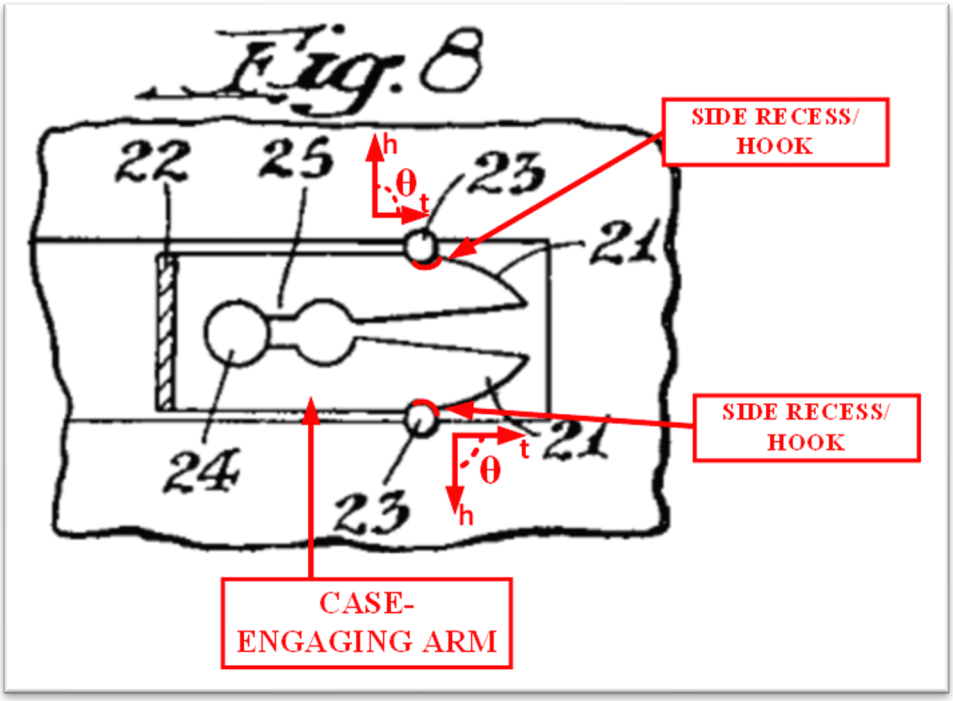
Even if combined, Kane and Pelz do not disclose the Missing Kane Limitations of Claim 1. Ex. 2021, ¶¶182, 187-209.

Dr. Kurfess explains that given that Pelz's clip is installed on the *outside* of a device whose internal components are not accessible, the proposed combination does not meet the requirement, in claim element 1[f], for a "recess formed *inside* at least one of the at least two rigid plates." Ex. 2021, ¶¶198-201 (emphasis added).

Similarly, since there is no "recess formed inside at least one of the at least two rigid plates," the combination proposed in the Petition does not include a tang having a hook (as required by element 1[g]) because the hook (which the claims confirm is a part of the tang) must be insertable into the at least one recess, which is *inside* at least one rigid plate (per element 1[f]). Ex. 2021, ¶¶202-203. The substantial differences in the structures of Kane and Pelz mean that even if combined, the lack of any sandwiched/laminated construction in Pelz show that the combination does not include the thing that inserts into the recess—to wit, the tang and its attendant hooks. Ex. 2021, ¶135.

The thing identified as a tang also does not have a hook because the structure Mr. Babcock identifies is not a protrusion at all – it is an indentation in an

otherwise continuous surface:



Ex. 1002 at ¶515; Ex. 2021, ¶¶202, 204. Ex. 2010 at 148:19-151:21. Nothing actually extends from the purported tang (the "Case-Engaging Arm" in the figure above), and thus there is no "hook" as claimed. Ex. 2021, ¶202.

For similar reasons, the requirement that the hook extends at an angle to the tang (as it inserts in the recess), as in element 1[h], is also not met. Ex. 2021, ¶204; Ex. 1002 at ¶515; Ex. 2010 at 148:19-151:21.

Lastly, the requirement that the hook engages an undercut "of the recess" (element 1[i]) cannot be met by the proposed combination, given that even if combined there is no disclosure of a recess formed inside anything. Ex. 2021, ¶¶205-209.

Ground 2 does not demonstrate that Claim 1 is obvious.

b. Claims 2-9, 11-13, and 18

Claims 2-9, 11-13, and 18 depend directly or indirectly from claim 1. Mountain Voyage relies only on Kane for the additional teachings of these claims, and provides no further combination analysis. Petition at 58. In fact, its analysis of these claims spans a total of five lines, all of which incorporates by reference Mountain Voyage's Ground 1 analysis. *Id.*[2] Both because the combination of Kane and Pelz is improper (*see* Section VII.C.i), and because the combination fails to disclose the Missing Kane Limitations of Claim 1 (*see* Section VII.C.ii.a), claims 2-9, 11-13, and 18 are not obvious, and their patentability should be confirmed. Ex. 2021, ¶¶210-212.

c. Claim 14

The Petition incorporates by reference its analysis of Claim 1 with respect to the Missing Kane Limitations of Claim 14. Petition at 58-60. Ridge incorporates by reference its analysis of the non-combinability of Kane and Pelz (Section VII.C.i) and its analysis of why the combination, even if made, is deficient as to Claim 1 (Section VII.C.ii.a) as if set forth herein.

[2] Mountain Voyage erroneously relies on its arguments for claim 14 with regard to claim 18. Petition at 60. Nevertheless, since it incorporates its analysis of Ground 1 with respect to each dependent claim, Ridge's Ground 1 analysis likewise addresses claim 14. Section VII.B.ii.c.

In addition, Dr. Kurfess explains that his analysis of Claim 1 confirms that the proposed combination of Kane and Pelz does not render Claim 14 obvious. Ex. 2021, ¶¶213-220.

d. Claims 15-17

Claims 15-17 depend directly or indirectly from Claim 14. Mountain Voyage's entire analysis of these claims is an incorporation by reference spanning five lines. *Id*.

Both because the combination of Kane and Pelz is improper (*see* Section VII.C.i), and because the combination fails to disclose the Missing Kane Limitations of Claim 14 (*see* Section VII.C.ii.a), claims 15-17 are not obvious, and their patentability should be confirmed. Ex. 2021, ¶¶221-223.

e. Claim 19

Ridge incorporates by reference its analysis of the non-combinability of Kane and Pelz (Section VII.C.i) and its analysis of why the combination is deficient as to Claim 1 (Section VII.C.ii.a) as if set forth herein.

Dr. Kurfess explains that even if combined, Kane and Pelz do not disclose the Missing Kane Limitations of Claim 19. Ex. 2021, ¶¶224-236. He also explains that while Claim 19 is essentially a method claim version of claim 1, it adds the requirement that the recess be "outbound of the elastic band." Ex. 2021, ¶225; Ex. 1001 at Claim 19.

Dr. Kurfess also explains that Kane and Pelz, even if combined, do not teach or suggest that the recess is outbound of the elastic band. Ex. 2021, ¶¶237-241. The incompatibility of the structures of the two references mean that the requirement for any portion of Pelz to be outbound of any portion of Kane is based entirely on hindsight, and is done in an effort to build Claim 19 out of the prior art by starting with Claim 19. *Id.* at ¶¶239-240. Dr. Kurfess explains that "That there are only three dimensions does not mean that a POSITA would have simply moved a feature along a different axis in those three dimensions for any reason other than to arrive at the claims of the '808 Patent." *Id.* at ¶240. Mountain Voyage's analysis would render all physical features in a different position obvious.

Claim 19 is not obvious for the same reasons as given above with respect to Claim 1, and because the combination of Kane and Pelz (if made) lacks the "outbound" aspect of Claim 19.

f. Claim 20

Claim 20 depends from independent claim 19, and further recites aspects of the "hook," "recess," and "undercut." Thus, the prior analysis of why the Missing Kane Limitations are not obvious applies to dependent claim 20. *See* Section VII.C.e; Ex. 2021, ¶¶242-243.

g. Claim 21

Claim 21 depends from claim 19. In addition, Mountain Voyage relies only

on Kane for the additional teachings of this claim, and provides no further combination analysis for these dependent claims. Petition at 66. Thus, the prior analysis of why the Missing Kane Limitations are not obvious applies to dependent claim 20. *See* Section VII.C.e; Ex. 2021, ¶244.

D. The Combination of Kane (Ex. 1006) and Matthews (Ex. 1009) Does Not Render Obvious the Challenged Claims (Ground 3)

i. The Petition Does Not Establish Combinability of Kane and Matthews

The Petition's combination analysis with regard to Kane and Matthews (Ground 3) is not sufficient to establish the combinability of those references. Petition at 67-69.

Patent Owner incorporates by reference, as if set forth fully herein, its analysis of why the attempts to modify Kane at all in view of a group of references that are directed to rigid box-based devices that do not expand and contract with the contents do not satisfy the legal requirements to show obviousness. Section VII.A; Ex. 2021, ¶¶95-115; Ex. 1001 at Claim 1[j]; Ex. 1001 at Claim 14[i]; Ex. 1001 at Claim 19[n].

Dr. Kurfess explains that Matthews is non-analogous art to the '808 Patent. Ex. 2021, ¶¶245-250. He explains that a POSITA would not have considered Matthews' teachings when considering whether to modify Kane as "the clips at issue in Kane and the '808 Patent are related to holding cash to a wallet; a metal

structure used to clip the Matthews device to a user's clothes or a car visor is not relevant to Kane." Ex. 2021, ¶247. Mr. Babcock also concedes that Matthews is not in the same field of card-holder wallets as Kane. Ex. 1010 at 43:10-14.

The Petition asserts that there is a "motivation to combine" found in Kane; this is not true. Petition at 67. To the contrary, the Petition's citations to Kane relate to personalization involving the ability to switch out only full outer plate/*integrated money clip assemblies*. Ex. 1006 at 3; Ex. 2020 at ¶15; Ex. 2021, ¶¶112-115. Kane discloses that if a user wished to have a wallet without a money clip, he or she needed to replace the entire outer plate. Ex. 1006 at 6-7; Ex. 2020 at ¶¶18; Ex. 2021, ¶117.

The Petition discusses the purported desire in Matthews to permit fast, easy, convenient access. Petition at 68; Ex. 1009 at ¶6. But this disclosure is not about minimizing anything, so the conclusion about similar problems is incorrect. Petition at 68. As Dr. Kurfess explains, the mechanism to attach a clip to a device with a consistent, unchanging outer dimension, for the purpose of mounting it on a car visor, is not applicable to the disclosures of Kane, (Ex. 1006) where the wallet's *outer dimensions* change to reflect the contents of the same:

Ex. 1006 at 5; Ex. 2021, ¶¶93, 249, 251-255; Ex. 2020 at ¶¶9-10. Dr. Kurfess also explains that the affixing mechanism of Matthews (where the clip includes an opening that slides over a bump on the body of the device over a boss) is completely different from a mechanical engineering perspective than the integrated money clip of Kane. Ex. 2021, ¶245. And he explains that the proposed modification, which involves arbitrarily switching the position of a post and a hole (Ex. 2010 at 198:14-199:1) from one structure to another on a device whose outer dimensions do not change at all, would not have been considered by a POSITA. Ex. 2021, ¶¶270-272; Ex. 1001 at Claim Element 1[j].

For these reasons, the Petition is incorrect that "In attaching a clip, like that of Matthews, to a rigid plate, like that of Kane, the combined clip and rigid plate function in the same manner as each does separately." Petition at 68; Ex. 2021, ¶¶256-257

Mr. Babcock also acknowledges (by omission) that while Kane includes an auxiliary feature, that auxiliary feature is not "removably attached to at least one of the at least two rigid plates." Ex. 2021, ¶258; Ex. 1002 at ¶768. Dr. Kurfess explains that this difference is important; the differences in structure between the two disclosures' devices means that a POSITA would not have had a reason to try to incorporate Matthews' clip into Kane's teaching. Ex. 2021, ¶¶258-263. This conclusion is confirmed by the fact that Mr. Babcock agrees that Matthews does

not disclose a "recess formed inside a rigid plate," which it cannot because the plate of Matthews (such as it is) is of single lamina construction, and the clip is mounted to its outside. Ex. 1002 at ¶¶503-505; Ex. 2021, ¶266; Ex. 1008 at Fig. 8.

Dr. Kurfess also explains that Mr. Babcock's concession that Matthews does not disclose the remaining limitations (i.e., the limitations other than the Missing Kane Limitations) of Claim 1 demonstrates the incompatibility of the structures of the two devices. Ex. 2021, ¶258; Ex. 1002 at ¶768.

Finally, Mr. Babcock's combination analysis relies on arbitrarily flipping a post from the body of the Matthews device to the clip portion, and flipping a hole from the clip portion to the body of the device. Ex. 1002 at ¶¶788-789. Dr. Kurfess explains that this proposed modification lacks any justifiable basis. Ex. 2021, ¶¶270-275, 281.

The Petition contains a brief statement about an alleged "Reasonable Expectation of Success." Petition at 69. It asserts that incorporating Matthews' teachings into Kane would merely have been a "continuation of routine milling operations," and thus that a POSITA would have expected success. Petition at 69. But this is incorrect; Dr. Kurfess explains that in the proposed combination, the milling operations would seem to need to occur on the exterior of the device, rather than on the inner plate as required by the '808 Patent. Ex. 2021, ¶268. And as noted, the milling would be in addition to arbitrarily flipping the part on Matthews

that is to be milled. Ex. 2021, ¶¶270-275, 281. Contrary to the Petition's assertion, it would *not* have been a continuation of any milling operation; it would have involved forming new structures (in arbitrarily different places than is disclosed in Matthews). The Petition is incorrect that there is a reasonable expectation of success. Ex. 2021, ¶268.

There is no legally supportable reason to make the proposed combination. Since the Petition acknowledges that Kane on its own does not disclose or suggest each and every element of claim 1 (Petition at 72-78), the Petition's challenge with respect to Claim 1, under Ground 3, fails.

ii. Even if Properly Combined, Kane (Ex. 1006) and Matthews (Ex. 1009) do not Disclose the Missing Kane Limitations

a. Claim 1

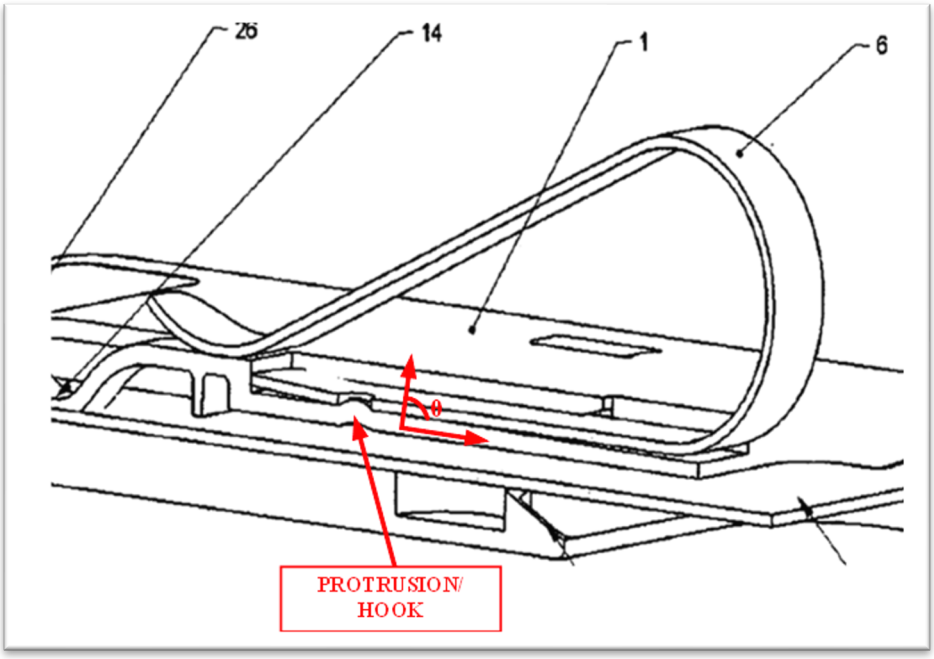
Dr. Kurfess explains that even if combined, Kane and Matthews do not disclose the Missing Kane Limitations of Claim 1. Ex. 2021, ¶¶251-282.

Dr. Kurfess explains that given that Matthews' clip is installed on the *outside* of a device whose dimensions do not change, the proposed combination does not meet the requirement, in claim element 1[f], for a "recess formed inside at least one of the at least two rigid plates." Ex. 2021, ¶264-268. That is, Matthews does not teach or suggest a recess formed inside of anything, meaning that even a combination of those references does not readily teach or suggest the claimed

recess *inside* at least one rigid plate. *Id*. at ¶269.

Similarly, since there is no "recess formed inside at least one of the at least two rigid plates," the combination proposed in the Petition does not include a tang having a hook (as required by element 1[g]) because the hook (which the claims confirm is a part of the tang) must be insertable into the at least one recess, which is *inside* at least one rigid plate (per element 1[f]). Ex. 2021, ¶¶270-275. The lack of any sandwiched/laminated construction in Matthews means that the combination does not include the thing that inserts into the recess—to wit, the tang and its attendant hooks. Ex. 2021, ¶273.

The thing identified as a tang also does not have a hook (Ex. 2010 at 196:16-20) because the structure Mr. Babcock identifies is not a part of the thing he identifies as a tang—it is a post on the body of the device of Matthews:



Ex. 1002 at ¶795; Ex. 2021, ¶¶271-272, 274. Since there is no reason to modify this aspect of Matthews, the combination does not disclose this element.

For similar reasons, the requirement that the hook extends at an angle to the tang (as it inserts in the recess), as in element 1[h], is also not met. Ex. 2021, ¶¶276-277; Ex. 1002 at ¶795; Ex. 2010 at 148:19-151:21.

Lastly, the requirement that the hook engages an undercut "of the recess" (element 1[i]) cannot be met by the proposed combination, given that even if combined there is no disclosure of a recess formed inside anything. Ex. 2021, ¶¶278-282.

Ground 3 does not demonstrate that Claim 1 is obvious.

b. Claims 2-9, 11-13, and 18

Claims 2-9, 11-13, and 18 depend directly or indirectly from claim 1. In addition, Mountain Voyage relies only on Kane for the additional teachings of these claims, and provides no further combination analysis for these dependent claims. Petition at 78. In fact, its analysis of these claims spans a total of five lines, all of which incorporates by reference Mountain Voyage's Ground 1 analysis. *Id.*[3] Both because the combination of Kane and Matthews is improper (*see* Section VII.D.i, incorporated herein by reference), and because the combination fails to disclose the Missing Kane Limitations of Claim 1 (*see* Section VII.D.ii.a, incorporated herein by reference), claims 2-9, 11-13, and 18 are not obvious, and their patentability should be confirmed. Ex. 2021, ¶¶283-285

c. Claim 14

The Petition incorporates by reference its analysis of Claim 1 with respect to the Missing Kane Limitations of Claim 14. Petition at 78-80. Ridge incorporates by reference its analysis of the non-combinability of Kane and Matthews (Section VII.D.i) and its analysis of why the combination, even if made, is deficient as to Claim 1 (Section VII.D.ii.a) as if set forth herein.

In addition, Dr. Kurfess explains that his analysis of Claim 1 confirms that

[3] Mountain Voyage erroneously relies on its arguments for claim 14 with regard to claim 18. Petition at 80. Nevertheless, since it incorporates its analysis of Ground 1 with respect to each dependent claim, Ridge's Ground 1 analysis likewise addresses claim 14. Section VII.B.ii.a.

the proposed combination of Kane and Matthews does not render Claim 14 obvious. Ex. 2021, ¶¶286-293.

d. Claims 15-17

Claims 15-17 depend directly or indirectly from Claim 14. In fact, Mountain Voyage's entire analysis of these claims is an incorporation by reference spanning five lines. Petition at 80.

Both because the combination of Kane and Matthews is improper (*see* Section VII.D.i), and because the combination fails to disclose the Missing Kane Limitations of Claim 14 (*see* Section VII.D.ii.a), claims 15-17 are not obvious, and their patentability should be confirmed. Ex. 2021, ¶¶294-296.

e. Claim 19

Ridge incorporates by reference its analysis of the non-combinability of Kane and Matthews (Section VII.D.i) and its analysis of why the combination is deficient as to Claim 1 (Section VII.D.ii.a) as if set forth herein.

Dr. Kurfess explains that even if combined, Kane and Matthews do not disclose the Missing Kane Limitations of Claim 19. Ex. 2021, ¶¶297-309. He also explains that while Claim 19 is essentially a method claim version of claim 1, it adds the requirement that the recess be "outbound of the elastic band." Ex. 2021, ¶298; Ex. 1001 at Claim 19.

Dr. Kurfess also explains that Kane and Matthews, even if combined, do not

teach or suggest that the recess is outbound of the elastic band. Ex. 2021, ¶¶302-309. The incompatibility of the structures of the two references mean that the requirement for any portion of Matthews to be outbound of any portion of Kane is based entirely on hindsight, and is done in an effort to build Claim 19 out of the prior art by starting with Claim 19. Ex. 2021, ¶¶309-310. Dr. Kurfess explains that "there is absolutely no reason to first flip the position of the two items in Matthews and to second position the recess (which is now on the body of the device) outbound of the purported channel." Ex. 2021, ¶¶311-312.

Claim 19 is not obvious for the same reasons as given above with respect to Claim 1, and because the combination of Kane and Matthews (if made) lacks the "outbound" aspect of Claim 19. Ex. 2021, ¶313.

f. Claim 20

Claim 20 depends from independent claim 19, and further recites aspects of the "hook," "recess," and "undercut." Thus, the prior analysis of why the Missing Kane Limitations are not obvious applies to dependent claim 20. *See* Section VII.B.e; Ex. 2021, ¶¶314-315.

g. Claim 21

Claim 21 depends from claim 19. In addition, Mountain Voyage relies only on Kane for the additional teachings of this claim, and provides no further combination analysis for these dependent claims. Petition at 87. Thus, the prior

analysis of why the Missing Kane Limitations are not obvious applies to dependent claim 20. *See* Section VII.B.e; Ex. 2021, ¶316.

VIII. SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS

This case is a rare one in which the Petitioner only exists because it copied the Patent Owner's product. Ex. 2008 at 7. Kane's (Ex. 1006) date alone indicates that Ridge developed its business for at least three (3) years BEFORE it invented the designs of the '808 Patent, and then sold practicing product for another four (4) years before Petitioner got into the copycat business for an investment of $10,000. Ex. 2008 at 7; Ex. 2020 at ¶38. As such, it is unsurprising that the secondary considerations evidence strongly supports the non-obviousness of the Challenged Claims. *See generally* Ex. 2020 at ¶¶39-82; Ex. 2021, ¶¶317-341.

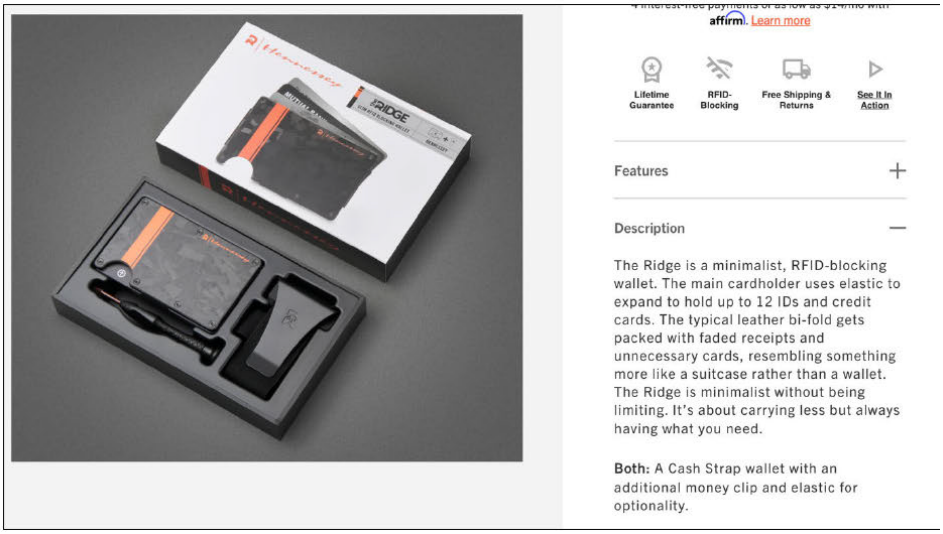
A. The Requisite Nexus Exists

According to the Federal Circuit:

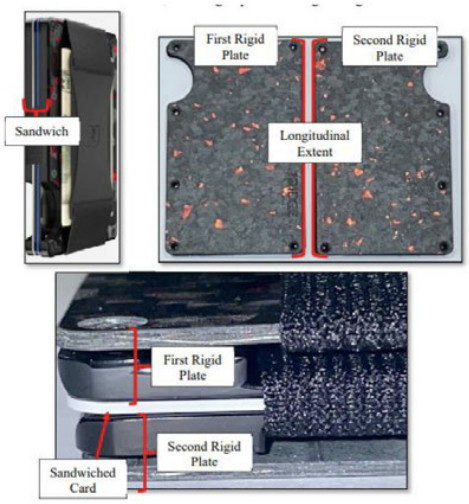
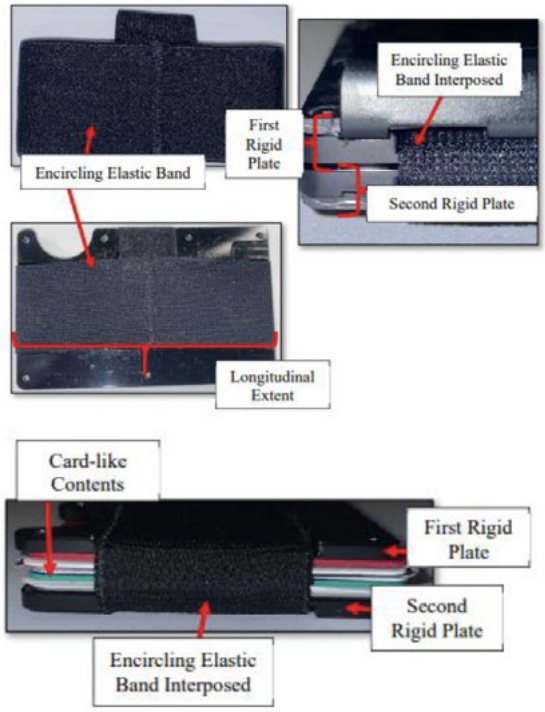
> For objective evidence of secondary considerations to be relevant, there must be a nexus between the merits of the claimed invention and the objective evidence. *See In re GPAC*, 57 F.3d 1573, 1580 (Fed. Cir. 1995). A showing of nexus can be made in two ways: (1) via a presumption of nexus, or (2) via a showing that the evidence is a direct result of the unique characteristics of the claimed invention.
>
> A patent owner is entitled to a presumption of nexus when it shows that the asserted objective evidence is tied to a specific product that "embodies the claimed features, and is coextensive with them." *Brown & Williamson Tobacco Corp. v. Philip Morris, Inc*., 229 F.3d 1120, 1130 (Fed. Cir. 2000).

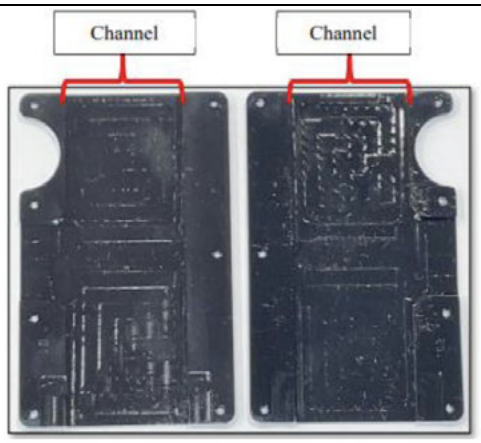
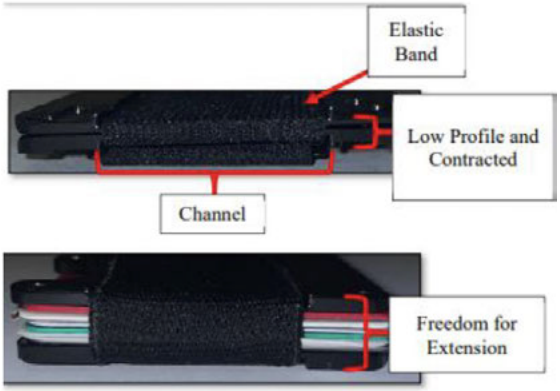
Volvo Penta of the Americas, LLC v. Brunswick Corp., 81 F.4th 1202, 1210 (Fed. Cir. 2023); *see* Institution Decision at 37. Ridge is entitled to a presumption of nexus, and in any event the evidence submitted herewith demonstrates the requisite nexus between the objective evidence and the scope of the '808 Patent.

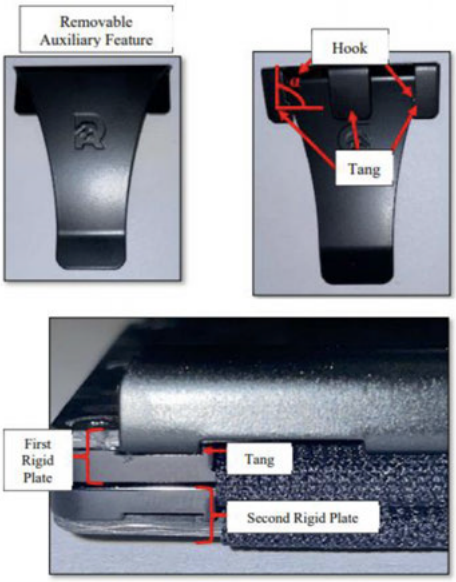
Dr. Kurfess explained that the products Ridge relied on to prove the technical prong of the domestic industry requirement at the International Trade Commission ("ITC") meet at least claims 1 and 14 of the '808 Patent:

Claim Element	**Analysis**
1[a][4]	 Ex. 2019 at 4-5 (Dr. Kurfess opining about ITC Claim 1[pre]).

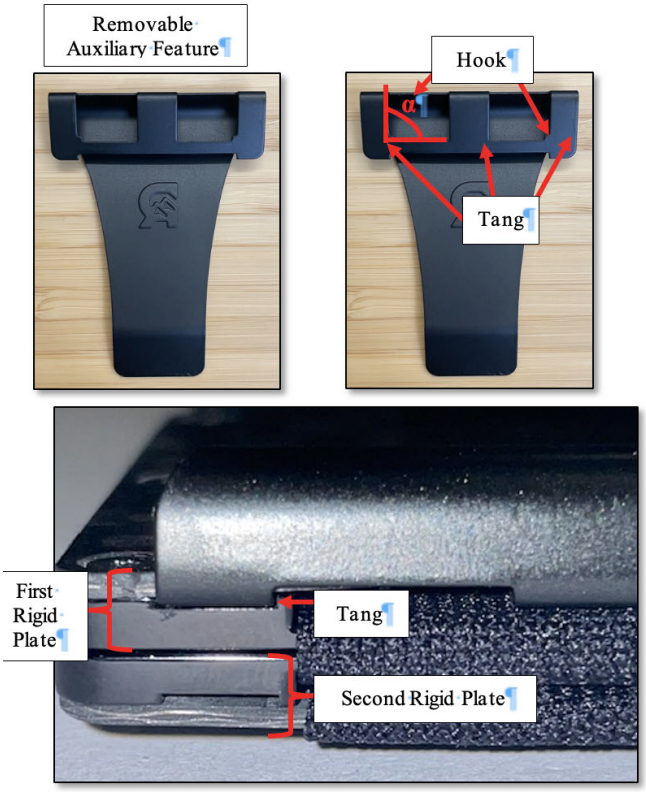
[4] Dr. Kurfess used different claim element breakdowns in the ITC Investigation, but for consistency Ridge uses the claim limitation numbering as Mountain Voyage proposed it in the Petition. Petition at ix-xiii.

1[b]	 Ex. 2019 at 5-6 (Dr. Kurfess opining about ITC Claim 1[a]).
1[c]	 Ex. 2019 at 6 (Dr. Kurfess opining about ITC Claim 1[b]).

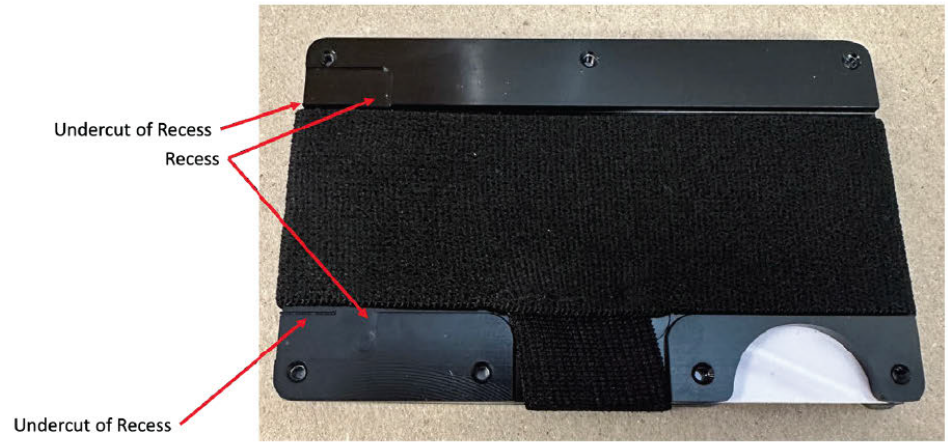
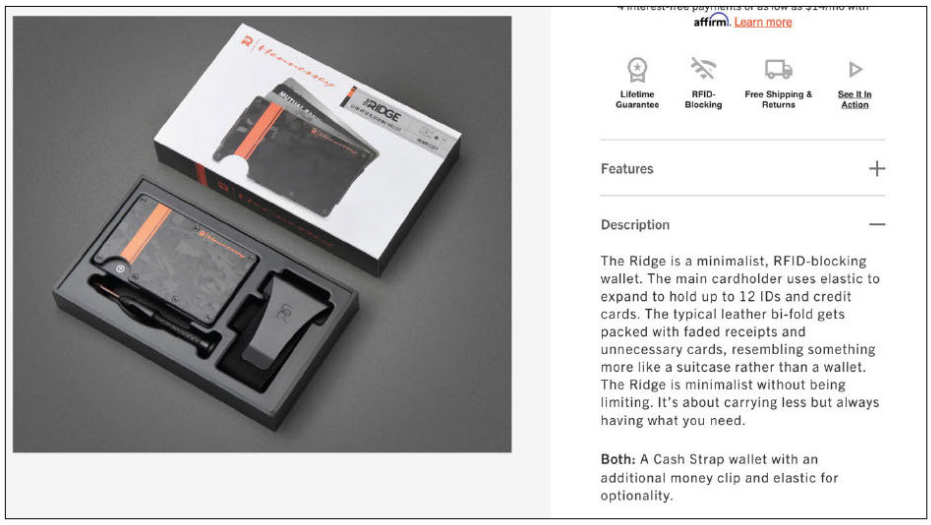
1[d]	  Ex. 2019 at 7 (Dr. Kurfess opining about ITC Claim 1[c]). Notably, Dr. Kurfess applied a construction at the ITC that is identical in relevant part to the construction Mountain Voyage advocates for here—namely, that the channeling means be a "groove spanning the extent of one or more of the rigid plates…" Petition at 12-13; Ex. 2019 at 7.
1[e]	For one of Ridge's two money clip designs, Dr. Kurfess included the following evidence and analysis



Ex. 2019 at 7-8. For Ridge's alternative money clip design, Dr. Kurfess included the following evidence and analysis.



Ex. 2019 at 8-9. Dr. Kurfess also included an image with annotations to show why the claimed "recess" with the claimed "undercut" is present:

	 Ex. 2019 at 9-10. The analysis from Dr. Kurfess is of ITC Claim 1[d], which corresponds to Mountain Voyage's Claim 1[e], 1[f], 1[g], 1[h], and 1[i].
1[j]	 Ex. 2019 at 10-11.

Ex. 2021, ¶¶334-340; Ex. 2019. Dr. Kurfess did a similar analysis to determine that Ridge wallet products meet the requirements of Claim 14 of the '808 Patent, which was also at issue in the ITC. Ex. 2019 at 14-15. And Mr. Kane testifies that

the photos on which Dr. Kurfess relies are of the design Ridge has been selling since mid- to late-2016. Ex. 2020 at ¶¶41, 46; Ex. 2021, ¶¶337-339.

The ITC found Dr. Kurfess' testimony to be persuasive, and agreed that Ridge's products satisfy claims 1 and 14 of the '808 Patent. Ex. 2002 at 64-74. Mr. Kane explains that each wallet sold since the late summer of 2016 has this same configuration, meaning that each wallet Ridge has sold since late summer, 2016 is coextensive with the scope of at least claims 1 and 14 of the '808 Patent. Ex. 2020 at ¶¶41, 46. This is unsurprising, as the images in the '808 Patent are nearly identical to the configuration of the Ridge wallet:

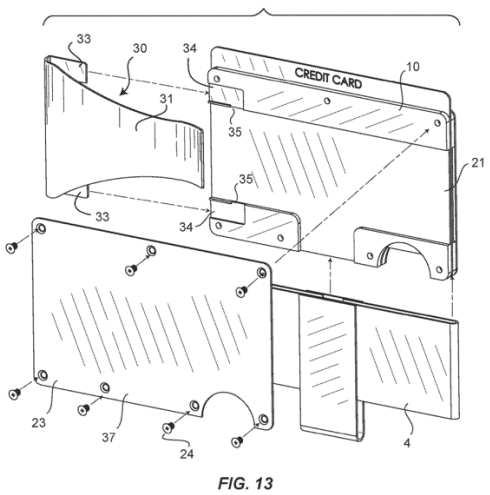
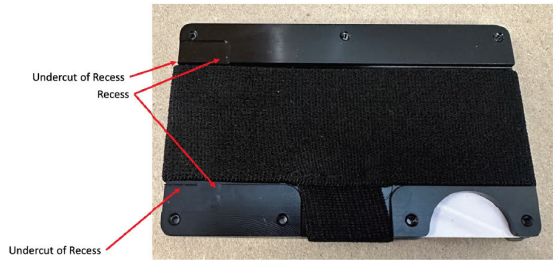


FIG. 13

Ex. 1001 at Fig. 13



Ex. 2019 at 81; Ex. 2002 at 69.

Ex 2020 at ¶¶26, 31, 42; Ex. 2021, ¶335.

Dr. Kurfess has offered the opinion in the District of Colorado that the Ridge wallets practice the claims of the '808 Patent in support of Ridge's damages arguments, and Mr. Babcock (who is serving as Mountain Voyage's technical expert

in the Colorado District Court litigation) did not dispute that conclusion. Ex. 2021, ¶336.

The Ridge products "embod[y] the claimed features, and [are] coextensive with them." *Volvo Penta of the Americas, LLC*, 81 F.4th at 1210. Ridge is thus entitled to a presumption of nexus.

B. The Objective Evidence Confirms that the '808 Patent is Not Obvious

The Federal Circuit has recognized several different types of objective evidence of non-obviousness, including long-felt but unmet need, failure of others, commercial success, copying, and commercial success. *Volvo Penta of the Americas*, LLC, 81 F.4th at 1213. It has also recognized that unexpected results and licensing activities may be probative of non-obviousness. *Transocean Offshore Deepwater v. Maersk Drilling*, 699 F.3d 1340, 1351-53 (Fed. Cir. 2012).

The evidence presented herewith is objective evidence that the '808 Patent is not obvious. Particularly because the evidence outlined below is all related to the practicing Ridge wallets that have been sold since late summer, 2016, each piece of evidence has nexus to the claimed inventions in the '808 Patent. Ex. 2020 at ¶¶41, 46.

The Kane reference (Ex. 1006) is a Kickstarter page that reflects Mr. Kane's initial work on the Ridge wallet, in the 2013-time frame. Ex. 2020 at ¶5. He explains that while that design had some success, it also had limitations. Ex. 2020 at ¶¶18-

19. Users ultimately did not like the fact that the money clip was affixed to (or integral with) the plate of the wallet. *Id.* In addition, Mr. Kane explains he difficulty this presented to Ridge as a business, particularly with regard to the requirement to keep substantial amounts of each color of plate/money clip devices in stock to service warranty requests. Ex. 2020 at ¶18. As such, he explains that he set out to design a new version of the Ridge wallet. Ex. 2020 at ¶¶22-23.

He explains that in 2016, after several years of work in coming up with the inventions now claimed in the '808 Patent, Ridge launched the design it currently sells, with a modular money clip and the internal structures to accommodate the same. Ex. 2020 at ¶¶22-24. That design is the one Dr. Kurfess has opined (and the ITC has agreed) practices the '808 Patent. Ex. 2002; Ex. 2019; Ex. 2021, ¶¶334-340. Mr. Kane explains that the market loved the new design, describing it as "our lightning in a bottle." Ex. 2020 at ¶25.

Ridge addresses the pertinent secondary considerations factors, which stem from the introduction of the '808 Patent-practicing design, below in turn.

i. commercial success

Mr. Kane explains the commercial success Ridge has had since introducing wallets whose design matches the '808 Patent. Ex. 2020 at ¶¶46-49, 57-58; Ex. 2013. In particular, the modular design Ridge launched in 2016 allowed Ridge to surpass eight figures in wallet sales in its first full year for sale (2017), and to surpass

nine figures in wallet sales in 2023. *Id.* He explains some of the reasons he believes the patented functionality led to this result, including improvements in supply chain management, warranty service, and manufacturing efficiency. Ex. 2020 at ¶74.

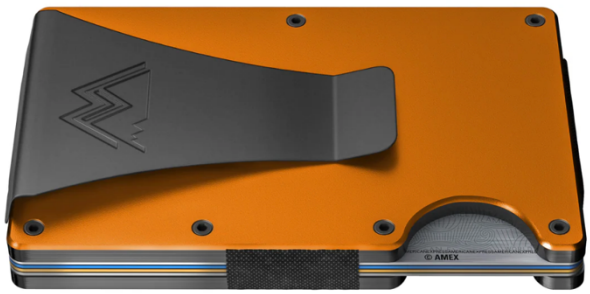
Mr. Kane also discusses partnerships Ridge has with the NFL, MLB, the NCAA, and several other well-known brands. Ex. 2020 at ¶57; Ex. 2014. He describes that the success of the company, and the desirability of Ridge's practicing products, has caused those entities to want to partner with Ridge.

Thus, Ridge's commercial success, which is tied to the new designs introduced in 2016, is a strong indicator of the patentability of the claims of the '808 Patent. To the extent nexus is not presumed, there is a nexus to the claimed features of the '808 Patent because the only major change to the product that was introduced in late summer 2016 was the addition of the removable money clip feature (and corresponding modifications to the body of the wallet). Ex. 2020 at ¶58. Mr. Kane explains that each product Ridge has sold since the new ('808 Patent) design has the features Dr. Kurfess opines practice the '808 Patent. Ex. 2020 at ¶58; Ex. 2021, ¶¶334-340.

ii. copying

Mr. Kane discusses the hardships Ridge has endured due to the pervasive copying of its designs. Ex. 2020 at ¶¶59-66. He discusses that in 2020, after Ridge was comfortably in the eight figures of sales (Ex. 2013), Ridge started to see

knockoffs coming onto the market. Ex. 2020 at ¶¶59-66. He discusses the proliferation of Chinese manufacturers making their products available to Amazon.com drop-shippers, and a Business Insider article about Mountain Voyage confirms that Mountain Voyage is one such drop-shipper. Ex. 2020 at ¶62; Ex. 2008. And while the Business Insider article does not indicate which vendor Mountain Voyage was copying, the fact that Ridge has several patent infringement lawsuits going on confirms that Mountain Voyage at least copied Ridge's *designs*. *Id*. The similarity between Ridge's products and Mountain Voyage's products indicate copying of Ridge's design, whether or not there was an intervening copyist:

	
Ex. 2025 (Ridge Orange Wallet)	Ex. 2026 (Mountain Voyage Orange Wallet)

Ex. 2021, ¶321.

In addition, Mr. Kane discusses Ridge's ITC activities, which have now matured into an in-force General Exclusion Order based on a finding of infringement and domestic industry. Ex. 2020 at ¶¶59, 64; Ex. 2002; Ex. 2009. Mr. Kane

introduces a spreadsheet that indicates that Ridge is aware of at least twenty-six (26) Chinese *manufacturers* who are making and importing infringing products into the United States; those twenty-six manufacturers give rise to hundreds of actual domestic infringers. Ex. 2020 at ¶65; Ex. 2015.

Mr. Kane discusses a Preliminary Injunction Ridge was successful in obtaining against one of the biggest Chinese manufacturing offenders. Ex. 2020 at ¶¶60-61; Ex. 2022. He explains that prior to the injunction being filed, Ridge had purchased product from that vendor that appeared to be identical to the Ridge "burnt Damascus" colorway. Ex. 2020 at ¶¶60-61. Sure enough, when that product arrived, it was a copycat product, and the vendor even applied Ridge's logo to the product. Ex. 2020 at ¶¶60-61; Ex. 2016; Ex. 2017.

He provides evidence of a recent takedown on Alibaba.com where not only did the company copy Ridge's product design, but applied Ridge's logo and trademark to the product and listings. Ex. 2020 at ¶63; Ex. 2018. And he discusses Ridge's investment in in-house counsel (including the undersigned) because combating copycats had become a full-time job, especially prior to the ITC issuing Ridge a GEO. Ex. 2020 at ¶65.

Each of these activities of copying is with respect to wallets with removable money clips. And of course, where the '808 Patent has been asserted and been found infringed, the premise of the injunctive instrument (e.g., the GEO and the

Preliminary Injunction) is that the '808 Patent is being infringed. Thus, the evidence of copying Ridge submits herewith has a nexus to the claim scope of the '808 Patent.

iii. industry praise

Mr. Kane provides several examples of industry praise for the modular money clip feature launched for Ridge wallets sold in late summer 2016 and beyond. Ex. 2020 at ¶¶76-82. He explains that the "industry" for these products is made up of so-called Everyday Carry ("EDC") aficionados, and that the industry praise in Ex. 2023 and Ex. 2024 is praise from these industry participants. The praise is tied directly to the features recited and claimed in the '808 Patent. Ex. 2023 at 1-7; Ex. 2024 at 5.

Mr. Kane also discusses a set of customer reviews Ridge's customer experience ("CX") team pulled from historical sales of money clip wallets. Ex. 2020 at ¶76; Ex. 2027. He explains that these repeated, and favorable, reviews of the money clip constitute praise for the feature (and the utility of the wallet enabled by the feature) claimed in the '808 Patent.

In particular, Mr. Kane identifies reviews in which a customer stated: "I really like how the wallet is serviceable. The ability to replace the elastic and add or remove money clip makes for a versatile wallet that will last a long time!" Ex. 2020 at ¶¶79; Ex. 2027 at 10.

He also identifies a review in which the customer said "The cash clip is more flexible than I thought. I had the cash strap, which was good also, but I wanted to try the cash clip just to see if it was better to put money under it, or was the cash strap easier. After getting use [sic] to it, the cash strap and clip are just about the same. I also thought the clip might cause problems when it was in my pocket because the end of it curves up, but I have had no problems getting it out of my pocket. I like the clip very much." Ex. 2020 at ¶80; Ex. 2027 at 9.

Finally, Mr. Kane discussed one review where a user directly compared his 2024 wallet that practices the '808 Patent to the 2014 wallet he bought (without the modular money clip): "After 10 years my money clip finally snapped. I notice that the clip has been improved!" Ex. 2020 at ¶81; Ex. 2027 at 17.

Thus, this praise from both EDC reviewers and direct customer feedback is objective evidence of the non-obviousness of the '808 Patent with plain nexus to the removable money clip feature.

iv. long-felt but unmet need

Mr. Kane discusses the long-felt, but unmet, need that was solved by the '808 Patent. Ex. 2020 at ¶¶43-53. He explains that while users were not aware of it, the integrated money clip designs in the early (Ex. 1006-era) Ridge wallets were lacking functionality that needed to be added to unlock the full potential of Ridge's products. *Id.* He explains that this need even existed after Ridge moved from a riveted-on

design to a screwed-on design, which permitted the wallet not to be fully scrapped when a warranty claim was made. Ex. 2020 at ¶26. He explains that the unmet need was met in 2016 with the modular money clip design. Ex. 2020 at ¶¶43-53. The widespread adoption of the modular money clip designs described and claimed in the '808 Patent indicates that there was a need for that kind of product that was unmet before Mr. Kane invented the '808 Patent-described variant of his compact wallet product. Ex. 2020 at ¶¶65-66.

v. failure of others

Along the same lines, Mr. Kane describes that between his Kickstarter launch in 2013, and the ultimate launch of the modern, modular Ridge wallet in 2016, there were no competitors of note in the market. Ex. 2020 at ¶¶54-56. That is, nobody else saw the Ridge 2013 design and improved it in the way Mr. Kane did in 2016. *Id. T*he fact that there has been a proliferation of Chinese copyists beginning in and around 2020 indicates that the failure of others was not for want of companies that desired to compete with Ridge; those companies existed, but just did not solve the problem Mr. Kane did (and thus did not "unlock" the industry niche Mr. Kane did) with the filing of the '808 Patent. *Id.*

The fact that nobody improved the Kickstarter-era version of Mr. Kane's wallet design until Mr. Kane himself did, and upon that improvement, a copycat industry sprang up, is a strong indicator that the '808 Patent claims are not obvious.

vi. unexpected results

Mr. Kane explains that the unexpected results Ridge has seen from the invention of the '808 Patent comes in the form of easier business expansion. Ex. 2020 at ¶¶73-75. In particular, because every wallet can accommodate a money clip, and the money clip can be easily separated from the wallet, manufacturing is simplified. *Id.* The same money clip can be manufactured in bulk, and will fit on any wallet (new or used). *Id.* The outer plates can be separately manufactured based on customer demand. *Id.* And when a warranty claim is made, only the broken parts need to be replaced. *Id.* If a wallet is returned for warranty with a broken money clip, it can be replaced without replacing a plate, and vice versa. *Id.*

The unexpected impact on Ridge's business's ability to grow is objective evidence of non-obviousness of the claims of the '808 Patent. And the results Mr. Kane discusses all stem from the modularity provided by the inventions claimed in the '808 Patent.

vii. licensing

Mr. Kane explains that Ridge has never granted a royalty-bearing license to the '808 Patent. Ex. 2020 at ¶¶67-72. He explains, however, that several entities have taken releases for past infringement in exchange for an agreement to cease and desist selling infringing wallets. One such agreement was the basis for the dismissal of IPR2024-00340, which was brought by another Amazon.com drop

shipper/infringer of the '808 Patent. The fact that companies would rather stop selling Ridge knockoffs than to dispute the validity of the '808 Patent is a strong indicator of its validity. There is nexus between this activity and the '808 Patent because the agreements discussed above relate to the '808 Patent in particular. Ex. 2020 at ¶71.

IX. CONCLUSION

The Petition suffers from being presented by a company to whom Ridge's products are ubiquitous (and the sole basis for its existence), but the objective evidence shows that the claims of the '808 Patent are not obvious. The patentability of each Challenged Claim should be upheld.

Date: January 31, 2025

Respectfully Submitted,

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CERTIFICATION UNDER 37 C.F.R. §42.24(d)

Under the provisions of 37 C.F.R. §42.24(d), the undersigned hereby certifies that the word count for the foregoing Patent Owner's Response to Petition totals 13,837 (inclusive of annotations of figures), which is less than the 14,000 allowed under 37 C.F.R. §42.24(b)(2).

Respectfully submitted,

Date: January 31, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), the undersigned certifies that on January 31, 2025, a complete and entire copy of this Patent Owner's Response was provided, via email and electronic file transfer, to the Petitioner by serving the correspondence address of record as follows:

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