

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Before the Honorable Bryan F. Moore
Administrative Law Judge

In the Matter of

**CERTAIN COMPACT WALLETES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1355

WITNESS STATEMENT OF THOMAS J. KURFESS, PHD., P.E.
ON BEHALF OF COMPLAINANT

I. BACKGROUND INFORMATION

Q1. Would you please introduce yourself to the Administrative Law Judge?

A. My name is Thomas J. Kurfess, PhD., P.E.

Q2. Have you been retained by the Complainant in this matter?

A. Yes, I have been retained by the Complainant through its counsel.

Q3. What have you been retained to do?

A. I have been retained to provide technical services and opinions relating to U.S. Patent No. 10,791,808, which we generally refer to as the '808 Patent.

Q4. Have you performed those technical services and formed some opinions?

A. Yes.

Q5. What opinions have you generally formed?

A. I have formed several opinions.

First, I have determined that the four Respondents in this Investigation sell wallet products that infringe the '808 Patent.

Second, I have determined that the Complainant The Ridge Wallet sells wallet products that practice the '808 Patent, which I understand is related to the technical prong of the domestic industry requirement in this Investigation.

And third, I have concluded that the Respondents' products have been imported into the United States based on the packaging and materials involved in the actual purchase of the products.

Q6. What materials did you review to come to those conclusions?

A. Well, of course I read the '808 Patent. I read and understand the ALJ's order regarding claim construction, and have applied the ALJ's constructions in doing my analysis. I have examined wallets made by the Respondents and by Ridge, and have disassembled and inspected those wallets. I reviewed the Complaint in this Investigation, which discusses the issues on which I have opined. And I have reviewed some articles and other publications that talk about the problems companies like Ridge face when it comes to the importation of knock-off products like the ones in this Investigation.

Q7. Is the Complaint in this Investigation the document marked as CX-0458?

A. Yes, it is. Of course that's the main body of the Complaint; I understand there are also some exhibits to the Complaint as well. But the main body is what I primarily relied on in my work here.

Q8. And are the articles you referenced the documents marked as CX-0516, CX-0540, CX-0542, CX-0543, CX-0546, and CX-0547?

A. Yes, those are the articles I read and used to form my opinions about the relevant wallet market.

Q9. Which respondents' products have you investigated and opined about?

A. I have been asked to opine about issues of infringement related to the following Respondents:

(1) Shenzhen Pincan Technology Co. Ltd. d/b/a ARW-Wallet ("ARW");

(2) Shenzhen Swztech Co., Ltd d/b/a SWZA ("SWZA");

(3) Rosemar Enterprise LLC d/b/a RossM wallet ("RossM"); and

(4) INSGG ("INSGG").

Q10. Do you understand that only two of those respondents are participating in the Investigation?

A. Yes, I understand that RossM and INSGG have been found in default for failure to appear in this Investigation, but nevertheless have examined their products and offered opinions about those products' infringement of the '808 Patent.

Q11. So which two respondents do you understand are actually involved in the Investigation?

A. ARW and SWZA.

Q12. And which products did you examine as part of your analysis of Complainant's products?

A. I examined a product branded as a Ridge Wallet, and a product branded as [REDACTED]

[REDACTED]

[REDACTED]

Q14. Does your compensation in this Investigation depend, in any way, on the outcome of the Investigation or the conclusions you reach?

A. No. My compensation is not contingent upon my findings, testimony rendered, or the outcome of this Investigation.

II. PROFESSIONAL AND EDUCATIONAL BACKGROUND

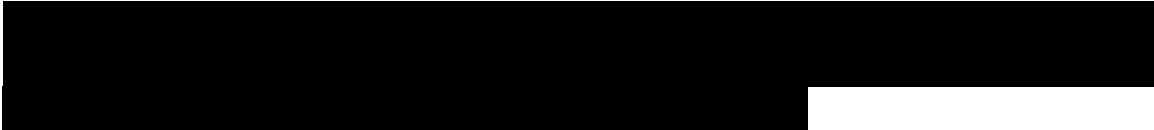
Q15. Would you please tell the ALJ a little about your academic background?

A. I received my Ph.D. in 1989 from Massachusetts Institute of Technology (MIT) in Mechanical Engineering. Prior to that, I received dual S.M. degrees in Electrical Engineering & Computer Science and Mechanical Engineering. I received my S.B. in Mechanical Engineering in 1986, also from MIT.

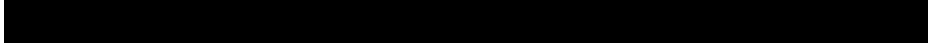
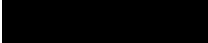
Q16. Did you have a career in academia after you got your degrees?

A. Yes. I began my academic career at Carnegie Mellon University where I rose to the rank of Associate Professor. In 1994, I moved to the Georgia Institute of Technology and was appointed Professor in the George W. Woodruff School of Mechanical Engineering. In 2005, I was named Professor and BMW Chair of Manufacturing in the Department of Mechanical Engineering at Clemson University's International Center for Automotive

Ridge Wallet; Matte Gunmetal Titanium Ridge Wallet; Burnt Titanium Ridge Wallet; Stonewashed Titanium Ridge Wallet; Carbon Fiber 3K Ridge Wallet; Forged Carbon Ridge Wallet; Forged Ember Ridge Wallet; Forged Pacific Ridge Wallet; Ridge x Ten Hundred Bunnies Ridge Wallet; Ridge x Ten Moonlight Bunnies Ridge Wallet; Matte Black Titanium Ridge Wallet; Cobalt Titanium Ridge Wallet; Polar White Ridge Wallet; Half Dome Ridge Wallet; North Shore Ridge Wallet; The Narrows Ridge Wallet; Mount Rainier Ridge Wallet; Denali Ridge Wallet; Tiki Ridge Wallet; Neon Tiki Ridge Wallet; Tropical Ridge Wallet; Damascus Ridge Wallet; Black Damascus Ridge Wallet; Burnt Damascus Ridge Wallet; Forged Gold Ridge Wallet; Red Carbon 3K Ridge Wallet; Hennessey Performance Ridge Wallet; RealTree Edge Ridge Wallet; 24 Karat Gold Ridge Wallet; Puppies Make Me Happy Ridge Wallet; Ridge x Chael Sonnen Ridge Wallet;



Q289. And again, is your analysis in this Investigation representative of the above list?

A. Yes. I understand that for all the Ridge-branded wallets, my analysis of the Ridge products is representative. 


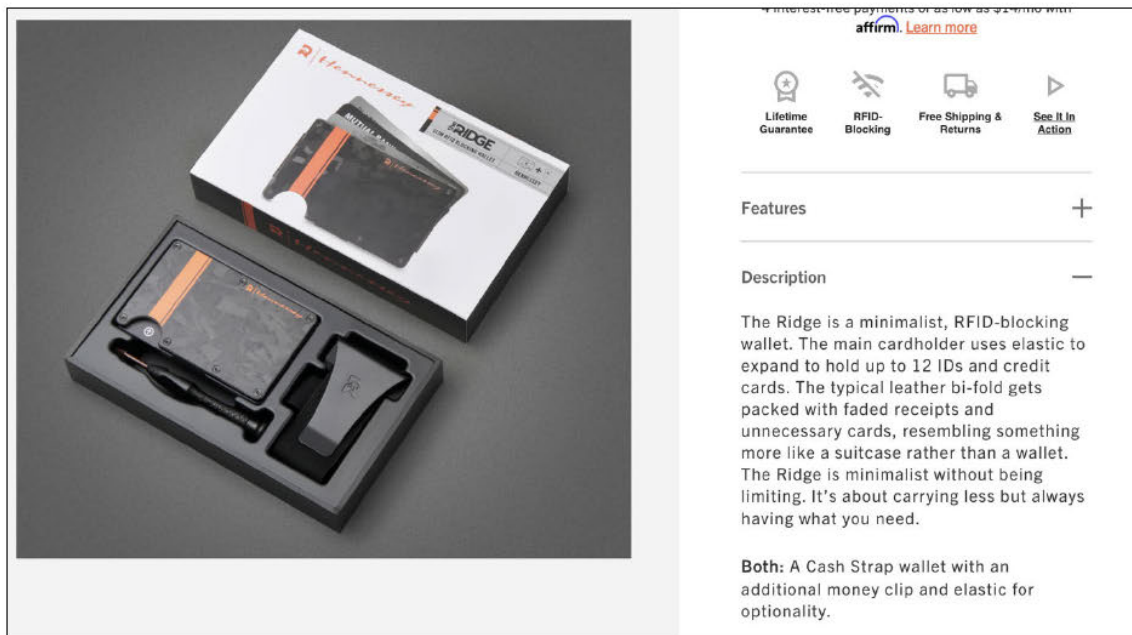
A. Ridge-Branded Domestic Industry Products

Q290. Let's talk about Ridge's products first, and as we did before, let's talk through the claim elements one at a time. Do you believe that claim 1[pre] is met by the Ridge products?

A. Yes.

Q291. Why?

A. Ridge's wallet is a compact wallet that Ridge describes as a minimalist wallet, as you can see from the following screenshot from Ridge's website.

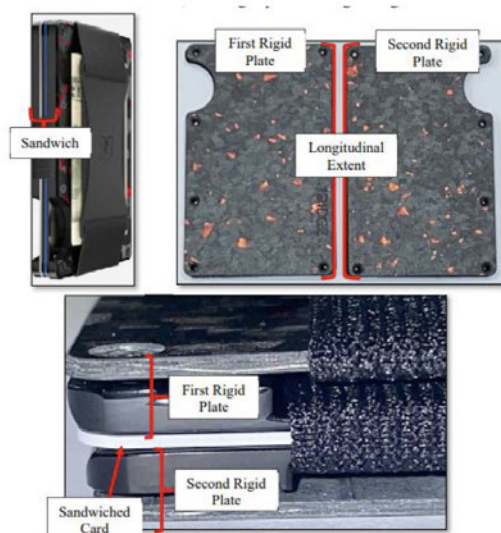


Q292. Where does that image come from?

A. That website is marked as CX-0011, and I understand Mr. Kane explained that the website describes the Ridge wallet products.

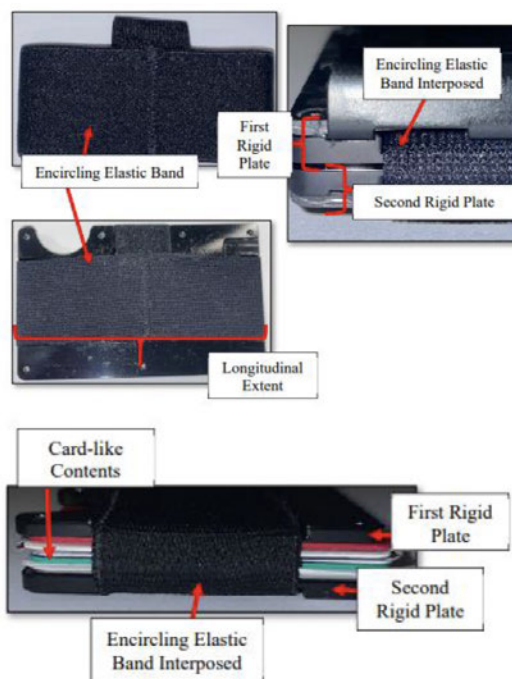
Q293. Do the Ridge-branded products meet the requirements for claim 1[a], which is that it must have at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a longitudinal extent?

A. Yes. As you can see from the following demonstrative exhibit, which labels the various elements of claim 1[a], all of the components of that element are met.



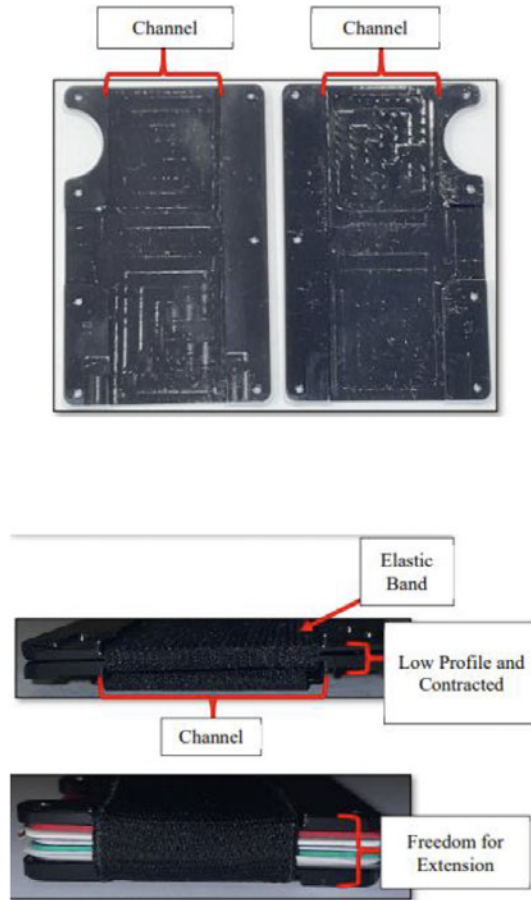
Q294. Does the Ridge Wallet meet the requirements of claim 1[b], which is that the wallet must have at least one encircling band interposed with at least two rigid plates along a longitudinal extents thereof to bias them inwardly and securely hold card-like contents while providing elastic volume there between for adding or removing content?

A. Yes, it does. As you can see from the following demonstrative, which again is a series of photographs of the wallet itself, all of the parts of claim 1b are met.



Q295. Do the Ridge-branded wallets meet the requirements of claim 1[c], which include that it must have a channeling means configured to minimize the profile of the wallet and hold position of the at least one circling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof?

A. Yes. I have marked up the photographs of the wallet in the following demonstrative to show why that is true:



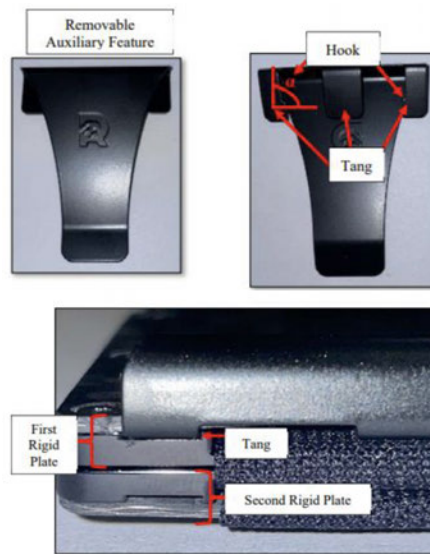
Q296. And for this element, did you apply the ALJ’s claim construction?

A. Yes. As I mentioned above, the “channeling means” was construed as having a specific function and structure, which in my opinion are met in the Ridge-branded wallets.

Q297. Do the Ridge-branded wallets meet the requirements of claim 1[d], which requires an auxiliary feature removably attached to at least one of the at least two rigid plates, the auxiliary feature having a tang insertable into a recess formed inside the at least two rigid plates, the tang having a hook, the hook extending at an angle to the tang,

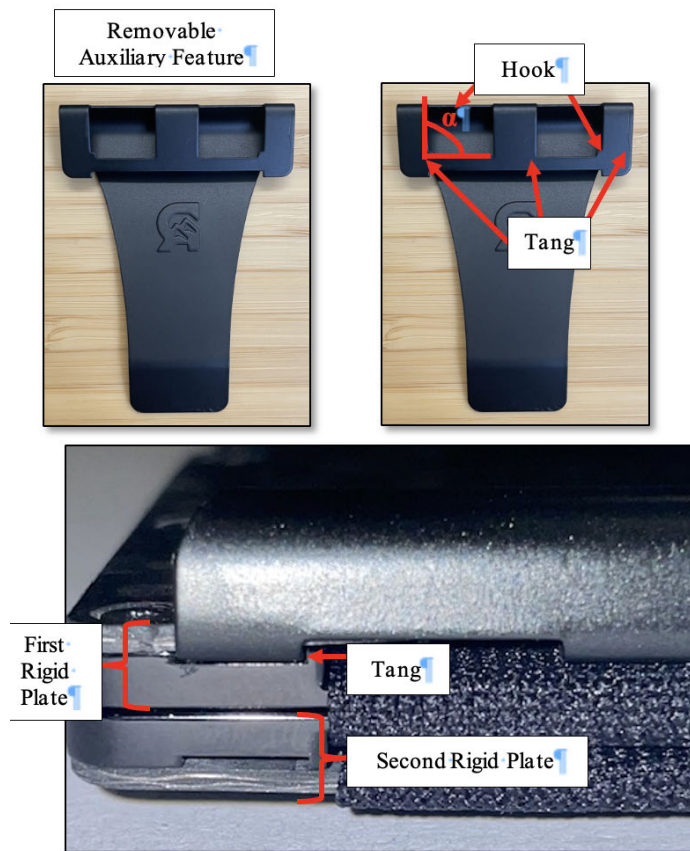
the hook engaging an undercut of the recess to prevent inadvertent dislodgement of the auxiliary feature from the recess?

A. Yes, they do. I have illustrated why in the following photos:



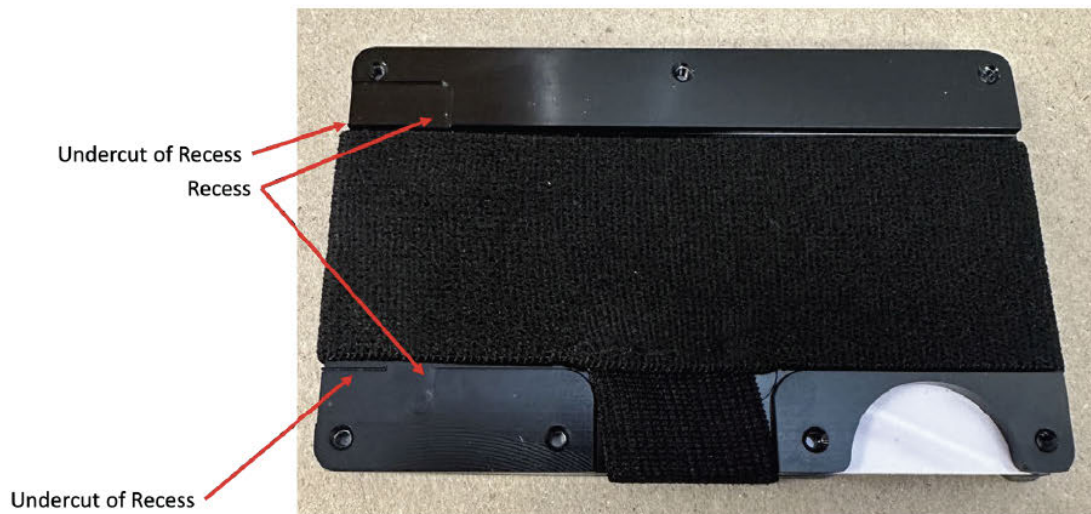
Q298. And that's for one of the money clip designs, right? Do you have an opinion as to the other money clip design?

A. Yes. The second, alternative money clip design also meets this element as you can see in the following demonstrative photos.



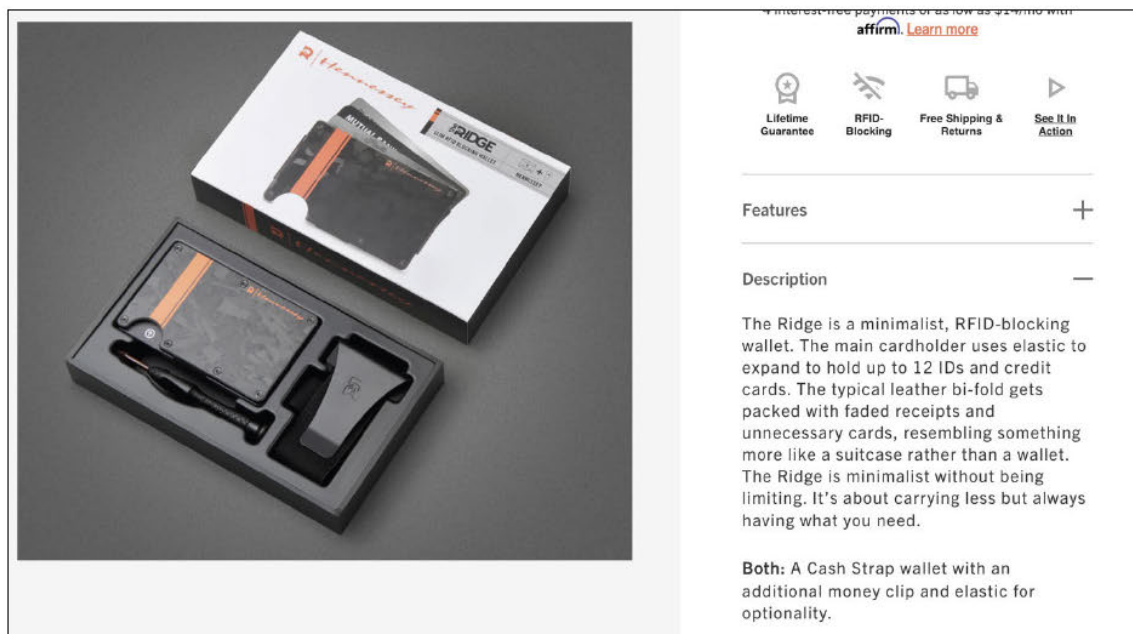
Q299. Do the Ridge-branded wallets include the required “recess” with an “undercut,” which is the part the clips engage with?

- A. Yes, they do. You can see from the following that the Ridge-branded wallets have that recess, and its associated undercut, as is required.



Q300. Finally, do the Ridge-branded wallets meet the requirements of claim 1[e], which include that it can carry card-like contents with minimal silhouette on or with a person while allowing expandable capacity and ready to access individual contents from between the at least two rigid plates?

A. Yes. The same website printout I mentioned before, CX-0011, demonstrates that the wallet is expandable while being minimalist. This meets the requirements of claim 1[e].



Q301. Did you come to a conclusion about claim 1 of the '808 Patent with respect to the Ridge-branded wallets?

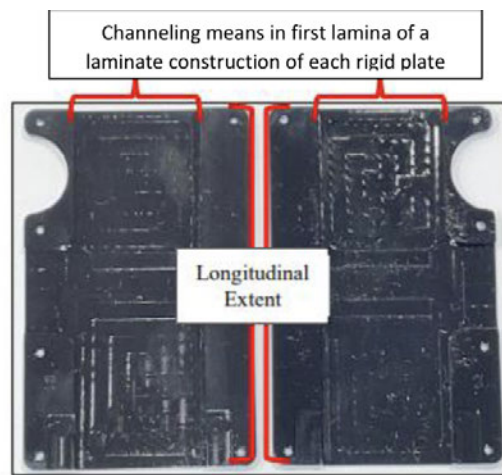
A. Yes. Both money clip iterations of the Ridge-branded wallets practice claim 1 of the '808 Patent.

Q302. Thank you. Did you compare the Ridge-branded products to claim 2 of the '808 Patent?

A. Yes.

Q303. And what did you conclude?

A. I concluded that the Ridge-branded wallets infringe claim 2 because their channeling means is a longitudinal groove in a first lamina of a laminate construction of each rigid plate, the groove slidably receiving one part of the at least one encircling elastic band.

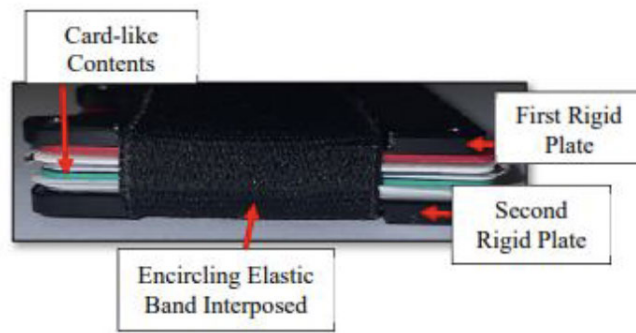


Q304. Did you compare the Ridge-branded products to claim 3 of the '808 Patent?

A. Yes.

Q305. What did you conclude about claim 3 of the '808 Patent in relation to Ridge's domestic patent products?

A. I concluded that the Ridge-branded wallets infringe claim 3 because the second lamina of the laminate construction of each rigid plate is removably attached to the first lamina to hold the at least one elastic band in capture and provide a smooth surface for glide purposes.



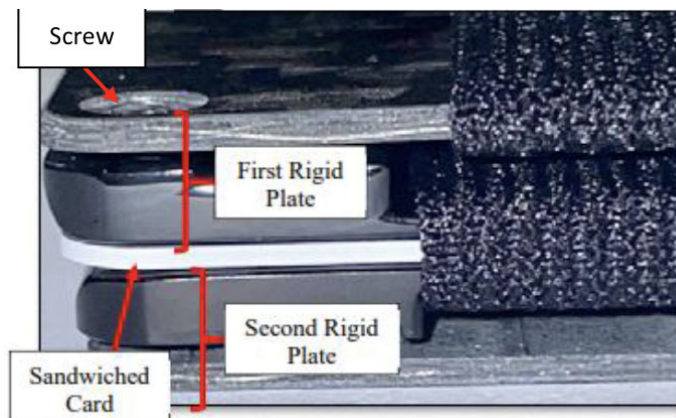
The extended nature of the Ridge Wallet in the configuration above demonstrates that the elastic band has a smooth surface for glide purposes.

Q306. Did you compare the Ridge-branded wallets to claim 4 of the ‘808 Patent??

A. Yes.

Q307. And what did you conclude?

A. I concluded that the Ridge-branded wallets infringe claim 4 because their second lamina is attached to the first lamina by screws, as can be seen in the corner of the below picture.



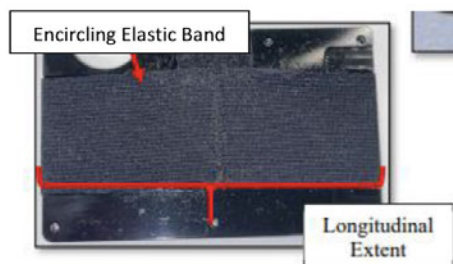
Q308. Did you compare the Ridge-branded wallets to claim 9 of the ‘808 Patent?

A. Yes.

Q309. What did you conclude about claim 9 of the ‘808 Patent in relation to Ridge’s domestic patent products?

A. I concluded that The Ridge Wallet includes a first elastic strap (the t-shaped portion of the strap below) positioned over the ends of the at least two rigid plates transverse to the

longitudinal extents, the positioning functioning to retain the card-like contents from that end (i.e., the end around which the t-shaped portion wraps).

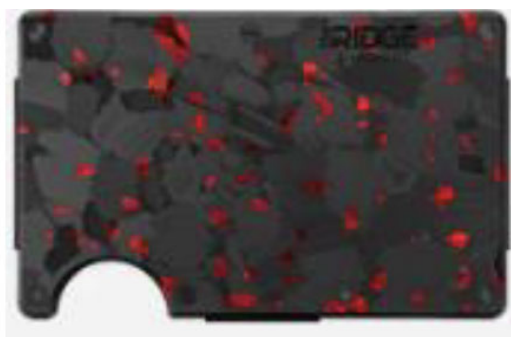


Q310. Did you compare claim 12 of the '808 Patent to the Ridge-branded wallets?

A. Yes.

Q311. What did you conclude about claim 12 of the '808 Patent in relation to Ridge's domestic patent products?

A. I concluded that The Ridge Wallet includes aligned finger notches (the semi-circular notches below) through proximal ends of the rigid plates to expose the edge of the card-like contents for the purpose of pushing the edge to elevate the contents into view through distal ends of the rigid plates, said edge providing a fulcrum to lever the proximal ends together for the purpose of fanning the distal ends apart in display of the contents.



Q312. Did you compare claim 13 of the '808 Patent to the Ridge-branded wallets?

A. Yes.

Q313. What did you conclude about claim 13 of the '808 Patent in relation to Ridge's domestic patent products?

A. I concluded that The Ridge Wallet has an encircling elastic band that is comprised of woven elastic fabric, as I described above with regard to Claim 1[b].

Q314. Did you compare claim 14 of the '808 Patent to the Ridge-branded wallet products?

A. Yes.

Q315. What did you conclude about claim 14 of the '808 Patent in relation to Ridge's domestic patent products?

A. I concluded that the Ridge-branded wallets practice claim 14 for the same reasons I gave above with regard to the claims I've already talked about.

Q316. Why do you think that claim 14[pre] is met by the Ridge-branded wallets?

A. I concluded that The Ridge Wallet is a compact wallet, as I described with regard to Claim 1 [pre].

Q317. Do the Ridge-branded wallets meet claim 14[a]?

A. Yes. With respect to claim 14[a], the Ridge-branded wallets include at least two rigid plates interposed to sandwich card-like contents there between, each rigid plate having a groove along a longitudinal extent thereof, for the reasons I gave for claims 1[a] and 1[b] with regard to the rigid plates and claim 2 with regard to grooves.

Q318. Do the Ridge-branded wallets meet claim 14[b]?

A. Yes. With respect to claim 14[b], the Ridge-branded wallets include at least one encircling elastic band slidably interposed in the grooves to bias the at least two rigid plates inwardly and securely hold the card-like contents while providing elastic volume there between for adding or removing contents, the grooves configured to hold position of the at least one encircling elastic band with respect to each rigid plate while allowing freedom for the dynamic extension and contraction of the band over the entire running length thereof. I explained this with regard to claim 1[c].

Q319. Do the Ridge-branded wallets meet claim 14[c]?

A. Yes. With respect to claim 14[c], the Ridge-branded wallets include a recess formed inside at least one of the at least two rigid plates, the recess operable to receive a tang of an auxiliary feature, the recess having an undercut operable to engage a hook of the tang to prevent inadvertent dislodgement of the auxiliary feature from the recess when the auxiliary feature is removably positioned in at least one of the at least two rigid plates, the hook extending at an angle to the tang. I explained that with regard to claim 1[d] before.

Q320. Finally, with regard to claim 14[d], do the Ridge-branded wallets meet that claim?

A. Yes. In the Ridge-branded wallets, card-like contents may be carried with minimal silhouette on or with a person while allowing expandable capacity and ready access to individual contents from between the at least two rigid plates. I explained that with respect to claim 1[e] earlier.

Q321. So what conclusion did you come to with regard to claim 14?

A. I believe the Ridge-branded wallets practice claim 14.

Q322. Did you compare Ridge-branded products to claim 15 of the '808 Patent?

A. Yes.

Q323. And what did you conclude?

A. The Ridge-branded wallets' grooves are in a first lamina of a laminate construction of each rigid plate, the groove slidably receiving one part of the at least one encircling elastic band. This is similar to the analysis I gave for claim 2, where the mapping of "groove" corresponds to the mapping of the claim 2 "channeling means."

Q324. Did you compare the Ridge-branded wallets to claim 16 of the '808 Patent?

A. Yes.

Q325. And what did you conclude?

A. The Ridge-branded wallets' second lamina of the laminate construction of each rigid plate is removably attached to the first lamina to capture the at least one elastic band and provide a smooth surface for glide. This is similar to my analysis of claim 3.

Q326. Did you compare Ridge-branded wallets to claim 17 of the '808 Patent?

A. Yes.

Q327. And what did you conclude?

A. The Ridge-branded wallets' second lamina is attached to the first lamina by screws, as I discussed above with regard to claim 4.

Q328. Can you please summarize your opinions with regard to the Ridge-branded wallets?

A. Yes. The Ridge-branded wallets that include a money clip practice claims 1, 2, 3, 4, 9, 12, 13, 14, 15, 16, and 17 of the '808 Patent.

Q329. What does that mean in terms of domestic industry?

A. That means that the Ridge-branded wallets that include a money clip satisfy the technical prong of the domestic industry requirement.

Q330. Dr. Kurfess, do you understand that Ridge sells some wallets that do not include a money clip?

A. Yes. I understand that sometimes Ridge sells wallets that have only a money clip, sometimes they sell wallets that have both a money clip and what we call a "cash strap," and sometimes they sell wallets that have only a cash strap.

Q331. For wallets that have only a cash strap, do you have any opinions regarding whether those wallets practice the '808 Patent?

A. Yes. I do. Claim 14 requires the internal components of the wallet that would *accommodate* a money clip, but does not actually require the money clip to be present to practice. So for wallets where the internal structures are present but there is no money clip, which would include wallets sold with just the cash strap, those wallets would still practice claim 14 of the '808 Patent.

Q332. Is that the only claim those wallets would practice?

A. No. The analysis I just gave would apply to the dependent claims that depend from claim 14: claims 15, 16, and 17.

Q333. What does that mean for your opinions?

A. It is my opinion that the Ridge products that include a cash strap but not a money clip also satisfy the technical prong of the domestic industry requirement.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

continue to move its inventory. ‘Once they’re off, they come back under a different brand and name.’” That article is CX-0547. An article titled “Combating Trafficking in Counterfeit and Pirated Goods, U.S. Dept. of Homeland Security Office of Strategy, Policy & Plans, Jan. 24, 2020, at 10-11 similarly states that “[L]isting on well-branded e-commerce platforms provides an air of legitimacy... A counterfeiter seeking to distribute fake products will typically set up one or more accounts on online third-party marketplaces.... Rapid proliferation also allows counterfeiters to hop from one profile to the next even if the original site is taken down or blocked.” That article is CX-0516. So that shows that without a general exclusion order, we will be right back here again with a different group of “pop-up” respondents.

VII. CONCLUSION

Q393. Thank you Dr. Kurfess. For completeness, will you please summarize your opinions here?

A. Yes. It is my opinion that ARW, SWZA, RossM, and INSGG infringe claims 1, 2, 3, 4, 9, 12, 13, 14, 15, 16, and 17 of the '808 Patent.

It is my opinion that Ridge and [REDACTED] wallets meet the technical prong of the domestic industry requirement because those products practice claims 1, 2, 3, 4, 9, 12, 13, 14, 15, 16, and 17 of the '808 Patent.

And it is my opinion that the facts here, in terms of the nature of these Respondents as pop-up, third-party sellers of infringing products picked from a “menu” at a Chinese factory, support a general exclusion order.

Q394. Does this witness statement contain your answers to my questions?

A. Yes, it does.

Respectfully Submitted:

Date: September 25, 2023

Signature: 