

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

2985 LLC D/B/A MOUNTAIN VOYAGE CO.,
Petitioner,

v.

THE RIDGE WALLET, LLC,
Patent Owner.

IPR2024-01264
Patent 10,791,808 B2

Before WILLIAM V. SAINDON, JASON W. MELVIN, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

MEYERS, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review

35 U.S.C. § 314

Denying Motion for Joinder

35 U.S.C. § 315(c); 37 C.F.R. § 42.122

I. INTRODUCTION

A. Background and Summary

On August 6, 2024, 2985 LLC d/b/a Mountain Voyage Co. (“Petitioner” or “Mountain Voyage”) filed a Petition to institute an *inter partes* review of claims 1–24 (the “challenged claims”) of U.S. Patent 10,791,808 B2 (Ex. 1001, “the ’808 patent”). Paper 1 (“Pet.”).¹ Mountain Voyage also filed a Motion for Joinder (Paper 2, “Mot.” or “Motion”) requesting that it be joined as a party to *Shenzhen Pincan Technology Co., Ltd. v. The Ridge Wallet, LLC*, IPR2024-00340 (“the Shenzhen IPR”), which involved the same claims of the ’808 patent (*see* Mot. 1), and for which an *inter partes* review was instituted on July 12, 2024. *See* Shenzhen IPR, slip op. at 43–44 (PTAB July 12, 2024) (Paper 18, “Shenzhen IPR Decision on Institution”). Subsequently, the Shenzhen IPR was terminated on December 29, 2024, because the parties involved in that proceeding had settled. *See id.*, slip op. at 3–4 (PTAB December 16, 2024) (Paper 29, “Shenzhen IPR Termination”).

On September 6, 2024, Mountain Voyage filed a paper, titled “Petitioner’s Notice of Ranking Petitions” in the instant IPR and the 692IPR. IPR2024-01264, Paper 10; IPR2024-00692, Paper 15 (collectively,

¹ On March 15, 2024, Mountain Voyage filed another petition for *inter partes* review in IPR2024-00692 (“the 692IPR”) challenging claims 1–9 and 11–21 of the ’808 patent. *See* 2985 LLC d/b/a Mountain Voyage Co. v. *Ridge Wallet LLC*, Case IPR2024-00692, slip op. at 1 (PTAB, Mar. 15, 2024) (Paper 1, “**692IPR Pet.**”). We instituted *inter partes* review of claims 1–9 and 11–21 based on the petition filed in the 692IPR. *See* 692IPR, slip op. at 49 (PTAB October 1, 2024) (Paper 18, “692IPR Decision on Institution”). The 692IPR proceeding is currently underway.

“Ranking Paper”).² With authorization, Ridge Wallet, LLC (“Patent Owner”) filed a “Memorandum Regarding Serial Petitions” in the instant IPR and the 692IPR (IPR2024-00692, Paper 16; IPR2024-01264, Paper 11 (collectively, “Memorandum”)) and Petitioner filed a “Response to Patent Owner’s Memorandum” in the instant IPR and the 692IPR (IPR2024-01264, Paper 12; IPR2024-00692, Paper 17).

On November 26, 2024, Patent Owner filed a Preliminary Response. Paper 13 (“Prelim. Resp.”). Patent Owner also filed an Opposition (Paper 9, “Opp.”) to the Motion for Joinder.

For the reasons stated below, the Motion for Joinder is denied as moot, and the Petition is denied because it is time-barred under 35 U.S.C. § 315(b).

B. Real Parties-in-Interest

Petitioner identifies “2985, LLC d/b/a MOUNTAIN VOYAGE COMPANY, LLC” as the real-party-in interest. Pet. 2. Patent Owner identifies The Ridge Wallet LLC as the real party-in-interest. Paper 7, 2.

C. Related Proceedings

The parties identify a number of proceedings in which the ’808 patent is asserted, including *Certain Compact Wallets and Components Thereof*; Inv. No. 337-TA-1355(USTIC) (“the ITC case”) and *The Ridge Wallet, LLC v. 2985 LLC, d/b/a Mountain Voyage Co*, Case No. 1:23-cv-00407 (DCO) (“the Parallel Litigation”). Pet. 3; Paper 7, 2–4.

² Should a petitioner wish for the Board to consider whether more than one petition is necessary, it is “expected that petitioners will justify multiple petitions in the first instance in their petitions or in a separate paper with the petitions.” Trial Practice Guide, 59–60, n.4.

D. Overview of the '808 Patent

The '808 patent is titled "COMPACT WALLET." Ex. 1001, code (54). The '808 patent describes that "[t]he present invention utilizes bookend plates resiliently bound with an encircling elastic band to contain one or more credit card-sized objects in a wallet configuration." *Id.* at 2:9–11. The '808 patent identifies that "an object of the invention to provide a compact wallet substantially no larger than a credit card" and "a further object to maximize expandability of the wallet to accommodate multiple objects of substantially the same size." *Id.* at 2:24–28.

Figure 11 of the '808 patent illustrates the compact wallet with an attached money clip, and is reproduced below.

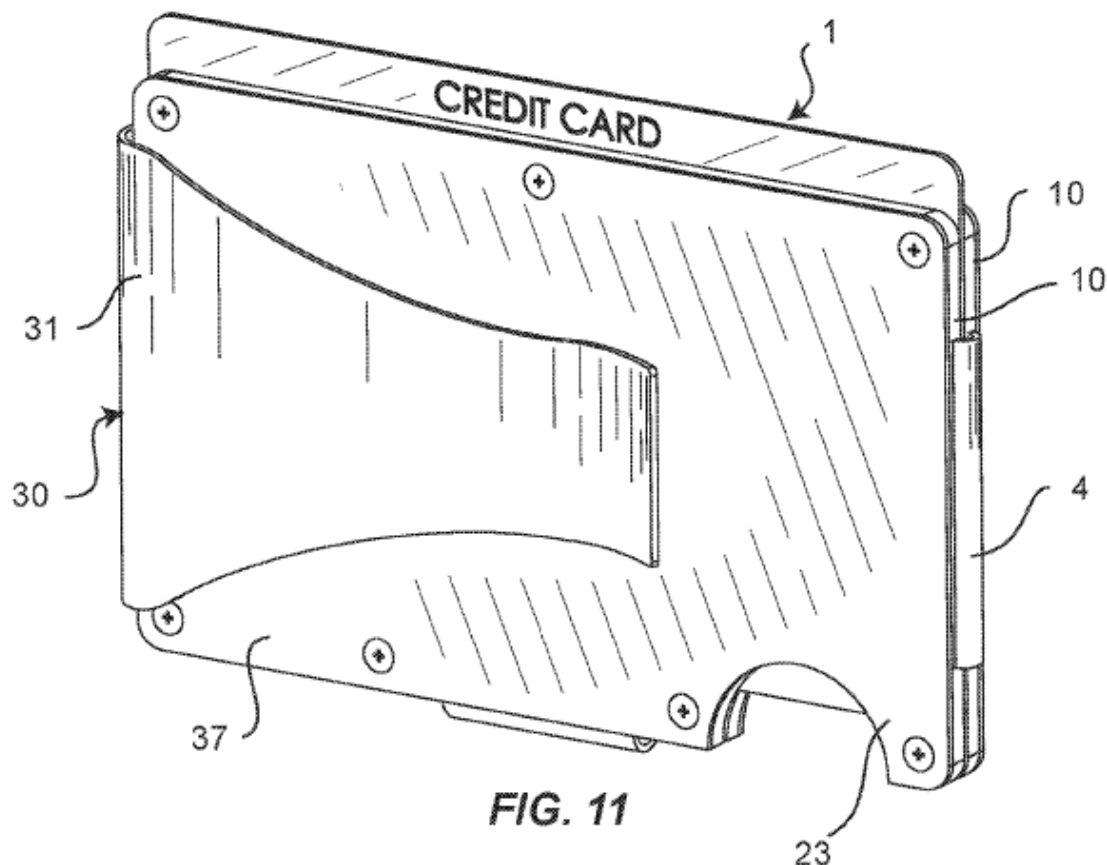


Figure 11 depicts a perspective view of the compact wallet 1 of the present invention. Ex. 1001, 3:30–31. More particularly, Figure 11 illustrates compact wallet 1

comprised of at least two rigid plates 10, serving as “bookends” as it were, with one or more card-like contents 2 sandwiched between them. The sandwiched composite is bound by at least one encircling elastic band 4. The encircling elastic band 4 holds the card-like contents 2 securely by means of compression, while also expanding elastically to open space between the rigid plates 10.

Id. at 3:58–65. Figure 11 also illustrates auxiliary feature 30, which encompasses money clip 31 that “is added to at least one of the rigid plates 10 to occupy a position on an outside surface 37 thereof.” *Id.* at 5:11–13.

The ’808 patent discloses that

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

Id. at 5:23–31.

E. Illustrative Claim

Petitioner challenges claims 1–24 of the ’808 patent. Pet. 1. Challenged claims 1, 14, and 19 are independent. Claim 1 is illustrative, and is reproduced below.

1. A compact wallet, comprising:

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

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

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

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

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

Ex. 1001, 6:40–65.

F. Prior Art and Asserted Grounds

Petitioner asserts that claims 1–24 of the '808 patent are unpatentable on the following fourteen grounds (Pet. 6–7):

Claim(s) Challenged	35 U.S.C. §³	Reference(s)/Basis
1–9, 11–24	103	Kane ⁴ , Beckley ⁵
10	103	Kane, Beckley, Minn ⁶
13	103	Kane, Beckley, Preston-Hall ⁷
1–9, 11–24	102	Kane, Murphy ⁸
10	103	Kane, Murphy, Minn
13	103	Kane, Murphy, Preston-Hall
1–9, 11–24	103	Kane, Roman ⁹
10	103	Kane, Roman, Minn
13	103	Kane, Roman, Preston-Hall
1–24	103	Minn, Podwika ¹⁰ , Coates ¹¹ , Beckley
13	103	Minn, Podwika, Coates, Beckley, Preston-Hall
1–24	103	Minn, Podwika, Coates, Murphy
13	103	Minn, Podwika, Coates, Murphy, Preston-Hall
3, 16	103	Kane, Beckley, Singer ¹²

³ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284 (2011), amended 35 U.S.C. §§ 102 and 103 effective March 16, 2013. Because the ’808 patent’s earliest effective filing date is after the effective date of the AIA amendments to §§ 102 and 103, this decision refers to the AIA versions of §§ 102 and 103.

⁴ The Ridge Wallet 2.0 (Kickstarter), Retrieved from the Internet on Sept. 3, 2013, URL:<<https://www.kickstarter.com/projects/124039987/the-ridge-wallet-20/>>. (Ex. 1004, “Kane”).

⁵ US 9,125,465 B2, issued Sept. 8, 2015 (Ex. 1008, “Beckley”).

⁶ US 9,125,464 B2, issued Sept. 8, 2015 (Ex. 1005, “Minn”).

⁷ US 8,381,360 B2, issued Feb. 26, 2013 (Ex. 1010, “Preston-Hall”).

⁸ US 2006/0010661 A1, published Jan. 19, 2006 (Ex. 1006, “Murphy”).

⁹ US 5,103,884, issued Apr. 14, 1992 (Ex. 1012, “Roman”).

¹⁰ US 5,944,080, issued Aug. 31, 1999 (Ex. 1009, “Podwika”).

¹¹ US 7,527,081, issued May 5, 2009 (Ex. 1011, “Coates”).

¹² US 2015/0059936 A1, published Mar. 5, 2015 (Ex. 1019, “Singer”).

Petitioner also relies on the Declaration of Dr. Kimberly Cameron. Ex. 1003; *see also* Ex. 1015 (Exhibit A of Cameron Declaration (Kane)); Ex. 1016 (Exhibit B of Cameron Declaration (Minn)).

II. ANALYSIS

Under 35 U.S.C. § 315(b), an *inter partes* review “may not be instituted if the petition requesting the proceeding is filed more than 1 year after the date on which the petitioner, real party in interest, or privy of the petitioner is served with a complaint alleging infringement of the patent.”

There is no dispute that Patent Owner served Petitioner with a complaint alleging infringement of the ’808 patent on March 15, 2023. *See* Mot. 2 (Mountain Voyage identifying March 15, 2023 as the date it was served with Patent Owner’s complaint in the United States District Court of Colorado). There is also no dispute that Mountain Voyage filed the instant Petition more than one year later on August 6, 2024. Pet. 91. Therefore, the evidence in this record shows that Mountain Voyage’s Petition was filed more than 1 year after the date on which Mountain Voyage was served with a complaint alleging infringement of the ’808 patent.

Mountain Voyage relies on its request to join the Shenzhen IPR to avoid the time bar of 35 U.S.C. § 315(b). Mot. 1 (“This Motion for Joinder and the accompanying Instant Petition are timely being filed within one month of the decision to institute trial in the Shenzhen IPR.”). The Shenzhen IPR, however, has been terminated. Shenzhen IPR Termination 3–4. Thus, there no longer is a pending proceeding in the Shenzhen IPR for Petitioner to join. Accordingly, Petitioner’s request to join the Shenzhen IPR is moot, and the Petition is not timely under 35 U.S.C. § 315(b).

III. CONCLUSION

The Motion for Joinder is denied as moot because the Shenzhen IPR has been terminated, and the Petition is denied because it was not filed within the time period set forth in 35 U.S.C. § 315(b).

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motion for Joinder is denied as moot; and

FURTHER ORDERED that that the Petition is denied, and no trial is instituted.

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