

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BABY BJÖRN AB,

Petitioner,

v.

THE ERGO BABY CARRIER, INC.

Patent Owner

Case IPR2025-00111
Patent No. 11,786,055

**PATENT OWNER'S PRELIMINARY RESPONSE
TO PETITION FOR *INTER PARTES* REVIEW**

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I. INTRODUCTION

Patent Owner The Ergo Baby Carrier, Inc. (“Patent Owner”) requests the Board deny institution because Petitioner BabyBjörn AB (“Petitioner”) fails to demonstrate a reasonable likelihood of unpatentability of any challenged claim of U.S. Patent No. 11,786,055 (“the ’055 Patent”).

II. CLAIM CONSTRUCTION

A. All Grounds: Petitioner Disparages Its Own Means-Plus-Function Construction, Alone Warranting Denial of Institution

Each of the Petition’s grounds argues the challenged independent claims each include a limitation that should be construed as a means-plus-function limitation or, alternatively, under the “nearest” definition for the limitation. *Petition*, 10–12, 29, 61, 88. For this limitation, Petitioner contends it is indefinite. *Petition*, 10 n.5, 11–12. Because Petitioner fails to construe the limitation and otherwise argues for an advisory opinion from the Board on indefiniteness, the Petition should be denied.

When construing claims, the Petition must state (1) “how the challenged claim is to be construed[,]” which for means-plus-function claims requires an identification of “the specific portions of the specification that describe the structure, material, or acts corresponding to each claimed function”; and (2) “[h]ow the construed claim is unpatentable.” 37 C.F.R. §§ 42.104(b)(3)-(4). “Failure to comply with this mandatory requirement...will result in a petition being denied.” *Head Sport GmbH v. Vermont Safety Devs. LLC*, IPR2024-01099, Paper 15 at 34 (PTAB Jan.

15, 2025).

Here, Petitioner fails to comply with this requirement. Instead, for the *at least one thigh support adjuster*¹ limitation found in every challenged independent claim, the Petition presents unpatentability challenges based on two “nearest” constructions for the limitation. *Petition*, 11–12. Petitioner does this because, by its own admission, it does not agree with its own constructions. *Id.* The PTAB’s precedent is unambiguous—by proposing claim constructions Petitioner believes is wrong, Petitioner cannot demonstrate a reasonable likelihood of prevailing. Accordingly, institution should be denied.

Independent claims 1, 6, and 11 each recites *at least one thigh support adjuster*. Ex. 1001, 17:40–41, 18:34–35, 19:45–46. Petitioner advances two alternative proposed constructions for *at least one thigh support adjuster*—neither of which it believes is correct. Petitioner first contends this limitation should be construed as a means-plus-function limitation. *Petition*, 9–11. But rather than identify the corresponding structure in the specification for the *at least one thigh support adjuster* limitation, as required by § 42.104(b)(3), Petitioner argues that “the specification fails to disclose any ‘thigh support adjuster,’ or clearly associate this claim term with a specific component described in the written description.” *Petition*,

¹ Claim language is italicized for ease of reference.

10. As a result, Petitioner contends this limitation is indefinite. *Petition*, 10 n.6. Second, Petitioner similarly argues that should the Board determine this limitation not be construed as a means-plus-function limitation, then *thigh support adjuster* has no plain and ordinary (“P&O”) meaning. *Petition*, 11–12. But recognizing the Board will not institute based on an indefiniteness challenge (*Petition*, 10, 11 n.7), Petitioner asks the Board to conduct its invalidity analysis using either “the nearest corresponding structure” or, alternatively, “the nearest” P&O meaning of the limitation. *Petition*, 11–12. The Board should decline to do so.

Petitioner’s unambiguous admission that it does not believe its “nearest” constructions are correct does not comply with § 42.104(b)(3). Regarding its means-plus-function construction, Petitioner argues that its proposed “nearest corresponding structure”—the base width adjusters described in the ’055 Patent—is not the corresponding structure for the claimed *at least one thigh support adjuster*. *Petition*, 10–11. Indeed, because Petitioner contends the base width adjusters are not linked to the recited function for the *at least one thigh support adjuster*, Petitioner could not argue the base width adjuster is the corresponding structure because that “would be a position that would be inconsistent with [its] indefiniteness argument.” *Id.*; see *Ebates Performance Mktg., Inc. v. Int’l Bus. Machs. Corp.*, IPR2022-00439, Paper 11 at 11–12 (PTAB Oct. 3, 2022) (explaining that “Petitioner does not characterize a general-purpose computer as corresponding structure, which would

be a position that would be inconsistent with Petitioner’s indefiniteness argument” where Petitioner “argue[d] that neither a general-purpose computer nor any other structure in the ’676 patent is clearly linked or associated with the recited functions”). As the PTAB has explained:

The position Petitioner takes in the Petition with respect to the means-plus-function limitations is improper, because it, in effect, seeks an advisory opinion from the Board as to whether the challenge claims are indefinite under 35 U.S.C. § 112(b). In particular, Petitioner argues that, under the correction construction, certain means-plus-function terms of the challenged claims are indefinite because the Specification does not recite adequate corresponding structure. Petitioner then invites us to either agree with its construction...and declare the claims to be indefinite (and presumably deny institution on that basis), or to adopt constructions it expressly advocates against...and proceed with trial using those allegedly incorrect constructions.

Samsung Elecs. Am., Inc. v. Uniloc 2017 LLC, IPR2020-00046, Paper 6 at 7–8 (PTAB Apr. 1, 2020) (internal citations omitted).

Applying *Samsung*, the Board should reject Petitioner’s implicit request for an advisory opinion² and “decline to take a position on whether the challenged

² This is not an abstract concern. Petitioner is advancing this same indefiniteness argument in the related litigation. See Ex. 2003 (Petitioner’s claim construction in

claims are indefinite or whether Petitioner’s claim constructions are correct[.]” *Id.* at 8–10. *Ebates*, IPR2022-00439, Paper 11 at 12; *Carefusion Corp. v. Baxter Int’l, Inc.*, IPR2016-01456, Paper 9 at 7 (PTAB Feb. 6, 2017) (denying institution where the Petitioner did not comply with § 42.104(b)(3) when it stated it did not agree those constructions were correct).

Turning to its alternative construction, Petitioner argues, again unambiguously, that *thigh support adjuster* has no P&O meaning. *Petition*, 11–12. So, as it did before, Petitioner asks the Board to adopt the “nearest” P&O meaning for the limitation. *Id.* However, “Petitioner does not assert that the applied construction is the plain and ordinary meaning of the claim term, or provide reasoning or evidence showing why” its “nearest” construction is correct. *Id.*; *Samsung Elecs. Am., Inc. v. Cobblestone Wireless, LLC*, IPR2024-00319, Paper 16 at 18 (PTAB June 24, 2024). Therefore, Petitioner again fails to comply with § 42.104(b)(3), and the Board should decline to adopt Petitioner’s construction. *Samsung*, IPR2024-00319, Paper 16 at 18.

Denial of institution is warranted because Petitioner’s failure to comply with

the concurrent litigation, *The Ergo Baby Carrier, Inc. v. BabyBjorn AB*, Case No. 6:24-cv-00083 (W.D. Tex. 2024)). Petitioner is, at least implicitly, asking the Board to deny its Petition on that basis to strengthen its litigation position.

§ 42.104(b)(3) necessarily precludes a finding that Petitioner has demonstrated a reasonable likelihood that the challenged claims are unpatentable. “Where a petitioner specifically relies on a particular construction of a claim term in order to demonstrate unpatentability, particularly a construction different from the ordinary meaning, that claim construction is part of the unpatentability analysis, and the petitioner must provide a sufficient basis to support that construction.” *Samsung*, IPR20204-00319, Paper 16 at 20. The PTAB has routinely denied institution of petitions that advance unpatentability challenges based on “different construction[s] that Petitioner” admits it does not agree with. *Id.*; *Ebates*, IPR2022-00439, Paper 11 at 12; *Samsung*, IPR2020-00046, Paper 6 at 10; *Hologic, Inc. v. Enzo Life Sciences, Inc.*, IPR2018-00019, Paper 17 at 8 (PTAB Apr. 18, 2018); *Carefusion*, IPR2016-01456, Paper 9 at 7.

Accordingly, because the *at least one thigh support adjuster* is required by every Challenged Claim, the Petitioner cannot show there is a reasonable likelihood that at least one of the Challenged Claims is unpatentable, and the Board should deny institution.

B. All Grounds: The *At Least One Thigh Support Adjuster* Limitation Should Not Be Interpreted as a Means-Plus-Function Limitation Under 35 U.S.C. § 112(f)

Petitioner’s improper argument that the claimed *at least one thigh support adjuster* limitation is indefinite rests on the premise that the limitation should be

construed as a means-plus-function limitation under 35 U.S.C. § 112(f). *Petition*, 7–10. That premise is unsound: the limitation does not use the word “means”; Petitioner admits persons of ordinary skill would have understood *adjusters* to connote a specific class of structures; and the ’055 Patent’s disclosure confirms that understanding. Accordingly, should the Board reach this question, it should not construe the *at least one thigh support adjuster* limitation under 35 U.S.C. § 112(f).

1. A POSITA Would Understand Adjuster Designates a Particular Class of Structures

The essential inquiry under *Williamson* is “whether the words of the claim are understood by persons of ordinary skill in the art to have sufficiently definite meaning as the name for structure.” *Team Worldwide Corp. v. Intex Recreation Corp.*, No. 2020-1975, 2021 WL 4130634, at *5 (Fed. Cir. Sept. 9, 2021) (quoting *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1348 (Fed. Cir. 2015)). Where, as here, the limitation “does not contain the words ‘means for,’ there is a rebuttable presumption that section [112(f)] does not apply[.]” *Samsung Elecs. Am., Inc. v. Prisia Eng’g Corp.*, 948 F.3d 1342, 1353 (Fed. Cir. 2020) (citing *Williamson*, 792 F.3d at 1348). To overcome that presumption, Petitioner has to “demonstrate[] that the claim term fails to ‘recite sufficiently definite structure’ or else recites ‘function without reciting sufficient structure for performing that function.’” *Id.* at 1354 (quoting *Williamson*, 792 F.3d at 1349). Petitioner has not overcome that presumption.

Petitioner argues that because “the ‘at least one thigh support adjuster’ is defined solely by its intended function” and that “[t]he term ‘adjuster’ is merely a nonce word for anything capable of achieving adjustment[.]” the limitation “does not connote sufficiently definite structure[.]” *Petition*, 8–9. As a threshold matter, the Petitioner’s characterization that this limitation is defined solely by function is incorrect. *Id.* The limitation also defines the *thigh support adjuster* structurally: it must be *coupled to the first thigh support and the second thigh support* and must be *configured to be selectively positioned to one of the first setting, the second setting, or the third setting*. Ex. 1001, 17:40–44. Thus, the plain language of the claims refutes the contention that the *thigh support adjuster* limitation is defined solely by its intended function. *See Samsung*, 948 F.3d at 1354.

Petitioner’s argument that *adjuster* is a nonce word is likewise without merit. “A ‘critical question’ underlying [the nonce word] inquiry ‘is whether the claim term is used in common parlance or by [skilled artisans] to designate structure, including either a particular structure or a class of structures.’” *Team Worldwide*, 2021 WL 4130634, at *5 (quoting *MTD Prods. Inc. v. Iancu*, 933 F.3d 1336, 1341 (Fed. Cir. 2019)). Here, all of the evidence, including Petitioner’s own evidence, establishes that an *adjuster* was used in common parlance to designate structure.

Petitioner admits that “[a] POSITA would have knowledge of various

components that can be incorporated in child carriers to make the *adjustments*³ to various dimensions of the child carriers, including “drawstrings, cords, belt straps, buckles, Velcro, D-rings, O-rings, snaps, buttons, press studs, zippers, or the like.” *Petition*, 13 (citing Ex. 1003, ¶¶ 106–108). Therefore, Petitioner’s own argument establishes that the claim term *thigh support adjuster* “designate[s] structure, including either a particular structure or class of structures[,]” namely drawstrings, cords, etc. *Team Worldwide*, 2021 WL 4130634, at *5.

Petitioner’s expert, Mr. Smith, expands on Petitioner’s admission, opining that “[a] POSITA would further understand that the above components are interchangeable and their incorporation is a design choice made by the designer.” Ex. 1003, ¶ 107. Thus again, Petitioner’s own evidence supports the claimed *adjuster* refers to structures “that people in the art are generally familiar with[,]” and is therefore not a nonce word. *See Samsung*, 948 F.3d at 1354 (citation omitted) (noting that Patent Owner’s own argument based on its expert’s testimony supported the conclusion that “digital processing unit” is not a means-plus-function limitation).

Patent Owner’s expert, Mr. Duffner, further confirms that persons of ordinary skill in the art would have understood *adjuster* to refer to a specific class of structures. Dec. 23-25. Specifically, the class of adjustment mechanisms, which a

³ Emphasis added unless specified otherwise.

POSITA would have understood to include, e.g., buckles, snaps, hook and loop, zippers, buttons, straps, rings, and clasps. *Id.*

2. *The Structural Nature of the Adjuster Is Confirmed by the Intrinsic Evidence*

The intrinsic evidence bolsters this conclusion. The *thigh support adjuster* limitation must be “‘interpreted in light of the written description...whether or not the claim construction involves interpreting a ‘means’ clause.’” *MTD Prods.*, 933 F.3d at 1342 (quoting *Inventio AG v. ThyssenKrupp Elevator Ams. Corp.*, 649 F.3d 1350, 1365 (Fed. Cir. 2011), *overruled on other grounds by Williamson*, 792 F.3d at 1339). Thus, both the claim language and the specification can provide “further evidence of the structural nature of the” *at least one thigh support adjuster* limitation. *See Zeroclick, LLC v. Apple Inc.*, 891 F.3d 1003, 1008–09 (Fed. Cir. 2018) (rejecting court’s means-plus-function analysis in part because the court “removed the terms from their context” in the claims and ignored the disclosure in the specification); *Samsung*, 948 F.3d at 1354 (noting the surrounding claim language supported the structural nature of the term “digital processing unit”).

Beginning with the claims, the structure of the independent claims evidences the structural nature of the *thigh support adjuster*. The independent claims do not define the *thigh support adjuster* solely by its intended function. The claims also set forth specific structural requirements for the *thigh support adjuster* by reciting the components *the thigh support adjuster* connects to (e.g., *thigh supports*) and the

positions *the thigh support adjuster* must be placeable in (e.g., *first*, *second*, and *third settings*). And contrary to Petitioner’s assertion (*Petition*, 9–10), the *thigh support* language is itself evidence of the structural nature of the limitation—the *adjuster* is for adjusting the claimed *thigh supports*, components that Petitioner does not contend lack structure. Thus, the structure and surrounding limitations of the independent claims is strong evidence of the structural nature of the *at least one thigh support adjuster* limitation. *Samsung*, 948 F.3d at 1354.

The specification, too, provides strong evidence that *adjuster* is not a nonce word. The specification describes at least two types of exemplary adjusters: base width adjusters 150 and thigh width adjusters 160. *See generally* Ex. 1001, 8:15–13:54. Both types of adjusters are repeatedly described in ways that demonstrate their structural nature. For example, the specification provides known structures that may act as adjusters and describes the components the adjusters connect to. Ex. 1001, 8:64–9:2, 11:21–35. The specification describes known mechanisms that may be used for connecting the adjusters to those other components. Ex. 1001, 9:7–13, 11:46–55. Finally, the specification explains how the adjusters work together to make adjustments to the carrier. Ex. 1001, 12:3–13:38.

Together with the claim language, the specification’s disclosure shows that *adjuster* is being used “not as [a] generic term[] or black box recitation[] of structure or abstraction[], but rather as specific references to conventional [adjusters], existing

in prior art at the time of the inventions.” *Zeroclick*, 891 F.3d at 1008–09. Indeed, many of the adjusting components mentioned in the ’055 specification are the very same components Petitioner’s expert admitted were within the conventional knowledge of a POSITA. *Compare id.* at 9:7–13, 11:50–55 with Ex. 1003, ¶¶ 106–07.

Because both the intrinsic and extrinsic evidence confirm that the term *adjuster* was “‘used in common parlance or by [skilled artisans] to designate structure[,]’” Petitioner fails to rebut the presumption that the *at least one thigh support adjuster* limitation does not invoke § 112(f). *Samsung*, 948 F.3d at 1353 (quoting *MTD Prods.*, 933 F.3d at 1341).

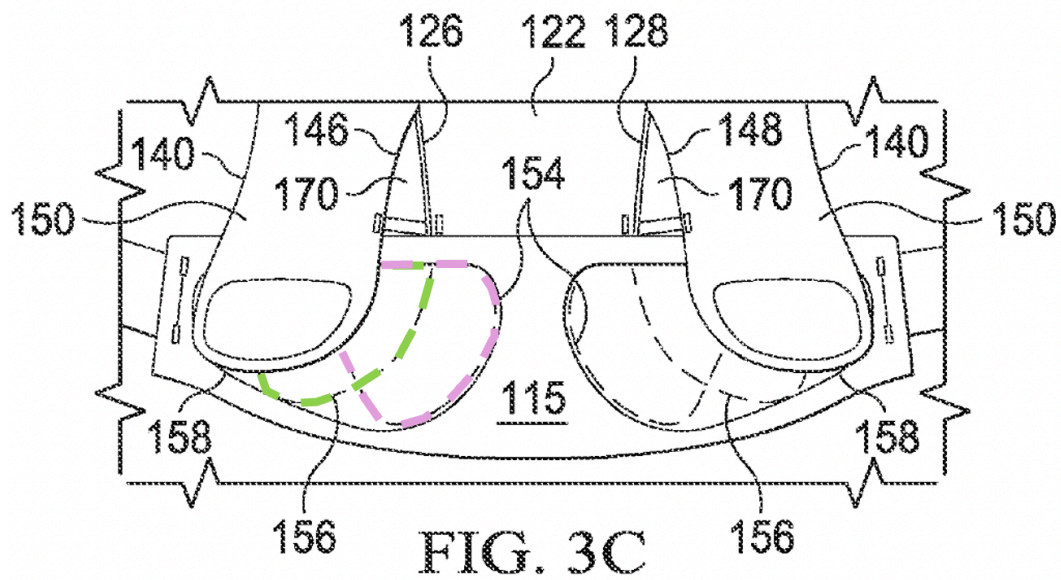
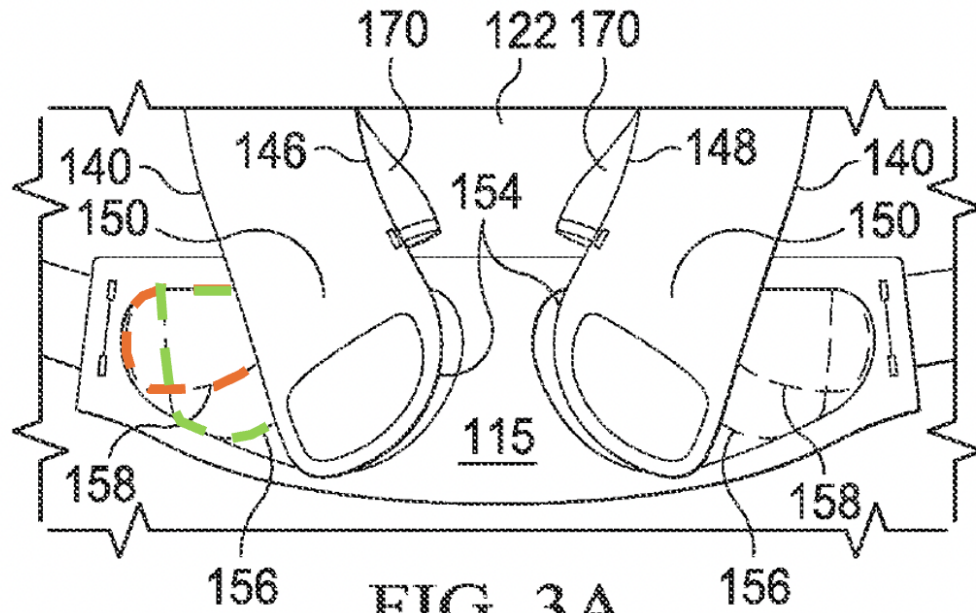
C. Grounds 4 and 6: The *Defined By* Language in Limitations [1j], [6k], and [11l] Should Be Given Its Plain and Ordinary Meaning

Claims 1 and 11 of the ’055 Patent recite *a first setting, a second setting, and a third setting defined by the adjustable child carrier* (Petitioner’s [1j] and [11l], respectively), while Claim 6 recites *a first position, second position, and a third position defined by the adjustable child carrier* (Petitioner’s [6k]). Ex. 1001, 17:38–39, 18:36–37, 19:43–44. Petitioner does not propose a construction for these limitations. *Petition*, 7–12. However, the mapping Petitioner advances in Grounds 4 and 6 of the *Petition* effectively reads the *defined by* requirement out of these limitations. *See infra*, Sections III.A. Accordingly, Patent Owner requests the Board construe limitations [1j]/[6k]/[11l] in accordance with the P&O meaning of *defined*

by; that is, as encompassing at least first, second, and third settings/positions each having a location fixed or marked on the adjustable child carrier. *The Merriam-Webster Dictionary*, Tenth Edition (Ex. 2001), 303 (definition of “define” as “2: to fix or mark the limits of”).

The Board should adopt Patent Owner’s construction because neither the ’055 specification nor prosecution history suggest the inventor departed from that meaning. *DDR Holdings, LLC v. Priceline.com LLC*, 122 F.4th 911, 915 (Fed. Cir. 2024) (noting that the only two exceptions to the rule that claim terms be given their ordinary meaning are “1) when the patentee sets out a definition and acts as his own lexicographer, or 2) when the patentee disavows the full scope of a claim term in the specification or during prosecution”). Instead, the ’055 specification’s description of the settings/positions is consistent with the P&O meaning of *defined by*. For example, as shown in Figures 3A–3C, positions 154, 156, and 158 each has a location marked⁴ on the adjustable child carrier. Figures 3A and 3C are representative:

⁴ For the avoidance of doubt, that each *position/setting* has a location marked on the adjustable child carrier does not necessarily limit the placement of the base width adjusters 150 to only those positions. Indeed, the ’055 specification makes clear that, in the embodiment shown in Figures 3A–3C, the “base width adjusters 150 can be



coupled to fastening mechanism 117 in a continuous range of positions,” while “other embodiments may provide discrete attachment points.” Ex. 1001, 10:39–43.

Ex. 1001, FIGs. 3A, 3C (annotated). Thus, because the description of the *positions/settings* in the specification is consistent with the P&O meaning of *defined by* in limitations [1j]/[6k]/[111], the Board should adopt that meaning and construe these limitations to encompass at least first, second, and third settings/positions each having a location fixed or marked on the adjustable child carrier. *DDR Holdings*, 122 F.4th at 915.

III. ALL GROUNDS: PETITIONER FAILS TO ESTABLISH *LUNDH* IS PRIOR ART

Grounds 4–6 of the Petition rely, in part, on *Lundh*, which the Petitioner contends is “prior art to the Challenged Claims under 35 U.S.C. § 102” because it was “filed January 4, 2018; published July 19, 2018; [and has a] priority date [of] July 17, 2015[.]” *Petition*, 3. However, *Lundh*’s filing date is after the ’055 Patent’s priority date, so “Petitioner therefore must seek the benefit of the earlier [July 17, 2015] filing date of” the foreign patent application upon which it relies. *Intelligent Wellhead Sys., Inc. v. Downing Wellhead Equip., LLC*, IPR2024-00256, Paper 11 at 11 (PTAB June 5, 2024); Ex. 1008, (30). To do that, Petitioner must show the earlier foreign reference “describes the subject matter in [Lundh] that the Petition relies on[.]” *Id.* at 11–12 (citing *Dynamic Drinkware LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1380 (Fed. Cir. 2015)). Petitioner has not made this showing.

Petitioner does “not explain how the [earlier foreign reference] supports the relevant subject matter relied on in [Lundh].” *Intelligent Wellhead*, IPR2024-00256,

Paper 11 at 12. Per the Board’s precedent, this failure alone warrants a determination that “Petitioner does not have a reasonable likelihood of prevailing with respect to any of the claims challenged in Grounds [1 or 2], which grounds rely on [Lundh] in whole or substantial part.” *Id.* Additionally, Petitioner did not even introduce *Lundh*’s foreign priority application, so the Board could not make this determination even if it wanted to. *Id.* at 12. Petitioner is not entitled to cure this deficiency because it was self-evident on the face of *Lundh* that Petitioner could not rely on *Lundh*’s actual filing date to establish its prior art status. *Id.* at 12 n.7. Therefore, the Board should find that Petitioner has failed to establish a reasonable likelihood of prevailing with respect to any of the claims challenged in Grounds 1 or 2, which grounds rely on *Lundh* in whole or substantial part. *Id.* at 12 n.7.

IV. ALL GROUNDS: PETITIONER FAILS TO MEET ITS BURDEN OF IDENTIFYING WITH PARTICULARITY WHERE EACH ELEMENT OF INDEPENDENT CLAIMS 1, 6, AND 11 ARE FOUND IN THE PRIOR ART

The PTAB may not consider a petition unless “the petition identifies, in writing and **with particularity** each claim challenged . . . and the evidence that supports the grounds for the challenge to each claim.” 35 U.S.C. § 312(a)(3); *see Intelligent Biosys. Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016) (“It is of the utmost importance that petitioners identify ‘with particularity’ the ‘evidence that supports the grounds for the challenge to each claim’”). The PTAB’s rules further require that a petition “must include...[a] full statement of the

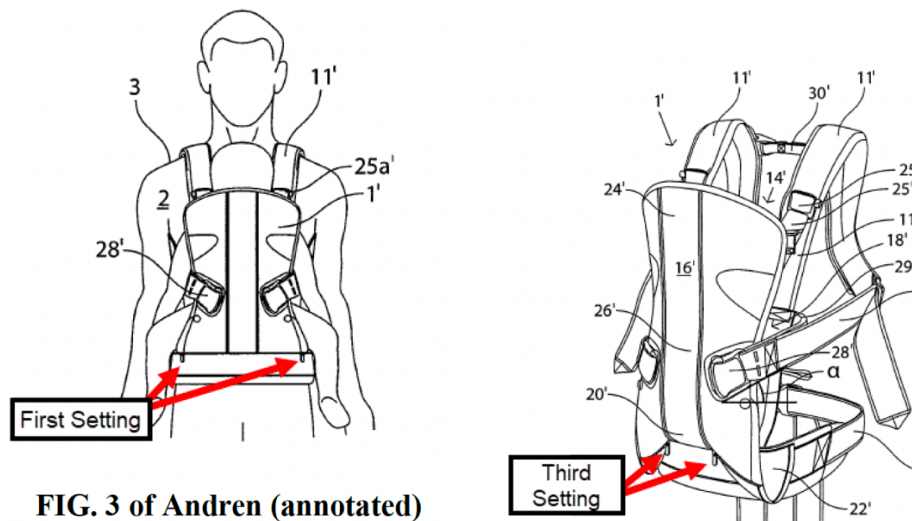
reasons for the relief requested, including a detailed explanation of the significance of the evidence[]” and “**specify where each element of the claim is found** in the prior art patents or printed publications relied upon.” 37 C.F.R. §§ 42.22(a)(2), 42.104(b)(4). The Petition fails to comply with these requirements and, therefore, the Board should deny institution.

A. Grounds 4 and 6: Neither *Andren* nor *Kalouskova* Anticipate nor Render Obvious Limitation [1j]/[6k]/[11l]’ Three Settings/Positions Defined by the Adjustable Child Carrier

1. *Andren* Does Not Teach, Suggest, or Render Obvious Limitations [1j]/[6k]/[11l]

Starting with Ground 4, Petitioner contends that *Andren* teaches limitation [1j]

“[a]s illustrated in the below annotations to FIGs. 2 and 3”:



Petition, 27 (annotated FIG. 3 to left, annotated FIG. 2 to right). However, what Petitioner labels as *setting[s]* are just arbitrary zipper placements—*Andren* does not describe or discuss the zippers or their placements in any way. *See, generally*, Ex.

1005. Though FIGs. 2 and 3 depict the zippers in two possible placements, these placements are not described in *Andren* as having fixed or marked locations on the carrier. *Dec.* 29-30. Petitioner’s reliance on [0022] and Mr. Smith’s reliance on [0029] do not suggest otherwise, as those paragraphs describe only how a seat support 22’ may be adjusted “in the height direction[.]” *Petition*, 27 (citing Ex. 1005, [0022]); Ex. 1003, 163. But that seat support 22’ may be adjusted in the height direction says nothing about whether *Andren* describes three settings/positions that are *defined by* the child carrier.

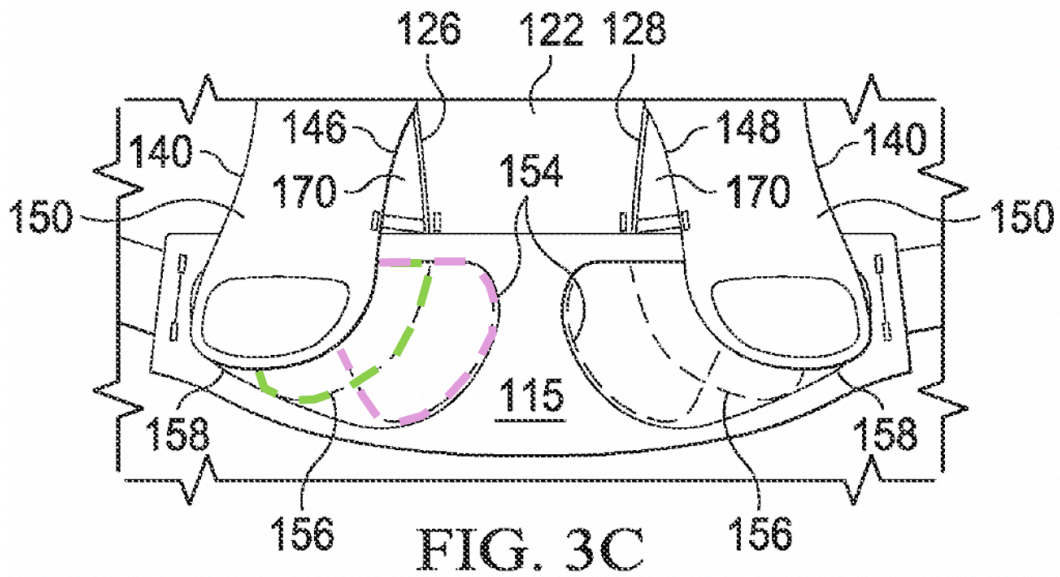
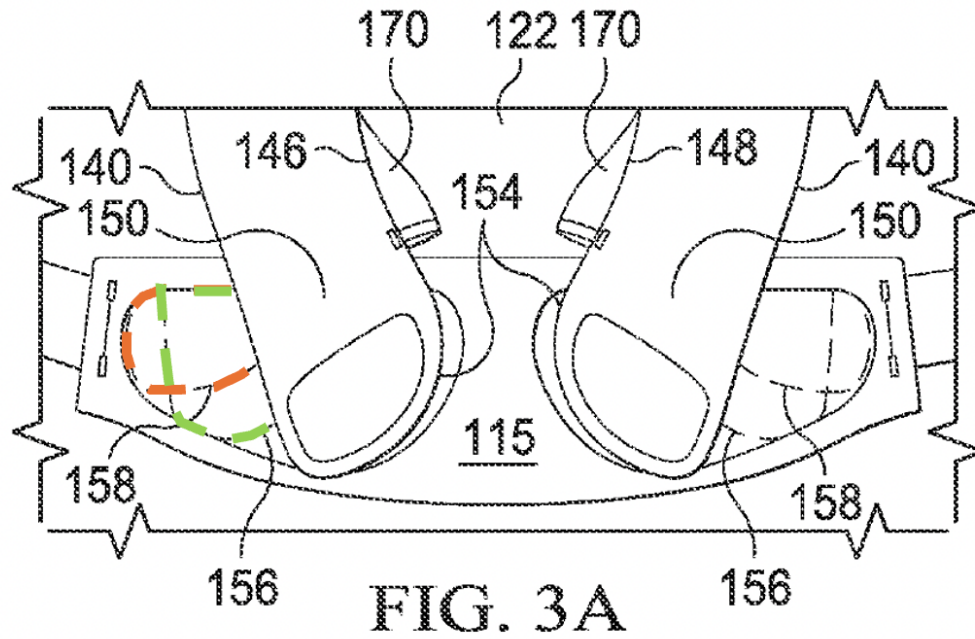
Moreover, *Andren*’s FIGs. 2 and 3 only show *two* zipper placements. While Petitioner contends *Andren*’s carrier can be placed in a “partially closed” second setting located at “any position between the” first and third settings, [0022] of *Andren*, cited in the *Petition*, does not support or even suggest its carrier could be placed in the alleged “partially closed” position. *Petition*, 27–28; Ex. 1003, 163–64. Nor is there any disclosure in *Andren* that suggests three settings/positions **having a fixed or marked location** is inherently disclosed (or any settings/position having fixed or marked locations)—*Andren* simply does not describe the zippers or their placements at all. *Dec.* 30-31. Thus, *Andren* fails to teach or suggest [1j]/[6k]/[111] when construed as proposed by Patent Owner.

Even if the *defined by* limitations are not expressly construed as proposed by Patent Owner, *Andren* still fails to teach or suggest **three** setting[s]/position[s]

defined by the carrier because *Andren* does not disclose that its carrier defines **three** settings/positions. *See, generally*, Ex. 1005; Dec., 32. The language of limitations [1j]/[6j]/[111] “expressly require[s] not only” *a first setting/position, a second setting/position, and a third setting/position*, but that those settings be *defined by the adjustable child carrier*, “strongly suggest[ing] that the [child carrier] defines the [positions], and not merely that the [child carrier]” could conceivably be arranged in three different positions. *Autostore Sys. Inc. v. Ocado Innovation LTD.*, IPR2021-00798, Paper 14 at 9 (PTAB Oct. 8, 2021). By Petitioner’s own admission, *Andren*’s carrier does not set forth any defined positions, but instead, its “zipper provides a continuous adjustment[.]” *Petition*, 28. Accordingly, on its face, the *Petition* recognizes that *Andren* fails to disclose limitations [1j]/[6j]/[111].

Petitioner’s claim that claim differentiation requires limitations [1j]/[6j]/[111] to be broad enough to include continuously adjustable settings/positions fares no better. *Petition*, 28. Petitioner argues that because dependent claim 25 requires that each setting be “a discrete location on the child carrier,” it “follows that claim 1 must be broader in scope to include both discrete and non-discrete (i.e., continuously adjustable) settings/locations.” *Id.* But claim differentiation “does not serve to broaden claims beyond their meaning in light of the specification.” *Intell. Ventures I LLC v. Motorola Mobility LLC*, 870 F.3d 1320, 1326 (Fed. Cir. 2017) (quoting *Toro Co. v. White Consol. Indus., Inc.*, 199 F.3d 1295, 1302 (Fed. Cir. 1999)). Here,

the '055 Specification discloses “three positions 154, 156, 158” that correspond to three “settings.” Ex. 1001, 10:19–28. These positions 154, 156, 158 are *defined by* the carrier (i.e., each having a location marked on the carrier):



Ex. 1001, FIGs. 3A, 3C (annotated to show positions 154 (orange), 156 (green), 158 (pink) each having a location fixed or marked on the carrier). Nothing in the '055 Specification supports Petitioner's broader interpretation of limitations [1j]/[6j]/[11i].

Moreover, claim differentiation is inapplicable here because the “claims are not otherwise identical in scope.” *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1238 (Fed. Cir. 2016). The '055 Specification expressly describes that the embodiment shown in FIGs. 3A–3C with three settings marked on the carrier nonetheless allows the base width adjusters **150** to be placed in “a continuous range of positions.” Ex. 1001, 10:40–42. Alternatively, in “[*o*]ther *embodiments*[,]” the carrier “may provide *discrete* attachment points” as recited in dependent Claim 25. Ex. 10:42–43 (emphasis added). Thus, while both Claims 1 and 25 require three settings/positions that are *defined by the adjustable child carrier*, Claim 25 is narrower in scope because it *requires* each setting/position to be a discrete attachment point. Claim 1 does not contain that requirement and, per the specification, also provides for continuous adjustments. Thus, there is no redundancy between the scope of the claims and claim differentiation is inapplicable. *See Ultravision Techs. v. GoVision, LLC*, No. 2022-1098, 2023 WL 2182285 at *4 (Fed. Cir. Feb. 23, 2023) (citing *Apple, Inc.*, 842 F.3d at 1238)).

Petitioner also argues a second setting in *Andren* “would be obvious” because “a POSITA would have knowledge of various well-known components for making adjustments to child carriers, including zippers.” *Petition*, 28. However, this conclusory statement and Mr. Smith’s cited opinions are insufficient to show obviousness. Mr. Smith’s opinions (1) do not suggest that three settings/positions defined by the carrier would have been obvious; and (2) do not explain why a POSITA’s knowledge of zippers would have motivated a POSITA to modify *Andren*’s carrier to define three settings/positions. *Id.* Moreover, the mere fact that zippers were known is insufficient to show a POSITA would have made the modification. *Amazon.com Inc., v. Almondnet, Inc.*, IPR2022-01455, Paper 12 at 17 (PTAB Apr. 6, 2023) (citing *In re Stephan*, 868 F.3d 1342, 1346 n.1 (Fed. Cir. 2017); Ex. 1003, 163-164, 65-66 (parroting only that adjustments would be known to a POSITA)).

Finally, Petitioner argues that “even if claim 1 were interpreted such that the ‘first setting,’ ‘second setting,’ and ‘third setting’ must be discrete, rather than continuously adjustable, a POSITA would appreciate that such a feature could be implemented or an equivalent effect could be achieved using a locking zipper” or “a different component in place of a zipper[.]” *Petition*, 28–29. As explained above, limitations [1j]/[6k]/[111] cover both discrete and “continuously adjustable” embodiments. But each limitation still requires three settings/positions to be *defined*

by the adjustable child carrier (i.e., not just arbitrarily chosen by the user). Thus, Petitioner’s proposed obviousness combination fails on its face to disclose limitations [1j]/[6k]/[111]. Moreover, Petitioner and Mr. Smith again fail to provide a motivation as to why a POSITA would make the proposed modification. *Amazon.com Inc., Inc.*, 17. Thus, Petitioner’s argument is insufficient to show obviousness. *Id.*; Ex. 1003, 164.

For at least these reasons, *Andren* fails to teach, suggest, or render obvious three settings/positions that are *defined by the adjustable child carrier*, and the Board should deny institution of Ground 4.

2. *Kalouskova Does Not Teach or Suggest Limitations [1j]/[6k]/[111]*

Turning to Ground 6, Petitioner alleges that *Kalouskova* discloses limitations [1j]/[6k]/[111] as shown in the “below ***modifications*** and annotations to FIG. 1[,]” because *Kalouskova*’s laces 4 “provide[] different settings illustrated as L1, L2, and L3:”

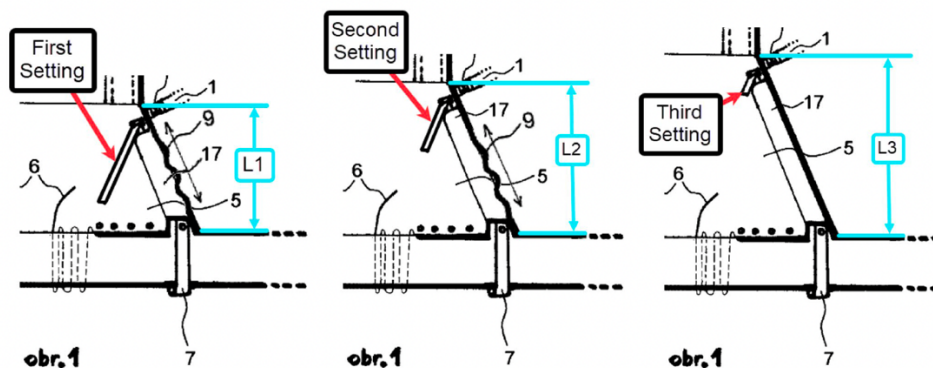
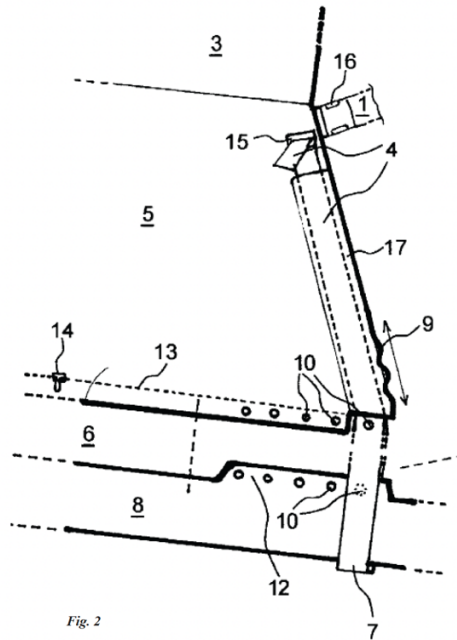


FIG. 1 of Kalouskova (modified and annotated)

Petition, 87–88. At the outset, Petitioner’s acknowledgment that *Kalouskova* must be “modifi[ed]” to support its mapping is an implicit admission that *Kalouskova* alone does not anticipate [1j]/[6k]/[111]. See *Therasesnse, Inc. v. Becton, Dickinson & Co.*, 593 F.3d 1325, 1332 (Fed. Cir. 2010) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)) (“‘Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.’”). However, even modified as Petitioner proposes, *Kalouskova*’s alleged settings L1, L2, L3 are not *defined by the adjustable child carrier*.

Kalouskova’s FIG. 1 does not show any settings for fastening laces 4. Ex. 1007, FIG. 1. Moreover, fastening laces 4 are each connected to eyelets 7 and fastened in fastening clips 15. Ex. 1007, p. 3, ¶ 2. “By pulling the fastening lace 4, clip 15 pulls the back rest 5 at the loop 17; thus, the height of the back rest is decreased by compression 9.” (emphasis not added). *Id.* FIG. 2 shows the fastening lace 4 inside loop 17 and illustrates exemplary compression 9:



Ex. 1007, FIG. 2. At best, compression 9 shows the laces can be adjusted to change the back rest 5 height, but does not show any settings/positions having a fixed or marked location on the adjustable child carrier. *Dec.* 33-34.

Given that *Kalouskova* does not show or describe the three settings/positions required by limitations[1j]/[6j]/[111], Petitioner and Mr. Smith are forced to create them arbitrarily. *Petition*, 87–88; Ex. 1003, 228. However, neither Petitioner nor Mr. Smith explain how the carrier defines these arbitrary settings/positions or cite any disclosure from *Kalouskova* that suggests its proposed L1/L2/L3 each have a fixed or marked location on the carrier. *Id.* Nor could they, as neither Figure 1 nor 2 suggest the existence of such locations. Ex. 1007, FIGs. 1–2; *Dec.* 35.

Even if the *defined by* limitations are not expressly construed as proposed by Patent Owner, *Kalouskova* still fails to teach or suggest **three** setting[s]/position[s]

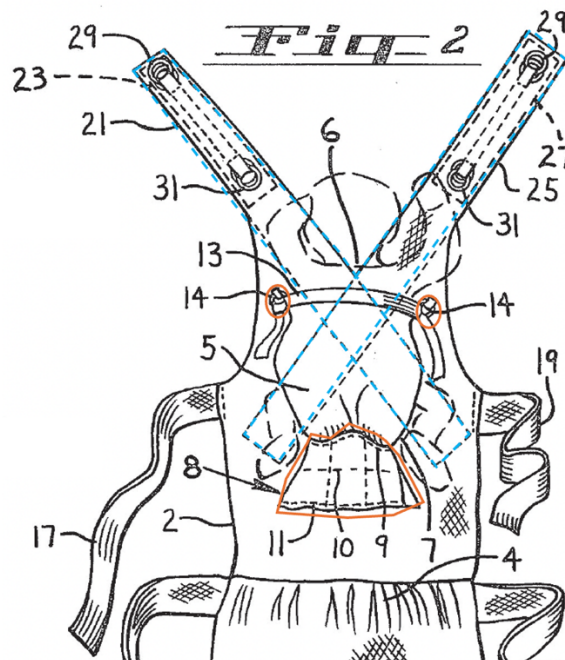
defined by the carrier because *Kalouskova* does not disclose that its carrier defines any settings or positions. *See, generally, Ex. 1007; Dec., 36.* The language of limitations [1j]/[6j]/[11l] “expressly require[s] not only” *a first setting/position, a second setting/position, and a third setting/position,* but that those settings be *defined by the adjustable child carrier.* Thus, the claim language “strongly suggests that the [child carrier] defines the [positions], and not merely that the [child carrier]” could conceivably be arranged in three different positions. *Autostore Sys., IPR2021-00798, Paper 14 at 9.* By Petitioner’s own admission, *Kalouskova*’s carrier does not set forth any defined positions but, instead, can allegedly only be arbitrarily “modified” to add them. *Petition, 87–88.* Accordingly, on its face, the Petition recognizes that *Kalouskova* fails to disclose limitations [1j]/[6j]/[11l].

For at least these reasons, *Kalouskova* fails to teach or suggest three settings/positions that are *defined by the adjustable child carrier,* and the Board should deny institution of Ground 6.

B. Ground 5: *Sharp* Fails to Teach or Suggest Limitations [1d]–[1e]/[6d]–[6e]/[11d]–[11e]

Claims [1d]–[1e]/[6d]–[6e]/[11d]–[11e] each recite a *shoulder strap coupled to the body.* Ex. 1001, 17:22–25, 18:19–22, 19:18–21. Petitioner and Mr. Smith argue *Sharp*’s shoulder straps, shown in Figures 1 and 2, are *coupled to the body* as

required by these limitations.⁵ *Petition*, 56–57; Ex. 1003, 196. *Sharp* discloses shoulder straps 21/25 are “sewn to and extend from the upper end of front member 2.” Ex. 1006, 2:12–15. However, Petitioner does not map *Sharp*’s front member 2 as the claimed *body*—Petitioner maps *Sharp*’s inner seat 5 as the claimed *body*. *Petition*, 53–54. But there is no disclosure in *Sharp* linking shoulder straps 21/25 to inner seat 5. See, generally, Ex. 1006. Instead, *Sharp* describes inner seat 5 as coupling to front member 2 via seams 9, 10, 11 and retaining rings 14:



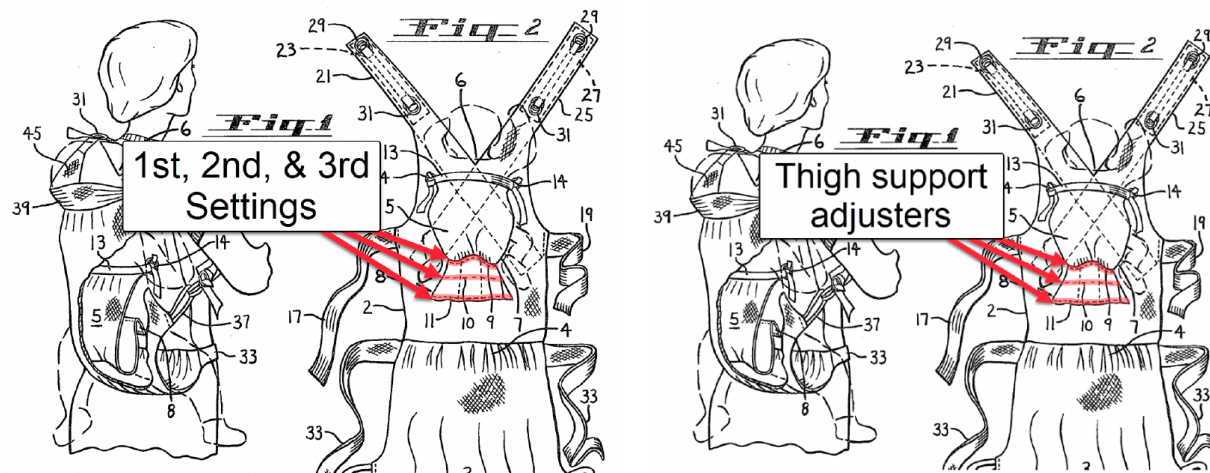
⁵ Petitioner cites to its arguments for limitations [1d]–[1e] for limitations [6d]–[6e]/[11d]–[11e]. *Petition*, 69, 72. Thus, Patent Owner’s argument equally applies to limitations [6d]–[6e]/[11d]–[11e].

Ex. 1006, FIG. 2 (annotated to show couplings of inner seat 5 (orange) do not include straps 21/25 (blue) in any way), 1:65-67, 2:2-9. Thus, as mapped by Petitioner, *Sharp*'s shoulder straps 21/25 are not *coupled to the body*, and Mr. Smith's conclusory testimony to the contrary should be given little weight. *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 at 15 ("conclusory and unsupported" declaration testimony is "entitled little weight").

For at least these reasons, Petitioner fails to show *Sharp* teaches or suggests limitations [1f]–[1g]/[6f]–[6g]/[11f]–[11g], and the Board should deny institution of Ground 5.

V. GROUND 5: PETITIONER FAILS TO ESTABLISH A REASONABLE LIKELIHOOD OF PREVAILING BY RELYING ON THE SAME ELEMENT OF *SHARP* FOR [1J]'S *SETTINGS* AND [1K]'S *THIGH SUPPORT ADJUSTER*

Petitioner alleges *Sharp*'s seams 9, 10, 11 "define the first, second, and third settings" as required by limitation [1j], but then alleges the same seams satisfy the *thigh support adjuster* of limitation [1k]. *Petition*, 61–62. Petitioner's redundant mapping is evident in its annotated figures provided for both limitations:



Petition, 61–62. However, the *adjuster* and three *settings* are listed separately, so there is “a presumption that those components are distinct.” *Kyocera Senco Indus. Tools Inc. v. Int’l Trade Comm’n*, 22 F.4th 1369, 1382 (Fed. Cir. 2022). This presumption is strong when using the same structure is “nonsensical,” such as using the structure to *selectively position*[] to itself. *Barrday, Inc. v. Lincoln Fabrics Inc.*, No. 2022-1903, 2023 WL 7871688 at *4 (Fed. Cir. Nov. 16, 2023) (nonprecedential). The *Petition* includes no argument that this presumption should not apply here. *Petition*, 61–62.

Thus, because *Petitioner* relies on the same structures in *Sharp* for both the *settings* of [1j] and the *thigh support adjuster* of [1k], *Petitioner* fails to meet their burden of specifying where each distinct element of the independent claims is found in *Sharp*. *Palo Alto Networks, Inc., v. Taaser Licensing LLC*, IPR2023-00705, Paper 9 at 15–18 (PTAB Nov. 21, 2023), (denying institution because *Petitioner* mapped the same prior art structure to two distinct claim elements).

Though Petitioner does attempt an obviousness argument in view of *Lundh* for [1k], *Lundh*'s "adjustable bottom portion" fails to teach a *thigh support adjuster*. Bottom portion 109 is not *coupled to a first thigh support and a second thigh support*. *Dec.* 37-38. More specifically, *Lundh*'s fabric (119a, 119b or 111a, 111b) supporting legs of a child is not coupled to bottom portion 109. *Dec.* 38-39. Moreover, a POSITA would not have understood the edges of portion 109 to provide support to a child's legs. *Petition*, 62-63; *Dec.* 38-40 (citing Ex. 1008, [0043]-[0044]). Thus, *Sharp* in view of *Lundh* fails to render obvious [1k] and cannot remedy Petitioner's deficient mappings for [1j]-[1k]. Accordingly, Petitioner fails to map all limitations of the independent claims for Ground 5, and the Board should deny institution thereof.

VI. ALL GROUNDS: PETITIONER FAILS TO IDENTIFY HOW THE PRIOR ART SATISFIES ITS PROPOSED CONSTRUCTIONS FOR THE *AT LEAST ONE THIGH SUPPORT ADJUSTER*

The Petition is fatally flawed for another reason: it does not consistently or clearly apply its two alternative constructions for *at least one thigh support adjuster* to the claims. As a result, the Petition fails to show "[h]ow the **construed claim** is unpatentable." 37 C.F.R. § 42.104(b)(4) (emphasis added). As discussed, Petitioner contends the *at least one thigh support adjuster* should be construed as a means-plus-function limitation having a "nearest corresponding structure" of "the **two base width adjusters** disclosed in the specification[,]" or be construed based on its

“nearest” P&O meaning of “a component that can be adjusted to change the length, width, height, location or position of the thigh support.” *Petition*, 11-12. While not in the *Petition*, Petitioner has further argued its P&O construction requires “a single, central mechanism,” in conflict with its nearest corresponding structure of two base width adjusters. Paper 12, 3. Often, however, the *Petition* does not state which construction is being applied. And even when it does, the *Petition* does not explain how the prior art meets that construction. These deficiencies are fatal to the *Petition*, and the Board should deny institution.

A. Ground 5: The *Petition* Does Not Show *Sharp* or *Sharp* in View of *Lundh* Satisfy Petitioner’s Proposed Constructions for the *at Least One Thigh Support Adjuster*

Petitioner argues that limitation [1k] is disclosed by *Sharp* “under either a 112(f) or P&O construction.” *Petition*, 61. However, the *Petition* includes only one sentence to support its argument:

Namely, the seams discussed at *supra* limitation [1k] are thigh support adjusters having first, second, and third settings to adjust a depth and width of the seat that provides the thigh support and accommodate a child at different sizes. *Id.*

Id. Missing from this sentence is any mention of Petitioner’s “nearest” corresponding structure (e.g., two base width adjusters) or Petitioner’s “nearest” P&O construction (e.g., a single, central mechanism that can be adjusted to change the length, width, height, location or position of the thigh support). *Id.* Also missing

is any explanation of how the seams satisfy limitation [1k] under either of Petitioner’s constructions. *Id.* These deficiencies are fatal to Ground 5. *See Kingston Tech. Co. v. SPEXTechs., Inc.*, IPR2017-00824, Paper 8 at 18–19 (PTAB Aug. 17, 2017) (“An unpatentability determination with respect to claims subject to construction under § 112 ¶ 6 requires structural analysis demonstrating that the corresponding structure in the challenged patent . . . is present in the prior art. . . . Petitioner’s failure to perform any structural comparison . . . is fatal to Petitioner’s contentions.”); *Apple Inc. v. Red.com*, IPR2019-01065, Paper 17 at 13 (PTAB Nov. 8, 2019) (finding that the petitioner had not shown a reasonable likelihood that it would prevail where the petitioner provided only a conclusory statement that the prior art disclosed the claim limitation and the petitioner did not discuss its proposed construction).

The Petition’s citation to Mr. Smith’s testimony cannot cure these fatal deficiencies. First, Mr. Smith does not compare *Sharp*’s seams to the corresponding structure (i.e., two base width adjusters) required by Petitioner’s means-plus-function construction. Ex. 1003, 201; *Kingston*, IPR2017-00824, Paper 8 at 18–19. Second, Mr. Smith does not explain how *Sharp*’s seams could possibly satisfy Petitioner’s P&O construction, which requires a **single** central mechanism. Ex. 1003, 201.

Petitioner’s reliance on *Lundh* in combination with *Sharp* to support its alternative obviousness mapping suffers from similar flaws. Petitioner alleges combining *Lundh*’s bottom portion 109 as a *thigh support adjuster* into *Sharp*’s carrier. *Petition*, 62–63. However, the Petition is silent as to whether Petitioner’s proposed means-plus-function or P&O construction is being applied. *Id.* Instead, the Petition claims only that “*Lundh* also discloses limitation [1k] for the reasons discussed at *supra* Ground 4, limitation [1k].” *Id.* But Petitioner likewise failed to explain which construction it was applying or how *Lundh* satisfies either of those constructions for limitation 1[k] in Ground 4. *Petition*, 31–32.

Thus, Petitioner “has not explained with the required clarity” how *Sharp* or *Lundh* satisfies the *thigh support adjuster* “under the construction[s] asserted by Petitioner” and the Board should deny institution of Ground 5. *Feit Elec. Co., Inc. v. Philips Lighting N. Am. Corp.*, IPR2018-00790, Paper 9 at 17 (PTAB Oct. 10, 2018) (citing 35 U.S.C. § 312(a)(3)).

B. Ground 4: The Petition Does Not Show How *Andren* or *Andren* In View of *Lundh* Satisfy Petitioner’s Proposed Constructions for the at Least One Thigh Support Adjuster

Turning to Ground 4, Petitioner only contends that *Andren* discloses limitation [1k] under its proposed means-plus-function construction or, if *Andren* does not, it would have been obvious to modify *Staten*’s carrier to satisfy [1k] in view of *Lundh*. *Petition*, 29–30. But as was the case for Ground 5, the Petition is again devoid of

any discussion of how *Andren* or *Lundh* satisfy the corresponding structure of two base width adjusters. *Petition*, 30. Regarding the former, Petitioner contends that “[w]hen limitation [1k] is limited to this corresponding structure (i.e., comprising two components that fulfill the claimed function), it is clear that the annotated zippers of *Andren* are thigh support adjusters[.]” *Petition*, 30. Likewise, Mr. Smith simply asserts that *Andren* satisfies this limitation, without supporting explanation. Ex. 1003, 164–65. However, these “contentions are conclusory, lacking any analysis of whether or how the identified structures” in *Andren* satisfy the corresponding structure required by Petitioner’s proposed construction. *Feit*, IPR2018-00790, Paper 9 at 15; see *Becton, Dickinson and Co. v. Baxter Int’l Inc.*, IPR2018-01741, Paper 8 (PTAB Mar. 18, 2019), 16 (“Patent Owner should not be required to speculate the basis for Petitioner’s contentions that the relied-upon structures are the same as or equivalent to the corresponding structure in the [asserted] patent.”). “Petitioner’s failure to provide sufficient or persuasive argument and evidence” is “fatal” to Ground 4. *Feit*, IPR2018-00790, Paper 9 at 15.

Petitioner also fails to explain how *Lundh*’s “adjustable bottom portion” satisfies the *at least one thigh support adjuster* limitation under its proposed constructions for its alternative obviousness combination. See Section VI.A. Petitioner contends that *Lundh*’s “common drawstring” satisfies the *thigh support adjuster* under its P&O construction. *Petition*, 32–33. But neither Petitioner nor Mr.

Smith explain how *Lundh*'s "common drawstring" is a component that can be adjusted to change the length, width, height, location or position of the thigh support, as its P&O construction requires. *Petition*, 32–33; Ex. 1003, 165; *Xerox Corp.*, IPR2022-00624, Paper 9 at 15. Moreover, *Lundh* itself expressly states that the common drawstring only transitions the carrier from a backwards seating position to a frontwards seating position. Ex. 1008, [003]. But *Lundh* never teaches or suggests that it adjusts the length, width, height, location or position of the thigh support. *Id.*

Thus, Petitioner "has not explained with the required clarity" how *Andren* or *Lundh* satisfy the *thigh support adjuster* "under the construction[s] asserted by Petitioner" and the Board should deny institution of Ground 4. *Feit*, IPR2018-00790, Paper 9 at 17 (citing 35 U.S.C. § 312(a)(3)).

C. Ground 6: The Petition Does Not Show How *Kalouskova* or *Kalouskova* in View of *Lundh* Satisfy Petitioner's Proposed Constructions for the *at Least One Thigh Support Adjuster*

Finally, Petitioner contends limitation [1k] is disclosed in *Kalouskova* under either of the 112(f) or P&O construction. *Petition*, 88. Starting with Petitioner's means-plus-function construction analysis, Petitioner contends *Kalouskova*'s "fastening laces" satisfy the *at least one thigh support adjuster* limitation. *Petition*, 88–89. However, as it did with Grounds 4 and 5, Petitioner fails to provide the structural comparison between *Kalouskova*'s fastening laces and Petitioner's

corresponding structure that is needed to satisfy Petitioner’s burden. *Kingston*, IPR2017-00824, Paper 8 at 18–19.

As a fallback position, the Petition also contends that *Kalouskova*’s fastening laces are equivalent to the pair of base width adjusters described in the ’055 Patent, because, allegedly, neither are “coupled to the first thigh support **and** the second thigh support[.]” *Petition*, 88–89. However, this contention does not show how the pairs of adjusters in *Kalouskova* “perform[] the claimed function in substantially the same way to achieve substantially the same result as the corresponding structure described in the specification[,]” so it is insufficient to establish equivalency. *Impinj, Inc. v. NXP, USA, INC.*, IPR2020-01629, Paper 13 at 14 (PTAB Apr. 6, 2021) (quoting *Odetics, Inc. v. Storage Tech. Corp.*, 185 F.3d 1259, 1267 (Fed. Cir. 1999)); see *Millerknoll, Inc. v. Aaron Dejule*, IPR2023-01427, Paper 7 at 26 (PTAB Mar. 22, 2024) (explaining that a proper equivalency analysis “require[s] an analysis of the potential equivalence between the overall structures in [the prior art] and the corresponding structure in the [challenged] patent[.]”). Mr. Smith’s cited opinions are equally conclusory and thus cannot cure the Petition’s deficiencies. Ex. 1003, 229.

Petitioner’s P&O analysis, by contrast, is comprised of just one sentence: “Under a P&O construction, the *Kalouskova* thigh support adjusters also meet this limitation because they comprise a component that can be adjusted to change the

length, width, height, location or position of the thigh support.” *Petition*, 89. This lone, unsupported assertion fails to show a reasonable likelihood that Petitioner will prevail. Paper 17 at 13 (denying institution where the petitioner provided only a conclusory statement that the prior art disclosed the claim limitation and failed to discuss its proposed construction). Moreover, Mr. Smith’s testimony actually ***confirms*** that *Kalouskova* does not satisfy limitation [1k] under Petitioner’s P&O construction that requires a ***single, central mechanism*** because *Kalouskova* “does not disclose ***a*** thigh support adjuster coupled to both the first thigh support and the second thigh support[.]” Ex. 1003, 220.

Finally, Petitioner’s alternative obviousness combination with *Lundh*, as explained above, likewise fails to show how *Kalouskova* in view of *Lundh* satisfies the *at least one thigh support adjuster* limitation under either of Petitioner’s proposed constructions. *See* Section VI.A.

Thus, Petitioner “has not explained with the required clarity” how *Kalouskova* or *Lundh* satisfies the *thigh support adjuster* “under the construction[s] asserted by Petitioner” and the Board should deny institution of Ground 6. *Feit*, IPR2018-00790, Paper 9 at 17 (citing 35 U.S.C. § 312(a)(3)).

VII. CONCLUSION

For the reasons provided herein, Patent Owner submits that Petitioner has not established a reasonable likelihood that at least one challenged claim is unpatentable, and therefore, institution should be denied.

Respectfully submitted,

/Jennifer C. Bailey/

Jennifer C. Bailey, Reg. No. 52,583

ERISE IP, P.A.

7015 College Boulevard, Suite 700

Overland Park, Kansas 66211

Telephone: (913) 777-5600

Facsimile: (913) 777-5601

Jennifer.Bailey@eriseip.com

PTAB@eriseip.com

ATTORNEYS FOR PATENT OWNER

APPENDIX OF EXHIBITS

Exhibit 2001	<i>The Merriam-Webster Dictionary</i> . Tenth Edition. 1998.
Exhibit 2002	Intentionally Left Blank
Exhibit 2003	BABY BJÖRN AB’s claim construction in the concurrent litigation, <i>The Ergo Baby Carrier, Inc. v. BabyBjorn AB</i> , Case No. 6:24-cv-00083, No. 41 (W.D.Tex. Feb. 18, 2025)
Exhibit 2004	<i>Lynk Labs, Inc. v. Samsung Elecs. Co., Ltd.</i> , 125 F.4th 1127 (Fed. Cir. 2025), General Docket
Exhibit 2005	Declaration of Mr. Dirk Duffner
Exhibit 2006	U.S. Patent No. 9,185,993 to Telford et al. (“Telford”)
Exhibit 2007	U.S. Patent No. 8,561,861 to Muehlen (“Muehlen”)
Exhibit 2008	U.S. Patent No. 9,295,341 to Sonnenberg (“Sonnenberg”)
Exhibit 2009	Ergobaby 360 – Front and Back Facing Carriers, Web Archive, August 3, 2018, http://web.archive.org/web/20140803210530/http://store.ergobaby.com/baby-carrier/four-position-360?jumpTo=instructions#carrierInfo

CERTIFICATION OF WORD COUNT

The undersigned certifies pursuant to 37 C.F.R. § 42.24 that the foregoing Patent Owner's Preliminary Response to Petition for *Inter Partes* Review, excluding any table of contents, mandatory notices under 37 C.F.R. § 42.8, certificates of service or word count, or appendix of exhibits, contains 8,919 words according to the word-processing program used to prepare this document (Microsoft Word).

Dated: February 21, 2025

Respectfully submitted,

/Jennifer C. Bailey/

Jennifer C. Bailey, Reg. No. 52,583

ERISE IP, P.A.

7015 College Boulevard, Suite 700

Overland Park, Kansas 66211

Telephone: (913) 777-5600

Facsimile: (913) 777-5601

Jennifer.Bailey@eriseip.com

PTAB@eriseip.com

ATTORNEYS FOR PATENT OWNER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Patent Owner's Preliminary Response To Petition For Inter Partes Review and Exhibits* were served on February 21, 2025, by email on the following counsel of record for Petitioner:

Mark A. Miller
Elliot J. Hales
Anthony J. Jones

miller.mark@dorsey.com
hales.elliott@dorsey.com
jones.anthony@dorsey.com
stucki.sherri@dorsey.com
thompson.vanessa@dorsey.com

Dated: February 21, 2025

Respectfully submitted,

/Jennifer C. Bailey/

Jennifer C. Bailey, Reg. No. 52,583
jennifer.bailey@eriseip.com

ATTORNEYS FOR PATENT OWNER