IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BABY JOGGER, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 24-725-GBW
	)	
BABY GENERATION, INC. d/b/a MOCKINGBIRD,	)	**JURY TRIAL DEMANDED**
	)	
	)	
Defendant.	)	

FIRST AMENDED COMPLAINT

Plaintiff Baby Jogger, LLC ("Baby Jogger") files this First Amended Complaint for patent infringement against Defendant Baby Generation, Inc. d/b/a Mockingbird ("Mockingbird"), and in support thereof alleges the following:

OVERVIEW

1. Baby Jogger has been a leading designer and innovator of baby strollers since at least 1984, when it invented the first jogging stroller. Baby Jogger's commitment to providing innovative baby stroller solutions continued when it invented and introduced the first true convertible single-to-double stroller. Despite this innovation being protected by several Baby Jogger patents, aggressive competitors such as Mockingbird copied Baby Jogger's invention and saturated the market with infringing products, stealing valuable market share that rightfully belongs to Baby Jogger.

NATURE OF THE ACTION

2. This is an action for infringement of United States Patent No. 8,955,869 ("the '869 Patent"), United States Patent No. 9,403,550 ("the '550 Patent"), United States Patent No. 11,192,568 ("the '568 Patent"), U.S. Patent No. 11,505,231 ("the '231 Patent"), and United States

EVENFLO ET AL. EX1075

Patent No. 11,878,729 ("the '729 Patent") (collectively, "the Asserted Patents"), which arises under the Patent Laws of the United States, Title 35, United States Code, §§ 100 *et seq*., including 35 U.S.C. §§ 271 and 281.

3. As set forth in detail below, this action for patent infringement arises as a result of Mockingbird's unauthorized and unlicensed practice of claims of the Asserted Patents through at least the making, using, offering for sale, and/or selling within the United States, as well as importing into the United States, at least its Mockingbird Single-to-Double Stroller (2023 model) and Mockingbird Single-to-Double Stroller 2.0, as well as its 2nd Seat Kit (2023 model)[1] and 2nd Seat Kit 2.0[2] (collectively the "Infringing Products").

4. There are no meaningful differences between the Mockingbird Single-to-Double Stroller (2023 model) and Mockingbird Single-to-Double Stroller 2.0 versions that would affect their status as Infringing Products.

PARTIES

5. Baby Jogger is a limited liability company organized and existing under the laws of the Commonwealth of Virginia, with a principal place of business at 6655 Peachtree Dunwoody Road, Atlanta, Georgia 30328.

6. On information and belief, Mockingbird is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 149 E. 23rd Street, #1812, New York, New York 10010.

[1] https://hellomockingbird.com/products/2nd-seat-kit-2023-model
[2] https://hellomockingbird.com/products/2nd-seat-kit

JURISDICTION AND VENUE

7. This Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) because the Complaint concerns a federal question arising under the Patent Laws of the United States, including, without limitation, 35 U.S.C. §§ 271 and 281.

8. This Court has personal jurisdiction over Mockingbird because it is a corporation organized and existing under the laws of the State of Delaware and this judicial district.

9. This Court has personal jurisdiction over Mockingbird because it conducts business in Delaware and has committed acts of patent infringement in Delaware through the manufacture, use, offering for sale, and/or sale of infringing products in Delaware.

10. Venue is proper in this judicial district under 28 U.SC. §§ 1391(b)-(c) and 1400(b) because Mockingbird resides in this judicial district.

BACKGROUND

The Patents-In-Suit

A. U.S. Patent No. 8,955,869

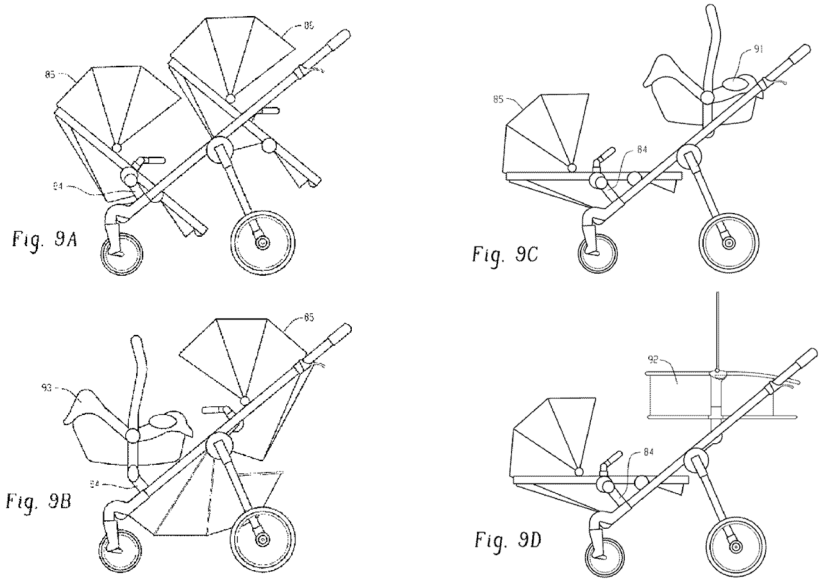
11. The ’869 Patent, titled “Seat Attachment For A Stroller,” was issued by the United States Patent and Trademark Office (“USPTO”) on February 17, 2015. A true and correct copy of the ’869 Patent is attached to this Complaint as **Exhibit A**.

12. The application that resulted in the issuance of the ’869 Patent, U.S. Patent Application No. 14/261,558, was filed on April 25, 2014, and claims priority to U.S. Provisional Application No. 61/119,920, filed on December 4, 2008.

13. The ’869 Patent is assigned to Baby Jogger.

14. Baby Jogger, as assignee, owns the entire right, title, and interest in the ’869 Patent.

15. The ’869 Patent is generally directed to seat attachments for a stroller used to convert a single stroller into a double stroller. Exemplary embodiments of the claimed invention are illustrated in at least figures 9A-9D of the ’869 Patent, shown below:



16. As an example, claim 1 of the ’869 Patent recites the following:

A seat attachment for a stroller, comprising:

a separate left attachment portion, wherein the left attachment portion comprises:

a connector portion capable of removably connecting to a stroller frame adjacent a left front wheel of the stroller and a left seat support element removably connecting a seat in either a forward or backward position; and

a separate right attachment portion, wherein the right attachment portion comprises:

a connector portion capable of removably connecting to a stroller frame adjacent a right front wheel of the stroller and a right seat support element removably connecting the seat in either a forward or backward position between the left and right support elements.

B. U.S. Patent No. 9,403,550

17. The ’550 Patent, titled “Seat Attachment For A Stroller,” was issued by the USPTO on August 2, 2016. A true and correct copy of the ’550 Patent is attached to this Complaint as **Exhibit B**.

18. The application that resulted in the issuance of the ’550 Patent, U.S. Patent Application No. 14/597,420, was filed on January 15, 2015, and claims priority to U.S. Provisional Application No. 61/119,920, filed on December 4, 2008.

19. The ’550 Patent is assigned to Baby Jogger.

20. Baby Jogger, as assignee, owns the entire right, title, and interest in the ’550 Patent.

21. The ’550 Patent is generally directed to a stroller having a second seat attachment for releasably connecting a second seat to the stroller at a vertical position lower than and in front of the first seat.

22. As an example, claim 1 of the ’550 Patent recites the following:

A stroller, comprising:

a stroller frame;

a plurality of wheels comprising a plurality of front wheels and a plurality of back wheels;

a first seat coupled to the stroller frame at a first vertical position of the stroller frame closer to a handle of the stroller and configured to hold a first child in the stroller;

a second seat attachment coupled to the stroller frame at a second vertical position substantially below the first vertical position and closer to the front wheels and comprising:

a left seat support element, wherein the left seat support element comprises:

a first connector portion releasably connected to the stroller frame closer to a left front wheel and a left seat connector releasably connecting a second seat in either a forward or backward position; and

a right seat support element, wherein the right seat support element comprises:

a second connector portion releasably connected to the stroller frame closer to a right front wheel and a right seat connector releasably connecting the second seat in either a forward or backward position between the left and right seat connectors; and

the second seat releasably connected to the left seat connector and the right seat connector and configured to hold a second child in the stroller while the first seat holds the first child.

C. U.S. Patent No. 11,192,568

23. The ’568 Patent, titled “Removable Seat Attachment For A Stroller,” was issued by the USPTO on December 7, 2021. A true and correct copy of the ’568 Patent is attached to this Complaint as **Exhibit C**.

24. The application that resulted in the issuance of the ’568 Patent, U.S. Patent Application No. 16/832,429, was filed on March 27, 2020, and claims priority to U.S. Provisional Application No. 61/119,920, filed on December 4, 2008 and U.S. Provisional Application No. 62/311,224 filed on March 21, 2016.

25. The ’568 Patent is assigned to Baby Jogger.

26. Baby Jogger, as assignee, owns the entire right, title, and interest in the ’568 Patent.

27. The ’568 Patent is generally directed to a stroller having seat attachment adapters for a second seat that is removably coupled to the stroller at a vertical position lower than and in front of the first seat.

28. As an example, claim 1 of the ’568 Patent recites the following:

A stroller, comprising:

a stroller frame comprising:

a first upper tube support frame;

a second upper tube support frame;

a first front wheel support frame rotatably adjusted to be substantially parallel with respect to the first upper tube support frame when the stroller frame is unfolded from a folded configuration;

a second front wheel support frame rotatably adjusted to be substantially parallel with respect to the second upper tube support frame when the stroller frame is unfolded from a folded configuration;

a first back wheel support frame rotated with respect to the first upper tube support frame; and

a second back wheel support frame rotated with respect to the second upper tube support frame;

a plurality of wheels comprising at least one front wheel and a plurality of back wheels;

a first seat coupled along the first upper tube support frame and the second upper tube support frame at a first vertical position of the stroller frame;

a first seat attachment adapter coupled to the first front wheel support frame at a second vertical position of the stroller frame that is below the first vertical position;

a second seat attachment adapter coupled to the second front wheel support frame at a third vertical position of the stroller frame that is below the first vertical position;

wherein a second seat is removably coupled to the first seat attachment adapter and the second seat attachment adapter to position the second seat at a fourth vertical position that is below the first vertical position and wherein the second vertical position and the third vertical position are at a same vertical height.

D. ***U.S. Patent No. 11,505,231***

29. The ’231 Patent, titled “Removable Seat Attachment For A Stroller,” was issued by the USPTO on November 22, 2022. A true and correct copy of the ’231 Patent is attached to this Complaint as **Exhibit D**.

30. The application that resulted in the issuance of the ’231 Patent, U.S. Patent Application No. 17/877,323, was filed on July 29, 2022, and claims priority to U.S. Provisional Application No. 61/119,920, filed on December 4, 2008 and U.S. Provisional Application No. 62/311,224 filed on March 21, 2016.

31. The ’231 Patent is assigned to Baby Jogger.

32. Baby Jogger, as assignee, owns the entire right, title, and interest in the ’231 Patent.

33. The ’231 Patent is generally directed to a stroller system having front seat attachments to support a front stroller seat that is substantially over the front wheels and lower than the rear stroller seat.

34. As an example, claim 1 of the ’231 Patent recites the following:

> A stroller system for supporting a front stroller seat and a rear stroller seat, the system comprising:
>
> a pair of rear wheels;
>
> a pair of front wheels;
>
> a frame including a handle portion, a rear wheel support portion, a front wheel support portion and a folding mechanism connecting the front wheel support portion and the handle portion in both an unfolded configuration and in a folded configuration, wherein the folding mechanism connects the rear wheel support portion to the front wheel support portion and the handle portion, wherein the frame includes a stroller seat support portion positioned at a first vertical position adjacent the handle portion, and wherein the front wheel support portion and the handle portion are substantially parallel when the frame is in the unfolded configuration; and
>
> a front seat attachment configured for attachment to the front wheel support portion at a second vertical position substantially lower than the first vertical position,
>
> wherein the front seat attachment is configured to releasably connect to and support the front stroller seat in either a forward-facing configuration or a backward-facing configuration,

wherein the front seat attachment is configured to support the front stroller seat substantially over the front wheels so that a center of gravity of the stroller system is between the front wheels and the rear wheels;

wherein the rear wheel support portion extends diagonally from the front wheel support portion when the frame is in the unfolded configuration, and the rear wheel support portion is disposed adjacent to both the front wheel support portion and the handle portion when the frame is in the folded configuration; and

wherein the stroller seat support portion positioned at the first vertical position and the front seat attachment at the second vertical position create an inline descending configuration of the rear stroller seat and the front stroller seat.

E. U.S. Patent No. 11,878,729

35. The ’729 Patent, titled Removable Seat Attachment For A Stroller,” was issued by the USPTO on January 23, 2024. A true and correct copy of the ’729 Patent is attached to this Complaint as **Exhibit E**.

36. The application that resulted in the issuance of the ’729 Patent, U.S. Patent Application No. 18/051,053, was filed on October 31, 2022, and claims priority to U.S. Provisional Application No. 61/119,920, filed on December 4, 2008 and U.S. Provisional Application No. 62/311,224 filed on March 21, 2016.

37. The ’729 Patent is assigned to Baby Jogger.

38. Baby Jogger, as assignee, owns the entire right, title, and interest in the ’729 Patent.

39. The ’729 Patent is generally directed to a stroller system having a front seat attachment to support a front stroller seat that is substantially over the front wheels and lower than the rear stroller seat.

40. As an example, claim 1 of the ’729 Patent recites the following:

A stroller system for supporting a front stroller seat and a rear stroller seat, the system comprising:

a pair of rear wheels;

a pair of front wheels;

a frame including a handle portion, a rear wheel support portion, a front wheel support portion, and a folding mechanism connecting the front wheel support portion and the handle portion in both an unfolded configuration and in a folded configuration,

wherein the frame includes a stroller seat support portion positioned at a first vertical position adjacent the handle portion, and wherein the front wheel support portion and the handle portion are parallel when the frame is in the unfolded configuration; and

a front seat attachment configured for attachment to the front wheel support portion at a second vertical position substantially lower than the first vertical position,

wherein the front seat attachment is configured to releasably connect to and support the front stroller seat in either a forward-facing configuration or a backward-facing configuration,

wherein the front seat attachment is configured to support the front stroller seat substantially over the front wheels so that a center of gravity of the stroller system is between the front wheels and the rear wheels;

wherein the rear wheel support portion extends diagonally relative to the front wheel support portion when the frame is in the unfolded configuration, and the rear wheel support portion is disposed adjacent to both the front wheel support portion and the handle portion when the frame is in the folded configuration; and

wherein the stroller seat support portion positioned at the first vertical position and the front seat attachment at the second vertical position create an inline descending configuration of the rear stroller seat and the front stroller seat.

Mockingbird's Infringing Products

41. Mockingbird makes, uses, sells, and/or offers to sell in the United States, and/or imports into the United States, the Infringing Products, including, but not limited to, the Mockingbird Single-to-Double Stroller (2023 model) and Mockingbird Single-to-Double Stroller 2.0, that when used in combination with its 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0, infringe claims of the Asserted Patents.

https://hellomockingbird.com/products/mockingbird-double-stroller

https://hellomockingbird.com/products/2nd-seat-kit-2023-model

42. Mockingbird makes, uses, sells, and/or offers to sell in the United States, and/or imports into the United States, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0. These products allow the Mockingbird Single-to-Double Stroller (2023 model) and Mockingbird Single-to-Double Stroller 2.0 to convert from a single stroller into a double stroller.

https://hellomockingbird.com/products/2nd-seat-kit

COUNT ONE

(Direct Infringement of the ’869 Patent under 35 U.S.C. § 271(a))

43. Baby Jogger realleges and incorporates the preceding paragraphs as set forth above.

44. Mockingbird has been, and is, directly infringing at least claims 1-5 and 24-29 of the ’869 Patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, the Infringing Products.

45. By way of example, the Infringing Products infringe at least claim 1 of the ’869 Patent because they contain each and every limitation of this claim.

46. Without conceding the preamble is a limitation, the Infringing Products contain “[a] seat attachment for a stroller, comprising: a separate left attachment portion”:

https://hellomockingbird.com/products/2nd-seat-kit

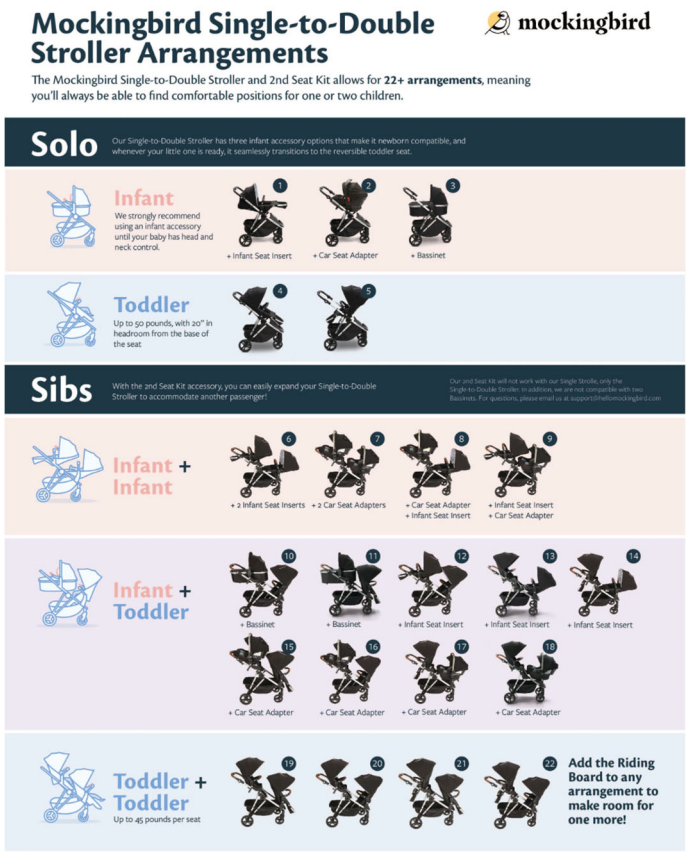
https://hellomockingbird.com/products/2nd-seat-kit

47. The Infringing Products further include a separate left attachment portion, "wherein the left attachment portion comprises a connector portion capable of removably connecting to a stroller frame adjacent a left front wheel of the stroller":

https://hellomockingbird.com/products/2nd-seat-kit

48. The Infringing Products also include a left attachment portion comprising "a left seat support element removably connecting a seat in either a forward or backward position"

https://hellomockingbird.com/products/2nd-seat-kit



https://cdn.shopify.com/s/files/1/0023/9691/3753/files/020524_Mockingbird_ArrangementsChart.jpg?v=1707221650

49. The Infringing Products likewise contain "a separate right attachment portion":

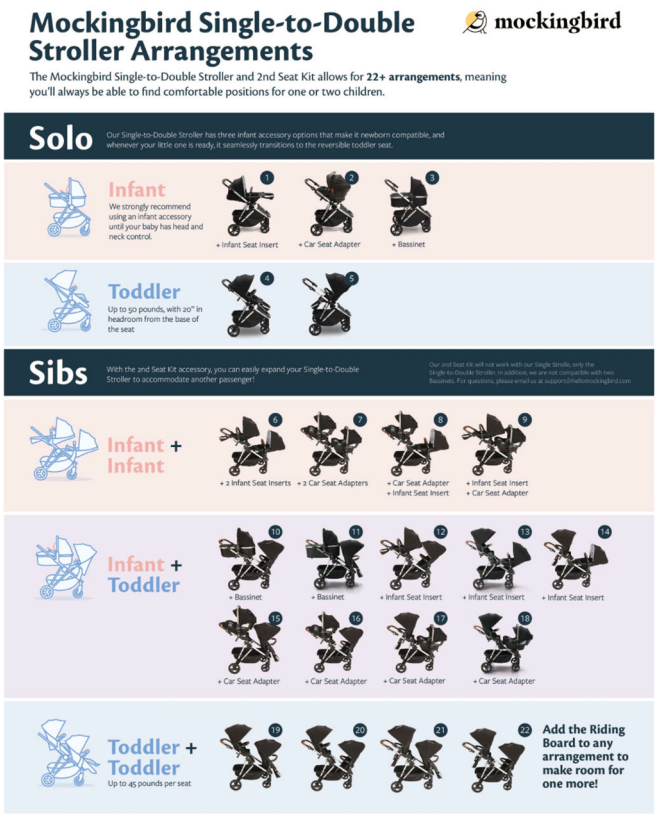
https://hellomockingbird.com/products/2nd-seat-kit

50. The Infringing Products further include a separate right attachment portion, "wherein the right attachment portion comprises: a connector portion capable of removably connecting to a stroller frame adjacent a right front wheel of the stroller":

https://hellomockingbird.com/products/2nd-seat-kit

51. The Infringing Products also include a right attachment portion comprising "a right seat support element removably connecting the seat in either a forward or backward position between the left and right support elements":

https://hellomockingbird.com/products/2nd-seat-kit



https://cdn.shopify.com/s/files/1/0023/9691/3753/files/020524_Mockingbird_ArrangementsChart.jpg?v=1707221650

52. Mockingbird does not have a license to practice the technology claimed by the '869 Patent. Mockingbird does not have any other authority to practice the technology claimed by the '869 Patent.

53. As a result of Mockingbird's infringement of the '869 Patent, Baby Jogger has suffered, and will continue to suffer, damage including, but not limited to, monetary damages. Baby Jogger is entitled to recover from Mockingbird damages adequate to compensate it for such infringement, which have yet to be determined.

COUNT TWO

(Direct Infringement of the '550 Patent under 35 U.S.C. § 271(a))

54. Baby Jogger realleges and incorporates the preceding paragraphs as set forth above.

55. Mockingbird has been, and is, directly infringing at least claims 1-7 of the ’550 Patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, the Infringing Products.

56. By way of example, the Infringing Products infringe at least claim 1 of the ’550 Patent because they contain each and every limitation of this claim.

57. Without conceding the preamble is a limitation, the Infringing Products each are “[a] stroller comprising: a stroller frame”:

https://hellomockingbird.com/products/2nd-seat-kit

58. The Infringing Products include “a plurality of wheels comprising a plurality of front wheels and a plurality of back wheels”:

https://hellomockingbird.com/products/2nd-seat-kit

59. The Infringing Products also include "a first seat coupled to the stroller frame at a first vertical position of the stroller frame closer to a handle of the stroller and configured to hold a first child in the stroller":

https://hellomockingbird.com/products/2nd-seat-kit

60. The Infringing Products include "a second seat attachment coupled to the stroller frame at a second vertical position substantially below the first vertical position and closer to the front wheels":

https://hellomockingbird.com/products/2nd-seat-kit

61. The Infringing Products include a second seat attachment that contains "a left seat support element":

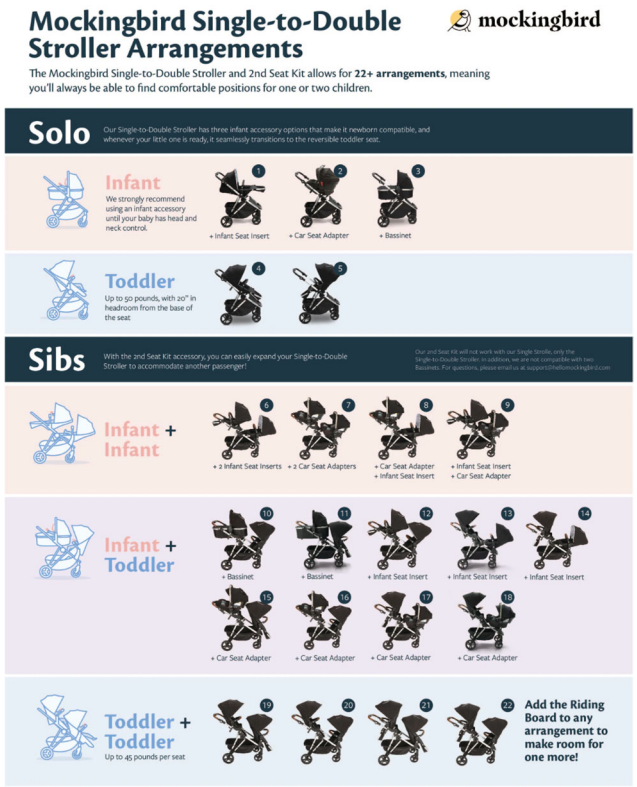
https://hellomockingbird.com/products/2nd-seat-kit

62. The left seat support element of the Infringing Products likewise comprises "a first connector portion releasably connected to the stroller frame closer to a left front wheel":

https://hellomockingbird.com/products/2nd-seat-kit

63. The left seat support element of the Infringing Products also includes "a left seat connector releasably connecting a second seat in either a forward or backward position":

https://hellomockingbird.com/products/2nd-seat-kit



https://cdn.shopify.com/s/files/1/0023/9691/3753/files/020524_Mockingbird_ArrangementsChart.jpg?v=1707221650

64. The Infringing Products also include a second seat attachment that contains "a right seat support element":

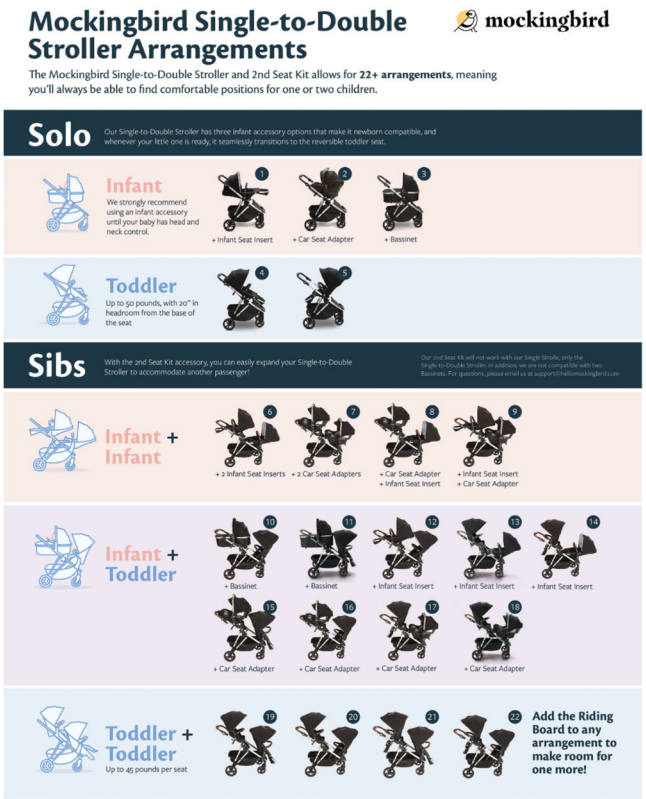
https://hellomockingbird.com/products/2nd-seat-kit

65. The right seat support element of the Infringing Products comprises "a second connector portion releasably connected to the stroller frame closer to a right front wheel":

https://hellomockingbird.com/products/2nd-seat-kit

66. The right seat support element of the Infringing Products also includes "a right seat connector releasably connecting the second seat in either a forward or backward position between the left and right seat connectors":

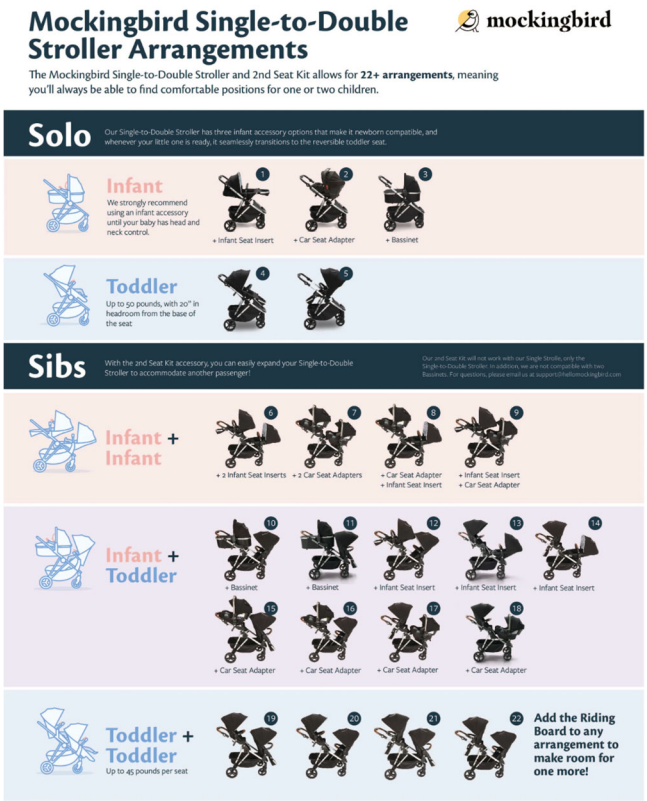
https://hellomockingbird.com/products/2nd-seat-kit



https://cdn.shopify.com/s/files/1/0023/9691/3753/files/020524_Mockingbird_ArrangementsChart.jpg?v=1707221650

67. Finally, the Infringing Products also include a second seat which is "releasably connected to the left seat connector and the right seat connector and configured to hold a second child in the stroller while the first seat holds the first child":

https://hellomockingbird.com/products/mockingbird-double-stroller



https://cdn.shopify.com/s/files/1/0023/9691/3753/files/020524_Mockingbird_ArrangementsChart.jpg?v=1707221650

68. Mockingbird does not have a license to practice the technology claimed by the ’550 Patent. Mockingbird does not have any other authority to practice the technology claimed by the ’550 Patent.

69. As a result of Mockingbird’s infringement of the ’550 Patent, Baby Jogger has suffered, and will continue to suffer, damage including, but not limited to, monetary damages. Baby Jogger is entitled to recover from Mockingbird damages adequate to compensate it for such infringement, which have yet to be determined.

COUNT THREE

(Indirect Infringement of the ’550 Patent under 35 U.S.C. § 271(b))

70. Baby Jogger realleges and incorporates the preceding paragraphs 1–42 and 55–69 as set forth above.

71. Mockingbird has had actual knowledge of the ’550 Patent and its infringement of the ’550 Patent, since at least as early as June 18, 2024, which is the date of filing of the original Complaint, or at the latest, since June 20, 2024, which is the date of service of the original Complaint. D.I. 1, 5.

72. The application that led to the ’550 Patent (U.S. Patent Application No. 14/597,420) was published on May 7, 2015, and thus was publicly available as of that date. Further, Baby Jogger has virtually marked its City Select strollers since at least as early as January 2023 with, *inter alia*, the ‘550 Patent.[3]

73. Baby Jogger and Mockingbird are direct competitors in the baby stroller market. On information and belief, Mockingbird monitors the products and patent filings of its competitors, including Baby Jogger, and therefore would have been aware of the ’550 Patent and the Baby Jogger City Select strollers.

74. Despite such knowledge of the ’550 Patent, or being willfully blind to the existence of the ’550 Patent, Mockingbird has provided, and continues to provide, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 to its customers and, on information and belief, encourages and aids its customers to use these products in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’550 Patent.

75. Since the filing and service of the original Complaint, despite gaining actual knowledge of the ’550 Patent and of its infringement of the ’550 Patent, Mockingbird has continued to knowingly induce its customers to directly infringe the ’550 Patent through one or more of the activities discussed herein.

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[3] https://www.newellbrands.com/patents

76. Mockingbird has induced, and continues to induce, infringement of the ’550 Patent by actively, knowingly, and intentionally inducing its customers to directly infringe at least claims 1-7 of the ’550 Patent via use of its 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0.

77. Mockingbird has induced, and continues to induce, its customers to directly infringe the ’550 Patent through activities such as marketing the Infringing Products to be used in combination, creating and distributing promotional and product literature, and offering technical support for the Infringing Products, each of which are designed to instruct, encourage, direct, enable, and facilitate the use of the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’550 Patent.

78. For example, Mockingbird markets its Single-to-Double Stroller as “designed with maximum versatility to grow with your child and convert to a double if your family expands. (Add another seat by pairing with our 2nd Seat Kit . . . .”[4] Mockingbird also provides its customers with manuals that instruct, encourage, direct, enable, and facilitate the use of the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’550 Patent.[5]

79. On information and belief, Mockingbird has knowingly and intentionally encouraged and aided its customers to directly infringe the ’550 Patent and continues to do so.

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[4] https://hellomockingbird.com/products/mockingbird-double-stroller
[5] *See, e.g.*, https://hellomockingbird.com/pages/double-stroller-assembly-video

80. Mockingbird's customers do incorporate the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 with the Mockingbird Single-to-Double Stroller (2023 model) or the Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the '550 Patent and continue to do so.

81. On information and belief, Mockingbird specifically intended and intends that its actions will induce infringement of the '550 Patent, or subjectively believes that its actions will result in infringement of the '550 Patent. As a direct and proximate result of Mockingbird's inducement of infringement of '550 Patent by its customers, Baby Jogger has been and continues to be damaged.

COUNT FOUR

(Contributory Infringement of the '550 Patent under 35 U.S.C. § 271(c))

82. Baby Jogger realleges and incorporates the preceding paragraphs 1–42 and 55–69 as set forth above.

83. Mockingbird has had actual knowledge of the '550 Patent, as well as its infringement of the '550 Patent, since at least as early as June 18, 2024, which is the date of the filing of the original Complaint, or, at the latest, since June 20, 2024, which is the date of service of the original Complaint. D.I. 1, 5.

84. The application that led to the '550 Patent (U.S. Patent Application No. 14/597,420) was published on May 7, 2015, and thus was publicly available as of that date. Further, Baby Jogger has virtually marked its City Select strollers since at least as early as January 2023 with, *inter alia*, the '550 Patent.[6]

85. Baby Jogger and Mockingbird are direct competitors in the baby stroller market. On information and belief, Mockingbird monitors the products and patent filings of its competitors,

[6] https://www.newellbrands.com/patents

including Baby Jogger, and therefore would have been aware of the ’550 Patent and the Baby Jogger City Select strollers.

86. Despite such knowledge of the ’550 Patent, or being willfully blind to the existence of the ’550 Patent, Mockingbird sells and/or offers for sale in the United States, and imports into the United States, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 knowing that these components are especially made or adapted for use in the infringement of the ’550 Patent. There is no other use for these components other than to be incorporated with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’550 Patent.

87. Since the filing and service of the original Complaint, despite receiving actual knowledge of the ’550 Patent, as well as actual knowledge of its infringement of the ’550 Patent, Mockingbird has continued to knowingly contribute to the direct infringement by third parties, including its customers, of the ’550 Patent.

88. Mockingbird’s customers who purchase the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0, do so with the sole purpose of incorporating these components with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that directly infringes the ’550 Patent and in fact do incorporate these components in a manner that directly infringes the ’550 Patent.

89. Mockingbird has contributed, and continues to contribute, to the infringement of the ’550 Patent by third parties, including at least its customers, by selling and/or offering to sell in the United States, or importing into the United States, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0, which are material components of the invention claimed in the ’550 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

90. As a direct and proximate result of Mockingbird's contributing to the infringement of '550 Patent by its customers, Baby Jogger has been and continues to be damaged.

COUNT FIVE

(Direct Infringement of the '568 Patent under 35 U.S.C. § 271(a))

91. Baby Jogger realleges and incorporates the preceding paragraphs as set forth above.

92. Mockingbird has been and is directly infringing at least claims 1 and 7-9 of the '568 Patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, the Infringing Products.

93. By way of example, the Infringing Products infringe at least claim 1 of the '568 Patent because they contain each and every limitation of this claim.

94. Without conceding the preamble is a limitation, the Infringing Products each are "[a] stroller comprising: a stroller frame":

https://hellomockingbird.com/products/2nd-seat-kit

95. The Infringing Products further include a stroller frame comprising "a first upper tube support frame" and "a second upper tube support frame":

https://hellomockingbird.com/products/2nd-seat-kit

96. The Infringing Products also include a stroller frame comprising "a first front wheel support frame rotatably adjusted to be substantially parallel with respect to the first upper tube support frame when the stroller frame is unfolded from a folded configuration":

https://hellomockingbird.com/products/2nd-seat-kit

https://hellomockingbird.com/products/mockingbird-double-stroller

Folding the stroller

While holding the unlock tab, squeeze the front button on the front of the handlebar inward until you feel the stroller begin to fold, and push downward on the handle.

As the stroller folds down, let go of the handlebar and grab the child bar. Pull towards your body to complete the fold (don't worry about letting go for a second since the brake pedal is engaged, the stroller won't roll away from you).

The stroller will fold until it is standing with the handlebar resting on the ground and the side latch "CLICKS". For a more compact fold, adjust the footrest downward to a 90 degree angle after you fold. If you need to move it once it's folded, just pick it up by the crossbar and you'll be on your way!

https://cdn.shopify.com/s/files/1/0023/9691/3753/files/MB_SingleToDoubleStroller_IM_LetsGetRolling_DIGITAL_M2101D01.1.pdf?v=1707267102

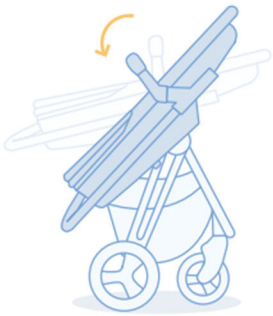
97. The Infringing Products likewise contain a stroller frame comprising "a second front wheel support frame rotatably adjusted to be substantially parallel with respect to the second upper tube support frame when the stroller frame is unfolded from a folded configuration":

https://hellomockingbird.com/products/2nd-seat-kit

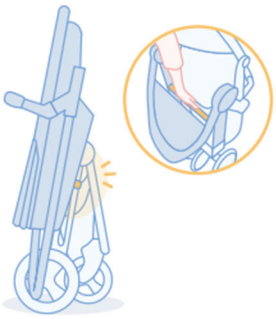
https://hellomockingbird.com/products/mockingbird-double-stroller

Folding the stroller

While holding the unlock tab, squeeze the front button on the front of the handlebar inward until you feel the stroller begin to fold, and push downward on the handle.



As the stroller folds down, let go of the handlebar and grab the child bar. Pull towards your body to complete the fold (don't worry about letting go for a second since the brake pedal is engaged, the stroller won't roll away from you).



The stroller will fold until it is standing with the handlebar resting on the ground and the side latch "CLICKS". For a more compact fold, adjust the footrest downward to a 90 degree angle after you fold. If you need to move it once it's folded, just pick it up by the crossbar and you'll be on your way!

https://cdn.shopify.com/s/files/1/0023/9691/3753/files/MB_SingleToDoubleStroller_IM_LetsGetRolling_DIGITAL_M2101D01.1.pdf?v=1707267102

98. The Infringing Products include a stroller frame comprising "a first back wheel support frame rotated with respect to the first upper tube support frame":

https://hellomockingbird.com/products/2nd-seat-kit

https://hellomockingbird.com/products/mockingbird-double-stroller

Folding the stroller

While holding the unlock tab, squeeze the front button on the front of the handlebar inward until you feel the stroller begin to fold, and push downward on the handle.

As the stroller folds down, let go of the handlebar and grab the child bar. Pull towards your body to complete the fold (don't worry about letting go for a second since the brake pedal is engaged, the stroller won't roll away from you).

The stroller will fold until it is standing with the handlebar resting on the ground and the side latch "CLICKS". For a more compact fold, adjust the footrest downward to a 90 degree angle after you fold. If you need to move it once it's folded, just pick it up by the crossbar and you'll be on your way!

https://cdn.shopify.com/s/files/1/0023/9691/3753/files/MB_SingleToDoubleStroller_IM_LetsGetRolling_DIGITAL_M2101D01.1.pdf?v=1707267102

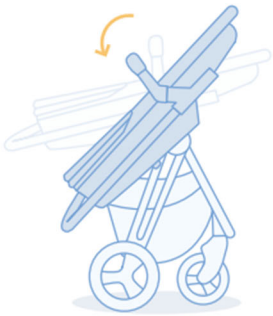
99. The Infringing Products include a stroller frame comprising "a second back wheel support frame rotated with respect to the second upper tube support frame":

https://hellomockingbird.com/products/2nd-seat-kit

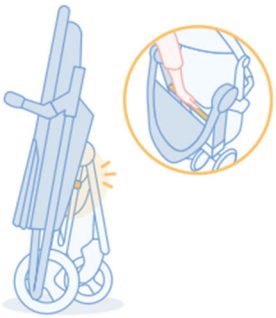
https://hellomockingbird.com/products/mockingbird-double-stroller

Folding the stroller

While holding the unlock tab, squeeze the front button on the front of the handlebar inward until you feel the stroller begin to fold, and push downward on the handle.



As the stroller folds down, let go of the handlebar and grab the child bar. Pull towards your body to complete the fold (don't worry about letting go for a second since the brake pedal is engaged, the stroller won't roll away from you).



The stroller will fold until it is standing with the handlebar resting on the ground and the side latch "CLICKS". For a more compact fold, adjust the footrest downward to a 90 degree angle after you fold. If you need to move it once it's folded, just pick it up by the crossbar and you'll be on your way!

https://cdn.shopify.com/s/files/1/0023/9691/3753/files/MB_SingleToDoubleStroller_IM_LetsGetRolling_DIGITAL_M2101D01.1.pdf?v=1707267102

100. The Infringing Products also include "a plurality of wheels comprising at least one front wheel and a plurality of back wheels":

https://hellomockingbird.com/products/2nd-seat-kit

101. The Infringing Products include "a first seat coupled along the first upper tube support frame and the second upper tube support frame at a first vertical position of the stroller frame":

https://hellomockingbird.com/products/2nd-seat-kit

102. The Infringing Products likewise include "a first seat attachment adapter coupled to the first front wheel support frame at a second vertical position of the stroller frame that is below the first vertical position":

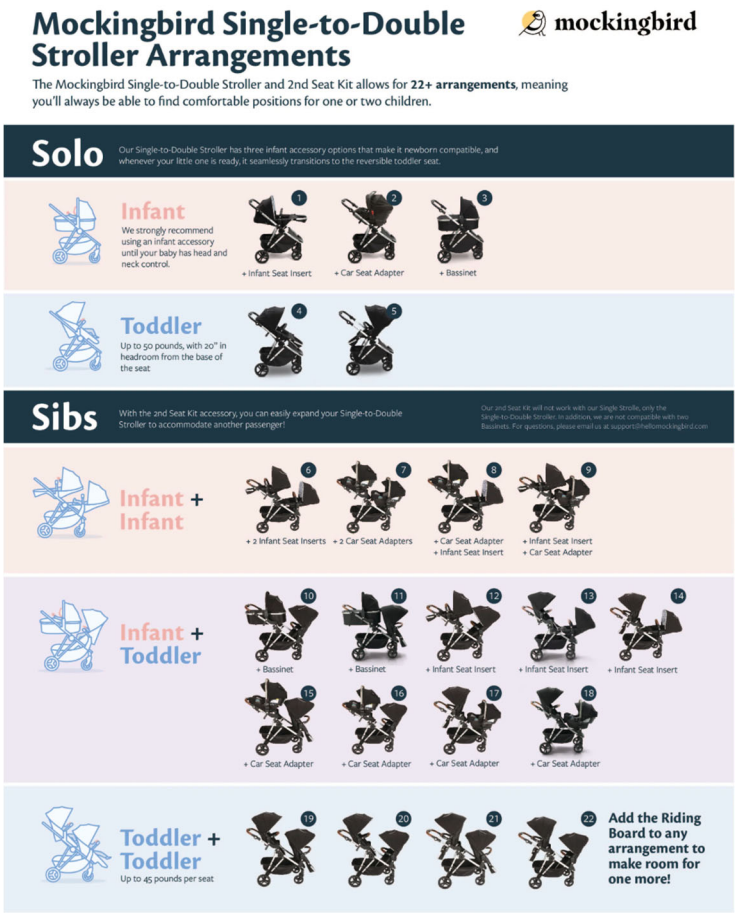
https://hellomockingbird.com/products/2nd-seat-kit

103. The Infringing Products also include "a second seat attachment adapter coupled to the second front wheel support frame at a third vertical position of the stroller frame that is below the first vertical position":

https://hellomockingbird.com/products/2nd-seat-kit

104. Finally, the Infringing Products include "a second seat [that] is removably coupled to the first seat attachment adapter and the second seat attachment adapter to position the second seat at a fourth vertical position that is below the first vertical position and wherein the second vertical position and the third vertical position are at a same vertical height":

https://hellomockingbird.com/products/2nd-seat-kit



https://cdn.shopify.com/s/files/1/0023/9691/3753/files/020524_Mockingbird_ArrangementsChart.jpg?v=1707221650

105. Mockingbird does not have a license to practice the technology claimed by the '568 Patent. Mockingbird does not have any other authority to practice the technology claimed by the '568 Patent.

106. As a result of Mockingbird's infringement of the '568 Patent, Baby Jogger has suffered, and will continue to suffer, damage including, but not limited to, monetary damages. Baby Jogger is entitled to recover from Mockingbird damages adequate to compensate it for such infringement, which have yet to be determined.

COUNT SIX

(Indirect Infringement of the '568 Patent under 35 U.S.C. § 271(b))

107. Baby Jogger realleges and incorporates the preceding paragraphs 1–42 and 91–106 as set forth above.

108. Mockingbird has had actual knowledge of the ’568 Patent, and its infringement of the ’568 Patent, since at least as early as June 18, 2024, which is the date of filing of the original Complaint. or at the latest, since June 20, 2024, which is the date of service of the original Complaint. D.I. 1, 5.

109. The application that led to the ’568 Patent (U.S. Patent Application No. 16/832,429) was published on July 16, 2020, and thus was publicly available as of that date. Further, Baby Jogger has virtually marked its City Select strollers since at least as early as January 2023 with, *inter alia*, the ’568 Patent.[7]

110. Baby Jogger and Mockingbird are direct competitors in the baby stroller market. On information and belief, Mockingbird monitors the products and patent filings of its competitors, including Baby Jogger, and therefore would have been aware of the ’568 Patent and the Baby Jogger City Select strollers.

111. Despite such knowledge of the ’568 Patent, or being willfully blind to the existence of the ’568 Patent, Mockingbird has provided, and continues to provide, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 to its customers and, on information and belief, encourages and aids its customers to use these products in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’568 Patent.

112. Since the filing and service of the original Complaint, despite receiving actual knowledge of the ’568 Patent, as well as actual knowledge of its infringement of the ’568 Patent,

[7] https://www.newellbrands.com/patents

Mockingbird has continued to knowingly induce its customers to directly infringe the ’568 Patent through one or more of the activities discussed herein.

113. Mockingbird has induced, and continues to induce, infringement of the ’568 Patent by actively, knowingly, and intentionally inducing its customers and/or end users (collectively “customers”) to directly infringe at least claims 1 and 7-9 of the ’568 Patent via use of its 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0.

114. Mockingbird has induced, and continues to induce, its customers to directly infringe the ’568 Patent through activities such as marketing the Infringing Products to be used in combination, creating and distributing promotional and product literature, and offering technical support for the Infringing Products, each of which is designed to instruct, encourage, direct, enable, and facilitate the use of the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’568 Patent.

115. For example, Mockingbird markets its Single-to-Double Stroller as “designed with maximum versatility to grow with your child and convert to a double if your family expands. (Add another seat by pairing with our 2nd Seat Kit . . . .”[8] Mockingbird also provides its customers with manuals that instruct, encourage, direct, enable, and facilitate the use of the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’568 Patent.[9]

[8] https://hellomockingbird.com/products/mockingbird-double-stroller
[9] *See, e.g.*, https://hellomockingbird.com/pages/double-stroller-assembly-video

116. Mockingbird's customers do incorporate the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the '568 Patent and continue to do so.

117. On information and belief, Mockingbird has knowingly and intentionally encouraged and aided its customers to directly infringe the '568 Patent and continues to do so.

118. On information and belief, Mockingbird specifically intended and intends that its actions will induce infringement of the '568 Patent, or subjectively believes that its actions will result in infringement of the '568 Patent. As a direct and proximate result of Mockingbird's inducement of infringement of '568 Patent by its customers, Baby Jogger has been and continues to be damaged.

COUNT SEVEN

(Contributory Infringement of the '568 Patent under 35 U.S.C. § 271(c))

119. Baby Jogger realleges and incorporates the preceding paragraphs 1–42 and 91–106 as set forth above.

120. Mockingbird has had actual knowledge of the '568 Patent and its infringement of the '568 Patent, since at least as early as June 18, 2025, which is the date of filing of the original Complaint. D.I. 1. At the very latest, Mockingbird has had actual knowledge of the '568 Patent and its infringement of the '550 Patent, since June 20, 2024, which is the date of service of the original Complaint. D.I. 1, 5.

121. The application that led to the '568 Patent (U.S. Patent Application No. 16/832,429) was published on July 16, 2020, and thus was publicly available as of that date. Further, Baby

Jogger has virtually marked its City Select strollers since at least as early as January 2023 with, *inter alia*, the ’568 Patent.[10]

122. Baby Jogger and Mockingbird are direct competitors in the baby stroller market. On information and belief, Mockingbird monitors the products and patent filings of its competitors, including Baby Jogger, and therefore would have been aware of the ’568 Patent and the Baby Jogger City Select strollers.

123. Despite such knowledge of the ’568 Patent, or being willfully blind to the existence of the ’568 Patent, Mockingbird sells and/or offers for sale in the United States, or imports into the United States, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 knowing that these components are especially made or adapted for use in the infringement of the ’568 Patent. There is no other use for these components other than to be incorporated with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’568 Patent.

124. Since the filing and service of the original Complaint, despite receiving actual knowledge of the ’568 Patent, as well as actual knowledge of its infringement of the ’568 Patent, Mockingbird has continued to knowingly contribute to the direct infringement by third parties, including its customers, of the ’568 Patent.

125. Mockingbird has contributed, and continues to contribute, to the infringement of the ’568 Patent by third parties, including at least its customers, by selling and/or offering to sell in the United States, or importing into the United States, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0, each of which are material components of the invention claimed in the ’568 Patent and are not staple articles of commerce suitable for substantial non-infringing use as they can only

[10] https://www.newellbrands.com/patents

be used in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0.

126. Mockingbird's customers who purchase the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0, do so with the sole purpose of incorporating these components with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that directly infringes the '568 Patent and in fact do incorporate these components in a manner that directly infringes the '568 Patent.

127. As a direct and proximate result of Mockingbird's contributing to the infringement of '568 Patent by its customers, Baby Jogger has been and continues to be damaged.

COUNT EIGHT

(Direct Infringement of the '231 Patent under 35 U.S.C. § 271(a))

128. Baby Jogger realleges and incorporates the preceding paragraphs as set forth above.

129. Mockingbird has been and is directly infringing at least claims 1-5, 15-17, and 19-22 of the '231 Patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, the Infringing Products.

130. By way of example, the Infringing Products infringe at least claim 1 of the '231 Patent because they contain each and every limitation of this claim.

131. Without conceding the preamble is a limitation, the Infringing Products each are "[a] stroller system for supporting a front stroller seat and a rear stroller seat":

https://hellomockingbird.com/products/2nd-seat-kit

132. The Infringing Products include "a pair of rear wheels" and "a pair of front wheels":

https://hellomockingbird.com/products/2nd-seat-kit

133. The Infringing Products also include "a frame including a handle portion, a rear wheel support portion, a front wheel support portion":

https://hellomockingbird.com/products/2nd-seat-kit

134. The Infringing Products also include "a folding mechanism connecting the front wheel support portion and the handle portion in both an unfolded configuration and in a folded configuration":

https://hellomockingbird.com/products/2nd-seat-kit

https://hellomockingbird.com/products/mockingbird-double-stroller

135. The Infringing Products likewise include a stroller system "wherein the folding mechanism connects the rear wheel support portion to the front wheel support portion and the handle portion":

https://hellomockingbird.com/products/2nd-seat-kit

https://hellomockingbird.com/products/mockingbird-double-stroller

136. The Infringing Products include a stroller system "wherein the frame includes a stroller seat support portion positioned at a first vertical position adjacent the handle portion":

https://hellomockingbird.com/products/2nd-seat-kit

137. The Infringing Products also include a stroller system "wherein the front wheel support portion and the handle portion are substantially parallel when the frame is in the unfolded configuration":

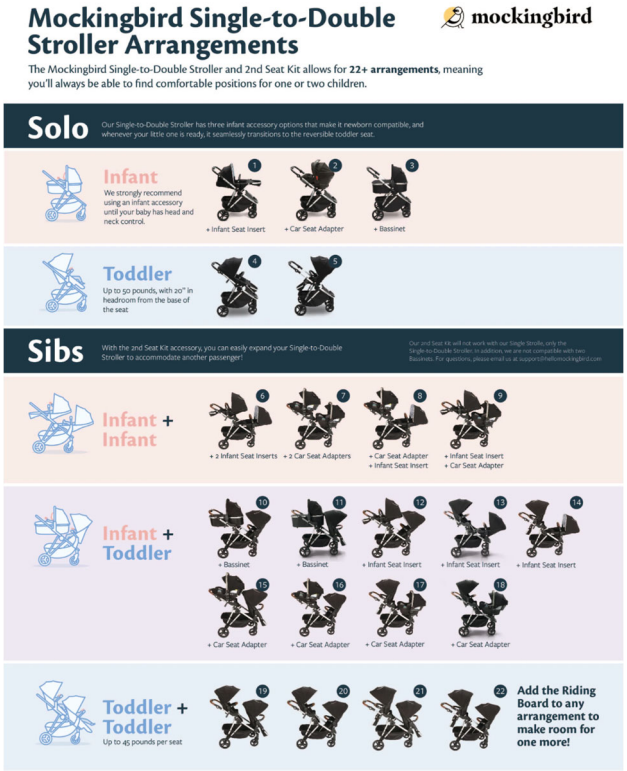
https://hellomockingbird.com/products/2nd-seat-kit

138. The Infringing Products include "a front seat attachment configured for attachment to the front wheel support portion at a second vertical position substantially lower than the first vertical position":

https://hellomockingbird.com/products/2nd-seat-kit

139. The Infringing Products also include a stroller system "wherein the front seat attachment is configured to releasably connect to and support the front stroller seat in either a forward-facing configuration or a backward-facing configuration":

https://hellomockingbird.com/products/2nd-seat-kit



https://cdn.shopify.com/s/files/1/0023/9691/3753/files/020524_Mockingbird_ArrangementsChart.jpg?v=1707221650

140. The Infringing Products include a stroller system "wherein the front seat attachment is configured to support the front stroller seat substantially over the front wheels so that a center of gravity of the stroller system is between the front wheels and the rear wheels":

https://hellomockingbird.com/products/2nd-seat-kit

141. The Infringing Products also include a stroller system "wherein the rear wheel support portion extends diagonally from the front wheel support portion when the frame is in the unfolded configuration":

https://hellomockingbird.com/products/2nd-seat-kit

142. The Infringing Products also include a rear wheel support portion that "is disposed adjacent to both the front wheel support portion and the handle portion when the frame is in the folded configuration":

https://hellomockingbird.com/products/mockingbird-double-stroller

143. The Infringing Products further include a stroller system "wherein the stroller seat support portion positioned at the first vertical position and the front seat attachment at the second vertical position create an inline descending configuration of the rear stroller seat and the front stroller seat":

https://hellomockingbird.com/products/2nd-seat-kit

144. Mockingbird does not have a license to practice the technology claimed by the ’231 Patent. Mockingbird does not have any other authority to practice the technology claimed by the ’231 Patent.

145. As a result of Mockingbird’s infringement of the ’231 Patent, Baby Jogger has suffered, and will continue to suffer, damage including, but not limited to, monetary damages. Baby Jogger is entitled to recover from Mockingbird damages adequate to compensate it for such infringement, which have yet to be determined.

COUNT NINE

(Indirect Infringement of the ’231 Patent under 35 U.S.C. § 271(b))

146. Baby Jogger realleges and incorporates the preceding paragraphs 1–42 and 128–145 as set forth above.

147. Mockingbird has had actual knowledge of the ’231 Patent and its infringement of the ’231 Patent, since at least as early as June 18, 2024, which is the date of filing of the original Complaint. Or, at the latest, since June 20, 2024, which is the date of service of the original Complaint. D.I. 1, 5.

148. Baby Jogger and Mockingbird are direct competitors in the baby stroller market. On information and belief, Mockingbird monitors the products and patent filings of its competitors, including Baby Jogger, and therefore would have been aware of the ’231 Patent and the Baby Jogger City Select strollers.

149. Further, Baby Jogger has virtually marked its City Select strollers since at least as early as January 2023 with, *inter alia*, the ’231 Patent.[11]

[11] https://www.newellbrands.com/patents

150. Despite such knowledge of the ’231 Patent, or being willfully blind to the existence of the ’231 Patent, Mockingbird has provided, and continues to provide, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 to its customers and, on information and belief, encourages and aids its customers to use these products in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’231 Patent.

151. Since the filing and service of the original Complaint, despite receiving actual knowledge of the ’231 Patent and of its infringement of the ’231 Patent, Mockingbird has continued to knowingly induce its customers to directly infringe the ’231 Patent through one or more of the activities discussed herein.

152. Mockingbird has induced, and continues to induce, infringement of the ’231 Patent by actively, knowingly, and intentionally inducing its customers and/or end users (collectively “customers”) to directly infringe at least claims 1-5, 15-17, and 19-22 of the ’231 Patent via use of its 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0.

153. Mockingbird has induced, and continues to induce, its customers to directly infringe the ’231 Patent through activities such as marketing the Infringing Products to be used in combination, creating and distributing promotional and product literature, and offering technical support for the Infringing Products, each of which are designed to instruct, encourage, direct, enable, and facilitate the use of the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’231 Patent.

154. For example, Mockingbird markets its Single-to-Double Stroller as "designed with maximum versatility to grow with your child and convert to a double if your family expands. (Add another seat by pairing with our 2nd Seat Kit . . . ."[12] Mockingbird also provides its customers with manuals that instruct, encourage, direct, enable, and facilitate the use of the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the '231 Patent.[13]

155. Mockingbird's customers do incorporate the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the '231 Patent and continue to do so.

156. On information and belief, Mockingbird has knowingly and intentionally encouraged and aided its customers to directly infringe the '231 Patent and continues to do so.

157. On information and belief, Mockingbird specifically intended and intends that its actions will induce infringement of the '231 Patent, or subjectively believes that its actions will result in infringement of the '231 Patent. As a direct and proximate result of Mockingbird's inducement of infringement of '231 Patent by its customers, Baby Jogger has been and continues to be damaged.

COUNT TEN

(Contributory Infringement of the '231 Patent under 35 U.S.C. § 271(c))

158. Baby Jogger realleges and incorporates the preceding paragraphs 1–42 and 128–145 as set forth above.

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[12] https://hellomockingbird.com/products/mockingbird-double-stroller
[13] *See, e.g.*, https://hellomockingbird.com/pages/double-stroller-assembly-video

159. Mockingbird has had actual knowledge of the ’231 Patent and its infringement of the ’231 Patent, since at least as early as June 18, 2024, which is the date of filing of the original Complaint. D.I. 1. At the very latest, Mockingbird has had actual knowledge of the ’231 Patent and its infringement of the ’231 Patent, since June 20, 2024, which is the date of service of the original Complaint. D.I. 1, 5.

160. Baby Jogger and Mockingbird are direct competitors in the baby stroller market. On information and belief, Mockingbird monitors the products and patent filings of its competitors, including Baby Jogger, and therefore would have been aware of the ’231 Patent and the Baby Jogger City Select strollers.

161. Further, Baby Jogger has virtually marked its City Select strollers since at least as early as January 2023 with, *inter alia*, the ’231 Patent.[14]

162. Despite such knowledge of the ’231 Patent, or being willfully blind to the existence of the ’231 Patent, Mockingbird sells and/or offers for sale in the United States, or imports into the United States, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 knowing that these components are especially made or adapted for use in the infringement of the ’231 Patent. There is no other use for these components other than to be incorporated with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’231 Patent.

163. Since the filing and service of the original Complaint, despite receiving actual knowledge of the ’231 Patent, as well as actual knowledge of its infringement of the ’231 Patent, Mockingbird has continued to knowingly contribute to the direct infringement by third parties, including its customers, of the ’231 Patent.

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[14] https://www.newellbrands.com/patents

164. Mockingbird's customers who purchase the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0, do so with the sole purpose of incorporating these components with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that directly infringes the '231 Patent and in fact do incorporate these components in a manner that directly infringes the '231 Patent.

165. Mockingbird has contributed, and continues to contribute, to the infringement of the '231 Patent by third parties, including at least its customers, by selling and/or offering to sell in the United States, or importing into the United States, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0, each of which are material components of the invention claimed in the '231 Patent and are not staple articles of commerce suitable for substantial non-infringing use as they can only be used in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0.

166. As a direct and proximate result of Mockingbird's contributing to the infringement of '231 Patent by its customers, Baby Jogger has been and continues to be damaged.

COUNT ELEVEN

(Direct Infringement of the '729 Patent under 35 U.S.C. § 271(a))

167. Baby Jogger realleges and incorporates the preceding paragraphs as set forth above.

168. Mockingbird has been and is directly infringing at least claims 1-5 and 15-22 of the '729 Patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, the Infringing Products.

169. By way of example, the Infringing Products infringe at least claim 1 of the '729 Patent because they contain each and every limitation of this claim.

170. Without conceding the preamble is a limitation, the Infringing Products each are "[a] stroller system for supporting a front stroller seat and a rear stroller seat":

https://hellomockingbird.com/products/2nd-seat-kit

171. The Infringing Products include "a pair of rear wheels" and "a pair of front wheels":

https://hellomockingbird.com/products/2nd-seat-kit

172. The Infringing Products further include "a frame including a handle portion, a rear wheel support portion, a front wheel support portion":

https://hellomockingbird.com/products/2nd-seat-kit

173. The Infringing Products likewise include "a folding mechanism connecting the front wheel support portion and the handle portion in both an unfolded configuration and in a folded configuration,":

https://hellomockingbird.com/products/2nd-seat-kit

https://hellomockingbird.com/products/mockingbird-double-stroller

174. The Infringing Products also include a stroller system "wherein the frame includes a stroller seat support portion positioned at a first vertical position adjacent the handle portion":

https://hellomockingbird.com/products/2nd-seat-kit

175. The Infringing Products further include a frame "wherein the front wheel support portion and the handle portion are parallel when the frame is in the unfolded configuration":

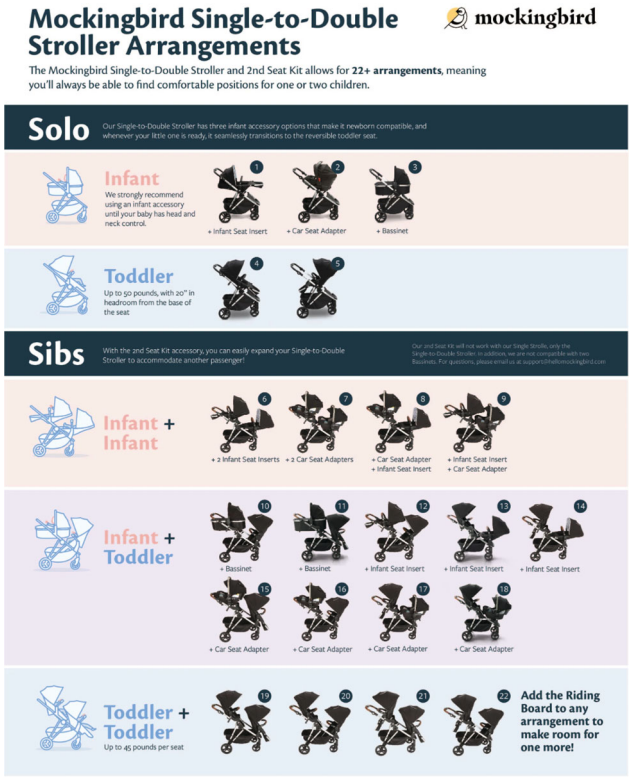
https://hellomockingbird.com/products/2nd-seat-kit

176. The Infringing Products also include "a front seat attachment configured for attachment to the front wheel support portion at a second vertical position substantially lower than the first vertical position":

https://hellomockingbird.com/products/2nd-seat-kit

177. The Infringing Products likewise include a front seat attachment that "is configured to releasably connect to and support the front stroller seat in either a forward-facing configuration or a backward-facing configuration":

https://hellomockingbird.com/products/2nd-seat-kit



https://cdn.shopify.com/s/files/1/0023/9691/3753/files/020524_Mockingbird_ArrangementsChart.jpg?v=1707221650

178. The Infringing Products also include a front seat attachment that "is configured to support the front stroller seat substantially over the front wheels so that a center of gravity of the stroller system is between the front wheels and the rear wheels":

https://hellomockingbird.com/products/2nd-seat-kit

179. The Infringing Products further include a "rear wheel support portion [that] extends diagonally relative to the front wheel support portion when the frame is in the unfolded configuration,":

https://hellomockingbird.com/products/2nd-seat-kit

180. The Infringing Products also include a rear wheel support portion that "is disposed adjacent to both the front wheel support portion and the handle portion when the frame is in the folded configuration":

https://hellomockingbird.com/products/mockingbird-double-stroller

181. The Infringing Products further include a "stroller seat support portion positioned at the first vertical position and the front seat attachment at the second vertical position create an inline descending configuration of the rear stroller seat and the front stroller seat."

https://hellomockingbird.com/products/2nd-seat-kit

182. Mockingbird does not have a license to practice the technology claimed by the ’729 Patent. Mockingbird does not have any other authority to practice the technology claimed by the ’729 Patent.

183. As a result of Mockingbird’s infringement of the ’729 Patent, Baby Jogger has suffered, and will continue to suffer, damage including, but not limited to, monetary damages. Baby Jogger is entitled to recover from Mockingbird damages adequate to compensate it for such infringement, which have yet to be determined.

COUNT TWELVE

(Indirect Infringement of the ’729 Patent under 35 U.S.C. § 271(b))

184. Baby Jogger realleges and incorporates the preceding paragraphs 1–42 and 167–183 as set forth above.

185. Mockingbird has had actual knowledge of the ’729 Patent and its infringement of the ’729 Patent, since at least as early as June 20, 2024, which is date of filing of the original Complaint, or at the latest, since June 20, 2024, which is the date of service of the original Complaint. D.I. 1, 5.

186. Baby Jogger and Mockingbird are direct competitors in the baby stroller market. On information and belief, Mockingbird monitors the products and patent filings of its competitors, including Baby Jogger, and therefore would have been aware of the ’729 Patent and the Baby Jogger City Select strollers.

187. Despite such knowledge of the ’729 Patent, or being willfully blind to the existence of the ’729 Patent, Mockingbird has provided, and continues to provide, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 to its customers and, on information and belief, encourages and aids its customers to use these products in combination with the Mockingbird Single-to-Double Stroller

(2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’729 Patent.

188. Since the filing and service of the original Complaint, despite receiving actual knowledge of the ’729 Patent, as well as actual knowledge of its infringement of the ’729 Patent, Mockingbird has continued to knowingly induce its customers to directly infringe the ’729 Patent through one or more of the activities discussed herein.

189. Mockingbird has induced, and continues to induce, infringement of the ’729 Patent by actively, knowingly, and intentionally inducing its customers and/or end users (collectively “customers”) to directly infringe at least claims 1-5, 15-22 of the ’729 Patent via use of its 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0.

190. Mockingbird has induced, and continues to induce, its customers to directly infringe the ’729 Patent through activities such as marketing the Infringing Products to be used in combination, creating and distributing promotional and product literature, and offering technical support for the Infringing Products, each of which are designed to instruct, encourage, direct, enable, and facilitate the use of the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’729 Patent.

191. For example, Mockingbird markets its Single-to-Double Stroller as “designed with maximum versatility to grow with your child and convert to a double if your family expands. (Add another seat by pairing with our 2nd Seat Kit . . . .”[15] Mockingbird also provides its customers with manuals that instruct, encourage, direct, enable, and facilitate the use of the 2nd Seat Kit

[15] https://hellomockingbird.com/products/mockingbird-double-stroller

(2023 model) or 2nd Seat Kit 2.0 in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the '729 Patent.[16]

192. On information and belief, Mockingbird has knowingly and intentionally encouraged and aided its customers to directly infringe the '729 Patent and continues to do so.

193. On information and belief, Mockingbird specifically intended and intends that its actions will induce infringement of the '729 Patent, or subjectively believes that its actions will result in infringement of the '729 Patent. As a direct and proximate result of Mockingbird's inducement of infringement of '729 Patent by its customers, Baby Jogger has been and continues to be damaged.

COUNT THIRTEEN

(Contributory Infringement of the '729 Patent under 35 U.S.C. § 271(c))

194. Baby Jogger realleges and incorporates the preceding paragraphs 1–42 and 167–183 as set forth above.

195. Mockingbird has had actual knowledge of the '729 Patent and its infringement of the '729 Patent, since at least as early as June 18, 2024, which is the date of filing of the original Complaint. D.I. 1. At the very latest, Mockingbird has had actual knowledge of the '729 Patent, as well as its infringement of the '729 Patent, since June 20, 2024, which is the date of service of the original Complaint. D.I. 1, 5.

196. Baby Jogger and Mockingbird are direct competitors in the baby stroller market. On information and belief, Mockingbird monitors the products and patent filings of its competitors,

[16] *See, e.g.*, https://hellomockingbird.com/pages/double-stroller-assembly-video

including Baby Jogger, and therefore would have been aware of the ’729 Patent and the Baby Jogger City Select strollers.

197. Despite such knowledge of the ’729 Patent, or being willfully blind to the existence of the ’729 Patent, Mockingbird sells and/or offers for sale in the United States, or imports into the United States, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0 knowing that these components are especially made or adapted for use in the infringement of the ’729 Patent. There is no other use for these components other than to be incorporated with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner that infringes the ’729 Patent.

198. Since the filing and service of the original Complaint, despite receiving actual knowledge of the ’729 Patent, as well as actual knowledge of its infringement of the ’729 Patent, Mockingbird has continued to knowingly contribute to the direct infringement by third parties, including its customers, of the ’729 Patent.

199. Mockingbird has contributed, and continues to contribute, to the infringement of the ’729 Patent by third parties, including at least its customers, by selling and/or offering to sell in the United States, or importing into the United States, the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0, each of which are material components of the invention claimed in the ’729 Patent and are not staple articles of commerce suitable for substantial non-infringing use as they can only be used in combination with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0.

200. Mockingbird’s customers who purchase the 2nd Seat Kit (2023 model) or 2nd Seat Kit 2.0, do so with the sole purpose of incorporating these components with the Mockingbird Single-to-Double Stroller (2023 model) or Mockingbird Single-to-Double Stroller 2.0 in a manner

that directly infringes the ’729 Patent and in fact do incorporate these components in a manner that directly infringes the ’729 Patent.

201. As a direct and proximate result of Mockingbird’s contributing to the infringement of ’729 Patent by its customers, Baby Jogger has been and continues to be damaged.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Baby Jogger hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Baby Jogger respectfully requests that this Court enter judgment and provide relief as follows:

a. Entering judgment that Mockingbird has infringed one or more claims of each of the Asserted Patents, in violation of 35 U.S.C. §§ 271(a)-(c);

b. Awarding damages adequate to compensate Baby Jogger for Mockingbird’s infringement of the Asserted Patents, together with pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;

c. Ordering that Mockingbird account for additional damages for any and all periods of infringement not included in the damages awarded by this Court or jury, including any post-verdict infringement;

d. Permanently enjoining Mockingbird, and its respective offers, agents, servants, employees, attorneys, and all persons in active concert or participation with any of them directly or indirectly, from making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, the Infringing Products and any products that infringe the Asserted Patents prior to the expiration of those patents, including any extensions; and

e. Awarding Baby Jogger such other equitable or legal relief as the Court may deem just and proper.

ASHBY & GEDDES

/s/ Andrew C. Mayo

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