

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC.,
Petitioner,

v.

BABY JOGGER II, LLC,
Patent Owner.

U.S. Patent No. 11,731,682

Case No.: IPR2025-01122

**PETITIONER EVENFLO COMPANY, INC.'S
REPLY TO PO'S RESPONSE**

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List of Exhibits

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EX1001	Declaration of Douglas Prairie
EX1002	U.S. Provisional Patent Application No. 61/119,920
EX1003	U.S. Publication No. 2010/0140902
EX1004	U.S. Patent No. 8,955,869
EX1005	U.S. Patent No. 9,403,550
EX1006	U.S. Provisional Patent Application No. 62/311,224
EX1007	U.S. Patent No. 9,944,305
EX1008	U.S. Patent No. 10,730,543
EX1009	U.S. Patent No. 11,192,568
EX1010	U.S. Patent No. 11,731,682
EX1011	U.S. Patent No. 11,577,771
EX1012	U.S. Patent No. 11,505,231
EX1013	U.S. Patent No. 11,878,729
EX1014	Non-certified File History of U.S. Patent Pub. No. 2010/0140902
EX1015	Non-certified File History of U.S. Patent No. 8,955,869
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EX1017	Non-certified File History of U.S. Patent No. 9,944,305
EX1018	Non-certified File History of U.S. Patent No. 10,730,543
EX1019	Certified File History of U.S. Patent No. 11,192,568

EX1020	Certified File History of U.S. Patent No. 11,731,682
EX1021	Certified File History of U.S. Patent No. 11,577,771
EX1022	Non-certified File History of U.S. Patent No. 11,505,231
EX1023	Non- certified File History of U.S. Patent No. 11,878,729
EX1024	Certified File History of U.S. Patent Application No. 18/448,417
EX1025	Sewell, Samuel J. “The History of Children’s and Invalids’ Carriages.” <i>Journal of the Royal Society of Arts</i> , vol. 71, no. 3694, 1923, pp. 716–728
EX1026	U.S. Patent No. 405,600
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EX1035	U.S. Patent Pub. No. 2008/0238042
EX1036	U.S. Patent No. 5,338,096
EX1037	U.S. Patent No. 6,086,087
EX1038	Kolcraft Contours Options Tandem Stroller Instruction Sheet, EXA to Affidavit of Christopher Butler

EX1039	French Patent 2,615,155 and Non-certified English Translation
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EX1045	U.S. Patent No. 5,794,951
EX1046	Comparison of First Non-Provisional Specification and '305 CIP Specification
EX1047	U.S. Patent No. 8,882,134
EX1048	U.S. Design Patent No. D593,459
EX1049	U.S. Patent Pub. No. 2006/0071451
EX1050	U.S. Patent Pub. No. 2020/0385045
EX1051	U.S. Patent No. 8,672,341
EX1052	Non-certified File History of U.S. Pat. App. No. 29/324,044
EX1053	CN2778636Y and Certified English Translation
EX1054	WO 2008/040797
EX1055	Baby Jogger, LLC's Opening Claim Construction Brief in Civil Action No. 1:24-cv-11582-ADB
EX1056	Baby Jogger, LLC's Responsive Claim Construction Brief in Civil Action No. 1:24-cv-11582-ADB
EX1057	EXC to Baby Jogger, LLC's Infringement Contentions in Civil Action No. 1:24-cv-11582-ADB

EX1058	Merriam-Webster, Parallel, https://www.merriam-webster.com/dictionary/parallel (last visited Feb. 21, 2025)
EX1059	<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (6th ed. 2003), Definition of “parallel”
EX1060	<i>Barron’s Dictionary of Mathematics Terms</i> (3d ed. 2009), Definition of “parallel”
EX1061	Baby Jogger and UPPAbaby’s District Court Case Schedule
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EX1082	Rebuttal Declaration of Douglas Prairie
EX1083	U.S. Patent No. 7,475,900 ("Cheng")
EX1084	Ex. K to Baby Jogger Claim Construction Brief in Civil Action No. 1:24-cv-11582-ADB

I. INTRODUCTION

For Ground 1, PO only argues the four claim terms which Petitioner disputes priority are supported by the 2008 Provisional. PO argues that “labeling changes” due to fourteen years of prosecution by five attorneys resulted in the disputed terms being given different “terminology” when the ’305 CIP was filed. (PO Response (“POR”), Paper 20, 28.) But the record does not support this argument. Instead, the 2016 Provisional, which discloses the inventive subject matter of Lee, Roe, and Simpson, is the written-description support, making Rolicki prior art and rendering every Challenged Claim obvious.

For Grounds 2 and 3, PO argues the term “inline descending” limitation should be construed at connection points the claim never mentions, not the seats it claims. Regardless of the construction, Liao discloses two seats arranged in an inline descending configuration.

For Ground 4, the Offord references supply the reason and means to combine and independently satisfy all Challenged Claims.

II. CLAIM CONSTRUCTION

A. “Handle Portion”

PO states it “does not oppose Petitioner’s proposed construction.” (POR, 6.) But it was PO that proposed in district court that “handle portion” means “portion of frame coupled to the left and right upper tube support frame.” (EX1055, 14-16;

EX1056, 8.) While *Petitioner adopted PO's construction*, PO understands it cannot retract on the construction it proposed in district-court. (See Paper 10, PO Brief regarding *Revvo*, p.5.)

B. “Inline descending”

PO argues the “inline descending configuration” must be measured only at the “structural mounting points” where the seats connect to the adapters. (POR, 8-9.) That reading violates the bedrock principle of *Phillips*, which looks first to the plain claim language. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (*en banc*).

Claim 1 expressly requires that “the first seat and the second seat, *when connected to the frame*, are arranged in an inline descending configuration” It does not recite that the “seat attachment adapters” or “connection points” are so arranged. As Mr. Prairie testified, the limitation states “when connected,” not “where” connected. (EX2100, 152:14-153:5.) PO’s construction improperly reads “seats” out of the claim and substitutes “mounting points.” (POR, 8-9.) See *SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.*, 242 F.3d 1337, 1340 (Fed. Cir. 2001).

PO argues that dependent claims 2 through 5 support its construction. (POR, 8-9.) But none addresses the “inline descending” limitation or how it is measured. The claims that do speak to connection points are claims 6 through 8, which use the

adapters' connection points to define the "vertical positions." (EX1010, 17:11-12, 17:15-17, 17:20-22, 18:9-12.) When the patentee wished to anchor a limitation to specific connection points, it did so explicitly. Claim 1, by contrast, focuses on the arrangement of the seats.

Next, PO argues its "reading follows naturally from the specification[.]" (POR, 8.) But the '682 specification never uses "inline descending configuration" and never says how it is measured. "Descending" appears nowhere, and "inline" appears once, describing Figure 3 as showing "two stroller seats 13 in an inline configuration[.]" (EX1010, 6:61-64, Fig. 3.) The Patent ties "inline" to the seats, not the adapters or their attachment points, and supplies no special definition for PO's narrowing construction.

Lastly, PO relies on its own expert's extrinsic testimony. (POR, 8-9.) But Dr. Cameron identifies no special meaning a POSA would give "inline descending configuration," nor offers any technical context, industry understanding, or independent analysis. Dr. Cameron merely restates the specification and dependent claims and adopts PO's litigation position. (EX2011, ¶¶37-39.)

Such testimony is improper because "quot[ing] ... the specification" and stating one's "understand[ing]" is the kind of "conclusory, unsupported assertions by experts as to the definition of a claim term [that] are not useful to a court." *Network Commerce, Inc. v. Microsoft Corp.*, 422 F.3d 1353, 1361 (Fed. Cir. 2005).

The Board agrees, according “little weight” to testimony that merely restates conclusory assertions “without additional supporting evidence or reasoning.” *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9, 15-17 (P.T.A.B. Aug. 24, 2022) (precedential); *Samsung Elecs. Co. Ltd. v. Maxell, Ltd.*, IPR2024-00828, 2025 WL 3724856, at *3 n.13 (P.T.A.B. Oct. 30, 2025) (same). Because the specification “is the single best guide to the meaning of a disputed term[,]” an expert who merely restates it adds nothing. *Apple Inc. v. Carbyne Biometrics, LLC*, IPR2024-00334, 2024 WL 3431931, at *5 (P.T.A.B. July 16, 2024). Dr. Cameron’s say-so cannot displace the plain claim language.

1. PO Mischaracterizes Petitioner’s Expert, and Dr. Cameron’s Analysis Is Flawed

PO misstates the record in arguing that Mr. Prairie could not “recall [his] exact logic” for drawing a line through the seats, implying an arbitrary analysis. (POR, 7 n.3.) Mr. Prairie testified that his annotation “point[ed] out the seats are generally in the vertical positions of them, are inline. The description of 1.8 doesn’t say the inline descending is actually the connecting point. It says the seats themselves are, not the connection points.” (EX2100, 152:6-10; *see also* 149:13-22, 152:14-17.) His testimony reflects the plain meaning: the seats, not the connection points.

2. PO’s cross-forum gamesmanship defeats its construction

PO’s own filings defeat its construction. In district court, PO alleged the ’682

Patent’s “inline descending” limitation is met by a line through the accused stroller’s upper bar, not the connection points it urges here. (EX1074, ¶181; EX1057.) Under *Revvo*, PO cannot take both positions. And when PO wanted a connection-point configuration, it drafted one: the related ’231 Patent expressly anchors “inline descending” to the attachment points, not the seats, and PO’s complaint maps the ’231 Patent that way. (EX1012, 17:43-47; EX1074, ¶109.)



’231 Patent (EX1074, ¶109.)



’771 Patent (EX1074, ¶146.)



’682 Patent (EX1074, ¶181.)

III. THE ASSERTED COMBINATIONS RENDER THE CHALLENGED CLAIMS UNPATENTABLE

A. Ground 1: Rolicki renders obvious all Challenged Claims

Petitioner argued Rolicki was prior art to the '682 Patent because the 2008 Provisional does not provide written-description support for four separate terms. (Petition, 20-24.) These limitations do not rise and fall together: the Board need find only one term unsupported by the 2008 Provisional to break priority. If broken, Rolicki renders obvious all claims of the '682 Patent.

1. The '682 Patent cannot claim priority to 2008

This patent family lacks a consistent written description. PO concedes that the inconsistencies among the patents, figures, and claims arose over “fourteen years” of prosecution handled by “at least five different prosecuting attorneys.” (POR, 28.) This is beside the point: no number of attorneys can create written-description support the document never disclosed. PO also faults Mr. Prairie for not recognizing that these attorneys merely used “different labels for what they saw in the figures.” *Id.* But this is far from the true reason there are inconsistencies.

The true reason is this patent family includes two different inventive entities. Mr. Zehfuss is the sole inventor of the 2008 pre-CIP disclosures. (EX1001, ¶¶92-98.) Then, PO added a 2016 Provisional to the patent family that included completely new subject matter invented by Lee, Roe, and Simpson. (EX1001, ¶¶114-124.)

Months after filing the 2016 Provisional, PO filed what became the '305 CIP with a specification that bears little to no resemblance to any of the pre-2016 specifications. (See EX1046 comparison of First 2009 Non-Provisional and '305 CIP.) The revisions to the '305 CIP were not just mere “labeling changes” by various prosecuting attorneys as PO alleges. (POR, 28.) Instead, the '305 CIP incorporated the new material from the 2016 Provisional, additional new material (including discussion within the specification regarding Figures 10-11) that finds no *written* description support prior to 2016.

2. The 2008 Provisional Does Not Disclose the “Handle Portion” as Claimed

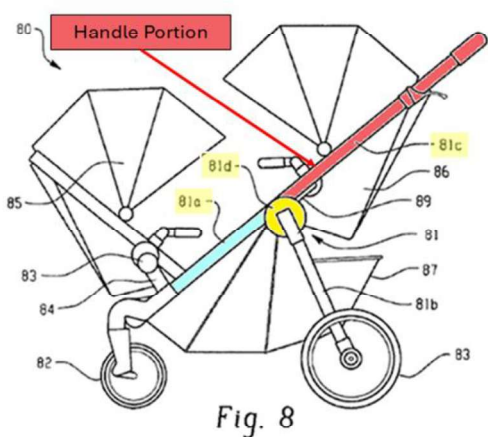
PO argues that a “handle is a common and readily recognizable component of any stroller” and that the “2008 Provisional describes and shows a handle,” so “handle portion” means the same thing in both Provisionals. (POR, 11-12.) But the claims recite a “handle portion,” not a “handle.” The dispute is whether the 2008 Provisional supports the “handle portion” as claimed.

a. The 2008 Provisional defines “handle portion” as the stroller’s entire upper bar structure

PO and its expert argue a POSITA would recognize the upper portion of the frame as the “handle portion,” whose “plain meaning” is the “structure at the upper rear of the stroller frame that allows the caregiver to grip and push the stroller.” (EX2011, ¶50; POR, 11-12.) This is wrong under both the agreed construction and

the pre-2016 written description.

The pre-2016 specification only disclosed a “folding mechanism 81d” that connected three stroller parts: (1) “front wheel support portion 81a”; (2) “back wheel support portion 81b”; and (3) “handle portion 81c”. (Petition, 21-22; EX1002, 42, ¶33 and Fig.8; EX1003, ¶43; EX1004, 8:49-62.)



ment. Stroller 80 comprises a frame 81 capable of supporting the stroller seat 86. In this embodiment, the frame 81 comprises a front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c. The frame 81 of the embodiment of the stroller 80 further comprises a folding mechanism 81d that connects front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c. The folding mechanism 81d allows the stroller to be folded in a more compact size for storing or transportation. FIG. 8A shows stroller 80 in a folded configuration.

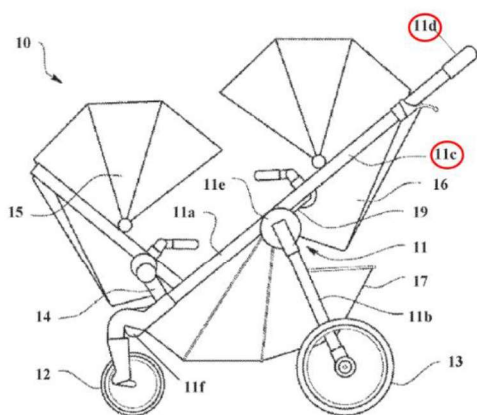
EX1003 FIG. 8 and ¶0033.

The pre-2016 “handle portion” is more than what a “caregiver...grip[s] [to] push the stroller” (EX2011, ¶50); it is the entire upper bar structure above the “folding mechanism,” used to locate the upper “stroller seat 86” “located *adjacent to* [the] handle portion 81c.” (EX1002, 42, ¶35 and Fig.8; EX1003, ¶45; EX1004, 9:14-15.)

b. The 2016 Provisional redefines a new “handle portion”

In the 2016 Provisional, by contrast, the new inventors (Lee, Roe, and Simpson) defined the “handle portion 11d” differently. (EX1006, 8.) This was no

mere “labeling change.” (POR, 12-13.) The 2016 Provisional newly disclosed that the “handle portion 11d ha[s] a first end coupled to the left upper tube support frame 11c and a distal second end coupled to the right upper tube support frame 11c[.]” (EX1006, 8.) That was a structural change, neither disclosed nor contemplated by the 2008 Provisional.



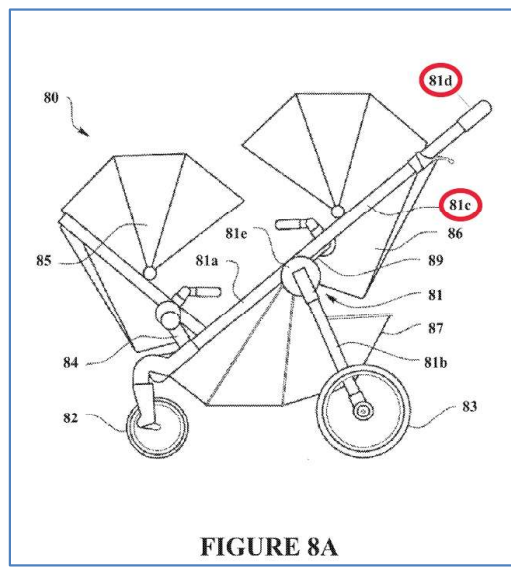
In one example embodiment, the stroller frame 11 can include a pair of front wheel support frames 11a (only the left front wheel support frame is shown), a pair of back wheel support frames 11b (only the left back wheel support frame is shown), a pair of upper tube support frames 11c (only the left upper tube support frame is shown), a handle portion 11d having a first end coupled to the left upper tube support frame 11c and a distal second end coupled to the right upper tube support frame 11c, and foot rest support frame 11f having a first end coupled to the left front wheel support frame 11a (either directly or via the first seat attachment housing 205 discussed below in Figure 2) and a distal second end coupled to the right front wheel support frame 11a (either directly or via the second seat attachment housing 210 discussed below in Figure 2). In certain

EX1006, FIG. 1A (annotated) and p.8

The 2016 Provisional separated the “handle portion” from the “upper tube support frames” to support two new concepts. First, the two could be “made from a single unitary piece of material ... [or] ... separate pieces of the same or different material that are coupled to one another.” (EX1006, 8.) That concept is absent from the 2008 Provisional.

Second, the 2016 Provisional disclosed the upper “first stroller seat 16 can be located generally *closer to the handle portion 11d* than to the front wheels 12.” (Ex.1006, 11.)

housing 1110 discussed below in FIG. 11). In certain example embodiments, each front wheel support frame 81a can be fixedly coupled or rotatably coupled to its corresponding upper tube support frame 81c. Further, in certain example embodiments, the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be made from a single unitary piece of material, such as a single piece of bent, hollow-core metal or plastic tubing. Alternatively, each of the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be separate pieces of the same or different material that are coupled to one another.



EX1007, 9:10-22 and FIG. 8A

The location of the “handle portion” thus governs the upper “first seat’s” position relative to the front wheels. That is not an arbitrary point: claim 1 recites the “first seat is disposed *closer to the handle portion* than the front end portion of the stroller frame[.]” (EX1010, Claim 1.) This spatial limitation between the “first seat” and the “handle portion” does not exist in the 2008 Provisional.

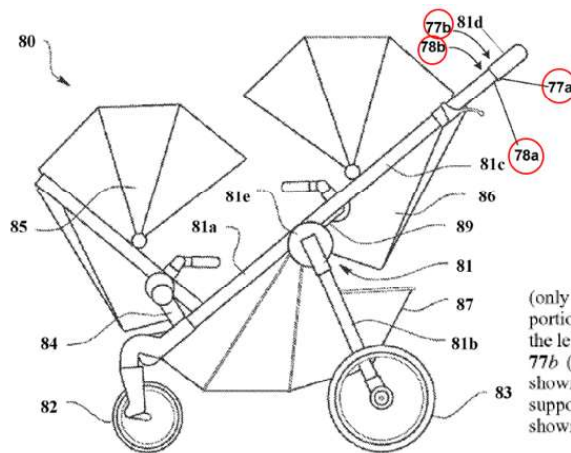
Instead, the 2008 Provisional placed the upper “stroller seat 86” “located *adjacent to* [the] handle portion 81c.” (EX1002, 42, ¶35.) That leaves no room for a separate “upper tube support,” because there the “handle portion” is the *entire upper section* above the folding mechanism “81d.” The 2008 disclosure thus cannot be reconciled with the “handle portion” construction PO offered in district court and now adopts.

The agreed construction requires the “handle portion” to be the “portion of

frame *coupled to the left and right upper tube support frame.*” If it were the entire upper section, it could not be coupled to a separate upper tube support frame. PO’s reading would also render the “dependent claims superfluous or even invalid.” See *Abbott Laboratories v. Sandoz, Inc.*, 529 F.Supp.2d 893, 907 (N.D. Ill. 2007). The 2008 “handle portion” is inconsistent with dependent claim 12, which requires first and second “end[s]” “coupled” to the “upper tube support frame.” (EX1010, Claim 12.) Only the 2016 Provisional supports the “handle portion” recited by claims 1 *and* 12.

**c. The Prosecution History of the ’543 Patent confirms
“handle portion” is not supported by the 2008
Provisional**

The prosecution history confirms the handle portion, as claimed, was not disclosed before 2016. During prosecution of the ’543 Patent, the Examiner objected that the application failed to delineate the handle portion’s start and end. (EX1001, ¶149; *see* EX1018, 538, ¶8.) PO responded by adding reference numerals and text specifying that the handle portion begins and ends at the coupling points with the upper tube support frames. (*See* EX1018, 636, 639, 646; *see also* EX1008, Fig. 8A, 9:1-7; EX1001, ¶212.)



(only the left upper tube support frame is shown), a handle portion 81d having a first end 77a coupled to the end 79a of the left upper tube support frame 81c and a distal second end 77b (only the first end 77a of the handle portion 81d is shown) coupled to the end 79b of the right upper tube support frame 81c (only the left upper tube support frame is shown), and foot rest support frame 81f having a first end

EX1008 FIG. 8A (annotated) and 9:1-7.

PO relied on this amendment to overcome prior art (below right) lacking a “handle portion” coupled to the “upper tube support frames,” and argued this amendment *supported its district-court construction*. (EX1056, 9; EX1083, Fig.5; EX1084, BJvU-0002232)

UPPAbaby’s reliance on the prosecution history again does not provide it with support for its proposed construction. During prosecution of the ’901 Application, the examiner identified elements 411 and 421 of Cheng as the upper tube support frames. Ex. K at BJvU-0002232. Baby Jogger explained that these components could not be the upper tube support frames because they were not coupled to the “stroller handle” as was required by pending claims 14 and 18. Ex. K at BJvU-0002224-25, BJvU-0002232. Baby Jogger further stated that element 10 of Cheng must be the first and second upper tube support frames because that appeared to be where the stroller handle was coupled to the frame. *Id.* At no point in the prosecution history, however, does Baby Jogger limit the claim term “handle portion” to be restricted to a lateral frame portion. There is no discussion regarding a lateral frame portion in the prosecution history, let alone a clear and unmistakable restriction of claim scope. *Cordis*, 561 F.3d at 1329

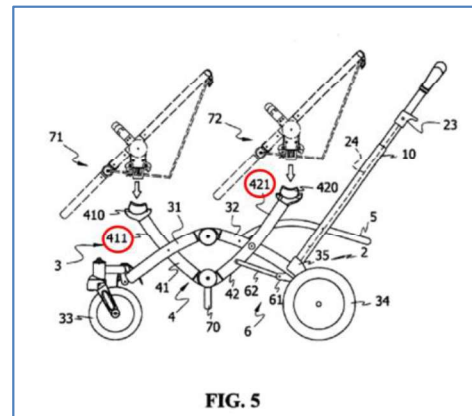


FIG. 5

In addition, the Examiner asserts that the first and second upper tube support frames are shown and described elements 411 and 421 of Cheng. *See Office Action*, p. 12. However, Cheng teaches that the stroller handle 23 is coupled to the push bar 10. Thus, elements 411 and 421 do not satisfy the requirements of the first upper tube support frame and the second upper tube support frame of claims 14 and 18.

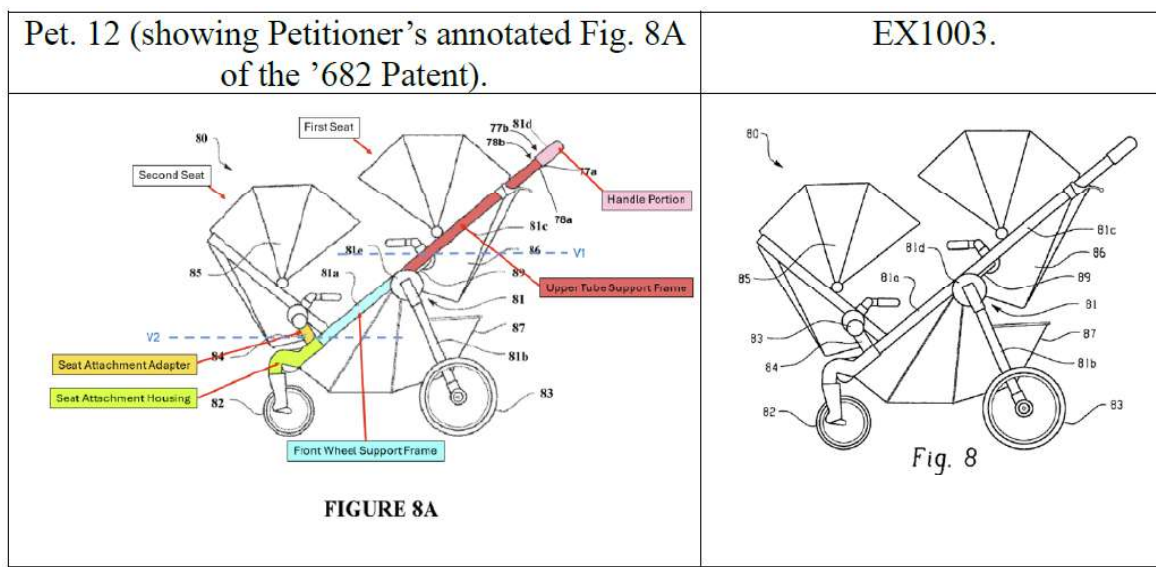
**EX1056, 9 (top left); EX1083, FIG.5 (top right);
 EX1084, BJvU-0002232 (Bottom Center)**

d. PO's expert applies the wrong claim construction and fails to evaluate the written disclosure of the 2016 Provisional

PO relied on Dr. Cameron, who opines that the “*plain meaning of ‘handle portion’* ... is the structure at the upper rear of the stroller frame that allows the caregiver to grip and push the stroller.” (POR, 11-12; EX2011, ¶50.) But that is neither the construction she was instructed to evaluate nor the one PO “adopted.” (See Ex.2011, ¶50.)

Dr. Cameron also relied on the 2008 Provisional's figures as depicting “the upper rear portion of the stroller frame” “forming the structure that a user would grasp.” (EX2011, ¶51.) But what a user could “grasp,” “grip,” or “push,” is irrelevant.

Dr. Cameron next states being able to recognize the “handle portion ... *without any need for the specification to use those particular words.*” (EX2011, ¶51.) Relying only on the figures, and never addressing the 2016 Provisional's new written disclosure, she opines that “a POSA would not interpret the 2016 Provisional relabeling as changing the fundamental structure disclosed.” (EX2011, ¶52.)



EX2011, ¶52.

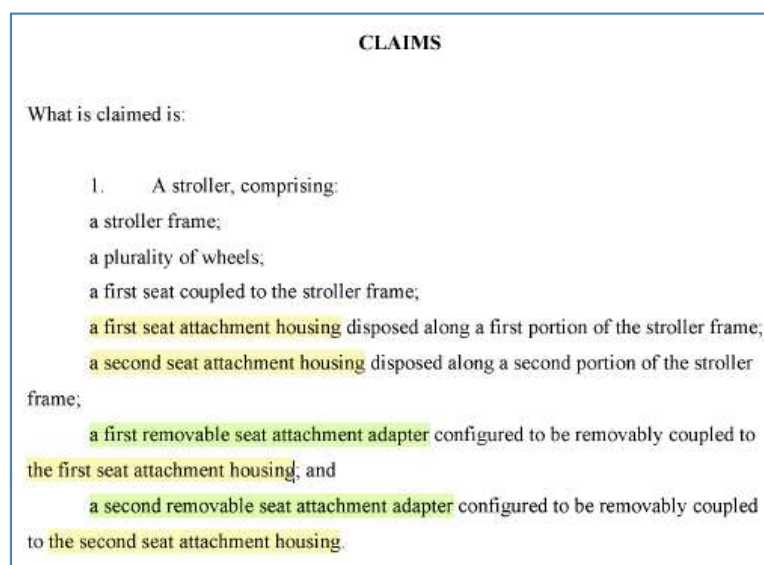
Dr. Cameron also never addresses the differences in the *written* description of “handle portion” between the 2008 and 2016 Provisionals, and so never determines whether Zehfuss (the 2008 inventor) or Lee, Roe, and Simpson (the 2016 inventors) possessed the **challenged limitations**. Written description requires possession of the “handle portion” *as construed*, and only the 2016 Provisional supplies it.

3. The 2008 Provisional Does Not Disclose “Seat Attachment Adapters” or “Seat Attachment Housings”

PO argues “seat attachment adapter” and “seat attachment housing” are new labels for structures already disclosed in the 2008 Provisional—specifically, that the “adapter” is just the “seat attachment portion 84” and the “housing” is just “connector portions 17.” (POR, 14-19; EX2011, ¶¶58-64). This argument is incorrect.

a. The 2016 Provisional Introduced Substantive New Structures, Not Just “New Labels”

The 2008 Provisional’s “connector portions 17” are not “seat attachment housings.” The 2008 specification describes them merely as front-mounted features with a “cylindrical recess” into which “[t]he attachment portion 21 may be inserted.” (EX1002, 37, 39). As Mr. Prairie testified, a “housing” is an enclosing structural component that “houses something” (EX2100, 94:2-6), entirely absent from the 2008 disclosure. Prior to 2016, there was no adapter, receiving cavity, sliding door, keyed shape, stop flanges, or latching tab, and nothing forming the housing onto the frame. All written-description material for the adapters and housings was introduced in the 2016 Provisional, which not only disclosed these limitations but *claimed adapters and housings* as invented by Lee/Roe/Simpson. (See EX1006, 10-23, Figs. 2-5.)



EX1006, 20

If PO truly possessed housings and adapters in 2008, the 2016 Provisional would not have included a “claim” directed to adapters and housings. And, contrary to PO’s allegations, the disclosure of housings and adapters from the 2016 Provisional was then included into the ’305 CIP. (*See* EX1046, 15-19, 21-27; EX1007, 8:50-11:58, 12:37-16:67, FIGS. 11-14C.)

b. The Extensive Revisions in the ’305 CIP Confirm New Subject Matter

The ’305 CIP was rewritten to incorporate the 2016 Provisional and bears little resemblance to the 2009 Non-Provisional, adding pages of new structural disclosure on adapter-housing coupling. (*See* EX1046; EX1001, ¶¶114-135.) PO calls this “normal” enrichment (POR, 27-28), but the standard looks at what the earlier application conveyed, not what a later filing adds. Here the claimed subject matter traces through the ’305 CIP back to the 2016 Provisional, the inventive subject matter of Lee/Roe/Simpson.

c. Dr. Cameron’s Opinions Are Methodologically Flawed

Dr. Cameron’s opinion rests primarily on the visual similarity of figures between the 2008 Provisional and the ’682 Patent. (EX2011, ¶¶63-64.) But figure similarity is not the test; written description asks whether the specification conveys possession, not whether an element appears at the same location on a figure. *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010). The 2008

Provisional's figures cannot show these structures which did not exist in Zehfuss's 2008 disclosure.

Dr. Cameron's companion assertion, that the '682 Patent "simply gave a new name" to a structure already depicted (EX2011, ¶61), inverts the analysis. The question is not whether a label could be applied retroactively, but whether the earlier disclosure conveyed possession. An expert's after-the-fact view that a POSITA "would recognize" the structure is the obviousness reasoning *PowerOasis* rejected: "Obviousness simply is not enough; the subject matter must be disclosed to establish possession." *PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1310 (Fed. Cir. 2008.)

d. Figures 10 and 11 do not cure the deficiency

Figures 10 and 11 of the 2009 Non-Provisional do not provide written description support. (POR, 20-22.) First, the 2008 Provisional did not include these figures. (See EX1002.) Second, the written description for these figures was added to the '305 CIP—which became Figures 9 and 10. (See EX1046, 19-20; EX1001, ¶130.) As Mr. Prairie explained, the '305 CIP, in describing Figures 10-11 (i.e., Figures 9-10), identified them as a "seat support element 84" and "attachment portion 17," not the claimed "seat attachment adapters" or "seat attachment housings." (EX1001, ¶131.) That parallel disclosure, using different reference numerals, confirms the structures are distinct and different. (EX1001, ¶¶132-133.)

4. The 2008 Provisional Does Not Disclose “vertical position[s]”

Claim 1 fixes the second and third “vertical position[s]” by reference to the housings, reciting one “coupled to the stroller frame at a second vertical position” and another “at a third vertical position ... below the first vertical position.” (EX1010, claim 1.) Because the 2008 Provisional never disclosed the claimed housings or adapters, *see supra* § III.A.3, it cannot disclose the vertical positions at which they couple to the frame.

The passages PO cites describe a front-to-rear arrangement, not the claimed vertical one. (EX1002, ¶37.) They place one seat ahead of the other and say nothing of housings coupled to the frame at successively lower positions. The “vertical position” labels in PO’s annotated Figure 8 are overlaid on the drawing, not the disclosure. The claimed relationship appears for the first time in the 2016 Provisional. (EX1006, 10-11; EX1001, ¶¶188-189.)

PO’s “red herring” retort misses the point. (POR, 24.) Petitioner relies not on the “improved access” rationale but on the structural vertical-position relationship the 2016 filing added by tying each position to the newly disclosed housings. A depiction of two seats at different heights does not convey possession of that relationship. As Mr. Prairie explained, a POSITA would not have believed the pre-2016 inventors possessed the “reasoning and details regarding the vertical

positioning between the removable seats and ‘attachment adapters.’” (EX1001, ¶188.) The ’682 is not entitled to a 2008 priority date for these limitations.

5. Mr. Prairie did not apply a “double standard”

PO contends Mr. Prairie applied a “double standard,” crediting Liao’s drawings for obviousness while denying the pre-2016 disclosures for priority. (POR, 29-30; EX2011, ¶¶73-77.) But written description under § 112 asks whether the applicant’s own filing conveyed possession; obviousness under §§ 102 and 103 asks what a prior-art reference teaches a POSITA. Applying each by its own terms is not a double standard; it is the law.

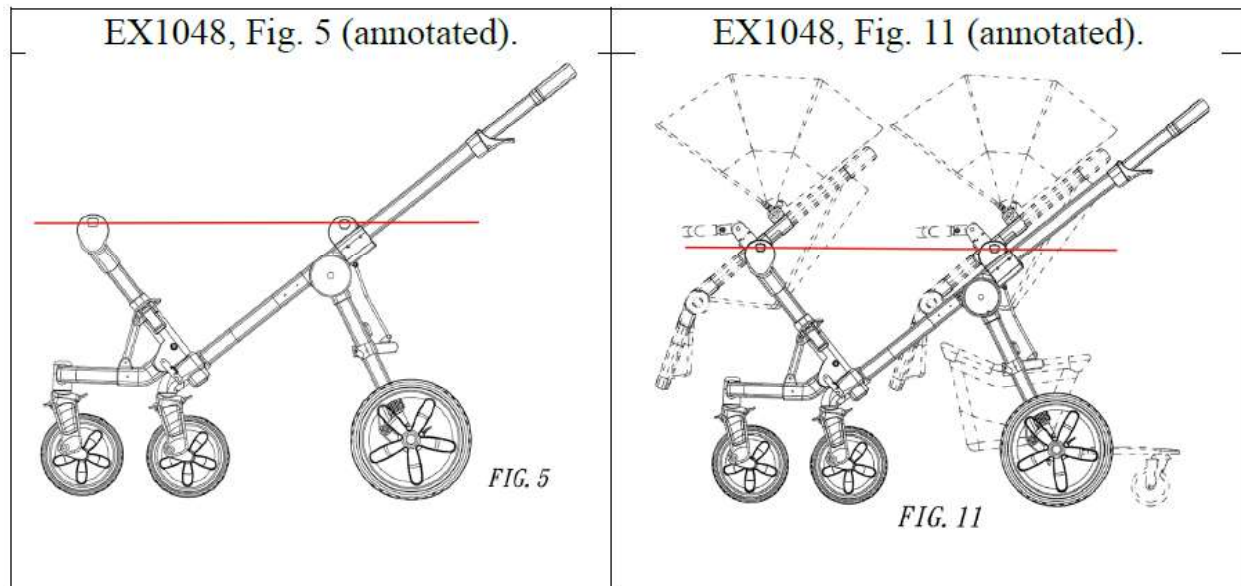
Nor were his methods inconsistent. PO argues the pre-2016 disclosures “describ[e] these very structures” under “different labels.” (POR, 30.) But the 2008 Provisional discloses no “adapters” or “ housings,” and the claimed “handle portion” and “vertical position” find support only in the 2016 Provisional. *See supra* §§ III.A.2-4. Mr. Prairie applied the same objective test to both records: Liao’s detailed CAD drawings convey the claimed structures to a POSITA (EX1001, ¶¶227-229), while the 2008 Provisional never did. That reflects PO’s selective prosecution, not selective analysis under Rule 702.

B. Grounds 2 and 3: Liao renders obvious all limitations

1. Liao discloses an inline descending configuration

PO argues that Liao’s “seats are mounted at the same vertical height on the

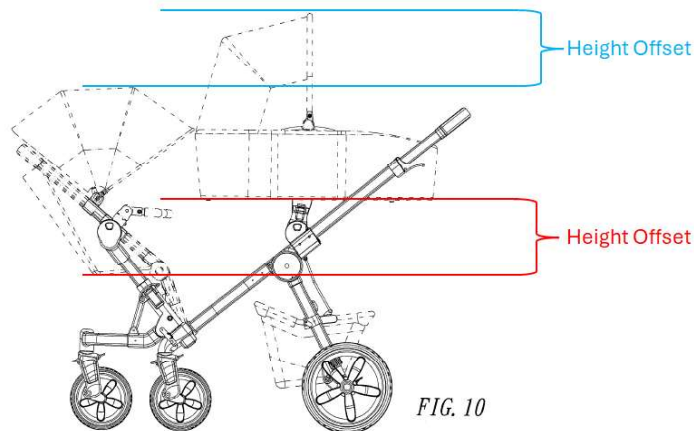
frame.” (POR, 32.) This is based on Figures 5 and 11, which Dr. Cameron calls “particularly instructive.” (EX2011, ¶¶85-89.)



EX2011, ¶87.

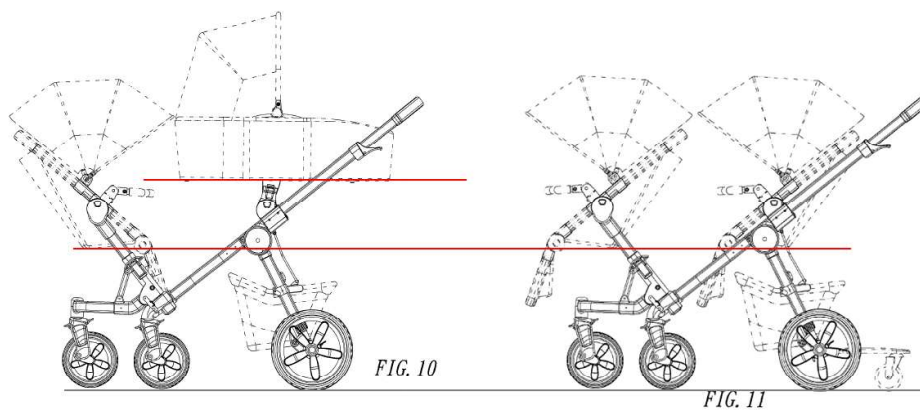
But these figures are not instructive because the Petition and Mr. Prairie relied on Figure 10¹, not Figures 5 or 11, as meeting limitation [1.8]. (EX1001, ¶385; EX1082, ¶11.) Figure 10 visually illustrates an upper bassinet offset at a different vertical position than the lower stroller seat. The offset is shown whether you measure from the bottom of both seats (shown in red) or the top of both seats (shown in blue). (EX1082, ¶¶14-15.) Therefore, PO’s argument that Mr. Prairie “manufactured a height differential” is false. (POR, 38.)

¹ Mr. Prairie's embodiment with varying seat types accords with claim 7. (EX1010, Claim 7.)



EX1082, ¶14

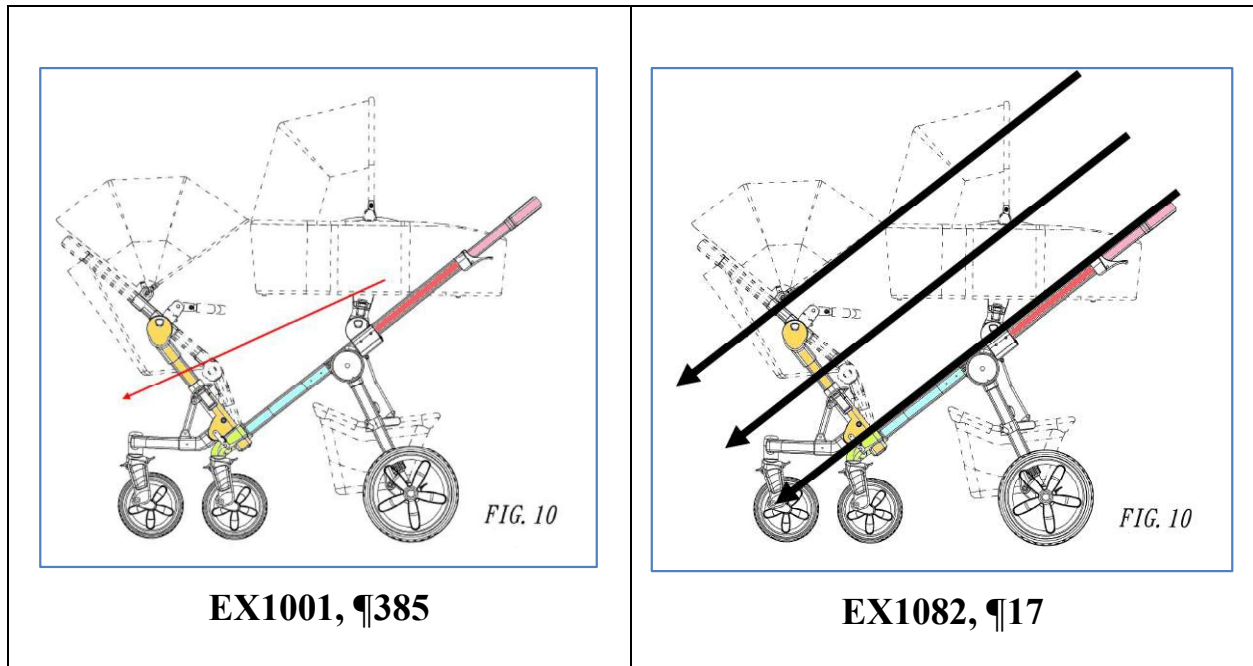
Mr. Prairie's analysis based on Figure 10 (below left) shows that the seat types visibly create that differential when connected to the frame, in contrast to Figure 11 which uses the same seat types and does not create a height differential.



EX1048, Figs. 10-11

As explained in Section II.B, the claim recites an arrangement of the first seat and the second seat, not an arrangement of the points where their adapters meet the frame. (EX1010, claim 1.) On the limitation as claimed, Figure 10 discloses the inline descending configuration on its face, and neither Ground 2 nor Ground 3

depends on any modification of the reference. (EX1082, ¶15.) And as Mr. Prairie originally stated in his declaration, Liao teaches this limitation “no matter how [he] dr[e]w the line[.]” (EX1001, ¶385.)

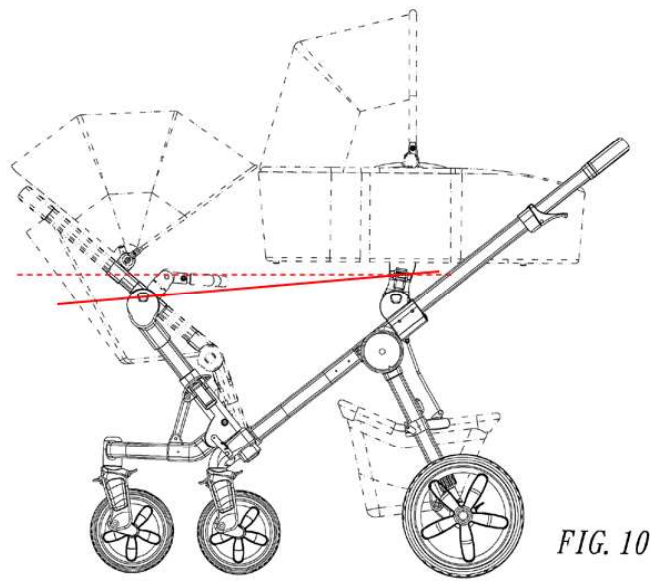


PO’s attack on Mr. Prairie’s annotated line does not defeat that disclosure. (POR, 35-38.) The red line shown above left is a demonstrative, and Mr. Prairie stated it did not matter where the line was drawn, because the configuration still shows Liao’s seats in an inline descending arrangement—as shown above right. (EX1001, ¶385; EX1082, ¶¶16-17.)

PO further argues that Mr. Prairie “conceded” the limitation and relied on “hindsight” bias. (POR, 37-38.) Neither statement is accurate. PO’s alleged

“concession” relates to its questioning about *Figures 11 and 12*. (EX2100, 145:12-146:13.) There, Mr. Prairie testified a POSITA could adjust Liao’s seats to further achieve an inline descending configuration. *Id.* But Figures 11 and 12 were not the embodiments Mr. Prairie relied upon in his declaration; he clarified that Liao “shows many different configurations” and that he relied on “one example where” Liao disclosed an “inline descending configuration” without any modification. (EX2100, 147:18-148:4.) There is no hindsight bias because Mr. Prairie relied on as-disclosed Figure 10.

Even if the Board adopts PO’s construction, Liao still renders limitation [1.8] obvious because it includes an intermediary connector between the frame connector and the upper bassinet. This intermediary connector raises the connection point of the bassinet to a vertical position that is higher than the connection point of the lower infant seat. (EX1082, ¶¶18-20.)



EX1082, ¶20

2. Petitioner did not “bootstrap” or “mischaracterize” the prosecution history of related patents

Mr. Prairie did not rest Ground 2 or 3 on the prosecution of related applications; he independently mapped each limitation of claim 1 to Liao’s detailed figures. (EX1001, ¶¶353-424.) The prosecution histories of the related ’417 Application and ’568 Patent appear in the Petition as corroboration of that figure-based mapping, not as its foundation. Setting those histories aside, the Petition still maps Liao figure-by-figure.

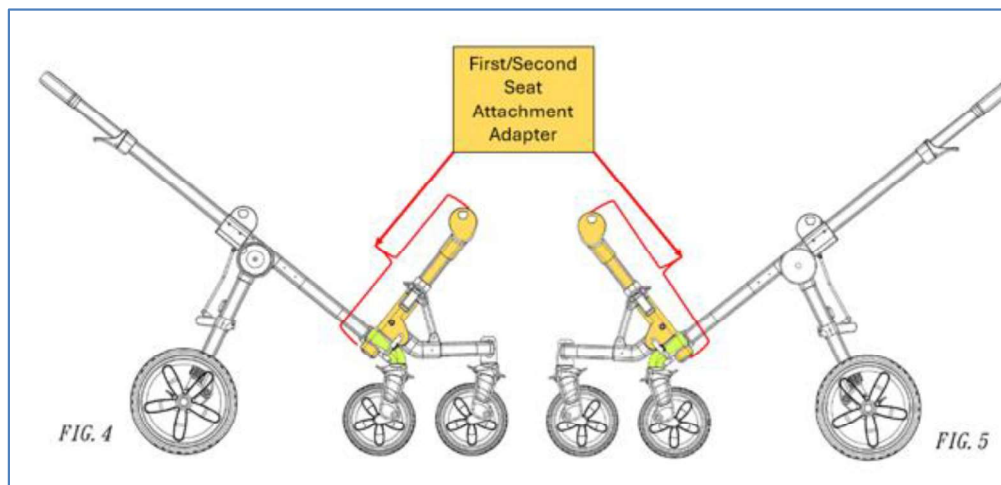
PO is also wrong to brand the ’417 Application and ’568 Patent “unrelated.” (POR, 33.) Both belong to the same family and claim materially similar stroller structures, and in each the Patent Office applied Liao to the limitations at issue here. Given that similarity, the Examiner’s analysis is probative of what Ground 2 asserts:

that a POSITA reviewing Liao's drawings can determine this design patent discloses the claimed structure.

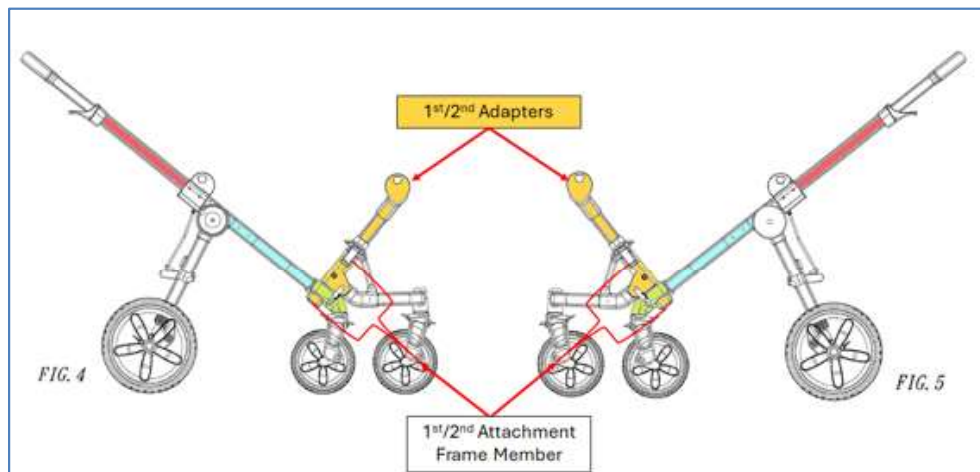
For instance, Mr. Prairie independently found Liao disclosed the claimed "handle portion." (EX1001, ¶362.) Only then did Mr. Prairie note the Examiner in the '417 Application likewise found Liao discloses "a handle portion ... [and] a front wheel support portion." (EX1001, ¶363; EX1024, 1203.) PO did not dispute the Examiner's finding for this or many other limitations. (EX1001, ¶366; EX1024, 1394.)

3. Petitioner's mapping is not inconsistent

PO's charge that Petitioner's mapping is internally inconsistent misreads the Petition. (POR, 47.) Mr. Prairie identified the entire gold-shaded structure as the seat attachment adapter. (EX1001, ¶379.) He then explained that a portion of that adapter, spaced from the housing yet still allowing the adapter to be inserted and coupled, is what a POSITA would understand as the claimed "attachment frame member." (EX1001, ¶380.) That does not collapse two claim elements into one. The adapter, the housing, and the attachment frame member are each present: the housing receives the adapter, a latch couples the two, and the frame-member portion is a sub-portion of the adapter spaced from the housing while permitting that coupling. (EX1001, ¶¶379-381.)



EX1001, ¶379.



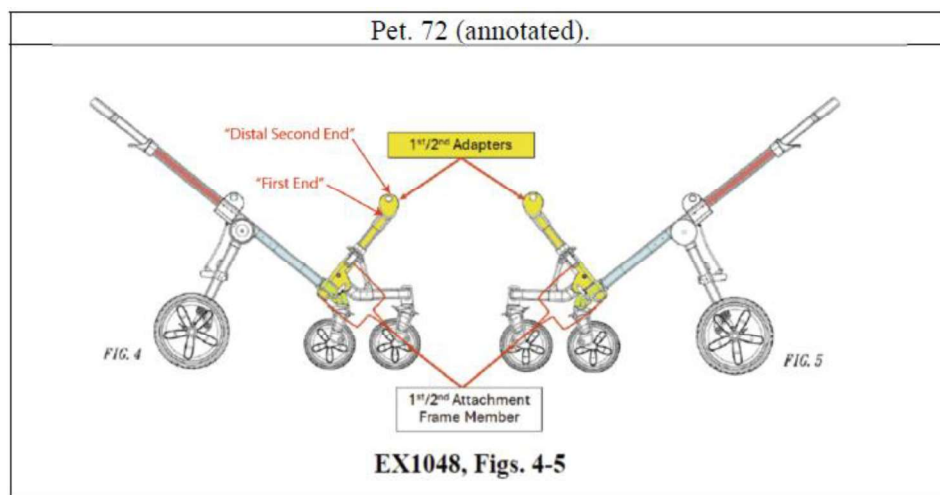
EX1001, ¶380.

PO's complaint that the mapping fails "no matter where Petitioner draws the line" between adapter and frame member also misses the mark. (POR, 49.) Mr. Prairie expressly stated that, although he annotated a region as the attachment frame member, a POSITA would understand the boundary "may vary from what I have annotated." (EX1001, ¶380.) The disclosure does not turn on any single line; it turns on what Liao's figures teach a POSITA. (EX1001, ¶¶380-381.) The exact boundary

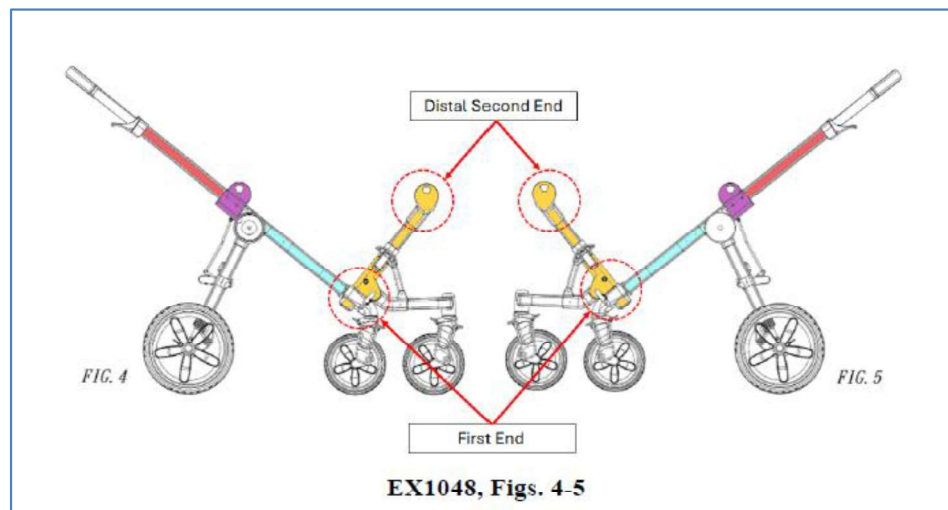
is immaterial; Liao discloses the relationship the claim requires.

Claim 8 does not create an inconsistency. (POR, 47.) Claim 8 does not concern the first and second seat attachment adapters; it recites separate **third and fourth** seat attachment adapters **for the upper seat** which Mr. Prairie separately analyzed. (EX1001, ¶¶409-411.) More importantly, claim 8 doesn't even recite "attachment frame members" with respect to the third/fourth adapters.

PO's argument pertaining to claims 4 and 5 fares no better. (POR, 47-49.) PO contends that if only an end portion is the "adapter," Liao fails claims 4 and 5. But Petitioner never adopted that premise. The figure PO includes within its response (below top) is not found in Petitioner's brief at page 72. Instead, Mr. Prairie annotated Liao (below bottom) showing the adapter (entire gold shaded structure) having a "first end," which is received into the housing, and a separate "distal second end," exactly as claims 4 and 5 require. (EX1001, ¶¶399-403; EX1010, claims 4-5.)



POR, 48 – PO's **modified** figure not found in Petition



Petition, 72; EX1001, ¶399

C. Ground 4: Offord '341 and Offord '797

Patent Owner's "discouragement" theory misframes the obviousness inquiry. (POR, 55.) The cited structural differences between Offord '341 and '797 do not negate motivation; at most they are implementation details, as Petitioner relies on '797 only to inform how a POSITA would understand reversibility in '341. (Petition, 125; EX1051, 9:37-52; EX1054, 4:24-30; EX1001, ¶¶486, 580.) PO also improperly elevates alleged drawbacks, chiefly reduced stability, into a teaching away, though the record shows, at most, a less optimal design, not inoperability.

1. Any Perceived Structural Differences Between Offord '341 and Offord '797 Would Not Discourage the Combination

PO asserts that Offord's instruction to calibrate connector sockets 106 "such that the child-carrying units remain as close to the centre of gravity ... as possible to prevent any possibility of dangerous tilting or toppling over" discourages

reversibility. (POR, 56 (citing EX1051, 9:45-52).) But that passage merely limits adjustability to “safe limits”; it does not discourage reversibility. If anything, Offord ’341 guides a POSA to account for center-of-gravity effects when selecting socket positions, (EX1051, 9:45-52), and teaches increasing stability through an adjustable telescoping interface component 100, (EX1051 4:15-47; 9:37-44). Implementing Offord ’797’s reversible interface while keeping the configuration stable is an ordinary design choice—routine selection of socket, seat, and frame geometry—not a teaching away. (EX1054, 4:24-30; EX1001, ¶¶851; EX1082, ¶¶26-30).

Dr. Cameron nowhere asserts that reversing interface components 100 would cause the stroller to flip, topple, or otherwise become unusable; she opines only that it “could destabilize” the stroller. (EX2011, ¶¶155-158 (header “D”). That is not teaching away but, at most, a potential tradeoff. *In re Fritch*, 972 F.2d 1260, 1265–66 n.12 (Fed. Cir. 1992) (modifications do not defeat obviousness merely because they may be “inferior” or less desirable; the question is whether the device is rendered inoperable for its purpose). Notwithstanding, Dr. Cameron ignores that Offord ’341 teaches that the “interface” portion is adjustable so “the frame assembly remains stable and safe to use (EX1051, 4:14-27), which Mr. Prairie demonstrated. (EX1082, ¶¶29-30).

PO also asserts that reversing orientation of Offord ’341’s “interface component 100” was not possible because: (1) the detent of the connecting leg is

asymmetrical, thus preventing reversal, and (2) the “curved lug 108 would physically interfere with the frame connection.” (POR, 56-62; EX2011, ¶¶134-138, 153.) These arguments are meritless. (EX1082, ¶¶31-51.) PO’s asymmetry argument rests solely on measurements taken from Figure 16 of Offord ’341. (See annotated Offord Fig. 16 below (from POR, 61):

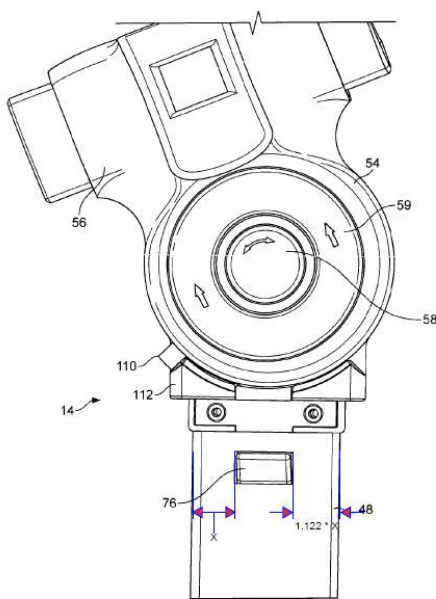
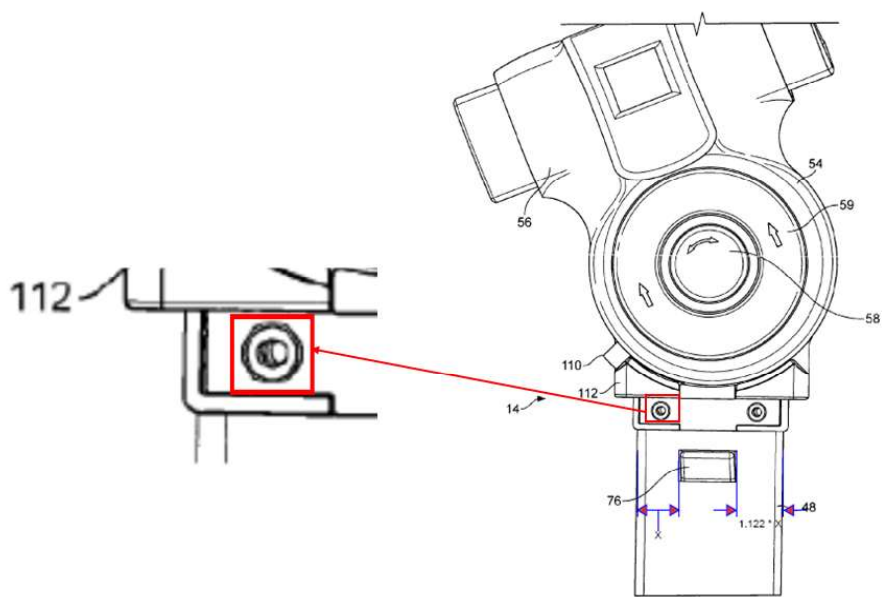


FIG. 16

EX2013

PO discerns precise measurements from the Offord ’341 drawings, which are anything but precise. (EX1051, Fig. 16; EX2013; EX1082, ¶¶38-41.) The Federal Circuit has cautioned against placing too much importance on the precise dimensions of patent drawings. *Semiconductor Components Indus., LLC v. Power Integrations, Inc.*, IPR2016-01592, Paper 31, p.31 (P.T.A.B. Feb. 8, 2018) citing *Hockerson–Halberstadt, Inc. v. Avia Group Int’l*, 222 F.3d 951, 956 (Fed. Cir. 2000)

(When the drawings have no scale or dimensions, “arguments based on measurement of a drawing are of little value.”) Here, the reference is silent as to any dimensions in this drawing.² Moreover, PO’s measurements assume a direct elevation view, yet the drawing shows threads in the screw holes, indicating a perspective angle. (EX1051, Fig. 16; EX2013; EX1082, ¶39.) (*See* annotated EX2013 below.) No matter what the view, it cannot be relied on for precise measurements. (EX1082, ¶¶40-41.)



EX2013 (EX1082, ¶39)

Finally, if centering the detent a few millimeters were all that prevented

² The “1.122*X” although presented in the same color font as the Figure – ***was added by Patent Owner*** – it is not part of the original disclosure.

reversibility, that minor modification would plainly be within the skill of a POSITA. (EX1082, ¶¶42-45.)

PO next argues that the lug 108 “would physically interfere with the frame connection,” relying solely on Dr. Cameron. (POR, 56-59; EX2011, ¶139.) Petitioner’s expert explained how the interface portion 100 could be reversed into the opposite receptor cup so that lugs 108 rest on the front of the “basket frame 44” rather than the rear. (EX1001, ¶¶484-486.) Dr. Cameron was equivocal, stating only: “it is not clear that there is even room for the forward connector socket 106 if an attempt was made to reverse the components 100.” (EX2011, ¶139; EX1082, ¶46.)

Nor are Dr. Cameron’s assertions grounded in any express teaching of Offord ’341. The patent does not describe the lugs as keyed or offset features, identify any interference from rotating the interface components, or otherwise tie the lugs’ arrangement to a fixed orientation. (EX1051, 9:32-52, Figs. 15-17.) To the contrary, the disclosed engagement is consistent with repeatable mating wherever the complementary structures align, not a single keyed position. (EX1051, 9:37-44; EX1082, ¶¶46-51.) Even if the lugs were not perfectly symmetric, that would not show reversal is structurally impossible. Offord ’341 does not teach reversal cannot occur. PO’s position thus rests on speculation about unclaimed dimensional details the reference never describes.

2. Petitioner Provides Clear Motivation to Combine Offord '341 and Offord '797

PO calls the motivation to combine Offord '341 with '797 conclusory, but it is grounded in the references' express disclosures. Offord '341 discloses a double stroller with a sub-frame assembly and expressly directs the POSITA to Offord '797 for a “similar sub-frame arrangement.” (EX1051, 9:35-36.) Offord '797, in turn, expressly teaches reversible seat orientation by reversing the interface portion (e.g., 180°). (EX1054, 4:24-30.) A POSITA would have been motivated to apply that technique to Offord '341's similar sub-frame to obtain the predictable benefit '797 teaches—seats orientable in both directions. (Petition, 125; EX1001, ¶¶486, 580.) That is “articulated reasoning with ... rational underpinning”: the references supply both the reason (reversible orientation) and the means (reversing the interface portion). *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). And reversible seats were a well-known, widely copied feature at the time of filing. (EX1001, ¶¶48-61.)

PO's labels do not change that analysis. Its contention that “if the inventor intended reversibility, he would have said so” is not the test; obviousness asks what a POSITA would do in view of the prior art as a whole, not what '341's inventor chose to claim. *KSR*, 550 U.S. at 416-21. And '341 expressly identifies '797's “similar sub-frame arrangement,” supplying the very “why this reference” link PO

claims is missing. Nor is the motivation “*ipse dixit*”: it is tethered to the references’ express disclosures discussed above. *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1075 (Fed. Cir. 2015) requires no more than a reason to make the specific modification, not proof that every incidental byproduct was recognized as a benefit. The relied-on benefit is reversible orientation; any height consequence is incidental.

IV. CONCLUSION

For the reasons stated above and in the Petition, the Challenged Claims are unpatentable.

Respectfully submitted,

Dated: July 2, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(1), I hereby certify that on **July 2, 2026**, a copy of the foregoing **PETITIONER EVENFLO COMPANY, INC.’S REPLY TO PO’S RESPONSE**, including any supporting exhibits filed therewith, was served in its entirety via electronic mail to the following counsel:

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Certificate of Compliance Pursuant to 37 C.F.R. § 42.24

This paper complies with the type-volume limitation of 37 C.F.R. § 42.24. The paper contains 5,547 words, excluding the parts of the paper exempted by §42.24(a).

This paper also complies with the format and type style requirements of 37 C.F.R. § 42.6(a).

July 2, 2026

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