

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC.,
Petitioner,

v.

BABY JOGGER II, LLC,
Patent Owner.¹

IPR2025-01122 (Patent 11,731,682 B2)
IPR2025-01140 (Patent 11,577,771 B2)

Before CARL M. DeFRANCO, KARA L. SZPONDOWSKI, and
RYAN H. FLAX, *Administrative Patent Judges*.

DeFRANCO, *Administrative Patent Judge*.

ORDER
Setting Oral Hearing
37 C.F.R. § 42.70

¹ On December 19, 2025, Baby Jogger, LLC assigned its entire right, title, and interest in and to the challenged patents to Baby Jogger II, LLC. *See* Paper 18 (citing USPTO Assignment “Reel/Frame 73567/0738”).

I. ORAL ARGUMENT

The parties request a “consolidated” hearing for the above-identified proceedings. *See* IPR2025-01122, Papers 31, 32; IPR2025-01140, Papers 29, 30. We grant the parties’ request for a consolidated hearing, which shall proceed in the manner set forth below.

A. Time and Format

Oral argument for the above-identified proceedings will commence at 1:30 PM EST on August 27, 2026, at USPTO headquarters in Alexandria, VA.² The Board will provide a court reporter for the hearing, and the reporter’s transcript will constitute the official record of the hearing.³

Each party will have a total of forty-five (45) minutes to present its case across both proceedings. Petitioner will open the hearing with its case, followed by Patent Owner’s response. Petitioner and Patent Owner may each reserve rebuttal time, which shall not exceed half the total time allotted for presenting its case.

The Board will hold a pre-hearing telephone conference with the parties approximately seven (7) business days before the hearing. *See* Trial Practice Guide⁴ § II.M. The purpose of the pre-hearing telephone

² Visitors to any USPTO facility where identification is required must present state-issued identification that is REAL ID-compliant. Alternatively, visitors can present another form of government-issued photo identification listed on the Department of Homeland Security Transportation Security Administration’s Acceptable IDs webpage at www.tsa.gov/travel/security-screening/identification.

³ If there are any concerns about disclosing confidential information, the parties must contact the Board at Trials@uspto.gov at least five (5) business days before the hearing date.

⁴ Available at www.uspto.gov/TrialPracticeGuideConsolidated.

conference is for the panel to provide guidance on particular issues it would like the parties to address at the oral hearing, for example, claim construction, reason to combine the asserted prior art, or objective indicia of non-obviousness. The pre-hearing telephone conference also provides the parties with the opportunity to identify (but not argue) any issues they would like to address at the oral hearing.

B. Demonstratives

Per 37 C.F.R. § 42.70(b), demonstratives must be served on opposing counsel at least five (5) business days before the hearing and filed with the Board at least three (3) business days before the hearing.⁵ We remind the parties that demonstratives are not a mechanism for making new arguments. Demonstratives also are not evidence and will not be relied upon as evidence. Rather, demonstratives are visual aids to a party's oral presentation regarding arguments and evidence previously presented and discussed in the papers. Accordingly, demonstratives shall be clearly marked with the words "DEMONSTRATIVE EXHIBIT—NOT EVIDENCE" in the footer.

Further, because of the strict prohibition against the presentation of new evidence or arguments at a hearing, the Board strongly recommends that each demonstrative include a citation to a paper in the record, which allows the Board to easily ascertain whether a given demonstrative contains new argument or evidence or, instead, contains only that which is developed in the existing record.

⁵ The parties may stipulate to an alternative schedule for serving demonstratives, but any demonstratives must be filed at least three (3) business days before the hearing.

Due to the nature of the Board's consideration of demonstratives and the opportunity for the parties to reach agreement without involving the Board, any objections to demonstratives are not likely to be sustained. Nonetheless, if a party objects to the propriety of any demonstrative, the parties shall meet and confer in good faith to resolve any such objections. If such objections cannot be resolved, the parties must file such objections with the Board at least three (3) business days before the hearing. The objections shall identify with particularity which portions of the demonstratives are subject to objection. The Board will consider any objections, and may reserve ruling on the objections. Any objection to demonstratives that is not timely presented will be considered waived.

Finally, the parties are reminded that presenting counsel should identify clearly and specifically each paper (e.g., by slide or screen number for a demonstrative) referenced during the hearing to ensure clarity and accuracy of the court reporter's transcript and for the benefit of all participants appearing electronically.

C. Presenting Counsel

The Board generally expects lead counsel for each party to be present at the hearing. *See* Trial Practice Guide § I.B. Any counsel of record may present the party's argument.

D. Remote Attendance Requests

Members of the public may request to listen to and/or view this hearing. The Board generally expects to grant such requests. If either party objects to the Board granting such requests, for example, because confidential information may be discussed, the party must promptly notify

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the Board at PTABHearings@uspto.gov at least ten (10) business days prior to the hearing date.

E. Legal Experience and Advancement Program (LEAP)

The parties are encouraged to participate in the Board's LEAP program.⁶ Either party may request that a qualifying LEAP practitioner conduct at least a portion of the party's oral argument. The Board will grant up to fifteen (15) minutes of additional argument time to that party. A party should submit a LEAP Practitioner Verification Form and Request for Oral Hearing Participation at least five (5) business days before the oral hearing, by email to the Board at PTABHearings@uspto.gov.

F. Audio/Visual Equipment Requests

Any special requests for audio-visual equipment should be directed to PTABHearings@uspto.gov. A party may also indicate any special requests related to appearing at the hearing, such as a request to accommodate deaf or hard-of-hearing individuals and blind or low vision individuals, and indicate how the PTAB may accommodate the special request. Any special requests must be presented in a separate communication at least five (5) business days before the hearing.

II. ORDER

Accordingly, it is

ORDERED that oral argument for these proceedings shall commence at 1:30 PM EST on August 27, 2026, at USPTO headquarters in Alexandria, VA, and proceed in the manner set forth herein.

⁶ Information about the LEAP program and the combined LEAP Practitioner Request for Oral Hearing Participation and Verification Form can be found at www.uspto.gov/leap.

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