

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC.

Petitioner

v.

BABY JOGGER II, LLC,

Patent Owner.

IPR2025-01122
Patent 11,731,682

PATENT OWNER'S SUR-REPLY

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PATENT OWNER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
2001	<i>RESERVED</i>
2002	Excerpt of File History of Application No. 12/631,375, Applicant's Response to Office Action, Remarks and Attachments (Nov. 4, 2013)
2003	United States District Courts—National Judicial Caseload Profile for 12-month period ending December 31, 2024; <i>available at</i> https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distprofile1231.2024.pdf
2004	U.S. Patent No. 10,449,987, Information Disclosure Statement dated February 28, 2018
2005	<i>RESERVED</i>
2006	<i>RESERVED</i>
2007	Docket Sheet (as of Sept. 1, 2025) for <i>Baby Jogger, LLC v. Evenflo Company, Inc.</i> , No. 1:24-cv-00723 (D. Del. filed June 18, 2024)
2008	<i>RESERVED</i>
2009	<i>RESERVED</i>
2010	<i>RESERVED</i>
2011	Declaration of Dr. Kimberly Cameron (Mar. 26, 2026)
2012	CV of Dr. Kimberly Cameron
2013	Annotated Fig. 16 of EX1051
2014	Declaration of Warren J. Thomas
2015	Requests for Correction of Inventorship under 37 C.F.R. § 1.324 for Patents 10,730,543 and 11,192,568 (filed May 27, 2026)
2016	Transcript of June 12, 2026 PTAB Conference Call
2017-2099	<i>RESERVED</i>
2100	Transcript of the Cross-Examination of Douglas Prairie (Mar. 13, 2026)

Exhibit No.	Description
2101	Declaration of Douglas Prairie, Exhibit 1002 from <i>Precision Planting, LLC and AGCO Corporation v. Deere & Company</i> , IPR2019-01044 (May 29, 2019)
2102	Declaration of Douglas Prairie, Exhibit 2004 from <i>Bazooka-Farmstar, LLC v. Nuhn Industries Ltd.</i> , IPR2023-01161 (Oct. 10, 2023)
2103	<i>RESERVED</i>
2104	Declaration of Douglas Prairie, Exhibit 1001 from <i>Baby Generation, Inc., Evenflo Company Inc., and Monahan Products, LLC v. Baby Jogger, LLC</i> , IPR2025-01095 (June 5, 2025)
2105	<i>RESERVED</i>
2106	Declaration of Douglas Prairie, Exhibit 1001 from <i>Evenflo Company Inc., Baby Generation, Inc., and Monahan Products, LLC v. Baby Jogger, LLC</i> , IPR2025-01100 (June 6, 2025)
2107- 2199	<i>RESERVED</i>
2200	Transcript of the Cross-Examination of Douglas Prairie (Aug. 3, 2026)

I. INTRODUCTION

Petitioner's Reply (Paper 29, "Reply") applies two standards to one record. Toward Patent Owner's ("PO") disclosures, Petitioner is exacting: it demands precise labels and strict component boundaries. Toward the prior art, it is generous: it infers specific components and functions from unlabeled drawings and treats component boundaries as "immaterial." That double standard runs through the priority challenge and the Liao grounds.

The priority challenge asks the wrong question of the wrong documents. Written description looks to what the 2008 and 2009 disclosures conveyed to a POSA. Petitioner litigates the post-2016 filings instead, treating a change in labeling as proof that structures were missing all along. Word matching is not the possession inquiry, and claim construction is no substitute for it. *Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1347 (Fed. Cir. 2016). Indeed, Figure 8 of the 2008 Provisional and Figure 8A of the '682 Patent are the same drawing, differing only in reference labels—yet Petitioner calls that relabeling a "structural change." Reply 7.

The Reply also leaves Patent Owner's methodological criticisms unanswered. The Patent Owner Response (Paper 20, "POR") showed that Petitioner's expert changes what a POSA can perceive depending on which document he is reading. The Reply does not deny it. Its purported "distinction"

between §§ 112 and 103 cannot explain the shift, because Petitioner rests its prior-art case entirely on what a POSA would read Liao to disclose. The Rebuttal Declaration then confirms the pattern: Mr. Prairie infers detailed structures and functions from Liao while refusing to recognize even basic structures in Patent Owner's drawings. Because he does not apply a consistent methodology, his opinions warrant little weight. *See* 37 C.F.R. § 42.65(a).

The Liao grounds fail for a related reason. A POSA reads claim 1's "vertical position[s]" and "inline descending configuration" as one structural idea. Yet Petitioner measures from the frame for one limitation, then from a seat for the other—switching reference points midway through one integrated arrangement. Whether Liao meets the claim cannot depend on which accessory is attached. Petitioner's belated "intermediary connector" theory appears nowhere in the Petition and still does not measure from the correct point.

Ground 4 fails for lack of motivation to combine. Petitioner's combination requires an additional, unjustified step—separately reversing the individual seats. Petitioner never rebuts Patent Owner's showing that Offord '341's sub-frame lacks the structural features that make Offord '797's interface portion reversible, resting instead on generalized "similarity." And its modification invites the very instability—"dangerous tilting or toppling"—that Offord '341 warns against, discouraging the combination rather than suggesting it.

Strip away the shifting standards and the unsupported inferences, and nothing remains to carry Petitioner's burden on any ground. The Board should find all challenged claims not unpatentable.

II. CLAIM CONSTRUCTION

A. "Inline descending configuration"

PO's construction is that the "inline descending configuration" is measured from the point at which each seat connects to the frame via its seat attachment adapter. Petitioner offers no competing construction. Two points merit emphasis.

First, Petitioner distinguishes between "when" connected and "where" connected, arguing "PO's construction improperly reads 'seats' out of the claim and substitutes 'mounting points.'" Reply 2. The premise appears to be that "the first and second seat" is the grammatical subject of "are arranged." But that observation resolves nothing. The question is not *what* is arranged, but *where* "along the stroller frame" each seat connects.

Claim 1 recites the first seat is "coupled to the stroller frame at a first vertical position of the stroller frame," and that the seats "are arranged in an inline descending configuration along the stroller frame," "when connected to the frame." The specification describes the same relationship as cause and effect: the adapters couple the second seat "at a vertical height that is substantially below the vertical height that the first stroller seat 86 attaches to the stroller frame 81, *thereby*

positioning the second stroller seat 85 at a vertical position that is substantially below the vertical position of the first stroller seat 86.” EX1010, 10:35-43 (emphasis added); *see also id.*, 11:61-66. Connection location is the cause; seat position is the effect. Petitioner’s retort that the specification “never uses ‘inline descending configuration’ and never says how it is measured” is just word-matching. PO relies on what the specification describes, not merely on the labels it uses. *See* POR 6-9.

Second, Petitioner contends that “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.” Reply 4-5. But the figure Petitioner cites shows precisely what PO’s construction requires. *See* POR 7. There is no inconsistency, and nothing to explain: a complaint pleads a plausible claim for relief, not a claim construction, and none has issued in the district court.

B. “Seat attachment housing” is not limited to an “enclosing structure”

Petitioner’s attempt to distinguish the 2008 Provisional’s “connector portions 17” from the claimed “seat attachment housings” fares no better because it depends entirely on a construction that the claim language does not support. Petitioner insists that a “seat attachment housing” must be “an enclosing structural component” that “houses something.” Reply 15. But nothing in the claims imposes that requirement; the term is “seat attachment housing,” not “enclosure.” The

features Petitioner points to in support—a sliding door, keyed shape, stop flanges, and the like—are unclaimed embodiments and do not raise the written-description bar for the housings actually claimed. *See* Reply 15.

III. GROUND 1: ROLICKI IS NOT PRIOR ART

A. Two legal errors pervade Petitioner's priority challenge

Petitioner's priority challenge rests on two legal errors. First, Petitioner analyzes the wrong documents: it litigates the post-2016 filings instead of conducting the “four corners” inquiry into the 2008 Provisional and 2009 Non-Provisional that the law requires. Second, Petitioner equates written description with word matching: it treats the absence of later-adopted labels in the earlier filings as proof of missing support, without ever asking what the earlier terms actually disclose.

1. Petitioner's written-description analysis fixates on the wrong documents

The parties agree on the standard: written description “looks at what the earlier application conveyed, not what a later filing adds.” Reply 16. Yet Petitioner never applies it.

The written description inquiry has two steps. First, construe the relevant limitations using the intrinsic record. *See Koninklijke Philips Elecs. N.V. v. Cardiac Sci. Operating Co.*, 590 F.3d 1326, 1336 (Fed. Cir. 2010). Then conduct “an objective inquiry into the four corners of the specification” to determine whether

the disclosure “reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter.” *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010).¹

Petitioner skips the second step and instead anchors its written-description analysis almost entirely in the *post*-2016 filings. It argues the 2016 Provisional redefined “handle portion” and introduced “new substantive structures” and a “vertical-position relationship” (*e.g.*, Reply 8-11, 14-16, 18); it cites the prosecution history of the ’543 Patent and “extensive revisions in the ’305 CIP” (*e.g.*, Reply 11-12, 16; EX1001 ¶¶ 191, 193, 196); and it faults Dr. Cameron for not evaluating the 2016 Provisional (*e.g.*, Reply 13-14). Virtually every piece of evidence Petitioner and its expert cite rests on the post-2016 filings rather than the priority documents. *See, e.g.*, Paper 1(“Pet.”) 20-24; EX1001 ¶¶ 188-217; Reply 7-18; EX2100, 97:6-12 (“[T]he assessment I made ... was based on the three new inventors adding seat attachment housings to the second provisional.”); EX2100, 105:21-106:2.

¹ Petitioner appears to acknowledge this framework. Reply 14 (stating “[w]ritten description requires possession of the [claims] *as construed*” (emphasis in original)).

When Petitioner does engage the 2008 Provisional on its own terms—*i.e.*, the “handle portion” discussion of paragraphs [0033] and [0035] and Figure 8—Petitioner does so incompletely. *See* Section III.B (Petitioner ignores Figure 3). Everywhere else, when the Petitioner turns to the 2008/2009 filings, it pivots back to claim-construction arguments based on the post-2016 language. For example, it argues the 2008 “connector portions 17” cannot be “seat attachment housings” because the 2008 specification never recites an “adapter, receiving cavity, sliding door, keyed shape, stop flanges, or latching tab.” *See* Reply 15. But those are features it pulls from the *post*-2016 filings. *Id.* (citing the 2016 Provisional). Petitioner’s priority analysis is thus an extended claim-construction exercise improperly smuggled in to substitute for the priority analysis the law requires. *See Blue Calypso*, 815 F.3d at 1347 (rejecting reliance on “additional explanations” added to a CIP because such arguments provide “*no insight into the relevant inquiry* of whether the four corners of the ’516 patent provide written description support” (emphasis added)); *Zimmer Surgical, Inc. v. Stryker Corp.*, 365 F. Supp. 3d 466, 482 (D. Del. 2019) (rejecting evidence of new disclosure as irrelevant to the written description inquiry); *GEODynamics, Inc. v. Dynaenergetics US, Inc.*, No. 2:17-CV-00371-RSP, 2018 WL 4680516, at *5 (E.D. Tex. Sept. 27, 2018) (rejecting evidence outside the “four corners” of the priority document).

An analysis based on the wrong documents cannot show that the 2008 disclosure lacks support for the challenged claims.

2. *Written description asks what the earlier disclosure conveyed, not whether it matched later terminology*

The parties agree that the pre-2016 disclosures must convey possession to a POSA, but Petitioner demands word-for-word correspondence the law does not require.

Possession turns on what the “four corners” reasonably convey to a POSA. *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010). “[I]psis verbis disclosure is not necessary.” *Fujikawa v. Wattanasin*, 93 F.3d 1559, 1570 (Fed. Cir. 1996). Drawings alone may suffice. *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1565 (Fed. Cir. 1991); *Cooper Cameron Corp. v. Kvaerner Oilfield Prods., Inc.*, 291 F.3d 1317, 1319-23 (Fed. Cir. 2002) (holding a drawing supplies written description for the arrangement it depicts even though the specification describes that arrangement in different terms).

Petitioner demands far more, insisting that the 2008 Provisional use the later applications' exact terminology (Reply 14-17, 19; EX2100, 93:8-9); that the Provisional must supply the “reasoning and details” behind the claimed features' positioning (Reply 18-19); and that a drawing cannot convey a structural relationship at all (Reply 18 (stating “[a] depiction of two seats at different heights

does not convey possession of that relationship”)). Each overstates or misstates the law.

Blue Calypso refutes Petitioner's approach directly. The Board there found “endorsement tag” and “token” unsupported because those words were absent from the specification, treating that absence as “the most persuasive evidence” of a defect. 815 F.3d at 1345. Reversing, the Federal Circuit held that was error because it gave “improper weight to the mere fact that ‘tag’ and ‘token’ are absent from the text of the written description.” *Id.* at 1347. Context showed “the inventor intended these terms to refer to the same concept as ‘link’” and that this was “simply a case where the patentee used different words to express similar concepts.” *Id.* (cleaned up).

So too here. As explained in Sections IV.A.1-3 of the POR, the 2008 Provisional conveys possession of every contested feature to a POSA. Petitioner offers no evidence to the contrary—only word matching and post-2016 labeling changes, never a substantive gap in the pre-2016 disclosures.

B. The 2008 Provisional discloses the claimed “handle portion”

PO showed that Figure 3 of the 2008 Provisional depicts an upper rear structure coupled to the left and right upper portions of frame 12—precisely what

Petitioner's construction of "handle portion" requires.² *See* POR 11-14 (citing Fig. 3 and paragraph [0021]); EX2011 ¶¶ 50-57.

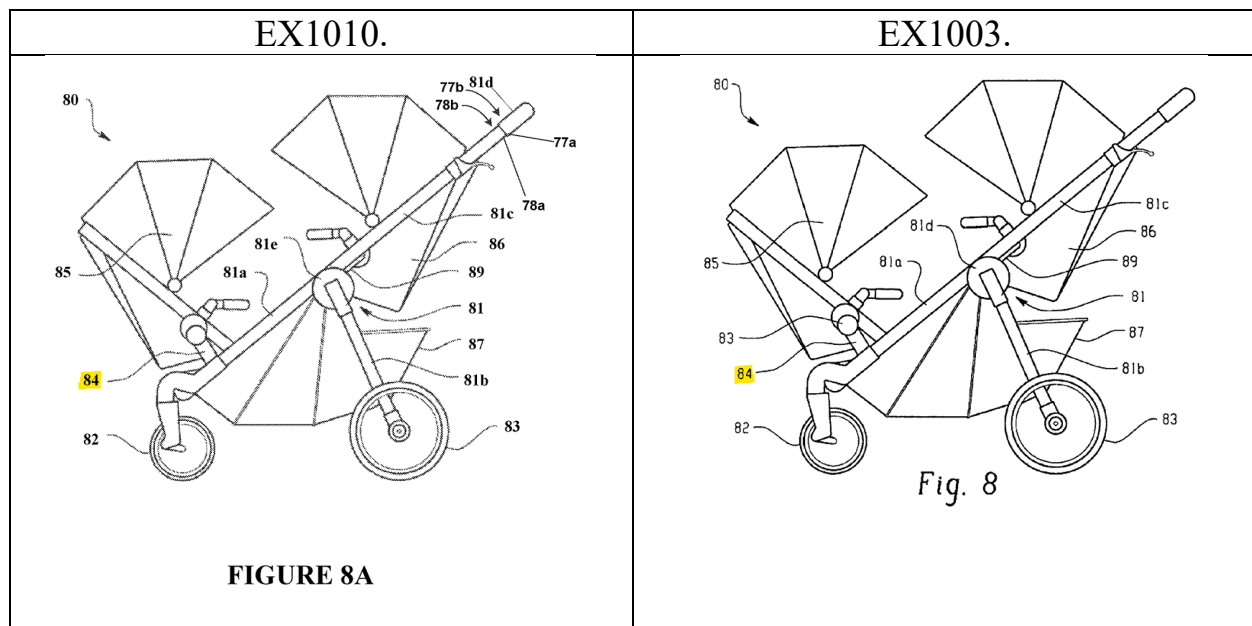
The Reply never addresses Figure 3. It addresses only Figure 8 and paragraphs [0033] and [0035]. Reply 8. It does not dispute that Figure 3 depicts the upper rear structure coupled to the left and right upper portions of frame 12 or explain why that disclosure fails to satisfy its own construction. PO's showing therefore stands unrebutted. Because Petitioner bears the burden of persuasion on unpatentability at all times, including on its contention that the claims lack written description support, its failure to rebut PO's Figure 3 evidence is dispositive: the record establishes written description support for the "handle portion" limitation. *See* Section III.G (citing *Dynamic Drinkware*).

² Petitioner faults Dr. Cameron for applying "neither the construction she was instructed to evaluate nor the one PO 'adopted,'" citing EX2011 ¶ 50. Reply 13; *see also id.* 7-8. But the quoted sentences do not offer a construction; they explain how a POSA recognizes, in a figure, the structure Petitioner's construction defines. Petitioner's retort that "what a user could 'grasp,' 'grip,' or 'push,' is irrelevant," Reply 13, ignores that Dr. Cameron never offered these features as claim requirements.

C. Under Petitioner's own theory, the 2008 Provisional discloses "seat attachment adapters"

Petitioner's priority theory rests on the premise that a change in nomenclature signals a change in structure—that "different reference numerals confirm the structures are distinct." Reply 17. That premise carries the corollary: the *same* reference numeral confirms the *same* structure.

The 2008 Provisional uses reference number "84" to identify the same component the patent identifies as "seat attachment adapter 84." *See* EX1002, Fig. 8, ¶ [0034]; EX1010, 10:35-67.



Petitioner's own inferential rule therefore resolves the "seat attachment adapter" question in PO's favor: the 2008 Provisional discloses a seat attachment adapter.

See also POR 14-19.

D. The 2008 Provisional also discloses “seat attachment housings”

Petitioner resists this conclusion by narrowing the claim term, insisting a “seat attachment housing” must be “an enclosing structural component” that “houses something.” Reply 15. Section II.B explains why that construction fails. A housing need not fully enclose. A POSA would understand “seat attachment housings” as frame-mounted structural components that facilitate attachment of a seat attachment adapter. *See* POR 16-17; EX2011 ¶¶ 61-62; *see also* EX1010, 12:19-32, 13:48-56, 9:51-64.

Under this construction, Petitioner all but concedes the disclosure. Petitioner admits the “connector portions 17” are “front-mounted features with a ‘cylindrical recess’ into which ‘[t]he attachment portion 21 may be inserted.’” Reply 15. A front-mounted feature with a cylindrical recess that receives and retains the seat’s attachment portion *is*—even under Petitioner’s cramped view—a structural component that facilitates attachment of a seat attachment adapter. Petitioner’s own characterization establishes the disclosure it denies.

The figures confirm it. Figures 1 and 3 of the 2009 Non-Provisional show attachment frame member 17 mounted to the frame, defining cylindrical recess 18 that receives the attachment/connector portion 21 of the seat. *See* EX1003 ¶ 35 (the “attachment frame member [17] of the stroller has a complimentary and

cooperating shape that allows the connector portion [21] to be secured to the attachment portion of the stroller”).

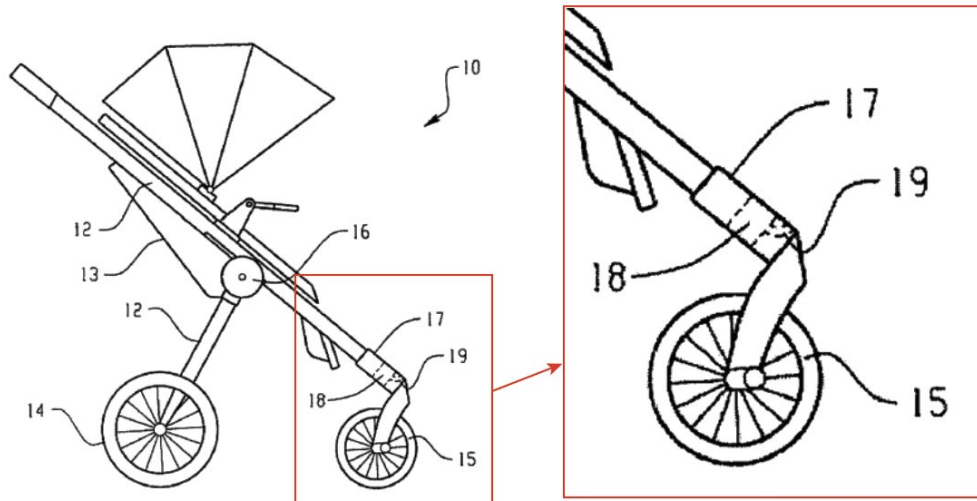


Fig. 1

EX1003

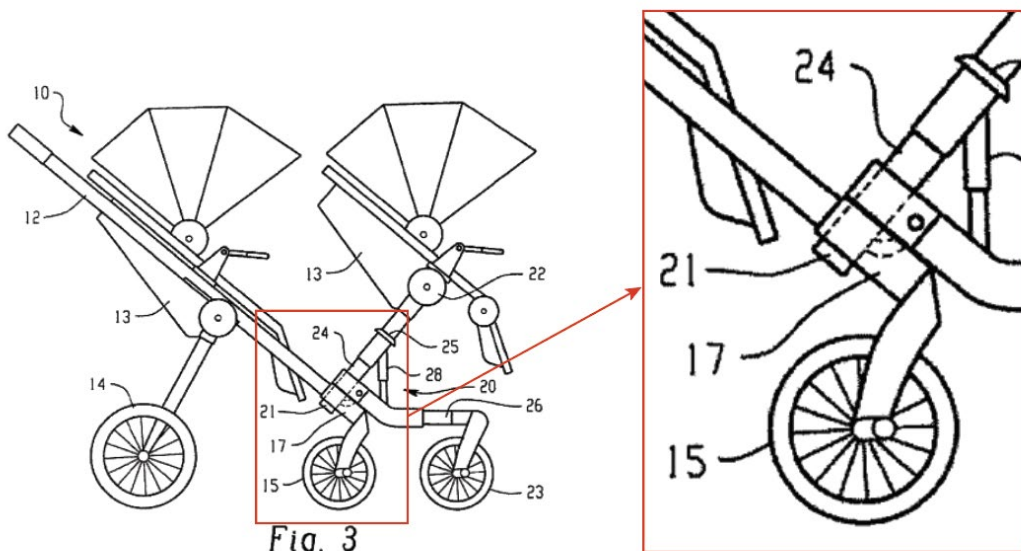


Fig. 3

EX1003

The frame-mounted member (17) and recess (18) that receives the adapter (21) disclose a seat attachment housing under any reasonable construction.

E. The 2008 Provisional discloses the claimed “vertical position[s]”

Petitioner offers three responses to PO's showing that the 2008 Provisional discloses the claimed “vertical position[s].” POR 23-25. None holds up.

First, Petitioner contends that “[b]ecause the 2008 Provisional never disclosed the claimed housings or adapters ... it cannot disclose the vertical positions at which they couple to the frame.” Reply 18. Sections III.C and III.D dispose of that premise. *See also* POR 10-22.

Second, Petitioner insists the “2016 filing” tied the “structural vertical-position relationship ... to the newly disclosed housings” and that consequently “[a] depiction of two seats at different heights does not convey possession of that relationship.” Reply 18. That is claim construction masquerading as the written description analysis the law requires (*see* Section III.A.1) and cannot be squared with *Vas-Cath* (935 F.2d at 1565).

Third, Petitioner faults PO's citations to the 2008 specification because they “describe a front-to-rear arrangement, not the claimed vertical one.” Reply 18. But even accepting characterization, Petitioner misses the point because Figs. 8 and 9A-9F of the 2008 Provisional still *show* the claimed vertical relationship. *See*

POR 23-25; EX2011 ¶¶ 65-66. Petitioner offers no evidence that those figures fail to convey the claimed vertical relationship to a POSA. That silence is dispositive.

F. Petitioner's Reply does not address the methodological flaws identified in the POR

The POR identified four flaws in Mr. Prairie's analysis, chief among them an irreconcilable double standard: he draws detailed inferences from Liao's figures while refusing to recognize basic structures in the 2008 drawings. POR 25-30. The Reply leaves three of those flaws uncontested: that Mr. Prairie relies on word matching (POR 25-26); that he analyzed the post-2016 filings rather than whether the pre-2016 disclosures show possession (POR 27); and that he imposes his own construction of "seat attachment adapter" without acknowledging it (POR 29). *See* Reply 19.

What Petitioner offers instead is a legal "distinction": "written description under § 112 asks whether the applicant's own filing conveyed possession," while obviousness under § 103 "asks what a prior-art reference teaches a POSITA." Reply 19. But that distinction does not excuse the double standard, and Mr. Prairie's Rebuttal Declaration only worsens it.

1. Petitioner's §§ 112/103 "distinction" misses the point

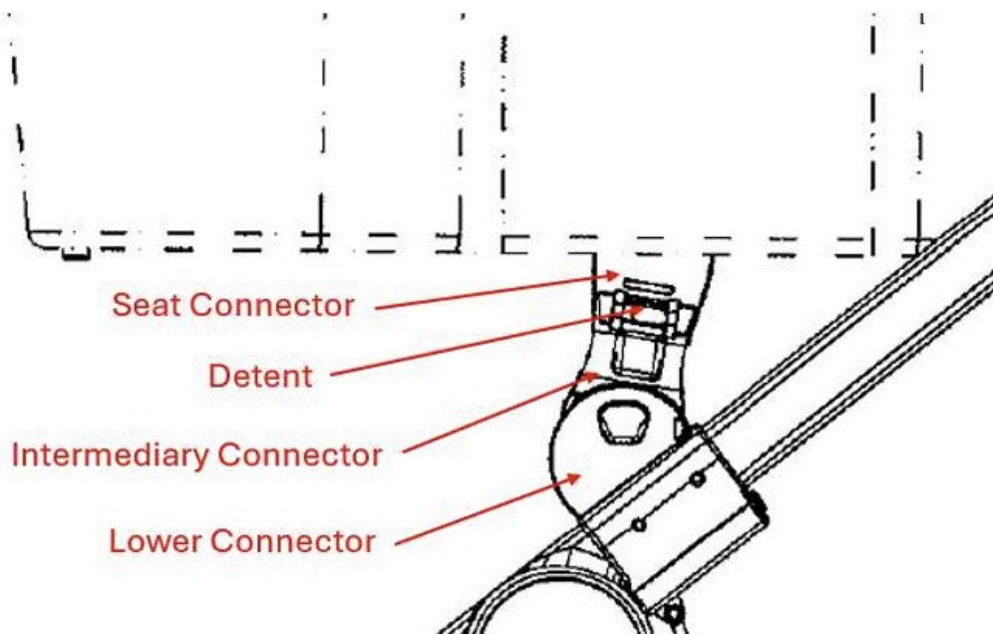
Written description and obviousness begin with the same question: what would a POSA understand this document to disclose? *Compare* MPEP § 2163(I) (characterizing the "fundamental factual inquiry" under § 112 as "whether the

specification conveys with reasonable clarity to [POSA] ... the inventor was in possession of the invention”), *with id.* § 2141(II) (listing “determining the scope and *content* of the prior art” as the first factual inquiry underlying obviousness (emphasis added)). The ultimate legal conclusion differs between §§ 112 and 103, but that is beside the point; Petitioner’s expert fails to apply a consistent, “objective” POSA in each case. Petitioner concedes that neither Liao ground “depends on any modifications of the references” (Reply 21-22), meaning Petitioner is solely relying on what a POSA would interpret Liao to disclose. Thus, Petitioner’s “distinction” excuses nothing. *See* POR 25-30.

2. *Mr. Prairie’s Rebuttal Declaration contradicts his deposition testimony*

When asked whether a POSA viewing the patent’s Figure 7 could understand the purpose of element 71, Mr. Prairie answered: “I guess, I don’t know. I guess I would have to see what does 71 specifically call out,” and explained that “a U is a general shape ... So just because you show a shape doesn’t mean it has a purpose.” EX2100, 121:9-23. Under that view, a drawing showing structure tells a POSA nothing about what the structure does absent express textual description.

His Rebuttal Declaration abandons that view. Working from Liao’s Figure 10—an ornamental drawing he concedes “does not expressly describe the various elements,” EX1001 ¶ 353—Mr. Prairie labels four discrete components he says a POSA would perceive:



EX1082 ¶ 18

And he does not stop at shapes. From the same unlabeled ornamental drawing, he extracts a vertical arrangement of specific components *and their functions*: the “intermediary connector has a lower detent that *releasably couples* to the lower connector and an upper detent that *couples* to the seat connector.” EX1082 ¶ 19 (emphasis added).

So the same expert who could not say whether a U-shaped element in PO’s figure had *any* purpose infers specific components and their functions from Liao’s unlabeled drawings. What is more, he labels that drawing differently than he labeled it before. *See infra* IV.A.3 (labeling the same structure as both a “third/fourth seat adapter” and a “lower connector”). His reading of the figures thus shifts with the point he needs to prove.

These shifting standards illustrate that Mr. Prairie's analysis is steered by Petitioner's desired conclusions. *See also* POR 26, 29-30. He recalibrates the POSA's perspective to fit the outcome Petitioner needs: a diminished POSA to defeat priority, and an enhanced POSA to analyze the prior art. *Compare* EX2200, 58:7-59:20 (unable to say whether two identical seats on Liao's Figure 10 frame would sit at the same height because "that's not what Figure 10 shows"), and 70:17-72:14 (unable to say which way the seat faces in his own annotated figure), *with* EX2200, 62:2-8, 64:11-25, 65:5-22 (inferring an "intermediary connector" with upper and lower detents from Liao's ornamental drawing). Given the inconsistencies, his opinions on both issues warrant little weight. *See* 37 C.F.R. § 42.65(a).

G. Petitioner has not carried its burden

With the exception of the "handle portion" argument discussed in Section III.B, every argument Petitioner advances on priority reduces to one or both of the errors discussed in Section III.A: examining documents outside the four corners of the 2008 and 2009 filings or substituting word matching for the possession inquiry. Neither is evidence of a written-description defect. Set them aside and the record contains nothing that undermines PO's showing of possession. Petitioner has therefore failed to carry its burden. *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378-80 (Fed. Cir. 2015) (explaining that, in a priority dispute,

the burden of *production* shifts between Petitioner and PO, but the ultimate burden of *persuasion* always remains with Petitioner). Rolicki is not prior art, and Ground 1 fails.

IV. GROUNDS 2 AND 3 (LIAO)

A. A POSA would not interpret Liao to disclose an “inline descending configuration”

Claim 1 requires that the seats be arranged in an inline descending configuration “along the stroller frame,” “when connected to the frame.” On its face, that arrangement is measured from the point at which each seat connects to the frame via its seat attachment adapter. POR 6-9; *supra* Section II.A. Petitioner’s Liao mapping instead measures from an arbitrary seat feature or a portion of an occupant’s anatomy. For two reasons, a POSA looking at Liao’s figures would not take that approach.

1. *Petitioner’s mapping makes Liao’s disclosure depend on which accessory is attached*

Petitioner acknowledges that, on its reading, whether Liao shows an “inline descending configuration” turns on which accessory is connected. Figure 10 of Liao shows a differential, Petitioner says, only because “the seat types visibly create that differential,” while Figure 11 “uses the same seat types and does not create a height differential.” Reply 21; *see also* EX2200, 55:6-56:17, 64:5-25. But Liao’s figures disclose a *single* “combination pushchair frame.” EX1048, p.1.

Swap the positions of Liao's bassinet and seat, and the difference disappears while the frame remains unchanged. A POSA would therefore understand Liao's figures to disclose, at most, that a tall bassinet is taller than a standard seat, not that Liao's frame arranges seats in an "inline descending configuration along the stroller frame."

2. *Petitioner reads Liao's figures against a reference point it rejects elsewhere in the same claim*

A POSA would understand the claimed "vertical position[s]" and the "inline descending configuration" as related expressions of one structural idea: how the seats are arranged, from front to rear and high to low, at the points where they connect to the frame via the seat attachment adapters. EX2011 ¶ 36. Petitioner agrees that claim 1 "fixes the second and third 'vertical position[s]'" by reference to the housings." Reply 18. But when it reaches Liao and the "inline descending configuration"—which deals with the same seats and the same frame—Petitioner abandons the frame and measures from an arbitrary point on the seats or of an occupant's body. *See* EX2100, 153:8-9 (Mr. Prairie: "the kids themselves are inline and descending, where the child sits is more the point"); Pet. 40-41 (referring to "where an infant's buttocks would rest"); Reply 20 (contending that Figure 10 of Liao shows an offset "whether you measure from the bottom of both seats ... or the top of both seats"); EX2200, 60:20-63:8. A POSA reading claim 1 as a whole would not switch reference points midway through one integrated arrangement,

and nothing in Liao supplies the offset Petitioner needs once the frame is used as the reference.

3. *Petitioner's new "intermediary connector" theory fails for multiple reasons*

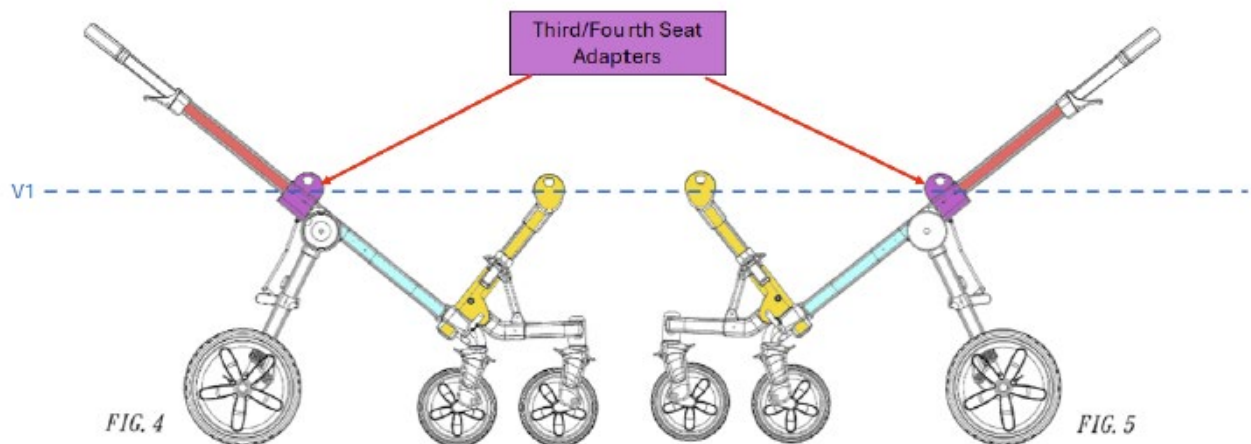
Petitioner argues that "[e]ven if the Board adopts PO's construction, Liao still renders [the inline descending configuration] obvious because [Liao] includes an intermediary connector between the frame connector and the upper bassinet" that "raises the connection point of the bassinet to a vertical position ... higher than the lower seat." Reply 23 (citing EX1082 ¶¶ 18-20). That theory fails for four reasons.

First, the theory was not properly raised. The Petition never identified any intermediary connector as satisfying limitation [1.8], and Petitioner supports the theory for the first time with EX1082 ¶¶ 18-20. *See* Reply 20 ("Mr. Prairie relied on Figure 10, not [Figure] 11, as meeting limitation [1.8]."). That is a "new theory of *prima facie* obviousness absent from the petition" and is thus "foreclosed."

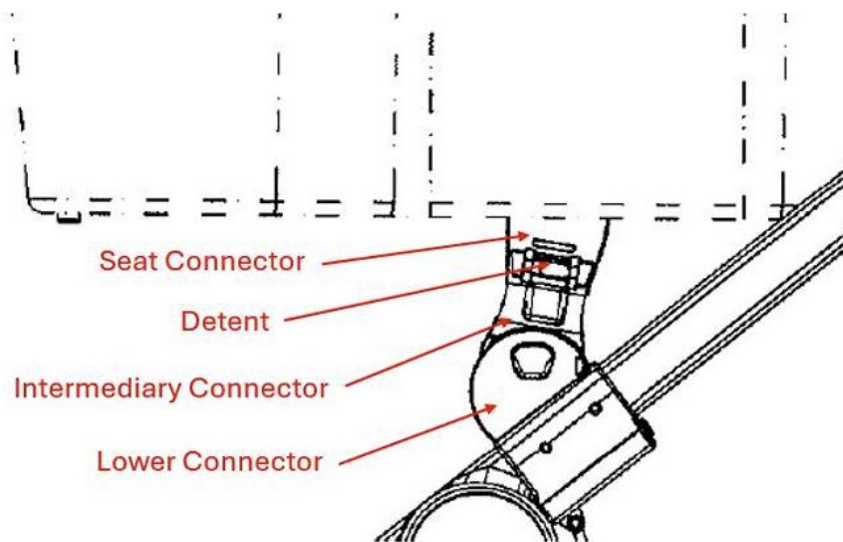
Wasica Fin. GmbH v. Cont'l Auto. Sys., Inc., 853 F.3d 1272, 1286 (Fed. Cir. 2017); *see also* 37 C.F.R. §§ 42.104(b)(4), 42.23(b).

Second, Petitioner's new theory does not apply the proper construction. Under that construction, the "inline descending configuration" is measured from the point at which each seat connects to the frame via its seat attachment adapter. POR 7. For the rear seat in Liao, that point is the "third/fourth seat adapter"

Petitioner itself identified. Pet. 76. Petitioner does not draw its line there. It instead draws the line at the point where the bassinet connects to an “intermediary connector”—a structure Petitioner places “between the frame connector and the upper bassinet.” *See* Reply 23-24; EX1082 ¶ 20. A connector interposed above the frame connection is not the frame connection, so Petitioner’s mapping does not track the proper construction.



Pet. 76



EX1082 ¶ 18

Third, Petitioner's new theory requires a POSA to read one structure two ways: as the "third/fourth seat adapter" Petitioner identified in the petition, and as the "lower connector" beneath a separate "intermediary connector" that Petitioner and Mr. Prairie identified in reply. *Compare* Pet. 76, with EX1082 ¶ 18; *see also* EX2200, 65:1-22 (agreeing the "connection point is different" from his original testimony). A POSA would not interpret Liao that way. *See* EX2011 ¶¶ 86-89.

Finally, Petitioner's new theory depends on a hand-picked subset of Liao's figures. Petitioner responds that "Mr. Prairie relied on Figure 10, not Figures 5 or 11, as meeting limitation [1.8]." Reply 20; *see also* EX2200, 53:22-54:23. But a POSA would not interpret Liao figure-by-figure, and most of Liao's figures (including figures Petitioner relies on elsewhere, *see, e.g.*, Pet. 63-64, 66) contain no "intermediary connector" at all. *Compare* EX1048, Figs. 1-7, 11-13 (lacking

Petitioner's "intermediary connector"), *with id.*, Figs. 8-10 (having Petitioner's "intermediary connector"). Petitioner offers no reason why a POSA would understand Liao's frame to disclose an "inline descending configuration" in three of its thirteen figures and not the rest.

What sets those three figures apart is the accessories mounted on them, not anything Liao's frame discloses. Thus, Petitioner's analysis does not reflect how a POSA would read Liao; it reflects Petitioner's effort to work backward from the claim to the only figures that fit its "inline descending configuration" theory. *See* Reply 21 (conceding Figure 11 "does not create a height differential").

B. The inconsistencies in Petitioner's Reply demonstrate hindsight bias

Mr. Prairie's Liao opinions warrant little weight for the reasons discussed in Section III.F. The Reply compounds these problems: on three issues, Mr. Prairie and Petitioner apply one rule to defeat priority and its opposite to establish obviousness. Each flip-flop demonstrates hindsight bias.

1. Component boundaries: dispositive for priority, immaterial for Liao

Defending its Liao mapping, Petitioner asserts that "the exact boundary [of its component mapping] is immaterial." Reply 26-27. When attacking priority, however, Petitioner spends more than six pages arguing that a POSA could not have recognized a "handle portion" because the pre-2016 figures do not demarcate

precisely where a handle begins and ends. Reply 7-14. A component boundary cannot be simultaneously immaterial and dispositive. Petitioner's willingness to treat it as either confirms its analysis is steered by its desired conclusions.

2. Terminology: exacting for priority, freely equated for obviousness

Petitioner argues that the 2008 Provisional "cannot show" seat attachment adapters or seat attachment housings because the text does not use those exact terms. *See* Reply 14-17 (stating that equating the 2008 Provisional's "seat attachment portion 84" and "connector portions 17" to the patent's "adapter" and "housing" is "incorrect"); *see also id.* at 19. Ten pages later, Petitioner invokes the '417 record because it "claim[s] materially similar stroller structures." Reply 24. But the structure Petitioner relies on there is a "seat attachment portion." EX1001 ¶ 383. So the same terminological gap that supposedly defeats priority disappears when Petitioner needs to equate terms.

3. Drawings: silent for priority, eloquent for Liao

Petitioner insists that, with respect to priority, "[a] depiction of two seats at different heights does not convey possession of [the claimed vertical-position] relationship." Reply 18. Two pages later, Petitioner relies on Figure 10 of Liao as "visually illustrat[ing] an upper bassinet offset at a different vertical position than the lower stroller seat." Reply 20 (citing EX1082 ¶¶ 14-15). Petitioner offers no principled reason for this distinction. None exists. *See* Section III.F.1; POR 32

(explaining that “[e]very component in Petitioner’s Ground 2 analysis is an inference drawn by Petitioner’s expert from ornamental drawings” (cleaned up)), 49-51.

C. Petitioner’s Liao mapping confirms the problem identified in the POR

Petitioner responds that “PO’s charge that Petitioner’s mapping is internally inconsistent misreads the Petition.” Reply 25. The mapping Petitioner then adopts confirms the problem. If “a portion of [the seat attachment] adapter ... is what a POSITA would understand as the claimed ‘attachment frame member’” (Reply 25), then the adapter is “spaced from and coupled to the housing by” a portion of itself—a tautology that collapses two of the three distinct elements into one. *See* POR 46-47. Declaring the boundary “immaterial” (Reply 26-27) does not supply the third structure Liao lacks, nor does it explain why a POSA would treat two visually distinct components as the same type of claim element. *Id.*

V. GROUND 4 (OFFORD ’341 AND OFFORD ’797): PETITIONER DOES NOT ESTABLISH A MOTIVATION TO COMBINE

A. The Reply does not explain the Petition’s missing additional unmotivated step

Petitioner does not contest that its combination “must take the additional, unmotivated step of also reversing one or both individual seats.” POR 66-67; *see also* EX2011 ¶¶ 141-143. The Reply supplies no articulated reason or evidence that a POSA would have taken that step, so the record on this point is unrebutted. *See*

EX2200, 78:23-80:1 (confirming his proposed modification leaves both seats in “the same orientation as they were in Figure 15”), 70:17-72:14, 73:15-80:1 (confirming that applying Offord ’797’s reversal technique—i.e., rotating interface portion 10—causes the seats to change direction). And the Board may not close that gap itself: it “must base its decision on arguments that were advanced by a party,” not on grounds the Petition never raised. *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1381 (Fed. Cir. 2016). Obviousness requires “articulated reasoning with some rational underpinning” for each modification needed to reach the claims (*KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007)), and that burden “never shifts to the patentee” (*Magnum Oil*, 829 F.3d at 1375). Ground 4 therefore fails.

B. Petitioner never addresses the features that make Offord ’797’s sub-frame reversible

Petitioner defends its motivation to combine by repeating that Offord ’341 and ’797 disclose a “similar sub-frame arrangement.” Reply 33. But generalized similarity was never the question. PO identified the *specific* structural features that permit Offord ’797’s interface portion to be reversed and showed that Offord ’341’s sub-frame *lacks* them. See POR 51-55; EX2011 ¶¶ 146-154. That showing undermines Petitioner’s premise that a POSA would have been motivated to apply Offord ’797’s reversal technique to Offord ’341.

Petitioner does not rebut that showing. It does not consider the features PO identified, contend that Offord ’341 has them, or explain why—*despite* their

absence—a POSA would nonetheless have expected Offord '341's sub-frame to be reversible. *See* Reply 33-34; EX1082 ¶¶ 26-51 (responding to POR Section IV(D)(2) without addressing the missing features).

Petitioner's silence is telling. On this record, a POSA considering Offord '341 would have had no reason to believe its sub-frame could be reversed the way Offord '797's can and therefore no reason to apply Offord '797's reversal technique. EX2011 ¶¶ 146-154. Petitioner bears the burden on motivation to combine, and an un rebutted structural mismatch cannot be papered over with an assertion of general similarity.

C. A POSA would not have made Petitioner's proposed modification

Petitioner invokes *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992) for the proposition that a modification defeats obviousness only if it renders the device “inoperable for its purpose.” Reply 29. *Fritch* holds no such thing; it identifies inoperability as *one circumstance* making a combination inappropriate, not the exclusive test. 972 F.2d at 1265 n.12.

The governing standard is broader: a modification is not obvious where the prior art would have “discouraged” a POSA from it or “led [the POSA] in a direction divergent” from it—and evidence short of an explicit or formal teaching away must still be considered if it would have discouraged the combination. *Arctic*

Cat Inc. v. Bombardier Recreational Prods. Inc., 876 F.3d 1350, 1360 (Fed. Cir. 2017).

Under the correct standard, Offord '341 discourages Petitioner's reversal. *See* POR 55-62; EX2011 ¶¶ 155-163. Mr. Prairie concedes Offord '341 requires keeping the child-carrying units near the center of gravity "to prevent any possibility of dangerous tilting or toppling" (EX2200, 67:23-68:11), yet admits his reversal places the forward cups "forward and lower" of all four cups in unmodified Figure 15, which "affects the center gravity" (EX2200, 94:7-17). He performed no testing or CAD analysis to confirm the result would be stable. EX2200, 70:2-16.

VI. CONCLUSION

For the reasons discussed, Petitioner fails to meet its burden of persuasion. The Board should find all challenged claims not unpatentable.

Respectfully submitted,

/Warren Thomas/

Warren J. Thomas (Reg. No. 70,581)

CERTIFICATION OF WORD COUNT, 37 C.F.R. § 42.24(d)

Pursuant to 37 C.F.R. § 42.24(d), Patent Owner certifies that the foregoing Patent Owner's Sur-Reply contains 5,586 words, excluding the portions as permitted by § 42.24(a).

/Warren Thomas/

Warren J. Thomas (Reg. No. 70,581)

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) and agreement of the parties, I certify that on August 13, 2026, a copy of this paper was served on counsel for the Petitioner by email to:

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