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Paper 38
Date: September 29, 2026

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

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

DEFRANCO, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C.§ 318(a)

[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. INTRODUCTION

Baby Jogger II, LLC is the owner of U.S. Patent No. 11,731,682 B2 (Ex. 1010, "the '682 patent"). Evenflo Company, Inc. filed a Petition requesting an *inter partes* review of claims 1–16 of the '682 patent. Paper 1 ("Pet."). The Director instituted *inter partes* review of all claims as challenged in the Petition. Paper 13, at 2 ("Inst. Dec."). In due course, Baby Jogger filed a Patent Owner Response. Paper 20 ("PO Resp."). Evenflo filed a Reply (Paper 29, "Reply"). And Baby Jogger followed with a Sur-Reply. Paper 34 ("Sur-Reply"). We held an oral hearing, a transcript of which is in the record. Paper 37 ("Hr'g. Tr.").

We have authority to hear this *inter partes* review under 35 U.S.C. § 6(c). We enter this Final Written Decision pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. Evenflo, as petitioner, bears the burden of proving unpatentability of the challenged claims by a preponderance of the evidence and this ultimate burden of persuasion never shifts to Baby Jogger. *See Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015); 35 U.S.C. § 316(e); 37 C.F.R. § 42.1(d). We consider the parties' arguments and evidence in the context of this burden. As explained below, we determine that Evenflo proves, by a preponderance of the evidence, that claims 1–16 of the '682 patent are unpatentable as obvious.

II. BACKGROUND

A. Real Parties-in-Interest

Evenflo identifies itself as the real party in interest. *See* Pet. 1. Baby Jogger identifies itself, as well as Newell Brands Inc., as the real parties in interest. *See* Paper 5, at 1.

B. *Related Matters*

The parties identify the following co-pending district court actions as related to this proceeding: *Baby Jogger, LLC v. Evenflo Company, Inc.,* No. 1:24-cv-00723 (D. Del.); *Baby Jogger, LLC v. Baby Generation, Inc. d/b/a Mockingbird*, No. 1:24-cv-00725 (D. Del.); and *Baby Jogger, LLC v. Monahan Products LLC d/b/a UPPAbaby* , No. 1:24-cv-11582 (D. Mass.). *See* Pet. 1; Paper 5, at 1. Baby Jogger asserts the '682 patent only in the *Evenflo* litigation, which also includes several other patents asserted across all three litigations, namely, US 11,192,568 B2 (Ex. 1009), US 11,505,231 B1 (Ex. 1012), and US 11,878,729 B2 (Ex. 1013). Baby Jogger asserts two additional patents, US 8,955,869 B2 (Ex. 1004) and US 9,403,550 B2 (Ex. 1005), in the *Baby Generation* and *Monahan Products* litigations.

The parties also identify the following PTAB proceedings, all of which address claims in various patents within the priority chain of the '682 patent at issue here: IPR2025-01095 (US 11,505,231 B2); IPR2025-01100 (US 11,192,568 B2); IPR2025-01105 (US 8,995,869 B2); IPR2025-01106 (US 9,403,550 B2); IPR2025-01120 (US 11,878,729 B2); and IPR2025-01140 (US 11,577,771 B2). *See* Pet. 1; Paper 3, at 1; Paper 5, at 1. Of those related PTAB proceedings, the Director granted institution only in the last one—the 01140 IPR—which is currently awaiting final written decision. *See* Paper 13, at 2. The Director discretionarily denied the petition in the remaining five cases. *See* Paper 12, at 1 (denying 01105 and 01106 IPRs); Paper 13, at 1 (denying 01095, 01100, 01120 IPRs).

C. Overview of the '682 Patent

The '682 patent, titled "Removable Seat Attachment for a Stroller," issued on August 22, 2023, from U.S. Application 16/903,292, which was filed on June 16, 2020. Ex. 1010, codes (21), (22), (45), (54). The '682

patent indicates priority to several earlier applications, including U.S. Provisional 62/311,224, filed on March 21, 2016 ("the 2016 Provisional") and U.S. Provisional 61/119,920, filed on December 4, 2008 ("the 2008 Provisional"). *Id.*, codes (60), (63), 1:6–19. As discussed in greater detail below (*see infra* Section III.C), Evenflo asserts that the '682 patent is only entitled to the priority date of the 2016 Provisional, *not* the 2008 Provisional. *See* Pet. 4–5, 10–11, 17–25. Baby Jogger produces evidence to the contrary. *See* PO Resp. 9–31.

The '682 patent is generally directed to "[a] stroller configured to receive a *seat attachment* for converting a single stroller into a double stroller." Ex. 1010, 3:63–65 (emphasis added). "The seat attachment may support a seat such as, but not limited to, a stroller seat, a baby seat, a bassinet, a pram, a baby carrier, or a car seat, for example." *Id.* at 3:59–61. The front of the stroller frame includes a "seat attachment housing," such as a "cavity" or "slot," into which the seat attachment is inserted to convert the stroller into a double stroller. *Id.*, Abstract, 6:34–40, 10:3–12. Figure 8A of the '682 patent, reproduced below, depicts a single stroller converted to a double stroller "through the use of removable seat attachment adapters."[2] *Id.* at 2:33–36, 8:46–52.

[2] The '682 patent uses the terms "seat attachment" and "seat attachment adapter" interchangeably to refer to the same component for converting a single stroller to a double stroller. For instance, it uses "seat attachment" when describing Figures 2 and 3, and "seat attachment adapter" when describing the same component in Figures 8A–8H. *Compare* Ex. 1010, 2:11–17, *with id.* at 2:33–37.

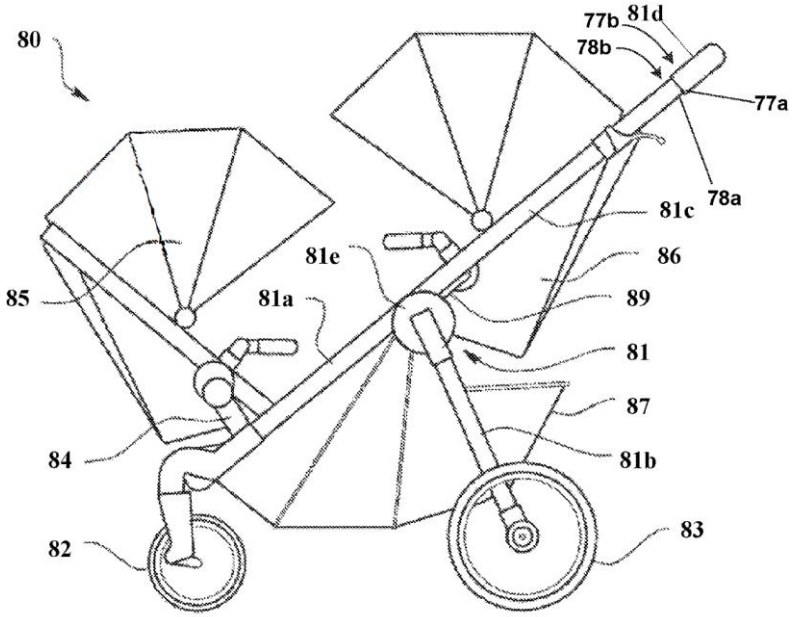


FIGURE 8A

Figure 8 is a side view of double stroller 80 with seat attachment adapter 84 connected to front support frame 81a for supporting second stroller seat 85. *Id.* at 8:50–52. As shown and described, "removable seat attachment adapter 84 is designed to be capable of supporting the second stroller seat 85 *in front of* the first stroller seat 86" and "at a vertical position that is *substantially below* the vertical position of the first stroller seat 86 when both the first stroller seat 86 and the second stroller seat 85 are

coupled to the stroller 80." *Id.* at 10:31–43 (emphases added). In other words, when connected to the stroller frame, the first and second seats progress downwardly and along the length of the stroller frame from the rear of the stroller to the front of the stroller in an inline descending configuration. "The difference in vertical positioning of the second stroller seat 85 as compared to the first stroller seat 86 provides improved access to the first stroller seat 86 from the front of the stroller 10 when both stroller seats 85, 86 are coupled to the stroller 80." *Id.* at 10:43–47.

D. Challenged Claims

Of the challenged claims, only claim 1 is independent. It recites (with bracketed nomenclature added for clarity and emphasis added for limitations in dispute):

> 1. [1.0] A stroller, comprising:
> [1.1] a stroller frame comprising *a handle portion* and a front end portion;
> [1.2] a plurality of wheels comprising a plurality of back wheels;
> [1.3] a first seat coupled to the stroller frame at a first vertical position of the stroller frame, wherein the first seat is disposed closer to the handle portion than the front end portion of the stroller frame;
> [1.4] *a first seat attachment housing coupled to the stroller frame at a second vertical position of the stroller frame that is below the first vertical position*, wherein a first front wheel and a second front wheel extend from the front end of the stroller;
> [1.5] a second seat attachment housing coupled to the stroller frame at a third vertical position of the stroller frame that is below the first vertical position, wherein the third vertical position is closer to the front end portion than the handle portion;
> [1.6] *a first seat attachment adapter spaced from and coupled to the first seat attachment housing by a first attachment frame member*; and
> [1.7] a second seat attachment adapter spaced from and coupled to the second seat attachment housing by a second attachment frame member;
> [1.8] *wherein the first seat and the second seat,*[3] *when connected to the frame, are arranged in an inline descending configuration along the stroller frame*.

[3] Claim 1 does not provide antecedent support for "the second seat," nor does it recite where or how the second seat is "connected . . . along the frame." Instead, the second seat is not affirmatively recited until dependent claim 3.

Ex. 1010, 17:6–33.

E. Asserted Challenges

Ground	Claims Challenged	35 U.S.C. §	Basis
1	1–16	103	Rolicki (Ex. 1047)
2	1–9, 13–16	103	Liao (Ex. 1048)
3	10–12	103	Liao, Cheng (Ex. 1049)
4	1–16	103	Offord '341 (Ex. 1051), Offord '797 (Ex. 1054)

In support of these challenges, Evenflo relies, *inter alia*, on the expert testimony of Douglas S. Prairie, P.E. *See* Exs. 1001, 1082. Baby Jogger relies, *inter alia*, on the expert testimony of Kimberly Cameron, Ph.D., P.E. *See* Ex. 2011. Baby Jogger also submits the cross-examination testimony of Evenflo's expert witness. *See* Exs. 2100, 2200.

III. ANALYSIS

A. Level of Ordinary Skill in the Art

Baby Jogger does not dispute Evenflo's definition of the level of ordinary skill in the art, which is that a person of ordinary skill in the art (hereinafter, "one skilled in the art") would have had "a bachelor's degree in a relevant field (*e.g.*, mechanical engineering or industrial design) and at least two years of product design experience and/or industry experience with juvenile products" and that "[m]ore education can replace product design experience, and vice versa." Pet 8 (citing Ex. 1001 ¶¶ 31–33); PO Resp. *generally*. We apply that definition here, as it accords with the problems addressed in the prior art and the specification of the '682 patent.

B. Claim Construction

1. "handle portion"

In the Petition, Evenflo applies the plain and ordinary meaning of "handle portion" as proposed by Baby Jogger in one of the related district court actions (*supra* Section I.B), which is the "portion of frame coupled to the left and right upper tube support frame." *See* Pet. 16 (citing Ex. 1055, at 14). Baby Jogger does not oppose that construction. *See* PO Resp 6. As such, we adopt that agreed upon construction.

2. "wherein the first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration along the stroller frame"

In its Petition, Evenflo offers no construction for the "inline descending configuration" limitation of claim 1. *See* Pet. 15–17 (construing only "handle portion"). On the other hand, Baby Jogger argues that Evenflo's application of the prior art construes this limitation "with reference to a hypothetical occupant's body position." PO Resp. 6–7 (citing Pet. 40–41, 68). According to Baby Jogger, "inline descending configuration" should be defined by "the point at which each seat connects to the frame via its seat attachment adapter." *Id.* at 7; *see also id.* at 8–9 ("the relevant configuration is defined by the structural mounting points—the locations where the seats connect to the seat attachment adapters—not by occupant positioning."). In support, Baby Jogger contends that, by reciting "when connected to the frame," the claim language itself "anchors the 'inline descending configuration' to the structural relationship between the seats and the frame—specifically, the point at which each seat connects to the frame via its seat attachment adapter." *Id.* at 7 (citing Ex. 2011 ¶ 36). Baby Jogger also points to the '682 patent's disclosure of "the seat

attachment adapters as the structural intermediaries that define how and where each seat is positioned on the frame." *Id.* at 8 (citing Ex. 1010, 10:24–33, 11:38–12:2, 12:9–10, 13:53–55, Figs. 3, 8A).

At the outset, we note that the claim language requires only that "the first seat and the second seat" be arranged in an inline descending configuration, not that the seat's mounting points or other physical connections be so arranged. Ex. 1010, 17:31–33. Baby Jogger improperly reads "seats" out of the claim and substitutes the seat's "mounting points" on the frame. A proper reading of the claim language focuses on what happens *when* both seats are connected to the frame, not *where* they are so connected. In other words, "when connected to the frame" simply emphasizes that *both* seats must be connected to the frame to form the inline descending configuration, as opposed to the single stroller embodiment of Figure 1, where there cannot be an inline descending configuration because only one seat is connected to the frame and the other seat is removed, i.e., not connected to the frame.

That reading is supported by the specification of the '682 patent, which anchors inline descending configuration to the relative arrangement of the seats along the length of the stroller frame, not to their connection points on the frame. For instance, in describing the double stroller embodiment of Figure 3, reproduced below, the specification simply uses the term "inline configuration" to describe the arrangement of first and second stroller seats 13A and 13B along stroller frame 12.[4] Ex. 1010, 6:59–60.

[4] The plain meaning of "inline" is "having the parts or units arranged in a straight line." *Merriam-Webster's Collegiate Dictionary*, at 601 (10th ed. 2000) (Ex. 3001).

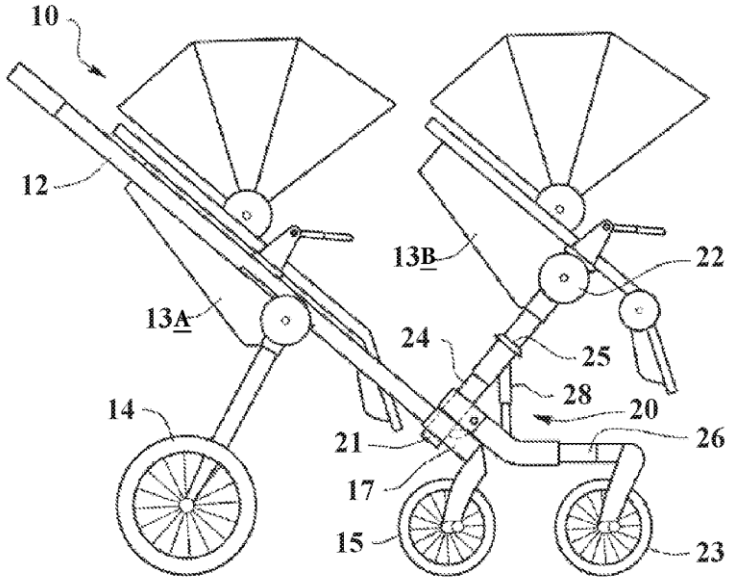


FIGURE 3

Figure 3 is a side view of single stroller 10 with seat attachment 20 connected to stroller frame 12 to form a double stroller. *Id.* at 6:54–59. As shown above, stroller seats 13A and 13B are arranged one directly in front of the other, *and at the same height*, along the length of stroller frame 12. Notably, the specification describes the seat arrangement in Figure 3 as follows: "The double stroller configuration is shown with *two stroller seats 13A 13B in an inline configuration*." Ex. 1010, 6:57–60 (emphasis added). That stroller seats 13A and 13B in Figure 3 are described as simply being in "an inline configuration," as opposed to "an inline *descending* configuration," even though their connection points to stroller frame 12 are in a descending configuration as the frame slopes from the handle portion to the front of the stroller, confirms that each of those phrases is referencing the arrangement of the seats themselves and not their connection points to the frame. Indeed, that understanding is supported by contrasting the "inline configuration" of the stroller seats in Figure 3 of the '682 patent, which shows the seats arranged one in front of the other and at

the *same* height, with the configuration of the seats in Figures 8A–8H of the '682 patent, which shows the seats arranged one in front of the other but at *different* heights.

For example, Figure 8A of the '682 patent, reproduced below, depicts first stroller seat 86 and second stroller seat 85 as arranged not only in an "inline configuration," as shown in Figure 3 above, but also in a *descending* configuration along the length of stroller frame 81.

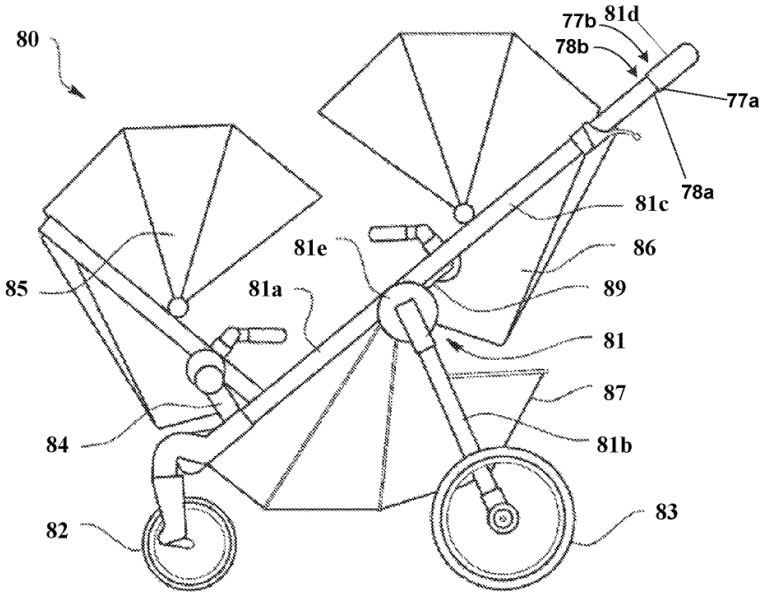


FIGURE 8A

Figure 8 is a side view of a single stroller converted to a double stroller through the use of seat attachment adapter 84. Ex. 1010, 8:46–50. As shown and described, "[t]he removable seat attachment adapter 84 is designed to be capable of supporting the second stroller seat 85 *in front of* the first stroller seat 86" and "at a vertical height that is *substantially below* the vertical height that the first stroller seat 86 attaches to the stroller frame 81." *Id.* at 10:31–39 (emphases added). Indeed, the '682 patent explains

the very benefit of this inline descending configuration— "The difference in vertical positioning of the second stroller seat 85 as compared to the first stroller seat 86 provides *improved access* to the first stroller seat 86 from the front of the stroller 10 when both stroller seats 85, 86 are coupled to the stroller 80." *Id.* at 10:43–47 (emphasis added).

So, despite both the Figure 3 and Figure 8A embodiments depicting the frame-to-seat connection points similarly arranged in a descending fashion along the stroller frame, the specification of the '682 patent describes the Figure 3 embodiment only in terms of the seats being in an inline configuration, whereas it describes the Figure 8A embodiment in terms of the seats being in both an inline (one "in front of" the other) and descending (one "substantially below" the other) configuration. That indicates it is the relative arrangement of the seats themselves along the stroller frame, not their connection points to the frame, that matters when understanding "inline descending configuration" in the context of claim 1.

Indeed, the phrase "inline descending configuration" is simply another name for what is typically referred to in the stroller industry as "stadium-style seating," whereby "the front seat is oriented at a lower vertical position than the back seat" so as "to provide improved visibility and accessibility for the child seated in the rear position." Ex. 1001 ¶¶ 71–77. In other words, *when* connected to the frame, the height of the seats slopes downwardly along the length of the frame from the handle portion to the front of the stroller.

Thus, consistent with the plain meaning of the claim language and the specification of the '682 patent, as well as the knowledge in the art, we construe the "inline descending configuration" limitation of claim 1 to mean that, once the first seat and the seat attachment adapter for the second

seat are connected to the frame, the second seat is arranged in front of, and below, the first seat along the length of the stroller frame.

C. Ground 1—Obviousness Over Rolicki

Evenflo challenges claims 1–16 as obvious over Rolicki. *See* Pet. 32–56. Baby Jogger does not dispute Rolicki's disclosure of the subject matter of those claims, but instead contests Rolicki's qualification as prior art. We find that Baby Jogger has the better position.

Although Evenflo, as the petitioner, has the ultimate burden of persuasion to prove unpatentability, it also has the initial burden of production, which it satisfies by arguing that Rolicki discloses the subject matter of the challenged claims. *See* Pet. 32–56; *see also Dynamic Drinkwater*, 800 F.3d at 1379. Evenflo argues that Rolicki is prior art because the provisional application on which the '682 patent relies for priority—the 2008 Provisional[5]—lacks written description support for

[5] In discussing the 2008 Provisional, the parties also incorporate the written description and figures of a "2009 Non-Provisional," namely, US 2010/0140902 A1 (Ex. 1003), which is a published application filed in 2009 that claims priority to the 2008 Provisional and substantially tracks the written description of the 2008 Provisional, but includes clearer figures. *See* Pet. 20 (referencing "2009 Non-Provisional/2008 Provisional" together as the priority filing); PO Resp. 10 n.4, 27 (discussing "whether the 2008 Provisional or 2009 Non-Provisional conveyed possession of the claimed subject matter."); Pet. Reply 6–7, 15–16 (referring to both the "2008 Provisional" and "2009 Non-Provisional" as the relevant priority filings). Indeed, the parties' experts confirm that the two disclosures are essentially the same. *See* Ex. 1001 ¶¶ 102–103 (confirming "[t]he figures and Description section of the [2009] Non-Provisional appear to be very similar to what is disclosed by the [2008] Provisional Application"); *see also* Ex. 2011 ¶¶ 47–49 (confirming same). Thus, we refer to the 2008 Provisional and 2009 Non-Provisional collectively as "the 2008 Provisional."

three claim limitations, namely, (1) "handle portion," (2) "seat attachment adapters" and "seat attachment housings," and (3) "vertical position." *See* Pet. 20–24; *see also* Pet. Reply 7–19 (arguing same).

Once Evenflo satisfied its initial burden on this issue, the *burden of production* then shifted to Baby Jogger to show that either: (1) the challenged claims are not obvious over Rolicki; or (2) the challenged claims are entitled to the benefit of the filing date of the earlier 2008 Provisionals, thereby disqualifying Rolicki as prior art. Baby Jogger chose the latter option. In particular, Baby Jogger argues that Rolicki is *not* prior art because the earlier 2008 Provisional "conveys with reasonable clarity" to one skilled in the art of stroller design that the inventor was "in possession" of the three limitations that Evenflo contends lack written description support. *See* PO Resp. 21–37 (citing *PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1306 (Fed. Cir. 2008)). We now address the parties' positions as to each of those limitations.

1. "handle portion"

Baby Jogger argues that the 2008 Provisional provides written description support for the claimed "handle portion" because "other than its labeling," Figure 8 of the 2008 Provisional is "the *same figure*" as Figure 8A of the '682 Patent. Pet. 10. In support, Baby Jogger submits a side-by-side comparison, reproduced below, of Figure 8A from the '682 patent (Ex. 1010) and Figure 8 from the 2008 Provisional (Ex. 1003). *Id.* at 11.

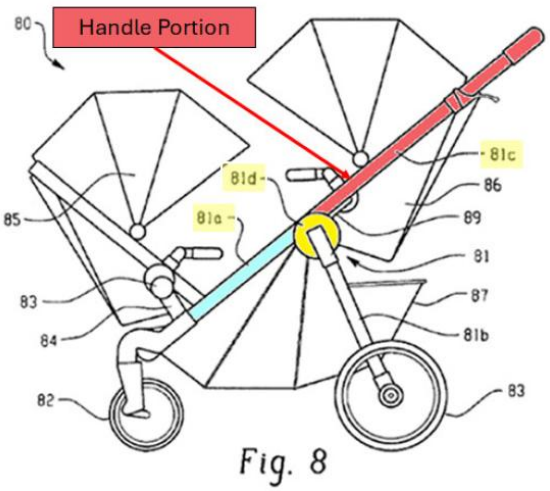
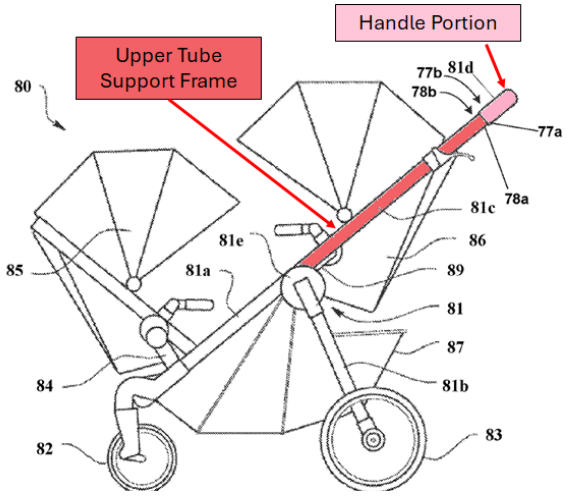


Fig. 8



Ex. 1003, Fig. 8 **Ex. 1010, Fig. 8A**

Annotated Figure 8 of the earlier 2008 Provisional (above left) identifies the handle portion generally as element 81c (red-colored structure) of the stroller frame, while annotated Figure 8A of the '682 patent (above right) identifies the handle portion as only the top-most portion 81d (pink-colored structure) of the stroller frame.[6] More specifically, the 2008 Provisional explains that "the frame 81 comprises a front wheel support portion 81*a,* a back wheel support portion 81*b,* and a

[6] We reproduce the annotated figures from EvenFlo's Petition for clarity's sake, but Baby Jogger relies on the same figures, albeit unannotated, in its Patent Owner Response. *Compare* Pet. 22–23, *with* PO Resp. 11.

handle portion 81*c*." Ex. 1003 ¶ 43. The '682 patent, in turn, expands on that description by dividing the originally described "handle portion 81*c*" of the 2008 Provisional into two components, namely, "a pair of upper tube support frames 81*c*" and "a handle portion 81*d* having a first end coupled to the left upper tube support frame 81*c* and a distal second end coupled to the right upper tube support frame 81*c*." Ex. 1010, 8:59–67.

With those disclosures in mind, Baby Jogger argues that, because the figures in the 2008 Provisional depict the "same stroller, same structure, just a different label" than the '682 patent, one skilled "in the art of stroller design would have no difficulty" identifying the handle portion in the 2008 Provisional regardless of the different labeling. PO Resp. 11 (citing Ex. 2011 ¶¶ 50–57). In support, Baby Jogger submits expert testimony that—

> a handle is an easily recognized stroller component. It is the structure at the upper rear of the stroller frame that allows the caregiver to grip and push the stroller. . . . Figures 1, 3, 5, 8, and 9A–9F of the 2008 Provisional (EX1002) and the 2009 Non-Provisional (EX1003) depict this structure. In each figure, the upper rear portion of the stroller frame is visible at the top of the illustration, forming the structure that a user would grasp. A POSA would recognize this structure as the 'handle portion' of the stroller frame, without any need for the specification to use those particular words.

Ex. 2011 ¶¶ 50–51.

We find that testimony persuasive, for it shows what one skilled in the art would have recognized the 2008 Provisional as necessarily disclosing. The relevant inquiry is whether the disclosure of the prior application "convey[s] with reasonable clarity to those skilled in the art that, as of the filing date sought, the inventor was in possession *of the invention*." *PowerOasis*, 522 F.3d at 1306 (emphasis in original; citation

omitted). "While a prior application need not contain precisely the same words as are found in the asserted claims, . . . the prior application must indicate to a person skilled in the art that the inventor was 'in possession' of the invention as later claimed." *Id.* In other words, "to satisfy the written description requirement, 'the missing descriptive matter must necessarily be present in the [original] application's specification such that *one skilled in the art* would recognize such a disclosure.'"[7] *Id.* (quoting *Tronzo v. Biomet, Inc.,* 156 F.3d 1154, 1159 (Fed. Cir. 1998) (emphasis added). "This requires that the written description actually or inherently disclose the claim element." *Id.* at 1306–07. Moreover, a drawing may supply written description for the arrangement it depicts even though the text describes that arrangement in different terms. *See Cooper Cameron Corp. v. Kvaerner Oilfield Prods., Inc.*, 291 F.3d 1317, 1319–23 (Fed. Cir. 2002).

Here, Evenflo's arguments demand far more than what the law requires, insisting that the 2008 Provisional use the same terminology as the later provisional application—i.e., "the 2016 Provisional"—from which the '682 patent also claims priority. *See* Pet. Reply 7–14. According to Evenflo, the 2008 Provisional defines the handle portion to be "more than" what a caregiver grips to push the stroller—"it is the *entire upper bar structure* above the 'folding mechanism,' used to locate the upper 'stroller seat 86,'" whereas the later 2016 Provisional "redefines" the

[7] EvenFlo repeatedly faults Baby Jogger for invoking the understanding of one skilled in the art when assessing the disclosure of the 2008 Provisional, alleging "[t]here has to be a literal disclosure of [the claimed device] within the supporting documents." Hr'g. Tr. 18:13–14. That is not the law, as discussed above.

handle portion to be "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" such that the handle portion and the upper tube support frames are "*separate pieces* . . . that are coupled to one another." *Id.* at 7–9 (citing Ex. 1006, 8, Fig. 1A) (emphases added); *see also* Ex. 1001 (¶¶ 209–210, 214. "That was a structural change," Evenflo alleges, "neither disclosed nor contemplated by the 2008 Provisional." *Id.* at 9.

We disagree. Evenflo's argument hinges on the implausible premise that one skilled in the art of stroller design, looking at Figure 8 of the 2008 Provisional (Ex. 1003), would be unable to distinguish the uppermost rear portion of tubular frame element 81*c* that a user actually grips with their hands from the diagonally vertical portions that actually support the seat. Although Figure 8 of the 2008 Provisional may label the entirety of element 81*c* as "a handle portion," the figure clearly shows boundary lines dividing element 81c into structural segments that serve different purposes, as shown below.

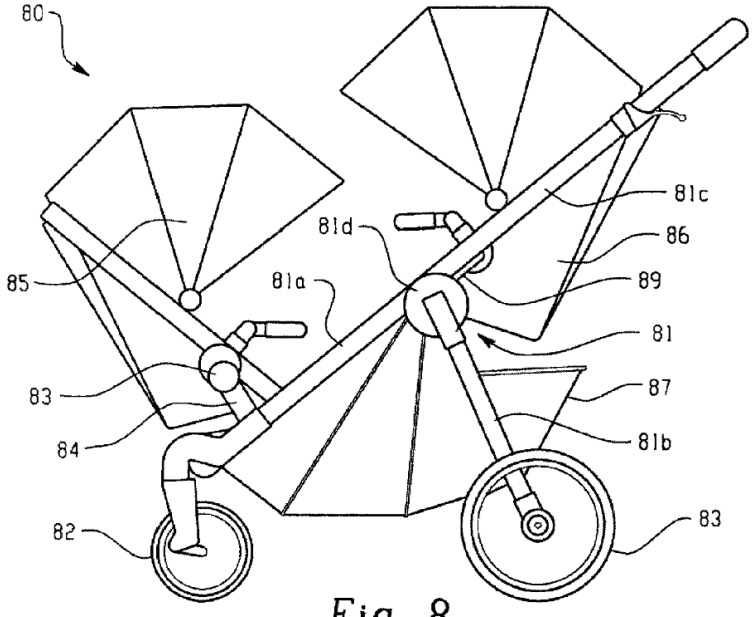


Fig. 8

Based on the above-depicted boundary lines, one skilled in the art of stroller design would have no difficulty recognizing that the uppermost rear portion of element 81*c* is the handle by which a user grips and pushes the stroller, whereas the lower diagonal portions of element 81*c* are supports to which the upper seat is attached. *See* Ex. 2011 ¶¶ 51, 54–55. Indeed, regardless of its labeling, Figure 8 of the 2008 Provisional depicts the very same stroller frame and structural features as Figure 8A of the '682 patent (and its 2016 Provisional). *See id.* ¶¶ 52–53. In other words, the only difference between the two disclosures is the granularity of their labeling, not the physical structure depicted. Thus, one skilled in the art of stroller design looking at Figure 8 of the 2008 Provisional would easily and clearly recognize that only the uppermost rear portion of element 81*c*, not the entirety of element 81*c*, is the handle portion that the user grips to push the stroller. That understanding is bolstered by the fact that the handle portion of a stroller is a common and easily identifiable component situated at the rear of the stroller frame, as Baby Jogger's expert credibly testifies and Evenflo's expert never rebuts. *Compare* Ex. 2011 ¶ 50, *with* Ex. 1001 ¶¶ 208–217.

Although not dispositive, one last reason defeats Evenflo's argument. We see an inconsistency in Evenflo's arguments regarding what one skilled in the art would have understood from drawings alone. In challenging the claimed subject matter as obvious over the design patent of Liao (*see infra* Section II.D), Evenflo has no trouble identifying the claimed "handle portion" in Liao's design drawings despite the lack of any textual description. Although the law explains that a disclosure that merely renders claimed subject matter obvious does not necessarily provide written description support thereof, here we find that one skilled in

the art would have understood the drawings in the 2008 Provisional as sufficiently clear to do so. Similarly, Evenflo relies solely on the boundary lines in Liao's Figure 1, as reproduced below, to argue that one skilled in the art would have understood that figure as disclosing the claimed "handle portion." *See* Pet. 59–59 (citing Ex. 1048, Fig. 1; Ex. 1001 ¶¶ 361–362).

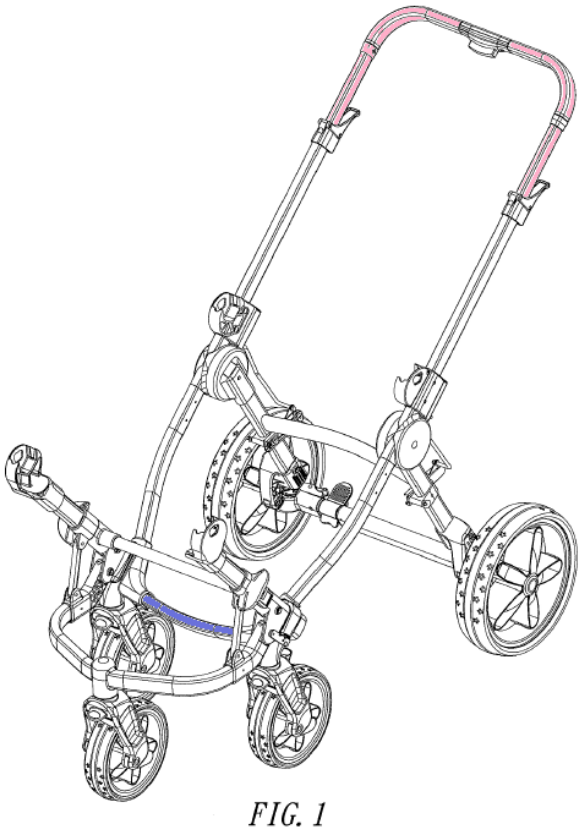


FIG. 1

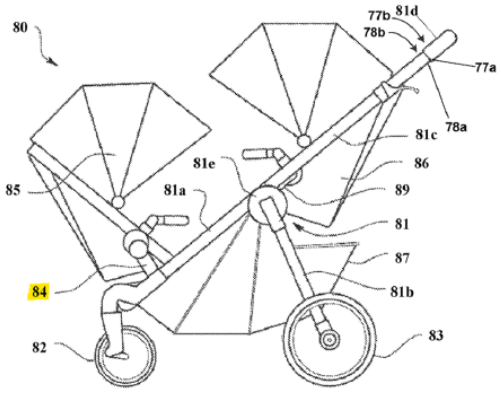
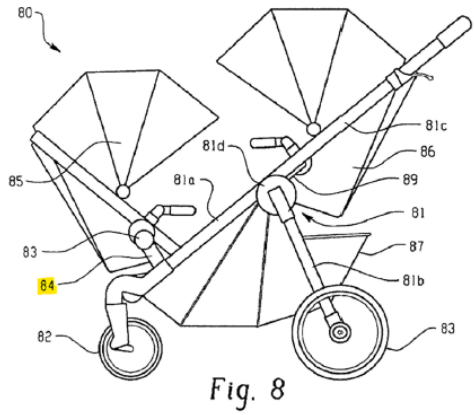
In particular, Evenflo annotates Liao's Figure 1 to show that one skilled in the art of stroller design "*would understand* that Figure 1 of Liao discloses a stroller frame with a 'handle portion' (pink)" (and not merely that it would render that subject matter obvious). *See* Pet. 58 (citing Ex. 1001 ¶¶ 361–362) (emphasis added). Evenflo cannot have it both ways. It cannot, on the one hand, rely on the boundary lines in the drawings of Liao's stroller frame to identify the claimed "handle portion," while, on the other hand, fault Baby Jogger for doing the same in the 2008 Provisional,

which depicts a stroller frame comparable to Liao's. Thus, we reject the notion that one skilled in the art of stroller design would have been unable to recognize the boundary lines in the stroller frame depicted the 2008 Provisional as necessarily disclosing the claimed "handle portion."

For all the above reasons, we find that Baby Jogger proves that the 2008 Provisional provides written description support for the claimed "handle portion."[8]

2. "seat attachment adapters" and "seat attachment housings"

We begin with Baby Jogger's showing for how the 2008 Provisional provides written description support for the claimed "seat attachment adapter." In particular, Baby Jogger submits a side-by-side comparison, reproduced below, of Figure 8A from the '682 patent (Ex. 1010) and Figure 8 from the 2008 Provisional (Ex. 1003). *See* PO Resp. 14–15.

EX1010.	EX1003.
 FIGURE 8A	 Fig. 8

[8] We have considered EvenFlo's reliance on "the '543 patent" and "the '305 CIP," which are in the priority chain of the '682 patent (*see, e.g.*, Pet. Reply 11–12, 16), but find such evidence is outweighed by disclosures within the four corners of the 2008 Provisional.

As shown, Figure 8 of the 2008 Provisional (Ex. 1003) includes "the same element bearing the same reference number 84" as Figure 8A of the '682 patent. *Id.* at 15. The only difference, Baby Jogger explains, is that the 2008 Provisional refers to it as a "seat attachment portion" or "seat support portion," rather than "seat attachment adapter" as claimed in the '682 patent. *Id.* (citing Ex. 1002 ¶ 34; Ex. 1003 ¶ 44). Otherwise, Bay Jogger contends, the figures show "the same element, the same structure, the same function, and the same location—just a different name." *Id.* And, as Baby Jogger notes, "the 2008 Provisional and the '682 Patent describe the function of element 84 in nearly identical terms," that is, "capable of supporting a second stroller seat in front of the first." *Id.* (citing Ex. 1002 ¶ 34; Ex. 1010, 10:31–33).

Similarly, Baby Jogger contends that the 2008 Provisional provides adequate written description support for the claimed "seat attachment *housing*." *Id.* at 16–19. At the outset, we note that the '682 Patent defines "seat attachment housing" as being disposed along the stroller frame and into which "seat attachment adapter 84" is "removably coupled." *See, e.g.,* Ex. 1010, 10:2–5 ("[S]eat attachment adapters can be coupled to the frame by coupling the adapter 84 into a seat attachment housing disposed along the frame 81."); *id.* at 10:26–29 ("[S]eat attachment adapter 84 is configured to have a first end that is removably coupled to the frame 81 and/or seat attachment housing."). According to Baby Jogger, the 2008 Provisional discloses such a structure in multiple places, albeit using different words. PO Resp. 16–17. For example, the 2008 Provisional describes "connector portions 17" that allow seat attachment portion, as depicted in Figure 8, "to be connected to the front of the stroller." Ex. 1002 ¶ 20; Ex. 1003 ¶ 30. Baby Jogger submits Figure 1 of the 2008

Provisional to illustrate connector portions 17 on stroller frame 10. *See* PO Resp. 19.

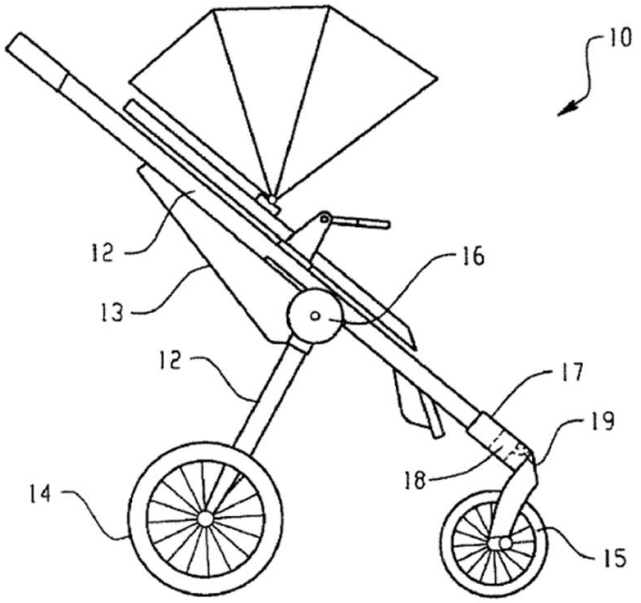


Fig. 1

Baby Jogger explains that, although connector portions 17 are not identified as such in Figure 8 of the 2008 Provisional, one skilled in the art would nonetheless recognize that "[t]hey occupy the same location and share the same appearance" as a corresponding component on the stroller frame of Figure 8, to which seat attachment portion 84 is connected. *Id.* at 18–19 (citing Ex. 2011 ¶ 62). Indeed, the 2008 Provisional discloses that connector portions 17 "allow the attachment and the seat to be connected to the *front* of the stroller 10," which is essentially the same way it describes "seat attachment portion 84" as being "connected to the stroller 80 *front* wheel support frame 81a."[9] Ex. 1002 ¶¶ 20, 36; Ex. 1003 ¶¶

[9] The parties do not dispute that "seat attachment 20," as described in connection with Figures 2 and 3 of the 2008 Provisional, refers to the same

30, 46 (emphases added). More importantly, as Baby Jogger notes, connector portions 17 "hav[e] a 'cylindrical recess' into which an 'attachment portion 21 [of the seat attachment] may be inserted." PO Resp. 16, 18 (citing Ex. 1002 ¶ 25; Ex. 1003 ¶ 35). Based on those disclosures, Baby Jogger contends, one skilled in the art would understand that the 2008 Provisional describes the same structural arrangement as claimed in the '682 Patent, that is, a seat attachment adapter ("seat attachment portion 84" or "seat attachment 20" of the 2008 Provisional) that couples to a seat attachment housing (the "cylindrical recess" in connector portion 17 of the 2008 Provisional). *Id.* at 19 (citing Ex. 2011 ¶ 62).

Evenflo replies that "[p]rior to 2016, there was no adapter, receiving cavity . . . nothing forming the housing onto the frame" of the stroller, and instead, "[a]ll 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*." Pet. Reply 15 (citing Ex. 1006, 10–23, Figs. 2–5). According to Evenflo, "[i]f [Baby Jogger] truly possessed housings and adapters in 2008, the 2016 Provisional would not have included a 'claim' directed to adapters and housings." *Id.* at 16. With that in mind, Evenflo surmises that "[t]he 2008 Provisional's figures cannot show these structures which did not exist in [the] 2008 disclosure." *Id.* at 16–17.

We disagree. As Baby Jogger notes, Evenflo's argument "rests on the premise that a change in nomenclature signals a change in structure."

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component as "seat attachment portion 84," as described in connection with Figure 8 of the 2008 Provisional.

PO Sur-Reply 11 (citing Pet. Reply 17). In other words, Evenflo incorrectly stresses whether the 2008 Provisional matches the literal wording of the later 2016 Provisional, rather than properly analyzing what the 2008 Provisional as a whole reasonably conveys to those skilled in the art of stroller design. *See Ariad Pharm.*, 598 F.3d at 1351 ("[T]he test for sufficiency is whether the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date. . . . [T]he description requirement does not demand . . . that the specification recite the claimed invention *in haec verba*."). With the proper inquiry, the 2008 Provisional provides more than adequate written description support for both the claimed "seat attachment adapter" and "seat attachment housing" of the '682 patent.

For instance, as shown in the above comparison of Figure 8 in the 2008 Provisional and Figure 8A in the '682 Patent, the underlying structure labeled as element 84 (highlighted in yellow) is the same in both. And while they may identify element 84 somewhat differently—i.e., "seat attachment portion 84" or "seat support portion 84" in the 2008 Provisional *versus* "seat attachment adapter 84" in the '682 patent—one skilled in the art would recognize them as necessarily disclosing the same physical structure, especially given the fact they both use the reference numeral "84" to identify that same structure. *Compare* Ex. 1002 ¶¶ 34, 36–37 and Ex. 1003 ¶ 44, *with* Ex. 1010, 9:65–10:5, 10:31–33. It does not take an expert to recognize the visual correspondence of those figures. Nonetheless, Baby Jogger's expert confirms as much, and we find that testimony persuasive and itself supported by the evidence. *See* Ex. 2011 ¶¶ 59–60.

Indeed, beyond their visual correspondence, both the 2008 Provisional and the '682 patent describe element 84 in nearly identical terms. Specifically, the 2008 Provisional discloses that:

> "element 84 is connected to the stroller 80 front wheel support frame 81*a*" and "is capable of supporting a second stroller seat 85 in front of the stroller seat 86"

(Ex. 1003 ¶ 46), while the '682 patent similarly discloses that:

> "element 84 is connected to and can be removably coupled to the stroller 80 front wheel support frame 81*a*" and "is capable of supporting a second stroller seat 85 in front of the stroller seat 86 (see FIG. 8A)"

(Ex. 1010, 11:57–66).

So, although the name of element 84 may have evolved between the time of the 2008 Provisional and the '682 patent, the structure, function, and location of element 84 as described therein did not change. That there were no meaningful changes to the structure, function, and location of element 84 in that time frame shows that the 2008 Provisional provides the necessary written support for the claimed "seat attachment adapter."

Turning to the claimed "seat attachment housing," the 2008 Provisional describes this claim element in terms of "connector portions 17" and "cylindrical recess 18," which are depicted in Figures 1–3 of the 2008 Provisional, as reproduced below.

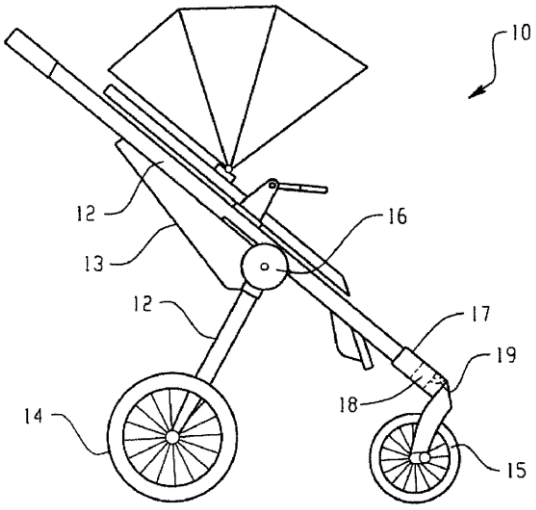


Fig. 1

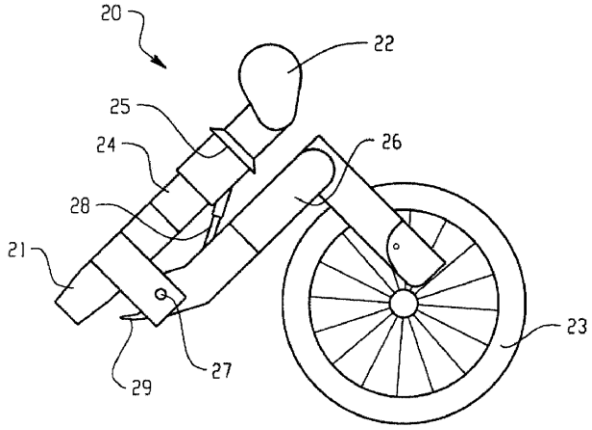


Fig. 2

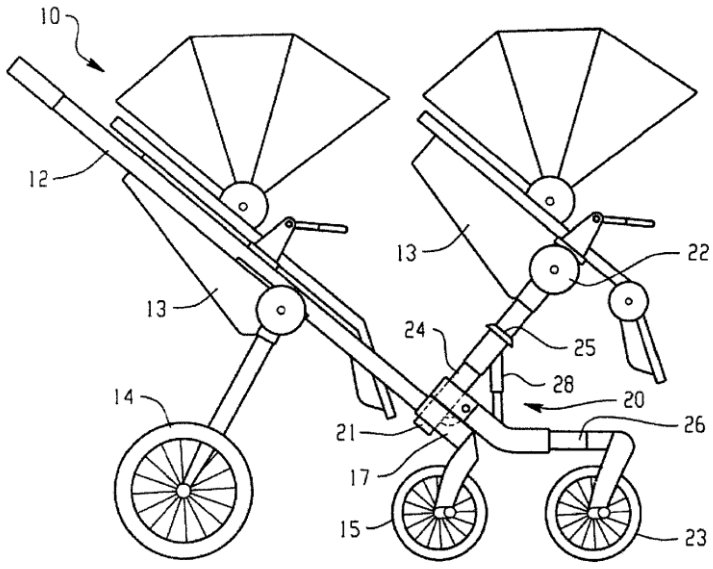


Fig. 3

As shown and described in the 2008 Provisional, "connector portions 17" are "on the front of stroller to allow the [seat] attachment [as shown in Figure 2] to be connected to front of the stroller frame 10." *See* Ex. 1002 ¶ 20; *see also* Ex. 1003 ¶ 30 (essentially same disclosure but reciting "attachment frame members 17" instead of connector portions 17). Also, as described, connector portions 17 have "a cylindrical recess 18" (Figure 1) into which seat attachment 20 (Figure 2) "may be inserted . . . to secure the [seat] attachment and convert the single stroller into a double stroller, as shown in Figure 3." Ex. 1002 ¶ 25; *see also* Ex. 1003 ¶ 35. One skilled in the art of stroller design would clearly recognize the 2008 Provisional's description of connector portions 17 and cylindrical recess 18 as disclosing the claimed "seat attachment housing" of the '682 patent. *See* Ex. 2011 ¶ 61 ("Both documents describe the same function: a receiving structure on the stroller frame into which the adapter's connector portion inserts.").

Indeed, that description in the 2008 Provisional is nearly identical to the '682 patent's description of the same receiving structure for insertion of the seat attachment. As reproduced below, the '682 patent depicts essentially the same Figures 1–3 as the 2008 Provisional, including the same structural components 17, 18, 20, and 21 that form the claimed "seat attachment housing" and "seat attachment adapter."

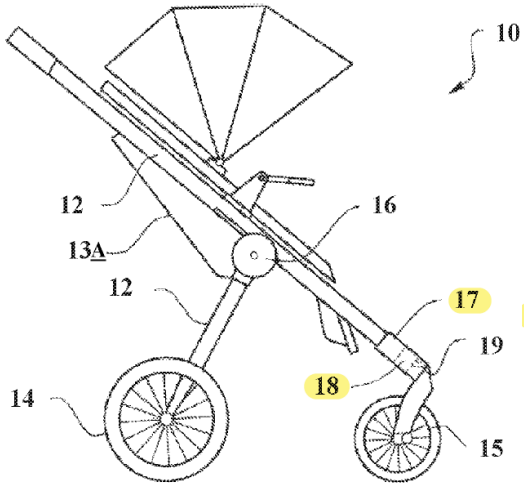


FIGURE 1

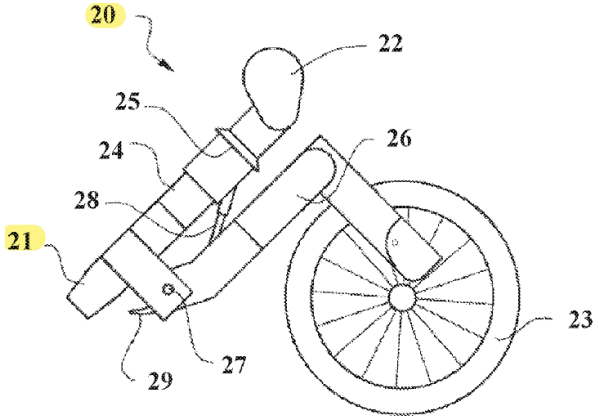


FIGURE 2

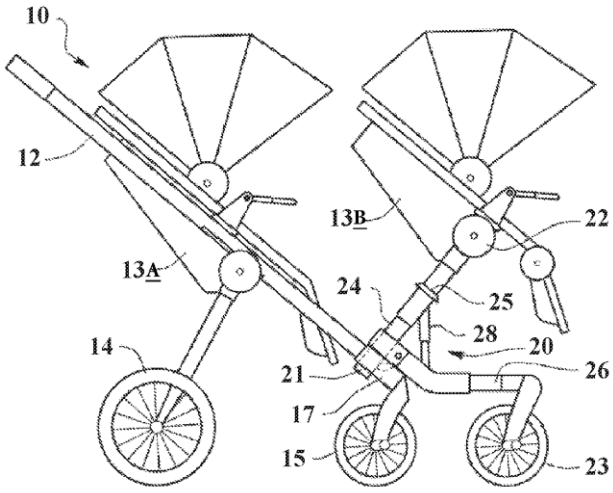


FIGURE 3

As shown above (with yellow highlight added for clarity), the '682 patent depicts and describes the seat attachment housing in terms of "attachment portion 17" having "a cylindrical or substantially cylindrical

slot 18" into which a corresponding "connector portion 21" on seat attachment 20 "may be inserted . . . to secure the seat attachment and convert the single stroller into a double stroller, as shown in FIG. 3." Ex. 1010, 6:27–40. The '682 patent also describes that slot as "*a cavity* for receiving a corresponding one of the first and second seat attachment adapters." *Id.* at Abstract (emphasis added).

So, where the earlier 2008 Provisional recites "connector portions 17" as having "cylindrical recess 18" for accommodating a corresponding seat attachment 20, the later '682 patent merely modifies that language to recite "attachment portion 17" as having a "cylindrical or substantially cylindrical slot 18" for performing the same function. *Compare* Ex. 1002 ¶¶ 20, 25, *with* Ex. 1010, 6:27–40. That the '682 patent uses the terms "attachment portion 17" and "cylindrical slot 18" rather than "connector portion 17" and "cylindrical recess 18," as used in the 2008 Provisional, is a distinction without a difference. Beyond that nominal change in labeling, there is no meaningful difference between their descriptions of elements 17 and 18 in Figure 1–3.

Nonetheless, Evenflo alleges a difference. In particular, Evenflo argues that the 2008 Provisional describes connector portions 17 "merely as front-mounted features with a 'cylindrical recess' into which '[t]he attachment portion 21 may be inserted," whereas "a 'housing' is an enclosing structural component that 'houses something' . . . , entirely absent from the 2008 disclosure." *See* Pet. Reply 15. But, in alleging that difference, Evenflo identifies a "receiving cavity" as a form of housing. *Id.* ("Prior to 2016, there was no adapter, receiving cavity, . . . or latching tab, and nothing forming the housing onto the frame."). Because the 2008 Provisional's "cylindrical recess 18" is a cavity that receives portion 21 of

seat attachment 20, it meets Evenflo's definition of a "housing." Thus, we reject the notion that the 2008 Provisional does not describe the claimed "seat attachment housing" for insertion of seat attachment 20.

In sum, we find that one skilled in the art of stroller design would have understood the 2008 Provisional's disclosure of "seat attachment portion 84" and "seat attachment 20" as necessarily describing the "seat attachment adapter" as claimed in the '682 patent, and similarly would have understood the 2008 Provisional's disclosure of "connector portions 17" and "cylindrical recess 18" as necessarily describing the "seat attachment housing" as claimed in the '682 patent, because both use nearly identical figures and descriptions to show the structure for installing and supporting a second seat on the stroller frame. *See* Ex. 2011 ¶¶ 58–64. Thus, we find that the 2008 Provisional provides written description support for "seat attachment housing" and "seat attachment adapter" as recited in claim 1 of the '682 Patent.

3. "vertical position[s]"

Claim 1 recites that the first seat is "coupled to the stroller frame at a first vertical position" and the seat attachment housing is "coupled to the stroller frame at a second vertical position of the stroller frame that is below the first vertical position" as well as "at a third vertical position of the stroller frame that is [also] below the first vertical position."

Simply looking at Figure 8 of the 2008 Provisional, reproduced below, one skilled in the art would immediately discern the three "vertical position[s]" as claimed in the '682 patent. *See* PO Resp. 23–24 (citing Ex. 2011 ¶¶ 65–66).

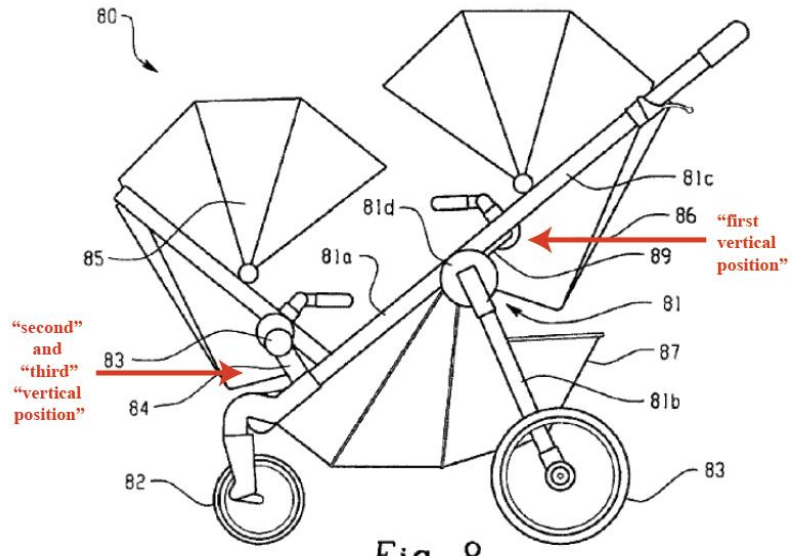


Fig. 8

As shown above and annotated by Baby Jogger, stroller seat 86 is positioned at the upper rear portion of stroller frame 81c at a "first vertical position." *See* Ex. 1002 ¶ 35; *see also* Ex. 1003 ¶ 45. As also shown, seat attachment portion 84 is connected to front wheel support frame 81a at second and third vertical positions that are lower than the first vertical position. Ex. 1002 ¶¶ 36–37; *see also* Ex. 1003 ¶¶ 46–47. And, looking at Figures 1 and 3 of the 2008 Provisional in conjunction with its Figure 8, one skilled in the art would recognize that connector portions 17 (which, as discussed above, correspond to the claimed "seat attachment housings") are likewise at vertical positions on the stroller frame that are below the vertical position of first seat 13A. *See* Ex. 1002 ¶ 20, Figs. 1, 3, 8; Ex. 1003 ¶ 30, Figs. 1, 3, 8. As Baby Jogger's expert credibly testifies, that physical arrangement of connector portions 17 at a height lower than the first seat, as shown in the 2008 Provisional, would have been understood by one skilled in the art as describing the first, second, and third vertical positions as recited in claim 1 of the '682 patent. *See* Ex. 2011 ¶¶ 65–66.

Evenflo argues 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." Pet. Reply 18. According to Evenflo, the passages in the 2008 Provisional cited by Baby Jogger "say nothing of housings coupled to the frame at successively lower positions," and, instead, "[t]he claimed relationship appears for the first time in the 2016 Provisional" that led to the '682 patent. *Id.* (citing Ex. 1001 ¶¶ 188–189; Ex. 1006, 10–11). But, neither Evenflo nor its expert rebuts Baby Jogger's reliance on Figure 1, 3, and 8 of the 2008 Provisional as showing the differences in vertical positioning of the first seat relative to the seat attachment portions 84 (Figure 8) and connector portions 17 (Figures 1 and 3). *See* Pet. Reply 18–19; Ex. 1001 ¶¶ 188–189. Instead, they focus on textual language added to the 2016 Provisional while ignoring what the figures in the 2008 Provisional plainly show. Apparently, Evenflo and its expert ignore the figures of the 2008 Provisional because the '682 patent relies on those exact same figures to illustrate the vertical positioning as claimed. *See, e.g.,* Ex. 1010, 11:61–66 ("[T]he seat support element 84 is simply forward of and positioned at a vertical level lower than the attachment point for the first stroller seat 86 (*FIG. 8A*) on the stroller 80.") (emphasis added).

We also reject Evenflo's contention that one skilled in the art would not have recognized the 2008 Provisional as possessing the "*reasoning and details* regarding the vertical positioning between the removable seats and 'attachment adapters." Pet. Reply 18–19 (citing Ex. 1001 ¶ 188) (emphasis added). That is because the 2016 Provisional's reasoning for the vertical positioning—it "provides improved access"—is not recited in the claims, nor is it a structural element. Ex. 1006, 10–11. In any event,

the 2008 Provisional states that the arrangement depicted in Figure 8 "provides convenience and versatility to a user of stroller 80." Ex. 1002 ¶ 36; Ex. 1003 ¶ 46. Moreover, as discussed above, the 2008 Provisional describes the same structural details and arrangement of the stroller seats as the 2016 Provisional. The written description requirement demands no more, and certainly does not require an explanation of every reason for the arrangement. *Cf. Nuvo Pharms. (Ireland) Designated Activity Co. v. Dr. Reddy's Labs. Inc.*, 923 F.3d 1368, 1380 (Fed. Cir. 2019) (the written description requirement "does not require theory or explanation of how or why a claimed composition will be effective"). Thus, we find that the 2008 Provisional provides adequate written description support for the "vertical position[s]" as claimed in the '682 patent.

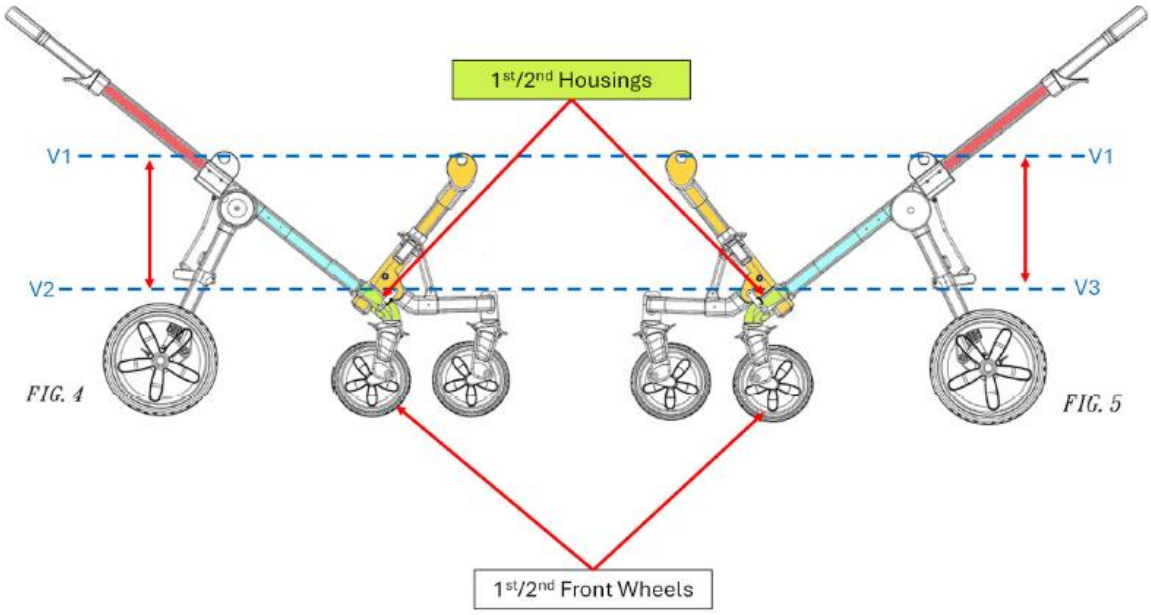
4. Conclusion

In sum, for all the above reasons, Baby Jogger persuasively demonstrates that the 2008 Provisional provides written description support under 35 U.S.C. § 112(a) for the subject matter claimed in the '682 patent, thereby entitling the '682 patent to the benefit of the earlier filing date of the 2008 Provisional. Thus, we find that Rolicki is not prior art to the '682 patent. As such, Evenflo fails to show under Ground 1 that the challenged claims are unpatentable.

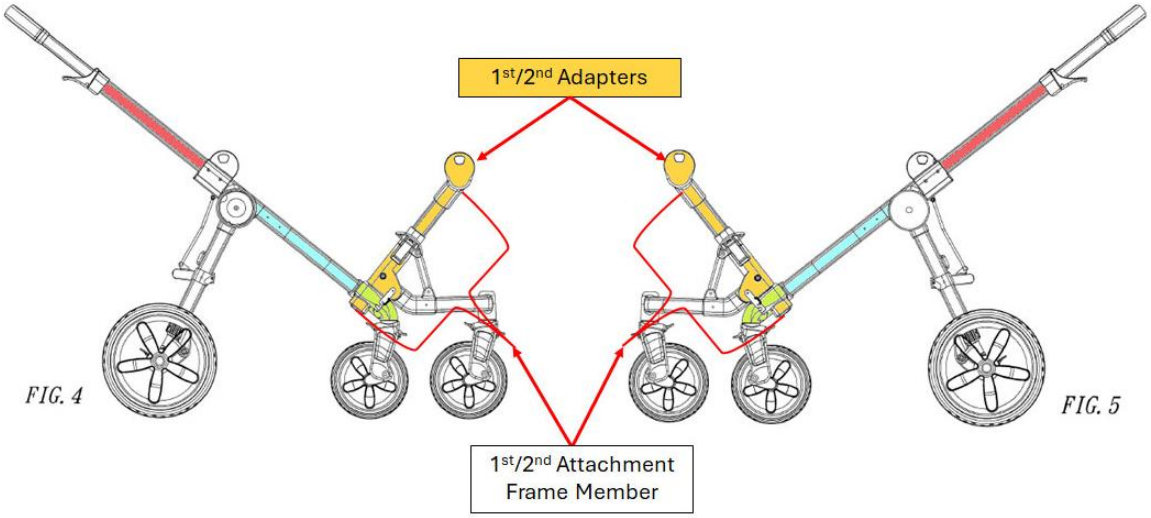
D. Ground 2—Obviousness Over Liao

Evenflo argues that independent claims 1–9 and 13–16 are unpatentable as obvious over Liao. *See* Pet. 56–80. Liao is a design patent. *See* Ex. 1048. According to Evenflo, one skilled in the art would have understood that Liao's figures are "engineering drawings sufficiently describing details and operation of the stroller shown." *See* Pet. 56 (citing Ex. 1048, Figs. 1–13; Ex. 1001 ¶ 353). In particular, Evenflo annotates

Liao's Figures 4 and 5, reproduced below, to explain how one skilled in the art would have understood Liao's stroller frame to include first and second "seat attachment housing[s]" (green) coupled to the frame and located at vertical positions (V2, V3) below the vertical position (V1) of the first seat, with first and second "seat attachment adapter[s]" (gold) coupled to the housings (green), as required by claim 1. *Id.* at 62–67 (citing Ex. 1048, Figs. 1, 4, 5; Ex. 1001 ¶¶ 372–374, 379–381).



EX1048, Figs. 4-5



As shown above, annotated Figures 4 and 5 depict left and right side views of Liao's stroller frame with first and second attachment housings (green shading) and first and second attachment adapters (orange shading) for connecting a second stroller seat. In addition, Evenflo annotates Liao's Figure 10, reproduced below, to further show how Liao discloses the stroller's first and second seats being "arranged in an inline descending configuration along the stroller frame," as recited by claim 1. Pet. 68 (citing Ex. 1048, Fig. 10).

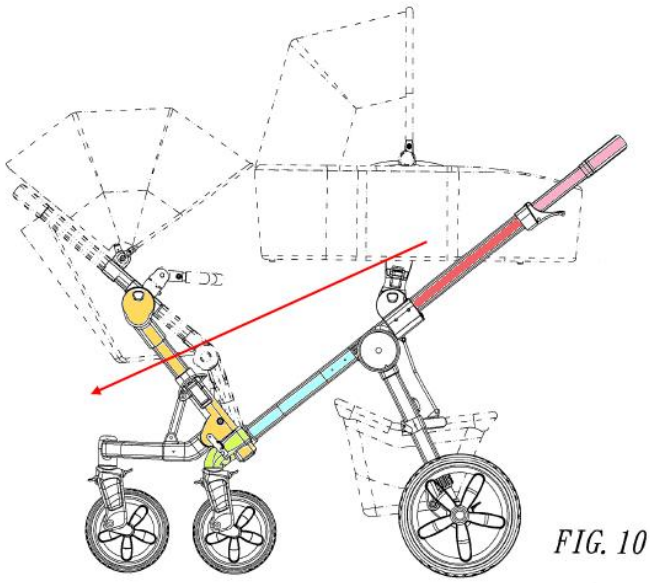
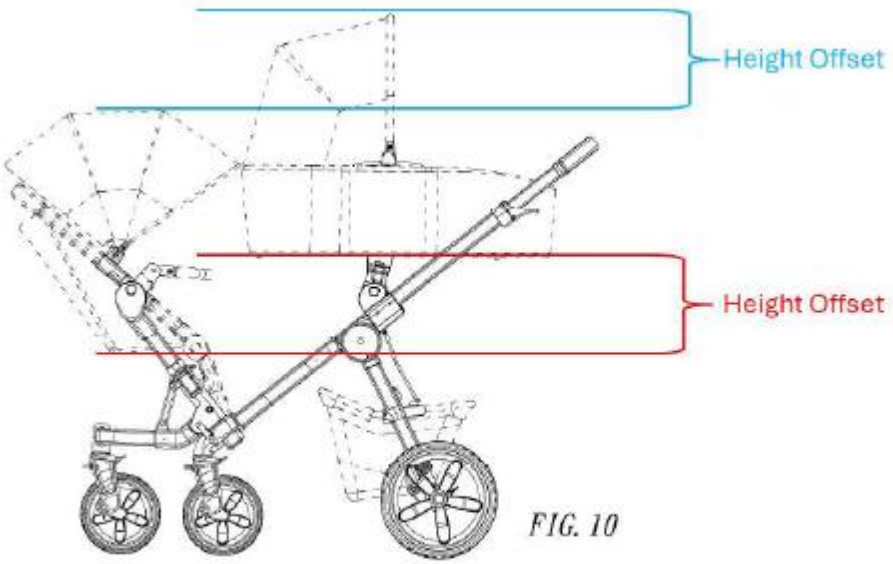


FIG. 10

As shown above, annotated Figure 10 depicts Liao's stroller frame with first and second stroller seats (dotted lines) connected to upper and lower portions of Liao's stroller frame (red and blue shading), with the seat closest to the handle portion (pink shading) being arranged higher than the seat closest to the front of the stroller. According to Evenflo, the inline descending arrangement "is visible to a POSITA by the relative vertical positioning of the seats as shown in the figures, including the general seating areas where an infant's lower body would rest." *Id.* (citing Ex.

1001 ¶ 385). In support, Evenflo again annotates Liao's Figure 10, reproduced below, to illustrate the vertical differential between the seats when connected to the stroller frame, be it measured from the bottom of both seats (red) or the top of both seats (blue). *See* Pet. Reply 20–22 (citing Ex. 1082 ¶¶ 14, 17)



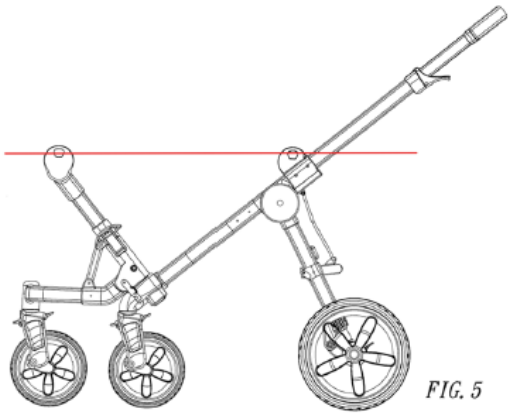
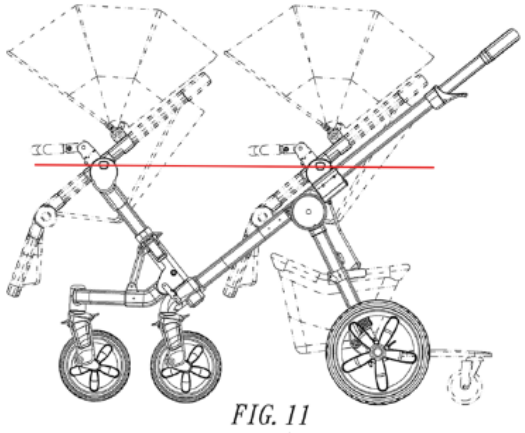
EX1082, ¶14

In response, Baby Jogger advances essentially three arguments against Evenflo's showing.[10] Before addressing those arguments, however, we note Baby Jogger's arguments center on the "inline

[10] While faulting Liao as "a design patent" that "contains no written description of structural components, no part numbers, no functional disclosure, and no claim language identifying discrete elements" (PO Resp. 32), Baby Jogger nonetheless acknowledges that a design patent may be used as prior art to invalidate a utility patent. *See* Hr'g. Tr. 39:11–20 (acknowledging Evenflo's citation to *In re Aslanian*, 590 F.2d 911, 913–14 (CCPA 1979)); *see also MemoryWeb, LLC v. Samsung Electronics, Co., Ltd.*, 2025 WL 3687250 (Fed. Cir. 2025) (holding that, "in determining obviousness, all references are assessed 'on the basis of what they reasonably disclose and suggest to one skilled in the art.'").

descending configuration" and "attachment frame member" limitations of claim 1, not the other claim elements. *See* PO Resp. 32–39 (arguing only that Liao lacks the claimed "inline descending configuration"), 45–51 (arguing that Evenflo's mapping is internally inconsistent as to the claimed "attachment frame member"); PO Sur-Reply 19–24 (same). Baby Jogger does not dispute that Liao's bassinet in Figure 10, as coupled to the upper rear portion of the stroller frame, is a "first seat" within the scope of claim 1. *See* Hr'g. Tr. 44:19–23. Indeed, claim 7 of the '682 patent, which depends from claim 1, recites "wherein the first seat is one of a baby seat, a car seat, a stroller seat, *a bassinet*, ..." Ex. 1010, 18:3–7 (emphasis added). Nor does Baby Jogger dispute that Liao discloses the claimed "handle portion," "seat attachment housing," and "seat attachment adapter" limitations of claim 1. *See* PO Resp. 45–51 (focusing on the "'attachment frame member' that couples the adapter to the housing while keeping them spaced apart").

Instead, Baby Jogger contends that Liao lacks the seats in an "inline descending configuration" because "Liao's seats are mounted at the same vertical height on the frame." PO Resp. 32; *see also id.* at 33 ("In Liao, both seats connect at the same vertical height."). Baby Jogger annotates Liao's Figures 5 and 11, as reproduced below, to support this contention. *Id.* at 34.

EX1048, Fig. 5 (annotated).	EX1048, Fig. 11 (annotated).
	

As shown above, annotated Figures 5 and 11 are right side views of Liao's stroller frame, with Figure 11 depicting first and second seats (dotted lines) arranged on the stroller frame of Figure 5. "These figures," Baby Jogger contends,

> show that the first and [second] seats, when connected to the frame's connection points, are arranged at the *same* vertical level. There is no structural offset between the first seat's mounting location and the second seat's mounting location. The seats are arranged in a level, parallel configuration along the frame, not a descending one.

Id. (citing Ex. 2011 ¶¶ 86–89). Baby Jogger also contends: "*No figure in Liao* depicts the kind of staggered, vertically offset mounting arrangement that the '682 Patent discloses and claims." *Id.* (emphasis added).

As for Evenflo's reliance on Figure 10 of Liao as showing stroller seats in an inline descending configuration, Baby Jogger argues that "[Evenflo]'s expert manufactured the appearance of a descending arrangement by drawing an arbitrary line through hypothetical infant seating positions." *Id.* at 32. According to Baby Jogger, "[the expert]'s line does not track any structural feature of Liao's stroller frame; it does

not follow a mounting point, a frame rail, or any physical connection between the seats," and, instead, "traces an imaginary path between estimated locations of two infants' buttocks, a reference point found nowhere in the '682 Patent or in Liao." *Id.* at 35.

We disagree. At the outset, we note that the foundation of Baby Jogger's argument regarding whether Liao meets the "inline descending configuration" limitation rests on its proposed claim construction, which we rejected. *See supra* Section II.B.2. Baby Jogger's incorrect claim construction impairs its analysis of Liao. The correct construction of "inline descending configuration" focuses on the arrangement of *the seats* from rear to front, and high to low, along the stroller frame (i.e., stadium-style seating), and not on where their mounting points are on the frame. *See id.* Applying that construction, we find that Evenflo's reliance on Figure 10 of Liao, *not* Figures 5 and 11, satisfies this limitation. *See* Pet. 68 (annotating Ex. 1048, Fig. 10). As shown below in the side-by-side comparison, there is no meaningful difference between the configuration of the stroller seats in Figure 10 of Liao and the configuration of the seats in Figure 8A of the '682 patent.

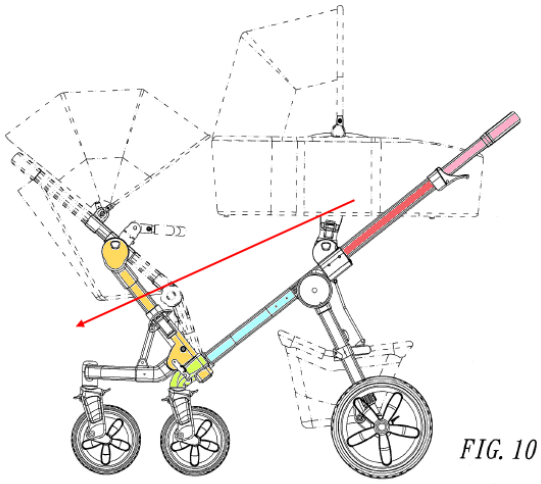


FIG. 10

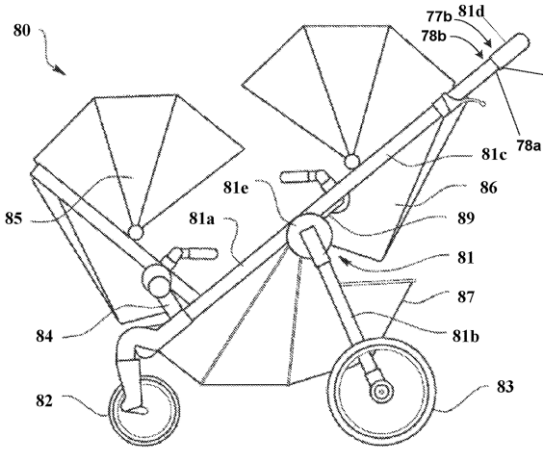
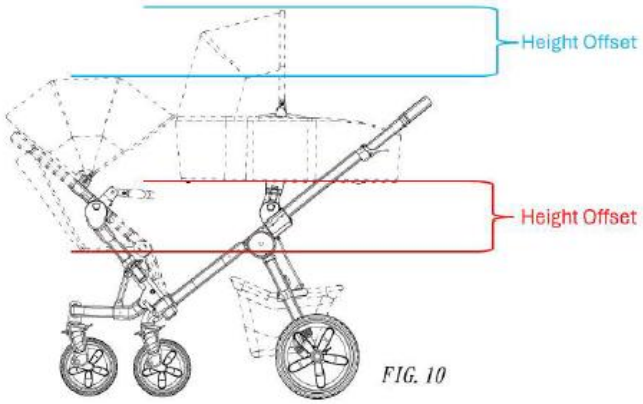


FIGURE 8A

As shown above, Figure 10 of Liao and Figure 8 of the '682 patent each depict side views of a double stroller with first and second seats arranged along the stroller frame. The seats in both Liao and the '682 patent are in an "inline descending configuration" because one seat is directly in front of, and vertically below, the other seat when connected along the stroller frame. In other words, the height of the seats in each of these figures progresses downward from the rear to the front of the stroller frame.

Indeed, Evenflo's expert credibly confirms, and the record amply supports, that Liao's Figure 10 depicts just such a stadium-style seating arrangement—

> 14. Figure 10, which I relied on in my original declaration, illustrates a height or vertical offset between the upper bassinet seat and the lower stroller seat. This offset is visually evident regardless of whether one measures from the bottom of both seats (shown in red) or the top of both seats (shown in blue).



EX1048, FIG. 10

> 15. Figure 10 of Liao discloses, without modification, the claimed requirement that "the first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration along the stroller frame." *The illustrated bassinet seat is positioned vertically above, and longitudinally rearward of, the lower front infant seat. That vertical and longitudinal offset establishes a descending in-line seating relationship along the stroller frame when viewed in the direction of the frame's length. The arrangement is analogous to a tiered seating geometry (i.e., "stadium-seating), in which the rear seating position is elevated relative to the forward seating position while remaining generally aligned.* Accordingly, a POSITA reviewing Figure 10 would understand that the two seats are arranged in an "inline descending configuration."

Ex. 1082 ¶¶ 14–15 (emphasis added); *see also* Ex. 1001 ¶ 385 (original declaration relying on Liao's Fig. 10).

Notably, Baby Jogger's expert never rebuts that testimony of Evenflo's expert, instead focusing on the "connection points" for the seats in Figures 5 and 11, while ignoring Evenflo's reliance on the relative arrangement of the seats in Figure 10. *See* Ex. 2011 ¶¶ 85–89. Like its expert, Baby Jogger also focuses on "Figures 5 and 11" as "particularly instructive" of Liao's "connection points" being "arranged at the *same* vertical level." PO Resp. 33–34 (annotating Liao's Figures 5 and 11 to

show as much); *see also* PO Sur-Reply 19–20 (focusing on "the point at which each seat connects to the frame via its seat attachment adapter"). That Baby Jogger and its expert analyze where Liao's second seat is connected to the seat attachment adapter rather than on how the second seat is arranged relative to the first seat shows they are applying an erroneous construction of "inline descending configuration" in their analysis of Liao. On the other hand, Evenflo's expert, whose testimony stands unrebutted by Baby Jogger's expert, applies the correct construction when analyzing Liao's Figure 10. *See* Ex. 1082 ¶¶ 14–15. Based on the unrebutted and credible testimony of Evenflo's expert, we find that Figure 10 of Liao shows the first seat and the second seat "arranged in an inline descending configuration along the stroller frame," as called for by claim 1.

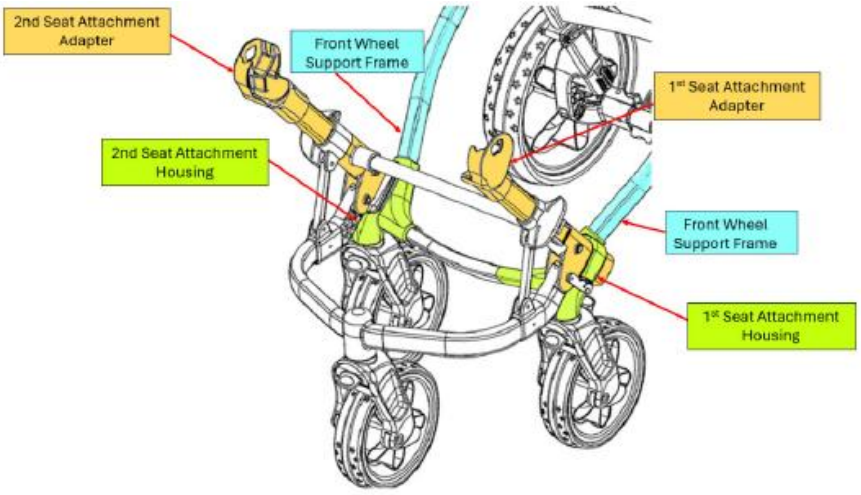
Next, Baby Jogger faults Evenflo for relying on the prosecution histories of two related applications when mapping the limitations of claim 1 to Liao.[11] *See* PO Resp. 39–45. But, contrary to Baby Jogger's assertions, neither Evenflo nor its expert relies on those prosecution histories as the sole basis of their analysis of Liao. Instead, Evenflo and its expert *independently* map each limitation of claim 1 to the engineering details depicted in Liao's figures. *See* Pet. 56–68 (repeatedly citing to Liao's figures in "Ex. 1048"); *see also* Ex. 1001 ¶¶ 353–387 (same). Although they discuss the prosecution histories of those related

[11] The prosecution histories relate to applications in the same family as the application for the '682 patent here and claim materially similar strollers. *See* Pet. 56–68 (citing Ex. 1019, at 559; Ex. 1024, at 1203–05, 1394); Pet. Reply 24–25. Although not dispositive, they are probative of what one skilled in the art (i.e., the Examiner) would understand Liao as disclosing.

applications, it is merely to corroborate the mapping of Liao to the claims, not to use the prosecution histories as its foundation. *See* Pet. Reply 24. In any event, regardless of that corroborating evidence, we find that Evenflo's detailed mapping and analysis of Liao's figures persuasively demonstrates the unpatentability of claim 1.

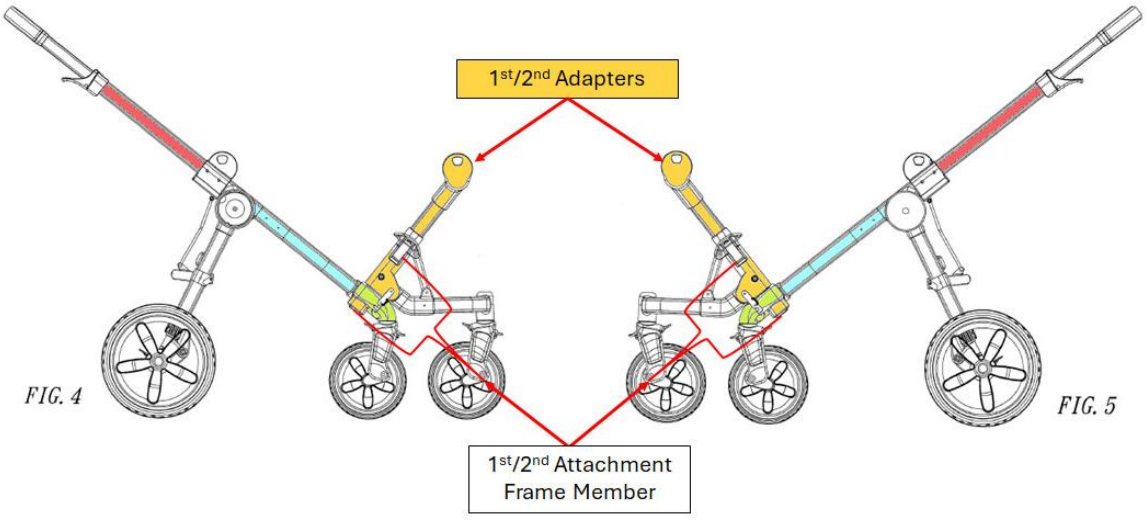
Lastly, Baby Jogger contends that Evenflo's mapping of claim 1 to Liao's figures is "internally inconsistent" as to how it satisfies claim 1's requirement of "an 'attachment frame member' that couples the adapter to the housing while spacing them apart." PO Resp. 45. According to Baby Jogger, "[Evenflo's] mapping collapses two of those three elements into one, which does not demonstrate that Liao teaches the claimed structure." *Id.* at 46–47. In particular, Baby Jogger contends that what Evenflo "identifies as the 'attachment frame member' is part of the 'adapter' itself—meaning the adapter would be spaced from and coupled to the housing by a portion of itself." We disagree.

As shown in annotated Figure 1, reproduced below, Evenflo identifies the entire gold-shaded structure in Liao as the seat attachment adapter and the green-shaded structure as the seat attachment housing. *See* Pet. 65–66; Pet. Reply 25.



EX1048, Fig. 1

As shown above, annotated Figure 1 is a perspective view of the front of Liao's stroller frame with first and second attachment housings (green shading) and first and second attachment adapters (orange shading) connected to the frame. Evenflo also annotates Figures 4 and 5 of Liao, reproduced below, to show that one skilled in the art would recognize a "*portion* of each adapter" as corresponding to the claimed "attachment frame member" because it is the portion of the adapter that attaches to the housing and spaces the seat connector portion of the adapter from the housing. Pet. 66–67 (citing Ex. 1001 ¶¶ 380–381).



As shown above, annotated Figures 4 and 5 depict left and right side views of Liao's stroller frame with a portion of the attachment adapter (orange shading) serving as the attachment frame member (red bracketing) that is inserted into, and attached within, the attachment housing (green shading). *See* Pet. 67. That mapping by Evenflo does not collapse two claim elements into one. Instead, it supports Liao's disclosure of the attachment adapter, housing, and frame member as called for by claim 1, namely, a seat attachment adapter that is "coupled to," and "spaced from," the housing by a frame member.

Indeed, Evenflo's reading of the claimed "attachment frame member" as a portion of the seat attachment adapter is no different than the way the '682 patent describes and depicts that same element. In particular, as shown in Figure 2 of the '682 patent, reproduced below, attachment frame member 24 is merely one of several portions of seat attachment adapter 20.

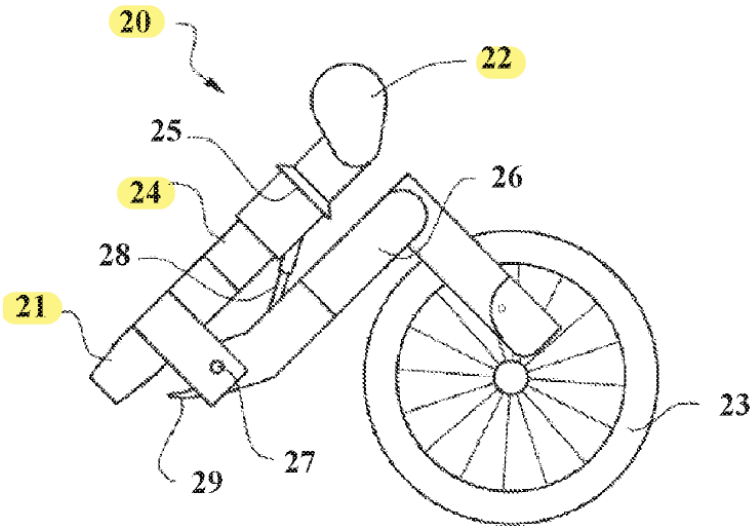


FIGURE 2

As shown above, Figure 2 is a partial side elevation view of the claimed seat attachment adapter. And, as described in the '682 patent, seat

attachment adapter 20 includes three sub-parts (highlighted in yellow)—"connector portions 21" "attachment frame members 24," and "seat support elements 22." Ex. 1010, 5:9–27. Moreover, the '682 patent explicitly describes attachment frame member 24 in terms of being a portion of seat attachment adapter 20—"Each attachment frame member 24 has a first and a second end. The first end is capable of connecting to a stroller frame and the second end can be connected to the seat support element 22." Ex. 1010, 5:24–27. That description is comparable to Evenflo's showing that Liao's frame member is simply a portion of Liao's seat attachment adapter. So, absent wheel 23 and its support frame 26 in Figure 2, which the '682 patent says are optional, we see no meaningful difference between Evenflo's reliance on a portion of Liao's seat attachment adapter as meeting the claimed "attachment frame member" and the '682 patent's description of attachment frame member 24 as being a portion of seat attachment adapter 20. Thus, Baby Jogger does not persuade us that Evenflo's mapping is internally inconsistent or otherwise improper.[12]

In the end, we find that Evenflo demonstrates, by a preponderance of the evidence, that claim 1 is unpatentable as obvious over Liao. Baby Jogger does not otherwise contest Evenflo's showing for dependent claims 2–9 and 13–16, which Evenflo also maps to Liao. *See* PO Resp. 50–51 ("Because this faulty mapping forms the foundation on which the

[12] Baby Jogger also does not persuade us that dependent claim 8 creates an inconsistency. *See* PO Resp. 47. Claim 8 concerns neither the "first" nor "second" seat attachment adapters of claim 1. Rather, claim 8 recites "third" and "fourth" seat attachment adapters *for the upper seat*, not the lower seat where the first and second adapters are located. Ex. 1010, 18:8–15.

challenges to all dependent claims rest, the failure cascades through Petitioner's Ground 2 analysis."). Thus, for the same reasons that claim 1 is unpatentable, so too are claims 2–9 and 13–16, which depend from claim 1. Evenflo persuasively shows that Liao meets each of those dependent limitations. *See* Pet. 69–80.

E. Ground 3—Obviousness Over Liao and Cheng

Evenflo challenges dependent claims 10–12 as obvious over the combined teachings of Liao and Cheng. *See* Pet. 80–91. Claim 10 recites that the stroller's support frames are "configured to rotate" relative to each other. Ex. 1010, 18:19–30. Claim 11 recites how the first seat and the attachment housing for the second seat are coupled to the support frames, while claim 12 recites how the handle portion is coupled to the support frames. *Id.* at 18:31–40.

For claim 10, Evenflo relies on Liao for disclosing the claimed support frames (Pet. 80–81, 86–87) and Cheng for teaching "folding mechanisms" for coupling the support frames of a baby stroller and asserts it would have been obvious to add Cheng's folding mechanism to Liao's stroller because "Liao and Cheng in the unfolded position share common structural similarities in terms of baby stroller design, including the location of where the folding mechanism would be placed" (*id.* at 83–85). Evenflo relies on Liao for disclosing the limitations of claims 11 and 12. *Id.* at 87–91.

Baby Jogger does not contest Evenflo's showing for Ground 3 except to argue that it "fails for the same reasons as Ground 2." PO Resp. 51. As discussed above, we are not persuaded by Baby Jogger's arguments for Ground 2. Moreover, we find Evenflo's showing for claims

10–12 persuasive and supported by the evidence of record and adopt the reasoning therein as our own. *See* Pet. 80–91. Thus, we determine that Evenflo demonstrates, by a preponderance of evidence, that dependent claims 10–12 are unpatentable as obvious over the combined teachings of Liao and Cheng.

F. Ground 4—Obviousness Over Offord '341 and Offord '797

Evenflo argues that independent claims 1–16 are unpatentable as obvious over the combined teachings of Offord '341 and Offord '797. *See* Pet. 91–123, 125–126. Beginning with claim 1, Evenflo annotates Figure 15 of Offord '341, reproduced below, to show how it discloses the claimed components of the stroller, including stroller frame 4 (red) having a handle portion (pink) and a front end portion (blue), first and second seats 10, and "interface portion components 100" (green) for supporting the first and second seats at different heights on the stroller frame, with the rear seat being below the front seat. *See* Pet. 91–97.

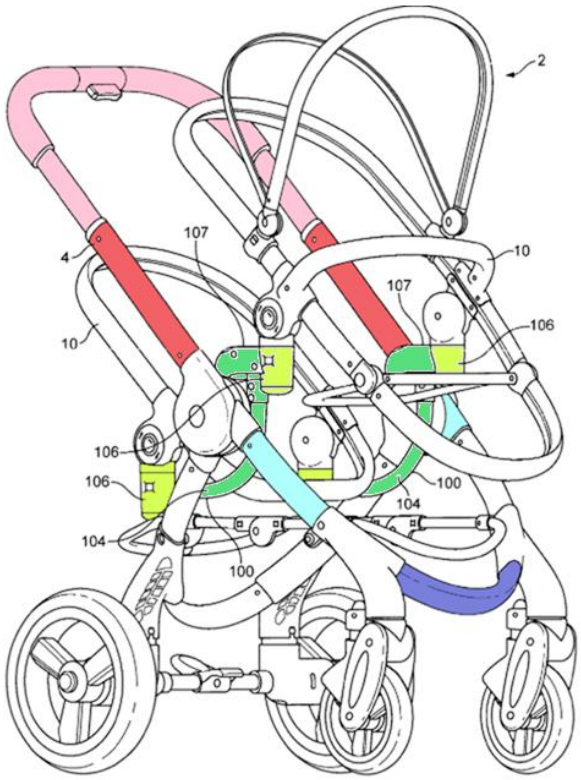


FIG. 15

As shown above, Figure 15 is a perspective view of Offord '341's stroller frame with interface portion components 100 mounted on the stroller frame. Evenflo also annotates Offord '341's Figure 14, reproduced below, to show interface portion components 100 in greater detail. *Id.* at 103.

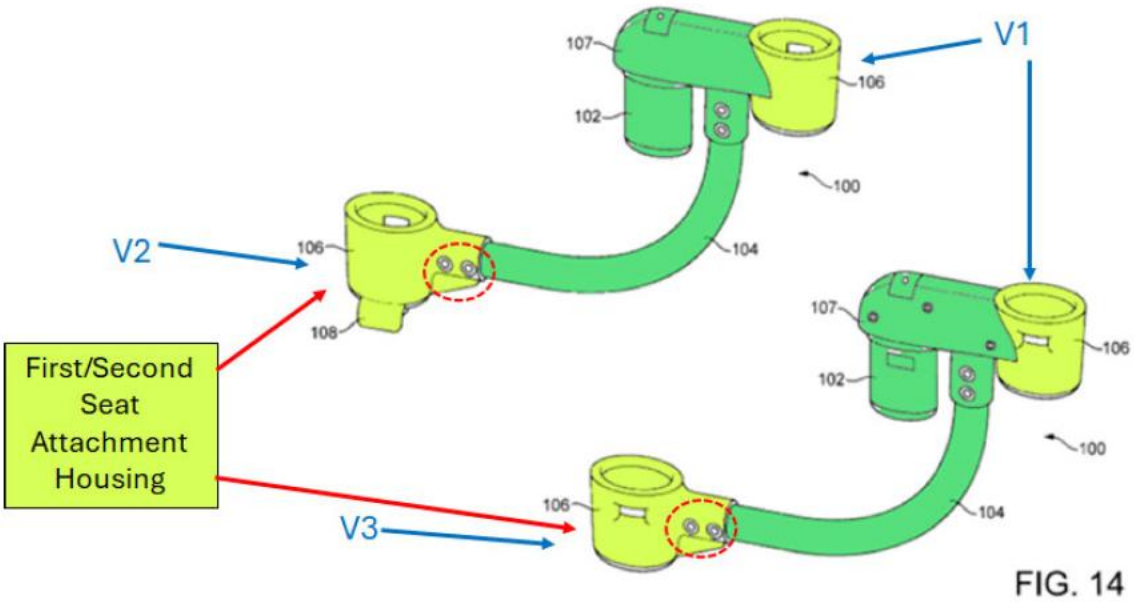


FIG. 14

As shown above, Figure 14 is a perspective view of interface portion components 100. According to Evenflo, connector sockets 106 (light green) on the lower ends of interface portion components 100 (dark green) correspond to the claimed first and second seat attachment housings because they receive "mounting devices 14" on the second seat that correspond to the claimed first and second seat attachment adapters. *Id.* at 102–107. Also, as claimed, the first and second seat attachment housings are at vertical positions (V2/V3) "below" the vertical position (V1) where the first seat is coupled to the frame via the upper connector sockets on the interface portion components. *Id.* at 103–104.

Evenflo acknowledges, however, that Offord '341 lacks the first and second seats being "arranged in an inline descending configuration *along the stroller frame*," as claimed, given that the rear seat is below the front seat, not vice versa. *Id.* at 107 (emphasis added); *see also id.* at 125 ("The only difference between the explicit embodiments Offord '341 and the claimed invention is the direction of the echelon (descending front to back)."). In other words, the first and second seats in Offord '341 are

arranged in an inline descending configuration that is opposite of being "along the stroller frame," as required by claim 1.

Attempting to cure that deficiency, Evenflo points to a single statement in Offord '341 that "a similar sub-frame arrangement is disclosed in [Offord '797]" and argues that interface portion components 100 in Offord '341 are obviously reversible because of that singular reference to Offord '797. Pet. 107. According to Evenflo,

> a POSITA would find it obvious to rotate the 'interface portion components 100' 180 degrees, placing the upper sockets 106 at the rear and lower sockets 106 at the front—an arrangement explicitly disclosed by Offord '797. In this orientation, a POSITA would understand the seats are in an inline descending configuration along the stroller frame.

Id. (citing Ex. 1001 ¶¶ 511–513); *see also* Ex. 1001 ¶ 581 ("A POSITA, equipped with ordinary creativity and knowledge of common design variations, would have reasonably expected that the sub-frame (including the interface components 100) of Offord '341 could be reversed like the 'sub frame 10' of Offord '797.").

We disagree that Offord '341's reference to Offord '797 would have led one skilled in the art to reverse interface portion components 100. Evenflo's argument is tenuous at best. To begin, Evenflo admits that the statement referencing Offord '797 is not an incorporation by reference. Hr'g. Tr. 21:5–6 ("We do not argue that this is an incorporation by reference. We're using it to show the why."). Evenflo also admits that Offord '341 "is silent" on the potential reversibility of the sub-frame, and instead "focuses on the folding mechanisms" (i.e., hinge device 16) of the stroller frame. *Id.* at 22:10–19 ("Yes, you're right, Your Honor. It doesn't say anything about reversible. Offord '341, if you look at the claimed

invention and most of the disclosure, focuses on the folding mechanisms.").

Instead, Evenflo's argument rests on isolating the statement—"A similar sub-frame arrangement is disclosed in [Offord '797]"—from the remainder of the passage in which that statement appears in order to arrive at a reason to incorporate the reversibility teaching of Offord '797. However, when that statement is read in the context of the full passage in which it appears, nowhere does that passage suggest reversibility as the reason for referencing Offord '797. More accurately, it suggests a different reason that relates to a curved lug 108 by which sub-frame 100 rests on the stroller's main frame 4 to carry the weight of the stroller's two occupants—

> When the interface components 100 are attached to the frame assembly 4 they form a sub-frame of the frame assembly 4, and when the child-carrying units are mounted thereon, one behind the other, they are in a compact echelon formation, one of the connector sockets 106 of each component 100 being at a higher level in relation to the ground than the other connector sockets 106. The higher connector socket 106 and further connecting leg 102 are both connected to the respective opposite ends of an upper mounting piece 107.
>
> In addition, on the inner side of the lower connector sockets 106 *there is a downwardly curved lug 108 which serves to rest upon a part of the basket frame 44, such that the weight of two infants is fully supported by the frame assembly 4*. A similar sub-frame arrangement is disclosed in [Offord '797].

Ex. 1051, 9:23–36 (emphasis added).

That passage shows that, rather than reversibility of the sub-frame, the reference to Offord '797 is more aptly directing the reader to the arrangement and details of a similarly curved lug structure in the stroller sub-frame of Offord '797. Indeed, Figures 5 and 6 of Offord '797,

reproduced below, disclose just such a curved lug in the context of "corner pieces 20" having "channel 21." Ex. 1054, 4:10–23.

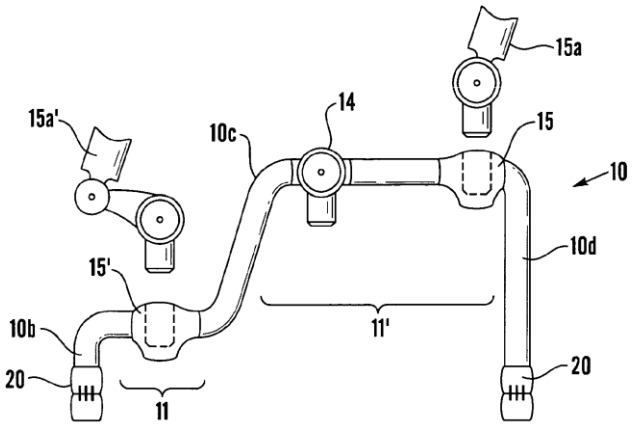


Fig.5

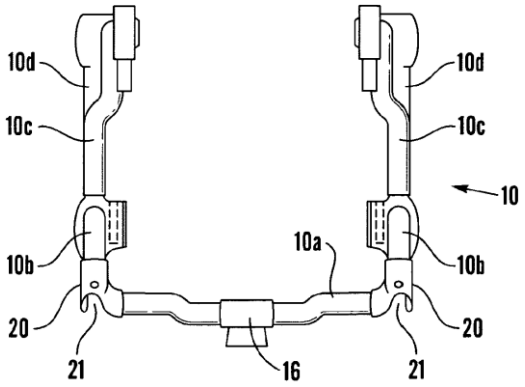


Fig.6

Figure 5 is a side view of Offord '797's interface portion 10, and Figure 6 is an end view of that same component. *See id.* at 2:22–25. As shown and described, "corner pieces 20 . . . are shaped so as to include a channel 21 (shown in Figure 6) in order to closely receive and rest on top of forward portions of the [stroller's] basket frame 18." *Id.* at 4:19–23. So, by referring to Offord '797 at the conclusion of the passage discussing "curved lug 108," Offord '341 is more reasonably referring to the similar arrangement of corner pieces 20 on Offord '797's sub-frame, rather than Offord '797's teaching of the reversibility of its structurally different sub-

frame that is nowhere mentioned in the context of that passage. Indeed, Evenflo's argument to the contrary is nothing more than a veiled attempt to incorporate all the teachings from Offord '797 into Offord '341, despite its reference to only the teaching of the curved lug arrangement. Thus, Evenflo does not persuade us that Offord 341's singular reference to Offord '797 would be understood as teaching or suggesting the reversibility of Offord '341's sub-frame, which is clearly different from the sub-frame in Offord '797.

Alternatively, Evenflo argues that one skilled in the art "would also find this [reversible] configuration obvious based on Offord '341's teaching that the vertical and horizontal positions of sockets 106 *are adjustable*." Pet. 108 (citing Ex. 1051, 9:37–51) (emphasis added). That alternative argument, however, mischaracterizes the cited passage. More accurately, the cited passage in Offord '341 refers to an "adjusting device" for making it "possible to readily change *the distance* between the lower and higher connector sockets 106 of each component 100" by means of incorporating "a telescopic upper mounting piece . . . between the connector sockets 106 of each component 100." Ex. 1051, 9:37–42. Nowhere does that disclosure of adjusting "the distance" between connector sockets 106, either horizontally or vertically, of Offord '341's interface components 100 teach or otherwise suggest reversing the entire orientation of those components. To the contrary, Offord '341 explains that the advantage of such a telescopic adjustment is simply for "prolonging the useful life of the [stroller] vehicle 2, as it will 'grow' with the infants being transported by it, and who will remain comfortably accommodated." Ex. 1051, 9:45–48.

Neither Evenflo nor its expert explains how Offord 341's simple teaching of incorporating a telescopic adjustment piece into interface components 100 somehow translates into suggesting the additional (and more complex) modification of reversing the entire orientation of those components. *See* Ex. 1001 ¶¶ 513, 581. Nor does Evenflo or its expert explain how reversing the configuration of interface portion components 100 would even accomplish the functional equivalent of Offord 341's telescopic adjustment device—allowing the stroller's components to grow with the infants. *See id.* Thus, we are not persuaded by Evenflo's alternative reason for modifying Offord 341's interface components 100 to make them reversable.

Moreover, as Offord '341 itself explains, any "adjustment" of interface portion components 100 "must be kept within safe limits, such that the child-carrying units remain as close to the centre of gravity of the [stroller] 2 as possible to prevent any possibility of dangerous tilting or toppling over." Ex. 1051, 9:48–52. But Evenflo fails to explain whether reversing the orientation of Offord '341's interface portion components 100 would maintain the "safe limits" of the stroller's stability and prevent dangerous tipping of the stroller, a major concern of Offord '341. Instead, Evenflo merely concludes that implementing a reversible interface while keeping the configuration stable, as taught by Offord '797, "is an ordinary design choice." Pet. Reply 29 (citing Ex. 1001 ¶ 851; Ex. 1082 ¶¶ 26–30). The evidence indicates otherwise, as Baby Jogger persuasively explains. *See* PO Resp. 52–55.

In particular, Offord '797 makes clear that interface portion 10 is specifically designed to be "substantially rectangular in plan view (see

Figure 7)." Ex. 1054, 3:12–14. Figure 7 of Offord '797 is reproduced below.

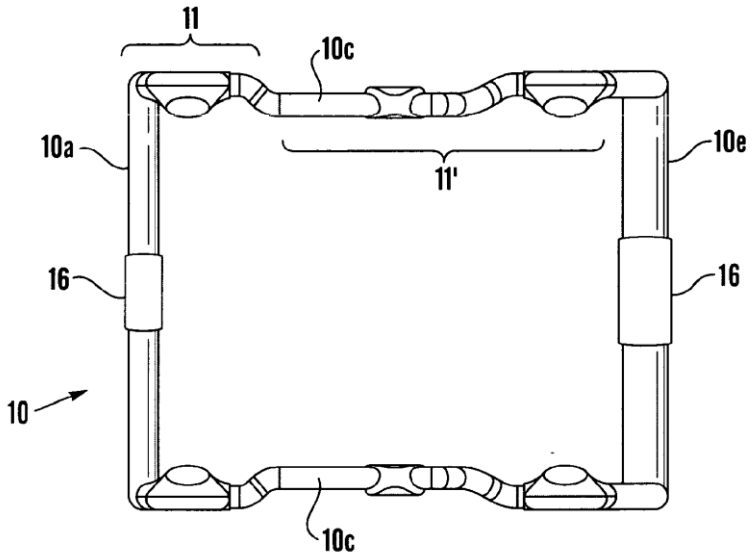


Fig.7

Figure 7 is a plan view of Offord '797's interface portion. *Id.* at 2:26–27. As shown and described, the rectangular design of interface portion 10 includes "end cross member 10a . . . , each connected to a lateral bar 10c arranged substantially parallel to each other, which are each connected to longer substantially vertical struts 10d extending downwardly and at their lower ends connecting to a second crossbar member 10e, located at substantially the same level and being of the same length as the end crossbar member 10a." *Id.* at 3:14–22. The end cross members 10a and 10e, Offord '797 explains, allow interface portion 10 to be "supported at other locations on the [stroller] vehicle 2," and thereby "is dimensioned so as to be . . . turned through 180° about its central vertical axis" and "maintain stability of the interface portion 10 for this [reversible] seating configuration." *Id.* at 4:10–33. In other words, those specific structural

features in the rectangular design Offord '797's interface portion allow it to be reversible.

Those disclosures suggest that reorienting, i.e., reversing, the interface portions in Offord '341 is not simply a matter of "fine-tuning routine design choices," as Evenflo's expert speculates (Ex. 1082 ¶ 30), but instead requires additional structural changes to maintain their stability upon insertion of the first and second seats, as Baby Jogger's expert credibly testifies (Ex. 2011 ¶¶ 146–154). Because Evenflo's proposed modification of Offord '341 does not contemplate the addition of any such stability-achieving structures and simply proposes reversing the orientation of each interface portion 100 without further modification, we are not persuaded that Evenflo's proposed modification would render the stroller operable for its intended purpose of safely transporting infants and toddlers. *See* Ex. 2011 ¶ 153 ("The difference is not merely that one is 'more convoluted'—[as Evenflo's expert alleges], the difference is that Offord '797 was designed with symmetry and better connection to the frame assembly that allows rotation of the sub-frame assembly without compromising the center of mass or resistance to relative rotation of the sub frame and frame assembly, while Offord '341 was designed with a simpler removable interface portion, but with the tradeoff of a non-reversible installation."). This undermines Evenflo's argument that one skilled in the art would have been motivated to apply Offord '797's reversible teaching to Offord '341's interface portions.

In sum, after reviewing the parties' arguments and the evidence of record, we find that Evenflo fails to demonstrate, by a preponderance of the evidence, that claims 1–16 are unpatentable as obvious over Offord '341 and Offord '797.

IV. CONCLUSION[13]

Claims	35 U.S.C. §	Basis	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1–16	103	Rolicki		1–16
1–9, 13–16	103	Liao	1–9, 13–16	
10–12	103	Liao, Cheng	10–12	
1–16	103	Offord '341, Offord '797		1–16
Overall Outcome			1–16	

V. ORDER

Accordingly, it is:

ORDERED that claims 1–16 of U.S. Patent 11,731,682 B2 are *unpatentable* as obvious under 35 U.S.C. § 103; and

FURTHER ORDERED because this is a final written decision, the parties to this proceeding seeking judicial review of our Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

[13] Should Baby Jogger wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw its attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. *See* 84 Fed. Reg. 16,654 (Apr. 22, 2019). And should Baby Jogger choose to file a reissue application or a request for reexamination of the challenged patent, we remind it of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. *See* 37 C.F.R. §§ 42.8(a)(3), (b)(2).

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