

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC.,
Petitioner,

v.

BABY JOGGER II, LLC,
Patent Owner.

U.S. Patent No. 11,577,771

Case No.: IPR2025-01140

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

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EX1001	Declaration of Douglas Prairie
EX1002	U.S. Provisional Patent Application No. 61/119,920
EX1003	U.S. Publication No. 2010/0140902
EX1004	U.S. Patent No. 8,955,869
EX1005	U.S. Patent No. 9,403,550
EX1006	U.S. Provisional Patent Application No. 62/311,224
EX1007	U.S. Patent No. 9,944,305
EX1008	U.S. Patent No. 10,730,543
EX1009	U.S. Patent No. 11,192,568
EX1010	U.S. Patent No. 11,731,682
EX1011	U.S. Patent No. 11,577,771
EX1012	U.S. Patent No. 11,505,231
EX1013	U.S. Patent No. 11,878,729
EX1014	Non-certified File History of U.S. Patent Pub. No. 2010/0140902
EX1015	Non-certified File History of U.S. Patent No. 8,955,869
EX1016	Non-certified File History of U.S. Patent No. 9,403,550
EX1017	Non-certified File History of U.S. Patent No. 9,944,305
EX1018	Non-certified File History of U.S. Patent No. 10,730,543

EX1019	Certified File History of U.S. Patent No. 11,192,568
EX1020	Certified File History of U.S. Patent No. 11,731,682
EX1021	Certified File History of U.S. Patent No. 11,577,771
EX1022	Non-certified File History of U.S. Patent No. 11,505,231
EX1023	Non- certified File History of U.S. Patent No. 11,878,729
EX1024	Certified File History of U.S. Patent Application No. 18/448,417
EX1025	Sewell, Samuel J. “The History of Children’s and Invalids’ Carriages.” <i>Journal of the Royal Society of Arts</i> , vol. 71, no. 3694, 1923, pp. 716–728
EX1026	U.S. Patent No. 405,600
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EX1037	U.S. Patent No. 6,086,087
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EX1056	Baby Jogger, LLC's Responsive Claim Construction Brief in Civil Action No. 1:24-cv-11582-ADB
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EX1059	<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (6th ed. 2003), Definition of “parallel”
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EX1083	U.S. Patent No. 7,475,900 ("Cheng")
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I. INTRODUCTION

PO's Response rests on two flawed premises. First, PO misreads the claims—treating “connectable ... in *either* a forward *or* backward facing position” as requiring a reversible seat and reading “inline descending configuration substantially along the plane of the frame” and “seat attachments disposed along the ... support members” far more narrowly than the intrinsic record allows. PO ignores that “or” is disjunctive, and its constructions import limitations the claims never recite and that its own related '231 patent and expert, Dr. Cameron, contradict.

Second, PO claims an unsupported 2008 priority date. The 2008 Provisional discloses neither the “handle portion” nor “substantially within a plane,” both terms find support only in the 2016 CIP that Lee, Roe, and Simpson grafted onto Zehfuss's unrelated 2008 disclosure. The Board need find only one term unsupported to break priority, making Rolicki prior art, and rendering the Challenged Claims obvious.

Notwithstanding priority, Grounds 2 and 3 independently compel the same result: both Gotting in view of Britax, and the Offord references, supply both the reason and the means to combine—rendering the challenged Claims obvious. The Board should find all Challenged Claims unpatentable.

II. CLAIM CONSTRUCTION

A. [1.4]/[1.5d]: “in either a forward or backward facing position”

The claim is clear; construction is unnecessary. The word “or” has a plain and ordinary meaning: a disjunctive article designating alternatives. *Schumer v. Lab. Comput. Sys., Inc.*, 308 F.3d 1304, 1311-1312 (Fed. Cir. 2002) (“We have consistently interpreted the word ‘or’ to mean that the items in the sequence are alternatives to each other.”); *MaxLite, Inc. v. Jiaxing Super Lighting Elec. Appliance Co., Ltd.*, 2020 WL 2544925 at *6 (Patent Tr. & App. Bd., May 19, 2020) (“Several Federal Circuit cases [find] ... ‘either ... or’ means either/or but not both.”).

PO argues the claim requires the seats be “adjustable from a forward-facing configuration to a rearward-facing configuration and vice-versa.” (POR, Paper 20, 13-14.) But the claim contains no requirement like “adjustable,” “reconfigurable,” or “capable of being changed between” forward- and rearward-facing positions. The claims instead uses “connectable ... in either” to describe the permissible orientation(s) when the seat is connected. (Petition, 36-42; EX1007, 11:10-19, 17:23-27, 17:37-39.)

PO improperly limits the claim to one of many embodiments. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc). In describing a first embodiment, the specification uses the claims’ disjunctive language (“in either a forward facing or backward facing position”). (EX1011, 17:23-27, 37-39.) The

patent then describes “certain” additional embodiments where the seats are reversibly and adjustably connected.

In certain example embodiments wherein the first stroller seat 86 is removably coupled to frame 81, [it] **may be adjustable** from a forward-facing configuration to a rearward-facing configuration and vice-versa, ... In addition, the second stroller seat ... **can be adjustable** from a forward-facing configuration to a rearward-facing configuration and vice-versa.

(EX1007, 11:10-19.¹)

Permissive, embodiment-level language cannot be imported into claims to create a mandatory requirement absent clear lexicography or unmistakable disavowal. *Phillips*, 415 F.3d at 1316, 1323. The claims already specify the relevant “connectable” capability; they do not require an additional “adjustability” feature. (Petition, 36-42; EX1007, 17:23-27, 17:37-39.)

PO argues Petitioner’s construction vitiates the limitation. (POR, 13.) To the contrary, the construction preserves the full scope of the limitation: the component must be capable of being connected to the frame, and the connection must be in one of two specified orientations (forward or backward facing). No part of the limitation is read out. Both the “connectable” capability and the forward-or-backward-facing

¹ All emphasis added unless otherwise noted.

qualifier remain fully operative.

B. “Handle Portion”

PO states it “does not oppose Petitioner’s proposed construction.” (POR, 6.) But it was PO that proposed in district court that “handle portion” means “portion of frame coupled to the left and right upper tube support frame.” (EX1055, 14-16; EX1056, 8.) While *Petitioner adopted PO’s construction*, PO understands it cannot retract on the construction it proposed in district-court. (See Paper 10, PO Brief regarding *Revvo*, p.5.)

C. “Inline descending”

PO argues the “inline descending configuration” must be measured only at the “structural mounting points” where each seat connects to the frame. (POR, 15-17.) PO’s construction improperly conflicts with the plain language of the claim. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc).

Claim 1 expressly requires that “the first seat and the second seat, *when connected to the frame*, are arranged in an inline descending configuration” It does not recite that the “seat attachments” or “mounting points” are so arranged. As Mr. Prairie testified, the limitation states “when connected,” not “where” connected. (EX2100, 152:14-153:5.) PO’s construction improperly reads “seats” out of the claim and substitutes “mounting points.” (POR, 17.) See *SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.*, 242 F.3d 1337, 1340 (Fed. Cir. 2001).

Next, PO argues its “reading follows naturally from the specification[.]” (POR, 16.) However, the specification never uses the term “inline descending configuration” and never specifies how it would be measured. In fact, the word “descending” appears nowhere in the specification, and “inline” appears only once in describing Figure 3 as showing “two stroller seats 13 in an inline configuration[.]” (EX1011, 6:61-66, Fig. 3.) The ’771 Patent references “inline” to the *seats*, not to the adapters or their attachment points, and supplies no special definition supporting PO’s narrowing construction. *Thorner v. Sony Computer Entertainment America LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012).

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

PO misstates the record in arguing that Mr. Prairie could not “recall [his] exact logic” for drawing a line through the seats, implying an arbitrary analysis. (POR, 15 n.5.) Mr. Prairie testified that his annotation “point[ed] out the seats are generally in the vertical positions of them, are inline. The description of 1.8 doesn’t say the inline descending is actually the connecting point. It says the seats themselves are, not the connection points.” (EX2100, 152:6-10; *see also* 149:13-22, 152:14-17.) His testimony reflects the plain meaning: the seats, not the connection points.

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

PO's own filings defeat its construction. In district court, PO alleged the '682 Patent's "inline descending" limitation is met by a line through the accused stroller's upper bar, and in the '771, it drew the line between the offset upper and lower bars, with the line going through just the upper seat—not the connection points it urges here. (EX1074, ¶¶109, 146, 181; EX1057.)

Under *Revvo*, PO cannot take both positions. And when PO wanted a connection-point configuration, it drafted one: the related '231 Patent expressly anchors "inline descending" to the attachment points, not the seats, and PO's complaint maps the '231 Patent that way. (EX1012, 17:43-47; EX1074, ¶109.)



'231 Patent (EX1074, ¶109.)



'771 Patent (EX1074, ¶146.)



'682 Patent (EX1074, ¶181.)

D. “Right and left seat attachments disposed along the right and left support members of the frame, respectively, at a second vertical position ...”

PO asserts “disposed along” must be construed as “the seat attachments must be positioned at a location on the length of the frame’s support members[.]” (POR, 18.) However, PO identified no ambiguity in the claim and thus, it must be given its plain and ordinary meaning. PO improperly attempts to add requirements that the

seat attachments are connected to, or, at a minimum, “disposed on” the frame.

Courts, however, have treated “disposed along” as a spatial and positional term with an ordinary meaning broader than “disposed on.” *Advanced Med. Optics, Inc. v. Alcon Inc.*, 361 F. Supp. 2d 370, 389-390 (D. Del. 2005) (“disposed along” means “to be placed through, on, over, or continuously beside or on a line or course parallel and close to” a reference structure—rejecting narrowing to simply mean “on.”); *Packers Plus Energy Servs. Inc. v. Baker Hughes Oilfield Operations, LLC*, IPR2018-01030, Paper 41, 23-24 (P.T.A.B. Nov. 5, 2019) (“‘disposed at’ more broadly encompasses features ... that are connected or nearby.”)

PO asserts its narrow construction is “consistent with the disclosure of the ’771 Patent[,]” (POR, 18) but fails to identify any intrinsic record that compels a narrower construction than its ordinary meaning. *Volkswagen Grp. of Am., Inc. v. Carucel Invs., L.P.*, IPR2019-01101, Paper 31, 7 (P.T.A.B. Nov. 20, 2020) (“‘heavy presumption’ that a claim term carries its ordinary and customary meaning.”).

Moreover, PO’s proposed construction is inconsistent with its District Court position where PO showed the second vertical position as a range of positions above the frame and not limited to “positioned at a location on the length.” (EX1061, 47.)



EX1061, 47

PO's attempt to broadly interpret the claims in the district court while narrowly interpreting the claims here is impermissible gamesmanship. *Revvo*, IPR2025-00632, Paper 20.

III. PRIORITY

PO asserts that “handle portion,” as construed and “substantially within a plane” have written description support back to the pre-2016 disclosures. Yet PO fails to identify any such support. As claimed, the “handle portion” is a discrete segment of the frame coupled at each end to the left and right upper tube support frames, yet the 2008 Provisional discloses no upper tube support frame, treating the entire upper bar as a single, unitary handle portion. Only in the 2016 Provisional did the new inventors apportion the frame into four parts and define the handle portion as claimed.

The pre-2016 disclosures likewise fail to disclose a frame “substantially within a plane.” PO’s contrary position rests solely on Dr. Cameron’s inherency theory, which inverts the governing standard and identifies no disclosed tolerance, range, or function for the claimed limitation. The challenged claims are therefore entitled only to the 2016 priority date.

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

PO’s own construction of “handle portion” as the “portion of [the] frame coupled to the left and right upper tube support frame[,]” *defeats priority*. (POR, 14; EX2011, ¶55.) Indeed, the 2008 Provisional discloses no “upper tube support frame” to which the “handle portion” could couple. The 2008 Provisional divides the frame into three parts—front, back, and a unitary “handle portion 81c” comprising the entire upper portion above the folding mechanism 81d—with no separate upper tube support frame. (EX1002, 42, ¶0033; EX1001, ¶104.) Not until the 2016 Provisional was the frame apportioned into four parts, decomposing the unitary 81c into an “upper tube support frame” and a distinct “handle portion” “having a first end coupled to the left upper tube support frame ... and a distal second end coupled to the right upper tube support frame.” (EX1006, 8; EX1001, ¶¶187-188.)

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

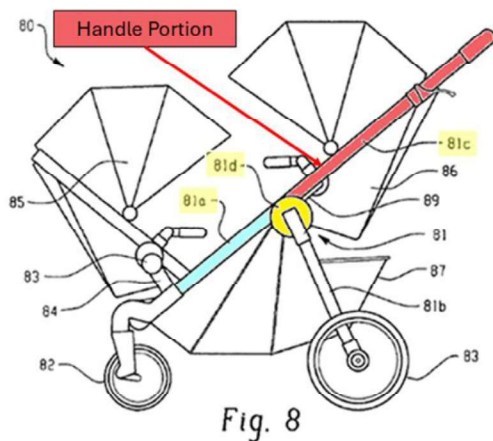
PO mischaracterizes Petitioner’s argument and, in doing so, applies the wrong

written description standard. Petitioner nowhere contends that priority fails merely because the pre-2016 filings used a different label for a handle. Rather, priority fails because the pre-2016 filings do not disclose the handle portion as claimed—that is, as a structurally defined segment of the frame with specific boundaries and functional relationships that later became central to the '771 claims.

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

PO and its expert argue a POSITA would recognize the upper portion of the frame as the “handle portion,” whose “plain meaning” is the “structure at the upper rear of the stroller frame that allows the caregiver to grip and push the stroller.” (POR, 14; EX2011, ¶50.) This is wrong under both the agreed construction and the pre-2016 written description.

The pre-2016 specification disclosed a “folding mechanism 81d” that connected three stroller parts: (1) “front wheel support portion 81a”; (2) “back wheel support portion 81b”; and (3) “handle portion 81c”. (Petition, 13-14; EX1002, 42, ¶0033 and Fig.8; EX1003, ¶43; EX1004, 8:49-62.)



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

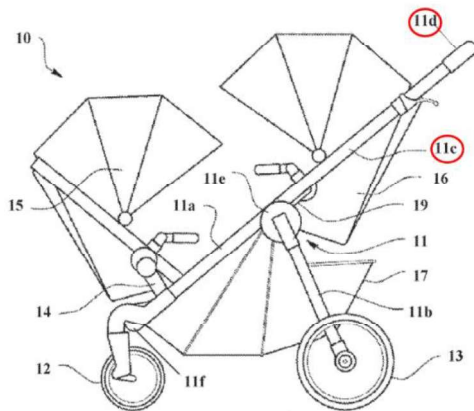
EX1003 FIG. 8 (annotated) and ¶0033

The pre-2016 “handle portion” is more than what a “caregiver ... grip[s] [to] push the stroller” (EX2011, ¶50); it is the entire upper bar structure above the “folding mechanism,” with a specific relationship to the upper “stroller seat 86,” which is “located *adjacent to* [the] handle portion 81c.” (EX1002, 42, ¶0035 and Fig.8; EX1003, ¶45; EX1004, 9:14-15.)

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

In the 2016 Provisional, by contrast, the new inventors (Lee, Roe, and Simpson) defined the “handle portion 11d” differently. (EX1006, 8.) This was no mere “labeling change.” (POR, 25.) The 2016 Provisional newly disclosed that the “handle portion 11d ha[s] a first end coupled to the left upper tube support frame 11c and a distal second end coupled to the right upper tube support frame 11c[.]”

(EX1006, 8.) That was a structural change neither disclosed nor contemplated by the 2008 Provisional.

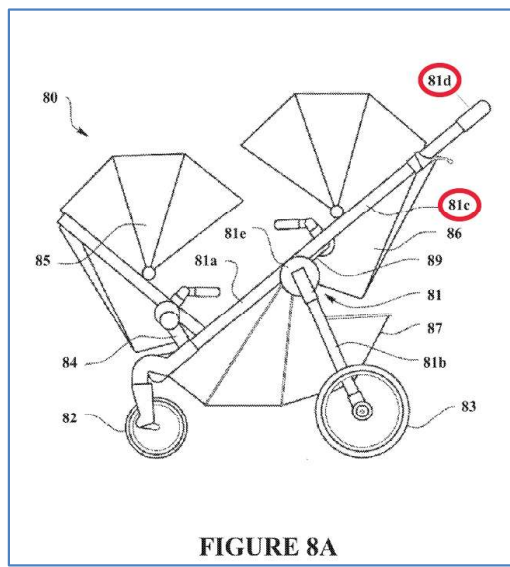


In one example embodiment, the stroller frame 11 can include a pair of front wheel support frames 11a (only the left front wheel support frame is shown), a pair of back wheel support frames 11b (only the left back wheel support frame is shown), a pair of upper tube support frames 11c (only the left upper tube support frame is shown), a handle portion 11d having a first end coupled to the left upper tube support frame 11c and a distal second end coupled to the right upper tube support frame 11c, and foot rest support frame 11f having a first end coupled to the left front wheel support frame 11a (either directly or via the first seat attachment housing 205 discussed below in Figure 2) and a distal second end coupled to the right front wheel support frame 11a (either directly or via the second seat attachment housing 210 discussed below in Figure 2). In certain example embodiments, each front wheel support frame 11a can be fixedly coupled or rotatably coupled to its corresponding upper tube support frame 11c. Further, in certain example embodiments, the left upper tube support frame 11c, handle 11d, and right upper tube support frame 11c can be made from a single unitary piece of material, such as a single piece of bent, hollow-core metal or plastic tubing. Alternatively, each of the left upper tube support frame 11c, handle 11d, and right upper tube support frame 11c can be separate pieces of the same or different material that are coupled to one another.

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

The 2016 Provisional separated the “handle portion” from the “upper tube support frames” to support two new concepts. First, the two could be “made from a single unitary piece of material ... [or] ... separate pieces of the same or different material that are coupled to one another.” (EX1006, 8.) That concept is absent from the 2008 Provisional. Second, the 2016 Provisional disclosed the upper “first stroller seat 16 can be located generally *closer to the handle portion 11d* than to the front wheels 12.” (EX1006, 11.)

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



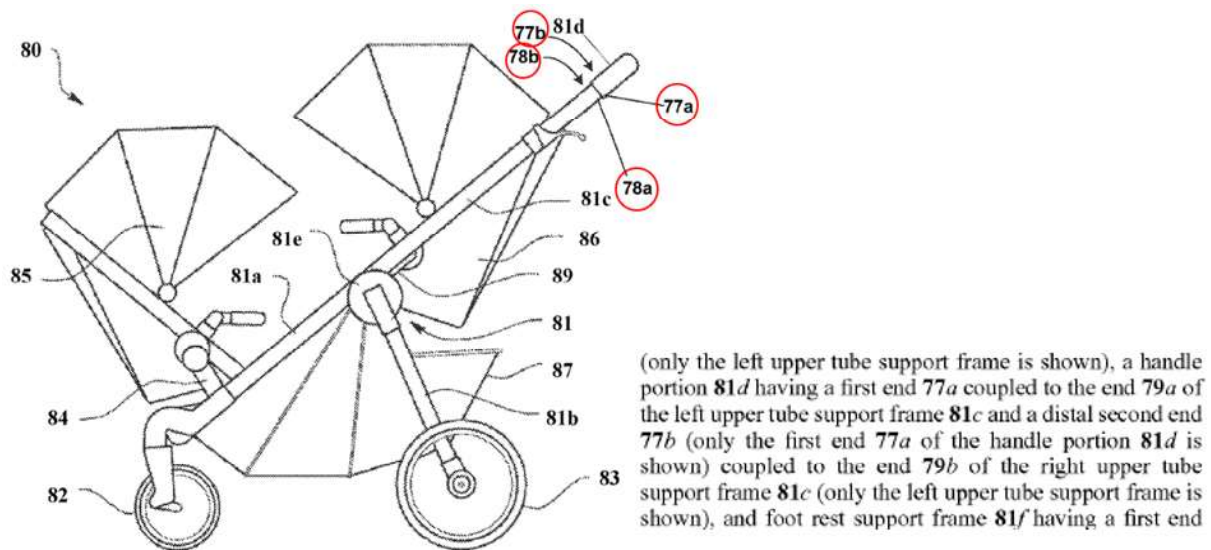
EX1007, 9:10-22 and FIG. 8A

The location of the “handle portion” thus governs the upper “first seat’s” position relative to the front wheels. That is no arbitrary point: claim 1 recites the “first seat ... connected ... at a first vertical position that is *closer to the handle portion* than the front end portion [of the frame.]” (EX1011, Claim 1.) This spatial limitation between the “first seat” and the “handle portion” does not exist in the 2008 Provisional.

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

The prosecution history confirms the handle portion, as claimed, was not disclosed before 2016. During prosecution of the ’543 Patent, the Examiner objected that the application failed to delineate the handle portion’s start and end. (EX1001, ¶149; *see* EX1018, 538, ¶8.) PO responded by adding reference numerals and text specifying that the handle portion begins and ends at the coupling points with the

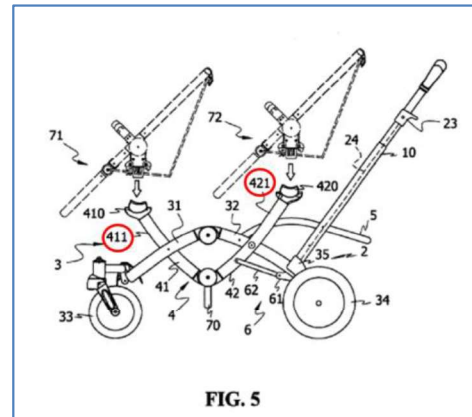
upper tube support frames. (See EX1018, 636, 639, 646; *see also* EX1008, Fig. 8A, 9:1-7; EX1001, ¶¶149-150.)



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

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

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



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

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

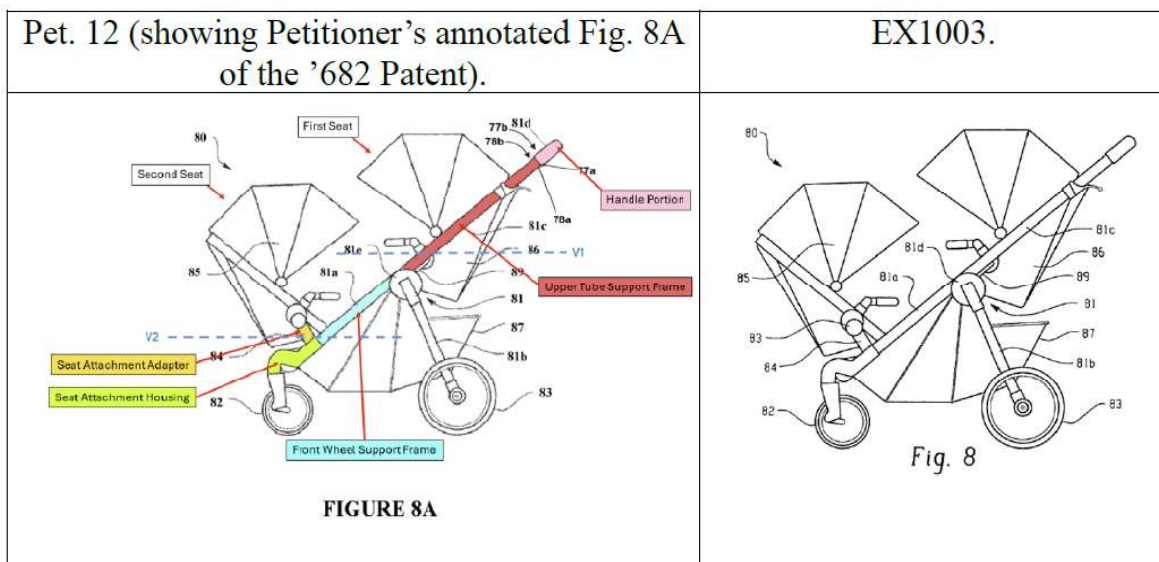
d. PO's expert applies the wrong claim construction and fails to evaluate the written disclosure of the 2016 Provisional

PO relied on Dr. Cameron, who opines that the "*plain meaning of 'handle portion'* ... is the structure at the upper rear of the stroller frame that allows the caregiver to grip and push the stroller." (POR, 24; EX2011, ¶50.) But that is neither the construction she was instructed to evaluate nor the one PO "adopted." (*See* EX2011, ¶50.).

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

She next states she could recognize the "handle portion ... *without any need*

for the specification to use those particular words.” (EX2011, ¶51.) Relying only on the figures, and never addressing the 2016 Provisional’s new written disclosure, she opines that “a POSITA would not interpret the 2016 Provisional relabeling as changing the fundamental structure disclosed.” (EX2011, ¶52.)



EX2011, ¶52.

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

B. The 2008 Provisional Does Not Disclose “substantially within a plane”

It is undisputed that all the 2008 Provisional figures depict a frame with support members in a strict plane in the deployed configuration. It is also undisputed

that the pre-2016 filings provide no textual support for the claimed “substantially within a plane.” (POR, 28-29; EX1002, 42-43; EX1003, ¶¶43-45; EX1004, 8:49-9:15.) Finally, it is undisputed that the patentee first expressly defined “substantially” in the ’305 CIP, stating it “indicates that the equal relationship is not a strict relationship and does not exclude functionally similar variations therefrom[] [and] ... indicates that the equal relationship between the dimensions includes variations that, using mathematical and industrial principles accepted in the art (*e.g.*, rounding, measurement or other systematic errors, manufacturing tolerances, etc.)[.]” (EX1017, 4.)

PO, relying solely on Dr. Cameron, argues that Figure 8 of the 2008 Provisional alone supports “substantially within a plane” because, although the depicted frame is strictly planar, it shows a folding mechanism, and Dr. Cameron testified that “any frame containing a folding mechanism ... will not be mathematically perfectly planar when in the deployed configuration.” (POR, 30; EX2011, ¶68.)

Dr. Cameron's testimony independently fails because it cannot satisfy the demanding standard for inherent written description. Inherent disclosure may supply a missing limitation only where the claimed feature is necessarily present in what is described, not merely possible or probable. *Nuvo Pharms. (Ir.) DAC v. Dr. Reddy's Labs. Inc.*, 923 F.3d 1368, 1381 (Fed. Cir. 2019). Her opinion is, by its own terms,

probabilistic: she testifies only that “any frame containing a folding mechanism ... will not be mathematically perfectly planar when in the deployed configuration.” (EX2011, ¶68.) That a folding mechanism may tend to introduce slight deviations does not show that Figure 8 necessarily discloses the claimed “substantially within a plane” relationship. The Federal Circuit has rejected such reasoning, holding that “testimony from a skilled artisan as to possibilities or probabilities” cannot supply written description support, “lest such testimony could effectively eliminate the written description requirement.” *Novartis Pharms. Corp. v. Accord Healthcare, Inc.*, 38 F.4th 1013, 1017 (Fed. Cir. 2022).

Dr. Cameron's theory also inverts the inherency doctrine. Inherent disclosure applies where a specification describes a thing that necessarily possesses an undisclosed property; it does not permit an expert to testify that figures depicting strict planarity actually disclose a departure from it. The 2008 Provisional's figures, if anything, affirmatively teach strict planarity, the opposite of the “substantially” relationship first defined in the 2016 CIP. Expert opinion cannot close that gap, because “it is the specification itself that must demonstrate possession[,]” not after-the-fact testimony about what a POSITA might infer. *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc). PO bears the burden of establishing entitlement to the 2008 Provisional's filing date, and Dr. Cameron's speculation cannot carry it. The Board is not required to credit that testimony,

Regents of the Univ. of Minn. v. Gilead Scis., Inc., 61 F.4th 1350, 1359 (Fed. Cir. 2023), and should decline to do so here.

Moreover, neither Figure 8 nor the disclosure identifies any tolerance, range, or functional basis for assessing out-of-plane deviations, nor does it teach that the frame could not be held in a strict planar relationship. Without any teaching that minor non-planarity is possible or permitted, a POSITA would have no basis to understand the claimed boundary. The Federal Circuit rejects reliance on narrow disclosure to support broader claims where the added scope is undescribed, particularly where the broader claim introduces previously unmentioned variability. *Tronzo v. Biomet, Inc.*, 156 F.3d 1154, 1159-1160 (Fed. Cir. 1998); *LizardTech, Inc. v. Earth Res. Mapping, Inc.*, 424 F.3d 1336, 1344-1345 (Fed. Cir. 2005).

PO next argues that a new Figure 10 supports the “substantially in a plane” term. (POR, 31.) PO knows Figure 10 was introduced *after* Rolicki’s March 14, 2013 filing date and thus, cannot establish priority over Rolicki as prior art. PO instead argues that because the Examiner did not issue a new matter rejection, the figure must have been supported by the 2009 Non-Provisional. However, there is no evidence the Examiner ever considered whether Figure 10 had new matter because he rejected the figure on other grounds. (EX1014, 276-277, ¶7.) *Mondis Tech. Ltd. v. LG Elecs. Inc.*, 149 F.4th 1291, 1301 (Fed. Cir. 2025) (rejecting argument that written description was satisfied because there was no examiner rejection, stating:

“There is no evidence the examiner considered whether the specification contained written description support for this amendment.”).

Moreover, Figure 10 shows a curved stroller frame, which definitionally, does not disclose “substantially in a plane.” (EX1082, ¶¶6-9.) Critically, in arguing to overcome a rejection that a curved frame of Cone was not “substantially parallel,” PO asserted curved frames were disfavored in double strollers because “[curved] “frame elements . . . inhibit the ability of . . . stroller frames to be able to elevate one seat in a much higher position than the other seat when being attached to the stroller frames.” (EX1019, 839.)

Accordingly, PO failed to demonstrate that the pre-2016 applications conveyed possession of the claimed “substantially within a plane” limitation.

IV. THE CHALLENGED CLAIMS ARE UNPATENTABLE

A. Ground 1

1. Rolicki Renders Claims Unpatentable Under the Correct Construction of “Either ... or”

PO does not dispute that, if the Board applies Petitioner’s construction of the “either ... or” limitation, Rolicki renders the Challenged Claims unpatentable. (POR, 39; Petition, 36-42, 71-89; EX1047; EX1001, ¶¶257-259; 284-380.)

2. Alternatively, Rolicki Renders the ’771 Patent Obvious Even Under PO’s Flawed Construction

Even if both removable and reversible seats are required, the Challenged

Claims are obvious because WO '157 discloses that structural capability and reversible stroller seats were a known, desirable feature before the claimed priority date. (EX1050, Fig. 9, ¶¶0012, 0063, 0068-0069; EX1001, ¶¶52-65; EX1082, ¶21.)

PO's argument that WO '157 cannot be considered because it was not separately listed in the "Grounds of Challenge" is meritless. (POR, 39.) Rolicki incorporates PCT/US2011/062669 (WO '157) *by reference in its entirety* (EX1047, 3:44-48), making it part of the reference itself. *Aristocrat Techs. Austl. Party Ltd. v. Int'l Game Tech.*, 709 F.3d 1348, 1356 (Fed. Cir. 2013).

WO '157 plainly discloses the required structural capability. Figure 9 depicts a tandem stroller with seats 913a and 913b facing in opposite directions—one forward, one rearward—each removably coupled to the supports (910, 914) via hubs (922). (EX1050, Fig. 9, ¶¶0012, 0063, 0068-0069; EX1082, ¶22.) The hubs and mating interfaces are identical for both seats—mirrored left-to-right and centrally aligned, with no asymmetry or directional keying restricting installation to one orientation. (EX1082, ¶23) Both Rolicki and WO '157 disclose laterally symmetric, or at least non-keyed "bayonet" seat attachments. (EX1047, 13:19-20, Figs. 3-4, 10; EX1050, Fig. 9, ¶¶0063; EX1082, ¶¶23-25.) Because figures are evidence of structural capability, not mere illustration, *In re Mraz*, 455 F.2d 1069, 1072 (C.C.P.A. 1972), a POSITA would understand that this symmetric connector system supports both forward- and rear-facing installations. (EX1082, ¶¶24-25.)

PO's attempt to portray reversible seating as a missing or inventive feature is unsupported. As Mr. Prairie explains (EX1001, § IV.B.4), detachable, reversible stroller seats were well known and highly sought after well before the '771 Patent's priority date, citing, e.g., Barenbrug, Huang, and the Kolcraft stroller. (EX1001, ¶¶52-65.) Because reversible seating was a known, desirable design choice, a POSITA would have found it obvious to employ a seat attachment permitting installation in either orientation. (EX1082, ¶25.) See *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007). PO never grapples with this evidence. Prairie's Section IV.B.4 thus confirms that the claimed seat-orientation capability would have been obvious.

B. Ground 2 - Obvious in view of Gotting and Britax

1. PO Improperly Requires Direct Attachment to Support Members, Contrary to Claim Language

PO's arguments rest on an unduly narrow construction of "disposed along the right and left support members." (POR, 49-51.) Claim 1 does not require that seat attachments be directly mounted to or integrated into the support members; it requires only that they be positioned along—i.e., arranged relative to—said members.

PO does not, and could not, argue that the claims are unmet under the correct construction. Gotting's adapters 12 sit at a defined vertical location (V2) along the frame and connect to the support structure via support bar 22, which is itself attached

to the foldable support members. (Petition, 69-70; EX1041, 6-7, Figs. 1-2; EX1001, ¶¶429-431.) The adapters 12 are therefore necessarily “disposed along” those members, because their placement and function are dictated by and extend from the support members. That is all the claim requires.

PO also calls Petitioner’s identification of V2 “conclusory.” (POR, 52-53.) A POSITA would understand the attachments’ operative position as where the adapters 12 functionally locate the second seat relative to the frame—i.e., lower and forward of the first seat. (EX1041, Figs. 1-2; EX1001, ¶¶432-433.) PO offers no technical basis for fixing the analysis to V1’, nor any structural constraint in Gotting preventing the attachments from being understood as disposed closer to the front. At bottom, PO’s argument reduces to criticism of Petitioner’s annotations, not a substantive failure of the prior art.

2. The Gotting Seats Are Inline Descending and Substantially Along the Plane of the Frame

PO again asserts an improper construction—requiring that “inline descending configuration” be determined solely by where the adapters 12 attach to the frame. (POR, 52-54.) It is undisputed that Gotting’s rear, handle-side seat is higher than the forward seat and behind it—the hallmark of an inline descending configuration. (EX1041, Figs. 1-2; EX1001, ¶¶437-439.) PO’s attempt to dismiss this as merely “higher than” collapses the claim language while importing an extraneous

requirement that the seats connect at different frame-attachment locations. The claim contains no such restriction, and no intrinsic record confines the analysis to frame-connection points rather than the actual seat positions.

PO's alternative critique—that seat positions must align with a rigid “plane of the frame” defined only by certain structural members—also fails. (POR, 54.) A POSITA would understand “substantially along the plane of the frame” as a functional and spatial relationship, not perfect geometric coincidence. (EX1001, ¶¶401-413.) The seats are arranged along the general plane defined by the frame in a front-to-back descending manner. (EX1041, Figs. 1-2.) Minor offsets or overhangs, common in strollers, do not defeat the “substantially along” requirement.

C. Ground 3 – Offord '341 and Offord '797, Render the '771 Patent Obvious

Patent Owner's “discouragement” theory misframes the obviousness inquiry. The cited structural differences between Offord '341 and '797 do not negate motivation; at most they are implementation details, as Petitioner relies on '797 only to inform how a POSITA would understand reversibility in '341. (Petition, 122; EX1051, 9:37-52; EX1054, 4:24-30; EX1001, ¶¶505, 581-582.) PO also improperly elevates alleged drawbacks, chiefly reduced stability, into a teaching away, though the record shows at most a less optimal design, not inoperability.

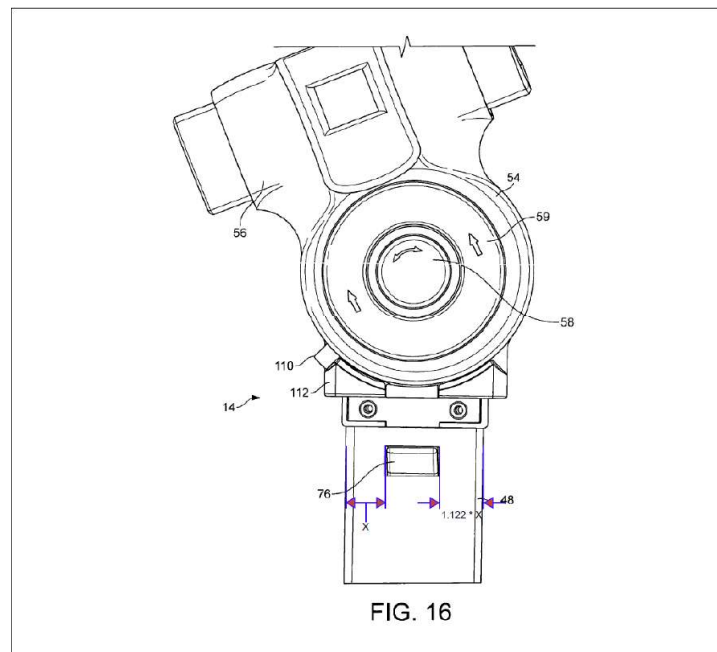
1. Any Perceived Structural Differences Between Offord '341 and Offord '797 Would Not Discourage the Combination

PO asserts that Offord's instruction to calibrate connector sockets 106 "such that the child-carrying units remain as close to the centre of gravity ... as possible to prevent any possibility of dangerous tilting or toppling over" discourages reversibility. (POR, 63-64 (citing EX1051, 9:45-52).) But that passage merely limits adjustability of the interface components 100 to "safe limits"; it does not criticize, disparage, or discourage reversibility. Offord '341 guides a POSITA to account for center-of-gravity effects when selecting socket positions (EX1051, 9:45-52,) and teaches increasing stability through an adjustable telescoping interface component 100. (EX1051, 4:15-27, 9:37-44.) Implementing Offord '797's reversible interface component while keeping the configuration stable is thus an ordinary design choice—routine selection of socket, seat, and frame geometry—not a teaching away. (EX1054, 4:24-30; EX1001, ¶¶505, 581-582; EX1082, ¶¶26-30.)

Dr. Cameron nowhere asserts that reversing interface components 100 would cause the stroller to flip, topple, or become unusable; she only opines that it "could destabilize" the stroller. (EX2011 ¶¶155-158 (header "D").) That is not teaching away but, at most, a potential tradeoff. *In re Fritch*, 972 F.2d 1260, 1265-1266 n.12 (Fed. Cir. 1992) (modifications do not defeat obviousness merely because they may be "inferior" or less desirable; the question is whether the device is rendered

inoperable for its purpose). Notwithstanding, Dr. Cameron ignores that Offord '341 teaches that the “interface component” is adjustable so “the frame assembly remains stable and safe to use” (EX1051, 4:14-27), which Mr. Prairie demonstrated. (EX1082, ¶¶29-30).

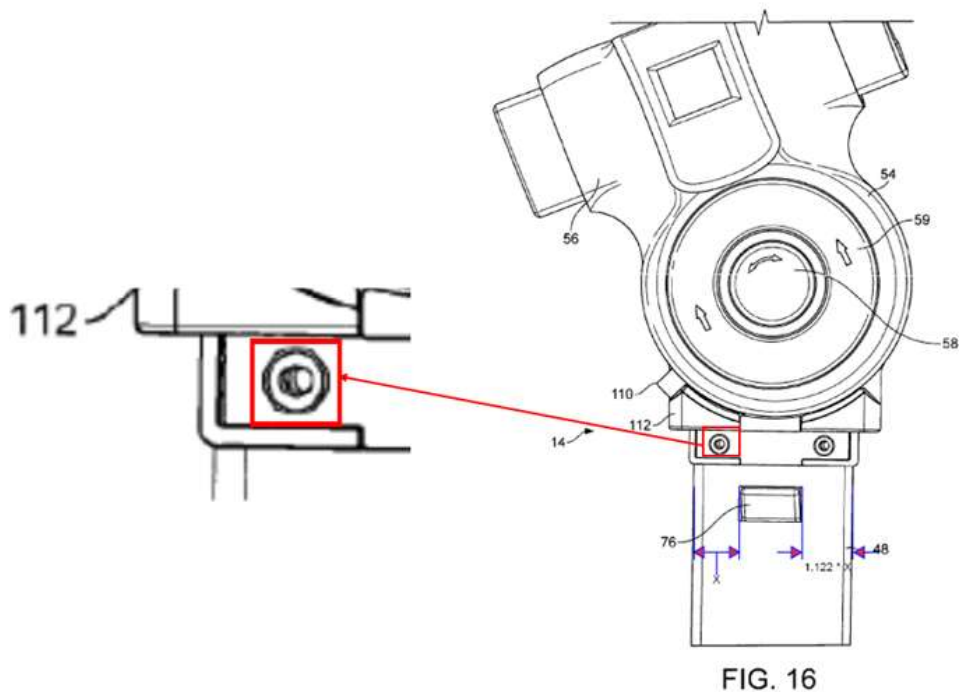
PO also asserts that reversing orientation of Offord '341's “interface component 100” was not possible because: (1) the detent of the connecting leg is asymmetrical, thus preventing reversal, and (2) the “curved lug 108 would physically interfere with the frame connection.” (POR, 64-69; EX2011, ¶¶134-138, 153.) These arguments are meritless. (EX1082, ¶¶31-51.) PO's asymmetry argument rests solely on measurements taken from Figure 16 of Offord '341. (See Offord Fig. 16 below (from POR, 68).)



EX2013

PO discerns precise measurements from Offord '341 drawings, which are anything but precise. (EX1051, Fig. 16; EX2013; EX1082, ¶¶38-41.) The Federal Circuit cautions against relying on precise dimensions of patent drawings. *Semiconductor Components Indus., LLC v. Power Integrations, Inc.*, IPR2016-01592, Paper 31, p.31 (P.T.A.B. Feb. 8, 2018) (citing *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956 (Fed. Cir. 2000)) (When the drawings have no scale or dimensions, “arguments based on measurement of a drawing are of little value.”). Here, the reference is silent as to any dimensions in this drawing². Moreover, PO’s measurements are entirely premised on it depicting a direct elevation view. Yet the drawing itself shows screw-hole threads and other shading, which necessarily require a perspective angle. (EX1051, Fig. 16; EX2013; EX1082, ¶39.) No matter what the view, it cannot be relied on for precise measurements. (EX1082, ¶¶40-41.)

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



EX2013 (annotated)

Finally, if centering the detent a few millimeters were all that prevented reversibility, that minor modification is plainly within a POSITA's skill. (EX1082, ¶¶42-45.)

PO next argues that the lug 108 “would physically interfere with the frame connection,” relying solely on Dr. Cameron. (POR, 64-66; EX2011, ¶139.) Petitioner's expert explained how the interface component 100 could be reversed into the opposite receptor cup so that lugs 108 rest on the front of the “basket frame 44” rather than the rear. (EX1001, ¶¶531-535, 550-552.) Dr. Cameron was equivocal, stating only: “it is not clear that there is even room for the forward connector socket 106 if an attempt was made to reverse the components 100.”

(EX2011, ¶139; EX1082, ¶46.)

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

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

PO calls the motivation to combine Offord '341 with '797 conclusory, but it is grounded in the references' express disclosures. Offord '341 discloses a double stroller with a sub-frame assembly and expressly directs the POSITA to Offord '797 for a "similar sub-frame arrangement." (EX1051, 9:35-36.) Offord '797, in turn, expressly teaches reversible seat orientation by reversing the interface portion (e.g., 180°). (EX1054, 4:24-30.) A POSITA would have been motivated to apply that technique to Offord '341's similar sub-frame to obtain the predictable benefit '797

teaches—seats orientable in both directions. (Petition, 122; EX1001, ¶¶505, 581-582.) That is “articulated reasoning with ... rational underpinning”: the references supply both the reason (reversible orientation) and the means (reversing the interface portion). *KSR*, 550 U.S. at 418. Reversible seats were a well-known, widely copied feature at the time of filing. (EX1001, ¶¶52-65.)

PO’s labels do not change that analysis. Its contention that “if the inventor intended reversibility, he would have said so” is not the test (POR, 70); obviousness asks what a POSITA would do given the prior art, not what ’341’s inventor chose to claim. *KSR*, 550 U.S. at 416-421. And ’341 expressly identifies ’797’s “similar sub-frame arrangement,” supplying the very “why this reference” link PO asserts is missing. (EX1051, 9:35-36.) Nor is the motivation “ipse dixit”: it is tethered to the express disclosures above. *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1075 (Fed. Cir. 2015) requires no more—a reason to make the specific modification, not proof that every incidental byproduct (e.g., relative seat height) was independently recognized as a benefit; the benefit relied on is the expressly taught reversible orientation, and any height consequence is incidental..

V. CONCLUSION

Petitioner respectfully requests the Challenged Claims be declared unpatentable.

Respectfully submitted,

Dated: July 2, 2026

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CERTIFICATE OF SERVICE

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

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

This paper complies with the type-volume limitation of 37 C.F.R. § 42.24. The paper contains 5,508 words, excluding the parts of the paper exempted by §42.24(a).

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

July 2, 2026

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